

**EDDY COUNTY BOARD OF COMMISSIONERS
MINUTES OF A REGULAR MEETING
MARCH 21, 2017**

BE IT REMEMBERED that the Eddy County Board of Commissioners held a regular meeting in Room 211 of the Eddy County Administration Complex on March 21, 2017 at 8:30 a.m. Davis called the meeting to order. Rudometkin led the Pledge of Allegiance and the Salute to the New Mexico State Flag. Tabor gave the invocation.

Present:

STELLA DAVIS	CHAIRMAN, DISTRICT 4
SUSAN CROCKETT	VICE-CHAIR, DISTRICT 5
JAMES WALTERSCHEID	COMMISSIONER, DISTRICT 1
LARRY WOOD	COMMISSIONER, DISTRICT 3
JON HENRY.	COMMISSIONER, DISTRICT 2
RICK RUDOMETKIN	COUNTY MANAGER
KENNEY RAYROUX	ASST COUNTY MANAGER
CAS TABOR	COUNTY ATTORNEY
ROBIN VANNATTA	COUNTY CLERK
MARK CAGE	SHERIFF
BILLY MASSINGILL	WARDEN
GAY WEST	ADMINISTRATIVE ASSISTANT
ROBERTA SMITH	FINANCE DIRECTOR
ROXANN BRANNON	HR DIRECTOR
CHARLIE POWELL	SAFETY OFFICER
CAROL HENNINGTON	IT DIRECTOR
SHARON DODSON	IT DEPARTMENT
RAY ROMERO	PUBLIC WORKS DIRECTOR
FABIAN GOMEZ	LANDFILL SUPERVISOR
WESLEY HOOPER	COMMUNITY SERVICES DIRECTOR
STEVE MCCROSKEY	COUNTY PLANNER
LINDA P. MARTINEZ	INDIGENT COORDINATOR
CYNTHIA SHARIF	DWI COORDINATOR
DEBRA HICKS	PETTIGREW & ASSOCIATES
RANDY PETTIGREW	PETTIGREW & ASSOCIATES
BRIAN STEPHENS	FACILITIES DIRECTOR
JOSHUA R. MACK	FIRE MARSHAL/FIRE SERVICE DIRECTOR
ADRIAN C. HEDDEN	CARLSBAD CURRENT ARGUS

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):*** None.
2. **SERVICE AWARDS:** Walterscheid presented service awards to the following employees.
 - a. **TODD BANNISTER – DETENTIONS – 15 YEARS:**
 - b. **MATTHEW HUTCHINSON – SHERIFF’S DEPT: – 10 YEARS:**

SHORT BREAK FOR PICTURES:

3. **SWEARING-IN CEREMONY:**
 - a. **JOSHUA R. MACK – DIRECTOR OF FIRE SERVICE/COUNTY FIRE MARSHALL – RICK J. RUDOMETKIN:** Rudometkin administered the Fire Service Oath to Mack and the Board congratulated him on his new position.
4. **PRESENTATION BY JOHN CORNELL, THEODORE ROOSEVELT CONSERVATION PARTNERSHIP:** Joelle Marier, with New Mexico Wilderness Alliance and John Cornell, with Theodore Roosevelt Conservation Partnership presented an outline to the Board of their efforts to conserve fishing and hunting lands. Marier stated their main goal was to talk about how the Resource Management Plan and the revision were important to wildlife conservation in our area. This plan would guide the resource management and use of BLM land for the next two decades. It was important for the public to be involved and have a voice in the process. N.M. Wilderness Alliance had been involved in the planning process since the beginning with the mission to preserve the wildest places and other conservation efforts for wildlife, water sheds, air quality, cultural resources and geological features. They had worked closely with BLM to identify places that would benefit from special management in the new plan. Marier reported they had been working to increase public awareness about conservation opportunities. Cornell reported in 2013 outdoor recreation total spending was over \$600M dollars which was more than the pecan and chile industries combined. In Eddy County, residents had spent \$11M on hunting and fishing in the State. The reason sportsmen were here was the abundance of public land. The only way to make this possible was to maintain the wildlife and manage our resources wisely.

A balance with area industry was crucial. Walterscheid questioned why Black River was not an “area of critical concern” due to the Hornshell Mussel. Marier stated she was not here when the areas were identified and could not speak to the reason Black River was not on the list. Cornell stated 90% of the outdoor activity took place on public lands and if they were not managed and conserved properly then outdoor recreation was done. The Board thanked both organizations for their efforts and today’s presentation. Cornell invited the Board to take a fly over to assess development in the county. Crockett suggested he coordinate with West to set the times and dates. The presentation was recorded as Timed Agenda Exhibit 4.

5. **COMPREHENSIVE PLAN PRESENTATION – WESLEY HOOPER:** Rudometkin announced the item would be pulled from today’s agenda and presented at a later meeting.

TRAILING AGENDA:

1. & 2. **RECESS EDDY COUNTY COMMISSION MEETING & CONVENE AS INDIGENT HOSPITAL CLAIMS BOARD:** At 9:07 a.m. Walterscheid moved, seconded by Wood to recess the regular meeting and convene as the Indigent Hospital Claims Board. Voting yes: Crockett, Davis, Walterscheid, Wood and Henry. Passed 5-0.
3. **INDIGENT HOSPITAL CLAIMS BOARD CONSENT AGENDA:** Since all of the items listed on the agenda 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 Indigent Hospital Claims Board Consent Agenda if separate discussion is desired. Any item so removed shall be placed on the trailing agenda immediately following this Indigent Hospital Claims Board Consent Agenda or later, at a specific time or place on the trailing agenda.
 - See Indigent Minutes.
4. & 5. **ADJOURN INDIGENT HOSPITAL CLAIMS BOARD & RECONVENE THE EDDY COUNTY COMMISSION MEETING:** At 9:08 a.m. Crockett moved, seconded by Henry to adjourn the Indigent Hospital Claims Board and Reconvene the Eddy County Commission meeting. Voting yes: Crockett, Davis, Walterscheid, Wood and Henry. Passed 5-0.
6. **APPROVE/DISAPPROVE ONE (1) INDIGENT BURIAL – LINDA P. MARTINEZ:** Walterscheid moved, seconded by Wood to approve one

indigent burial in the amount of \$600. Voting yes: Crockett, Davis, Walterscheid, Wood and Henry. Passed 5-0.

7. APPROVE:

a. COMMISSION MEETING MINUTES FOR MARCH 7, 2017:

Walterscheid moved, seconded by Henry to approve the Commission Meeting Minutes for March 7, 2017. Voting yes: Crockett, Davis, Walterscheid, Wood and Henry. Passed 5-0.

b. PURCHASE CARD APPROVAL LIST FOR FEBRUARY 2017:

Crockett moved, seconded by Walterscheid to approve the Purchase Card Approval List for February 2017. Voting yes: Crockett, Davis, Walterscheid, Wood and Henry. Passed 5-0. The Purchase Card Approval List for February 2017 was recorded as Exhibit 7.b.

8. HOUSEHOLD HAZARDOUS WASTE COLLECTION EVENT – RAY

ROMERO: Romero and Richard Aguilar reviewed the statistics from the previous event. Aguilar stated the request was for the county to partner with the City of Carlsbad with an amount up to \$12,500. The event would be held April 29, 2017 from 8 a.m. to 2 p.m. at the Beach parking lot. Aguilar pointed out it was open to all county residents. Wood questioned if efforts had been made to get the word out in Artesia. Aguilar stated efforts to coordinate with Artesia had been unsuccessful. Wood offered a spot on the morning radio show to help promote the event. Aguilar agreed to attend and answer questions. Walterscheid moved, seconded by Crockett to approve the county's participation with an amount not to exceed \$12,500. Voting yes: Crockett, Davis, Walterscheid, Wood and Henry. Passed 5-0. The statistics from the last event were recorded as Exhibit 8.

9. LANDFILL SCALE HOUSE & SHOP BUDGET INCREASE – BRIAN

STEPHENS: Stephens reported the project had been ongoing when he came to the county. Due to increased construction costs and equipment failures the initial part of the project had gone over budget. Stephens requested \$750K to complete Phase II and add a Citizen's Center which would accommodate smaller loads of trash. It had become a safety issue with commercial trucks and regular trucks dumping in the same area. The new Citizen's Center would be located near the entrance near the scale. Steve McCutcheon, Carlsbad City Manager, spoke in favor of the project. Stephens stated the increase included a 11% contingency for any problems they had during construction. He also pointed out the County partnered with the City 50/50. Rudometkin stated the additional funds would not impact the general fund. They would be taken out of the environmental fund which did have the fund balance to cover the cost.

Crockett moved, seconded by Walterscheid to approve an additional \$750K to be taken out of the environmental fund for Phase II of the landfill project. Voting yes: Crockett, Davis, Walterscheid, Wood and Henry. Passed 5-0.

10. **PERMISSION TO RELOCATE DWI PROGRAM TO EDDY COUNTY COURTHOUSE – BRIAN STEPHENS:** Stephens stated he had come up with the idea to relocate the DWI Program from Lea County. He had contacted Hooper and Sharif with the idea and they both agreed. Stephens stated it made sense to be in the same place as the courts. Another advantage was the security the Sheriff's Office provided the building. He suggested the current building could be leased or sold. Walterscheid moved, seconded by Wood to approve the move of the DWI Program to the Courthouse. Voting yes: Crockett, Davis, Walterscheid, Wood and Henry. Passed 5-0.
11. **SIGN PERA VOLUNTEER FIREFIGHTERS ANNUAL REPORTING – JOSH MACK:** Mack stated the PERA form had to be submitted before the end of the month. The request was to allow Madame Chair to sign the forms as soon as they were available and send them in. Crockett moved, seconded by Walterscheid to allow Madame Chair to sign the PERA Volunteer Firefighters Annual Reporting forms. Voting yes: Crockett, Davis, Walterscheid, Wood and Henry. Passed 5-0.
12. **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 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.
 - a. **RESOLUTIONS:**
 - i. **R-17-18; PER DIEM, MILEAGE, AND OUT OF COUNTY TRAVEL – JESSICA STYGAR:**
 - ii. **R-17-19; ARTESIA CHAMBER OF COMMERCE MONTHLY ADVOCACY REPORT FOR FEBRUARY 2017 – RICK J. RUDOMETKIN:**
 - iii. **R-17-20; 2017 HOLIDAY SCHEDULE AMENDMENT TO R-16-77 TO COMPLY WITH NEW 4/10 SCHEDULE – RICK J. RUDOMETKIN:**
 - iv. **R-17-21; ON-CALL PAY FOR NON-EXEMPT EMPLOYEES – ROXANN BRANNON:**

- v. **R-17-22; UPDATING THE SAFETY INCENTIVES PROGRAM R-15-73 TO R-17-22 INCENTIVE PROGRAM – CHARLIE POWELL:**

b. AGREEMENTS:

- i. **A-17-13; COPIER SERVICE CONTRACT – CARLSBAD OFFICE – GEMMA FERGUSON:**
- ii. **A-17-16; COOPERATIVE PROJECT AGREEMENT – CONSTRUCTION WORK ON STANDPIPE ROAD – PHASE I – RAY ROMERO:**
- iii. **A-17-19; AGREEMENT WITH FOREST PRODUCTIONS FOR USE OF COURTHOUSE – KENNEY RAYROUX:**

Crockett moved, seconded by Henry to approve the Resolution/Agreement consent agenda as presented. Voting yes: Crockett, Davis, Walterscheid, Wood and Henry. Passed 5-0. R-17-18 – R-17-22 were recorded as Exhibits 12.a. i. – v. respectively. A-17-13, A-17-16 and A-17-19 were recorded as Exhibits 12.b. i. – iii. respectively.

13. PROJECT UPDATES - NONE:

- 14. 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. **DETECTIVE JARED ROSTRO ATTENDED DETECTIVE AND NEW INVESTIGATOR TRAINING BY PATC FROM FEBRUARY 12 THRU FEBRUARY 17, 2017 IN GRAND PRAIRIE, TX:**
- b. **DANIEL CEDILLOS AND ANGIE WYATT ATTENDED NEW MEXICO ASSOCIATION OF EMS EDUCATORS CONFERENCE FROM MARCH 1 THRU MARCH 4, 2017 IN RUIDOSO, NM:**
- c. **ROBIN VAN NATTA AND DARLENE ROSPRIM ATTENDED LEGISLATION HEARING ON SB 224 FROM MARCH 8 THRU MARCH 9, 2017 IN SANTA FE, NM:**
- d. **CARA COOKE AND SUSAN GALVAN ATTENDED TRAINING ON ELECTION/VOTER REGISTRATION SOFTWARE DEVELOPMENT FROM MARCH 19 THRU MARCH 24, 2017 IN SANTA FE, NM:**

e.

FUTURE:

- f. SUZANNE HATHON AND STEVEN MCCROSKEY TO ATTEND ASBESTOS INSPECTOR REFRESHER COURSE FROM MARCH 30 THRU MARCH 31, 2017 IN ALBUQUERQUE, NM:
- g. STEVEN MCCROSKEY AND KARISTIE SIMPSON TO ATTEND NMLZO SEMI-ANNUAL CONFERENCE FROM MAY 2 THRU MAY 5, 2017 IN ALBUQUERQUE, NM:
- h. ROXANN BRANNON AND ANNA VASQUEZ TO ATTEND 2017 EEOC SEMINAR FROM JULY 11 THRU JULY 12, 2017 IN ALBUQUERQUE, NM:

Henry moved, seconded by Wood to approve the travel consent agenda as presented. Voting yes: Crockett, Davis, Walterscheid, Wood and Henry. Passed 5-0.

15. **LEGISLATIVE ISSUES:** None.

16. **EMERGENCY BUSINESS:** None.

17. **ELECTED OFFICIALS/DEPARTMENT HEADS**

COMMENTS/ANNOUNCEMENTS/UPDATES: Brannon thanked the Board for approval of the “On Call Pay” for employees. Hicks introduced Randy Pettigrew with Pettigrew and Associates. Cage stated he had moved his seat for Commissions meetings because it made more sense to be in a position to see both doors for security reasons. He reported the bill which he and several law enforcement agencies had been working on during the legislative session concerning forfeitures had died in the House Judiciary Committee. Cage felt it was politics pure and simple. The Chair of the Committee, Brian Egoft, was against the bill because it would stop the DWI forfeitures in his district. The revenue from these seizures was more than \$1M. Cage stated currently the Feds were holding in excess of \$300K which would have come to Eddy County had the bill passed. He was doubtful efforts to repeal the current law would ever have this much bi-partisan support.

18. **COUNTY MANAGER’S AND ASSISTANT COUNTY MANAGER’S**
COMMENTS/ANNOUNCEMENTS/UPDATES: Rayroux reported the area was dry and for everyone to be careful.

19. **COUNTY COMMISSIONERS’ COMMENTS/ANNOUNCEMENTS/UPDATES:**
 Henry thanked everyone for answering all the questions he had been asking. It really helped him make better and informed decisions. Crockett reported she had met with the Mayor and 2 City Councilmen to discuss how to move forward with the brine well issue. As anticipated the \$50K the Board had approved was not enough and the State had changed the requirements. Crockett stated they were weighing their options before the upcoming special session. Crockett had talked with the 5th grade classes at Desert Willow Elementary. She was joined

by the Sheriff's Office and the Detention Center. It was an amazing opportunity to be able to speak to the young people. The Warden's wife was the coordinator of the event and had done an outstanding job. Walterscheid reported he had watched the legislative session via web cast. Some meetings went until 11:00 p.m. He was disappointed the forfeiture bill had not been passed. Walterscheid had followed bills about the brine well and Jason Harper's HB412 discussed in a combination of Senate Finance and Senate Corporation Committees. It was interesting to hear Harper talk about this bill and he wished they would archive these sessions. Walterscheid thanked Henry for the questions he had asked each department. The information was interesting and valuable. He reported he had attended the Loving Village Council meeting with Police Chief Bird and spoken about the work load and condition of his department. Walterscheid was impressed with Chief Bird. The Chief was upset about the fire excise tax monies and anticipated we would be hearing a lot from the Loving Police Chief. Walterscheid announced irrigation season started yesterday and was thankful there was water to fill the canals and irrigate the crops.

- 20. EXECUTIVE SESSION:** At 9:57 a.m. Walterscheid moved, seconded by Crockett to recess into Executive Session to discuss the following items. Rudometkin read the following statement.

Per New Mexico Statutes 1978, Annotated, Chapter 13, Public Purchases and Property, 13-1-116: Competitive Sealed Proposals: disclosure; record: "The contents of any proposal shall not be disclosed so as to be available to competing offerors during the negotiation process."

- a. RFP B-16-12; Employee Group Vision Plan (Attempt 2)
Evaluation Team Committee Report Review – Bob Fabian.

The Board may go into Executive Session in accordance with the State of New Mexico Open Meetings Act, Section 10-15-1-H(2), which authorizes the Board of County Commissioners to go into Executive Session to discuss:

- b. Limited personnel matters.
i. Annual Evaluation and Contract Review of Assistant County Manager.

To reconvene at 11:30 a.m. Voting yes: Crockett, Davis, Walterscheid, Wood and Henry. Passed 5-0.

- 21. RE-OPEN MEETING:** At 11:49 a.m. Davis moved, seconded by Crockett to reconvene in open session in accordance with the New Mexico Open Meetings Section 10-15-1-H(2) and Chapter 13, Public Purchases and Property 13-1-116 and to certify the only items discussed were B-16-12 and the Annual Evaluation and Contract Renewal of the Assistant County

Manager. Voting yes: Crockett, Davis, Walterscheid, Wood and Henry. Passed 5-0.

22. TAKE ACTION, IF ANY, ON ANY MATTER RELATING TO THE EXECUTIVE SESSION:

a. RFP B-16-12; EMPLOYEE GROUP VISION PLAN (ATTEMPT 2) EVALUATION TEAM COMMITTEE REPORT REVIEW – BOB FABIAN:

Davis moved, seconded by Walterscheid moved to proceed with negotiations on B-16-12, the Employee Group Vision Plan. Voting yes: Crockett, Davis, Walterscheid, Wood and Henry. Passed 5-0.

b. ANNUAL EVALUATION AND CONTRACT REVIEW OF ASSISTANT COUNTY MANAGER:

Wood moved, seconded by Davis to increase Rayroux’s severance package from 4 months to 6 months in appreciation of his years of service to the County. Voting yes: Crockett, Davis, Walterscheid, Wood and Henry. Passed 5-0.

23. ADJOURN: At 11:51 a.m. Walterscheid moved, seconded by Crockett to adjourn the meeting. Voting yes: Crockett, Davis, Walterscheid, Wood and Henry. Passed 5-0.

EDDY COUNTY BOARD OF COMMISSIONERS

ATTEST: _____

DATE: _____