

**EDDY COUNTY BOARD OF COMMISSIONERS  
MINUTES OF A REGULAR MEETING  
October 16, 2018**

BE IT REMEMBERED that the Eddy County Board of Commissioners held a regular meeting in Room 301 of the Artesia School Administration Board Room on October 16, 2018 at 6:00 p.m. Crockett called the meeting to order. Rayroux led the Pledge of Allegiance and the Salute to the New Mexico State Flag. John Henry, Commissioner District 2, 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
KENNEY RAYROUX	ASSISTANT COUNTY MANAGER
CAS TABOR	COUNTY ATTORNEY
GEMMA FERGUSON	ASSESSOR
MELISSA WASHBURN	CHIEF DEPUTY ASSESSOR
DARLENE ROSPRIM	CHIEF DEPUTY CLERK
TERRA DOUGAN	BOE DEPUTY
JAMES MOORE	CAPTAIN SHERIFF DEPT
GAY WEST	ADMINISTRATIVE ASSISTANT
ROBERTA SMITH	FINANCE DIRECTOR
ANNA VASQUEZ	ASSISTANT HR DIRECTOR
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 OFFICER
LINDA P. MARTINEZ	INDIGENT CLAIMS ADMINISTRATOR
VERONICA PARRAS	COMMUNITY SERVICES
JOSHUA MACK	FIRE MARSHAL/FIRE SERVICE DIRECTOR
BILLY MASSINGILL	DETENTION WARDEN
MARIA MALDONADO-MERJIL	DETENTION ADMINISTRATIVE ASSISTANT
MIKE SMITH	CARLSBAD CURRENT ARGUS
TERESA LEMON	ARTESIA DAILY PRESS
RAYE MILLER	MAYOR OF ARTESIA
KENT BRATCHER	COUNCILMAN OF ARTESIA
KEVIN HOPE	CHIEF ARTESIA FIRE DEPARTMENT
RICK LOPEZ	CHIEF CARLSBAD FIRE DEPARTMENT
MIKE RISTOM	TRANS AERO MEDEVAC

## **TIMED AGENDA**

**6:00 P.M.:**

1. **PUBLIC COMMENTS/ANNOUNCEMENTS:** *(THREE MINUTE TIME LIMIT PER PERSON) (WE REQUEST ALL COMMENTS BE RESPECTFUL AND COURTEOUS IN NATURE)* None.
  
1. **PRESENTATION ON BLM RESOURCE MANAGEMENT PLAN (RMP) – TY ALLEN:** BLM Representatives Jim Stovall, Ty Allen and Hector Gonzalez gave a presentation to the Board regarding the BLM Resource Management Plan (RMP) and fielded questions from the board. Stovall informed the Board in the BLM Preferred Alternative Draft 97% of the entire field office was available for oil and gas leasing. Stovall replied BLM had met with Eunice and Jal and those cities were going to be active in providing comments. Walterscheid asked if the RMP would address water issues. Stovall added the BLM Preferred Plan would handle the Carlsbad Water Well Protection Area and the surrounding resources in a thoughtful manner. Walterscheid stated in other parts of the country a normal aquifer did not have karst and flowed inches a year whereas the aquifer for the Otis and Loving wells flowed around 100 feet a month which is rocket speed in an aquifer. He added when it rained in the Guadalupe's, the chemical signature in the City of Carlsbad wells could change in about 12 hours. Walterscheid added the wellhead protection areas for the water wells supplying Carlsbad, Otis, Malaga and Loving should be large and extend for miles, and wanted the BLM to keep in mind the room for contamination. Henry asked if the BLM had examples of how they would like the comments formatted for submission. Gonzalez replied there were examples available and he would provide those to Henry. Henry asked if the Air Force could have their low fly decks with the Birds of Prey ACEC's and which one superseded the other. Stovall replied the BLM had met with the Air Force to ensure there was not a conflict between the two and the deck was getting changed from 400 feet to 500 feet. Walterscheid asked what would happen in the Queens area if BLM determined there was wildlife characteristics for certain properties. Stovall replied the Queens area did not meet the characteristics in that area or already existed. Crockett stated public comments were important for the future and Eddy County.

## **TRAILING AGENDA:**

1. **APPROVE:**
  - a. **COMMISSION MEETING MINUTES FOR OCTOBER 2, 2018:** Walterscheid moved, seconded by Henry to table the Commission Meeting Minutes for October 2, 2018. Voting yes: Crockett, Walterscheid and Henry. Voting no: Wood and Davis. Passed 3-2.

- b. EXPENSE APPROVAL REPORT FOR SEPTEMBER 2018:** Henry moved, seconded by Davis to approve the Expense Approval Report for September 2018. Voting yes: Crockett, Walterscheid, Henry, Wood and Davis. Passed 5-0. The Expense Approval Report for September 2018 was recorded as Exhibit 1.b.
- 2. TREASURER'S REPORT FOR AUGUST 2018 – LAURIE PRUITT:** This report was for information only. The Treasurers Report for August 2018 was recorded as Exhibit 2.
- 3. DFA QUARTERLY REPORT APPROVAL PROCESS – ROBERTA SMITH:** Smith informed the board about the NMFA Loans and about the DFA electronic reporting. She asked the board for direction due to the changes and suggested the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Quarters be submitted to DFA and then presented to the board with exception to the 4<sup>th</sup> Quarter. All board members agreed with Smith's suggestion. The DFA Quarterly Report Approval Process was recorded as Exhibit 3.
- 4. FY 2018-2019 1<sup>ST</sup> QUARTER LODGER'S TAX REPORT – ROBERTA SMITH:** Smith stated \$45K was brought in and \$5K was expensed out. The beginning cash balance was \$123,714.59 and the cash balance as of September 30, 2018 was \$164,257.61. Henry asked Rayroux what amount the fund had to be kept under. Rayroux explained the monies received in the fund have to be expended in a 2-year time frame. Davis moved, seconded by Henry to approve the FY 2018-2019 1<sup>st</sup> Quarter Lodger's Tax Report. Voting yes: Crockett, Walterscheid, Henry, Wood and Davis. Passed 5-0. The FY 2018-2019 1<sup>st</sup> Quarter Lodger's Tax Report was recorded as Exhibit 4.
- 5. SEPTEMBER 2018 REVENUE REPORT – ROBERTA SMITH:** Smith reported to the board the September GRT was over budget approximately \$1.2M and the September O&G production was over \$1.9M. Henry moved, seconded by Wood to approve the September 2018 Revenue Report. Voting yes: Crockett, Walterscheid, Henry, Wood and Davis. Passed 5-0. The September 2018 Revenue Report was recorded as Exhibit 5.
- 6. APPROVE/DISAPPROVE TWO (2) INDIGENT BURIALS – VERONICA PARRAS:** Walterscheid moved, seconded by Henry to approve two (2) indigent burials. Voting yes: Crockett, Walterscheid, Henry, Wood and Davis. Passed 5-0.
- 7. APPROVE DATES FOR SPECIAL COMMISSION MEETINGS TO OPEN AND CLOSE CANVASS FOR 2018 GENERAL ELECTION – DARLENE ROSPRIM:** Rosprim asked the board to finalize the dates of November 7 at 9 a.m. to open the canvass and November 13 at 9 a.m. to close canvass. Davis moved, seconded by Henry to approve the dates for the Special Commission Meetings to Open and Close Canvass for the 2018 General Election. Voting yes: Crockett, Walterscheid, Henry, Wood and Davis. Passed 5-0.

- 8. DISCUSSION AND DIRECTION ON INCREASING FUNDING FOR PROFESSIONAL SERVICES FROM PAWS AND CLAWS – RICK J. RUDOMETKIN:** Paws & Claws had met with Wood and asked for a possible increase in funding. Wood asked the board to consider the increase. Crockett asked Wood if he had a specific amount for the increase. Wood stated he did not and there was not a representative from Paws & Claws at the meeting. Henry suggested looking at the funding increase during the next budget cycle. Walterscheid and Davis concurred with Henry and a funding increase would be considered at the next budget cycle.
- 9. DISCUSSION AND CLARIFICATION OF APPROVED CAPITAL OUTLAY MONIES FOR PUBLIC WORKS – RICK J. RUDOMETKIN:** Henry asked Romero why the monies for equipment could not be taken out of the overage from the last fiscal year, approximately \$2.2M, in the Public Works account instead of the General Fund. Romero explained the overage monies are allotted to current projects Public Works was working on. He presented cost information to the board of current and future projects and added the estimated total cost for all projects would be \$3.7M. Romero added he would be coming back to the board to ask for approximately \$1.7M to finish all the projects. Henry asked Romero to explain the \$100K to set mailboxes on Standpipe. Romero explained after finding the location and adding paving, turning lanes, sidewalks, mailboxes and an 8-10-foot block wall the cost would be approximately \$100K. Henry asked about the culvert replacement on Derrick Road and why the expenses were not approved on the expenses this year. Romero explained the box culvert was collapsing and the project had to be postponed due to water flow in the CID. Rayroux clarified the culvert to be fixed was on Grandi Road and not part of the Derrick Road project, but while the contractors were fixing the culverts on Derrick Road a separate task order would be issued for the contractors to fix the culvert on Grandi. Henry asked Romero why equipment was not approved with his budget overage. Smith clarified Romero would not know his overage until July and the budget process was already completed by July. Davis asked Romero about the overage on Black River Village Road and if the overage was accurate. Romero replied the overage was pretty close. Crockett stated Romero did not know the overage until the end of the fiscal year and the board asked for a zero-based budget to be presented. She added Romero did bring the equipment request back a couple times with no approval and she saw where the confusion was coming from in regards to buying the equipment with the Public Works overage. Rayroux added the \$1M overage for Black River Village Road would be coming from the Public Works overage of \$2.2M. Henry agreed equipment for Public Works was needed but he would have liked to see the equipment purchased sooner. Davis asked Romero if he had approached the oil and gas company and asked for a partnership to help build the wall for the mailboxes on Standpipe. Rayroux replied he had been in contact with the oil and gas company and negotiations were ongoing.

**10. DONATION OF SCBAS TO SAN MIGUEL COUNTY VFDS – TRAVIS OLBERT:**

Mack informed the board San Miguel County had reached out and asked about the donation of air packs. Mack was asking the board to approve the donation of 16 SCBA backpacks, 28 bottles and 14 SCBA masks that were replaced from their old stock. Wood moved, seconded by Walterscheid to approve the donation of SCBAS to San Miguel VFDS. Voting yes: Crockett, Walterscheid, Henry, Wood and Davis. Passed 5-0.

**11. ONE-TIME PROJECT WITH ARTESIA FIRE DEPARTMENT – JOSHUA MACK:**

Mack was asking the board to approve a one-time project, of \$200K to assist the Artesia Fire Department with the hiring of 6 new personnel for the FY 2018/2019. Mack added after the project money was expended the City of Artesia would assume all expense. Chief Hope added the actual cost was more than what they were asking and they had reached out to Artesia General Hospital for a partnership as well. Hope explained adding the 6 new personnel would help with transports and 911 response. Henry asked how comfortable the City was with assuming all expenses after the project money was spent. Bratcher replied the City would be comfortable assuming expenses after the project money was spent. Walterscheid asked Mack where the project money would come from. Mack replied he has asked the project money come from the General Fund. Walterscheid also asked Mack why the request could not be presented at the mid-year budget review. Mack replied the project needed to move forward so the personnel could be hired. Hope clarified the process had been on-going for approximately a year and a half. Hope stated air transport and ground transport were different entities when it came to billing and collection of monies. Walterscheid asked for the clarification of billing percentages. Hope clarified the City of Artesia outsourced the billing and collection of services provided. The outsourced company promised a collection and billing rate in the high 70's but towards the end of the year the percentage was in the low 30's. Wood expressed the need for ground transportation in Artesia was much needed and he supported this one-time project. Davis asked Tabor and Smith about the legalities of the monies for the one-time project. Both Smith and Tabor concurred there would not be a problem. Crockett stated she appreciated the City of Artesia coming to the board with this one-time project. Henry moved, seconded by Davis to approve \$200K from the General Fund for the one-time project with the Artesia Fire Department. Voting yes: Crockett, Walterscheid, Henry, Wood and Davis. Passed 5-0.

**12. ONE-TIME PROJECT WITH CARLSBAD FIRE DEPARTMENT – JOSHUA**

**MACK:** Chief Lopez was asking the board for \$285K to help remodel Fire Station 6 at the airport. Mack explained the City of Carlsbad was not using Station 4 anymore so the crew would be transferred to Station 6. Chief Lopez stated the project was budgeted at \$1.2M but could be more. Lopez added 6,600 square feet would be added to Station 6 and they were looking to turn Fire Station 4 into a Police Sub-Station. Davis was concerned the remodel could cost more and the City of Carlsbad would come back to the board and ask for more money. Chief

Lopez stated he would ask the City of Carlsbad if more money was needed and he would not return to the board to ask for more money with this project. Chief Lopez added all equipment would be re-located to Fire Station 6. Walterscheid stated the move and re-model would help the residents south of Carlsbad and he supported this one-time project. The City Council came down hard on the county about the \$250K budget cut but she was excited to partner with the city for this project. Crockett asked if the project had gone before City Council. Lopez stated Mike Hernandez, City Administrator for Carlsbad, did know about the project proposal but Lopez did not know if the City Councilors knew. Walterscheid moved, seconded by Henry to approve \$285K from the General Fund for the one-time project with Carlsbad Fire Department. Voting yes: Crockett, Walterscheid, Henry, Wood 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-18-77; PER DIEM, MILEAGE, AND OUT OF COUNTY TRAVEL – JESSICA STYGAR.
- ii. R-18-83; EDDY COUNTY FIXED ASSET POLICY – JESSICA STYGAR.

**b. AGREEMENTS:**

- i. A-18-151; AMENDMENT TO WELLSONE COMMERCIAL CARD AGREEMENT – ROBERTA SMITH.
- ii. A-18-153; ONE-TIME PROJECT WITH ARTESIA FIRE DEPARTMENT – JOSHUA MACK.
- iii. A-18-154; ONE-TIME PROJECT WITH CARLSBAD FIRE DEPARTMENT – JOSHUA MACK.
- iv. A-18-155; COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM GRANT AMENDMENT #1 – WES HOOPER.
- v. A-18-156; TRANS AERO MEDEVAC DORM RENTAL CONTRACT – JOSHUA MACK.
- vi. A-18-157; TRANS AERO MEDEVAC HELIPAD RENTAL CONTRACT – JOSHUA MACK.
- vii. A-18-158; PIPELINE RIGHT-OF-WAY AND EASEMENT AGREEMENT – CAS TABOR.
- viii. A-18-159; PIPELINE RIGHT-OF-WAY AND EASEMENT AGREEMENT – CAS TABOR.

Henry pulled A-18-156 and A-18-157 for further discussion.

Walterscheid moved, seconded by Henry to approve the Resolution and Agreement Consent Agenda pulling A-18-156 and A-18-157 for further discussion. Voting yes: Crockett, Walterscheid, Henry, Wood and Davis. Passed 5-0. R-18-77 and R-18-83 were recorded as Exhibits 13.a.i-ii. respectively, and A-18-151, A-18-153-155 and A-18-158-159 were recorded as Exhibits 13.b.i-iv and vii-viii. respectively.

**A-18-156; TRANS AERO MEDEVAC DORM RENTAL CONTRACT – JOSHUA MACK.**

**A-18-157; TRANS AERO MEDEVAC HELIPAD RENTAL CONTRACT – JOSHUA MACK** Henry asked Mack what the initial cost was to get started. Mack stated 2 electrical boxes needed to be removed. Trans Aero was paying for the wind socks and painting had already been budgeted in so approximate cost would be \$1K. Tabor asked Mack if he had gotten rental values for the property. Mack replied Dunagan and Associates came out, evaluated and provided rental values. Tabor stated when property was owned by the county and the lease exceeded \$25K the State Board of Finance had to approve the lease. Rayroux asked Tabor if the Board could do a conditional approval pending approval from the State Board of Finance; Tabor replied the Board could do that.

Henry moved, seconded by Walterscheid to approve A-18-156 and A-18-157 pending approval from the State Board of Finance. Voting yes: Crockett, Walterscheid, Henry, Wood and Davis. Passed 5-0. A-18-156 and A-18-157 were recorded as Exhibits 13.b.v-vi. 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:**

- a. **DEPUTY ALFREDO GUEVARA ATTENDED JOB FAIR FROM SEPTEMBER 12 THRU SEPTEMBER 14, 2018 IN GLENDALE, AZ.**

- b. STACY BUSH AND TONY MORALES ATTENDED NMLZO CONFERENCE FROM SEPTEMBER 25 THRU SEPTEMBER 28, 2018 IN RED RIVER, NM.
- c. RAY ROMERO ATTENDED NMED ENVIRONMENTAL MEETING FROM SEPTEMBER 26 THRU SEPTEMBER 27, 2018 IN ALBUQUERQUE, NM.
- d. WESLEY HOOPER ATTENDED A MEETING WITH SENATOR SMITH FROM SEPTEMBER 27 THRU SEPTEMBER 28, 2018 IN DEMING, NM.
- e. ALVY WILLIAM AND ROBIN WILLIAMS ATTENDED 2018 NM FIRE SERVICE CONFERENCE FROM SEPTEMBER 29 THRU OCTOBER 1, 2018 IN RUIDOSO, NM.
- f. CHRIS CHAVARRIA ATTENDED FF1 INSTRUCTOR CLASS ON OCTOBER 1, 2018 IN HOBBS, NM.
- g. CHRIS CHAVARRIA ATTENDED FF1 INSTRUCTOR CLASS ON OCTOBER 2, 2018 IN HOBBS, NM.
- h. CHRIS CHAVARRIA ATTENDED FF1 INSTRUCTOR CLASS ON OCTOBER 3, 2018 IN HOBBS, NM.
- i. CHRIS CHAVARRIA ATTENDED FF1 INSTRUCTOR CLASS ON OCTOBER 4, 2018 IN HOBBS, NM.
- j. CHRIS CHAVARRIA ATTENDED FF1 INSTRUCTOR CLASS ON OCTOBER 5, 2018 IN HOBBS, NM.
- k. JAYE J. FOSTER AND DEBRA HAMPTON TRAVELED TO OBTAIN SIGNATURE FROM AURICULAR DETOX SPECIALIST SUPERVISOR FROM OCTOBER 18 THRU OCTOBER 19, 2018 IN LAS CRUCES, NM.

**FUTURE:**

- l. ANNA VASQUEZ TO ATTEND NMC RISK MANAGEMENT AFFILIATE MEETING FROM OCTOBER 22 THRU OCTOBER 24, 2018 IN ALBUQUERQUE, NM.
- m. STEPHEN CANNON TO ATTEND IAAO CLASS FROM DECEMBER 2 THRU DECEMBER 7, 2018 IN HOUSTON, TX.

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

**16. EMERGENCY BUSINESS:** Tabor stated the transaction between OXY and the county was set to close Wednesday, October 17, 2018 and a resolution was passed allowing Rudometkin or Rayroux to sign the closing documents, but OXY would like Crockett to sign as well. Walterscheid moved, seconded by Davis authorizing Susan Crockett to represent Eddy County and sign the transaction documents between OXY and the County. Voting yes: Walterscheid, Henry, Wood and Davis.

Abstain– Crockett. Passed 4-0.

**17. LEGISLATIVE UPDATE:** None.



**18. LEGISLATORS, ELECTED OFFICIALS AND COUNTY DEPARTMENT HEADS**  
**COMMENTS/ANNOUNCEMENTS/UPDATES:** None.

**19. COUNTY MANAGER'S AND ASSISTANT COUNTY MANAGER'S**  
**COMMENTS/ANNOUNCEMENTS/UPDATES:** Rayroux thanked the board for wearing pink in honor of Breast Cancer Awareness Month.

**20. COUNTY COMMISSIONERS' COMMENTS/ANNOUNCEMENTS/UPDATES:**  
Walterscheid stated in District 1 the O&G business was ramping up. He heard a call for EMS at Carrasco Road but the address could not be found by EMS personnel. He added there was not an address sign, and the road south of the location did not have a county name either. He felt these items needed to be addressed. Walterscheid also stated in the same general area there were 2 very large flares that he felt came down to the health, safety and welfare business that needed to be addressed in the future with a possible ordinance. Wood thanked the Artesia Public Schools for allowing the use of their facility for the Commission Meeting. He also thanked the Road Department for mowing the weeds on 13<sup>th</sup> and Mill Road and for fixing the potholes. Henry thanked the Road Department for filling in the potholes that were called in and the Artesia Public Schools for allowing the use of their facility. Crockett thanked Artesia Public Schools and the City of Artesia for hosting the meeting. She attended a Solid Waste meeting last week and reminded everyone about the Household Hazardous Waste Event and the County Tire Event at the landfill happening October 27, 2018.

**21. EXECUTIVE SESSION:** None.

**22. ADJOURN:** At 8:15 P.M. Davis moved, seconded by Henry to adjourn the meeting. Voting yes: Crockett, Walterscheid, Henry, Wood and Davis. Passed 5-0.

**EDDY COUNTY BOARD OF COMMISSIONERS**

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

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

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