

**EDDY COUNTY BOARD OF COMMISSIONERS
MINUTES OF A REGULAR MEETING
February 5, 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 February 5, 2019 at 8:30 a.m. Henry called the meeting to order, Rudometkin led the pledge of allegiance and the salute to the New Mexico State flag. Sheriff Mark Cage gave the invocation.

PRESENT:

JON HENRY	CHAIR, DISTRICT 2
ERNEST CARLSON	VICE-CHAIR, DISTRICT 1
LARRY WOOD	COMMISSIONER, DISTRICT 3
STEVE MCCUTCHEON	COMMISSIONER, DISTRICT 4
SUSAN CROCKETT	COMMISSIONER, DISTRICT 5
RICK RUDOMETKIN	COUNTY MANAGER
CAS TABOR	COUNTY ATTORNEY
ROBIN VAN NATTA	COUNTY CLERK
DARLENE ROSPRIM	CHIEF DEPUTY CLERK
ANITA JONES	DEPUTY CLERK
MARK CAGE	SHERIFF
GEMMA FERGUSON	ASSESSOR
MELISSA WASHBURN	CHIEF DEPUTY ASSESSOR
RHONDA HATCH	SUPERVISOR ASSESSOR
LAURIE PRUITT	TREASURER
BILLY MASSINGILL	DETENTION WARDEN
GAY WEST	ADMINISTRATIVE ASSISTANT
ROBERTA SMITH	FINANCE DIRECTOR
JESSICA STYGAR	ASSISTANT FINANCE DIRECTOR
ROXANN BRANNON	HR DIRECTOR
CAROL HENNINGTON	IT DIRECTOR
SHARON DODSON	ASSISTANT IT DIRECTOR
ROSIE MUNOZ	IT DEPARTMENT
WESLEY HOOPER	COMMUNITY SERVICES DIRECTOR
STEVE MCCROSKEY	COUNTY PLANNER
EULALIA STROMAN	MVD ADMINISTRATOR
VERONICA PARRAS	HEALTHCARE ASST PRGRM ADMIN/CS
BRIAN STEPHENS	FACILITIES DIRECTOR
CYNTHIA SHARIF	DWI DIRECTOR
JENNIFER ARMENDARIZ	EMERGENCY MANAGER
DEBRA HICKS	PETTIGREW & ASSOCIATES
DYLAN BARRERA	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):**

LaVerne Shan, Interim Superintendent for the Carlsbad Public Schools, introduced herself and invited everyone to attend the Strategic Planning Meeting on February 11th, 2019 at 7:00 p.m. at NMSU. If there was anything she could do to help the County to please let her know.

Shawn Simpson, CEO of Boutique Air, stated they would be available the rest of the day if they had any questions, concerns or comments. Boutique Air had provided service to Carlsbad for the last 4 years and had operated approximately 100,000 flights throughout the United States. Simpson stated Boutique Air was happy to serve Eddy County.

TRAILING AGENDA:

- 1. APPROVE:**
 - a. COMMISSION MEETING MINUTES FOR JANUARY 22, 2019:** Henry pointed out a correction on the Elect Chairman vote. The minutes read Passed 4-0 and should have read Passed 3-1. Carlson moved, seconded by Crockett to approve the Commission Meeting Minutes for January 22, 2019 with corrections. Voting yes: Crockett, McCutcheon, Henry, Carlson and Wood. Passed 5-0.
- 2. TREASURER'S REPORT FOR DECEMBER 2018 – LAURIE PRUITT:** This was an FYI item. The December 2018 Treasurer's Report was recorded as Exhibit 2.
- 3. APPROVE/DISAPPROVE TWO (2) INDIGENT BURIALS – VERONICA PARRAS:** Crockett moved, seconded by McCutcheon to approve 2 indigent burials. Voting yes: Crockett, McCutcheon, Henry, Carlson and Wood. Passed 5-0.
- 4. BUDGET VS ACTUAL – DECEMBER REVENUE AND EXPENSES – ROBERTA SMITH:** Smith stated the County had collected \$88M in revenue and expended \$82M. McCutcheon moved, seconded by Carlson to approve the Budget vs Actuals December Revenue and Expenses Report. Voting yes: Crockett, McCutcheon, Henry, Carlson and Wood. Passed 5-0. The Budget vs Actuals December Revenue and Expenses Report was recorded as Exhibit 4.

5. **FY 2018-2019 MID-YEAR FINANCIAL REVIEW – ROBERTA SMITH:** Smith reviewed the FY 2018-2019 mid-year financials and fielded questions. Henry asked the Board to be thinking of how they wanted to handle any surplus funds. Smith stated direction from the Board would be better upfront. Henry stated he wanted to see better planning for next year's budget. The FY 2018-2019 Mid-Year Financial Review PowerPoint was recorded as Exhibit 5.

6. **TO DISCUSS THE RFP PROCESS, SPECIFICALLY, MULTI-VENDOR AWARDS – ROBERTA SMITH:** Smith stated Carlson had asked this item be brought back for discussion. Carlson stated hiring an Engineer would help alleviate some of his concerns. He wanted to make sure the evaluation committee had the background and knowledge to make educated decisions. Carlson wanted a written policy on how the process should work and was concerned about how the vendor for a project was selected once the RFP was awarded. Carlson stated for example when a vendor was hired, we were more apt to hire someone who charged less per hour than someone who charged more per hour. If the vendor who charged less per hour but billed more hours, then the other vendor would have been cheaper in the long run. Crockett suggested that Carlson meet with directors and get a policy together. McCutcheon volunteered to participate and suggested they meet this afternoon. Debra Hicks referred the Board to state statutes concerning Professional Services and bids over a certain amount for Public Works. It was called Qualifications Based Procurement and it was illegal to require or ask for costs after a certain amount. Carlson asked that Tabor send him a copy of that statute, as he is very interested in the amounts.

7. **MAIN STREET SIDEWALK AT EDDY COUNTY DETENTION CENTER – BRIAN STEPHENS:** Stephens presented pictures of the sidewalk in front of the Detention Center that were being torn up by tree roots and were unsafe for pedestrians. He also stated that the trees had caused delay in the repair of the HVAC system, because he couldn't set the crane for the equipment. The Safety Inspector from NMC visited our area and also made note of the danger. Stephens requested they remove the trees to prevent further damage and repair the sidewalks. He also wanted to pour a concrete footing around the building to keep water away from the foundation. Stephens asked the Board if there was an objection to the removal of the trees and if so now was the time to tell him. Crockett moved, seconded by Carlson to approve the project with the scope of work as presented. Voting yes: Crockett, McCutcheon, Henry, Carlson and Wood. Passed 5-0.

SHORT BREAK

8. **DISCUSSION AND DIRECTION REGARDING WHICH COMMISSION MEETINGS TO BE HELD AT NIGHT AND LOCATION OF MEETINGS IN ARTESIA:** Henry suggested meetings be held quarterly in Artesia and Carlsbad in the evening. It was agreed that the Artesia meetings would be held on March 19, June 4, September 3 and December 3 at 6:00 p.m. with the location to be determined at a

later date. The Carlsbad meetings would be held on April 2, June 25, October 1 and December 17 at 6:00 p.m. in the Commission Chambers.

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-19-06; DISPOSAL, REMOVAL, OR REVISE ITEMS IN THE EDDY COUNTY INVENTORY/ASSETS – JESSICA STYGAR:**
- ii. **R-19-08; FTI CONSULTING’S MONTHLY REPORT FOR NOVEMBER, 2018 – RICK J. RUDOMETKIN:**
- iii. **R-19-09; INDIGENT MEDICAL/HOSPITAL CLAIMS REPORT – VERONICA PARRAS:**
- iv. **R-19-10; 2019 COMMITTEE, BOARD AND COMMISSION APPOINTMENTS AND DESIGNATIONS – RICK J. RUDOMETKIN:**
- v. **R-19-11; FY19/20 BUDGET PREPARATION METHODOLOGY – RICK J. RUDOMETKIN:** Pulled for further discussion.
- vi. **R-19-12; FY 2018-2019 DFA 2ND QUARTERLY REPORT – ROBERTA SMITH:**
- vii. **R-19-14; PROPOSED PROCESS FOR THE UTILIZATION OF CAPITAL OUTLAY FUNDS – RICK J. RUDOMETKIN:** Pulled for further discussion.
- viii. **R-19-15; DONATION OF A 2010 CHEVROLET EXPRESS VAN TO THE CITY OF CARLSBAD – WARDEN BILLY MASSINGILL:**

b. **AGREEMENTS:**

- i. **A-19-04; FY20 DWI DISTRIBUTION AND GRANT FUNDING APPLICATION COVER SHEET – CYNTHIA G. SHARIF:**
- ii. **A-19-05; CARLSBAD NATIONAL BANK COMPANY AGREEMENT FOR AUTOMATED CLEARING HOUSE (ACH) SERVICES – SCHEDULE A – JESSICA STYGAR.**
- iii. **A-19-06; HOLTEC MOU FOR FIRE SERVICES – JOSHUA MACK:**

Henry requested that R-19-11 and R-19-14 be pulled for discussion. Crockett moved, seconded by Carlson to approve the Resolution/Agreement consent agenda pulling R-19-11 and R-19-14. Voting yes: Crockett, McCutcheon, Henry, Carlson and Wood. Passed 5-0. R-19-06, R-19-08 – R-19-10, R-19-12 and R-19-15 were recorded as Exhibits 9.a.i-iv., vi., and viii. respectively. A-19-04 – A-19-06 were recorded as Exhibits 9.b. i.-iii. respectively.

- v. **R-19-11; FY19/20 BUDGET PREPARATION METHODOLOGY – RICK J. RUDOMETKIN:** Rudometkin reviewed the methodology outlined in the Resolution. He explained this was just a place for staff to start and could be changed by the Board at any time. After discussion, Crockett moved to approve R-19-11 as presented with a 3% increase from FY18/19 budgeted amounts. Motion died from lack of a second. Wood moved, seconded by Henry to leave the budget methodology as presented and work on changes during the budget. Voting yes: McCutcheon, Henry, Carlson and Wood. Voting No: Crockett. Passed 4-1. R-19-11 was recorded as Exhibit 9.a.v.
- vi. **R-19-14; PROPOSED PROCESS FOR THE UTILIZATION OF CAPITAL OUTLAY FUNDS – RICK J. RUDOMETKIN:** Henry explained he had received requests from our Legislators to support keeping the distribution of capital outlay money as it had been done in the past. Under the current proposal Eddy County would suffer. Crockett moved, seconded by Henry to approve R-19-14. Voting yes: Crockett, McCutcheon, Henry, Carlson and Wood. Passed 5-0. R-19-14 was recorded as Exhibit 9.a.vi.

10. PROJECT UPDATES:

- a. **PUBLIC WORKS PROJECT UPDATES – RAY ROMERO:**
This item was pulled as Romero was unavailable.

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 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 ATOMIC SAFETY LICENSING BOARD HEARING FOR HOLTEC INTERNATIONAL FROM JANUARY 22 THRU JANUARY 24, 2019 IN ALBUQUERQUE, NM:**
- b. **JERI STRONG ATTENDED BAT BRIGADE FROM JANUARY 28 THRU JANUARY 29, 2019 IN SANTA FE, NM:**
- c. **JERI STRONG ATTENDED THE EAB, OIL AND GAS LIAISON TRAINING FROM FEBRUARY 5 THRU FEBRUARY 8, 2019 IN GARFIELD COUNTY, COLORADO:**

FUTURE:

- d. **COMMISSIONER SUSAN CROCKETT AND WESLEY HOOPER TO ATTEND A MEETING AT THE ROUNDHOUSE WITH NMDOT AND STATE FINANCE COMMITTEE FROM FEBRUARY 6 THRU FEBRUARY 7, 2019 IN SANTA FE, NM:**
- e. **LEXI KESSLER, RHONDA HATCH AND GEMMA FERGUSON TO ATTEND CERTIFICATION PROCESS TRAINING FROM FEBRUARY 11 THRU FEBRUARY 13, 2019 IN SANTA FE, NM:**
- f. **CHAIRMAN JON HENRY, VICE CHAIRMAN ERNIE CARLSON, COMMISSIONER SUSAN CROCKETT AND COMMISSIONER STEVEN MCCUTCHEON TO ATTEND COUNTY DAY AT THE ROUNDHOUSE FROM FEBRUARY 14 THRU FEBRUARY 15, 2019 IN SANTA FE, NM:**
- g. **RICK J. RUDOMETKIN TO ATTEND COUNTY DAY AT THE ROUNDHOUSE FROM FEBRUARY 14 THRU FEBRUARY 15, 2019 IN SANTA FE, NM:**
- h. **WESLEY HOOPER AND JERI STRONG TO ATTEND COUNTY DAY AT THE ROUNDHOUSE FROM FEBRUARY 14 THRU FEBRUARY 15, 2019 IN SANTA FE, NM:**
- i. **TRAVIS OLBERT TO ATTEND IAAI NM ANNUAL TRAINING CONFERENCE 2019 FROM FEBRUARY 24 THRU MARCH 2, 2019 IN FARMINGTON, NM:**
- j. **VICE CHAIRMAN CARLSON TO ATTEND THE 2019 NACO LEGISLATIVE CONFERENCE FROM MARCH 2 THRU MARCH 7, 2019 IN WASHINGTON, DC:**

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

12. EMERGENCY BUSINESS: None.

13. LEGISLATIVE UPDATE: Rudometkin stated the Legislature was still in session. He was concerned about some items being passed, but was also hopeful. He and the Sheriff as NMC President-Elect would keep the Board updated.

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

Hooper gave an update on the CDBG project. He previously stated at the first of December that the project would be completed by now, but had to request an extension to June. A gas line would need to be moved and would incur an additional cost of \$30K.

Cage commented that wording for a resolution was needed for the gun legislation. He stated there was discussion on PERA with the return to work issues, as well as

increased contributions for employees and employers. Cage stated he would be attending a meeting in the next few days with Vice President Pence regarding loss of funding if New Mexico became a sanctuary state.

Washburn commented on the quality of people working at the County. She commended Olbert and the SO for being the first to respond to an accident inside the city limits.

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

Rudometkin announced that Romero had tendered his resignation and his last day would be February 28. His wife was ill and he wanted to spend more time with her. A plaque would be ready to present at the next regular meeting. Rudometkin reported Lea County Commissioner Sena, Councilman Shirley and former State Representative John Heaton plus 7 other people attended the Holtec Atomic Safety Licensing Board meeting. Rudometkin would like Heaton to speak to the Board and update them on Holtec.

16. COUNTY COMMISSIONERS' COMMENTS/ANNOUNCEMENTS/ UP-

DATES: Wood spoke of a recent situation in Hope that required the assistance of the SO. He stated the situation was handled efficiently. Due to social media, the situation was made worse than it actually was. Wood attended a SENMCAC meeting in Roswell. They had a speaker who talked about the NM Road Map and Green Energy. The Mayor of Artesia and the Lea County Manager effectively presented the case for oil and gas production.

Carlson stated that while out driving through his district, he noticed a lot of tire dumping. He spoke to employees from some of the companies about the problem and they asked if there was a way to streamline the paperwork at the landfill. He felt it would be a great help to prevent illegal dumping. Carlson also brought up the fact that the Sheriff was experiencing a long wait to get results from physicals in order to hire Deputies. Artesia PD had been getting their results the next day and he wanted that to be looked at and improved.

Crockett stated none of the Transportation Commissioners for the NMDOT would be changed. Sepich would be on the Board for at least another year, possibly longer, as our Transportation Commissioner. Crockett stated they had received lots of phone calls regarding bills from our Legislators. She would be headed to Santa Fe for a meeting with NMDOT and the Finance Committee this week and was looking forward to traveling to Santa Fe with Commissioners. Crockett also wanted to give a shout out to the SO for the situation at the Intrepid Mine Shaft. It was handled very well and she appreciated all their hard work,

McCutcheon stated he was very sorry to hear about Romero. He questioned whether a CDL was necessary for public works employees to have as it would make for a smaller hiring pool. McCutcheon also asked if there were any updates regarding the land obtained for the East bypass.

Henry stated Santa Fe was a train wreck, as well as government on all levels and it was sad. The Democratic Party did not ask any questions regarding any bills and there were a lot of bills that violated people's rights. He felt committee members were not listening to constituents concerns and had already decided how they would vote. He encouraged everyone not to give up or give in; listen to what people said. He was very disappointed on how this administration was being run.

17. EXECUTIVE SESSION: None.

18. ADJOURN: At 11:50 a.m., McCutcheon moved, seconded by Crockett to adjourn the meeting. Voting yes: Crockett, McCutcheon, Henry, Carlson and Wood. Passed 5-0.

CHAIR: _____

ATTEST: _____

DATE: _____