

**EDDY COUNTY BOARD OF COMMISSIONERS
MINUTES OF A REGULAR MEETING
AUGUST 1, 2023**

Be it remembered that the Eddy County Board of Commissioners held a regular meeting in the Eddy County Administration Complex-Room 211 on August 1, 2023 at 8:30 a.m. Beard 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:

FRED BEARD
JON HENRY
JAMES (BO) BOWEN
ROBERTA GONZALES
CAS TABOR
TAMI WHITE
RHONDA HATCH
MARK CAGE
ADRIENNE JONES
JESSICA STYGAR
STEVE MCCROSKEY
TANYA LOPEZ
VERONICA PAYANES
JASON BURNS
DORIE FANNIN
BILLY MASSENGILL
CAROL HENNINGTON
KEN KEMP
TRENT MOORE
CYNTHIA SHARIF
STEPHANIE YBABEN

VICE-CHAIR
COMMISSIONER, DISTRICT 2
COMMISSIONER, DISTRICT 4
COUNTY MANAGER
COUNTY ATTORNEY
CHIEF DEPUTY COUNTY CLERK
EDDY COUNTY ASSESSOR
SHERIFF
EXEC ADMIN ASSISTANT
ACTING INTERIM FINANCE DIR
COMMUNITY SERVICES DIRECTOR
COMMUNITY SERVICES SECRETARY
HEALTH CARE ADMINISTRATOR
PUBLIC WORKS DIRECTOR
PROCUREMENT MANAGER
DETENTION WARDEN
IT DIRECTOR
IT ADMIN
M&O SUPERVISOR
DWI COORDINATOR
RED ROCKET MEDIA

ABSENT:

ERNEST CARLSON
SARAH CORDOVA

CHAIRMAN
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). Steve McCutcheon announced that he would submit his application for consideration of being appointed as successor of Senator Kernan's position.

2. RETIREMENT PRESENTATION

- a. CYNTHIA G. SHARIF, DWI DIRECTOR – 25 YEARS, 1 MONTH

Cynthia Sharif was presented with an award upon her retirement of 25 years and one month of service to Eddy County.

SHORT BREAK FOR PICTURES.

3. PUBLIC HEARING TO APPROVE THE JOY SUBDIVISION 2 FINAL PLAT.

- a) *OPEN. At 8:34 a.m., Henry moved, seconded by Bowen, to open the public hearing. Voting yes: Beard, Bowen and Henry. Passed 3-0.
- b) STAFF COMMENTS. McCroskey stated this public hearing was now not necessary and but had been advertised. The preliminary plat had been submitted and approved at the June 6 meeting and nothing had changed; this final plat was exactly the same.
- c) PUBLIC COMMENT. THREE MINUTE TIME LIMIT PER PERSON – WE REQUEST THAT ALL COMMENTS BE COURTEOUS AND RESPECTFUL IN NATURE. None.
- d) COUNTY ATTORNEY COMMENTS/QUESTIONS. Tabor stated he had no comments, adding that the public hearing was necessary only on the preliminary plat but this was how it had always been done.
- e) COMMISSIONERS COMMENTS/QUESTIONS. None.
- f) ENTERTAIN A MOTION AND SECOND FROM BOARD. Bowen moved, seconded by Henry, to approve the final plat of Joy Subdivision 2.
- g) *BOARD ACTION.

i. **APPROVE/DISAPPROVE THE JOY SUBDIVISION 2 FINAL PLAT.** Voting yes: Beard, Bowen and Henry. Passed 3-0.

h) ***ADJOURN HEARING.** At 8:36 a.m., Henry moved, seconded by Beard, to adjourn the public hearing and resume the regular meeting. Voting yes: Beard, Bowen and Henry. Passed 3-0.

TRAILING AGENDA:

1. APPROVE:

a. ***COMMISSION MEETING MINUTES FOR JULY 18, 2023.** Beard moved, seconded by Bowen, to approve the Commission Meeting Minutes for July 18, 2023. Voting yes: Beard, Bowen and Henry. Passed 3-0.

b. ***PURCHASE CARD APPROVAL REPORT FOR JUNE 2023.** Henry moved, seconded by Bowen, to approve the Purchase Card Approval Report for June 2023. Voting yes: Beard, Bowen and Henry. Passed 3-0. The Purchase Card Approval Report for June 2023 was recorded as Exhibit 1.b.

2. ***COMPREHENSIVE PLAN UPDATE PRESENTATION – STEVE MCCROSKEY.** McCroskey stated the draft of the Comprehensive Plan was a general policy document that was kind of a roadmap for future growth showing existing conditions and community desires for Eddy County. He stated it was standard practice to update the Plan every five years. He introduced Jackie Fishman, Consensus Planning, Inc., who presented an overview of the Plan. Gonzales stated this presentation was to introduce the draft. It would be sent to the Commissioners for consideration and would be brought back for the final version approval in the future; no action was needed today. The Comprehensive Plan was recorded as Exhibit 2.

3. ***ICIP PRIORITIZATION FY2025-2029 – STEVE MCCROSKEY.** McCroskey stated this was the yearly Infrastructure Capital Improvement Plan showing the rankings from last year but could be changed to rank any order the Commission so wished. Some items had been added and some had been removed from last year's ranking. Referencing the Judicial Complex on the prior year's list, the item was now broken down into four separate projects. He stated the ICIP had to be approved through resolution and sent to DFA for approval by August 18. Gonzales stated all department heads and elected officials had been consulted for input. Burns clarified that this was a list of projects for which outside funding might be sought. Henry moved, seconded by Bowen, to approve the ICIP Prioritization List as presented. Voting yes: Beard, Bowen and Henry. Passed 3-0.

4. ***WEST BYPASS ROAD – COUNTY ROAD ADOPTION – JASON C. BURNS.** Burns stated the road had been named, allowing for 911 purposes and location purposes for the GIS. Henry moved, seconded by Bowen, to

adopt West Bypass Road into certified mileage inventory of Eddy County roads. Voting yes: Beard, Bowen and Henry. Passed 3-0.

5. ***APPROVE THE STRUCTURED PROCESS FOR SELECTING THE CANDIDATE TO BE SUBMITTED BY EDDY COUNTY FOR THE GOVERNOR'S CONSIDERATION IN APPOINTING A SUCCESSOR FOR SENATOR KERNAN'S POSITION – ROBERTA GONZALES.** Bowen moved, seconded by Henry, to approve the Structured Process for Selecting the Candidate to be Submitted by Eddy County for the Governor's Consideration in Appointing a Successor for Senator Kernan's Position. Voting yes: Beard, Bowen and Henry. Passed 3-0.

6. ***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-23-62; EDDY COUNTY FY 2025-2029 INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN (ICIP) – STEVE MCCROSKEY.**
 - ii. **R-23-70; DISPOSAL, REMOVAL, OR REVISE ITEMS IN THE EDDY COUNTY INVENTORY/ASSETS – JESSICA STYGAR.**
 - iii. **R-23-71; RESOLUTION FOR MEMBERSHIP IN SOUTHEAST NEW MEXICO ECONOMIC DEVELOPMENT DISTRICT/COUNCIL OF GOVERNMENTS (SNMEDD/COG) FOR FY23/24 (COMPANION TO AGREEMENT A-23-125) – ROBERTA GONZALES.**
 - iv. **R-23-72; DONATION OF A LIGHT TOWER TO THE VILLAGE OF LOVING – CYNTHIA G. SHARIF.**
 - v. **R-23-73; INDIGENT MEDICAL/HOSPITAL CLAIMS REPORT – VERONICA PAYANES.**
 - vi. **R-23-74; SUPPORTING THE RIGHT OF CITIZENS OF THE STATE OF NEW MEXICO AND EDDY COUNTY TO SEEK REDRESS THROUGH THE USE OF THE REFERENDUM PROCESS AS APPROVED AND AUTHORIZED BY THE CONSTITUTION OF THE STATE OF NEW MEXICO – ROBERTA GONZALES.**
 - vii. **R-23-75; RESOLUTION FOR SALE OF EDDY COUNTY PROPERTY AT 513 CENTER AVE. IN CARLSBAD, NM SUBJECT TO APPROVAL OF NM DFA, BOARD OF**

- FINANCE DIVISION (COMPANION TO AGREEMENT A-23-126) – ROBERTA GONZALES.
- viii. R-23-77; NMDOT RESOLUTION FOR LGRF AGREEMENT A-23-129 (COMPANION TO AGREEMENT A-23-129) – JASON C. BURNS.

b. AGREEMENTS:

- i. A-23-122; AGREEMENT WITH HOLLOWAY CONSTRUCTION COMPANY FOR THE PROVISION OF EDDY COUNTY-WIDE “ON CALL/ON DEMAND” GB-98 GENERAL CONSTRUCTION SERVICES (RFP 23-02-R) – JESSICA STYGAR.
- ii. A-23-123; AGREEMENT WITH 42 CONSTRUCTION, LLC FOR THE PROVISION OF EDDY COUNTY-WIDE “ON-CALL/ON-DEMAND” GB-98 GENERAL CONSTRUCTION SERVICES (RFP 23-02-R) – JESSICA STYGAR.
- iii. A-23-124; AGREEMENT WITH WAIDE CONSTRUCTION CO., INC. FOR THE PROVISION OF EDDY COUNTY-WIDE “ON-CALL/ON-DEMAND” GB-98 GENERAL CONSTRUCTION SERVICES (RFP 23-02-R) – JESSICA STYGAR.
- iv. A-23-125; AGREEMENT FOR MEMBERSHIP IN SOUTHEAST NEW MEXICO ECONOMIC DEVELOPMENT DISTRICT/COUNCIL OF GOVERNMENTS (SNMEDD/COG) (COMPANION TO RESOLUTION R-23-71) – ROBERTA GONZALES.
- v. A-23-126; AGREEMENT FOR SALE OF EDDY COUNTY PROPERTY AT 513 CENTER AVE. IN CARLSBAD, NM SUBJECT TO APPROVAL OF NM DFA, BOARD OF FINANCE DIVISION (COMPANION TO RESOLUTION R-23-75) – ROBERTA GONZALES.
- vi. A-23-127; MODIFICATION TO A-23-24; COOPERATIVE LAW ENFORCEMENT AGREEMENT BETWEEN THE EDDY COUNTY SHERIFF DEPARTMENT AND THE USDA, FOREST SERVICE LINCOLN NATIONAL FOREST – MARK CAGE.
- vii. A-23-129; NMDOT AGREEMENT FOR LGRF (COMPANION TO RESOLUTION R-23-77) – JASON C. BURNS.

Beard requested R-23-74 be pulled for discussion. Henry moved, seconded by Bowen, to approve the Resolution and Agreement Consent Agenda, pulling R-23-74. Voting yes: Beard, Bowen and Henry. Passed 3-0. R-23-62, R-23-70 through R-23-73, R-23-75 and R-23-77 were recorded as Exhibits 6.a.i. through 6.a.v., 6.a.vii. and 6.a.viii., respectively. A-23-122 through A-23-127 and A-23-129 were recorded as Exhibits 6.b.i. through 6.b.vii., respectively.

Following discussion on R-23-74, Bowen moved, seconded by Beard, to add the stronger language of Article 2 back into the resolution. Voting yes: Beard, Bowen and Henry. Passed 3-0. R-23-74 was recorded as Exhibit 6.a.vi.

7. **ELECTED OFFICIAL/DEPARTMENT UPDATES.** Cage stated he recently returned from NACO in Austin. The NMC Board would be hosted by Eddy County tomorrow at a dinner at the Carlsbad Municipal Golf Pro Shop and the following day at the Carousel House. Jack Volpato would make a presentation on the future of nuclear energy in New Mexico at the actual Board Meeting on Friday. Discussion would be held concerning a possible NMC resolution to requesting that the Governor send the National Guard to our border. Cage apprised the Commission of a lifestyle training program for inmates to reduce recidivism for inmates and help them transition out into the community and be productive. He would like to start a pilot program in Eddy County and he would like the program to be implemented throughout the State. He stated Massengill was in agreement with the idea. He stated it would have minimal cost to the County. The SO was moving forward on the Hard Target Program and Carlsbad Prep Academy would be adopted with that program. Mack was unable to attend the commission meeting he submitted a department update to the commissioners for review, recorded as Exhibit 7.
8. **LEGISLATIVE UPDATES.** None. Gonzales reminded that the County had entered into an agreement with Missi Currier to work on Legislative items.
9. ***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. **SHERIFF MARK CAGE ATTENDED THE NATIONAL SHERIFFS' ASSOCIATION CONFERENCE IN GRAND RAPIDS, MI FROM JUNE 23, 2023 THROUGH JUNE 30, 2023.**
- b. **JAMES MOORE ATTENDED SIG 320 SYSTEM TRAINING IN LAS VEGAS, NV FROM JULY 23, 2023 THROUGH JULY 25, 2023.**

FUTURE

- a. **RAY WILLIAMS TO ATTEND AT SCENE TRAFFIC CRASH/TRAFFIC HOMICIDE INVESTIGATION TRAINING IN TEMPE, AZ FROM AUGUST 6, 2023 THROUGH AUGUST 19, 2023.**

b. JAMES LARA AND CHRISTOPHER CARON TO ATTEND THE AMERICAN TACTICAL K9 ASSOCIATION CONFERENCE IN BUTLERVILLE, IN FROM SEPTEMBER 23, 2023 THROUGH OCTOBER 1, 2023.

Bowen moved, seconded by Beard, to approve the Travel Request Consent Agenda. Voting yes: Beard, Bowen and Henry. Passed 3-0.

10. EMERGENCY BUSINESS. None.

11. LEGISLATORS' AND ELECTED OFFICIALS' COMMENTS, ANNOUNCEMENTS, UPDATES. None.

12. COUNTY MANAGER'S COMMENTS, ANNOUNCEMENTS, UPDATES.

Gonzales introduced Dorie Fannin as Eddy County's new Procurement Manager. The second and final tranche of the Local Assistance and Tribal Consistency monies in the amount of \$3.7M had been submitted for a total of \$7.5 to be utilized for any governmental purpose except lobbying. Eddy County participated in the Heroes Campaign speaking to the public perception on correction officers in the state. Media will be sent via TV, radio, billboards, and social media, launching September 1, that will have a link to Eddy County and all counties participating. She and Burns would meet with the City to discuss proportional ideas to get the word out for citizens to utilize the West ByPass Road. US Lincoln National Forest Guadalupe Mountains had submitted a request to the Secretary of the Interior to withdraw 28K acres in regard to mining and laws for leasing. Comments would be accepted for 30 days.

13. COUNTY COMMISSIONERS' COMMENTS, ANNOUNCEMENTS, UPDATES.

Henry commented on a recent Congressional Hearing concerning transgender issues. He found it interesting that New Mexico had eliminated the family discussing such decisions, when all of those speaking at the Hearing had mentioned their family discussion on either side of the issue. He added that all the problems the state was facing, New Mexico tried to eliminate and break down the family element as much as possible. He stated he fully supported nuclear energy and felt the grid was being stressed with rolling blackouts. He received regular commentary on Fentanyl from constituents and was bothered that not much was being done to stop it. Bowen had received positive feedback on the West Bypass Road. He reminded that school started next week and asked all to be mindful of kids on the street. He was excited that Carlsbad and Eddy County would get representation of the open Senate seat. Beard wondered how our nation and state got to the point where minor children could be mutilated at the whim of a government-run school system. He wondered why we had to defend this. He wondered where the doctors who performed these

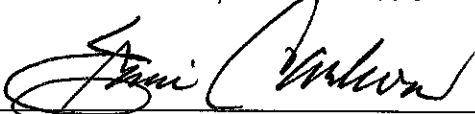
procedures had come from. He gave kudos to Burns, noting that Happy Valley residents really appreciated the speed bumps.

14. EXECUTIVE SESSION: None.

MEETING CLOSED AT 9:42 a.m.

~Asterisks denote vote is required~.

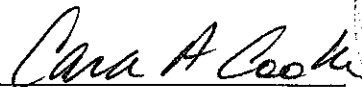
EDDY COUNTY BOARD OF COMMISSIONERS
EDDY COUNTY, NEW MEXICO



Ernie Carlson, Commission Chairman

Date: August 15, 2023

ATTEST:



Cara Cooke, County Clerk

