

**EDDY COUNTY BOARD OF COMMISSIONERS  
MINUTES OF A REGULAR MEETING  
AUGUST 15, 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 15, 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. Pruitt gave the invocation.

**PRESENT:**

ERNEST CARLSON  
FRED BEARD  
JON HENRY  
JAMES (BO) BOWEN  
SARAH CORDOVA  
ROBERTA GONZALES  
CAS TABOR  
RHONDA HATCH  
ADRIENNE JONES  
JESSICA STYGAR  
VERONICA PAYANES  
JASON BURNS  
ROXANNE BRANNON  
BILLY MASSENGILL  
KEVIN WILLARD  
CAROL HENNINGTON  
KEN KEMP  
TRENT MOORE  
STEPHANIE YBABEN

CHAIRMAN  
VICE-CHAIR  
COMMISSIONER, DISTRICT 2  
COMMISSIONER, DISTRICT 4  
COMMISSIONER, DISTRICT 5  
COUNTY MANAGER  
COUNTY ATTORNEY  
EDDY COUNTY ASSESSOR  
EXEC ADMIN ASSISTANT  
ACTING INTERIM FINANCE DIR  
HEALTH CARE ADMINISTRATOR  
PUBLIC WORKS DIRECTOR  
HUMAN RESOURCES DIRECTOR  
DETENTION WARDEN  
FIRE DIV CHIEF OF ADMIN  
IT DIRECTOR  
IT ADMIN  
M&O SUPERVISOR  
RED ROCKET MEDIA

**ABSENT:**

CARA COOKE  
TAMI WHITE

COUNTY CLERK  
CHIEF DEPUTY COUNTY CLERK

**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).** Janice Winton thanked the Commission for their previously-passed resolution and for protecting the citizens. She also spoke to the recent wildfire disaster in Hawaii, and encouraged all to check their phones for internet connections when entering a polling place.
2. **Service Awards.**
  - a. **Fabian Gomez, Public Works – 20 Years**
  - b. **Ronda Nelson, Clerk's Office – 20 Years**
  - c. **Robert Conn, Fire & Rescue – 10 Years**
  - d. **Lee Herrera, ECDC – 5 Years**

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

*Short break for pictures.*

**TRAILING AGENDA:**

1. **APPROVE:**
  - a. **\*COMMISSION MEETING MINUTES FOR JULY 26, 2023.** Bowen moved, seconded by Beard, to approve the Commission Meeting Minutes for July 26, 2023. Voting yes: Beard, Bowen, Cordova, Henry and Carlson. Passed 5-0.
  - b. **\*COMMISSION MEETING MINUTES FOR AUGUST 1, 2023.** Henry moved, seconded by Bowen, to approve the Commission Meeting Minutes for August 1, 2023. Voting yes: Bowen, Henry and Beard. Abstaining: Carlson and Cordova. Passed 3-0.
  - c. **\*EXPENSE APPROVAL REPORT FOR JULY 2023.** Cordova moved, seconded by Henry, to approve the Expense Report for July, 2023. Voting yes: Beard, Bowen, Cordova, Henry and Carlson. Passed 5-0. The Expense Approval Report for July 2023 was recorded as Exhibit 1.
2. **\*APPROVING THE SELECTION OF A CANDIDATE TO BE SUBMITTED BY EDDY COUNTY FOR THE GOVERNOR'S CONSIDERATION TO FILL THE NEW MEXICO STATE SENATOR, DISTRICT 42 VACANCY – ROBERTA GONZALES.** Three candidates, John Volpato, Larry Scott and Stephen McCutcheon, had advised the Commission of their intent to be considered for filling the position. Each of the candidates spoke to their experience and qualifications for the position. Beard moved, seconded by Bowen, to approve McCutcheon for the position. Following discussion, Beard and Bowen withdrew

their motion and second. It was then proposed to call each Commissioner to state the name of their candidate of choice. Henry moved, seconded by Cordova, to approve the selection of a candidate to be submitted by Eddy County for the Governor's consideration to fill the New Mexico State Senator District 42 vacancy. Beard selected McCutcheon, Bowen selected McCutcheon, Cordova selected Volpato, Henry selected Scott, and Carlson selected McCutcheon. Three of the five Commissioners, the majority, selected McCutcheon as the candidate for the Governor's consideration to fill NM Senate District 42 vacancy.

3. **\*APPROVAL TO PURCHASE TEK84 INTERCEPT BODY SCANNER – BILLY MASSINGILL, WARDEN.** Massingill stated the scanner would be used to scan inmate traffic in and out, detecting contraband, tracking each entry, how often a person was scanned and their exposure total. He added it had different levels of exposure and would be safe for pacemakers and other medical devices and also take the individual's temperature. It would not be purchased with General Fund monies, but from the commissary sales fund that had a balance of \$450K. A service contract was included for yearly certification of the device. Cordova moved, seconded by Henry, to approve the Purchase of TEK84 Intercept Body Scanner. Voting yes: Beard, Bowen, Cordova, Henry and Carlson. Passed 5-0.
4. **\*SE BYPASS LOOP – ROAD CAPITAL BUDGET ADJUSTMENT REQUEST – JASON BURNS.** Burns stated the \$1.5M budget adjustment funds would be used in conjunction with NMDOT funds of \$8M to finish the project, covering any contingencies that may arise. Cordova inquired of the time frame and Burns replied, "Right now." Beard moved, seconded by Henry, to approve the SE Bypass Loop – Road Capital Budget Adjustment Request. Voting yes: Beard, Bowen, Cordova, Henry and Carlson. Passed 5-0.
5. **CONOCOPHILLIPS DONATION/GRANT – JOSHUA MACK – FYI ONLY.** Conoco Phillips had donated \$12K in funds to allow purchase of laryngoscopes and battery packs for paramedics in each first-out apparatus. Voting yes: Beard, Bowen, Cordova, Henry and Carlson. Passed 5-0. The instruments would be used to view the airways of cardiac patients.
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-23-76; DISPOSAL, REMOVAL, OR REVISE ITEMS IN THE EDDY COUNTY INVENTORY/ASSETS – JESSICA STYGAR.
- ii. R-23-78; DONATION OF FIRE APPARATUS TO THE VILLAGE OF SANTA CLARA – JOSHUA MACK.
- iii. R-23-79; DONATION OF FIRE APPARATUS TO THE CAPITAN VOLUNTEER FIRE DEPARTMENT – JOSHUA MACK.
- iv. R-23-80; SECOND AMENDMENT TO R-23-16; 2023 COMMITTEES, BOARDS, AND COMMISSION APPOINTMENTS AND DESIGNATIONS – ROBERTA GONZALES.
- v. R-23-81; DONATION OF FIRE APPARATUS TO COLFAX COUNTY – JOSHUA MACK.
- vi. R-23-82; NMDOT RESOLUTION FOR STATE ROAD FUND AGREEMENT A-23-138 (COMPANION TO AGREEMENT A-23-138) – JASON C. BURNS.

b. AGREEMENTS:

- i. A-23-41; APPROVE/DISAPPROVE AGREEMENT WITH NEW MEXICO MORTUARY/RIVERSIDE FUNERAL HOME FOR CREMATION SERVICES – VERONICA PAYANES.
- ii. A-23-128; AGREEMENT BETWEEN EDDY COUNTY DETENTION CENTER AND CODEX CORPORATION DBA GUARDIAN RFID – BILLY MASSINGILL, WARDEN.
- iii. A-23-130; FY24 SPECIAL APPLICATION – CYNTHIA G. SHARIF.
- iv. A-23-131; AURICULAR DETOXIFICATION INTERN SUPERVISION PROFESSIONAL SERVICES – DEBRA HAMPTON.
- v. A-23-132; JUNIOR BILL APPROPRIATION #23-ZH9215 TO PROVIDE SERVICES FOR SURVIVORS OF SEXUAL ASSAULT IN EDDY COUNTY (REVERSION DATE JUNE 30, 2024) – ROBERTA GONZALES.
- vi. A-23-133; REDA DFA APPROPRIATION #24-E-46 – BAMBI KERN.
- vii. A-23-134; ON-CALL GENERAL ARCHITECTURAL SERVICES AGREEMENT BETWEEN MOLZEN-CORBIN AND EDDY COUNTY IN REGARDS TO RFP 22-04 ON-CALL GENERAL ARCHITECTURE – DORIE FANNIN.
- viii. A-23-135; SPARKS OFFICE SOLUTIONS EQUIPMENT SERVICE CONTRACT RENEWAL – JOSHUA MACK.
- ix. A-23-137; APPROVAL TO PURCHASE MAINTENANCE/SUPPORT AGREEMENT BETWEEN TERRALOGIC DOCUMENT SYSTEMS (PDS) AND EDDY COUNTY DETENTION CENTER – BILLY MASSINGILL, WARDEN.

x. **A-23-138; NMDOT AGREEMENT FOR STATE ROAD FUND (COMPANION TO RESOLUTION R-23-82) – JASON C. BURNS.**

Cordova moved, seconded by Bowen, to approve the Resolution and Agreement Consent Agenda, as presented. Voting yes: Beard, Bowen, Cordova, Henry and Carlson. Passed 5-0. R-23-76, R-23-78 through R-23-82 were recorded as Exhibits 6.a.i. through 6.a.vi., respectively. A-23-41, A-23-128, A-23-130 through A-23-135, A-23-137, A-23-138 were recorded as Exhibits 6.b.i. through 6.b.x., respectively.

7. **ELECTED OFFICIAL/DEPARTMENT UPDATES.** Burns updated the Commission on progressing road projects, noting the department was in the middle of chip-seal season. The SE Bypass Project 3 was going well with the recycle base progressing, paving next week and rolling into Phase 4. Access would be limited but the road was "still closed" to allow the DOT intersection project at 605 at 62/180 to progress. Signs have been moved around on the West Loop and it was being well used. Beard stated he would like to see the four-way stop on Hidalgo lit up. Burns noted a PO was out for the electricians to get lighting there and also at the intersection of 62/180/605; they were six weeks out. Beard noted the drainage issue on Porter Road. Burns stated he was aware of the issue and winter projects this year would focus on erosion control. Beard noted a CID issue in the County right-of-way. Burns spoke to installing game cameras in some of the dumping hot spots. He stated convenience stations were open 6 AM to 7 PM, with expansion and an additional station in Artesia. Stygar updated on the Carlson's inquiry of the Lodgers' Tax expenses. She stated the approved and pending expenses totaled \$55K. Carlson inquired of progress on the Otis facility. Moore stated the Community Center was finished, the roof was done, grounds were greener, trees had been planted and they were awaiting the facility assessment on the Gym this month. Inquiring about the well, Moore stated the State Watermaster had said the County no longer had water rights there due to the lack of use for so long. Beard felt with the new well, one might re-applied for rights and felt there should be a paper trail of the process to remove the water rights. Tabor stated he could track that issue down. Moore would keep the Commission updated on the issue at each meeting.
8. **LEGISLATIVE UPDATES.** None.
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. **AMY DUGAS ATTENDED APCO 2023 IN NASHVILLE, TN FROM AUGUST 5, 2023 THROUGH AUGUST 10, 2023.**

**FUTURE:**

- b. **SCOTT LYND TO ATTEND AMERICAN TACTICAL K9 ASSOCIATION CONFERENCE IN BUTLERVILLE, IN FROM SEPTEMBER 23, 2023 THROUGH OCTOBER 1, 2023.**

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

10. **EMERGENCY BUSINESS.** None.

11. **LEGISLATORS AND ELECTED OFFICIALS' COMMENTS/ANNOUNCEMENTS/UPDATES.** None.

12. **COUNTY MANAGER'S COMMENTS/ANNOUNCEMENTS/UPDATES.**  
None.

13. **COUNTY COMMISSIONERS' COMMENTS/ANNOUNCEMENTS/UPDATES.**  
Cordova recognized the Sheriff's Office and PVDTF for their recent drug bust and commended them on their hard work. She thanked those running for public office, noting it took courage and hard work. She had noted the public being disrespectful and pushing the rules in the Beach Park and Golf Course area of Carlsbad. She requested people be respectful of our public places. Henry encouraged all to be careful and slow down, as school had begun. Bowen thanked the three candidates for expressing interest in the senate seat. He felt this would be a good opportunity to get representation for Carlsbad and Eddy County given that 40% of the State budget came from oil and gas and from this area. Beard lauded Nathan Brown, son of Rep. Cathrynn Brown. He was a recent graduate of TCU and the Army Ranger School in Georgia, graduating with the rank of First Lieutenant Army Ranger. He added that Brown was in the top 100 in the world on the some of the physical exercises. Carlsbad and Eddy County can be proud of this fine young man. Carlson also recognized the SO on doing a good job and for working hard. He recognized the Fire Chief and staff for sponsoring four state counties in a workshop to discuss the improvements that had been made in our system. He gave praises to all in the Fire Department for putting all those changes into practice.

14. **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. DEPARTMENT HEADS.

At 9:43 a.m., Bowen moved, seconded by Beard, close the meeting and open the Executive Session, returning at 10:21 a.m. Voting yes: Beard, Bowen, Cordova, Henry and Carlson. Passed 5-0.

15. RE-OPEN MEETING. At 10:23 a.m., Cordova moved, seconded by Bowen, to close the Executive Session and reopen the meeting. Voting yes: Beard, Bowen, Cordova, Henry and Carlson. Passed 5-0.

Carlson stated the Commission was coming out of 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 and certify the only items discussed were limited Personnel Matters, Department Heads and pay concerns. Henry moved, seconded by Bowen, to agree with the statement. Voting yes: Beard, Bowen, Henry, Carlson and Cordova. Passed 5-0.

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

a. \* LIMITED PERSONNEL MATTERS.  
i. DEPARTMENT HEADS.

Bowen moved, seconded by Beard, to adjust the Finance Director's pay scale full salary range starting at \$135,824 to \$165,464, depending on experience. Voting yes: Beard, Bowen, Cordova, Henry and Carlson. Passed 5-0.

MEETING CLOSED AT 10:25 A.M.

*~Asterisk denotes vote is required~*

EDDY COUNTY BOARD OF COMMISSIONERS  
EDDY COUNTY, NEW MEXICO

  
Ernie Carlson, Commission Chairman

Date: September 5, 2023

ATTEST:

  
Cara Cooke, County Clerk

