

**EDDY COUNTY BOARD OF COMMISSIONERS
MINUTES OF A REGULAR MEETING
February 6, 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 February 6, 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. Davis gave the invocation.

Present:

SUSAN CROCKETT	CHAIR, DISTRICT 5
JAMES WALTERSCHEID	VICE-CHAIR, DISTRICT 1
STELLA DAVIS	COMMISSIONER, DISTRICT 4
LARRY WOOD	COMMISSIONER, DISTRICT 3
JON HENRY	COMMISSIONER, DISTRICT 2
ROBIN VAN NATTA	COUNTY CLERK
DARLENE ROSPRIM	CHIEF DEPUTY CLERK
GEMMA FERGUSON	ASSESSOR
MELISSA WASHBURN	CHIEF DEPUTY ASSESSOR
MARK CAGE	SHERIFF
RICK RUDOMETKIN	COUNTY MANAGER
KENNEY RAYROUX	ASSISTANT COUNTY MANAGER
CAS TABOR	COUNTY ATTORNEY
GAY WEST	ADMINISTRATIVE ASSISTANT
ROBERTA SMITH	FINANCE DIRECTOR
JESSICA STYGAR	ASSISTANT FINANCE DIRECTOR
KATIE GOMEZ	PROCUREMENT MANAGER
ROXANN BRANNON	HR DIRECTOR
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
RUBEN DE LA ROSA	FOREMAN ROAD 2
DEBRA HICKS	PETTIGREW & ASSOCIATES
LINDA P. MARTINEZ	INDIGENT CLAIMS ADMINISTRATOR
BILLY MASSINGILL	WARDEN
JOSHUA MACK	FIRE MARSHAL/FIRE SERVICE DIRECTOR
ROBERT CASTILLO	ASST. FIRE MARSHAL/FIRE SERVICE DIRECTOR
JENNIFER ARMENDARIZ	EMERGENCY MANAGER
DEJANAY BOOTH	CARLSBAD CURRENT ARGUS
MIKE JAXSON	ROSWELL DAILY RECORD

TIMED AGENDA

8:30 A.M.:

1. **PUBLIC COMMENTS/ANNOUNCEMENTS:** *(THREE MINUTE TIME LIMIT PER PERSON)* None.

2. **RPC CPAS & CONSULTANTS, LLP PRESENTING AND DISCUSSING EDDY COUNTY'S FY2016-2017 AUDIT – ROBERTA SMITH:** Allen Bowers, Jr. with RCP, CPA Consultants, LLP, reviewed the audit report. The finances had remained consistent for both the county and the Authority (REDA). The County had received an “unmodified” opinion which was the best opinion available. Bowers stated there were 3 findings from the audit which for a county of this size was very good. He noted one of the findings was from 2015 and he had no doubt the county would correct those in the coming year. Bowers noted the deficiency in reporting oil and gas tax was just a timing issue with the State deadlines, the cash was exactly right. He thanked all the staff for their help and cooperation during the audit. As of October 2017, the firm had merged with another firm. The main office was located in Albuquerque; however, they had an office locally and would continue to provide excellent service to their clients. Crockett thanked everyone involved in the process and staff for their hard work throughout the year. Davis moved, seconded by Henry to approve the FY2016-2017 Audit. Voting yes: Wood, Davis, Crockett, Walterscheid and Henry. Passed 5-0. The FY2016-2017 Audit was recorded as Timed Agenda Exhibit 2.

3. **PRESENTATION ON CARLSBAD HOUSING REPORT DECEMBER 2017 – SHANNON CARR WITH CARLSBAD DEPARTMENT OF DEVELOPMENT:** Sharon Carr and John Waters with the CDOD presented the Board with a full report on future development in Carlsbad. The survey had gone out to 49 businesses to assess their needs for housing. Carr stated with the oil & gas boom there was a strain on available work force and housing. Most apartments had a waiting list of 100 and average cost for a 1 bedroom was \$900. Hotel costs had gone up 35% which would put a damper on the tourist industry. Carr stated there were several large developments ready to start building. The businesses stated they would be hiring over the next year. According to the Department of Workforce solutions there were 900 job openings across the county. Carr stated the experience of employees when trying to find housing was rated as difficult and the lack of housing had made it hard to recruit employees. The increase in demand was not necessarily good for residents due to increased associated costs. The presentation was recorded as Timed Agenda Exhibit 3.

4. **BID AWARDS:**
 - a. **IFB 18-01; CATTLE GUARDS, CULVERTS AND GEOGRID KATIE GOMEZ:** Gomez reported it was solicited as a multi award

bid item. Seven bids were received and deemed responsive; one was received after the deadline which remained unopened. Gomez stated it was the recommendation to award portions of the bid to GEO Emulsions LLC, Context Engineered Solutions, Titant Construction, Renegade Construction, LLC, Passie Contracting Inc. and J & H Services Inc. Gomez clarified the bid items. Item 1. were culverts, item 2 was cattle guards and item 3 was Geogrid. Walterscheid moved, seconded by Davis to award IFB 18-01 as recommended. Voting yes: Wood, Davis, Crockett, Walterscheid and Henry. Passed 5-0. The publication of IFB 18-01 was recorded as Timed Agenda Exhibit 4.a.

TRAILING AGENDA:

1. & 2. RECESS EDDY COUNTY COMMISSION MEETING & CONVENE AS INDIGENT HOSPITAL CLAIMS BOARD: At 9:09 a.m. Henry moved, seconded by Walterscheid to recess the Eddy County Commission Meeting & convene as the Indigent Hospital Claims Board. Voting yes: Wood, Davis, Crockett, Walterscheid 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 would 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 EDDY COUNTY COMMISSION MEETING: At 9:10 a.m. Walterscheid moved, seconded by Henry to adjourn the Indigent Hospital Claims Board & reconvene the Eddy County Commission Meeting. Voting yes: Wood, Davis, Crockett, Walterscheid and Henry. Passed 5-0.

6. APPROVE/DISAPPROVE: ONE (1) INDIGENT BURIAL – LINDA P. MARTINEZ: Davis moved, seconded by Walterscheid to approve one indigent burial. Voting yes: Wood, Davis, Crockett, Walterscheid and Henry. Passed 5-0.

7. APPROVE:

a. COMMISSION MEETING MINUTES FOR DECEMBER 19, 2017:
Wood moved, seconded by Davis to approve the Commission

Meeting Minutes for December 19, 2017. Voting yes: Wood, Davis, Crockett, Walterscheid and Henry. Passed 5-0.

b. EMERGENCY COMMISSION MEETING MINUTES FOR JANUARY 27, 2018: Davis moved, seconded by Walterscheid to approve the Emergency Commission Meeting Minutes for January 27, 2018. Voting yes: Wood, Davis, Crockett, Walterscheid and Henry. Passed 5-0.

c. PURCHASE CARD REPORT FOR DECEMBER 2017: Walterscheid moved, seconded by Davis to approve the Purchase Card Report for December 2017. Voting yes: Wood, Davis, Crockett, Walterscheid and Henry. Passed 5-0. The Purchase Card Report for December 2017 was recorded as Exhibit 7.c.

8. APPROVE MODIFICATION #2 FOR GRANT #G17SN0017A TO INCREASE REGION VI DRUG TASK FORCE BUDGET – WM. ROBERT SULLIVAN:

Wood moved, seconded by Henry to approve the Modification #2 for Grant #G17SN0017A to Increase Region VI Drug Task Force Budget. Voting yes: Wood, Davis, Crockett, Walterscheid and Henry. Passed 5-0.

9. CLASSROOM UPDATES FOR FIRE ADMINISTRATION AND TRAINING COMPLEX – JOSHUA R. MACK:

Mack stated they would like to move \$100K out of the construction fund to cover updates to the training room. Walterscheid moved, seconded by Davis to approve the classroom updates for the Fire Administration and Training Complex. Voting yes: Wood, Davis, Crockett, Walterscheid and Henry. Passed 5-0.

10. FIRE SERVICES FACILITY IMPROVEMENTS – BRIAN STEPHENS OR JOSH MACK:

Stephens reported the first priority was to purchase and install an emergency generator. It had been approved by the Board but nobody could be found to install the unit. The proposal included a restroom remodel to include showers, a security gate, site drainage and electronic access control. The money was in the construction fund and had been there since the county had acquired the building. Davis moved, seconded by Walterscheid to approve the fire services facility improvements. Voting yes: Wood, Davis, Crockett, Walterscheid and Henry. Passed 5-0. The proposed facilities improvements were recorded as Exhibit 10.

11. FY 2017-2018 MID-YEAR FINANCIAL REVIEW – ROBERTA SMITH:

Smith recapped the budget and pointed out in theory if you started with a balanced budget you should end with the same cash balance. The approved budget included step increases for eligible employees, and the 29 positions that were frozen remained that way for a savings of over \$1.7M. The Board did not approve any capital outlay for the general fund or an increase in operational budgets for the 3rd year in a row. Smith reminded the Board of the \$2.9M which was left from the previous year of which \$65K was used for the referendum, \$125K was allocated to the brine well, \$860K went to Public

Works, \$550K went to the Sheriff's Office and \$400K was distributed to all other departments leaving \$179K. The Sheriff had since been approved for \$117K which he was spending and the remaining \$62K would be distributed to general fund departments. Smith stated \$463K had been used on budget adjustments for the general fund for items approved by the Board but not budgeted. Smith noted of the \$2.9M there was \$532K left of the surplus. Smith stated the Board had approved \$825K in positions that would affect next year's budget. As of December 31, 2017, there was a surplus of \$1.6M. Smith pointed out those numbers could be found on the reports she provided to the Board on a regular basis. Total revenue collected to date was \$65M, \$24M of that money was FEMA, county expenses were under budget at 49%. GRT to date was over budget by \$1.4M, oil and gas was up \$213K. Smith had full confidence based on the numbers, the year would end with a surplus in the neighborhood of \$3M. Smith pointed out last year's surplus was not due to revenues it was departments being conservative and not spending their money. Smith cautioned that a surplus was a one-time deal and should not be used for reoccurring expenses. The county would have new revenue with the GRT the Board passed to compensate for Sole Community Provider payments to the state. That money would be put into indigent; however, it should lessen the budget transfers from the general fund for shortfalls. Smith reviewed possible employee costs if all requests were approved. She stated her estimates did not include associated costs. Smith stated it was important to remember positions were reoccurring costs and should not be paid for out of surplus. She stressed priorities and goals were important to establish. The Board thanked Smith for the presentation and the way it was laid out. They asked for a report of costs when a new request for personnel was presented. Smith gave Brannon credit for the data on new position costs. The FY 2017-2018 Mid-Year Financial Review was recorded as Exhibit 11.

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 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:

- i. **R-18-03; EDDY COUNTY BOARD AND COMMITTEE DESIGNATIONS AND APPOINTMENTS FOR 2018 – RICK J. RUDOMETKIN:**
- ii. **R-18-16; ARTESIA CHAMBER OF COMMERCE MONTHLY ADVOCACY REPORT FOR NOVEMBER THRU DECEMBER 2017 – RICK J. RUDOMETKIN:**
- iii. **R-18-19; CIELO VISTA ESTATES BLOCK 1, CACTUS LANE VACATION – STEVEN MCCROSKEY:**

b. AGREEMENTS:

- i. A-18-16; PDS SERVICE AGREEMENT – ROXANN BRANNON:**
- ii. A-18-17; EMPG SUB-GRANT AGREEMENT AMENDMENT – JOSHUA MACK:**
- iii. A-18-18; PERMIT TO CONDUCT GEOPHYSICAL OPERATIONS – WESLEY HOOPER:**

Wood moved, seconded by Walterscheid to approve the Resolution/Agreement Consent Agenda pulling R-18-19 and A-18-18. Voting yes: Wood, Davis, Crockett, Walterscheid and Henry. Passed 5-0. Resolutions R-18-03 and R-18-16, were recorded as Exhibits 12.a.i – ii. Agreements A-18-16 – A-18-17 were recorded as Exhibits 12.b.i. and ii.

- iii. R-18-19; CIELO VISTA ESTATES BLOCK 1, CACTUS LANE VACATION – STEVEN MCCROSKEY:** McCroskey stated these were previously platted rights-of-way from 1964. The owners of adjacent lots had requested the vacation of the area. It was still on the 911 system as a road which caused problems. McCroskey stated it was never a road and did not meet county specifications for rights-of-way. Tabor stated the Board's task was to determine if the vacation would negatively impact area residents. He explained since the property was within the subdivision it never belonged to the owner. It was existing rights-of-way with the development of the subdivision and it was not appropriate to divide the road equally between land owners. McCroskey stated no property owner was land locked as a result of the vacations. Walterscheid asked if there were any residents against the vacation. McCroskey stated a property owner was concerned about land lock for her son; however, the piece was never maintained by the county and her son would have the same access as before. Walterscheid moved, and Henry moved to approve R-18-19. Voting yes: Wood, Davis, Crockett, Walterscheid and Henry. Passed 5-0. R-18-19 was recorded as Exhibit 12.a.iii.

- iii. A-18-18; PERMIT TO CONDUCT GEOPHYSICAL OPERATIONS – WESLEY HOOPER:** Walterscheid cautioned the county to be careful of the damage the equipment used for these geophysical operations could cause. Hooper explained Romero had been careful to make sure roads would not be affected. Romero stated they were doing everything possible to minimize or prevent damage to the area. Rayroux stated the agreement limited the company to electronic monitoring. The same procedure was just used throughout the City of Carlsbad. Walterscheid

moved, seconded by Davis to approve A-18-18. Voting yes: Wood, Davis, Crockett, Walterscheid and Henry. Passed 5-0. A-18-18 was recorded as Exhibit 12.b.iii.

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. **TRAVIS OLBERT TRAVELED TO HOUSTON, TX ON JANUARY 2 AND RETURNED JANUARY 3, 2018 TO DELIVER OTIS COMMAND UNIT AND PICK UP NEW COMMAND UNIT:**
- b. **TRAVIS OLBERT OBSERVED AUTOPSY FOR FIRE INVESTIGATION FROM JANUARY 7 THRU JANUARY 8, 2018 IN ALBUQUERQUE, NM:**
- c. **ROBERT CASTILLO TRAVELED TO HOUSTON, TX VIA AUSTIN, TX FROM JANUARY 7 THRU JANUARY 9, 2018 TO PICK UP DRONE/PERFORMED TRAINING AND PICK UP COMMAND UNIT:**
- d. **LUIS ORTEGA ATTENDED JOHN E. REID INVESTIGATIVE AND INTERVIEWING CLASS FROM JANUARY 8 THRU JANUARY 12, 2018 IN LAS CRUCES, NM:**

FUTURE

- e. **JUDGE JOHN CARAWAY TO ATTEND MANDATORY PROBATE JUDGE TRAINING FROM FEBRUARY 21 THRU FEBRUARY 23, 2018 IN ALBUQUERQUE, NM:**
- f. **CASEY GOFF TO ATTEND ASBESTOS BUILDING INSPECTOR INITIAL FROM APRIL 22 THRU APRIL 26, 2018 IN ALBUQUERQUE, NM:**

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

15. LEGISLATIVE ISSUES: Rudometkin stated the legislature was still in session and there were several bills concerning the brine well. Davis reported she had sat in on a house committee meeting where the bill got a pass with no recommendation. The disagreement was the funds would come out of various departments and that was not popular. She urged everyone to contact those committee members and support our legislators and thanked those who

were working on this issue. Davis had taken a call from a woman in the Sunnyview area that stated her cabinets were falling off the walls due to activity of the brine well.

16. EMERGENCY BUSINESS: None.

17. ELECTED OFFICIALS/DEPARTMENT HEADS
COMMENTS/ANNOUNCEMENTS/UPDATES: Smith thanked her staff and Elected Official and Department Heads for their work on the audit; with a special thank you to Stygar the Assistant Finance Director. Smith stated it was a team effort to achieve this level of success. Ferguson thanked Rudometkin and everyone who participated in the retreat. She felt it was a success and a great team building experience. Van Natta reminded those that were eligible to vote in the Artesia School Election.

18. COUNTY MANAGER'S AND ASSISTANT COUNTY MANAGER'S
COMMENTS/ANNOUNCEMENTS/UPDATES: Rudometkin stated this was the third year in a row the county had an unmodified audit he was proud of that. He thanked everyone for their hard work.

19. COUNTY COMMISSIONERS' COMMENTS/ANNOUNCEMENTS/UPDATES:
Wood clarified a comment printed in the Carlsbad Current Argus from the emergency meeting about brine well funding. The quote was that he supported the GRT. What he had said was the GRT was probably the best way to recoup the funds; however, he would not support an increase in the GRT. The voters had made it clear how they felt about additional taxes. Davis reported she had traveled with the Bat Brigade and it was a very effective trip. Issues such as US285, and the brine well were all dependent on funding. Davis stated it would take all parties to solve those problems. Davis thanked Smith and her staff for their work on the audit. Walterscheid stated he had been watching the brine well legislation closely and contacting legislators. He had discovered the legislators from the southeast corner of the state had offered to give up all their capital outlay money for the remediation of the brine well. Walterscheid stated we really needed to thank them for that sacrifice. He encouraged everyone to watch the meetings via webcast. Walterscheid had been in Malaga to encourage residents to participate with the VFD and they had 3 applications for membership. Walterscheid had asked the CID manager about the CID canal over the brine well and discovered the Bureau of Reclamation had developed a plan back in 2013 to re-route the canal. Henry reported Alex Epstein would be in Artesia in April. He was the author of The Oral Case for Fossil Fuels and presented a good argument for that type of energy. Henry pointed out the 9th grade boys basketball team were Boarder Conference Champions this year. Crockett stated the audit was a huge deal. When she had been elected to the Commission they had received 15 audit findings. She thanked everyone involved. Crockett felt the retreat was a huge success and hoped it would continue. She thanked John Heaton for his efforts on the brine well issue as well as our legislators. Crockett reported a meeting on Phase II of the

Standpipe project would be held at 5:30 p.m. on Thursday at the Fire Service Center. Red Rocket would be advertising and broadcasting the meeting. The City Candidate forum was also available on redrocket.com. She encouraged everyone to watch it.

20. EXECUTIVE SESSION: None.

21. ADJOURN: At 10:52 a.m. Davis moved, seconded by Walterscheid to adjourn the meeting. Voting yes: Wood, Davis, Crockett, Walterscheid and Henry. Passed 5-0.

EDDY COUNTY BOARD OF COMMISSIONERS

CHAIR: _____

ATTEST: _____

DATE: _____