

**EDDY COUNTY BOARD OF COMMISSIONERS
MINUTES OF A REGULAR MEETING
January 2, 2018**

BE IT REMEMBERED that the Eddy County Board of Commissioners held a regular meeting in Room 211 of the Eddy County Administration Complex on January 2, 2018; at 8:30 a.m. Crockett called the meeting to order. Rudometkin led the Pledge of Allegiance and the Salute to the New Mexico State Flag. Rayroux gave the invocation.

Present:

SUSAN CROCKETT	CHAIR, DISTRICT 5
JAMES WALTERSCHEID	VICE CHAIR, DISTRICT 1
LARRY WOOD	COMMISSIONER, DISTRICT 3
STELLA DAVIS	COMMISSIONER, DISTRICT 4
RICK RUDOMETKIN	COUNTY MANAGER
KENNEY RAYROUX	ASSISTANT COUNTY MANAGER
CAS TABOR	COUNTY ATTORNEY
GEMMA FERGUSON	ASSESSOR
MELISSA WASHBURN	CHIEF DEPUTY ASSESSOR
LAURIE PRUITT	TREASURER
MARK CAGE	SHERIFF
ROBIN VAN NATTA	COUNTY CLERK
DARLENE ROSPRIM	CHIEF DEPUTY CLERK
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
ROLAND RODRIGUEZ	IT DEPARTMENT
WESLEY HOOPER	COMMUNITY SERVICES DIRECTOR
STEVE MCCROSKEY	COUNTY PLANNER
BRIAN STEPHENS	FACILITIES DIRECTOR
RAY ROMERO	PUBLIC WORKS DIRECTOR
CHRISTINE MCCROSKEY	PUBLIC WORKS FINANCIAL OFFICER
DEBRA HICKS	PETTIGREW & ASSOCIATES
LINDA P. MARTINEZ	INDIGENT CLAIMS ADMINISTRATOR
JOSHUA MACK	FIRE MARSHAL/FIRE SERVICE DIRECTOR
BRIAN STEPHENS	MAINTENANCE DIRECTOR
DEJANAY BOOTH	CARLSBAD CURRENT ARGUS
MIKE JAXSON	ROSWELL DAILY RECORD
BRIENNE GREEN	ARTESIA DAILY PRESS

Absent:

JON HENRY	COMMISSIONER, DISTRICT 2
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TIMED AGENDA

8:30 A.M.:

1. **PUBLIC COMMENTS/ANNOUNCEMENTS:** **(THREE MINUTE TIME LIMIT PER PERSON)**
2. **PUBLIC HEARING: O-18-92; EDDY COUNTY SOLID WASTE, NUISANCE AND ILLEGAL DUMPING ORDINANCE:**

- a) **OPEN:** At 8:33 a.m. Walterscheid moved, seconded by Davis to open the public hearing. Voting yes: Crockett, Walterscheid, Wood and Davis. Passed 4-0.

Crockett announced the last Board of Commission meeting was held on December 19, 2017. The Board followed the Open Meetings Act and if they held a meeting, notice would have been given for the public to attend. Residents of the county held a meeting privately and the Board of County Commissioners was not involved in that process. She reiterated the last meeting the Eddy County Board of Commissioners was held was on December 19, 2017 in accordance with the Open Meetings Act.

- b) **STAFF COMMENTS:** Hooper stated the proposed Ordinance before the Board was O-18-92, the Eddy County Solid Waste Nuisance & Illegal Dumping Ordinance. He pointed out the Planning and Development Committee had held public meetings in Artesia and Carlsbad. Hooper wanted to review some of the issues the public was having with the Ordinance. A lot of the changes had to do with enforcement and the recommendations from the courts. For example, a scrap or junk yard could not be within 300 ft. of a county road. Hooper assured the public that this Ordinance did not give Code Enforcement the right to enter private property without a search warrant. He also pointed out this was a revision and an effort to combine two ordinances already on the books. If this was not approved those ordinances would remain in effect.
- c) **PUBLIC COMMENT:** **THREE MINUTE TIME LIMIT PER PERSON – WE REQUEST THAT ALL COMMENTS BE COURTEOUS AND RESPECTFUL IN NATURE.** See attached Timed Agenda Exhibit 2.c.

- d) **COUNTY ATTORNEY COMMENTS/QUESTIONS:** None.
- e) **COMMISSIONERS COMMENTS/QUESTIONS:** Wood stated he had received many calls over this issue. He had read the old and new ordinance. He felt there was already something in place that would address any problems and he would not support the new ordinance at this time. Davis thanked everyone for coming and voicing their opinion today. She had also received numerous e-mails and phone calls and for the most part they were respectful. She did not appreciate the rude and disrespectful messages they were uncalled for. Davis also felt the existing ordinances were sufficient and would not support the new one. Crockett read a statement from Commissioner Henry regarding O-18-92. Henry stated he was not in favor of the ordinance and respectively requested the Board table this vote today. Walterscheid was overwhelmed at the number of residents who came out to voice their opinion. Walterscheid asked several questions which were clarified and answered by staff. Crockett thanked everyone for their input. As for the seating issue the agenda was published and the meeting set. They would look at something better for future meetings. Crockett did not appreciate the comments about her understanding of the issues since she lived in the City. She was elected to represent every county resident and she did her best to do just that. The people had obviously spoken and did not want them to move forward with O-18-92.
- f) **ENTERTAIN A MOTION AND SECOND FROM BOARD:** No motion made.
- g) **BOARD ACTION:**
i. **APPROVE/DISAPPROVE ORDINANCE O-18-92;**
Died for lack of a motion.
- h) **ADJOURN HEARING:** At 12:01 p.m. Walterscheid moved, seconded by Davis to adjourn the public hearing for O-18-92. Voting yes: Crockett, Walterscheid, Wood and Davis. Passed 4-0.

3. **PUBLIC HEARING: O-18-93; EDDY COUNTY ADDRESSING ORDINANCE:**

- a) **OPEN:** At 12:13 p.m. Walterscheid moved, seconded by Davis to open the public hearing regarding O-18-93. Voting yes: Crockett, Walterscheid, Wood and Davis. Passed 4-0.

- b) **STAFF COMMENTS:** Hooper stated this was a revision of the current ordinance, taking the liability off of the county and putting the responsibility on the resident to keep their information current.
- c) **PUBLIC COMMENT: THREE MINUTE TIME LIMIT PER PERSON – WE REQUEST THAT ALL COMMENTS BE COURTEOUS AND RESPECTFUL IN NATURE:** John Groh stated this was being done to be eligible for federal grant money. He stated the county should stop taking federal money and thought the renaming of the ordinance was a waste of time.
- d) **COUNTY ATTORNEY COMMENTS/QUESTIONS:** None.
- e) **COMMISSIONERS COMMENTS/QUESTIONS:** Walterscheid spoke with Hooper regarding problems with definitions on multiple sections. He wanted the ordinance to be revised to include his suggestions. Placement of the house number was important and should be uniform. Van Natta suggested the sign be placed at the entrance of the resident. The people out there putting these signs out would have no way of knowing where the property line was located. Davis pointed out there would be a fee for new address signs.
- f) **ENTERTAIN A MOTION AND SECOND FROM BOARD:** Wood moved, seconded by Davis to approve O-18-93. Wood amended his motion, seconded by Davis to amend the verbiage in section 11.4. Walterscheid offered a friendly amendment to the motion and asked a change be made in section 9.5 regarding sign placement to read easement, rights-of-way or entrance to the property. Wood accepted and included the amendment in his motion and Davis amended her second.
- g) **BOARD ACTION:**
- i. **APPROVE/DISAPPROVE ORDINANCE O-18-93;**
Voting yes: Crockett, Walterscheid, Wood and Davis. Passed 4-0. O-18-93 was recorded in Ordinance Book 2 Page 804 on January 2, 2018.
- h) **ADJOURN HEARING:** At 12:40 p.m. Davis moved, seconded by Walterscheid to adjourn the hearing on O-18-93. Voting yes: Crockett, Walterscheid, Wood and Davis. Passed. 4-0.

4. BID AWARD:

- a. **B-17-07; CONSTRUCTION MATERIALS AND SUPPLIES SERVICES – KATIE GOMEZ:** Gomez reviewed the bids submitted. It was her recommendation that the bid be awarded to vendors per category. There was one non-responsive bid. Recommendations were as follows: J-H Services, James Hamilton Construction Co, Horseshoe Creek LLC, Black River Machine & Water, Constructors Inc., IPR Limited, FNF Construction Inc., Interwest Safety Supply LLC, Desert West Enterprises LLC, Holly Frontier Refining & Marketing LLC, Ergon Asphalt & Emulsions Inc, and Thunder Run Concrete LLC. The publication for B-17-07 and detail sheet was recorded as Timed Agenda Exhibit 4.a.

TRAILING AGENDA:

1. & 2. **RECESS EDDY COUNTY COMMISSION MEETING & CONVENE AS INDIGENT HOSPITAL CLAIMS BOARD:** At 12:45 p.m. Davis moved, seconded by Wood to recess the Eddy County Commission meeting and convene as the Indigent Hospital Claims Board. Voting yes: Crockett, Walterscheid, Wood and Davis. Passed 4-0.
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.
4. & 5. **ADJOURN INDIGENT HOSPITAL CLAIMS BOARD & RECONVENE EDDY COUNTY COMMISSION MEETING:** At 12:46 p.m. Wood moved, seconded by Davis to adjourn the Indigent Hospital Claims Board and reconvene the Eddy County Commission Meeting. Voting yes: Crockett, Walterscheid, Wood and Davis. Passed 4-0.
- 6 **APPROVE/DISAPPROVE ONE (1) INDIGENT BURIAL – LINDA P. MARTINEZ:** Davis moved seconded by Walterscheid to approve one indigent burial. Voting yes: Crockett, Walterscheid, Wood and Davis. Passed 4-0.

7. APPROVE:

a. COMMISSION MEETING MINUTES FOR DECEMBER 5, 2017:

Walterscheid moved seconded by Davis to approve the minutes for December 5, 2017. Voting yes: Crockett, Walterscheid, Wood and Davis. Passed 4-0.

8. SUPPORT LETTER FOR HOLTEC INTERNATIONAL – RICK J.

RUDOMETKIN: Davis moved seconded by Walterscheid to approve the support letter for Holtec International. Voting yes: Crockett, Walterscheid, Wood and Davis. Passed 4-0.

9. EDDY COUNTY BOARD AND COMMITTEE DESIGNATIONS AND APPOINTMENTS FOR 2018 – RICK J. RUDOMETKIN:

The list was presented and Commissioners were asked to review the list and let Gay know which committees and boards they wished to serve on.

10. EDDY COUNTY COMPENSATION PLAN – ROXANN BRANNON:

Davis moved, seconded by Walterscheid to approve the Eddy County Compensation Plan. Voting yes: Crockett, Walterscheid, Wood and Davis. Passed 4-0. The Eddy County Compensation Plan was recorded as Exhibit 10.

11. 2017/2018 MARKET SURVEY – ROXANN BRANNON:

Brannon reviewed the survey and reported they were not requesting a market increase at this time. The 2017/2018 Market Survey was recorded as Exhibit 11.

12. REQUEST TO RELEASE FIVE (5) FROZEN DETENTION OFFICER POSITIONS – WARDEN MASSINGILL:

Massingill explained the need for the positions requested. He cited new regulations from the State due to lawsuits as part of the reason for the request. Wood moved, seconded by Davis to approve the request and unfreeze the 5 positions with associated costs of \$182,251 with salaries and benefits. Voting yes: Crockett, Walterscheid, Wood and Davis. Passed 4-0.

13. 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:** None.

b. **AGREEMENTS:**

- i. **A-18-01; 2017 HIDTA GRANT SUB AWARD AGREEMENT WITH COUNTY OF LEA FOR REGION VI DRUG TASK FORCE – WM. ROBERT SULLIVAN:**
- ii. **A-18-02; 2017 HIDTA GRANT SUB AWARD AGREEMENT WITH COUNTY OF LEA FOR PECOS VALLEY DRUG TASK FORCE – WM. ROBERT SULLIVAN:**
- iii. **A-18-03; CONSTRUCTION CONTRACT FOR STANDPIPE ROAD PHASE 1 – ROBERTA SMITH:**

Davis moved, seconded by Walterscheid to approve the Resolution & Agreement Consent Agenda. Voting yes: Crockett, Walterscheid, Wood and Davis. Passed 4-0. Agreements A-18-01 – A-18-03 were recorded as Exhibits b.i., b.ii. and b.iii respectively.

14. PROJECT UPDATES: – None.

15. 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: None.

FUTURE:

- a. **GEMMA FERGUSON TO ATTEND BAT BRIGADE FROM JANUARY 28 THRU JANUARY 31, 2018 IN SANTA FE, NM:**

Wood moved, seconded by Davis to approve the Travel Request Consent Agenda. Voting yes: Crockett, Walterscheid, Wood and Davis. Passed 4-0.

16. LEGISLATIVE ISSUES: None.

17. EMERGENCY BUSINESS: None.

18. ELECTED OFFICIALS/DEPT HEADS COMMENTS/ANNOUNCEMENTS/UPDATES: Massingill stated the need to familiarize himself with HB20/HJR 2 and warned there was no funding associated with those mandates. Romero reported they had a situation that needed attention over the holiday that involved a large sum of money. He thanked the Clerks and the engineering

staff for coming in on their day off to help with the situation. They went above and beyond and he wanted to publicly thank them for their help. Rudometkin introduced Chris Chavarria, the new Communications Director for Emergency Management. Chavarria stated he had previously been at REDA and was looking forward to improving the radio system for the Sheriff and Emergency Management.

19. COUNTY MANAGER'S AND ASSISTANT COUNTY MANAGER'S COMMENTS/ANNOUNCEMENTS/UPDATES: Rudometkin stated the NMAC Affiliate meetings and EDGE classes would be held in January. He wished all a Happy New Year.

20. COUNTY COMMISSIONERS' COMMENTS/ANNOUNCEMENTS/UPDATES: Walterscheid stated Frank Hammond had passed away over the holidays. He was going to be registering for EDGE Classes. Walterscheid requested the Planning & Development Committee meetings be held in the evenings. He spoke with Representative Candy Ezell and she was on the Solid Waste Committee. Davis wished all a Happy New Year. She appreciated all who came to the meeting today. She asked that in the future, comments be respectful. Wood stated as he finished his first year on the Commission he found it to be interesting. He would be speaking on the radio in the morning and asked for someone to fill in for Commissioner Henry. Crockett stated she was looking forward to the New Year as Chair.

21. EXECUTIVE SESSION: None.

22. ADJOURN: At 1:18 p.m. Walterscheid moved, seconded by Davis to adjourn the meeting. Voting yes: Crockett, Walterscheid, Wood and Davis. Passed 4-0.

EDDY COUNTY BOARD OF COMMISSIONERS

CHAIR: _____

ATTEST: _____

DATE: _____

Timed Agenda Exhibit 2.c.

Public Comments on O-18-92 item 2.c. Sheriff Cage questioned the authority by which anyone could direct him or his office to enforce an Ordinance. Cage did not express his opinion about the Ordinance; however, he felt he should be involved during development any document that directed him to do something.

The following residents spoke against the Ordinance: Tina Kincaid, Ronnie Walterscheid, Will Crockett, Ray Ballard, Rick McKean, James Bly, Ken Hargues, Ronnie Barron, Marty Posey, Frank Huerque, Sandie Wilkie, Richie Crockett, Janet Cox, Cutler Crockett, David Kidd, Cody Harwell, Larry Taylor, Russell Patterson, Tanessa Rodriguez, Lonnie Gossett, Danny ?, Randy Norrid & Phoenix, Kerri Box, Joey Markel, Terry Lunsford, Natalie Nelson, Philip Troost, Nancy Watts, Blaise Campanella, Larry Carrigan, Larry Carrigan Jr., Bill Eaton, Jody Wright, Jacob Hunt, Jeremy B., Mary Beth Rose, Corine Yeager, Miguel Quinones, Cody Martin, Lonnie King, Miguel Madrid, William Hammond, Marvin Hammond, Randy Hammond, Martin Durango, Carolyn Banks, Kari Cox, Shawn & Wyatt Cummings, John Sims, Fontaine Garrett, Barry Caswell, Terrell McBee, Dallas Martin, Irby Abernathy, John Groh, Jennifer McKibben Schoolcraft, Carolyn Taylor, Dan Banks and William Kalka.

Residents' concerns ranged from objection to government interference in their private and business lives to a general feeling of mistrust. It was mentioned by several that the county should look at what people were trying to tell them, protect their property rights, and the right to conduct their businesses as they saw fit. They objected to the definitions in the Ordinance and the number of Ordinance's the county had enacted in recent years. Antique/junk cars were also a major issue for those in attendance. They urged the county to drop this issue and were angered about the fact that they had to appear in front of the Board to fight for their rights. Several complaints about the lack of seating were lodged. Residents demanded better meeting accommodations in the future. Those opposed reminded the Board that they were elected and could be voted out. It was also mentioned and concerned several speakers that people who spoke at today's meeting would somehow be targeted for retaliation in the future.