

**EDDY COUNTY BOARD OF COMMISSIONERS  
MINUTES OF A REGULAR MEETING  
February 19, 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 19, 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. Carlson gave the invocation.

**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	AMINISTRATIVE ASSISTANT
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
ROXANN BRANNON	HR DIRECTOR
CHARLIE POWELL	SAFETY OFFICER
CAROL HENNINGTON	IT DIRECTOR
SHARON DODSON	ASSISTANT IT DIRECTOR
ROSIE MUNOZ	IT DEPARTMENT
WESLEY HOOPER	COMMUNITY SERVICES DIRECTOR
STEVE MCCROSKEY	COUNTY PLANNER
JERI STRONG	PIO/OIL AND GAS LIAISON
EULALIA STROMAN	MVD ADMINISTRATOR
VERONICA PARRAS	HEALTHCARE ASST PRGRM ADMIN/CS
BRIAN STEPHENS	FACILITIES DIRECTOR
JENNIFER ARMENDARIZ	EMERGENCY MANAGER
RUBEN DE LA ROSA	PUBLIC WORKS
ALTON WALKER	PUBLIC WORKS
MIKE SMITH	CARLSBAD CURRENT ARGUS
DYLAN BARRERA	RED ROCKET MEDIA
RAYE MILLER	MAYOR, CITY OF ARTESIA

**ABSENT:**

LARRY WOOD      COMMISSIONER, DISTRICT 3

**TIMED AGENDA:**

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

Henry stated he would like to make a change to the agenda moving R-19-18 to the top of the agenda after the Public Comments. Crockett moved, seconded by McCutcheon to make the change. Voting yes: Carlson, Crockett, McCutcheon and Henry. Passed 4-0.

**1. PUBLIC COMMENTS/ANNOUNCEMENTS. (THREE MINUTE TIME LIMIT PER PERSON) (WE REQUEST ALL COMMENTS BE RESPECTFUL AND COURTEOUS IN NATURE):**

**Alvie Williams:** Williams stated he had been a resident of Eddy County his whole life and was also a veteran. He was in support of R-19-18.

**Anita Self Harvey:** Harvey stated she was a retired RN and spent her life working with law enforcement officers. She stated she was also a Veteran and she supported R-19-18.

**Jim Carr:** Carr stated he had lived here 35 years and was a retired businessman. He had been a supporter of Crime stoppers and appreciated the consideration of Resolution 19-18.

**Mark Cage:** Cage stated he wanted to commend the Board of County Commissioners and Rudometkin for addressing the issue of R-19-18.

**William Garwood:** Garwood stated he had been a resident of Eddy County since 1990 and retired from the Carlsbad Caverns after a 23 ½ year career. He stated that a page was developed on Facebook called Eddy County Patriots, which wanted to become a political and militia group in Eddy County. Not a terrorist group, but a group of well- armed good people.

**Mark Christesson:** Christesson stated he supported the resolution. He also stated he felt Eddy, Lea, Chaves and Otero Counties should make their own state; then Santa Fe would go broke.

**Marty Posey:** Posey stated he had been in Eddy County since 1955. He stated he thought Santa Fe and Washington were trying to take away some of our freedoms. Posey said Cage could not do it by himself.

**Ken Hargues:** Hargues thanked each and every one of the Commissioners for considering this resolution. He thanked Cage for his diligence. He stated there was a cascade of events that were coming down that would have to be addressed as individuals and as a county.

Crockett thanked the Sheriff for his work on this matter and the other counties who had backed this. She had her first gun when she was eight and had a gun rack in her truck growing up. She supported this resolution. McCutcheon stated what was left out of a lot of the arguments was that guns were not for hunting; they were for protection.

He stated he supported the Sheriff and appreciated all of the support of the community. Carlson stated that his family had been in this country since 1633 and one of his ancestors signed the Declaration of Independence. His kids had guns all their lives, as well as his grandsons. He had no problem supporting this resolution. Henry stated the State of New Mexico wanted to use the Constitution when it benefited them and then they wanted to violate it when it didn't. He stated you could not pick and choose what you wanted to do in the Constitution; it's there for a reason. Carlson fully supported this resolution. Tabor stated this was a symbolic gesture and it would be tough to enforce the law should it pass. He did not see an issue with passing this Resolution. McCutcheon moved, seconded by Carlson to approve R-19-18. Voting yes: Carlson, Crockett, McCutcheon and Henry. Passed 4-0. R-19-18 was recorded as Exhibit 9.a.iii.

*SHORT BREAK*

**2. SERVICE AWARDS:**

- a. **FAUSTO MONTES, FACILITIES-5 YEARS:**
- b. **BART GARDNER, FACILITIES-5 YEARS:**

Montes and Gardner's years of service were recognized. Neither was able to attend the meeting.

**3. RETIREMENT PRESENTATION:**

- a. **RAY ROMERO, PUBLIC WORKS-13 YEARS, 11 MONTHS:**

Rudometkin stated they had a plaque for Romero and he would be greatly missed. He stated that Romero was resigning, not retiring and was unable to attend the meeting today.

- 4. 19<sup>TH</sup> ANNUAL RIVERBLITZ EVENT:** Mary Garwood from the City of Carlsbad corrected the agenda in that it would be the 20<sup>th</sup> Annual Riverblitz. She would like to return to do a presentation for the 20<sup>th</sup> Annual wrap-up, so everyone would see some pictures and what the event entailed. Garwood stated that numbers indicated that over the last 20 years, 114 tons of trash had been picked up and that was only what was recorded. Garwood thanked the County for their support and partnering up with the City. She stated Mayor Janway would be at the event to meet and greet all the participants. XTO, Marathon Oil, Kaleidoscopes, Guadalupe Mountain Brewery Company, Sheriff's Posse, as well as several other businesses supported this event and donated items.

Crockett thanked Garwood for the presentation. She stated that the Riverblitz started through Leadership Carlsbad and she had worked with Garwood previously on other projects. McCutcheon stated that the river was one of the biggest things the oil companies were using to recruit people, so he definitely appreciated the work done.

Garwood stated the thing they needed the most was more people to help. Crockett moved to approve the estimated \$5,500 for the Riverblitz, seconded by Carlson. Voting yes: Carlson, Crockett, McCutcheon and Henry. Passed 4-0.

**TRAILING AGENDA:**

**1. APPROVE:**

**a. COMMISSION MEETING MINUTES FOR FEBRUARY 5, 2019:**

Crockett moved to approve the Commission Meeting Minutes for February 5, 2019, seconded by Carlson. Voting yes: Carlson, Crockett, McCutcheon and Henry. Passed 4-0.

**b. COMMISSION MEETING MINUTES FOR FEBRUARY 6, 2019:**

Carlson moved to approve the Commission Meeting Minutes for February 6, 2019, seconded by Crockett. Voting yes: Carlson, Crockett and McCutcheon. Henry abstained. Passed 3-0.

**c. EXPENSE APPROVAL REPORT FOR JANUARY 2019:**

McCutcheon moved to approve the Expense Approval Report for January 2019, seconded by Crockett. Voting yes: Carlson, Crockett, McCutcheon and Henry. Passed 4-0. The Expense Approval Report for January 2019 was recorded as Exhibit 1.c.

**d. PURCHASE CARD APPROVAL LIST FOR JANUARY 2019:**

McCutcheon had questions regarding line #723 and Henry question line #704. Rudometkin stated he would email the Board with an explanation. McCutcheon moved to approve the Purchase Card Approval List for January 2019 with a follow up explanation of lines #723 and #704, seconded by Crockett. Voting yes: Carlson, Crockett, McCutcheon and Henry. Passed 4-0. The Purchase Card Approval was recorded as Exhibit 1.d.

**2. EDDY COUNTY COMMISSIONERS' PRIORITIES-RICK J. RUDOMETKIN:**

Rudometkin asked the Board to revise the list of priorities. He stated it would help staff to know what areas were most important for budgeting purposes. Crockett stated hers remained the same; roads, safety and employees. McCutcheon stated roads, public safety, service to the residents of Eddy County and fiscal responsibility. Carlson stated roads, public service, responsive government and fiscal responsibility. Henry stated roads, safety and improvements to facilities. Crockett moved to approve the 2019 Board of County Commissioner Priority List, seconded by Carlson. Voting yes: Carlson, Crockett, McCutcheon and Henry. Passed 4-0.

**3. DISCUSSION DIRECTION AND POSSIBLE OPTIONS FOR COUNTY ENGINEER-RICK J. RUDOMETKIN:**

Rudometkin stated they had looked at hiring a County Engineer/Operations Person. He reported it had been discussed with departments that would be involved, and they were in agreement. Carlson stated he didn't like the Assistant County Manager position and believed we needed a County Engineer. A County Engineer would bring a lot to the table and save us millions of

dollars throughout the County. Crockett suggested the position be at Public Works instead of under the Manager in administration. Rudometkin stated it made sense since the majority of the engineer's work would involve Public Works, and then they could create a Director of Administrative Services position. McCutcheon stated he did not believe that position would pay enough for an engineer and expressed concern over work load. Carlson suggested a committee to work out the details of the position. It was agreed that McCutcheon, Carlson, Rudometkin and the Smith would get together with the Public Works Director or Foremen and make a recommendation at the March 19, 2019 meeting.

#### **4. PREVIOUSLY APPROVED NEW EQUIPMENT FOR PUBLIC WORKS-RICK**

**J. RUDOMETKIN:** Rudometkin stated the trucks were purchased and the trailers were put on hold pending discussion at this meeting. Carlson brought up the fact that the public works budget was in the red, so how could they buy more equipment, and where was the money going to come from? McCutcheon stated he did not like having four new trucks without trailers to pull. He was against buying more equipment when the money was not in the budget. Walker stated that the \$750K was approved for the purchase of the new equipment out of the general fund. Carlson asked if two low boys were needed or if one would work. Both Walker and De La Rosa agreed one trailer would not work. Walker stated there are different projects at different times in different places. McCutcheon would support the purchase when money was available, because he thought they were needed, but not with Public Works in the red. Smith stated she was concerned about possible litigation since this equipment was already on order. The purchase order was approved. Tabor stated that had happened in the past and the County may have to pay to cancel the order. Hooper pointed out due to procurement policy the county could not pay for items until they were received. Trust that what was ordered would be purchased was what vendors counted on, if we cancelled orders the county's reputation would be in jeopardy. Henry stated if he had known the issues with the budget, he definitely wouldn't have voted to approve the expenditure. Crockett did not want to hurt the County's reputation and believed they needed to follow through with the purchase. Carlson stated he didn't think it was fair for the vendors to have a loss that was created by the County because of a misuse of funds. Reluctantly, he agreed to follow through with the purchase. McCutcheon stated it was the Board's responsibility to make sure all departments had what they needed. When one department goes over budget, it affected all departments. McCutcheon wanted to see if there were any outs on this deal. If it didn't damage the vendor, we should cancel the order. McCutcheon moved to table this matter until Smith had more information. The motion died for lack of a second. Henry asked Smith how long the vendor would hold the order. Smith stated she only asked that they hold off until after the meeting today. The vendor showed concern at this request and their first question was whether we had the money. Crockett stated she would like to give direction to move forward, since this had already been voted on. Tabor stated Crockett was correct and the only thing that would change was if someone made a motion to terminate or withdraw placement of the order. Carlson stated he was very disappointed in the misuse of funds given to the road department, but did not want to hurt the vendor.

*SHORT BREAK*

5. **TYLER SOFTWARE INVOICES FROM 2017-2018 – GEMMA FERGUSON:**  
Ferguson explained they had not received an invoice and she cancelled the purchase order. Crockett moved to pay Tyler Software Invoices from 2017-2018, seconded by Carlson. Voting yes: Carlson, Crockett, McCutcheon and Henry. Passed 4-0.
6. **REQUEST PAYMENT OF INVOICE 025-211943E DATED 2/1/2018 FROM TYLER TECHNOLOGIES IN THE AMOUNT OF \$5,258.62-LAURIE PRUITT:**  
Carlson moved to make payment on invoice 025-211943E dated 2/1/2018 from Tyler Technologies in the amount of \$5,258.62, seconded by McCutcheon. Voting yes: Carlson, Crockett, McCutcheon and Henry. Passed 4-0.
7. **APPROVAL FOR THE PURCHASE OF A 2019 DODGE CHARGER-SHERIFF MARK CAGE:** Cage stated that one of his deputies had been in an accident and he was requesting approval to purchase a new vehicle. Tabor asked if the other party had insurance. Cage stated the accident was deemed his deputy's fault. Carlson moved for approval for the purchase of a 2019 Dodge Charger, seconded by McCutcheon. Voting yes: Carlson, Crockett, McCutcheon and Henry. Passed 4-0.
8. **UNFREEZE POSITION AT THE MVD; LALA STROMAN:** Hooper requested to unfreeze a position at the MVD office in Artesia. Crockett moved to unfreeze a position at the Artesia MVD, seconded by Carlson. Voting yes: Carlson, Crockett, McCutcheon and Henry. Passed 4-0.
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 this Resolution and Agreement consent agenda or later, at a specific time or place on the trailing agenda.

a. **RESOLUTIONS:**

- i. **R-19-13; OPPOSING THE LEGALIZATION OF RECREATIONAL MARIJUANA USE IN THE STATE OF NEW MEXICO--RICK J. RUDOMETKIN:**
- ii. **R-19-16; FTI CONSULTING'S MONTHLY REPORT FOR DECEMBER 2018--RICK J. RUDOMETKIN:**
- iii. **R-19-18; DECLARING EDDY COUNTY TO BE A SECOND AMENDMENT SANCTUARY COUNTY--RICK J. RUDOMETKIN:** Discussed and approved after Timed Agenda item 1.

- iv. **R-19-19; INDIGENT MEDICAL/HOSPITAL CLAIMS REPORT-VERONICA PARRAS:**
- v. **R-19-20; OPPOSITION TO SENATE BILL 459-PROHIBITING THE ISSUANCE OF NEW HYDRAULIC FRACTURING PERMITS AND CREATING REPORTING REQUIREMENT--RICK J. RUDOMETKIN:**
- vi. **R-19-21; AMENDING EDDY COUNTY OPEN MEETINGS ACT, RESOLUTION R-18-99--RICK J. RUDOMETKIN:**  
Henry pulled for further discussion.
- vii. **R-19-22; NMFA LOAN APPLICATION AND RESOLUTION FOR OTIS VOLUNTEER FIRE DEPARTMENT TO FINANCE A 2020 SVI MEDIUM RESCUE TRUCK-ROBERTA SMITH:**

**b. AGREEMENTS:**

- i. **A-19-07; PDS SERVICE AGREEMENT-ROXANN BRANNON:**
- ii. **A-19-08; CDBG GRANT AGREEMENT AMENDMENT NO. 2-WESLEY HOOPER:**
- iii. **A-19-09; MAINTENANCE AGREEMENT WITH NEW MEXICO DEPARTMENT OF TRANSPORTATION FOR ROADWAY LIGHTING-ROBERTA SMITH:**
- iv. **A-19-10; ASSISTANCE WITH ISO SURVEY IN ORDER TO ESTABLISH AN ISO PUBLIC PROTECTION CLASSIFICATION:**

McCutcheon moved to approve the Resolution and Agreement Consent Agenda pulling R-19-21, seconded by Crockett. Voting yes: Carlson, Crockett, McCutcheon and Henry. Passed 4-0. R-19-13, R-19-16, R-19-18 thru 20, and R-19-22 were recorded as Exhibits 9.a.i-v, and vii respectively. A-19-07 thru 10 were recorded as Exhibits 9.b.i-iv.

- v. **R-19-21; AMENDING EDDY COUNTY OPEN MEETINGS ACT, RESOLUTION R-18-99--RICK J. RUDOMETKIN:**  
Rudometkin explained the amendment was because of the change of venues and times for future meetings. Carlson moved to approve R-19-21 amending Eddy County Open Meetings Act, seconded by Crockett. Voting yes: Carlson, Crockett, McCutcheon and Henry. Passed 4-0. R-19-21 was recorded as Exhibit 9.a.vi.

**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 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:**

McCutcheon moved to approve the Travel Consent Agenda, seconded by Carlson. Voting yes: Carlson, Crockett, McCutcheon and Henry. Passed 4-0.

**12. EMERGENCY BUSINESS:** None.

**13. LEGISLATIVE UPDATE:** Rudometkin reported the legislature was a little over half way done. Future revenue depended on what was passed and how much damage was done to industry.



**14. LEGISLATORS, ELECTED OFFICIALS AND COUNTY DEPARTMENT**

**HEADS COMMENTS/ANNOUNCEMENTS/UPDATES:** Cage stated he specifically spoke under public comments to give the Commission credit for R-19-18 and to show a joint effort between. He stated it was unfortunate what had happened in Santa Fe with legislation and that our voices were not being heard. Roosevelt, Lea, and Taos Counties were scheduled to consider the 2<sup>nd</sup> Amendment Sanctuary Resolution.

Stephens expressed gratitude to the Sheriff and the Board of County Commissioners for defending our 2<sup>nd</sup> Amendment Right. He wanted to let the Board know that two boilers at the Courthouse were lost and could not be repaired. The company that installed one of the boilers was out of business. He was unsure whether this was a factory problem or if it had been damaged during installation. The court rooms were freezing and the boilers would be replaced

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

Rudometkin stated he really enjoyed their time in Santa Fe. They met with a few Senators and Representatives and got a good taste of how things would work under the new administration.

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

**UPDATES:** Crockett reiterated that they had two really great days in Santa Fe. She hoped they could have an Eddy County Day during the legislative session in the future.

McCutcheon stated he enjoyed Santa Fe as well.

Carlson stated he agreed with the Sheriff in that it was a great day in Eddy County. All of the Commissioners as a group in Santa Fe were very effective. They met with several people from the new administration and had constructive conversations. He felt the county should continue to be proactive in Santa Fe.

Henry questioned the status of the blue building at the Fairgrounds, the Sheriff Posse Arena and the Otis Community Center. He wanted to know what could be done with them. Henry also stated he had a new cell number, 575-361-9904. Henry reported he along with McCutcheon had attended a committee hearing on Bill 459 that was really interesting, but took exception to the comment that the oil field was not good to the community. He also felt the new bills would make it difficult to do business in New Mexico. Henry reported the BPA of Artesia became State Champions last week and were headed to Nationals. Henry called attention to texts he had received about the article in the newspaper that said Eddy County ws a Sanctuary County the headline did not clarify that was for the 2<sup>nd</sup> Amendment. It was misleading and people were upset.

**17. EXECUTIVE SESSION: None.**

**18. ADJOURN:** At 11:07 a.m., McCutcheon moved, seconded by Carlson to adjourn the meeting. Voting yes: Carlson, Crockett, McCutcheon and Henry. Passed 4-0.

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

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

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