

**EDDY COUNTY BOARD OF COMMISSIONERS
MINUTES OF A REGULAR MEETING
JUNE 20, 2023**

Be it remembered that the Eddy County Board of Commissioners held a regular meeting in the Eddy County Administration Complex-Room 211 on June 20, 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. Cordova 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	COUNTY MANAGER
CAS TABOR	COUNTY ATTORNEY
CARA COOKE	COUNTY CLERK
TAMI WHITE	CHIEF DEPUTY COUNTY CLERK
MARK CAGE	SHERIFF
ADRIENNE JONES	EXECUTIVE ADMIN ASSISTANT
JESSICA STYGAR	ACTING INTERIM FINANCE DIRECTOR
STEVE MCCROSKEY	COMMUNITY SERVICES DIRECTOR
TANYA LOPEZ	COMMUNITY SERVICES SECRETARY
VERONICA PARRAS	HEALTH CARE ADMINISTRATOR
JASON BURNS	PUBLIC WORKS DIRECTOR
ROXANN BRANNON	HUMAN RESOURCES DIRECTOR
BILLY MASSENGILL	DETENTION WARDEN
JOSHUA MACK	FIRE CHIEF
JAROD ZUNIGA	DEPUTY FIRE CHIEF
CAROL HENNINGTON	IT DIRECTOR
JASON FLOREZ	ASSISTANT IT DIRECTOR
ANDREW MEDRANO	IT SPECIALIST I
TRENT MOORE	M&O SUPERVISOR
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).** Judy Ledford and Leslie Rostro thanked the Commission for all they did to keep the community safe. They spoke to the bill the Governor had passed relating to the ability for children to now receive transgender hormone blockers. There is no age limit in this bill that has been labeled public health and safety by the SOS. They were presenting a petition of over 4K signatures of Eddy County residents to be objecting to the bill. The bill would go into effect July 1.

2. **SERVICE AWARDS.**

- a. **JARED ROSTRO, SHERIFF'S DEPARTMENT – 10 YEARS**
- b. **SUE DOMINGUEZ, SHERIFF'S DEPARTMENT – 5 YEARS**
- c. **NATHAN GUSTIN, PUBLIC WORKS – 5 YEARS**

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

McCroskey introduced Tanya Lopez, Community Services Secretary.

Short break for pictures.

1. **PUBLIC HEARING TO CONSIDER A VARIANCE REQUEST SUBMITTED BY BROWNSEN-KNOWINGHAM, LLC.**

- a. ***OPEN PUBLIC HEARING – CHAIRMAN CARLSON.** At 8:40 a.m., Henry moved, seconded by Beard, to open the public hearing. Voting yes: Beard, Bowen, Cordova, Henry and Carlson. Passed 5-0.
- b. **STAFF COMMENTS – STEVEN MCCROSKEY.** McCroskey introduced the variance request on O-21-07. The first location would be at 7425 Roswell Highway, 1.8 miles outside Artesia City Limits. The additional location at 7427 Roswell Highway fell within 300' requirement of the building to building measurements. The Planning and Development Committee had reviewed the request and recommended denial based on Section 3a of the ordinance. This would be a grow-only facility. It was in good standing with the NM Cannabis Control Division. The neighbor had been notified of the request and of public hearings.
- c. **PUBLIC COMMENT – THREE MINUTE TIME LIMIT PER PERSON – WE REQUEST THAT ALL COMMENTS BE COURTEOUS AND RESPECTFUL IN NATURE.** Devin Willingham and Clint Brown, both engineers, introduced themselves. They, along with two horticulturists with Brownsen-Knowingham, LLC, had applied for the variance. Having spoken with the neighbor affected by the variance, they were told he was fine with it. The neighbor had partially funded a new utility

pole on his own property to allow them to upgrade the electrical on their shop. He had been hands-off as long as he was not disturbed. There would be no foot traffic, no vehicle traffic and no smell as they were producers only, not a dispensary. Their families would attend Artesia schools and did not want to negatively impact their community.

d. COUNTY ATTORNEY COMMENTS/QUESTIONS – CAS TABOR.

Tabor reminded the Commission to consider each proposal on its own merits. The Ordinance did allow for variances. He cautioned the Commission to be aware of phone calls with no name or address having been mentioned.

e. COUNTY COMMISSIONERS COMMENTS/QUESTIONS.

Carlson had received a phone call against one of the variances, but did not note the name or address. Beard wanted more information and time to think about it and felt it should be tabled. Cordova questioned who brought forward the complaint if the resident affected by the business did not complain. She noted the site was off the highway and not a highly inhabited area. She was not against it and felt residential variances did not pertain to this particular property. Henry had not received any calls on this variance. He stated it was agriculture, just a "grow", would not have people coming into it; there would be no sales. He wondered the size of the facility. He inquired of venting to the adjacent pecan orchards. The grower addressed the question, stating this would be a microbusiness with only 100-200 plants. He stated carbon filtration would be used and venting should not be an issue. There would be no THC in the air and the plants did often grow in the wild and did not kill surrounding growth. Bowen had no questions but also felt this was different because it was in an area that would not affect a large amount of people. He noted that the resident that would be affected was not here and had not made any comments. He felt "no statement" was a bold statement in this sense and that not standing to disagree seemed to show you had no problem with it. There would be no foot traffic and he felt this was different and had no issue with this one. Beard felt the venting issue was like the growth process of everything else taking CO₂ and turned it into oxygen, no different than any fertilizer, and he did not see any grounds for not doing this. It was noted that the law allowed 12 plants per household or six per individual to be grown.

f. ENTERTAIN MOTION AND SECOND FROM THE BOARD OF COUNTY COMMISSIONERS – CHAIRMAN CARLSON.

Bowen moved, seconded by Cordova, to approve the variance.

g. *BOARD ACTION ON MOTION- CHAIRMAN CARLSON (CALL FOR THE VOTE).

i. APPROVE/DISAPPROVE VARIANCE REQUEST SUBMITTED BY BROWNSEN-KNOWINGHAM, LLC.

Voting yes: Beard, Bowen, Cordova, Henry and Carlson. Passed 5-0.

2. PUBLIC HEARING TO CONSIDER A VARIANCE REQUEST SUBMITTED BY CAVE CITY CANNABIS CO, LLP.

- a. ***OPEN PUBLIC HEARING – CHAIRMAN CARLSON.** Gonzales continued the public hearing to address the variance request submitted by Cave City Cannabis Co., LLP.
- b. **STAFF COMMENTS – STEVEN MCCROSKEY.** McCroskey stated the variance request fell within the 300' requirement of Section 3a of O-21-107, actually being within 218' of a residence. The area was mixed use with residential/industrial commercial. He stated this would be a retail dispensary facility with commercial traffic in and out of the location at 1711 N. 1st Street in Artesia. The residence in question sat on the adjacent street west at 1704 Roselawn. There were other houses around 385' to 400' to the east. The Cave City Cannabis had been in good standing with the State of NM Cannabis Control Division at their other locations, as far as he was aware. He added that there had been opposition to this location; they were to speak.
- c. **PUBLIC COMMENT – THREE MINUTE TIME LIMIT PER PERSON – WE REQUEST THAT ALL COMMENTS BE COURTEOUS AND RESPECTFUL IN NATURE.** Sherry and John Patman lived at 1704 Roselawn. Mr. Patman voiced objection to the facility that would be 74' away from his house and felt it was not right to legalize the operation. He felt it would drive down his property value and would increase traffic on his road. He requested the Commission think about what was going to happen. Tabor clarified that this variance was not the one variance being 74' away from his house. Mr. Patman agreed and stated there would be a lot of traffic that would use his dead-end road, turn around to get back to the facility. He stated he took measurements that were 92' away from corner to corner from the facility to his house, not 218'. Answering Cordova's inquiry, Ms. Patman stated they were the only residence there before any other businesses were there. There would be an access to the facility from Highway 285 and from Roselawn. Ms. Patman stated they had graveled and maintained that road themselves, keeping it clean. Beard inquired if they were within the 300' indicated in the statute, and she replied that they were.
- Eli Trevino and Ryan Chavarria, owners of Cave City Cannabis, had applied for the variance. They had an additional location in Carlsbad. Chavarria stated they had spoken with Mr. Patman about his concerns. They stated the road in question was a public road with open access to anyone and everyone on the road, stating it was not a concern there. Referencing any dispensary in town, he stated the traffic that was being claimed was just not there. He stated they would have one to two customers at a time. The quality of customers they had was a wide diversity with never anything threatening. He challenged them to drive by any Allsup's and see the type of people hanging around there and felt it would be a way bigger concern than what they had at their shop. They were local and raised there. He stated they were big on family. It was noted that it was a medicine to many and the dispensary had been helpful to a family member who had Stage 4 cancer. He added they did give back to the community but just did not advertise it. They welcomed the good neighbor policy.

Chavarria added the 17- or 18-year-old students with medical licenses to purchase cannabis would not have the opportunity to purchase before school as their business hours were 10:00 am to 8:00 pm. He added the building was secure with concrete barriers and bars on the windows.

d. **COUNTY ATTORNEY COMMENTS/QUESTIONS – CAS TABOR.**

Tabor stated those requesting the variance should speak as to why they were requesting the variance. Tabor stated the Commissioners were to consider the County ordinance restriction of not being within 300' of a residence and decide if there were certain circumstances where a variance would be granted. In answer to Cordova's question, he replied that the State had not said you could not be within a certain distance of a residence, the County had. McCroskey stated there was a mixture across the state of some jurisdictions having that distance restriction and some not. Discussion was held on the issues relating to alcohol/liquor footage parameters. Tabor stated the State statute governed the location of liquor establishments.

e. **COUNTY COMMISSIONERS COMMENTS/QUESTIONS.**

Beard stated the County had an ordinance with limitations on 300' of a residence and we had a resident within that 300' objecting and he inquired how to reconcile that. Carlson stated he could not reconcile that. Henry had his questions answered. Bowen agreed with Beard's comment. A resident had objected and had taken the time to come and object. The ordinance was a rule and it was hard to pick and choose—you either stuck to it or you didn't. Henry added he viewed it differently due to the impact; this was a place where people came, did business and it would affect the area differently. These were two different types of issues from one being an agriculture-type with no customers and one to sell that affected the area differently. Carlson added that the difference was a resident that would be impacted came and objected.

f. **ENTERTAIN MOTION AND SECOND FROM THE BOARD OF COUNTY COMMISSIONERS – CHAIRMAN CARLSON.**

Henry moved, seconded by Beard, to not approve the variance.

g. ***BOARD ACTION ON MOTION- CHAIRMAN CARLSON (CALL FOR THE VOTE).**

i. **APPROVE/DISAPPROVE VARIANCE REQUEST SUBMITTED BY CAVE CITY CANNABIS CO, LLP.**

Voting yes: Beard, Bowen, Cordova, Henry and Carlson. Passed 5-0.

3. **PUBLIC HEARING TO CONSIDER A VARIANCE REQUEST SUBMITTED BY NEW MEXICO TOP ORGANICS – ULTRA HEALTH, INC.**

a. ***OPEN PUBLIC HEARING – CHAIRMAN CARLSON.** Gonzales continued the public hearing to address the variance request submitted by Top Organics – Ultra Health Inc.

b. **STAFF COMMENTS – STEVEN MCCROSKEY.** McCroskey stated this was in the same area as the previous variance request with the same minimum separation distance of 300' in Section 3a of O-21-107.

He stated this facility was 74' due east of the residence at 1704 N. Roselawn with the dispensary location of 1701 N. 1st Street. He stated all the company's other dispensaries had been in good standing with the State of NM Cannabis Control Division. This would be a retail dispensary with the public coming in and out. He added that, as with the others, the Planning and Development Committee had recommended denial of the variance.

c. **PUBLIC COMMENT – THREE MINUTE TIME LIMIT PER PERSON – WE REQUEST THAT ALL COMMENTS BE COURTEOUS AND RESPECTFUL IN NATURE.**

Kristina Caffrey, Counsel for the Ultra Health spoke to the variance request. She stated Ultra Health was a legacy cannabis provider, having been operating since 2011 with 30 stores statewide. She stated the property in Artesia had been purchased in 2021 before the County instituted this ordinance. It was purchased due to its location on First Street, just as you enter Artesia. She stated it was the residence that was the odd man out, as the rest of the area was commercial and industrial. She added that as to the amount of traffic, it was probably a lot less than you would think with no lines out the door. They did individualized service, as each employee dealt with a customer directly. There were no open shelves and everything was behind a glass counter, removed only when a purchase was made; nothing was grab and go and there was no drive through. They did not do billboard advertising but relied on word-of-mouth for their quality products. Their hours of operation were 10:00 a.m. to 7:00 p.m. and were occasionally open Sunday.

Mr. Patman reiterated his concerns about running things down on his property and the traffic coming down the dead-end road. He wondered why they weren't spoken to before the property for the dispensary was purchased. Ms. Patman felt it would have been respectful for them to do so. She wondered about breaking and entering the proposed property. She stated people were already breaking in that building and staying, noting the building had a door that didn't shut and a rock had been used to keep it shut. She noted their own property had been broken into twice already. Addressing the Commissioners, Mr. Patman inquired if any of them would like that living close to their own place.

d. **COUNTY ATTORNEY COMMENTS/QUESTIONS – CAS TABOR.**

Tabor had no comments.

e. **COUNTY COMMISSIONERS COMMENTS/QUESTIONS.** Cordova inquired what the law said with regards to them purchasing the property before the ordinance went in place. Tabor stated it gave them no authority as the County had adopted the ordinance in accordance with the time that was set out to do so. If a certain time had passed, then you could not adopt an ordinance after it came into effect. Henry inquired when recreational cannabis was legalized. It was spoken that legal sales began April 1, 2022. Bowen referenced the Patman's statement that they were not consulted before purchasing the building. He felt that some of this issue could have

been resolved had they been approached with courtesy and respect in a neighborly way. Beard referenced the ordinance restriction of 300' and an objection had been voiced by someone in that parameter. Carlson added he would be offended if someone wanted to put one 74' from his front door.

- f. **ENTERTAIN MOTION AND SECOND FROM THE BOARD OF COUNTY COMMISSIONERS – CHAIRMAN CARLSON.** Henry moved, seconded by Beard, to deny the request for the variance requested by New Mexico Top Organics - Ultra Health.
- g. ***BOARD ACTION ON MOTION- CHAIRMAN CARLSON (CALL FOR THE VOTE).**
 - i. **APPROVE/DISAPPROVE VARIANCE REQUEST SUBMITTED BY NEW MEXICO TOP ORGANICS – ULTRA HEALTH, INC.** Voting yes: Beard, Bowen, Cordova, Henry and Carlson. Passed 5-0.
 - h. ***ADJOURN PUBLIC HEARING.** At 9:28 a.m., Cordova moved seconded by Bowen, to adjourn the public hearing and resume the regular meeting. Voting yes: Beard, Bowen, Cordova, Henry and Carlson. Passed 5-0.

See attached public meeting exhibits.

4. IFB/RFP/BID AWARDS:

- a. ***RFP 23-02-R CONSTRUCTION SERVICES AND MAINTENANCE – JESSICA STYGAR.** Stygar stated staff recommended a multi award. Cordova moved seconded by Henry, to approve RFP 23-02-R, Construction Services and Maintenance. Voting yes: Beard, Bowen, Cordova, Henry and Carlson. Passed 5-0. RFP 23-02-R was recorded as Timed Agenda Exhibit 4.a.

TRAILING AGENDA:

1. APPROVE:

- a. ***COMMISSION MEETING MINUTES FOR JUNE 6, 2023.** Bowen moved, seconded by Cordova, to approve the Commission Meeting Minutes for June 6, 2023. Voting yes: Beard, Bowen, Cordova, Henry and Carlson. Passed 5-0.
- b. ***PURCHASE CARD APPROVAL REPORT FOR MAY 2023.** Henry moved, seconded by Bowen, to approve the Purchase Card Approval Report for May 2023. Voting yes: Beard, Bowen, Cordova, Henry and Carlson. Passed 5-0. The Purchase Card Approval Report for May 2023 was recorded as Exhibit 1.b.

- 2. ***REVENUE REPORT FOR APRIL 2023 – JESSICA STYGAR.** Stygar stated Gross Receipts collected had been just over \$4.6M, for a total of \$41M. Oil and Gas collected had been just over \$7.5M for a total of \$99.7M. For April, \$7.5M for Production and \$26K for Equipment had been collected. Cordova moved,

seconded by Beard, to approve the Revenue Report for April 2023. Voting yes: Beard, Bowen, Cordova, Henry and Carlson. Passed 5-0. The Revenue Report for April 2023 was recorded as Exhibit 2.

3. ***BUDGET VS. ACTUALS – APRIL REVENUE AND EXPENSES – JESSICA STYGAR.** Stygar stated collections had been over \$342M, that being 171% collected without transfers. Expensed had been \$221M or 52% without transfers. General Fund revenue had been 184% or 169% without transfers. Expenses had shown 87.8% or 59% without transfers. Henry moved, seconded by Bowen, to approve the Budget vs. Actual – April Revenue and Expenses. Voting yes: Beard, Bowen, Cordova, Henry and Carlson. Passed 5-0. The Budget vs. Actual for April Revenue and Expenses was recorded as Exhibit 3.
4. ***APPROVE SAFETY NET CARE POOL CERTIFICATION OF PUBLIC FUNDS FOR FY 2022/2023 – 4TH QUARTER – VERONICA PAYANES.** Cordova moved, seconded by Beard, to approve the Safety Net Care Pool Certification of Public Funds for FY 2022/2023 – 4th Quarter. Voting yes: Beard, Bowen, Cordova, Henry and Carlson. Passed 5-0. The Safety Care Net Pool Certification of Public Funds for FY 2022/2023 – 4th Quarter was recorded as Exhibit 4.
5. ***FUND EXISTING SPECIAL PROJECTS/PERMITTING MANAGER POSITION – JASON BURNS.** Burns requested to fund the position that was already in the Public Works allotment but not budgeted. He stated the proposed position had been established, had existing job specs and with the pay rate established. The intention of the position was to assist the current construction inspector with all the projects. Other duties would be assigned to the position, including producing a Public Works Manual. He stated this position would eliminate the need for third-party observation and would safeguard County interests. Carlson agreed with Burns' statement on third-party observations. The position would start and be funded after the FY began. Bowen moved, seconded by Beard, to approve Funding Existing Special Projects/Permitting Manager Position. Voting yes: Beard, Bowen, Cordova, Henry and Carlson. Passed 5-0.
6. ***LANDFILL WASTE CONTROLLING DEVICES BUDGET ADJUSTMENT FY23/24 – JASON BURNS.** Burns stated that issues had been found at the Landfill. These devices would improve the operation of the Landfill including balancing the dirt to waste ratio. Cordova moved, seconded by Beard, to approve the Landfill Waste Controlling Devices Budget Adjustment FY 23/24. Voting yes: Beard, Bowen, Cordova, Henry and Carlson. Passed 5-0.
7. ***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-23-48; FY 2022-2023 4TH QUARTER BUDGET ADJUSTMENTS – JESSICA STYGAR.
- ii. R-23-49; REVISION OF THE EDDY COUNTY PURCHASING POLICY – ANISIA CERNA.
- iii. R-23-50; REVISION OF THE EDDY COUNTY P-CARD POLICY – ANISIA CERNA.
- iv. R-23-51; REVISION OF THE EDDY COUNTY TRAVEL POLICY – JESSICA STYGAR.
- v. R-23-52; INDIGENT MEDICAL/HOSPITAL CLAIMS REPORT – VERONICA PARRAS.

b. AGREEMENTS:

- i. A-23-39; APPROVE PROFESSIONAL SERVICE AGREEMENT WITH CARLSBAD MEDICAL CENTER FOR HEALTH CARE SERVICES FOR EDDY COUNTY DETENTION CENTER INMATES – VERONICA PARRAS.
- ii. A-23-69; SERVICES AGREEMENT BETWEEN EDDY COUNTY AND CARLSBAD CHAMBER OF COMMERCE FOR PROFESSIONAL SERVICES – MARKETING – ROBERTA GONZALES.
- iii. A-23-98; TERRA LOGIC MAINTENANCE AND SERVICE AGREEMENT – STEVE MCCROSKEY.
- iv. A-23-101; MEMORANDUM OF AGREEMENT FOR CDWI FUNDS – CYNTHIA SHARIF.
- v. A-23-102; FY24 CDWI GRANT APPLICATION – CYNTHIA SHARIF.
- vi. A-23-103; EDDY COUNTY DETENTION CENTER – LIFE & SAFETY AGREEMENT WITH J&G ELECTRIC – TRENT MOORE.
- vii. A-23-104; CONTRACT FOR ADVANCED MEDICATION IN REGARDS TO RFP 20-05 PHARMACEUTICAL SERVICES FOR EDDY COUNTY DETENTION CENTER – JESSICA STYGAR.
- viii. A-23-105; LEASE AGREEMENT #2 OF COMMERCIAL VACANT LANDS WITH KS INDUSTRIES, LLC – ROBERTA GONZALES.
- ix. A-23-106; EXECUTE CONTRACT FOR CAT 140 GRADER – JASON BURNS.
- x. A-23-107; MEMORANDUM OF UNDERSTANDING BETWEEN EDDY COUNTY, THE CITY OF CARLSBAD, AND THE CITY OF ARTESIA FOR THE USE OF THE OPIOID SETTLEMENT FUNDS – ROBERTA GONZALES.

Gonzales had been requested to remove for discussion items R-23-49 through R-23-51. Carlson had requested discussion and more information on those pulled resolutions with respect to policy changes. Henry moved, seconded by Bowen, to approve the Resolution and Consent Agreement Agenda as presented, pulling R-23-49, R-23-50 and R-23-51. Voting yes: Beard, Bowen, Cordova, Henry and Carlson. Passed 5-0. R-23-48 and R-23-52 were recorded as Exhibits 7.a.i and 7.a.v, respectively. A-23-39, A-23-69, A-23-98, A-23-101 through A-23-107 were recorded as Exhibits 7.a.i through 7.a.x, respectively.

Stygar informed the Commission on the policy changes in those pulled resolutions. R-23-49 would require personnel to get a change order for additional goods and services prior to the work being done and invoiced. R-23-50 was an update to allow credit card fees as a cost of doing business with the County on a case-by-case basis. Cordova moved, seconded by Bowen to approve R-23-49. Voting yes: Beard, Bowen, Cordova, Henry and Carlson. Passed 5-0. R-23-49 was recorded as Exhibits 7.a.i.

Stygar stated R-23-50 was the same as with the credit card fee included in the P-Card policy as well. Beard moved, seconded by Cordova, to approve R-23-50. Voting yes: Beard, Bowen, Cordova, Henry and Carlson. Passed 5-0. R-23-50 was recorded as Exhibit 7.a.ii.

Stygar stated R-23-51 was the change in County Travel Policy relating to the change in State per diem rates. According to State statute, Instate travel was now \$157; Special Areas, Santa Fe now was \$210; and Out-of-State travel was now \$157. Bowen moved, seconded by Henry, to approve R-23-51. Voting yes: Beard, Bowen, Cordova, Henry and Carlson. Passed 5-0. R-23-51 was recorded as Exhibit 7.a.iii.

8. **ELECTED OFFICIAL/DEPARTMENT UPDATES.** Burns had attended NMC and noted that nine employees attended, participating in the Road Rodeo, and taking first place in the loader and third place overall. He stated the West loop was coming to completion with opening on July 18. Chip sealing throughout the County was taking place. The SE Loop intersection would begin soon and would be done by the end of the calendar year.

Brannon presented the Commission with an award from NMC for 20-22 Rap Award, reducing Law Enforcement claims by 60% and reducing by workers multiline claims by 11%.

Sheriff Cage introduced Lenin Leos, Commander of the Pecos Valley Drug Task Force. Cage stated Leos had taken the Task Force to new levels and what had been accomplished was amazing. Leos gave a slide presentation on the Task Force's experiences with drug and fentanyl trafficking issues in the area. Leos stated the Task Force was supported by law enforcement officials from the Eddy County Sheriff Office and Carlsbad Police Department. Federal assets, the DEA,

FBI, US Marshalls all worked hand-in-hand with the Task Force to get these criminals out of Eddy County. He related multiple cases of large amounts of fentanyl, methamphetamine and firearms having been confiscated in Carlsbad and Eddy County amounting to 33 pounds of methamphetamine, 6K pills of fentanyl and two firearms and cash in 2022. With the help of the SO canine program, other seizures elicited six pounds of meth and half a pound of heroin; 37K fentanyl pills or 8.1 pounds (3700 grams). Cage added that two out of every five pills could potentially be lethal, stating they could be lethal for a large population of people. Leos noted that the tolerance for those smoking the fentanyl had increased from previously smoking two pills a day to now smoking 20-30 pills a day. Leos noted that burned fentanyl had changed from a "clean pill" brown color, but now burned black. He spoke to a new trend of Xylazine being seized. It was not controlled and was generally used for equestrians, making it cheaper and more easily obtained. He stated the danger with that is that Narcan would not reverse an overdose if fentanyl had Xylazine in it. He stated that drugs went hand-in-hand with violence, fire arms, money and misery. In 2020, 124 pounds had been seized, the highest amount ever in the history of the Task Force. Year-to-date seizures in half a year of 2023 had been 114 pounds of meth, 17 pounds of powder, 113K pills and 24 firearms. He stated this all went back to the unsecured border. He felt it was hard to get a handle on the problem with the open border; that there was little attention being given to the issue. Leos praised his staff, stating they were passionate about their work, wanting to make a difference, adding it was hard to make a case under New Mexico law. He stated they were the best of the best. He related the origin of fentanyl back to a Chinese scientist sending powder fentanyl to Mexico, teaching cartels how to make pills. Drug cartels were using small houses in Mexico to press pills, no longer needing super labs to produce meth. He thanked the Commission and invited them to contact him if they had anything that needed attention. Cage noted the Drug Task Force had received awards from the US Attorney's Office and a National HIDTA award, and stated they were recognized nationally, were well trained and now taught classes on the subject.

Cage stated his office was down to two openings. His office would be sending an officer to join the Task Force and two canines would be deployed with one going to the Task Force.

See Leos' presentation attached.

9. **LEGISLATIVE UPDATES.** None.

10. ***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. **BARBARA MOUNCE ATTENDED INTENSIVE COGNITIVE BEHAVIOR THERAPY CERTIFICATION COURSE IN SCOTTSDALE, AZ FROM JUNE 15, 2023 THROUGH JUNE 18, 2023.**

FUTURE: None.

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

11. EMERGENCY BUSINESS. None.

12. LEGISLATORS AND ELECTED OFFICIALS' COMMENTS/ANNOUNCEMENTS/UPDATES. None.

13. COUNTY MANAGER'S COMMENTS/ANNOUNCEMENTS/UPDATES.
Gonzales announced Rachel Barker as the County's new IPRA Coordinator and congratulated Burns on his achieving Certified Public Manager status. She thanked Trent and his crews for all they did to help out with the Cavern Fest, as she had receive a lot of compliments for the County.

14. COUNTY COMMISSIONERS' COMMENTS/ANNOUNCEMENTS/UPDATES.
Cordova thanked Trent for all the work contributed at the Cavern Fest. She encouraged all to have a safe Fourth. Henry thanked Leos for his presentation. He felt it was a frustrating problem that was compounded at the border. He thanked the Drug Task Force and supported them. He wished all a safe Fourth. Bowen thanked Leos and the Sheriff for the presentation. Referencing Leos' presentation, he noted that if two pills out of five could kill one person, then 37K pills equaled the possible deaths of 14,800 citizens. He noted we were only halfway through the year and had already had the largest seizure of drugs thus far, and the only thing that had changed was the border that allowed numbers of seizures to spike. He wished all a safe and happy Fourth. Beard thanked the SO for all they did. He felt what had been happening at the border had been intentionally done. He stated the President had put the Border Patrol in a box and tied their hands, and did not fund them. Drugs were coming across the border because we were purposefully letting them. He credited Ledford and Rostro for their hard work on the referendum petition and hoped the courts would overturn SOS and the egregious law. He gave kudos for the SO. Carlson appreciated the Sheriff and his staff working for us.

15. EXECUTIVE SESSION: None.

MEETING CLOSED AT 10:40 A.M.

~Asterisk denotes vote is required~

EDDY COUNTY BOARD OF COMMISSIONERS
EDDY COUNTY, NEW MEXICO


Ernie Carlson, Commission Chairman

Date: July 5, 2023

ATTEST:


Cara Cooke, County Clerk

