

**EDDY COUNTY BOARD OF COMMISSIONERS  
MINUTES OF A REGULAR MEETING  
January 2, 2019**

BE IT REMEMBERED that the Eddy County Board of Commissioners held a regular meeting in Room 211 of the Eddy County Administration Complex on January 2, 2019 at 8:00 a.m. Crockett called the meeting to order. Rudometkin led the Pledge of Allegiance, the Salute to the New Mexico State Flag and gave the invocation.

**PRESENT:**

SUSAN CROCKETT	CHAIR, DISTRICT 5
LARRY WOOD	VICE CHAIR, DISTRICT 3
JON HENRY	COMMISSIONER, DISTRICT 2
ERNEST CARLSON	COMMISSIONER, DISTRICT 1
STEVE MCCUTCHEON	COMMISSIONER, DISTRICT 4
RICK RUDOMETKIN	COUNTY MANAGER
CAS TABOR	COUNTY ATTORNEY
ROBIN VAN NATTA	COUNTY CLERK
DARLENE ROSPRIM	CHIEF DEPUTY CLERK
MARK CAGE	SHERIFF
GEMMA FERGUSON	ASSESSOR
MELISSA WASHBURN	CHIEF DEPUTY ASSESSOR
RHONDA HATCH	SUPERVISOR ASSESSOR OFFICE
BILLY MASSINGILL	DETENTION WARDEN
MARIA MALDONADO-MERJIL	ADMIN ASSISTANT DETENTION
GAY WEST	ADMINISTRATIVE ASSISTANT
ROBERTA SMITH	FINANCE DIRECTOR
JESSICA STYGAR	ASSISTANT FINANCE DIRECTOR
ROXANN BRANNON	HR DIRECTOR
CHARLIE POWELL	SAFETY
CAROL HENNINGTON	IT DIRECTOR
SHARON DODSON	ASSISTANT IT DIRECTOR
WESLEY HOOPER	COMMUNITY SERVICES DIRECTOR
BRIAN STEPHENS	FACILITIES DIRECTOR
JOSHUA MACK	FIRE SERVICE DIRECTOR/FIRE MARSHAL
JENNIFER ARMENDARIZ	EMERGENCY MANAGER
CYNTHIA SHARIF	DWI DIRECTOR
DEBRA HICKS	PETTIGREW & ASSOCIATES
MIKE SMITH	CARLSBAD CURRENT ARGUS
DAMIEN CAPELLO	RED ROCKET

## **TIMED AGENDA**

**8:30 A.M.:**

**1. SWEARING-IN CEREMONY FOR NEWLY ELECTED OFFICIALS:**

***\*\* Judge Jane Shuler-Gray Presiding\*\****

- a. **ERNEST B. CARLSON – COMMISSIONER, DISTRICT 1:**
- b. **STEVEN MCCUTCHEON – COMMISSIONER, DISTRICT 4:**
- c. **JAY FRANCIS – PROBATE JUDGE:**
- d. **GEMMA FERGUSON – ASSESSOR:**
- e. **ROBIN VAN NATTA – CLERK:**

***Reception for Newly Sworn-In Elected Officials***

**10:00 A.M.:**

**2. PUBLIC COMMENTS/ANNOUNCEMENTS.** *(Three minute time limit per person) (We request all comments be respectful and courteous in nature) None.*

**3. BID AWARDS:**

- a. **RFP 18-05; ROAD, WASTE WATER, AND STORM DRAINAGE AND INFRASTRUCTURE CONSTRUCTION FOR EDDY COUNTY – KATIE GOMEZ:** Smith stated there were 4 proposals submitted. Based on scores submitted by the evaluation committee it was their recommendation to award contracts to the top 3 offerors; AUI Inc, Renegade Construction, LLC and Constructors Inc. Wood moved, seconded by Henry to award the contracts as recommended. Voting yes: Henry, McCutcheon, Wood and Crockett. Abstained: Carlson. Passed 4-0. RFP 18-05 was recorded as Timed Agenda Exhibit 3.a.
- b. **RFP 18-07; ON-CALL ENGINEERING, SURVEYING, TESTING AND/OR ENVIRONMENTAL SERVICES FOR COMMUNITY SERVICES – KATIE GOMEZ:** Smith stated there were 5 proposals submitted. Based on scoring the evaluation committee recommended awarding contracts to the top 3 offerors; Santec Consulting Services Inc, Pettigrew & Associates and Smith Engineering Company. Carlson moved, seconded by McCutcheon to table this RFP for placement on the agenda of January 22, 2019 pending more research. Voting yes: Henry, McCutcheon, Carlson, Wood and Crockett. Passed 5-0.

**TRAILING AGENDA:**

**1. APPROVE:**

**a. COMMISSION MEETING MINUTES FOR DECEMBER 18, 2018.**

Henry moved, seconded by Wood to approve the minutes. Voting yes: Henry, McCutcheon, Carlson, Wood and Crockett. Passed 5-0.

**2. LETTER IN SUPPORT OF LIVESTREAMING THE ORAL ARGUMENT ON STANDING AND CONTENTION ADMISSIBILITY IN ALBUQUERQUE, NEW MEXICO ON JANUARY 23-24, 2019 – RICK J. RUDOMETKIN:**

Rudometkin stated this letter had already been sent because of timing and needed approval after the fact. All requests to livestream from Chaves, Lea and Eddy Counties had been denied. Henry questioned the reason for denial. Crockett stated they were not given a reason and had denied the request 5 times. Henry moved, seconded by Wood to approve the Letter of Support. Voting yes: Henry, McCutcheon, Carlson, Wood and Crockett. Passed 5-0.

**3. EDDY COUNTY BOARD AND COMMITTEE DESIGNATIONS AND APPOINTMENTS FOR 2019 – RICK J. RUDOMETKIN:**

West reviewed the various committees. She asked the Commissioners to consider any committees they would like to serve on. This item would be placed on the next agenda for approval.

**4. FORMAL APPROVAL OF ROBERTA SMITH, FINANCE DIRECTOR, AS THE NEW AUTHORIZED SIGNATURE AUTHORITY FOR FEMA AGREEMENTS – RICK J. RUDOMETKIN:**

Rudometkin explained in the absence of the Assistant County Manager he recommended Smith be the new signatory for FEMA Agreements. Henry moved, seconded by Wood to approve Roberta Smith as the new Authorized Signatory for FEMA Agreements with final approval coming from the Commission. Voting yes: Henry, McCutcheon, Carlson, Wood and Crockett. Passed 5-0.

**5. DISCUSSION AND DIRECTION AND POSSIBLE VOTE ON THE ASSISTANT COUNTY MANAGER POSITION – RICK J. RUDOMETKIN:**

Carlson stated he did not want to hire another Assistant County Manager, nor did he want to hire an interim Assistant County Manager. He felt the County Manager was fully capable of doing those duties. Wood stated he would like to put this position on hold at this time. McCutcheon questioned what kind of void had been created by this resignation. Rudometkin stated Rayroux handled more of the operational side and departments were split between himself and Rayroux. McCutcheon stated he would like to hold off until a further understanding of what was needed had been achieved. He stated there needed to be someone hired to help manage the approximately 350

employees but not necessarily an Assistant County Manager. Henry stated he would like to look into an operational manager position possibly combining it with the Oil & Gas Liaison position. Rudometkin stated that position had been filled. Crockett stated she was not in favor of an interim assistant manager, but stated she felt there was a need for a person to help with operations. She felt some of the Department Heads were currently stretched to their limits and did not want to put that on them. Crockett wanted this topic put on the agenda for the January 22 meeting. McCutcheon stated a director should always be training their replacement.

6. **ECFS TRAINING COMPLEX CLASSROOM CONFIRMATION – TRAVIS OLBERT:** Mack stated this contract needed to be approved for rental of classrooms at the Eddy County Fire Service Complex. He stated there was always a county representative present when anyone was training at the facility. Carlson moved, seconded by Henry to approve the ECFS Training Complex Classroom Confirmation. Voting yes: Henry, McCutcheon, Carlson, Wood and Crockett. Passed 5-0.
7. **APPROVAL FOR THE PURCHASE OF TWO KAWASAKI SIDE-BY-SIDE VEHICLES – SHERIFF MARK CAGE:** Cage reported Devon Energy had donated \$25K for the Sheriff to purchase the Side by Side Vehicles. He was before the Commission for approval because it was a capital purchase. Carlson moved, seconded by Wood to approve the purchase. Voting yes: Henry, McCutcheon, Carlson, Wood and Crockett. Passed 5-0.
8. **APPROVAL OF AMENDMENT TO LEASE AGREEMENT A-18-107 AND SPECIAL WARRANTY DEED WITH SENDERO CARLSBAD MIDSTREAM, LLC – CAS TABOR:** Tabor explained the legal description utilized had changed subsequent to the initial presentation to the board. The property had been re-platted changing the legal description which was the reason for the Amendment of the Agreement and Deed. Tabor stated the descriptions needed to be modified in those industrial revenue bond documents to be consistent with what is in the Assessor's Office. McCutcheon moved, seconded by Henry to approve the Amended to Lease Agreement A-18-107 and Special Warranty Deed with Sendero Carlsbad Midstream LLC. Voting yes: Henry, McCutcheon, Carlson, Wood and Crockett. Passed 5-0. The Special Warranty Deed was recorded in Book 1118 Pg \_\_\_\_\_ of the Eddy County Records on January 3, 2019.
9. **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-19-01; FTI CONSULTING'S MONTHLY REPORT FOR OCTOBER 2018 – RICK J. RUDOMETKIN.**

**b. AGREEMENTS:**

- i. **A-19-01; EDDY COUNTY LAND LEASE PRE-SCOPING PROPOSAL FROM BLM NEAR SE RELIEF ROUTE RIGHT-OF-WAY (US 62/180 TO NM 31) – WESLEY HOOPER.**

Henry moved, seconded by Carlson to approve the Resolution and Agreement Consent Agenda as presented. Voting yes: Henry, McCutcheon, Carlson, Wood and Crockett. Passed 5-0. R-19-01 was recorded as Exhibit 6.a.i and A-19-01 was recorded as Exhibit 9.b.i.

**10. PROJECT UPDATES:** None.

**11. 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. **RICK J. RUDOMETKIN ATTENDED NMCIA MULTI-LINE POOL BOARD MEETING AND WORKERS' COMPENSATION POOL BOARD MEETING FROM DECEMBER 11 THRU DECEMBER 14, 2018 IN SANTA FE, NM.**

**FUTURE:** None.

Henry moved, seconded by Carlson to approve the Travel Consent Agenda. Voting yes: Henry, McCutcheon, Carlson, Wood and Crockett. Passed 5-0.

**12. EMERGENCY BUSINESS:** None.

**13. LEGISLATIVE UPDATE:** Rudometkin encouraged the Commissioners to plan on lobbying during the legislative sessions.

**14. LEGISLATORS, ELECTED OFFICIALS AND COUNTY DEPARTMENT HEADS COMMENTS/ANNOUNCEMENTS/UPDATES:**

Cage stated he would be traveling to Albuquerque next week for the HIDTA meeting. He would also be attending the NMC meeting in Santa Fe the following week and invited all of the Commissioners to the reception hosted by NMC President, Rebecca Long. He looked forward to the new year and felt there could be some challenges with the new Governor. Cage stated his department was still struggling with man power and reported he had made a leadership training available locally. Smith welcomed the new Commissioners and invited them to come to the finance department if they had any questions.

**15. COUNTY MANAGER'S COMMENTS/ANNOUNCEMENTS/UPDATES:**

Rudometkin congratulated all the elected officials. He stated the departments would be submitting a monthly update to keep the Commissioners informed.

**16. COUNTY COMMISSIONERS' COMMENTS/ANNOUNCEMENTS/UPDATES:**

Wood welcomed the new Commissioners and wished all a Happy New Year. Carlson stated he would appreciate the updates, and hoped they would be helpful in knowing what was going on in his district. McCutcheon thanked all who welcomed him and showed him around the county buildings. He hoped to develop trust, be honest with everyone, and do what he promised while running for office. McCutcheon promised to have open communication with all and was grateful for all the help he had received. Henry welcomed the new Commissioners and looked forward to the new year. He stated he hated ties and questioned if the dress code could be addressed. Henry stated with the change in Governor he feared the legalization of marijuana and stated he would like to have a public meeting to get input. He was not in favor of Santa Fe dictating what was done in Eddy County. Henry stated he would appreciate the reports from the departments. He felt it was important to work closely with our surrounding counties. Crockett congratulated the new Commissioners and wished all a Happy New Year. She was looking forward to the legislative session. She asked for prayers for Ray & Helen Romero, Warden Massingill and all others dealing with major health issues.

**17. EXECUTIVE SESSION:** At 10:33 a.m. Wood moved, seconded by Carlson to go into Executive Session in accordance with the State of New Mexico Open Meetings Act, Section 10-15-1-H(7) & (8), which authorizes the Board of County Commissioners to go into Executive Session to discuss:

**a. THREATENED OR PENDING LITIGATION:**

**i. UPDATE ON FEMA ROAD REPAIRS**

**b. REAL PROPERTY**

**ii. REAL PROPERTY SALE AND/OR PURCHASE**

**18. RE-OPEN MEETING:** At 11:59 a.m. Henry moved, seconded by Carlson to re-open the meeting and certify the only items discussed were Threatened or Pending Litigation; Update on FEMA Road Repairs and Real Property; Real Property Sale and/or Purchase. Voting yes: Henry, McCutcheon, Carlson, Wood and Crockett. Passed 5-0.

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

**a. THREATENED OR PENDING LITIGATION:**

**i. FEMA ROAD REPAIRS**

**b. REAL PROPERTY**

**ii. REAL PROPERTY SALE AND/OR PURCHASE**

No action taken.

**20. ADJOURN:** At 12:00 p.m. McCutcheon moved, seconded by Henry to adjourn the meeting. Voting yes: Henry, McCutcheon, Carlson, Wood and Crockett. Passed 5-0.

**CHAIR:** \_\_\_\_\_

**ATTEST:** \_\_\_\_\_

**DATE:** \_\_\_\_\_