

**EDDY COUNTY BOARD OF COMMISSIONERS  
MINUTES OF A REGULAR MEETING  
July 03, 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 July 03, 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. Sheriff Mark Cage gave the invocation.

**PRESENT:**

SUSAN CROCKETT	CHAIR, DISTRICT 5
JAMES WALTERSCHEID	VICE-CHAIR, DISTRICT 1
STELLA DAVIS	COMMISSIONER DISTRICT 4
JON HENRY	COMMISSIONER, DISTRICT 2
LARRY WOOD	COMMISSIONER, DISTRICT 3
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
JESSICA STYGAR	ASSISTANT FINANCE DIRECTOR
KATIE GOMEZ	PROCUREMENT OFFICER
BILLY MASSINGILL	WARDEN
MARIA MALDONADO-MERJIL	DETENTION ADMIN ASSISTANT
ROXANN BRANNON	HR DIRECTOR
CHARLIE POWELL	SAFETY OFFICER
CAROL HENNINGTON	IT DIRECTOR
SHARON DODSON	ASSISTANT IT DIRECTOR
ROLAND RODRIGUEZ	IT DEPARTMENT
STEVE MCCROSKEY	COUNTY PLANNER
BRIAN STEPHENS	FACILITIES DIRECTOR
RAY ROMERO	PUBLIC WORKS DIRECTOR
DEBRA HICKS	PETTIGREW & ASSOCIATES
RUBEN DELAROSA	FOREMAN ROAD 2
CHRISTINE MCCROSKEY	PUBLIC WORKS FINANCIAL OFFICER
JADY KING	KING INDUSTRIES
BAMBI KEARN	REDA
KIRSTENE CAMPBELL	REDA
JOSHUA MACK	FIRE MARSHAL/FIRE SERVICE DIRECTOR
TRAVIS OLVERT	TRAINING OFFICER
DEJANAY BOOTH	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)* Rudometkin read a statement sent from Marcia Britton. Britton's statement was recorded as Exhibit 1.
2. **SERVICE AWARDS:** Romero presented the award to Delarosa and Sheriff Cage to Rostro.
  - a. Ruben Delarosa, Public Works – 30 Years.
  - b. Jared Rostro, Sheriff's Department – 5 Years.
3. **PRESENTATION OF RISK AWARENESS PROGRAM (RAP) AWARD – RICK J. RUDOMETKIN:** Rudometkin stated he was very proud to read a press release from NMC which stated Eddy County had reduced worker's compensation claims by 28%, auto claims by 65% and multi-line claims by 91% after completing the RAP program. NMC President-Elect Cage presented the award to Charlie Powell Safety Officer, Aissa Lara Secretary and Ken Kemp President of the Safety Committee. He recognized Rick Coy and Aissa who had gotten us to this point.
4. **ACKNOWLEDGEMENT OF NM EDGE CERTIFIED PUBLIC MANAGER (CPM) DESIGNATION/CERTIFICATION/GRADUATION FOR RICK J. RUDOMETKIN – SUSAN CROCKETT:** Crockett recognized Rudometkin for graduating from the NM Edge Program with a Certified Public Manager designation. It was a lot of hard work and the Board was very proud of his accomplishment. Rudometkin took a minute to outline the Edge Program. He felt it was important to continue education in order to better serve our residents. Rudometkin recognized Judy Pressett who had also completed the 60 classes required to graduate from the program. He thanked the Board for the opportunity to take those classes and continue with their education.
5. **PUBLIC HEARING: O-18-94; ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF INDUSTRIAL REVENUE BOND (SENDERO CARLSBAD MIDSTREAM, LLC PROJECT) SERIES 2018:**
  - a) **OPEN:** At 8:47 a.m. Walterscheid moved, seconded by Davis to open the public hearing. Voting yes: Walterscheid, Henry, Wood, Davis and Crockett. Passed. 5-0.
  - b) **STAFF COMMENTS:** None.
  - c) **PUBLIC COMMENT:** ***THREE MINUTE TIME LIMIT PER PERSON – WE REQUEST THAT ALL COMMENTS BE COURTEOUS AND RESPECTFUL IN NATURE.*** John Waters, Executive Director of the Carlsbad DOD stated it was important to bring those facilities to

Eddy County. It was crucial to economic development and the Carlsbad DOD was in full support of the IRB's.

- d) **COUNTY ATTORNEY COMMENTS/QUESTIONS:** Tabor introduced Parker Shankin with Sherman & Howard Law Firm, representing the County and Alan Hall with Rodey Law Firm representing Sendero. Shankin stated the ordinance was a follow up to the resolution previously approved by the County. The ordinance outlined the terms agreed to by the County and Sendero; such as tax abatement, who was responsible for repayment of the bonds and specifically that the county was not on the hook for anything in regards to the IRB. Hall stated the big misconception with IRB's was that the governing body would be obligated in some way for repayment. The County would not spend one dime in connection with the repayment of the IRB's.
- e) **COMMISSIONERS COMMENTS/QUESTIONS:** Davis stated she felt the IRB's were a wonderful tool to further economic development. Walterscheid questioned how much in tax abatement was the county losing on this project. Shankin stated the land currently was not developed and not on the high end of property taxes. If the plant went elsewhere, then the county would lose the economic growth, jobs, and any other economic benefit the plant might bring. Walterscheid was concerned about the roads in the area and questioned if the company would be willing to help with road projects. Hall stated there was an obvious problem with roads here and the county was free to approach the company with a proposal. Henry thanked the company for choosing Eddy County. Crockett stated IRB's were important to economic development and this public hearing was not an avenue to solve our road issues.
- f) **ENTERTAIN A MOTION AND SECOND FROM BOARD:**  
Davis moved, seconded by Henry to approve O-18-94 and authorize IRB's to be issued to Sendero.
- g) **BOARD ACTION:**  
i. **APPROVE/DISAPPROVE ORDINANCE O-18-94 AND RELATED DOCUMENTS - A-18-107; LEASE AGREEMENT, A-18-108; INDENTURE, A-18-109; BOND PURCHASE AGREEMENT:**  
Voting yes: Walterscheid, Henry, Wood, Davis and Crockett. Passed 5-0. O-18-94 was recorded on July 3, 2018 in the office of the Eddy County Clerk in Ordinance Book 2 Page 813.  
The agreements were approved under the consent agenda item 9.
- h) **ADJOURN PUBLIC HEARING:** At 9:02 a.m. Walterscheid moved, seconded by Henry to adjourn the hearing. Voting yes: Walterscheid, Henry, Wood, Davis and Crockett. Passed 5-0.

**6. BID AWARDS:**

- a. **IFB 18-05 OUTFITTING FOR LAW ENFORCEMENT VEHICLES FOR SHERIFF'S DEPARTMENT – KATIE GOMEZ:** Gomez reported 3 bids were received, after review the committee recommended WAC Upfitters as low bidder. Wood moved, seconded by Davis to award IFB 18-05 as recommended. Voting yes: Walterscheid, Henry, Wood, Davis and Crockett. Passed 5-0. IFB 18-05 was recorded as Timed Agenda Exhibit 6.a.

**TRAILING AGENDA:**

1. **APPROVE JUNE 2018 REVENUE REPORT – ROBERTA SMITH:** Henry moved, seconded by Walterscheid to approve the June 2018 Revenue Report. Voting yes: Walterscheid, Henry, Wood, Davis and Crockett. Passed 5-0. The June 2018 Revenue Report was recorded as Exhibit 1.
2. **PAWS AND CLAWS HUMANE SOCIETY, INC. SPAY/NEUTER ASSISTANCE PROGRAM IMPLEMENTATION PLAN – RICK J. RUDOMETKIN:** Henry moved, seconded by Wood to approve the Paws and Claws Humane Society, Inc. Spay/Neuter Assistance Program Implementation Plan. Voting yes: Walterscheid, Henry, Wood, Davis and Crockett. Passed 5-0.
3. **NOAH'S ARK ANIMAL REFUGE, INC. SPAY/NEUTER ASSISTANCE PROGRAM IMPLEMENTATION PLAN – RICK J. RUDOMETKIN:** Davis moved, seconded by Henry to table approval of the Noah's Ark Animal Refuge, Inc. Spay/Neuter Assistance program Implementation Program. Voting yes: Walterscheid, Henry, Wood, Davis and Crockett. Passed 5-0.
4. **REQUEST PUBLIC HEARING TO BE HELD ON AUGUST 7, 2018, TO CONSIDER ADOPTION OF O-18-95; EDDY COUNTY OFF-HIGHWAY VEHICLE ORDINANCE – WESLEY HOOPER:** Davis moved, seconded by Walterscheid to approve the request for Public Hearing to be held on August 07, 2018, for consideration of adoption of O-18-95; Eddy County Off-Highway Vehicle Ordinance. Voting yes: Walterscheid, Henry, Wood, Davis and Crockett. Passed 5-0.
5. **CREATION OF FIRE MARSHAL/PREVENTION POSITION – JOSHUA MACK:** Mack explained the position and the importance of enough staff for Fire Services. The Board expressed concern over additional positions at this time. Mack was directed to bring a cost analysis with those types of requests and a job description so the Board could make an informed decision.
6. **ALLOCATION OF THE EMERGENCY MANAGEMENT COORDINATOR – JOSHUA MACK:** The Board directed Mack to include this position in his master plan with a job description. Mack suggested an agreement with the City to share costs.

7. **REQUEST FOR A RANGER FOR ATOKA VFD – JOSHUA MACK:** Davis moved, seconded by Henry to approve the request for purchase of a Ranger for Atoka VFD. Voting yes: Walterscheid, Henry, Wood, Davis and Crockett. Passed 5-0.
8. **DISCUSSION/DIRECTION REGARDING CODE ENFORCEMENT TO FIRE SERVICE – JOSHUA MACK:** Mack reported they were still trying to hire employees. He was working closely with Hooper and McCroskey and hoped to bring a more complete picture of the transition in December.
9. **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-18-35 AMENDED; ESTABLISHING FEES FOR INFORMATION DISTRIBUTED UNDER THE FREEDOM OF INFORMATION ACT, COPY SERVICES, NOTARY SERVICES, AND MAP PRODUCTS – ROBIN VAN NATTA:**
- ii. **R-18-55; FY 2017-2018 EDDY COUNTY ANNUAL INVENTORY CERTIFICATION – JESSICA STYGAR:**

b. **AGREEMENTS:**

- i. **A-18-107; LEASE AGREEMENT:**
- ii. **A-18-108; INDENTURE:**
- iii. **A-18-109; BOND PURCHASE AGREEMENT:**

Davis moved, seconded by Walterscheid to approve the Resolution and Agreement Consent Agenda. Voting yes: Walterscheid, Henry, Wood, Davis and Crockett. Passed 5-0. R-18-35 and R-18-55 were recorded as Exhibits 9.a.i - ii. respectively. A-18-107 – A-18-109 were recorded as Exhibits 9.b.i. – iii. respectively.

10. **PROJECT UPDATES:**

a. **PROJECT WORKFLOW FOR EDDY COUNTY PROJECTS:**

- i. **PUBLIC WORKS – RAY ROMERO:**
- ii. **PETTIGREW & ASSOCIATES – DEBRA HICKS:**
- iii. **KING INDUSTRIES – JADY KING:**

Romero, Hicks and King gave a 3-part presentation to the Board outlining their duties and responsibilities on road projects and fielded questions from the Commission. The presentation was recorded as Exhibit 10.a.

**11. 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. **CAPT. MIKE CHAVARRIA TRAVELED TO TAKE AND RETURN EVIDENCE ON JUNE 19, 2018 TO SANTA FE, NM.**

**FUTURE**

- b. **BETSY BRADSHAW AND RIKKI YTURRALDE TO ATTEND REGIONAL TRAINING ACADEMY – ERS TRAINING FROM AUGUST 20 THRU AUGUST 24, 2018 IN DENVER, CO.**
- c. **RICK J. RUDOMETKIN TO ATTEND 104<sup>TH</sup> ICMA ANNUAL CONFERENCE FROM SEPTEMBER 21 THRU SEPTEMBER 24, 2018 IN BALTIMORE, MD.**

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

**12. EMERGENCY BUSINESS:** None.

**13. LEGISLATIVE UPDATE:** None.

**14. LEGISLATORS, ELECTED OFFICIALS AND COUNTY DEPARTMENT HEADS COMMENTS/ANNOUNCEMENTS/UPDATES:** Cage announced his Carlsbad Department would be returning to a 5-day work week. They would stagger staff between Monday and Friday and be open from 7 a.m. to 6 p.m. Cage encouraged the Board to consider the positions Mack had requested. It would be helpful to have someone to manage grants and take some of the work load off of current staff. The Sheriff's Office would participate in the 4<sup>th</sup> of July event at the beach. Cage reminded the Board he would be presenting a request for salary increases for his department in the near future. Brannon reported they would be sending out a flyer for employees to receive discounts on tickets to certain events. This was a promotional program which employees had to sign up for individually.

**15. COUNTY MANAGER'S AND ASSISTANT COUNTY MANAGER'S COMMENTS/ANNOUNCEMENTS/UPDATES:** Rudometkin congratulated Cage on his new status as President-Elect for NMC. He stated they would provide food for emergency personnel on July 4, 2018. County leaders had received an invitation to the White House on July 27, 2018. If able to attend they would have to pass a background check. He had been contacted by several other counties who planned to attend. Rudometkin clarified County Leaders usually included

Commissioners and Administrative Staff, and the Board could invite anyone they wanted to go. Gay would need a firm count by Thursday.

**16. COUNTY COMMISSIONERS' COMMENTS/ANNOUNCEMENTS/UPDATES:**

Henry urged everyone to be careful over the 4<sup>th</sup> of July. Walterscheid had a call from Jim Davis who was upset about the salt water disposal on Black River Village Road. He would be going to Santa Fe to protest the facility. Jim Davis asked for county involvement. Walterscheid announced the Current Argus reporter DeJanay Booth would be leaving us to continue her education. He wished her well as did Davis and Crockett.

**17. EXECUTIVE SESSION:** At 12:21 p.m. Davis moved, seconded by Wood to convene in Executive Session in accordance with the State of New Mexico Open Meetings Act, Section 10-15-1-H(2), (7) & (8), which authorizes the Board of County Commissioners to go into Executive Session to discuss:

- a. **THREATENED OR PENDING LITIGATION**
  - i. **PILT CLASS ACTION LAWSUIT – CAS TABOR.**
- b. **REAL PROPERTY**
  - i. **SALE OF REAL ESTATE – KENNEY RAYROUX.**

To reconvene at approximately 12:45 p.m. Voting yes: Walterscheid, Henry, Wood, Davis and Crockett. Passed 5-0.

**18. RE-OPEN MEETING:** At 12:49 p.m. Davis moved, seconded by Walterscheid to recess the Executive Session & Re-Open Meeting and certify the only items discussed were those listed above. Voting yes: Walterscheid, Henry, Wood, Davis and Crockett. Passed 5-0.

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

- a. **THREATENED OR PENDING LITIGATION**
  - i. **PILT CLASS ACTION LAWSUIT – CAS TABOR.**
- b. **REAL PROPERTY**
  - i. **SALE OF REAL ESTATE – KENNEY RAYROUX.** No action taken.

Davis moved, seconded by Walterscheid to join the PILT Class Action Lawsuit to be represented by Tabor. Voting yes: Walterscheid, Henry, Wood, Davis and Crockett. Passed 5-0.

**20. ADJOURN:** At 12:51 p.m. Walterscheid moved, seconded by Henry to adjourn the meeting. Voting yes: Walterscheid, Henry, Wood, Davis and Crockett. Passed 5-0.

**EDDY COUNTY BOARD OF COMMISSIONERS**

**CHAIR:** \_\_\_\_\_

**ATTEST:** \_\_\_\_\_

**DATE:** \_\_\_\_\_