

**EDDY COUNTY BOARD OF COMMISSIONERS
MINUTES OF A REGULAR MEETING
SEPTEMBER 6, 2022**

Be it remembered that the Eddy County Board of Commissioners held a regular meeting in the Eddy County Administration Complex-Room 211 on September 6, 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. Burns 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
DARLENE ROSPRIM	COUNTY CLERK
MARK CAGE	SHERIFF
GEMMA FERGUSON	ASSESSOR
ROBERTA SMITH	FINANCE DIRECTOR
ANISIA CERNA	PROCUREMENT MANAGER
MARIA MALDONADO-MERJIL	DETENTION ADMIN ASST
ADRIENNE JONES	EXEC ADMIN ASSISTANT
ROLAND RODRIGUEZ	IT SPECIALIST III
ROSE R MUNOZ	IT SPECIALIST II
JERI STRONG	PUBLIC INFO COORDINATOR
STEVE MCCROSKEY	COUNTY PLANNER
JASON BURNS	PUBLIC WORKS DIRECTOR
JOSHUA MACK	FIRE SERVICES DIR/FIRE MARSHAL
JAROD ZUNIGA	DEPUTY FIRE MARSHAL/FIRE SV DIR
VERONICA PARRAS	HEALTH CARE SPECIALIST
CYNTHIA SHARIF	DWI COORDINATOR
STEPHANIE YBABEN	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).** Billy Grandi, a taxpayer, felt it was a shame to see Otis roads going bad and land being sold out. He remembered the Otis Gym being renovated and felt it was an icon of New Mexico, but upset now

that the gym was going to be let go. James Walterscheid requested the Community Center be kept and taken care of. He reiterated the history of the County's ownership of Otis Gym, School and Community Center. He requested for discussion of the Otis Gym be put on a future meeting agenda. He felt it would be a travesty for the history and money invested in the Otis Gym to disappear. Tim Walterscheid, former student at Otis School, had personally watered the trees, noting that seven trees had died in the last year. He felt it was a disgrace for the County. He had personally taken care of the place a bit and hoped the County would keep it up noting it was a historical mark. He did not want it to see it go to the oilfield. Christine Neatherlin had been an election worker at the Otis Gym, noting it was a community gathering place. She felt it had a good purpose. She noted more elections were taking place and it was utilized by local voters. She wanted the County to keep and take care of the gym. She felt it was a good asset for the County. Stephanie Hammond stated her family was from Otis and she remembered family gatherings at the beautiful and peaceful area.

Howard Vasquez spoke to the Carrasco Road Project and passed out a letter that had been sent to the Commission earlier. His family had been farming and ranching in the area for about 60 years. They were in opposition to the road project stating it would negatively affect the residents of the area. He noted the lack of communication with the commission at the public meetings. Once the road was opened it would present an uptick in crime, road trash and questions arose of fence maintenance and traffic accidents. He recently had called concerning a trespassing incident but response was delayed. He felt law enforcement response would be an issue in the future.

Justin Wilson, rancher off Gillock Road, spoke to the proposed Southwest Loop. He stated his opposition to the SW Loop and felt the loop would be detrimental to his cattle operation, grazing area, and hunters. He would be the only rancher affected by the proposed loop, affecting his grazing permit, dividing his pastures, and rendering his water system displaced and unusable. Decades-old dirt tanks would be crossed. Conservation efforts, ranch management, wildlife would all be affected. As a land owner, they had a right to be notified but there was no communication or transparency on the issue. The proposed right-of-way would be devastating and he requested that be taken into consideration at the time.

Sandie Wilkie wanted to reiterate what had been said. She noted in the past, the Commissioners had been the champions of agriculture producers but the current perception was that they were not. She noted not all progress was good and it seemed that a lot of the projects were done haphazardly, not following protocol and impacted agriculture producers specifically to allow convenience for a different industry, and that this commission catered to that industry. If we kept impacting our agricultural producers, we reduce our ability to eat in the future, already having lost so much agriculture land. She requested the Commission consider what was stated by the producers and to

stop catering to a specific industry. She requested the Commission make concessions for those who had been here for decades, generations and who were the ones who voted you into your positions, and to stop the mentality of, "It's for the public good."

Mack introduced the newly-hired staff at the Loving Fire Station.

TRAILING AGENDA:

1. APPROVE:

- a. ***COMMISSION MEETING MINUTES FOR AUGUST 16, 2022.** Cordova moved, seconded by Henry, to approve the Commission Meeting Minutes for August 16, 2022. Voting yes: Beard, Cordova, Henry and McCutcheon. Abstain: Carlson. Passed 4-0.
- b. ***EXPENSE APPROVAL REPORT FOR AUGUST 2022.** Henry moved, seconded by Beard, to approve the Expense Approval Report for August, 2022. Voting yes: Carlson, Cordova, Henry, McCutcheon and Beard. Passed 5-0. The August, 2022 Expense Approval Report was recorded as Exhibit 1.b.
- c. ***PURCHASE CARD APPROVAL REPORT FOR JULY 2022.** Cordova moved, seconded by Henry, to approve the Purchase Card Approval Report for July, 2022. Voting yes: Carlson, Cordova, Henry, McCutcheon and Beard. Passed 5-0. The July, 2022 Purchase Card Approval Report was recorded as Exhibit 1.c.

2. TREASURER'S REPORT FOR JULY 2022 – LAURIE PRUITT – FYI ONLY.

The July 2022 Treasurer's Report was recorded as Exhibit 2.

- 3. *JULY 2022 REVENUE REPORT – ROBERTA SMITH.** Smith stated the County had nearly \$4M GRT and nearly \$9M oil and gas revenues. Carlson moved, seconded by Beard, to approve the July, 2022 Revenue Report. Voting yes: Carlson, Cordova, Henry, McCutcheon and Beard. Passed 5-0. The July, 2022 Revenue Report was recorded as Exhibit 3.

- 4. *BUDGET VS ACTUAL – JULY REVENUE AND EXPENSES – ROBERTA SMITH.** Smith stated nearly 32% had been collected and 23% expensed with the majority of that having been transfers, making the amount about 12% county-wide collected and 4% expensed. The General Fund was at 15% collected and 37% expensed. Carlson moved, seconded by Beard, to approve the Budget vs Actual July Revenue and Expenses. Voting yes: Carlson, Cordova, Henry, McCutcheon and Beard. Passed 5-0. The July Revenue and Expenses Budget vs Actual was recorded as Exhibit 4.

- 5. *DISCUSSION, DIRECTION AND POSSIBLE VOTE ON THE FY 2021-2022 SURPLUS – ROBERTA SMITH.** Following discussion, Smith recommended the surplus of \$73.9M be transferred to the Capital Improvement Fund, which also had been done the last few years. Davis added that it could then be

directed as the Commission approved. Carlson moved, seconded by Cordova, to transfer the funds to Account 3400. Voting yes: Carlson, Cordova, Henry, McCutcheon and Beard. Passed 5-0.

6. ***APPROVAL OF THE EXECUTION OF AN OIL AND GAS LEASE WITH MEWBOURNE OIL COMPANY FOR 0.51 ACRES OF MINERALS OWNED BY EDDY COUNTY – CAS TABOR.** Tabor noted the property was located off Smedley Road. Beard moved, seconded by Carlson, to approve the execution of an oil and gas lease with Mewbourne Oil Company for 0.51 acres of minerals owned by Eddy County, with the correction changing Section 22 to Section 33. Voting yes: Carlson, Cordova, Henry, McCutcheon and Beard. Passed 5-0. The oil and gas lease was recorded in book *** page **** of the Eddy County Records on September **, 2022.
7. ***RECLASSIFICATION OF DIGITAL RECORDS SPECIALIST TO DIGITAL RECORDS COORDINATOR – SHERIFF MARK CAGE.** Cage clarified that HR recommended the salary be increased to encourage applicants for the position. He noted the position was crucial to fill due to the number of requests being received. Davis added the job description had been updated to warrant the pay. Beard moved, seconded by Carlson, to approve the reclassification of Digital Records Specialist to Digital Records Coordinator. Voting yes: Carlson, Cordova, Henry, McCutcheon and Beard. Passed 5-0.
8. ***REPURPOSE DEPUTY CHIEF OF OPERATIONS/EMS TO TWO (2) MECHANIC POSITIONS – JOSHUA MACK.** The current position was vacant. The two proposed positions would be non-firefighter keeping them in the shop working on vehicles. Cordova moved, seconded by Carlson, to repurpose Deputy Chief of Operations/EMS to two (2) Mechanic Positions. Voting yes: Carlson, Cordova, Henry, McCutcheon and Beard. Passed 5-0.
9. ***APPROVE/DISAPPROVE – ONE (1) INDIGENT BURIAL – VERONICA PARRAS.** Beard moved, seconded by Henry, to approve one indigent burial. Voting yes: Carlson, Cordova, Henry, McCutcheon and Beard. Passed 5-0.
10. ***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-22-73; DONATION OF 2016 FORD F-250 TO THE COUNTY OF QUAY – SHERIFF MARK CAGE.**

- ii. R-22-74; DONATION OF FIRE APPARATUS TO CITY OF ROSWELL FIRE DEPARTMENT – JOSHUA MACK.
- iii. R-22-75; THIRD AMENDMENT TO R-22-13; 2022 COMMITTEES, BOARDS, AND COMMISSION APPOINTMENTS AND DESIGNATIONS – ALLEN DAVIS.
- iv. R-22-76; RESOLUTION AUTHORIZING THE COMMUNITY SERVICES DEPARTMENT AND ITS DIRECTOR TO APPROVE, ON BEHALF OF THE EDDY COUNTY COMMISSION, THE INTERMENT OR CREMATION OF UNCLAIMED DECEDENTS AND INDIGENTS – ALLEN DAVIS.
- v. R-22-77; DISPOSAL, REMOVAL, OR REVISE ITEMS IN THE EDDY COUNTY INVENTORY/ASSETS – JESSICA STYGAR.
- vi. R-22-78; DONATION OF FIRE APPARATUS TO DEXTER FIRE AND RESCUE – JOSHUA MACK.
- vii. R-22-79; DONATION OF FIRE APPARATUS TO HAGERMAN FIRE AND EMS – JOSHUA MACK.
- viii. R-22-80; AMENDING R-22-10; A RESOLUTION REQUESTING THE NEW MEXICO STATE TRANSPORTATION COMMISSION TO APPROVE USE OF OHV'S ON PAVED SECTIONS OF NM 137 WITHIN THE JURISDICTIONAL BOUNDARIES AND CONTROL OF THE COUNTY OF EDDY – JASON BURNS.

b. AGREEMENTS:

- i. A-22-172; FY22 DISTRIBUTION REVERSION FUNDING APPLICATION – CYNTHIA SHARIF.
- ii. A-22-174; SOUTHEAST LOOP PHASE II SERVICES AGREEMENT BETWEEN CONSTRUCTORS, INC. AND EDDY COUNTY IN REGARDS TO IFB 22-04; EDDY COUNTY SOUTHEAST LOOP PHASE II – ANISIA CERNA.
- iii. A-22-175; ARTESIA INMATE HOUSING AGREEMENT WITH EDDY COUNTY – WARDEN BILLY MASSINGILL.
- iv. A-22-176; CARLSBAD INMATE HOUSING AGREEMENT WITH EDDY COUNTY – WARDEN BILLY MASSINGILL.
- v. A-22-177; CONTRACT FOR SOUDER, MILLER, & ASSOCIATES IN REGARDS TO RFP 20-01; ON-CALL ENGINEERING SERVICES – ANISIA CERNA.
- vi. A-22-178; CONTRACT FOR SMITH ENGINEERING IN REGARDS TO RFP 20-01; ON-CALL ENGINEERING SERVICES – ANISIA CERNA.
- vii. A-22-179; CONTRACT FOR STANTEC IN REGARDS TO RFP 20-01; ON-CALL ENGINEERING SERVICES – ANISIA CERNA.
- viii. A-22-180; CONTRACT FOR MOLZEN CORBIN IN REGARDS TO RFP 20-01; ON-CALL ENGINEERING SERVICES – ANISIA CERNA.

- ix. A-22-181; CONTRACT FOR BOHANNAN HUSTON IN REGARDS TO RFP 20-01; ON-CALL ENGINEERING SERVICES – ANISIA CERNA.
- x. A-22-182; REDA DFA APPROPRIATION #22-G2849 – ROBERTA SMITH.
- xi. A-22-183; REDA DFA APPROPRIATION #22-ZG9030-ROBERTA SMITH.
- xii. A-22-184; RENEWAL MAINTENANCE/SUPPORT AGREEMENT BETWEEN THE EDDY COUNTY CLERK AND PROFESSIONAL DOCUMENT SYSTEMS (PDS) FOR SERVICES FROM 11/01/2022 THROUGH 10/31/2023 (CONTRACT #3755) – DARLENE ROSPRIM.
- xiii. A-22-185; AGREEMENT BETWEEN COUNTY OF EDDY AND JLD PROPERTIES, LLC FOR THE PURCHASE AGREEMENT FOR 11 COMANCHE ROAD – JOSHUA MACK.
- xiv. A-22-186; AGREEMENT BETWEEN COUNTY OF EDDY AND DPR LAND, LLC FOR THE PURCHASE AGREEMENT FOR 1407 TUMBLEWEED ROAD – JOSHUA MACK.
- xv. A-22-187; AGREEMENT MODIFYING CERTAIN TERMS AND CONDITIONS OF A-11-02 CITY OF ARTESIA – EDDY COUNTY JOINT POWERS AGREEMENT GOVERNING THE REGIONAL EMERGENCY DISPATCH AUTHORITY (REDA) – ALLEN DAVIS.

Carlson moved, seconded by Henry, to approve the Resolution and Agreement Agenda pulling R-22-80. Voting yes: Carlson, Cordova, Henry, McCutcheon and Beard. Passed 5-0. R-22-73 through R-22-79 were recorded as Exhibits 10a.i. – 10.a.vii., respectively. A-22-172 through A-22-187 were recorded as Exhibits 10.b.i. through 10.b.xv., respectively.

After Discussion, Beard moved, seconded by Carlson to approve R-22-80. Voting yes: Carlson, Cordova, Henry, McCutcheon and Beard. Passed 5-0. R-22-80 was recorded as Exhibit 10.a.viii.

11. ELECTED OFFICIAL/DEPARTMENT UPDATES. Ferguson stated the new property tax rates from DFA must be approved within five days, and requested a special meeting be set for approval. Davis pulsed the Commissioners availability for a quick meeting to be held Friday, September 9 at 8:00 a.m. Cage requested to an elected official stand in for him at the NMC board meeting September 29 in Las Cruces. Carlson stated he would be available to do so. Mack spoke to recent emails from NMC investments of the pension oversight committee trying to do a waiver of return-to-work for law enforcement, fire personnel and emergency management. He felt it was something to consider supporting, to allow them to continue to draw pension and not pay into PERA when coming back to work. Burns stated surveying of West Loop Phase 2 had been authorized to plan the feasibility and route of the project. He spoke with Mr. Wilson in the lobby and stated his concerns

would be addressed. He recently attended the NM DOT meeting regarding the Authorized and Approved Transportation Project Fund. Burns spoke as the chairman of SERPO. Each district had submitted applications for projects to be prioritized for approval by the Commission. Applications were evaluated and were then re-asked for additional funding of shore-ups of existing projects, which ended up cutting \$14M off the top of the \$123M available of funding for the year. Over-runs and inflation were attributed for the shore-up funds. Discussion was held about providing funding for projects that were underperforming and over budget. Funding was previously meant for shovel-ready projects. Their attendance at the meeting was to express that could not be allowed to continue. Since the comments had been made at the meeting, discussion on the issue had continued. There were others at the meeting that had supported and agreed with the points that were made to not fund today's projects with tomorrow's money. A follow-up meeting with Secretary Cerna was held and he noted his top priority would be to put in use the accountability process and tracking process for the projects that were funded. Cerna would be at the District 2 meeting at 11:30 a.m. at the Pecos Diamond on September 12. Hooper spoke to the TPF funding. He requested to be on the agenda of the next meeting. He felt the TPF was to fund significant capital shovel-ready projects. He noted the project agreements stated that if you were over, the entity was responsible to make up the difference and not go back for more funding. Davis noted there was a unified message across the state on the issue.

12. LEGISLATIVE UPDATES. None.

13. *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. **ALEXANDER DUCHENE TO ATTEND CELLEBRITE LAW ENFORCEMENT TRAINING IN CASA GRANDE, ARIZONA FROM AUGUST 14 THROUGH AUGUST 19, 2022.**

FUTURE

- a. **TREVOR RANKIN TO ATTEND THE "AT-SCENE TRAFFIC CRASH/TRAFFIC HOMICIDE INVESTIGATION" TRAINING IN STILLWATER, OKLAHOMA FROM SEPTEMBER 25 THROUGH SEPTEMBER 30, 2022.**
- b. **TREVOR RANKIN TO ATTEND THE "AT-SCENE TRAFFIC CRASH/TRAFFIC HOMICIDE INVESTIGATION" TRAINING IN**

STILLWATER, OKLAHOMA FROM OCTOBER 2 THROUGH OCTOBER 7, 2022.

- c. **TODD BANNISTER, BRYAN RAYROUX AND MARELENA PELL TO ATTEND THE NATIONAL CONFERENCE ON CORRECTIONAL HEALTH CARE (NCCHC) IN LAS VEGAS, NV FROM OCTOBER 21, 2022 THROUGH OCTOBER 27, 2022.**

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

14. EMERGENCY BUSINESS. None.

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

16. COUNTY MANAGER'S COMMENTS/ANNOUNCEMENTS/UPDATES. Davis referenced the recent rains with multiple issues of calls for actions by Emergency Management and Fire/Rescue Teams. He noted most of the excess flow came through Chaves County, raising Brantley 12 feet. He thanked those departments who were on call and were out. He reiterated the request to not cross running water. A recommendation on surplus funds would be brought before the end of the year.

17. COUNTY COMMISSIONERS' COMMENTS/ANNOUNCEMENTS/UPDATES.

Beard spoke to comments made regarding agriculture v. oil. He noted it was not the Commission that sold all the farm lands but was the private owners that sold the land. The County encumbered the responsibility to maintain and improve the infrastructure to deal with all of that. He noted that the County did not have drop boxes because it maintained multiple voting spots. He felt it would be prudent to maintain the Otis School for a voting location and perhaps fixing the A/C. He extended kudos to Linda Stevens and Artesia Clean and Beautiful for cleaning up areas in Eddy County. One team of note was Forrest Tire Company in Carlsbad and Artesia who were cleaning up areas in Eddy County. Artesia Clean and Beautiful could be contacted at 575.748.3192. BLM also was contributing to cleanup. Cordova echoed being grateful for the rain but reminded folks to take care of weeds at home. She appreciated the individuals that spoke up today. She thanked all working hard for the County. Henry noted legislation that passed down to local municipalities who did not have an unlimited amount of money. Lack of funding for answering IPRA requests impacted local communities. He felt the Commission did a good job representing all in the County. McCutcheon appreciated Stephens getting the buildings beautified. He felt well-groomed properties and roads were appreciated. He concurred with Beard's comment on selling of agricultural land. He felt Wilson's operation would be impacted and should be addressed. He felt the BLM should be an interval part of that

issue. He noted the County did processes of studies, routes so that industry could thrive, including agriculture and oil and gas.

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(2) & (7), WHICH AUTHORIZES THE BOARD OF COUNTY COMMISSIONERS TO GO INTO EXECUTIVE SESSION TO DISCUSS:

- a. **LIMITED PERSONNEL MATTERS.**
 - i. **POSITION VACANCIES – ALLEN DAVIS.**
- b. **THREATENED OR PENDING LITIGATION.**
 - i. **TRANSPORTATION PROJECTS – WESLEY HOOPER.**

At 10:25 a.m., Cordova moved, seconded by Carlson, to go into executive session, returning to regular session at 11:00 a.m. Voting yes: Carlson, Cordova, Henry, McCutcheon and Beard. Passed 5-0.

19. RE-OPEN MEETING. At 11:54 a.m., Beard moved, seconded by Cordova, to reopen the regular meeting and certify that the Commission only spoke about Limited Personnel Matters and Threatened or Pending Litigation. Voting yes: Carlson, Cordova, Henry, McCutcheon and Beard. Passed 5-0.

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

- a. *** LIMITED PERSONNEL MATTERS.**
 - i. **POSITION VACANCIES – ALLEN DAVIS.**
- b. ***THREATENED OR PENDING LITIGATION.**
 - i. **TRANSPORTATION PROJECTS – WESLEY HOOPER.**

No action was taken.

MEETING CLOSED AT 11:55 A.M.

~Asterisks denote vote is required~

EDDY COUNTY BOARD OF COMMISSIONERS

CHAIR

ATTEST: _____

DATE: _____