

**EDDY COUNTY BOARD OF COMMISSIONERS
MINUTES OF A SPECIAL MEETING
February 13, 2019**

Be it remembered that the Eddy County Board of Commissioners held a special meeting in room 211 of the Eddy County Administration Complex on February 13, 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.

PRESENT:

JON HENRY	CHAIR, DISTRICT 2
ERNEST CARLSON	VICE-CHAIR, DISTRICT 1
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
KIM BALLARD	ADMINISTRATIVE ASSISTANT-SHERIFF'S OFFICE
GEMMA FERGUSON	ASSESSOR
RHONDA HATCH	SUPERVISOR ASSESSOR
LAURIE PRUITT	TREASURER
CAROLYN STROBLE	CHIEF DEPUTY TREASURER
BILLY MASSINGILL	DETENTION WARDEN
MARIA MALDONADO-MERJIL	ADMINISTRATIVE ASSISTANT - DETENTION
GAY WEST	ADMINISTRATIVE ASSISTANT
ROBERTA SMITH	FINANCE DIRECTOR
JESSICA STYGAR	ASSISTANT FINANCE DIRECTOR
PATSY CARRASCO	PAYROLL
ROXANN BRANNON	HR DIRECTOR
ANNA VASQUEZ	ASSISTANT HR DIRECTOR
CAROL HENNINGTON	IT DIRECTOR
SHARON DODSON	ASSISTANT IT DIRECTOR
ROSIE MUNOZ	IT DEPARTMENT
WESLEY HOOPER	COMMUNITY SERVICES DIRECTOR
JERI STRONG	PIO/O&G LIAISON
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

MIKE SMITH

CARLSBAD CURRENT ARGUS

ABSENT:

LARRY WOOD

COMMISSIONER, DISTRICT 3

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):** None.

2. **WORK SCHEDULES BY ELECTED OFFICE/DEPARTMENT - RICK J. RUDOMETKIN:** Rudometkin stated that the Elected Officials and department heads brought back proposed schedules for the Board to review and vote on, if they chose to. Rudometkin stated the Board voted to return the hours of operation back to the way it was prior to the 4-10 schedules. Prior to the 4-10 schedules all departments except for the Sheriff's Office, Public Works and Detention worked 5-8's. Rudometkin stated the Board had indicated at the last meeting they would be open to hybrid schedules as long as offices were open 5 days a week. Rudometkin reviewed the requested schedules, and then turned it back over to the Board for review and questions. McCutcheon handed out a memorandum to the Board and the Elected Officials. He stated he was pretty disappointed the Board had voted and that should have been the end of this discussion. I made my decision based on input received from the public. I'm not real sure where the miscommunication was, or if this was insubordination or whatever it may be, but I am disappointed. Per the memorandum prepared by counsel and the NMC EDGE handbook under Appendix A, the County Commission did hold the power to set all schedules. McCutcheon read from the Board of County Commissioners handbook stating they had the authority to set salaries for county employees and may employ and set salary for a County Manager. The Board of County Commissioners was authorized to create a merit system by ordinance for county employees. The Board of Commissioners may set office hours of other Elected Official's staffs to the extent it did not interfere with the official's responsibility to perform statutory duties. He asked Rudometkin if he was aware of the different schedules being submitted by various departments and why he had not made the Board aware of these. The Board had directed the County Manager to facilitate the change seamlessly. Rudometkin stated he was aware after the schedules were submitted for this agenda item. McCutcheon felt it was the County Manager's job to reach out to the other Elected Offices and see that they were on board with the Commission's directive. Rudometkin answered that he did, he stated for himself, they try to work with the elected officials. Rudometkin stated he had spoken with each of the Elected Officials and in response they had submitted the schedules before the Board today. McCutcheon asked the Elected Officials how they intended to respond to this memorandum and the language in the County Commissioner's Handbook. Ferguson stated that she respected all of the Commissioners; it was not insubordination at all. She stated that she was aware of the court case and the language in the Commissioner's Handbook. Those were just opinions and had not been put into law. We had discussed the schedule at length and felt the

4-10 schedule works well for our offices. Ferguson cited the Supreme Court decision in favor of the Assessor. The case stated the County Commission was to assist the Assessor. Ferguson felt that was a directive for the Board and the Assessor or Elected Officials to work together. The Elected Officials in charge of their office understood what needed to be done to best serve the public. We were elected by the entire county and if the public was not happy with the way we ran our offices we would not have received as many votes in the last election. The state had oversight and did a yearly audit of the Assessor. The Commission was privy to those audits. We had a great office and the public was happy with the service we provided or they would be complaining about us. She had not received one negative phone call in regards to our work hours. I was elected to run the Assessor's Office and I felt the 4-10 schedules worked best for my office. Van Natta stated she did not feel it was a matter of insubordination, simply because as Elected Officials we didn't work for the Board. Van Natta also stated that a little communication would have gone a long way. She indicated she was disappointed that as fellow Elected Officials, this Board had not bothered to meet and discuss how to make this work for everyone. McCutcheon stated the Board had voted on this item. Van Natta stated communication before the vote not after. You say you were disappointed, I am also Commissioner. I hate that it would come to something like this because we should be working together for the good of the county. Van Natta also stated that she had minimal complaints out of hundreds of people served by her office every year. Van Natta stated that the employees got up and spoke and they felt like they were not being heard because the Board's minds were already made up. Somebody has got to speak for them because if they don't, eventually you create mediocre employees. I can guarantee we will lose quality employees over this decision. McCutcheon asked how he was supposed to answer his constituents when they want the offices open five days a week. Van Natta stated she could not speak to that, I know how I would answer mine if they had talked to me. The complaints had been minimal in relation to the positive feedback received from our customers. Ferguson stated she had not received complaints either and we were the people that were running these offices, we were the people that faced the public. Pruitt stated that she felt that it was her job as an Elected Official to do what was in the best interest of Eddy County. She had found that being able to pay taxes online, and coming in to do business during the extended hours had been a great success. I was one of the people from the very start that didn't think the 4-10 was a good thing and it wasn't going to work. I had been proven wrong by that. The majority of tax payers mail in their payment or pay online. She received only one complaint about the office hours in the two years since the change. Our world was changing; it was no longer an 8 to 5 world. Pruitt stated going to the 4-10 schedule was the most forward thinking thing that this county had done and it was appreciated that Rudometkin brought that to the table. Flexible work schedules were becoming the trend. Schools and other government agencies were going to the 4-day schedule. Our little town in Eddy County had gone through some major changes in the last two years. Pruitt noted comments made on Face Book regarding traffic. Pruitt stated these were examples of how the 4-10 schedules aided employees when traveling to and from work. She stated she had an employee that drove in from Loving with two small children every day and being on the road one day less per week was a big thing. When did our priorities for public safety and our employees change? McCutcheon stated if employees did not want to be on the roads, then they needed to work from a computer at home. Pruitt stated working from home was not an option for Eddy County employees. McCutcheon stated we all got out on the road and we all

go places. I have employees on the road every day; I'm on the road every day. The argument of being on the road one less day a week was a moot point. I believe that we are here to serve the public, the public has spoken, they have spoken to me, they have spoken to the other Commissioners and it had been voted on. Rudometkin asked if Ferguson, Pruitt and Van Natta could address the 5 day, 10 hours per day work schedule and if it would work for their departments. Ferguson stated in her office there were not enough employees to do that. She would have to hire additional staff or it would not be effective in her office. McCutcheon stated that he thought 5 - 10-hour days created internal problems. Carlson stated that one of the things he heard was that the Elected Officials had equal authority and he totally disagreed with that. The other Elected Officials had specific authority and the Board had basic authority to set policy throughout the county. Tabor agreed. As Pruitt stated roads was one of the biggest issues in his campaign, but also the 5-day work week was another of my campaign promises that I ran on. I think that it was an affront to our authority that we are even having this conversation and as far as myself, I'm ready to take it to the mat. Whatever it took to prove our authority, that's what I'm willing to do. Carlson felt the Board's authority was pervasive and their directive was all that mattered. He stated he lived in Otis and traveled Hwy. 285 every day. Early morning traffic on Hwy 285 was worse than if you waited until 7:30 a.m. The deal on the traffic didn't carry any weight with me. Henry stated there were three landmen and at least two other companies that called him. Henry stated I cast the same vote all three times. He addressed the misconception that this change would somehow benefit real estate agents. It did not affect the agents at all. For example, I had a closing last week on Friday, but we had an early occupancy agreement so the buyer was able to move in. It did not fund until Tuesday, so had he not had an early occupancy, he would not have been able to move into his house over the weekend to be ready for this next week. That's just an example, it doesn't affect me. Henry stated a county employee had made the statement that as a real estate agent, Henry would make more money. I make the same money, but rather than make it on Tuesday, I made it on Wednesday. So, it wasn't a benefit for real estate agents, it was a benefit for the folks that were moving to Eddy County. Ferguson stated they were still working 40 deeds a day. Henry stated so I mean if you're that busy, and you've said it a number of times; you said it at a meeting that we had at the Fire Station, people were crawling all over your office because your office was so busy then shouldn't you be open on Fridays, so that more of those folks could continue to work. That's wonderful, seems like an extra day would be helpful for a lot of these folks that are trying to get business done. Couple of quick questions I had that are a little more direct because you all have mentioned this a number of times, you don't get the calls; I wish you would because it would be a lot more fun for me if you all got the calls and not me. I got the calls because my cell phone number was on the business card, so that's why they call me. I'm in the public, they know who I am and they come and complain to me. Are your phone numbers on your cards? Because if they are, or if they're not, let us have them, I'll put them on Facebook today. I'm kind of like Commissioner McCutcheon; I was very disappointed when this came out. Because this was already decided in my opinion. The public had asked us to go back to the 5-day work week because it affected them. Listen to the folks that live in the county. But we're taking a small amount, these three departments and I'm not minimizing your departments, so don't take it that way, but it's a small amount of folks, compared to 70,000 people in Eddy County. I would argue we were one of the busiest counties in rural America, I know we're one of the busiest counties in New Mexico and it was unreasonable to expect the

public to adjust to a 4-day week. I'm very upset and I have no control over the three of your schedules, you all show up whenever, you are Elected Officials. We do have control over the employees. As Elected Officials across the board, we should listen to the public. We keep saying the public hasn't told us anything. Maybe we're not listening. Two Commissioners ran on a 5-day work week and I think that was a big part of their campaign and why the people voted for them. My assumption is that it was important to the voters of those two districts. I'll leave it at that and open it back up to you all and then we can go back around. Pruitt stated the majority of people mailed their tax payment in or their mortgage company paid them. It didn't affect them at all. Ferguson stated that these offices do work 40 hours a week. It didn't make any difference to me if we were working Monday through Friday. She addressed the comment about the phone; I'm still one of those people that has a landline, and my phone number is in the phone book, I get calls all weekend. I take my tablet home with me every weekend. I answer emails all Friday, Saturday and Sunday. I am still in contact, I don't ignore the public. Pruitt stated that her husband was a career fire fighter for 41 years. When he went to work, he faced life and death situations. If he messed up, he could take somebody's life. Nothing that happened here in county offices was an emergency. Van Natta stated we would not change your mind; the subject had been beaten to death. As far as the opinion and the court case, if you will read a little further, it says you are not to act in a supervisory capacity over other Elected Officials. This was subject to interpretation and there could be 50 different opinions. You have yours, I have mine. It was a waste of time arguing about it. We had heard from the same people and the same stories for 2 years. We met with industry after the 1st vote and a lot of the concerns about delays and such were not because we were closed on Friday. Our employees had asked for this. It's no skin off my nose, I work when what I want, which happens to be more than 4 days or 40 hours a week. I want you to understand that professional courtesy and communication from this Board could have avoided all this. The dictatorship atmosphere didn't sit well. We should be a team working together. Henry stated that the perception of a dictatorship really bothered him. The vote I cast was for the public who had repeatedly called and said this did not work for us. You were open 40 hours a week. But if your 40 hours were on Monday through Tuesday, it didn't help people the rest of the week. So, the 40 hours didn't matter, it's when you're there. I would rather be open and be business friendly if they need us on Friday, then we should make that happen. Henry stated it was disappointing that employees felt the Board somehow benefited from this decision. I really don't care if that was what they thought. It doesn't benefit us, it benefits the public, and I work for the public, the public elected me to represent them. Crockett stated that she had two personal comments. As Elected Officials, every one of us in this room represented this county 150%. We all did a great job, I'm proud of every single one of us in this county. This was my 7th year as a Commissioner and the 4-10 schedules had probably been one of the more controversial topics. Crockett stated as a Commissioner I'm only as good as my team and I would put this team up against anybody in the nation. I think as Elected Officials we all have to respect each other. As for the 4-10 schedules it was no secret how she felt about that. I don't waiver once I make a decision. That's my decision and I think maybe back when this all came up we should have done a public poll or something like that. I know Red Rocket does great public polls and maybe we should have done that to actually get a better feel. Rudometkin stated when we first brought this schedule to the Board it took 2 years to put it together and two commission meetings to get it approved. He had been accused of being in cahoots with the other Elected Officials.

These accusations were not accurate I did what's best for the community and for the county. A previous Commission approved the 4-10 schedules and I enforced it. Commissioner McCutcheon said it twice now, he expected a seamless transition and he wanted our full support. I believe someone had told him I would not cooperate. If this Board directed me to go back to a 5-8 schedule then that will be my agenda. Other Elected Officials don't agree that I could tell their staff you need to work 5 days a week and the Elected Officials say we're not open on Fridays, don't do it. So, what am I going to do, fire 50 people because the Elected Officials say we don't want our staff working on Friday? The Directors brought hybrid schedules because it was said in a previous meeting that we don't care what your schedule was as long as you're there 5 days a week. That opened the door for all and to let the Board know how they felt and the schedules they would like to follow. The Elected Officials schedules had to be brought back because they would like to stay on the 4-10's so that's kind of the quick down and dirty about it, we want to be able to support you guys, we want to be able to support this Commission and move forward cohesively, as a team. Bottom line, you set policy, you set the budget and you direct us which way you want to go and that's what we will do. I don't have authority over the Elected Officials. McCutcheon stated what I would have liked to have seen and I think a proactive leader would have done this would be to grab Ferguson and say Gemma let's visit about this. This looks terrible and was a slap in the face. I would have liked a little more support on the back end of this and I know that you can't tell Elected Officials what to do, I understand that but what we would like is open communication. McCutcheon cited ongoing issues with Public Works and their budget as an example of the communication problems. He would have liked Rudometkin to inform the Board of what was happening. He admitted he could have communicated better with the Elected Officials. I thought my stance was clear on the schedule. I was elected on that platform I've been given my orders from the public, and now I'm going to execute. McCutcheon stated he did not have anything against Rudometkin and he was looking forward to working with him. We need some leadership and we need some things to come about and go forward as a county together. You know we all stood up earlier and cited the Pledge of Allegiance, one nation under God, I don't feel like we are one county under God right now. I feel like we are pretty divided and that's not what I want. But we do have some change that will be implemented. Ferguson stated Rudometkin had no control over us as Elected Officials and a lot of what had just been said should be addressed in private. Pruitt stated Rudometkin had encouraged everyone to support the Board and the decision to go back to an 8 – 5 schedules at the last department head meeting. She pointed out she was not being insubordinate because she was not your subordinate. McCutcheon stated that Rudometkin had gone above and beyond what was asked and he appreciated it. Van Natta stated Rudometkin had pushed the Board's agenda as directed. McCutcheon questioned if the use of vacation had decreased after the 4-10 schedule so employees could be compensated or sell the hours back to the county. Brannon clarified if an employee had more than 240 hours of vacation at the end of the year then they lost the time. The county did not compensate or buy back vacation time. Tabor stated that the employees were county employees. The County Commission had the authority to set policy. Smith stated she appreciated the Commissioners telling her she was a great employee; her accomplishments were because of the leadership Rudometkin provided. Smith stated Rudometkin was a great manager and did an outstanding job. Van Natta stated in the spirit of cooperation could this be postponed and have a meeting with the Elected Officials to see if they could come to an

agreement that would fit everybody's needs and provide the best service to the public. Roberta asked for clarification for her records; if schedules would be the same for administrative staff or all staff. Would hybrid schedules be allowed? Please explain how holidays would work. Be aware that your choices would affect the budget. Henry stated that Roberta's point was well taken and they were just talking about administration. I think this horse had been beaten to death. If I hear the communication piece one more time, I think I'm going to go insane. Because the last time I checked, my phone rang when someone called me. As for communication it's a two-way street and I just wanted to point that out that I don't think my position has changed, I think I've been very vocal on my position. It's not because I don't love the county employees, everyone keeps saying that I don't, but I sure do, I really do. I love working for the county, I love the people I serve. When I cast my vote it was based on the public and what they wanted. The vote had been cast, the motion was made to go back to the way it was prior and unless somebody wants to alter that motion, I think this item should be done and we start to move on. I'll open it up to the Board if anyone would like to make a motion. No action was taken.

3. **DISCUSSION AND DIRECTION AND POSSIBLE VOTE ON HAVING THREE DIFFERENT HOLIDAY SCHEDULES - ROBERTA SMITH AND ROXANN BRANNON:** Rudometkin stated it would have to be decided how the holiday schedules would work. He requested direction and a possible vote on making changes, but believed those changes were going to be better and more streamlined for what was being done in payroll and human resources. Smith explained the issues between 4-10s and 5-8s, as well as 12-hour shifts. Brannon stated these changes would also affect the personnel budget. Smith stated for the record if a person was on an 8-hour holiday schedule, total hours if you're just calculating hours for the holidays you get 96 hours. If you are on a 10-hour schedule, you get 120 hours and if you are on a 12-hour schedule, you get 144 hours, so the people that are on that 12-hour schedule are technically getting more hours than a person on an 8-hour schedule. She wanted to make sure the Commission was aware hour wise, people would be getting more hours, they would get the same holidays minus 8 hours. She explained the 8 hour has two half days, but the 10 and the 12 had the same holidays, but hour wise you would be getting more.
4. **APPROVE/DISAPPROVE R-19-17; HOLIDAY SCHEDULES – RICK J. RUDOMETKIN:** Rudometkin stated this was the same resolution that was brought to the board before. We had the 5-day 8-hour schedule, 4-day 10-hour schedule and a 12-hour schedule. Carlson moved, seconded by McCutcheon to approve R-19-17. Voting yes: Henry, Carlson, Crockett and McCutcheon. Passed 4-0. R-17-19 was recorded as Exhibit 4.
5. **COMMISSIONERS COMMENTS:** McCutcheon stated we had great employees at the county and looked forward to working with everybody. He hoped that nobody ever questioned where he stood or would stand on an issue because he would not waiver. He appreciated the extra hours that Ferguson and Van Natta worked. He further stated that what's been decided had been decided and he would appreciate full cooperation from everyone. Henry stated that he thought it was important to note he believed they had a good working relationship and anybody that bashed the Commission; he would take 100% of the blame as a leader. "Whether you like me or not, I don't really care, whether you and I agree

on one thing, don't really care, you will have my backing 100% when it comes to who's at fault. So, if we can please stop that nonsense, let's be grownups and when you have a question or comments call the Board."

- 6. ADJOURN:** At 10:15 a.m., Crockett moved, seconded by McCutcheon to adjourn the meeting. Voting yes: Henry, Carlson, Crockett and McCutcheon. Passed 4-0.

CHAIR: _____

ATTEST: _____

DATE: _____