

**EDDY COUNTY BOARD OF COMMISSIONERS
MINUTES OF A REGULAR MEETING
JUNE 26, 2018**

BE IT REMEMBERED that the Eddy County Board of Commissioners held a regular meeting in Artesia Public School Administration's Board Room, located at 301 Bulldog Blvd, Artesia, on June 26, 2018 at 6:00 p.m. Crockett called the meeting to order. Rudometkin led the Pledge of Allegiance and the Salute to the New Mexico State Flag. Larry E. Wood gave the invocation.

PRESENT:

SUSAN CROCKETT	CHAIR, DISTRICT 5
JAMES WALTERSCHEID	VICE-CHAIR, DISTRICT 1
JON HENRY	COMMISSIONER, DISTRICT 2
LARRY WOOD	COMMISSIONER, DISTRICT 3
STELLA DAVIS	COMMISSIONER, DISTRICT 4
RICK RUDOMETKIN	COUNTY MANAGER
KENNEY RAYROUX	ASSISTANT COUNTY MANAGER
CAS TABOR	COUNTY ATTORNEY
MELISSA WASHBURN	CHIEF DEPUTY ASSESSOR
MARK CAGE	SHERIFF
ROBIN VAN NATTA	COUNTY CLERK
DARLENE ROSPRIM	CHIEF DEPUTY CLERK
GAY WEST	ADMINISTRATIVE ASSISTANT
JESSICA STYGAR	ASSISTANT FINANCE DIRECTOR
KATIE GOMEZ	PROCUREMENT OFFICER
ROXANN BRANNON	HR DIRECTOR
CAROL HENNINGTON	IT DIRECTOR
SHARON DODSON	ASSISTANT IT DIRECTOR
WESLEY HOOPER	COMMUNITY SERVICES DIRECTOR
STEVE MCCROSKEY	COUNTY PLANNER
EULALIA STROMAN	MVD SUPERVISOR
BRIAN STEPHENS	FACILITIES DIRECTOR
RAY ROMERO	PUBLIC WORKS DIRECTOR
CHRISTINE MCCROSKEY	PUBLIC WORKS FINANCIAL OFFICER
RUBEN DELAROSA	FOREMAN ROAD II
LINDA P. MARTINEZ	INDIGENT CLAIMS ADMINISTRATOR
JOSHUA MACK	FIRE MARSHAL/FIRE SERVICE DIRECTOR
BILLY MASSINGILL	WARDEN
CYNTHIA LEYVA	DETENTION
MARIA MALDONADO-MERJIL	DETENTION ADMINISTATIVE ASSISSTANT
DEJANAY BOOTH	CARLSBAD CURRENT ARGUS
BRIENNE GREEN	ARTESIA DAILY RECORD

TIMED AGENDA

6:00 P.M.: Crockett thanked Thadd Phipps, Scottie Stall and Brice with the IT department for working with Gay on getting the meeting set up.

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

Paul Gessling: President of the Rio Grande Foundation, commended the county for taking steps to become a Right to Work County. The Supreme Court would be hearing this case in the morning. Gessling cited being a Right to Work State was in the top 10 items businesses looked at when choosing a location. Right to Work was a simple concept and it did not force employees to join or pay fees to the union as a condition of employment.

Leon Ciera: Operating Engineers disputed the facts stated by Mr. Gessling. He had a study of data which had been collected for years and not once was Right to Work in the top ten when companies considered location. Ciera stated getting something for free was an interesting concept. That was what Right to Work provided. You get all the benefits of a negotiated contract without investing anything. Ciera stated some people didn't like to pay taxes, yet they expected EMS or the Police to show up when they were called. How was that fair for the few to pay for all the services. The Right to Work was a way to break the union and gain power. Passage of Right to Work would bring down wages of the average worker.

Jim Townsend: New Mexico State Representative District 54, thanked the Board for being in Artesia tonight. Townsend stated 11% of the New Mexico work force was covered by unions. Right to Work was not about being union or non-union but letting the worker have the right to choose. Employees should have the right to join and pay dues or not. Townsend stated economic development experts had told him the number one question companies asked was if NM was a Right to Work State.

Carla Santaga: Active supporter of Right to Work for over 20 years. Santaga applauded the Board for their leadership and the promotion of economic development.

Anthony Gurrola: Spoke against Right to Work. He felt benefits would be diminished and wages would be lowered. The states with the highest unemployment rates were Right to Work States. It would only benefit the company not the worker.

Bertha Lujan: Asked the Commission to not vote for Right to Work. She felt in order to protect workers' rights and benefits unions must be in place. Lujan feared wages would go down and insurance would be impossible to get. Protect the people not the company. The contract negotiated by the union was the only way to protect the people. Lujan stated since you were a praying people she hoped the Board would take this issue to their Creator and protect the people.

Adam Koda: BLEET, Brotherhood of Locomotive Engineers, spoke in favor of unions. They existed for a reason. Unions came about due to a lack of virtue on the part of employers. He had been a victim of this when as a firefighter he lost his health insurance due to the lack of a contract. Koda urged the Board to vote against Right to Work and allow unions to serve their purpose.

Jason Valencourt: Spoke in favor of Right to Work. He had been called names due to his views on this issue. New Mexico meant a great deal to him and he wanted the workers of this state to have a choice. He thanked the Board for having the courage to do the right to work.

Brad Yessin: Attorney for Sandoval County spoke about his experience with Right to Work. He was involved in Kentucky and their success after they passed Right to Work.

Christopher Savedra: Albuquerque resident, wanted to let the Board know that Mr. Yessin was 100% in favor of Right to Work regardless of what he said. Right to Work was a cancer that was spreading through New Mexico. He urged the Board to keep government out of the work place and vote against Right to Work.

Bill Kalka: Thanked the Board and Elected Official for being there tonight. Kalka stated it was time to be a little selfish and to think of our economic development. If it took Right to Work to bring businesses to Eddy County then he was all for it. Kalka just wanted to thank the County for having the meeting in Artesia and invited them to come more often.

Michael Bundt: Artesia Chamber of Commerce stated he had numerous experiences with companies not choosing Eddy County or New Mexico due to the fact that we were not a Right to Work State or County. It was important to 90% of businesses considering location.

Camille Shulte: Union member for 25 years by choice and had enjoyed the benefits negotiated by the union contract. She urged the Board to vote against Right to Work.

James Moore: An Artesia resident stated he thought it was odd that all these people from Albuquerque were here. He speculated they were afraid to lose power and wondered where they were when we needed representation in Santa Fe.

2. PUBLIC HEARING: SMALL BREWER APPLICATION NO. 1086227

- a) **OPEN:** At 6:42 p.m. Henry moved, seconded by Wood to open the public hearing. Voting yes: Crockett, Walterscheid, Wood, Henry and Davis. Passed 5-0.
- b) **APPLICANT'S INTRODUCTION AND COMMENTS:** Travis Carlo, owner stated they were trying to open up the business and would be responsible to the community with their product.
- c) **COMMISSIONERS COMMENTS/QUESTIONS:** None.
- d) **COUNTY ATTORNEY COMMENTS/QUESTIONS:** None.
- e) **ELECTED OFFICIAL/DEPARTMENT HEAD COMMENTS/QUESTIONS:** None.
- f) **PUBLIC COMMENT: THREE MINUTE TIME LIMIT PER PERSON**
None.
- g) **ENTERTAIN MOTION AND SECOND FROM THE BOARD:** Henry moved, seconded by Wood to approve the application No. 1086227.
- h) **ADDITIONAL COMMISSIONERS COMMENTS/QUESTIONS (IF ANY):** None.
- i) **BOARD ACTION:**
 - i. **APPROVE: SMALL BREWER APPLICATION NO. 1086227:** Voting yes: Crockett, Walterscheid, Wood, Henry and Davis. Passed. 5-0.
 - j) **ADJOURN HEARING:** At 6:48 p.m. Walterscheid moved, seconded by Davis to adjourn hearing. Voting yes: Crockett, Walterscheid, Wood, Henry and Davis. Passed 5-0.

3. PRESENTATION BY SMITH ENGINEERING ON LOOP RIGHT OF WAYS

- WESLEY HOOPER: Hooper introduced Bill McFarland with Smith Engineering who gave a Power Point Presentation on Loop Rights of Way. McFarland warned the Board of the deadlines concerning the Loop Road Right of Ways that were coming up. If construction was not started by a certain date, then the rights of way would revert back to the property owners. Hooper added the South Loop Road was 100% designed; however, the cost had increased since the initial project began. McFarland stated 2 years ago the cost was \$30M. Rudometkin estimated the cost now would be at least \$60M.

4. DETENTION CENTER MAINTENANCE AND OPERATIONAL ASSESSMENT PRESENTATION - BRIAN STEPHENS:

Stephens stated he was frustrated with the issues he and his staff faced at the detention center. After some research he found CGL, a company who assessed facilities and mad recommendations for improvement. He introduced Brad Sassatelli and Brad Stonehouse who gave a report on the Eddy County Detention Center. The Assessment Presentation was recorded as Timed Agenda Exhibit 4.

5. BID AWARDS:

- a. **RFP 18-03; GENERAL LEGAL SERVICES FOR EDDY COUNTY – KATIE GOMEZ:** Gomez stated two bids were received and the committee recommended the bid be awarded to Tabor & Byers, as the highest scorer on the assessment sheets. Davis moved, seconded by Wood to award RFP 18-03 to Tabor & Byers LLC. Voting yes: Crockett, Walterscheid, Wood, Henry and Davis. Passed 5-0. RFP 18-03 was recorded as Timed Agenda Exhibit 5.a.

TRAILING AGENDA:

1. APPROVE:

- a. **SPECIAL COMMISSION MEETING MINUTES FOR MAY 23, 2018:** Walterscheid requested in the last paragraph US 285 be changed to Old Cavern Hwy. Walterscheid moved, seconded by Henry to approve the Special Commission Meeting Minutes for May 23, 2018 as amended. Voting yes: Crockett, Walterscheid, Wood, Henry and Davis. Passed. 5-0.
- b. **SPECIAL COMMISSION MEETING MINUTES FOR JUNE 6, 2018:** Davis moved, seconded by Wood to approve the Special Commission Meeting Minutes for June 6, 2018. Voting yes: Crockett, Walterscheid, Wood, and Davis. Passed. 4-0. Henry abstained.
- c. **SPECIAL COMMISSION MEETING MINUTES FOR JUNE 12, 2018:** Wood moved, seconded by Davis to approve the Special Commission Meeting Minutes for June 12, 2018. Voting yes: Crockett, Wood, Henry and Davis. Passed. 4-0. Walterscheid abstained.
- d. **EXPENSE APPROVAL REPORT FOR MAY 2018:** Davis moved, seconded by Walterscheid to approve the Expense Approval Report for May 2018. Voting yes: Crockett, Walterscheid, Wood, Henry and Davis. Passed. 5-0. The Expense Approval Report for May 2018 was recorded as Exhibit 1.d.
- e. **PURCHASE CARD REPORT FOR MAY 2018:** Walterscheid requested better descriptions on the report like quantity of certain items. Walterscheid moved, seconded by Wood to approve the Purchase Card Report for May 2018. Voting yes: Crockett, Walterscheid, Wood, Henry and Davis. Passed. 5-0. The Purchase Card Report for May 2018 was recorded as Exhibit 1.e.

- 2. TREASURER'S REPORT FOR MAY 2018 – LAURIE PRUITT:** The May 2018 Treasurer's Report was recorded as Exhibit 2.

3. **BUDGET VS ACTUAL – MAY REVENUE AND EXPENSES – ROBERTA SMITH:** Davis moved, seconded by Walterscheid to approve the Budget vs Actual – May Revenue and Expenses. Voting yes: Crockett, Walterscheid, Wood, Henry and Davis. Passed. 5-0. The Budget vs. Actual – May Revenue & Expenses Report was recorded as Exhibit 3.
4. **FINANCE COMMITTEE RECOMMENDATION – ROBERTA SMITH:** Stygar reported the Finance Committee had met on June 4, 2018 and issued a formal recommendation to the Board. The consensus of the Committee was to save 10% of new revenue for FY 2018/2019. Davis moved, seconded by Henry to approve the Finance Committee Recommendation to save 10% of new revenue for the fiscal year 2018/2019. Voting yes: Crockett, Walterscheid, Wood, Henry and Davis. Passed. 5-0.
5. **APPROVE/DISAPPROVE ONE (1) INDIGENT BURIAL – LINDA P. MARTINEZ:** Walterscheid moved, seconded by Henry to approve/disapprove one (1) indigent burial. Voting yes: Crockett, Walterscheid, Wood, Henry and Davis. Passed. 5-0.
6. **APPROVE PUBLIC HEARING REQUEST TO BE HELD ON JULY 17, 2018 TO CONSIDER ADOPTION OF THE EDDY COUNTY OFF-HIGHWAY VEHICLE ORDINANCE – WESLEY HOOPER:** Tabor advised the proposed document should be presented at the next meeting for review and comments. Following that meeting the ordinance could be presented for adoption. The Commission needed to have a document to recommend for public hearing before they did so. Staff was directed to present the ordinance at the July 3rd meeting with a public hearing for adoption set for August 7, 2018.
7. **DISCUSSION AND DIRECTION REGARDING O-18-XX; DRAFT – AN ORDINANCE RELATING TO PROMOTION OF ECONOMIC DEVELOPMENT AND COMMERCE BY REGULATION OF CERTAIN INVOLUNTARY PAYMENTS REQUIRED OF EMPLOYEES IN EDDY COUNTY. (RIGHT TO WORK) – RICK J. RUDOMETKIN:** Davis recommended the Ordinance be brought back to the Board for public hearing and approval on July 17, 2018. Henry moved, seconded by Davis to approve the Discussion and Direction Regarding O-18-XX; Draft – an Ordinance Relating to Promotion of Economic Development and Commerce by Regulation of Certain Involuntary Payments Required of Employees in Eddy County, (Right to Work). Voting yes: Crockett, Walterscheid, Wood, Henry and Davis. Passed. 5-0.
8. **NOAH’S ARK ANIMAL REFUGE, INC. SPAY/NEUTER ASSISTANCE PROGRAM IMPLEMENTATION PLAN – RICK J. RUDOMETKIN:** After discussion Walterscheid moved, seconded by Davis to table Noah’s Ark Animal Refuge, Inc Spay/Neuter Assistance Program Implementation Plan pending a report from a Noah’s Ark Representative. Voting yes: Crockett, Walterscheid, Wood, Henry and Davis. Passed. 5-0.

9. PUBLIC CELEBRATION PERMITS FOR MILTON'S BEER CAMP AT WASHINGTON RANCH – RICK J. RUDOMETKIN: Davis moved, seconded by Wood to approve the Public Celebration Permits for Milton's Beer Camp at Washington Ranch. Voting yes: Crockett, Walterscheid, Wood, Henry and Davis. Passed. 5-0. The Public Celebration Permits for Milton's Beer Camp at Washington Ranch were recorded as Exhibit 9.

10. APPROVAL OF INVOICE WITHOUT PURCHASE ORDER – RAY ROMERO: Romero explained the invoice came without warning and they would be changing the way this invoice was processed. Walterscheid moved, seconded by Wood to approve payment of an invoice without purchase order. Voting yes: Crockett, Walterscheid, Wood, Henry and Davis. Passed. 5-0.

11. DIRECTION AND DISCUSSION ON OPEN BURNING ORDINANCE – JOSHUA MACK: Mack reported the Fire Board had requested review of an Open Burning Ordinance. Crockett questioned if this would go through the Planning and Development Committee. Mack stated it would follow the proper channels but they wanted direction from the Board as to whether they wanted to move forward. The consensus of the Board was to move forward.

12. JOEL VFD PAVING – JOSHUA MACK: Mack stated this project had been approved by the Fire Board and would be taken from 60% excise funds not to exceed \$350K. Walterscheid moved, seconded by Davis to approve the Joel VFD Paving. Voting yes: Crockett, Walterscheid, Wood, Henry and Davis. Passed. 5-0.

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:

- i. **R-18-49; ARTESIA CHAMBER OF COMMERCE MONTHLY ADVOCACY REPORT FOR MARCH THRU MAY 2018 – RICK J. RUDOMETKIN.**
- ii. **R-18-50; FTI CONSULTING'S MONTHLY REPORT FOR APRIL 2018 – RICK J. RUDOMETKIN.**
- iii. **R-18-51; INDIGENT MEDICAL/HOSPITAL CLAIMS REPORT – LINDA P. MARTINEZ.**
- iv. **R-18-52; ARTESIA CHAMBER OF COMMERCE MONTHLY ADVOCACY REPORT FOR JUNE 2018 – RICK J. RUDOMETKIN**
- v. **R-18-53; FTI CONSULTING'S MONTHLY REPORT FOR MAY 2018 – RICK J. RUDOMETKIN.**

- vi. R-18-54; DISPOSAL, REMOVAL, OR REVISE ITEMS IN THE EDDY COUNTY INVENTORY/ASSETS – JESSICA STYGAR.
- vii. R-18-56; REVISING R-18-48-COUNTY ARTERIAL PROJECT: CAP-2-19(453) – RAY ROMERO.
- viii. R-18-57; REVISING R-18-47-SCHOOL BUS PROJECT: SB-7715(934) – RAY ROMERO.
- ix. R-18-58; REVISING R-18-46-COOP PROJECT: SP-2-19(953) – RAY ROMERO.

b. AGREEMENTS:

- i. A-18-104; ROAD MAINTENANCE AGREEMENT FOR THE VILLAGE OF LOVING – RAY ROMERO.
- ii. A-18-105; ROAD MAINTENANCE AGREEMENT FOR THE VILLAGE OF HOPE – RAY ROMERO.
- iii. A-18-106; ANNUAL MOTOROLA SERVICE AGREEMENT FOR FY19 – JOSHUA MACK.

Walterscheid requested pulling A-18-104 for more discussion.

Henry moved, seconded by Davis to approve the Resolution and Agreement Consent Agenda pulling A-18-104. Voting yes: Crockett, Walterscheid, Wood, Henry and Davis. Passed 5-0. R-18-49-54 and R-18-56 through R-18-58 were recorded as Exhibits 13.a.i-ix. respectively, and A-18-105 and A-18-106 were recorded as Exhibits 13.b.ii-iii. respectively.

- i. A-18-104; ROAD MAINTENANCE AGREEMENT FOR THE VILLAGE OF LOVING – RAY ROMERO: Walterscheid wanted to know what repairs had been done over the last year. Romero stated they had not done many repairs over the last year. Crockett pointed out the Village needed to submit a written request for repairs. Romero stated none had been received. Walterscheid moved, seconded by Davis to approve A-18-104. Voting yes: Crockett, Walterscheid, Wood, Henry and Davis. Passed 5-0. A-18-104 was recorded as Exhibit 13.b.i.

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:

- a. **SHERIFF MARK CAGE ATTENDED SAFER NEW MEXICO FROM MAY 7 THRU MAY 8, 2018 IN ALBUQUERQUE, NM.**
- b. **DANIEL TASCHNER ATTENDED CRIME SCENE TRAINING FROM JUNE 4 THRU JUNE 7, 2018 IN RIO RANCHO, NM.**
- c. **DEBORAH RODRIGUEZ AND JACQUELINE LUCAS ATTENDED DEVELOPING EMOTIONAL INTELLIGENCE ON JUNE 7, 2018 IN ROSWELL, NM.**
- d. **ROLAND RODRIGUEZ ATTENDED LEADER QUEST COMPTIA SECURITY+ TRAINING FROM JUNE 10 THRU JUNE 16, 2018 IN IRVING, TX.**
- e. **JOHN COTA AND MICHAEL INGRAM ATTENDED GLOCK OPERATOR COURSE AND ARMORER'S COURSE FROM JUNE 11 THRU JUNE 14, 2018 IN SANTA FE, NM.**
- f. **GEMMA FERGUSON AND MELISSA WASHBURN ATTENDED A PTD MEETING FROM JUNE 14 THRU JUNE 15, 2018 IN SANTA FE, NM.**
- g. **SHERIFF MARK CAGE AND CHIEF ALAN GRIFFITH ATTENDED NSA ANNUAL CONFERENCE FROM JUNE 14 THRU JUNE 20, 2018 IN NEW ORLEANS, LA.**
- h. **JOSE BARRAZA AND JOANN BLAND ATTENDED NCIC MEETING/TRAINING ON JUNE 22, 2018 IN SANTA FE, NM.**

FUTURE: None.

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

16. EMERGENCY BUSINESS: None.

17. LEGISLATIVE UPDATE: None.

18. LEGISLATORS, ELECTED OFFICIALS AND COUNTY DEPARTMENT HEADS COMMENTS/ANNOUNCEMENTS/UPDATES: Crockett congratulated NMC President-Elect Cage. He would be the President of NMC after next year and he had also received two very prestigious awards in New Orleans recently. The Commission was very proud of his accomplishments. Cage thanked everyone and was honored to serve Eddy County. His staff had nominated him for one of the awards he received which he appreciated. Cage stated he would present a couple of options concerning salaries for his department. Cage received the RAP Award on behalf of Eddy County and was glad to see Rudometkin had graduated as a Certified Public Manager. Romero introduced Nathan Gustin to step into De La Rosa's place when he was ready to retire. Gustin stated he was glad to be here and offered his services to the Board. Mack stated fireworks in the county were allowed this year with some restrictions in place. Representative Townsend

was happy to see revenue numbers were up and that the Board was responsible enough to start a rainy-day fund.

19. COUNTY MANAGER’S AND ASSISTANT COUNTY MANAGER’S COMMENTS/

ANNOUNCEMENTS/UPDATES: Rudometkin congratulated the Sheriff as President-Elect of NMC. He and 24 others had graduated from the Edge Program with their CPM. Senator Smith had given a great session on how the State budget worked at the NMC Conference.

20. COUNTY COMMISSIONERS’ COMMENTS/ANNOUNCEMENTS/UPDATES:

Wood stated he was looking forward to the next tour of the Detention Center to see what the report recommended. Davis stated she had attended SECAC Conference in Albuquerque which was very informative. It was important for SECAC to get the word out about the services they provided. Henry thanked the Board and everyone for being in Artesia. He cautioned those driving back to Carlsbad to be safe. Walterscheid stated he loved the facility and thanked the schools for their help getting this meeting set up. Walterscheid commended Stephens for his work toward the jail, and code enforcement for their quick response to a recent issue.

21. EXECUTIVE SESSION: None.

22. ADJOURN: At 8:52 p.m. Davis moved, seconded by Henry to adjourn the meeting. Voting yes: Crockett, Walterscheid, Wood, Henry and Davis. Passed 5-0.

EDDY COUNTY BOARD OF COMMISSIONERS

CHAIR: _____

ATTEST: _____

DATE: _____