

**EDDY COUNTY BOARD OF COMMISSIONERS
MINUTES OF A REGULAR MEETING
SEPTEMBER 19, 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 19, 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. Sheriff Cage 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	EDDY COUNTY CLERK
TAMI WHITE	CHIEF DEPUTY COUNTY CLERK
LAURIE PRUITT	COUNTY TREASURER
RHONDA HATCH	EDDY COUNTY ASSESSOR
MARK CAGE	EDDY COUNTY SHERIFF
ADRIENNE JONES	EXEC ADMIN ASSISTANT
JESSICA STYGAR	ACTING INTERIM FINANCE DIR
STEVE MCCROSKEY	COMMUNITY SERVICES DIRECTOR
TANYA LOPEZ	COMMUNITY SERVICES SECRETARY
VERONICA PAYANES	HEALTH CARE ADMINISTRATOR
JASON BURNS	PUBLIC WORKS DIRECTOR
DORIE FANNIN	PROCUREMENT
ROXANNE BRANNON	HUMAN RESOURCES DIRECTOR
MARIA MALDONADO-MERJIL	DETENTION CHIEF ADMIN ASST
JOSHUA MACK	FIRE CHIEF
JAROD ZUNIGA	DEPUTY FIRE CHIEF
KEN KEMP	IT ADMIN
ROLAND RODRIGUEZ	IT SPECIALIST III
ANDREW MEDRANO	IT SPECIALIST I
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).** None.

2. **SERVICE AWARDS**

- a. **DAWN REID, SHERIFF'S OFFICE – 15 YEARS**
- b. **KANE WYATT, SHERIFF'S OFFICE – 10 YEARS**
- c. **AISSA LARA, HUMAN RESOURCES – 10 YEARS**
- d. **ROLAND RODRIGUEZ, INFORMATION TECHNOLOGY – 10 YEARS**
- e. **GLENDA YETLEY, ASSESSOR'S OFFICE – 10 YEARS**

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

3. **RETIREMENT PRESENTATION**

- a. **Anna M. Ramirez, Deputy Assessor II – 31 Years, 3 Months**

A retirement award was presented to Anna M. Ramirez honoring her 31 years and three months of service to Eddy County.

Short break for pictures.

4. **IFB/RFP/Bid Awards:**

- a. ***IFB 23-04; LAW ENFORCEMENT VEHICLES FOR SHERIFF'S DEPARTMENT – DORIE FANNIN.** Fannin stated one bid had been received and had been found responsive. Staff recommended awarding the bid to Guy Chevrolet in the amount of \$324,066.07. Bowen moved, seconded by Beard, to approve IFB 23-04. Voting yes: Beard, Bowen, Cordova, Henry and Carlson. Passed 5-0. IFB 23-04 was recorded as Timed Agenda Exhibit 4.a.

TRAILING AGENDA:

1. ***APPROVE SAFETY NET CARE POOL CERTIFICATION OF PUBLIC FUNDS FOR FY 2023/2024 – 1ST QUARTER – VERONICA PAYANES.** Cordova moved, seconded by Henry, to approve the Safety Net Care Pool Certification of Public Funds for 2023/2024 – 1st Quarter. Voting yes: Beard, Bowen, Cordova, Henry and Carlson. Passed 5-0. The 2023/2024 1st Quarter Safety Net Care Pool Certification of Public Funds was recorded as Exhibit 1.

2. ***REPLACEMENT OF PATROL VEHICLE – SHERIFF MARK CAGE.** Cage stated the vehicle would replace one that had been totaled in an accident. The purchase would elicit a budget adjustment in the amount of \$52,822. Henry moved, seconded by Beard, to approve purchasing the vehicle. Voting yes: Beard, Bowen, Cordova, Henry and Carlson. Passed 5-0.

3. ***DISCUSSION, DIRECTION AND POSSIBLE VOTE ON THE FY 2022-2023 SURPLUS – ROBERTA GONZALES.** Gonzales stated in previous years, surplus funds had been moved into the Capitol Improvement Fund. Following discussion, Bowen moved, seconded by Cordova, to move the surplus funds to Capitol Improvement Fund. Voting yes: Beard, Bowen, Cordova, Henry and Carlson. Passed 5-0.

4. ***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-23-95; DONATION OF FIRE APPARATUS TO THE VILLAGE OF CIMARRON – JOSHUA MACK.**
- ii. **R-23-96; FY2023-2024 1ST QUARTER BUDGET ADJUSTMENTS – JESSICA STYGAR.**
- iii. **R-23-97; DISPOSAL, REMOVAL, OR REVISE ITEMS IN THE EDDY COUNTY INVENTORY/ASSETS – JESSICA STYGAR.**
- iv. **R-23-98; A RESOLUTION OPPOSING GOVERNOR LUJAN GRISHAM’S SUSPENSION OF THE RIGHT TO BEAR ARMS AS MANDATED BY HER PUBLIC HEALTH EMERGENCY ORDER ISSUED SEPTEMBER 8, 2023 – ROBERTA GONZALES.**
- v. **R-23-99; INDIGENT MEDICAL/HOSPITAL CLAIMS REPORT – VERONICA PAYANES.**

b. **AGREEMENTS:**

- i. **A-23-142; AGREEMENT WITH CLEARVIEW AI, INC. FOR FACIAL RECOGNITION TECHNOLOGY AND SOFTWARE TOOLS – SHERIFF MARK CAGE.**
- ii. **A-23-150; FUND 93100 CAPITAL APPROPRIATION AGREEMENT – JASON C. BURNS.**
- iii. **A-23-151; EDDY COUNTY 23-H3005 INTERACTIVE TRAILER GRANT – JOSHUA MACK.**

- iv. A-23-152; SPARKS EQUIPMENT SERVICE CONTRACT – JESSICA STYGAR.
- v. A-23-153; AGREEMENT BETWEEN SECURUS TECHNOLOGIES, LLC AND EDDY COUNTY DETENTION CENTER – WARDEN BILLY MASSINGILL.
- vi. A-23-154; LYME CUSTOMER ACCEPTANCE FORM – JENNIFER ARMENDARIZ.
- vii. A-23-155; MEMORANDUM OF UNDERSTANDING FOR RAVE EMERGENCY NOTIFICATION SYSTEM WITH OFFICE OF EMERGENCY MANAGEMENT AND REGIONAL EMERGENCY DISPATCH AUTHORITY – JENNIFER ARMENDARIZ.

Cordova requested R-23-98 be pulled for discussion. Beard moved, seconded by Henry, to approve the Resolution and Agreement Consent Agenda, pulling for discussion R-23-98. Voting yes: Beard, Bowen, Cordova, Henry and Carlson. Passed 5-0. R-23-95 through R-23-97 and R-23-99 were recorded as Exhibits 4.a.i. through 4.a.ii and 4.a.v., respectively. A-23-142, A-23-150 through A-23-155 were recorded as Exhibits 4.b.i. through 4.b.vii., respectively.

Discussion ensued concerning the wording in R-23-98. Cordova had requested the sixth "Whereas" paragraph be removed from the resolution that stated that the governor's acts had eroded New Mexicans' confidence in the governor's ability to lead the state and perform duties. She felt not all New Mexicans believed that way and she felt the resolution should represent all the people, that the statement was not true for all New Mexicans. Carlson disagreed with removing the paragraph and felt it was the essence of the resolution. He added in talking to the people in his district, they agreed with the statement and their confidence in the governor had been totally eroded. Cordova noted people in her district felt her intention was sincere, although it may not have been the best course of action. She was requesting the statement be removed that was not believed by all. She felt it was not the Commission's duty to determine constitutionality of the decision. Beard felt if removed, the resolution had no teeth and felt what was done was egregious and felt that the resolution could use stronger language. Bowen agreed with Beard and Carlson and felt the paragraph should stay; without it the resolution had no merit. Henry did not disagree with the resolution but asked verbiage be added to effect some real discussion on crime. He would like for the resolution to put a call to the governor to listen to the many state legislators and senators wanting a special session to address crime. He felt it was a weak, disingenuous attempt to fight crime by mandating a gun ban in Bernalillo, as there has been crime all over the state. He wanted the resolution to say it was unconstitutional but also wanted her to be genuine in fighting crime and hold a special session addressing crime to get things done. He noted it was a bipartisan issue that needed to be addressed. Carlson felt we needed to

stand up for our right to bear arms and say it was not acceptable. He felt it was just the beginning and wondered what the next right was that would be taken away. He felt the resolution should have as much teeth as possible and a special session to consider actions on crime was needed. Bowen stated all this discussion added to the paragraph. The governor used a public health order to attack our second amendment rights with no science, no facts; it was merely an opinion. She bypassed all systems of checks and balances and went to an executive order; we can't have faith in how she is going to lead us. Beard agreed that her idea of fighting crime was to punish otherwise law-abiding citizens in Albuquerque; instead of taking criminals off the street, she was all about taking guns off the street. He asked if language should be added to the existing resolution or leave it as it was. Carlson stated he was all about fighting crime but this resolution addressed her attempt to take second amendment rights away; leave it the way it was and have a second resolution about fighting crime. Henry felt the current resolution was almost too late and didn't want to wait another two weeks for a crime resolution. Gonzales stated that it could be added as another "Whereas" to the current resolution; Tabor agreed. Henry felt this language would add a solution to the issue. Carlson and Beard agreed to that idea but did not want to take away the message already in it. Henry did not want to pass resolutions that had no solutions. He felt the lack of solutions was eroding confidence in government with all talking points and no solutions. He wanted to add a solution to the resolution. Carlson felt the governor should issue a public apology and withdraw the order. Cordova added that the governor did something and some people respected that action. She had no problem sending the resolution but felt that all people did not think they had no confidence in the governor. Beard inquired if one could ever do a resolution that had 100% agreement of all the people. Carlson inquired if the resolution could be passed as it was and then add a "Whereas" to the amendment. Tabor replied it was possible to amend the resolution. Following discussion, Carlson called for a vote to approve the resolution as written and then come back with an amendment. Bowen moved, seconded by Beard, to approve R-23-98 as written. Voting yes: Beard, Bowen, Henry and Carlson. Voting no: Cordova. Passed 4-1. Following the vote, Beard moved, seconded by Henry, to approve amending the R-23-98, adding a "Whereas" paragraph to appealing for a special session to specifically address crime. Voting yes: Beard, Bowen, Cordova, Henry and Carlson. Passed 5-0. R-23-98, as amended, was recorded as Exhibit 4.a.iv.

5. ***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. JARVIS SEAMORE ATTENDED AT SCENE CRASH/TRAFFIC HOMICIDE INVESTIGATION COURSE IN TEMPE, AZ FROM AUGUST 6, 2023 THROUGH AUGUST 19, 2023.
- b. JARRED STOCK ATTENDED CHIEF OFFICER FIELD TRAINING ACADEMY IN EVERGREEN, CO FROM SEPTEMBER 5, 2023 THROUGH SEPTEMBER 8, 2023.
- c. STEVEN MARQUEZ ATTENDED BFX BRUSH TRUCK FINAL INSPECTION IN WEATHERFORD, TX FROM SEPTEMBER 11, 2023 THROUGH SEPTEMBER 12, 2023.

FUTURE

- a. JARVIS SEAMORE AND RAY WILLIAMS TO ATTEND AT SCENE CRASH/TRAFFIC HOMICIDE INVESTIGATION COURSE IN TEMPE, AZ FROM SEPTEMBER 10, 2023 THROUGH SEPTEMBER 23, 2023.
- b. TODD BANNISTER AND MARLENA PELL TO ATTEND THE NATIONAL COMMISSION ON CORRECTIONAL HEALTH CARE (NCCHC) CONFERENCE IN LAS VEGAS, NV FROM SEPTEMBER 29, 2023 THROUGH OCTOBER 4, 2023.

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

6. EMERGENCY BUSINESS. None.
7. LEGISLATIVE COMMENTS/ ANNOUNCEMENTS/UPDATES. None.
8. ELECTED OFFICIAL/DEPARTMENT COMMENTS/ANNOUNCEMENTS/UPDATES. McCroskey updated the Commission on the County's progress made on the illegal dumping in the area. He stated the County had been working with various corporate entities in Eddy and Lea Counties and various federal, state and municipal government entities to establish a SENM Illegal Dumping Partnership. The purpose of the partnership was to gather resources and stop any type of illegal dumping whether industrial or household waste. Terri at the BLM had received \$85K for the project. An 800 number had been set up to report dumping. Billboards would be put up and educational information would be distributed to schools, industry and on social media to educate the public. Issues of difficulty reporting to REDA regarding specific location of the dumping, etc. would be addressed. He added GIS mapping may be used in the future to pinpoint an area and prevent future dumping at the sites. He presented pamphlets and urged distribution to the public. The County had not contributed any funds at this point. Beard noted a substantial clean-up

along 62/180 near the airport; he appreciated it. He was glad for the 800 number, hoping to catch the illegal dumpers and get them before a judge for prosecution. Cage commended the Commission for the discourse held earlier and felt it defined our great country by having civil discussions that accomplish something. He added that the governor had become bolder and bolder. He felt we must not look at the symptoms of an issue but look to the actual root of the problem. Dead children were a symptom but not the root cause of crime. Guns were not the cause of crime; they were a tool used. Mental illness and mindset and crime was the cause of dead children. He added it had been proven by FBI studies that 80% – 90% of illegal crime could be rooted back to illegal drugs. Drugs were coming across our southern border; that was one of the root causes of dead children in Albuquerque and Taos. He felt the amendment of the order with a \$5K civil fine would have no effect on those criminals who were high on drugs or had mental illness. He wondered why we would not want those trained and legally carrying a firearm there to protect our children. Using a health care order with this proved all the conspiracy theories from COVID, proving she would do whatever she wanted. He added emotions should not have been involved when considering a decision of that magnitude. Legislation had been presented that stated using a firearm in a drug deal brought an enhanced sentence. Our legislature refused to pass laws that would keep violent offenders in jail longer. Beard stated crime was the problem and not guns. He felt those doing drive-by shootings had been in trouble before and probably had a record; crime should be dealt with early on and criminals needed to be prosecuted and a price paid. He added the Defund the Police Group got qualified immunity taken from law enforcement. Carlson agreed hardened violent criminals got no time and were put back on the street again and did not care about gun-carrying laws. Cage added that the legislators had exempted themselves from the no-qualified-immunity issue but it did apply to the County and the manager.

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

Gonzales announced that Steven McCutcheon, II had been appointed to fill Kernan's vacant position in Senate District 42. Eddy County sent a representative to the State Fair for New Mexico Counties' Day. She reminded that December 23 was the last day in the fiscal year to use vacation and carry over balances. Construction on Orchard Lane had begun from the highway, across the railroad tracks and would continue up to Canal Street. She noted Eddy County had expanded the cleanup with DWI and the SO from weekends only to include weekdays. There would be an event to accept Household Hazardous Waste on September 23 at the Carlsbad Beach area from 8:00 a.m. to 2:00 p.m.

10. COUNTY COMMISSIONERS' COMMENTS/ANNOUNCEMENTS/ UPDATES.

Cordova was thankful for the meaningful discussion today. She felt it was about crime and supported action against a real problem not infringing upon people's rights. She felt people were desperate for some kind of action. She agreed it

all funneled back to drugs and mental illness. She had dedicated her life to the targeting that issue. She agree that there needed to be a special legislative session to address different avenues, penalties and border control that formed the basis of crime. She respected the meaningful discussion held today. She congratulated McCutcheon on his appointment and she thanked Burns for the construction work including the intersection with the railroad tracks. She appreciated all the hard work of the county and work done for the resolution. Henry disapproved of the violation of our Constitutional Rights. He was disappointed in how drugs were to be handled in the health order; waste water was to be tested to see if there was fentanyl in the schools. He noted the Attorney General had statistics on fentanyl use and there was no need to test the waste water to detect it; drugs were coming across the border with zero action taken in DC. He expressed frustration that meaningful solutions to the issue were presented to the Legislature but died in committee. He added Democrats had controlled the State of New Mexico for 80-plus years and it was not a Republican problem. She had the means to pass meaningful legislation and each time it died in committee; five bills in the last session had been presented. He noted photos of drug busts always showed a pile of drugs, a pile of money and a pile of unregistered guns. He felt the governor wanted to control how you functioned and the next health order would be addressed to climate. New Mexico and the US had been one of the cleanest producers of fossil fuels in the world. He felt the governor was testing to see what happened. He added that Eddy County had gotten \$2K revenue resulting from the marijuana special session. Legislators had stated that their own children and youth from the areas voiced that they did not know how bad and unsafe NM was until they left, and that they did not want to come back. The Bulldogs were #1. Bowen stated the Governor should let us be part of the solution and the health order was not based on any health science; she was using it as an executive order. He added that when asked, she did not believe that criminals would obey the order. It was targeting and would affect the law abiding citizens' safety, comfort and security. He related statistics showing a drop in violent crime when private gun ownership doubled. Cities with drastic gun control restrictions had shown large increases in crime rates and gun-related homicides. This order was targeting those who obtained and carried guns lawfully. Defensive uses of handguns were as common as offensive uses by criminals, being between 500K and 3M per year. Criminals used guns 48K times to commit a crime in 2021. It was important to have the ability to carry a gun to protect ourselves and it should not be the governor's ability to tell us if we have the right to carry a weapon. He felt a simple solution to controlling crime would be enforcing the laws aimed at criminals carrying the guns. He felt families deserved targeting criminals for crime, not law abiding citizens. It should be done in the manner of going through the system of checks and balances and not laid upon with an iron fist. He felt the governor had made a good decision in appointing Steve McCutcheon. Beard felt the answer to bad guys with guns was good guys with guns. He felt those who legally carried guns should get a 10% discount on state

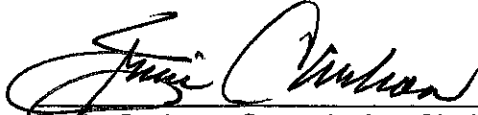
income taxes. Carlson was happy with McCutcheon's having been appointed and felt he would bring a new perspective and he was proud of him.

11. EXECUTIVE SESSION: None.

MEETING CLOSED AT 9:42 A.M.

~Asterisks denote vote is required~

EDDY COUNTY BOARD OF COMMISSIONERS
EDDY COUNTY, NEW MEXICO



Ernie Carlson, Commission Chairman

Date: October 3, 2023

ATTEST:


Cara Cooke, County Clerk