

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

Be it remembered that the Eddy County Board of Commissioners held a regular meeting in the Eddy County Administration Complex-Room 211 on April 2, 2019 at 6:00 p.m. Rudometkin called the meeting to order and led the pledge of allegiance and the salute to the New Mexico State flag. Henry 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
CAS TABOR	COUNTY ATTORNEY
ROBIN VAN NATTA	COUNTY CLERK
DARLENE ROSPRIM	CHIEF DEPUTY CLERK
GEMMA FERGUSON	ASSESSOR
MARK CAGE	SHERIFF
BILLY MASSINGILL	DETENTION WARDEN
GAY WEST	ADMINISTRATIVE ASSISTANT
ROBERTA SMITH	FINANCE DIRECTOR
ROXANN BRANNON	HR DIRECTOR
CHARLIE POWELL	SAFETY
CAROL HENNINGTON	IT DIRECTOR
SHARON DODSON	ASSISTANT IT DIRECTOR
STEVE MCCROSKEY	COUNTY PLANNER
BRIAN STEPHENS	FACILITIES DIRECTOR
MIKE SMITH	CARLSBAD CURRENT ARGUS
DYLAN BARRERA	RED ROCKET MEDIA
RAYE MILLER	CITY OF ARTESIA MAYOR
JADY KING	KING INDUSTRIES

TIMED AGENDA

6:00 P.M.:

- 1. PUBLIC COMMENTS/ANNOUNCEMENTS. (THREE MINUTE TIME LIMIT PER PERSON) (WE REQUEST ALL COMMENTS BE RESPECTFUL AND COURTEOUS IN NATURE):** NONE.
- 2. CARLSBAD HONOR GUARD UPDATE-RICK J. RUDOMETKIN:** Adon Rodriguez and James Shipp gave a presentation to the Board. Rodriquez reported

the Honor Guard had been serving Eddy County veterans for 20 years and currently had 8 members. He encouraged and all eligible veterans to participate. The Honor Guard attended all veteran's funerals in Eddy County, flag raisings in our local schools and numerous community events. They also participated in and won several State competitions. The Honor Guard was a non-profit organization and depended on donations to operate. Rodriguez stated their expenses included the purchase of and cleaning of uniforms, blank ammunition, and other items needed to perform their duties. The City of Carlsbad had furnished a building at the cemetery to keep their supplies and the Carlsbad PD had furnished a safe to keep their weapons. That safe was no longer available and to purchase a new one would run about \$1200.00 The Board thanked them for their service to the community and their fellow veterans. Sheriff Cage offered a safe at the Sheriff's Office available 24/7.

3. **ACCEPTANCE AND APPROVAL OF R-19-30; EDDY COUNTY'S FY 2017-2018 AUDIT-ROBERTA SMITH:** AJ Bowers, a partner with Carr, Riggs and Ingram, gave a Power Point presentation and handed out a summary of the audit. Bowers stated the County had received an unqualified opinion which was the best that could be given. He went over the audit and exit conference with the Board. He also commended Rudometkin, Smith and the entire financial team; they did an outstanding job for Eddy County. Crockett moved to approve R-19-30, Eddy County's FY 2017-2018 Audit, seconded by Carlson. Voting yes: McCutcheon, Henry, Carlson, Wood and Crockett. Passed 5-0. R-19-30 was recorded as Timed Agenda Exhibit 3.

Henry requested that Items 4 and 5 be switched to allow Aguilar to leave.

5. **HOUSEHOLD HAZARDOUS WASTE COLLECTION EVENT-RICHARD AGUILAR:** Aguilar stated that this was the 17th year doing the collection event, the 14th year with the County. Aguilar requested a financial partnership between the County and the City. The event would take place at the beach parking lot on April 20th, 2019 from 8 a.m. to 2 p.m. and was open to all Eddy County residents. Rudometkin stated the funds given would come out of the environmental fund. Crockett moved to approve the Household Hazardous Waste Collection Event up to \$12,500.00, seconded by McCutcheon. Voting yes: McCutcheon, Henry, Carlson, Wood and Crockett. Passed 5-0.
4. **MOTOROLA RADIO SYSTEM PRESENTATION-CHRIS CHAVARRIA:** Chavarria, Communications Supervisor for the Fire Services, stated their current radio system had been in use since 2007 and they were not being serviced by the company. If approved the new system would add two channels without additional towers. Forrest, Account Manager for Motorola, stated they had been working on the system for several years now and finding parts had become a problem and support would run out at the end of 2019. Freese stated upgrades to the software and equipment were built into the contract. Sheriff Cage stated Motorola was the best equipment and it was crucial for his deputies to have radio service. Rudometkin stated the total cost would be \$4,928,110.01 to be paid 50% out of the general fund

and 50% would come out of 60% fire excise money. The cost of the new system was included in the new budget.

TRAILING AGENDA:

1. APPROVE:

a. COMMISSION MEETING MINUTES FOR MARCH 19, 2019:

Crockett moved to approve the Commission Meeting Minutes for March 19, 2019, seconded by McCutcheon. Voting yes: McCutcheon, Henry, Carlson, Wood and Crockett. Passed 5-0.

b. PURCHASE CARD REPORT FOR FEBRUARY 2019 ROBERTA SMITH:

Carlson moved to approve the Purchase Card Report for February, 2019, seconded by McCutcheon. Voting yes: McCutcheon, Henry, Carlson, Wood and Crockett. Passed 5-0. The Purchase Card Report for February 2019 was recorded as Exhibit 1.b.

2. TREASURER'S REPORT FOR FEBRUARY 2019-LAURIE PRUITT:

This was an FYI item. The February 2019 Treasurer's Report was recorded as Exhibit 2.

3. COMMITTEE RECOMMENDATION FOR COUNTY ADMINISTRATIVE SERVICES/DEPARTMENT DIRECTOR-RICK RUDOMETKIN:

Carlson moved to approve the Committee Recommendation to hire a County Administrative Services/Department Director, seconded by Wood. Voting yes: Carlson, Wood and Crockett. Voting no: McCutcheon and Henry. Passed 3-2.

4. BUDGET VS ACTUAL-FEBRUARY REVENUE AND EXPENSES

ROBERTA SMITH: Smith stated the County as a whole had collected 76% of revenue. The General Fund revenue was 96% collected, with most of that having come from GRT and oil/gas. The General Fund Expenses were at 66% which was below the standard mid-year numbers. McCutcheon moved to approve the Budget VS Actual-February Revenue and Expenses, seconded by Crockett. Voting yes: McCutcheon, Henry, Carlson Wood and Crockett. Passed 5-0. The Budget vs Actual-February Revenue and Expenses was recorded as Exhibit 4.

5. FY 2018-2019 PERSONNEL CHANGES-ROBERTA SMITH:

Smith stated this was an updated FYI item. The FY 2018-2019 Personnel Changes were recorded as Exhibit 5.

6. FY 2019-2020 BUDGET WORKSHOP MEETINGS-ROBERTA SMITH:

Workshop Meetings were scheduled for April 17th and April 23rd at 8:30 a.m. in the Eddy County Administration Complex-Room 211.

7. **FYE 2019 AUDIT CONTRACT-ROBERTA SMITH:** This was an FYI item. Smith stated the County was in their 3rd year of the 3 year contract with Carr, Riggs and Ingram, CPAs. She asked that the Board keep this in mind to move forward.
8. **2019-2020 LGRF APPLICATION-WES HOOPER:** Hooper stated the staff submitted 3 different grants to NMDOT for the FY 2019-20; those being for local government road fund, county arterial cooperative and school bus route. It was estimated the award would be \$550,000 with the total cost of the project being \$1,060,000. The County's portion of this project would be \$510,000. The Project would begin at West Fairgrounds Rd and would run north 1.5 miles. Carlson moved to approve the 2019-2020 LGRF Application, seconded by Crockett. Voting yes: McCutcheon, Henry, Carlson, Wood and Crockett. Passed 5-0.
9. **BUILDING USE BY FIRE SERVICE FOR SEARCH AND RESCUE-JOSH MACK:** Rudometkin stated the Search and Rescue team was growing and would like to utilize the building. This building was currently vacant and was purchased with legislative funds. If the County sold the building, the monies would go to the state. Henry questioned why they needed it when the Fire Service building had just been updated so it could be a central command base. Chavarria explained it would still be the main command center when needed but Search and Rescue had their equipment stuffed in the bays and could use some place for storage. Wood moved to approve the Building Use by Fire Service for Search and Rescue, seconded by Crockett. Voting yes: McCutcheon, Henry, Carlson, Wood and Crockett. Passed 5-0.
10. **NEW COMMAND TRUCK FOR SUN COUNTRY VFD-JOSH MACK:** Chavarria reported Mack was unable to attend the meeting as he was returning from Lubbock. He was available by phone if the Board had questions. The request was approval to purchase a new command truck for the Assistant Chief. McCutcheon and Carlson questioned the package and the options given. Crockett stated the Board was only approving the use of the fire excise tax money and felt they should be able to purchase what they wanted. Rudometkin stated the purchase was made through CES and the package details were already negotiated. Wood moved to approve the purchase of a New Command Truck for Sun Country VFD, seconded by Crockett. Voting yes: Henry, Carlson, Wood and Crockett. Voting no: McCutcheon. Passed 4-1.
11. **JOEL VFD SIDE BY SIDE-JOSH MACK:** Robin Williams, Chief of Joel Fire Department requested permission to purchase a side by side for the Joel VFD with donations from Devon and Oxy. Carlson moved to approve the purchase of a side by side by the Joel VFD, seconded by Crockett. Voting yes: McCutcheon, Henry, Carlson, Wood and Crockett. 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 resolution and agreement consent agenda if separate discussion is desired. Any items 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-19-31; 2019 ANNUAL CERTIFIED COUNTY MAINTAINED MILEAGE REPORT–WES HOOPER:
- ii. R-19-32; DISPOSAL, REMOVAL, OR REVISE ITEMS IN THE EDDY COUNTY INVENTORY/ASSETS–JESSICA STYGAR:
- iii. R-19-33; INDIGENT MEDICAL/HOSPITAL CLAIMS REPORT–VERONICA PARRAS:
- iv. R-19-34; XCEL REQUEST TO RE-ROUTE SOUTHERN UNION & CRANE ROADS–WES HOOPER:
- v. R-19-35; RESOLUTION SUPPORTING THE ELECTORAL COLLEGE–RICK J. RUDOMETKIN:
- vi. R-19-36; FTI CONSULTING’S MONTHLY REPORT FOR JANUARY, 2019–RICK J. RUDOMETKIN:
- vii. R-19-37; EDDY COUNTY BOARD AND COMMITTEE DESIGNATIONS AND APPOINTMENTS FOR 2019–REVISED–RICK J. RUDOMETKIN:

b. AGREEMENTS:

- i. A-19-17; SERVICE AGREEMENT FOR PLOTTER IN ASSESSOR’S OFFICE–GEMMA FERGUSON:
- ii. A-19-18; SUB-GRANT AGREEMENT FEMA-4199-43 A02–ROBERTA SMITH:
- iii. A-19-19; SUB-GRANT AGREEMENT FEMA-4199-43–ROBERTA SMITH:
- iv. A-19-20; SUB-GRANT AGREEMENT FEMA-4199-43V2 A01–ROBERTA SMITH:
- v. A-19-21; SUB-GRANT AGREEMENT FEMA-4199-44 A02–ROBERTA SMITH:
- vi. A-19-22; SUB-GRANT AGREEMENT FEMA-4199-44–ROBERTA SMITH:
- vii. A-19-23; SUB-GRANT AGREEMENT FEMA-4199-44V2 A01–ROBERTA SMITH:
- viii. A-19-24; SUB-GRANT AGREEMENT FEMA-4199-45 A01–ROBERTA SMITH:
- ix. A-19-25; SUB-GRANT AGREEMENT FEMA-4199-45–ROBERTA SMITH:
- x. A-19-26; EASEMENT AGREEMENT WITH SOLARIS MIDSTREAM DB-NM, LLC–CAS TABOR:
- xi. A-19-27; EASEMENT AND RIGHT OF WAY AGREEMENT WITH SUMMIT PERMIAN TRANSMISSION, LLC–CAS TABOR:

xii. A-19-28; SURFACE RIGHT OF WAY AGREEMENT WITH PERCUSSION PETROLEUM OPERATING, LLC-CAS TABOR:

Crockett moved to approve the Resolution and Agreement Consent Agenda, seconded by McCutcheon. Voting yes: McCutcheon, Henry, Carlson, Wood and Crockett. Passed 5-0. R-19-31 through R-19-37 were recorded as Exhibits 12.a.i-vii. A-19-17 through A-19-28 were recorded as Exhibits 12.b.i-xii.

- 13. 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. **RODNEY CAMPBELL TRAVELED TO BIG-TEX-REPAIR TO DROP OFF LA HUERTA VFD FLAT BED FOR REPAIR IN MIDLAND, TX ON FEBRUARY 8, 2019:**
- b. **BRANDON GUTIERREZ ATTENDED ADVANCED EMT CLASS ON MARCH 5, 2019 IN HOBBS, NM:**
- c. **BRANDON GUTIERREZ ATTENDED ADVANCED EMT CLASS ON MARCH 6, 2019 IN HOBBS, NM:**
- d. **BRANDON GUTIERREZ ATTENDED ADVANCED EMT CLASS ON MARCH 12, 2019 IN HOBBS, NM:**
- e. **BRANDON GUTIERREZ ATTENDED ADVANCED EMT CLASS AND CLINICALS FROM MARCH 13 THRU MARCH 15, 2019 IN HOBBS, NM:**
- f. **TRAVIS OLBERT ATTENDED IAAI NM CHAPTER BOARD MEETING IN ALBUQUERQUE, NM ON MARCH 15, 2019:**
- g. **BRANDON GUTIERREZ ATTENDED ADVANCED EMT CLASS ON MARCH 19, 2019 IN HOBBS, NM:**
- h. **BRANDON GUTIERREZ ATTENDED ADVANCED EMT CLASS ON MARCH 20, 2019 IN HOBBS, NM:**
- i. **BRANDON GUTIERREZ ATTENDED ADVANCED EMT CLASS (TENTATIVE) ON MARCH 23, 2019 IN HOBBS, NM:**
- j. **BRANDON GUTIERREZ ATTENDED ADVANCED EMT CLASS (TENTATIVE) ON MARCH 24, 2019 IN HOBBS, NM:**

FUTURE

- k. JESSICA STYGAR TO ATTEND AGA 2019 PROFESSIONAL DEVELOPMENT TRAINING FROM APRIL 3 THRU APRIL 5, 2019 IN BERNALILLO, NM:
- l. IMA LEE MELLARD TO ATTEND LEADERSHIP NM IN ALBUQUERQUE, NM FROM APRIL 4 THRU APRIL 6, 2019:
- m. CRAIG MATTOX AND KEVIN HARTLEY TO ATTEND EMS REGION III CONFERENCE IN RUIDOSO, NM FROM APRIL 21 THRU APRIL 28, 2019:
- n. COMMISSIONER SUSAN CROCKETT TO ATTEND ECA MEETINGS IN WASHINGTON, DC FROM APRIL 28 THRU MAY 3, 2019 IN WASHINGTON DC:
- o. DAVID HARKNESS TO ATTEND WATEROUS CO. MECHANIC SEMINAR FROM MAY 6 THRU MAY 10, 2019 IN SOUTH ST. PAUL, MN:
- p. RICK BURKS, TRAVIS OLBERT, AND DAVID HARKNESS TO ATTEND ANSUL FIRE SCHOOL FROM MAY 20 THRU MAY 25, 2019 IN MARINETTE, WI:
- q. ALL APPROVED PERSONNEL TO ATTEND NM EDGE CLASSES FROM JUNE 16 THRU JUNE 19, 2019 IN CLOVIS, NM:
- r. ALL APPROVED PERSONNEL TO ATTEND NMC 83RD ANNUAL CONFERENCE FROM JUNE 19 THRU JUNE 21, 2019 IN CLOVIS, NM:

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

- 14. EMERGENCY BUSINESS: None.
- 15. LEGISLATIVE UPDATE: Rudometkin stated everyone would be waiting to see what the Governor signed. The Governor had a call with the Chairman and Vice-Chairman from each county in New Mexico.
- 16. LEGISLATORS, ELECTED OFFICIALS AND COUNTY DEPARTMENT HEADS COMMENTS/ANNOUNCEMENTS/UPDATES: Ferguson stated that property owners received their Notice of Values. Her office had received several phone calls because people didn't understand the notices. She asked that all questions be referred to the Assessor's Office. Cage stated they had an Executive Board Meeting for New Mexico Counties Friday to discuss some of the damage that was done in the Legislative Session. The Governor had made a comment that she was not aware of any Sheriff reaching out to her during the Legislative Session, which was completely incorrect. Cage called to complain. A meeting had now been scheduled, a little late.
- 17. COUNTY MANAGER'S COMMENTS/ANNOUNCEMENTS/UPDATES:
None.

18. COUNTY COMMISSIONERS' COMMENTS / ANNOUNCEMENTS /

UPDATES: Crockett stated her son had flown in from Japan the day before, he had been gone for four months. McCutcheon wanted to clarify that when he stated he did things illegally, he meant unintentionally on procedure in the meetings. He would like better communication, possibly internal memos, emails among Commissioners. Wood stated he was getting calls about Dulce Road. They had concerns with truck traffic, garbage, junk cars and trucking companies. He stated he would make a visit to that area. He further stated that Highway 82 was still a mess. Carlson stated he and the Chairman had a telephone conference with the Governor. She didn't threaten to put them in jail, he thought it was more of damage control call. The Governor stated they were putting \$400 million into NMDOT this year and mentioned Highway 285 in Eddy County. She mentioned that Carlsbad would be a priority. She also said \$900 million would be going into infrastructure and \$500 million would be going to education. Henry stated he was glad the phone was on mute during the phone conversation with the Governor, especially when she said she thought the session was bi-partisan. Henry stated that in the last meeting, the Board had discussed raises, housing, and possible solutions to those issues. He would like to make it an agenda item to discuss solutions and look at how the County could help. Henry stated we needed to find people for staffing and housing.

19. EXECUTIVE SESSION: At 8:18 p.m. McCutcheon moved to go into Executive Session in accordance with the State of New Mexico Open Meetings Act, Section 10-15-1-H (2) & (7), which authorizes the Board of County Commissioners to go into Executive Session to discuss:

- a. **LIMITED PERSONNEL MATTERS:**
 - i. **DISCUSSION OF COUNTY MANAGEMENT PERSONNEL – CAS TABOR.**
- b. **THREATENED OR PENDING LITIGATION:**
 - i. **FEMA ROADS AND FUNDING – ROBERTA SMITH.**

seconded by Crockett. Voting yes: McCutcheon, Henry, Carlson, Wood and Crockett. Passed 5-0. To return at approximately 9:20 p.m.

WOOD LEFT THE MEETING DURING CLOSED SESSION.

20. RE-OPEN MEETING: At 9:38 p.m., McCutcheon moved to reopen the meeting and certified the only items discussed were:

- a. **LIMITED PERSONNEL MATTERS:**
 - i. **DISCUSSION OF COUNTY MANAGEMENT PERSONNEL – CAS TABOR.**
- b. **THREATENED OR PENDING LITIGATION:**
 - i. **FEMA ROADS AND FUNDING – ROBERTA SMITH.**

seconded by Carlson. Voting yes: McCutcheon, Henry, Carlson and Crockett. Passed 4-0.

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

a. LIMITED PERSONNEL MATTERS:

i. DISCUSSION OF COUNTY MANAGEMENT PERSONNEL

- CAS TABOR: Crockett moved that upon County Manager, Rick Rudometkin's resignation, to appoint Wes Hooper and Roberta Smith on an interim basis as Co-County Managers with a salary increase of \$12,000.00 per year plus related benefits, seconded by McCutcheon. Voting yes: McCutcheon, Henry, Carlson and Crockett. Passed 4-0.

b. THREATENED OR PENDING LITIGATION:

i. FEMA ROADS AND FUNDING – ROBERTA SMITH:

No action taken.

22. ADJOURN: At 9:40 p.m., McCutcheon moved to adjourn the meeting, seconded by Crockett. Voting yes: McCutcheon, Henry, Carlson and Crockett. Passed 4-0.

EDDY COUNTY BOARD OF COMMISSIONERS

CHAIR: _____

ATTEST: Robin VanWatter

DATE: 4-16-19

