

**EDDY COUNTY BOARD OF COMMISSIONERS
MINUTES OF A REGULAR MEETING
APRIL 18, 2023**

Be it remembered that the Eddy County Board of Commissioners held a regular meeting in the Eddy County Administration Complex-Room 211 on April 18, 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. Gonzales gave the invocation.

PRESENT:

ERNEST CARLSON	CHAIRMAN
FRED BEARD	VICE-CHAIR
JON HENRY	COMMISSIONER, DISTRICT 2
JAMES (BO) BOWEN	COMMISSIONER, DISTRICT 4
SARAH CORDOVA	COMMISSIONER, DISTRICT 5
ROBERTA GONZALES	INTERIM COUNTY MANAGER
CAS TABOR	COUNTY ATTORNEY
CARA COOKE	COUNTY CLERK
TAMI WHITE	CHIEF DEPUTY COUNTY CLERK
LAURIE PRUITT	TREASURER
RHONDA HATCH	COUNTY ASSESSOR
MELISSA WASHBURN	CHIEF DEPUTY COUNTY ASSESSOR
MARK CAGE	SHERIFF
KIM BALLARD	SHERIFF ADMIN ASSISTANT
ADRIENNE JONES	EXEC ADMIN ASSISTANT
TEANNA ROMERO	RECEPTIONIST
JESSICA STYGAR	ACTING INTERIM FINANCE DIR
STEVE MCCROSKEY	ACTING INTERIM COMMUNITY DIR
JASON BURNS	PUBLIC WORKS DIRECTOR
ANISIA CERNA	PROCUREMENT
JENNIFER ARMENDAREZ	EMERGENCY MANAGER
ROXANN BRANNON	HR DIRECTOR
BILLY MASSENGILL	DETENTION WARDEN
JOSHUA MACK	FIRE CHIEF
JAROD ZUNIGA	DEPUTY FIRE CHIEF
CAROL HENNINGTON	INFORMATION SYSTEMS DIRECTOR
JASON FLOREZ	INFO SYSTEMS ASST DIRECTOR
ROLAND RODRIGUEZ	IT SPECIALIST III
ROSIE MUNOZ	IT SPECIALIST II
TRENT MOORE	M&O SUPERVISOR
DAMIEN CAPELLO	RED ROCKET MEDIA
STEPHANIE YBABEN	RED ROCKET MEDIA
MIKE SMITH	CARLSBAD CURRENT ARGUS
CATHRYNN N BROWN	STATE REPRESENTATIVE DIST 55

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.** Ken Harrington, Happy Valley resident, had requested at the last Commission meeting that Happy Valley Park be cleaned up, trash dumped and fallen trees be removed. He stated no improvements or progress had been made. He felt the issue was a safety hazard and requested the clean-up take place. Janice Winton addressed the Commission with her concerns on multiple outcomes of the Legislative Session and on the chem trails in the sky. She wondered where she could get something done about them.
2. **SERVICE AWARDS.**
 - a. **LORI RIDGWAY, PVDTF – 20 YEARS**
 - b. **JASON FLOREZ, I.T. – 15 YEARS**
 - c. **ANGELA VICKREY, REGION IV – 10 YEARS**
 - d. **PEARL ONSUREZ, ASSESSOR'S – 10 YEARS**
 - e. **LACEE GARDNER, SHERIFF'S DEPARTMENT – 5 YEARS**

Service awards were presented to employees for their years of service to Eddy County.

Short break for pictures.

3. **PRESENTATION ON THE 2023 NEW MEXICO STATE LEGISLATIVE SESSION BY REPRESENTATIVE CATHRYNN BROWN, NEW MEXICO HOUSE OF REPRESENTATIVES, DISTRICT 55 – ROBERTA GONZALES – FYI ONLY.** Representative Brown summarized issues presented and addressed at the Legislative Session. She noted a more congenial attitude among the legislators this session. She stated the County would receive \$100M toward construction on the highway intersection at NM31/285. She had received an assurance from DOT Secretary Cerna that funds would be provided to finish the Loop Road infrastructure project. Compromise on the Medical Malpractice law brought down the cap amount to \$1M. Those policies were often not affordable prompting many doctors to already have left the state. Other bills that were potentially harmful to small businesses had been stopped from passing, as was the firearms bill. The governor had vetoed one-time GRT compensation payments to Carlsbad and Hobbs municipalities, ultimately affecting Carlsbad's budget by 30%. She noted how successful Hobbs' Career Technical Education Center was and encouraged all to visit the program that had 800 to 900 students participating. The Governor had vetoed HB126 that would have made a Financial Responsibility Class a requirement for

graduation. Brown stated Happy Valley Park had a \$250K contribution coming. She had used the Arrowhead Study chart in a presentation to legislators. She noted that only three other counties had produced a surplus over the revenues they received back from the State. Carlson added that Eddy County was 26th in funds received from the State but was second in revenue contributions given to all the State. He stated the cost to produce the revenue from 2015 to 2022 had been \$54M a year coming out of Eddy County's coffers. Brown noted the disparity in capital outlay distributed in HB505. Many northern counties had received billions while Eddy and Lea Counties had received \$12M. The Governor's Emergency Health Order had expired.

4. *RED ROCKET PRESENTATION OF AD CAMPAIGN AND PRESENTATION OF BILLBOARD ADS – STEVE MCCROSKEY.

Capello updated the Commission on the success of the "Paid For By" campaign run by Red Rocket the last two years and during the Legislature informing the counties on the contributions of Eddy and Lea counties to the state budget. Social media outlets of Facebook and Instagram had been accessed over 6M times by over 375K people, responding and engaging with the ad 151K times. This year 703K ads had been targeted to the Roundhouse with public access allowing 92K people to display the ads. He noted that negative comments/replies on the ads had almost ceased compared to previous years. He felt the tipping point had probably been reached for social media understanding of the Arrowhead Study. He presented an idea for a future campaign that presented names and faces from other counties, how they were using the revenue from oil and gas. He presented multiple options for billboards that would be placed on the highway from Las Cruces to Santa Fe, and from Santa Fe to Las Vegas. It was suggested that a link to the Arrowhead Study or more information be included on the billboards to direct public engagement.

5. IFB/RFP/BID AWARDS:

- a. ***RFP 23-03 ANNUAL AUDIT SERVICES – ANISIA CERNA.** Cerna stated two proposals had been received, both being responsive. She stated that staff recommended Carr, Riggs & Ingram be awarded RFP 23-03. Cordova moved, seconded by Beard, to approve RFP 23-03 Annual Audit Services. Voting yes: Beard, Bowen, Cordova, Henry and Carlson. Passed 5-0. RFP 23-03 was recorded as Timed Agenda Exhibit 5.a.

TRAILING AGENDA:

1. APPROVE:

- a. ***COMMISSION MEETING MINUTES FOR MARCH 29, 2023 SPECIAL MEETING.** Bowen moved, seconded by Henry, to approve Commission Meeting Minutes for March 29, 2023 Special Meeting. Voting yes: Beard, Bowen, Cordova, Henry and Carlson. Passed 5-0.

- b. ***COMMISSION MEETING MINUTES FOR APRIL 4, 2023.** Bowen moved, seconded by Beard, to approve Commission Meeting Minutes for April 4, 2023. Voting yes: Beard, Bowen, Cordova, Henry and Carlson. Passed 5-0.
 - c. ***EXPENSE APPROVAL REPORT FOR MARCH 2023.** Cordova moved, seconded by Henry, to approve RFP 23-03 Annual Audit Services. Voting yes: Beard, Bowen, Cordova, Henry and Carlson. Passed 5-0.
2. ***NEW POSITION REQUEST – RHONDA HATCH.** Hatch reported the department had received 3,464 deeds, 109 new subdivision plats and 57 boundary surveys for processing in 2022. If the property changes are not worked, the process became bottlenecked affecting the Appraisers, delaying their progress of getting property values up to market value. Washburn noted thus far in 2023, well over 200 deeds were process each month. The auditors also confer with families sorting out property ownership from estates. The department was in desperate need for the additional position. Cordova moved, seconded by Bowen, to approve the new Data Analyst I position request for the Assessor's Department. Voting yes: Beard, Bowen, Cordova, Henry and Carlson. Passed 5-0.
3. ***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-23-26; Approval to Donate Eddy County Detention Center Transport Van to the City of Carlsbad – Carlsbad Municipal Court – Warden Billy Massingill.**
 - ii. **R-23-27; Disposal, Removal, or Revise Items in the Eddy County Inventory/Assets – Jessica Stygar.**
 - iii. **R-23-28; Donation of Fire Apparatus to Sierra County – Joshua R. Mack.**
 - iv. **R-23-29; Donation of Fire Apparatus to City of Elephant Butte – Joshua R. Mack.**
 - v. **R-23-30; Donation of Fire Apparatus to the Village of Newkirk Fire Department – Joshua R. Mack.**
 - vi. **R-23-31; Donation of Fire Apparatus to the County of Colfax – Joshua R. Mack.**
 - vii. **R-23-32; Donation of Fire Apparatus to the Sierra Bonita Rincon Fire Department – Joshua R. Mack.**
 - viii. **R-23-33; Donation of Fire Apparatus to the Town of Lake Arthur – Joshua R. Mack.**

- ix. R-23-34; Donation of Fire Apparatus to the City of Artesia – Joshua R. Mack.
- x. R-23-35; First Amendment to R-23-16; 2023 Committees, Boards, and Commission Appointments and Designations – Roberta Gonzales.

b. Agreements:

- i. A-22-170; On-Call General Architectural Services Agreement between Huitt-Zollars Inc. and Eddy County in regards to RFP 22-04 On-Call General Architecture – Anisia Cerna.
- ii. A-23-43; PremierOne ImageTrend Elite & Phoenix G2 Interface – Joshua Mack.
- iii. A-23-44; On-Call Landscaping Maintenance and Services between The Garden Mart and Eddy County in regards to RFP 22-15 On-Call Landscaping and Maintenance Services – Anisia Cerna.
- iv. A-23-45; Education Service Center Cooperative Agreement Membership – Anisia Cerna.
- v. A-23-46; Image Trend Reporting Software Agreement – Joshua Mack.

Henry moved, seconded by Beard, to approve the Resolution and Agreement Consent Agenda. Voting yes: Beard, Bowen, Cordova, Henry and Carlson. Passed 5-0. R-23-26 through R-23-35 were recorded as Exhibit 3.a.i through 3.a.x., respectively. A-22-170, A-23-43 through A-23-46 were recorded as Exhibits 3.b.i through 3.b.v, respectively.

4. **ELECTED OFFICIAL/DEPARTMENT UPDATES.** Burns updated the Commission on current road work progress. He stated a contractor was currently at the Happy Valley Park working on the issues. The intersection of West Loop and Lea Street had been opened. Chip sealing had begun on Fiesta, Standpipe and other roads. He had recently attended a public comment meeting in Roswell concerning the Forest Service plan to make part of Lincoln National Forest a wilderness area. He had attended a meeting in Alamogordo concerning broadband in the area. Cage stated his traffic division would focus on education versus citation in the new traffic patterns with the opening of the new intersections. He thanked Representative Brown for helping stop the anti-cop bill that would have been devastating to law enforcement. He spoke to the recent tragic law enforcement incident in Farmington. He thanked the Commission for its support and leadership. Cage commended a new deputy for taking a large load of cocaine off the street, and stated HIDTA would be giving a presentation to the Commission on issues in the area. Magistrate Judge Foster updated on issues affecting the courts during and after the COVID pandemic, stating restrictions had been lifted April 4. He elaborated on issues concerning use of community service for trash pickup. He had 1,018 locations/options that an offender sentenced to

community service could access. He talked about getting a program set up through the County with an educational component, noting Chaves County had one set up through its jail. He noted littering citations were generally paid by the offender and did not progress through his court for deferral by community service. The DWI program has an educational component to its program and runs trash pickups two weekends a month. He stated he could add a County-developed program to his list of options for offenders once the program was in effect. Massingill noted that the DWI program community service was part of the sentencing. He added if an incarcerated individual helped out at the jail or provided service to the community, they may be able to apply and get good-time consideration. He felt another position would need allocation or a shift over position if the program went through the jail. He stated they currently had road/work crew that did this work but was hampered by COVID. Judge Foster stated he did not like to fine juveniles but instead give them community service as an opportunity to learn and realize what they did was not correct. He noted a bill had passed eliminating the court fees causing courts look at sentencing differently. Cage felt supervising a road trash pickup crew would be a good opportunity for overtime for deputies and a benefit to the community. Carlson requested Gonzales work with the judge and sheriff to formulate a program. Beard stated he would support overtime and supported the idea. Representative Brown spoke to the ceasing of court fines, stating it was noted the cost of \$3M to chase after court fee offenders to only see \$20K in return.

5. **LEGISLATIVE UPDATES.** None.

6. ***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. **Tim Howard to attend FBI LEEDA Command Leadership Course in Fort Worth, TX from April 16, 2023 through April 21, 2023.**
- b. **KC Carpenter to attend Emergency Vehicle Technician (EVT) Class & Exam for F3 in Ocala, FL from April 17, 2023 through April 21, 2023.**

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

7. **EMERGENCY BUSINESS.** None.
8. **LEGISLATORS AND ELECTED OFFICIALS' COMMENTS, ANNOUNCEMENTS, UPDATES.** None.
9. **COUNTY MANAGER'S COMMENTS, ANNOUNCEMENTS, UPDATES.** Gonzales thanked all for their support and help. She had attended the CDOD meeting and found it very informative, meeting local officials and leaders.
10. **COUNTY COMMISSIONERS' COMMENTS, ANNOUNCEMENTS, UPDATES.** Cordova welcomed Gonzales and wished her well. She thanked the Assessors for their hard work. Henry looked forward to the drug report from HIDTA, noting OD deaths had surpassed COVID deaths. Bowen thanked Representative Brown for presenting some of the good outcome from the Legislative Session. Beard agreed with Bowen's comments. He was happy to hear road cleanup was being addressed. He stated he would support an ordinance banning plastic bags. Carlson thanked the elected officials and the judge for bringing ideas on keeping roads clean of trash.
11. **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), which authorizes the Board of County Commissioners to go into Executive Session to discuss:
- a. **LIMITED PERSONNEL MATTERS.**
- i. **CONTRACT PERSONNEL**
1. **COUNTY MANAGER CONTRACT FOR ROBERTA GONZALES – CAS TABOR.**
2. **OTHER CONTRACT PERSONNEL MATTER – CAS TABOR.**
- At 10:14 a.m., Beard moved, seconded by Bowen, to go into closed session to discuss the items listed and to reconvene at 10:46 a.m. Voting yes: Beard, Bowen, Cordova, Henry and Carlson. Passed 5-0.
12. **RE-OPEN MEETING.** At 11:27 a.m., Beard moved, seconded by Cordova, to end the Executive Session and reconvene the Regular Meeting and certify that the only items discussed were Limited Personnel Matters. Voting yes: Beard, Bowen, Cordova, Henry and Carlson. Passed 5-0.
13. **TAKE ACTION, IF ANY, ON ANY MATTER RELATING TO THE EXECUTIVE SESSION.**
- a. **LIMITED PERSONNEL MATTERS.**
- i. **CONTRACT PERSONNEL**

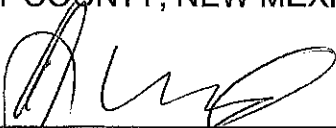
1. A-23-47; *COUNTY MANAGER EMPLOYMENT AGREEMENT FOR ROBERTA GONZALES – CAS TABOR.
2. *OTHER CONTRACT PERSONNEL MATTER – CAS TABOR.

Cordova moved, seconded by Beard, to approve the same contract as the County Manger except for two items, those being the wage changed to \$180K, the County would provide an automobile and also the severance package went from 30 days to 120 days. A-23-47 was recorded as Exhibit 13.a.i.1. Voting yes: Beard, Bowen, Cordova, Henry and Carlson. Passed 5-0.

Meeting adjourned at 11:28 a.m.

~Asterisk denotes vote is required~

EDDY COUNTY BOARD OF COMMISSIONERS
EDDY COUNTY, NEW MEXICO



Ernie Carlson, Commission Chairman

Date: May 2, 2023

ATTEST:



Cara Cooke, County Clerk

