

Tuesday, September 20, 2022  
County Commission Room  
Roosevelt County Courthouse  
Portales, New Mexico 88130

The Roosevelt County Commission met in regular business meeting on Tuesday September 20, 2022 at 9:00 a.m. in the County Commission Room with those present being: Commissioner Paul Grider, Commissioner Rodney Savage, Commissioner Tina Dixon, Commissioner Dennis Lopez, County Manager Amber Hamilton, County Attorney Mike Garcia, County Clerk Mandi Park, Sheriff Malin Parker, Deputy Daniel Boan, Treasurer Layle Sanchez, Special Programs Coordinator Carol Acosta Flores, GIS Coordinator Johnny Montiel, IT Chase Gossett, Curry County Clerk Annie Hogland, Curry County Chief Deputy Adrian Ancira, and community members Angie Smith, Shonnie Standefer, Shawn Carter, Kay Jilek, Scotty Savage, Larry Marker, Wade Frazee, Braden Frazee, Kenny Walker, Leon Nall, Diane Crandall, Sylvia Martinez, Lemon Dotson, Robbie Dotson, Charles Bennett, Zorita Bradfute, Adelaide Huff, <sup>Leon</sup> Greg Brown, Meredith Eaton, Tim Allison, Jo Allison, Lillian Loy, Roy Tivis, Archie Keeney, Roy Lee Criswell, John Pietsch.

Call to Order – Vice Chairman Commissioner Savage called the meeting to order at 9:00 a.m. and lead the meeting in the absence of Commission Chairman Shane Lee.

Invocation – Amber Hamilton

Pledge – Commissioner Savage

**1. Approval of Agenda:** Commissioner Savage stated Roosevelt General Hospital CEO Kaye Green would not be in attendance today and requested to amend the agenda to eliminate item # 4. Commissioner Grider made a motion to approve the agenda as amended with a second from Commissioner Lopez. Commissioner Grider-Yes, Commissioner Savage-Yes, Commissioner Dixon-Yes, Commissioner Lopez-Yes.

**2. Approval of Minutes from the September 6, 2022 regular meeting and September 9, 2022 special meeting:** A motion to approve the minutes from the September 6, 2022 regular meeting was made by Commissioner Dixon with a second from Commissioner Grider. Commissioner Grider-Yes, Commissioner Savage-Yes, Commissioner Dixon-Yes, Commissioner Lopez-Yes. Commissioner Savage noted the vote was missing from item 2A on the minutes of the special meeting and asked that the minutes be amended to reflect the vote. A motion to approve the minutes from the September 9, 2022 special meeting as amended was made by Commissioner Lopez with a second by Commissioner Savage. Commissioner Grider-Yes, Commissioner Savage-Yes, Commissioner Dixon-Yes, Commissioner Lopez-Yes.

**3. Approval of Accounts Payable and Payroll for the month of August 2022:** Commissioner Lopez made a motion to approve the payables and payroll for August with a second from Commissioner Dixon. Commissioner Grider-Yes, Commissioner Savage-Yes, Commissioner Dixon-Yes, Commissioner Lopez-Yes.

**4. Informational Items:** Roosevelt General Hospital Update Ms. Green was unavailable and this item was removed from the agenda.

**5. Public Requests:** Shawn Carter read a letter written by her husband Alan Carter regarding election integrity and requesting the right to vote be protected with the removal of ballot drop boxes, eliminating dominion voting machines and mail-in ballots. They want each vote counted as the voter intended.

Larry Marker spoke in favor of Item 8C, Notice of Intent for Consideration of Ordinance 2022-02, A Land Use Moratorium Ordinance. Mr. Marker provided a handout which included a draft of an ordinance and a study sheet. He presented the land use moratorium as a way to limit abortion clinics from opening in Roosevelt County. He read aloud the draft of the proposed ordinance.

Lillian Loy spoke about the right to be born and asked the commission to uphold those rights. She asked the commission to vote their conscience.

Kay Jilek spoke about election integrity and asked everyone to research solutions to these issues. She stated she had watched tabulator certification prior to the primary election and praised the professionalism of the clerk's office staff in helping her understand the process. Ms. Jilek also assisted in scanning the ballots from the November 2020 General Election and noted the clerk was organized and helpful. She also thanked Shonnie Standefer for continuing to push for election integrity.

Leon Nall spoke about both abortion and election issues stating elected officials are his voice, the community's voice. Mr. Nall reminded commissioners of their responsibility to take care of constituents who elected them.

Angie Smith spoke next, expressing commissioners are in a tough spot since Roe v. Wade was overturned. She stated there is the power at the local level to limit abortion. She asked the commission to vote in favor of 8C and to place discussion of the ordinance on the agenda of the October 11 meeting. Ms. Smith stated she has her agenda request form already filled out for that meeting. She requested that meeting be changed to a larger venue, in the evening, so that more people would be able to attend.

Shonnie Standefer read her comments, asking for honest elections and protection for the lives of unborn children. Ms. Standefer believes election results have consequences and that there is truth and evidence to show secret software inside the machines. Ms. Standefer again asked the commission to protect our votes and the unborn.

Wade Frazee spoke in favor of the land use moratorium, stating we opened this meeting with prayer, and asked that this issue be taken to God. He stated abortion could be prohibited with this moratorium. Mr. Frazee believes abortion is murder and that most of this community is overwhelmingly in support of preventing abortion. Mr. Frazee would also like to remove dominion voting machines citing deception in technology is easy to hide. He stated every legal vote should count and each vote should count just once.

Scotty Savage is also in support of the land use moratorium. Ms. Savage spoke about election integrity stating she originally thought the claims of fraud in the 2020 General Election were sour grapes. She then began to believe it could be possible and asked that others study the issue. She stated she believes dominion machines changed the outcome of Venezuelan elections.

Sylvia Martinez spoke on the integrity of elections, stating there are statutes in place to protect every citizen's right to vote and believes those statutes should remain in place. She stated everyone should have the same opportunity to cast their ballot in whatever manner they choose.

Kenny Walker stated abortion has to stop. He asked if the ballots are counted or if the votes are tallied at the time the polls close? He asked if the votes are not tallied, how do we know if the machines have tallied them correctly? He asked if a person had 15 dollars, and 12 were US dollars and 3 were monopoly money, does that person actually have \$15?

Roy Tivis spoke in opposition of abortion and asked the commission to vote with their heart.

Meredith Eaton was thankful for ample opportunity to vote. She stated with a month of early voting in person, election day voting and weekend hours at the Jake Lopez building, the ballot drop boxes are not necessary. She also spoke in favor of the land use moratorium to prevent abortion clinics from coming into our community. Commissioner Savage asked if there was any further public comment. There was no further public comment.

#### **6. Elected Officials / Department Heads Reports:**

**Commissioners:** Commissioners did not give updates at this point stating there is plenty to discuss further down the agenda.

#### **7. New Business:**

##### **A. Request for Approval of a Type 3-B Summary Subdivision a Replat of Lot 1-6 of Block 5 of the Redwine**

**Subdivision:** Mr. Montiel stated Floyd Hancock Sr. had applied for the replat, met all of the requirements and completed all of the necessary paperwork. The replat has been approved by the City of Portales. Mr. Montiel did not receive any adverse opinions from any utilities or neighboring property owners. He asked for the approval of the replat as requested by Mr. Hancock. Commissioner Lopez made a motion to approve the replat with a second by Commissioner Grider. Commissioner Grider-Yes, Commissioner Savage-Yes, Commissioner Dixon-Yes, Commissioner Lopez-Yes.

At 10:34, Commissioners requested a short break. Commissioner Savage granted the break and recessed the meeting subject to the call of the chair. At 10:38 Commissioner Savage called the meeting back to order.

Commissioner Savage played several video clips alleging wide-spread election fraud, sabotage, and hacking going back decades. He provided handouts with additional websites and other resources citing fraud, voting equipment manipulations, voting system hacking and vulnerabilities within voting systems and processes. Commissioner Savage presented a dot plot chart provided by Erin Clements showing the results of the Roosevelt County 2020 General Election. He pointed out an anomaly in the pattern of absentee voters. Ms. Park has not been provided with any results from the Clements review of the data gathered from the 2020 General. Ms. Park stated Roosevelt County has a number of military and college voters who choose to vote absentee. She stated they may not necessarily share the same views as lifelong residents of the county, which could explain part of the anomaly. Commissioner Savage shared examples from many other states and video clips of testimony before congress. He cited sources from Lyndell's Moment Truth, Flashpoint, CNN and others. After lengthy discussion Commissioner Savage asked a few questions of County Attorney Garcia. Mr. Garcia and Ms. Park cited state statute and federal law governing each of the following 3 agenda items.

**B. Discussion and Consideration to Remove Drop Boxes:** Ms. Park stated there are 3 boxes in Roosevelt County which have been in place for 3 elections, and are in compliance with the statute. The boxes are under 24/7 video surveillance and are checked daily during the election season. Since being installed in August of 2021 there has not been a single ballot dropped in any of the available boxes in Roosevelt County. There are counties who have not installed drop boxes and others who have asked for waivers to the required minimum number of boxes. The statute could be challenged at some point. Commissioners asked Mr. Garcia if they had the authority to order the drop boxes removed. Mr. Garcia responded by saying the commission could vote in favor of the removal, but that would be contrary to statute. Commissioner Dixon stated we cannot ask our clerk to obey our rule and ignore the state statute. Ms. Park stated she would be in favor of removing the boxes if that were an option, but for now Roosevelt County is in compliance with the statute 1.6.9 of the election code that requires the drop boxes. Commissioner Lopez stated clerks are accountable to the constituents just as commissioners are and we cannot micro-manage that office or any of the other offices of elected officials. Commissioner Grider expressed support for the Clerk's position and would also like to see the boxes removed if the law changes. Commissioner Savage made motion to remove the drop boxes from Roosevelt County, with no second. Commissioner Lopez stated the motion dies without a second. Commissioner Savage pointed out that the commission had adopted a resolution earlier in the year stating Robert's Rules of Order 12<sup>th</sup> Edition would be followed. Commissioner Savage read aloud from the 12<sup>th</sup> Edition of Robert's Rules of Order that a second, though it is standard practice, it is not required. Commissioner Savage called for a vote. Commissioner Grider-No, Commissioner Savage-Yes, Commissioner Dixon-No, Commissioner Lopez-No. With a 1-3 vote, the motion failed.

**C. Discussion and Consideration to Cease Mail-in Voting:** Commissioner Savage asked about the statute on mail-in ballots. Mr. Garcia explained the difference between absentee voting by mail in a regular election, which requires a signed absentee ballot application, and all-mail voting in a special election. After some discussion, Commissioner Dixon stated there is no authority for the commission to override state and federal law and deprive voters of that right. Commissioner Savage made a motion to cease mail-in voting in Roosevelt County, with no second. Commissioner Savage called for a vote. Commissioner Grider-No, Commissioner Savage-Yes, Commissioner Dixon-No, Commissioner Lopez-No. With a vote of 1-3 the motion failed.

**D. Discussion and Consideration to Remove Dominion Machines:** Commissioner Savage asked about the statutes regarding the use of voting machines. Attorney Garcia explained that a machine is required and cited statute. He also stated the Secretary of State's office is charged with procuring those services from the vendor. The state procurement process is followed in selecting the vendor from all responsive bids. Dominion is the current approved vendor for election systems and equipment for the entire state. After some discussion, Commissioner Dixon asked if hand recounting the ballots that had been machine tallied was an option. Ms. Park agreed it was an option, though there is a process for conducting a recount, she felt she could recruit enough

poll officials to conduct a hand count following the election. Commissioner Dixon made a motion to conduct a recount following the General in November. Commissioner Grider raised a point of order, noting we could not take a vote on an item not on the agenda. Attorney Garcia recommended the item be placed on a future agenda. Commissioner Dixon withdrew her motion and asked that the item be placed on the October meeting agenda. A motion to postpone the vote on the removal of dominion voting machines was made by Commissioner Savage without a second. Commissioner Grider-No, Commissioner Savage-Yes, Commissioner Dixon-Yes, Commissioner Lopez-No. With a 2-2 vote the motion failed. Commissioner Savage made a motion to remove the dominion machines, without a second. Commissioner Savage called for a vote. Commissioner Grider-No, Commissioner Savage-Yes, Commissioner Dixon-No, Commissioner Lopez-No. With a 1-3 vote the motion failed.

#### **8. Resolution – Ordinances – Proclamations:**

##### **A. Consideration of Resolution 2022-40 Acceptance of Debit/Credit Cards for Electronic Transfer of Payments**

**Policy:** Treasurer Sanchez presented the policy stating having this policy in place is a requirement of the Department of Finance and Administration. Commissioner Dixon made a motion to approve the resolution accepting the policy as presented, with a second by Commissioner Lopez. Commissioner Grider-Yes, Commissioner Savage-Yes, Commissioner Dixon-Yes, Commissioner Lopez-Yes.

##### **B. Consideration of Resolution 2022-41 Participation in Transportation Project Fund Program Administered by New Mexico Department of Transportation**

: Ms. Acosta-Flores requested approval of the resolution. A motion to approve Resolution 2022-41 was made by Commissioner Lopez with a second by Commissioner Grider. Commissioner Grider-Yes, Commissioner Savage-Yes, Commissioner Dixon-Yes, Commissioner Lopez-Yes.

##### **C. Request for Approval of Notice of Intent for Consideration of Ordinance 2022-02 A Land Use Moratorium**

**Ordinance:** Commissioner Savage requested Ms. Hamilton read aloud the draft ordinance which Mr. Marker has read and discussed in public comment. Commissioner Savage posed a few questions of the legality of the draft ordinance to the attorney. Attorney Garcia stated it is his responsibility to point out obstacles and where there could be legal challenges to any action taken by the county. He stated a moratorium is generally for a short time frame. A moratorium can't be for an indefinite period of time, that is a ban. A ban particularly on the use of land for profit could be considered a taking of the land. Second, he stated Roosevelt County does not have a zoning policy. In order to properly zone the land within a moratorium, there would need to be a zoning policy in place first. Without zoning laws, you cannot impose regulations on the land owner. Third Mr. Garcia noted the state could potentially find a right within the state constitution, though abortion is not specifically mentioned in the constitution. This could be a violation of future law. This is unlikely, but it is a possibility. Commissioner Dixon stated she is pro-life and agrees with the intent of the ordinance, however she is also against limiting the rights of property owners. She, Commissioner Lopez and Mr. Garcia thought there might be a better way to address this issue. Commissioner Savage made a motion to approve the Notice of Intent without a second. Commissioner Grider-Yes, Commissioner Savage-Yes, Commissioner Dixon-Yes, Commissioner Lopez-Yes.

#### **9. Procurements – Contracts – Agreements:**

##### **A. Request for Approval of 7<sup>th</sup> Amendment to the Agreement for Detainee Healthcare Services at Roosevelt County Detention Center**

: Ms. Hamilton spoke on behalf of Administrator Ramsey, asking for approval of the amendment to the agreement that is in place for detainee healthcare services. She stated the contract will go out for RFP next fiscal year. This 7<sup>th</sup> amendment includes the increase approved during budget preparations. A motion to approve the agreement as presented was made by Commissioner Grider with a second by Commissioner Lopez. Commissioner Grider-Yes, Commissioner Savage-Yes, Commissioner Dixon-Yes, Commissioner Lopez-Yes.

##### **B. Request for Approval of Contract Renewal for Provision of Diesel Fuel for the Roosevelt County Road**

**Department with Red Rock Oil Company:** Ms. Hamilton spoke on behalf of Mr. Lovato, stating Red Rock has met all the requirements of the contract and the road department is satisfied with the contract. A motion to approve the request for approval of the contract renewal was made by Commissioner Lopez with a second from Commissioner Grider. Commissioner Grider-Yes, Commissioner Savage-Yes, Commissioner Dixon-Yes, Commissioner Lopez-Yes.

##### **C. Request for Approval of Contract Renewal for Hauling Road Materials for the Roosevelt County Road**

**Department with C&K Cattle:** Ms. Hamilton stated Mr. Lovato is satisfied with the contract with C&K and wishes to continue the contract, as they continue to meet the obligations of the contract. A motion to approve the contract renewal was made by Commissioner Grider with a second from Commissioner Savage. Commissioner Grider-Yes, Commissioner Savage-Yes, Commissioner Dixon-Yes, Commissioner Lopez-Yes.

##### **D. Request for Approval of Grant Agreement for RAID Grant Project No RAID-FY23-04 for \$22,204.00 from the**

**New Mexico Environmental Department:** Ms. Acosta-Flores ask for approval of the grant agreement, stating the RAID grant provides funds for dealing with litter and illegal dumping in the county. A motion to approve the grant agreement was made by Commissioner Grider with a second by Commissioner Savage. Commissioner Grider-Yes, Commissioner Savage-Yes, Commissioner Dixon-Yes, Commissioner Lopez-Yes.

##### **E. Request for Approval to Accept Grant Award for Transportation Project Fund Grant for \$2,734,787.80 from the New Mexico Department of Transportation**

: Ms. Acosta-Flores requested acceptance of the grant funds. A motion to approve the acceptance of the grant award was made by Commissioner Grider with a second by Commissioner Savage. Commissioner Grider-Yes, Commissioner Savage-Yes, Commissioner Dixon-Yes, Commissioner Lopez-Yes.

**F. Discussion of Draft Joint Powers Agreement with the City of Portales for Dispatch Services:** Ms. Hamilton stated negotiations are on-going. Sheriff Parker stated the most recent draft does not include many changes. He stated the city has not moved towards a regional dispatch. Their proposal leaves control with city police and does not include a governing body. Ms. Hamilton suggested having a board in place by January 1, 2023 was a realistic benchmark. Setting goals to give the board time to set policy and hire an Executive Director seems reasonable and realistic, but was not included in the response received a few days ago. Commissioner Dixon noted that volunteer fire departments and university police were left off of the board. She asked if those small entities had been contacted regarding the contribution of 1% that was in the draft? Commissioner Savage stated the percentages are based on the calls for service data. Deputy Boan agreed all involved entities need to be brought together on the regional dispatch discussion. He praised the organization and structure of the Lea Regional Dispatch. Commissioner Savage stated the City Council had voted to accept the County's offer, but when the written agreement was drafted, it did not match the offer that was presented. Commissioner Dixon proposed another joint meeting, allowing all interested parties the opportunity to speak and allowing both the council and the commission to ask questions of the right people, meaning the Sheriff, Police Chief, Volunteer Fire Chiefs, etc. Commissioner Savage asked Deputy Boan to bring the request for another joint meeting to the rest of the City Council this evening when they meet. Deputy Boan agreed to do so. No action was taken.

**10. Executive Session:** At 12:26, Commissioner Grider made a motion to go into executive session with a second by Commissioner Lopez. Commissioner Grider-Yes, Commissioner Savage-Yes, Commissioner Dixon-Yes, Commissioner Lopez-Yes. At 12:47 Commissioner Grider made a motion to come out of executive session with a second by Commissioner Lopez. Commissioner Grider-Yes, Commissioner Savage-Yes, Commissioner Dixon-Yes, Commissioner Lopez-Yes. Commissioner Savage stated only those items listed for executive session were discussed in the executive session. No action is necessary as a result of the executive session and no action was taken.


**11. Media Communication:** Commissioner Savage asked Ms. Hamilton if there was any communication from members of the media who may have been viewing the livestream. There was no communication from the media at that time. There were no members of the media present at the meeting.

**12. Adjourn:** The meeting was adjourned at 12:50 a.m.

ATTEST:

  
Mandi M. Park  
County Clerk

BOARD OF ROOSEVELT  
COUNTY COMMISSIONERS

  
Rodney Savage  
Commission Vice-Chair

