

**EDDY COUNTY BOARD OF COMMISSIONERS
MINUTES OF A REGULAR MEETING
August 7, 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 August 7, 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. Ray Romero, Public Works Director, 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
CAS TABOR	COUNTY ATTORNEY
RHONDA HATCH	ASSESSOR - SUPERVISOR
MARK CAGE	SHERIFF
DARLENE ROSPRIM	CHIEF DEPUTY CLERK
GAY WEST	ADMINISTRATIVE ASSISTANT
BILLY MASSINGILL	WARDEN
ROBERTA SMITH	FINANCE DIRECTOR
ROXANN BRANNON	HR DIRECTOR
CHARLIE POWELL	SAFETY OFFICER
CAROL HENNINGTON	IT DIRECTOR
ROSIE MUNOZ	IT DEPARTMENT
WESLEY HOOPER	COMMUNITY SERVICES DIRECTOR
STEVE MCCROSKEY	COUNTY PLANNER
BRIAN STEPHENS	FACILITIES DIRECTOR
RAY ROMERO	PUBLIC WORKS DIRECTOR
CHRISTINE MCCROSKEY	PUBLIC WORKS FINANCE DIRECTOR
LINDA P. MARTINEZ	INDIGENT CLAIMS ADMINISTRATOR
JOSHUA MACK	FIRE MARSHAL/FIRE SERVICE DIRECTOR
TRAVIS OLBERT	ASST.FIRE MARSHAL/FIRE SVC DIRECTOR
JESSICA ONSUREZ	CARLSBAD CURRENT ARGUS
RAYE MILLER	MAYOR CITY OF ARTESIA

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)* None.
2. **SERVICE AWARDS:** Walterscheid presented service awards to the following:
 - a. Aileen Florez, Sheriff's Department – 5 Years.
 - b. Meagan Christian, Detention – 5 Years.
3. **PUBLIC HEARING: O-18-95; AUTHORIZING THE OPERATION OF OFF-HIGHWAY VEHICLES ON PAVED STREETS OR HIGHWAYS OWNED AND CONTROLLED BY THE COUNTY:**
 - a) **OPEN:** At 8:36 a.m. Davis moved, seconded by Walterscheid to open the public hearing. Voting yes: Wood, Davis, Crockett, Walterscheid and Henry. Passed 5-0.
 - b) **STAFF COMMENTS:** Hooper reported the Planning & Zoning Advisory Committee modeled this ordinance after the ordinance passed in Grant County, stating it seemed to be the best fit for Eddy County.
 - c) **PUBLIC COMMENT:** THREE MINUTE TIME LIMIT PER PERSON. Ron Barron stated he owned 3 off-road vehicles and had an interest in this ordinance. He had spoken with Senator Leavell who told him SB 270 was not meant to be over-governed. He liked the Otero County Ordinance, as it was very simple. Barron stated the ordinance up for approval put pressure on the Sheriff, and went beyond what was actually needed. He also stated it should've addressed agricultural OHV's. He encouraged the Commission to use common sense.
 - d) **COUNTY ATTORNEY COMMENTS/QUESTIONS:** Tabor stated the Commission could adopt whatever they chose as long as it was legal and followed the law.
 - e) **COMMISSIONERS' COMMENTS/QUESTIONS:** Davis stated she would like to see this ordinance put in effect and if needed to be changed it could be brought back. Henry stated he was in favor of off road vehicles but not in favor of the selling clause in Section V.B. Walterscheid stated the use of agricultural off-road vehicles needed

to be added. Henry thought it would be wise to table it until the changes could be addressed.

- f) **ELECTED/LEGISLATIVE OFFICIALS' AND DEPT HEADS' COMMENTS/QUESTIONS:** Cage stated Section "C" referred to State Statute and he recommended not adding those references just in case it was misquoted. He also mentioned the agricultural clause. Tabor stated you could add additional restrictions to state statute.
- g) **ENTERTAIN MOTION AND SECOND:** Henry moved, seconded by Walterscheid to table the Ordinance pending review from the Sheriff and the County Attorney.
- h) **FINAL COMMISSIONERS' COMMENTS:** Wood stated Section V.B. was valid and addressed the noise made by the vehicles. Crockett said she was frustrated with how long it had taken to get the final document to a vote. She agreed with the agriculture exemption needing to be included. She read the Otero County Ordinance and didn't see a provision for paved road travel. Wood also stated he thought this had been brought forward from residents in McNew Subdivision because of the noise. Henry agreed with the Sheriff as to why did the State Statute need to be repeated in our Ordinance. He also did not agree with the verbiage of the right to sell the off-road vehicle.
- i) **BOARD ACTION:**
 - i. **APPROVE/DISAPPROVE O-18-95; AUTHORIZING THE OPERATION OF OFF-HIGHWAY VEHICLES ON PAVED STREETS OR HIGHWAYS OWNED AND CONTROLLED BY THE COUNTY:** Crockett called for the vote on the motion to table. Voting yes: Henry. Voting no: Wood, Davis, Crockett and Walterscheid. Failed 4-1.

Walterscheid moved, seconded by Davis to approve O-18-95; authorizing the Operation of Off-Highway Vehicles on Paved Streets or Highways Owned and Controlled by the County adding the agricultural exemption and deleting Section V.B. Voting yes: Wood, Davis, Crockett and Walterscheid. Voting no: Henry. Passed 4-1. O-18-95 was recorded in the Eddy County Clerk's Office on August 7, 2018 in Ordinance Book 2 Page 830.

j) **ADJOURN HEARING:** At 9:06 a.m. Walterscheid moved, seconded by Davis to adjourn the public hearing. Voting yes: Wood, Davis, Crockett, Walterscheid and Henry. Passed 5-0.

4. **IFB 18-04; SANDPOINT LANDFILL PHASE 5 AND LEACHATE FORCEMAIN CONSTRUCTION – KATIE GOMEZ:** Gomez stated 3 bids were received. Based on the documents submitted, the committee recommended J&H Services be awarded the contract as the low bidder. Wood moved, seconded by Walterscheid to award IFB 18-04 Sandpoint Landfill Phase 5 as recommended. Voting yes: Wood, Davis, Crockett, Walterscheid and Henry. Passed 5-0. IFB 18-04 was recorded as Timed Agenda Exhibit 4.

TRAILING AGENDA:

1. **NOAH'S ARK ANIMAL REFUGE, INC. SPAY/NEUTER ASSISTANCE PROGRAM IMPLEMENTATION PLAN – RICK J. RUDOMETKIN:** Lorraine Allen-Munoz with Noah's Ark presented the Spay/Neuter Assistance Program Implementation Plan for 2018-19 and gave a report of how the monies had been used. Davis moved, seconded by Walterscheid to approve Noah's Ark Animal Refuge, Inc. Spay/Neuter Assistance Program Implementation Plan. Voting yes: Wood, Davis, Crockett, Walterscheid and Henry. Passed 5-0. The Plan was recorded as Exhibit 1.
2. **APPROVE:**
- a. **PURCHASE CARD REPORT FOR JUNE 2018:** Walterscheid moved, seconded by Henry to approve the Purchase Card Report for June 2018. Voting yes: Wood, Davis, Crockett, Walterscheid and Henry. Passed 5-0. The Purchase Card Report for June 2018 was recorded as Exhibit 2.a.
- b. **EXPENSE APPROVAL REPORT FOR JULY 2018:** Davis moved, seconded by Henry to approve the Expense Approval Report for July 2018. Voting yes: Wood, Davis, Crockett, Walterscheid and Henry. Passed 5-0. The Expense Approval Report for July 2018 was recorded as Exhibit 2.b.
3. **ADDITIONAL REQUEST FOR ROAD VACATION & MILEAGE CORRECTION – KENNEY RAYROUX:** The owners on Nichols Road were requesting the road be placed on the list for examination and vacation by the Freeholders Board. Walterscheid moved, seconded by Henry to add Nichols Road to the list and change the mileage on Buckeye Road to 3.3 miles. Voting yes: Wood, Davis, Crockett, Walterscheid and Henry. Passed 5-0.
4. **SPECIAL COMMISSION MEETING IN AUGUST , 2018 – RICK J. RUDOMETKIN:** Rudometkin stated a special meeting was needed to address the needs, wants, etc. of all the County Departments not given at budget time. He

asked that with each request a method needed to be given on how to pay the requests. Rudometkin suggested August 21, 2018 at 9:00 a.m. He encouraged the Commissioners to call the departments ahead of time if they had any questions. Davis moved, seconded by Walterscheid to set the meeting as suggested. Voting yes: Wood, Davis, Crockett, Walterscheid and Henry. Passed 5-0.

5. ICIP PRIORITIZATION FY 2020-2024 – WESLEY HOOPER: Hooper presented the ICIP List for changes and if none then approval. He stated as long as it was on the list it could be considered for funding, no matter the position. Davis moved, seconded by Walterscheid to approve the ICIP Prioritization List for FY 2020-2024. Voting yes: Wood, Davis, Crockett, Walterscheid and Henry. Passed 5-0. The ICIP List was recorded as Exhibit 5.

6. REQUEST TO PURCHASE A UTV FOR LA HUERTA VFD – JOSHUA MACK: Henry commented that the cost seemed to increase approximately \$5K with each request. Walterscheid moved, seconded by Henry to approve the purchase of a UTV for La Huerta VFD in the amount of \$23,363.66 with funding coming from their fire excise fund. Voting yes: Wood, Davis, Crockett, Walterscheid and Henry. Passed 5-0.

7. ROGER SAWYERS PARK IMPROVEMENTS – BRIAN STEPHENS: Rudometkin stated he had asked Stephens to adjust his request from \$100K to \$50K because of the special budget meeting which was set previously in this meeting. The \$50K was already in his budget under a different line item and the additional \$50K was a new request and should be made at the special meeting. Stephens stated he had reached a point where he was able to address the County Parks. Jane Frost stated a dedication of the Roger Sawyers Park would be held on August 17, 2018 at 10:00 a.m., and was hoping some of the improvements would've been done. Davis moved, seconded Walterscheid to approve the budget transfer of \$50K. Voting yes: Wood, Davis, Crockett, Walterscheid and Henry. Passed. 5-0. The list of improvements was recorded as Exhibit 7.

8. 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-18-68; EDDY COUNTY FY 2020-2024 INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN (ICIP) – WESLEY HOOPER.**

- ii. R-18-69; AUTHORIZATION TO SUBMIT A BUILD GRANT APPLICATION AND AUTHORIZE THE COMMISSION CHAIRMAN TO ACT AS THE COUNTY'S CHIEF EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE COUNTY'S PARTICIPATION IN THE BUILD GRANT PROGRAM – WESLEY HOOPER.
- iii. R-18-70; INDIGENT MEDICAL/HOSPITAL CLAIMS REPORT – VERONICA PARRAS.
- iv. R-18-71; RESOLUTION AUTHORIZING THE TRANSFER OF PROPERTY OWNED BY THE COUNTY SUBJECT TO A REVERTER CLAUSE TO GYTHA P. BINDEL, HOLDER OF A RIGHT REVERTER – WESLEY HOOPER.

b. AGREEMENTS:

- i. A-18-118; ANNUAL MAINTENANCE CONTRACT FOR CCR RECORDS MANAGEMENT SOFTWARE RENEWAL – MARK CAGE.
- ii. A-18-119; DETENTION CENTER MEDICAL SERVICES DIRECTOR, RENEWAL #1 WITH DARLA BANNISTER, ACNP – KATIE GOMEZ.
- iii. A-18-120; GENERAL LEGAL SERVICES AGREEMENT – KATIE GOMEZ.
- iv. A-18-121; WRIGHT EXPRESS FUEL CARD SERVICES AGREEMENT – JESSICA STYGAR.
- v. A-18-122; VOIANCE LANGUAGE SERVICES AGREEMENT FOR REDA – BAMBI KERN.
- vi. A-18-123; EQUIPMENT SERVICE CONTRACT FOR COPIER – JOSHUA MACK.
- vii. A-18-124; EQUIPMENT SERVICE CONTRACT FOR COPIER – JOSHUA MACK.

Walterscheid moved, seconded by Davis to approve the Resolution and Agreement Consent Agenda. Voting yes: Wood, Davis, Crockett, Walterscheid and Henry. Passed 5-0. R-18-68 – 71 were recorded as Exhibits 8.a.i-iv. respectively, and A-18-118 - 124 were recorded as Exhibits 8.b.i-vii. respectively.

9. PROJECT UPDATES: None.

10. 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. **ROBIN VAN NATTA ATTENDED CLERK POLICY COMMITTEE MEETING FROM JULY 17 THRU JULY 19, 2018 IN LAS CRUCES, NM.**
- b. **JENNIFER ARMENDARIZ ATTENDED AREA 1 PREPAREDNESS FY 17 QTR. 4 MEETING ON JULY 23, 2018 IN RUIDOSO, NM.**
- c. **PATRICIA CARRASCO ATTENDED MANAGING MULTIPLE PRIORITIES, PROJECTS AND DEADLINES ON JULY 23, 2018 IN ROSWELL, NM.**

FUTURE

- d. **DEBORAH RODRIGUEZ TO ATTEND A SEMINAR ON AUGUST 23, 2018 IN ROSWELL, NM.**
- e. **ANNA VASQUEZ AND TWO APPROVED HR PERSONNEL TO ATTEND NM STATE FAIR GATHERING OF COUNTIES FROM SEPTEMBER 12 THRU SEPTEMBER 13, 2018 IN ALBUQUERQUE, NM.**
- f. **DEBORAH RODRIGUEZ TO ATTEND A SEMINAR ON SEPTEMBER 19, 2018 IN ROSWELL, NM.**
- g. **ANNA VASQUEZ, ERIC MCGEE, FABIAN GOMEZ AND ONE ECDC PERSONNEL TO ATTEND 2018 FORT BLISS JOB FAIR ON SEPTEMBER 20, 2018 IN FT. BLISS, TX.**
- h. **PATRICIA CARRASCO TO ATTEND EMPLOYMENT LAW-SHRM ANNUAL SOUTHERN NM CONFERENCE FROM SEPTEMBER 27 THRU SEPTEMBER 28, 2018 IN LAS CRUCES, NM.**

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

11. **EMERGENCY BUSINESS:** None.

12. **LEGISLATIVE UPDATE:** None.

13. **LEGISLATORS, ELECTED OFFICIALS AND COUNTY DEPARTMENT HEADS COMMENTS/ANNOUNCEMENTS/UPDATES:** Hooper apologized and stated the Otero County Ordinance did address paved roads and stated if that information changed the minds of the Commissioners regarding their earlier vote, he would re-submit the Ordinance. Cage reported on his meeting with Flynn and the NMOGA Representative. He passed out a handout regarding the impact of the Oil & Gas Industry on our area and stated this would be sustained for at least 10 years regardless of the price of oil. He also stated there was discussion of a statewide 911 Board. His staff had expanded their patrol to include a heavy presence on Rd 128, Mission and Hwy 285. He was proud of his staff as they went above and beyond.

14. COUNTY MANAGER'S AND ASSISTANT COUNTY MANAGER'S COMMENTS/ ANNOUNCEMENTS/UPDATES:

Rudometkin stated he would be traveling to Santa Fe for a Multi-Line Meeting. He appreciated the trip to Washington D.C. and learned a lot. Rayroux would be traveling to Santa Fe to address the CES issue.

15. COUNTY COMMISSIONERS' COMMENTS/ANNOUNCEMENTS/UPDATES:

Henry stated while in D.C. the Eddy County Fair had great success and had done a great thing for Sammy Fodge. He encouraged all to comment on the RMP (Resource Management Plan). Henry felt the current administration in D.C. was doing a great job. He also stated the County was not responsible for the mowing or the trash on Hwy. 285. He referred all of those calls to the State. Walterscheid stated he had questions about Longhorn Rd. vs. Whitehorn Rd. signage; which was correct? He had answered a call for a frack tank fire. Davis attended the D.C. meeting as well and was surprised at the number of representatives from N.M. They met with Homeland Security and obtained a valuable contact list, and also met with FEMA representatives. Wood stated he attended a Wise Eyes meeting in Happy Valley. The two representatives from the Sheriff's Department were very helpful in answering questions from the residents. The residents were very appreciative of the improvements to the park. His granddaughter won Grand Champion and sold her Heifer for \$5K with an addition \$1K after the sale was over. Davis stated that was the first fair she had missed in many years. Crockett stated that Detective Dugas did a great job with the Happy Valley residents. She encouraged all to comment on the RMP as well. She thanked Fire Services for the great job they did going above and beyond. Crockett felt energized and excited following their trip to D.C. The meetings were fantastic with great speakers. She commended the good people from the fair. Henry reported Carlsbad Shorthorn Baseball Team would be playing tonight at 6:00 p.m. on ESPN2 and wished them good luck. It was a great achievement.

16. EXECUTIVE SESSION: At 10:30 a.m. Wood moved, seconded by Davis to recess the regular meeting and go into 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. REAL PROPERTY:

i. REAL PROPERTY SALE AND/OR PURCHASE:

To return at approximately 11:10 a.m. Voting yes: Wood, Davis, Crockett, Walterscheid and Henry. Passed 5-0.

17. RE-OPEN MEETING: At 11:14 a.m. Davis moved, seconded by Henry to recess the executive session and re-open the regular meeting and certified the only items discussed were listed above. Voting yes: Wood, Davis, Crockett, Walterscheid and Henry. Passed 5-0.

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

a. REAL PROPERTY:

i. REAL PROPERTY SALE AND/OR PURCHASE:

No action taken.

19. ADJOURN: At 11:15 a.m. Davis moved, seconded by Walterscheid to adjourn the meeting. Voting yes: Wood, Davis, Crockett, Walterscheid and Wood. Passed 5-0.

EDDY COUNTY BOARD OF COMMISSIONERS

CHAIR: _____

ATTEST: _____

DATE: _____