

**BOARD OF UNION COUNTY COMMISSION  
REGULAR MEETING  
September 12, 2017**

**BOARD MEMBERS PRESENT:**

Chairman Justin K. Bennett                      Commissioner Walter C. Hall                      Commissioner W. Carr Vincent

**OTHERS PRESENT:**

Clerk Mary Lou Harkins                      Assessor Frank Aragon                      Sheriff James Lobb  
Mgr. Angie Gonzales                      Admin. Asst. Cheryl Garcia  
Superintendent Russell Kear                      Emergency Mgr. Dusty Russell

**GUESTS:**

Sue Richardson, Reporter - Union County Leader  
Tammie Stump, CEO - Union County General Hospital  
Terri Martinez, CFO - Union County General Hospital  
Victoria Baker, Executive Director - Herzstein Memorial Museum  
Keith Barrus, Interim President - Union County Community Development Corporation  
Clinton D. Harden, Union County lobbyist - Harden & Associates  
Jim Mayfield - Union County General Hospital Board of Directors  
April Gallegos, Executive Director - Chamber of Commerce  
Tim Hagaman, Regional Representative - New Mexico Economic Development Department  
Richard Arguello  
Marla Cooper

At 9:01 a.m., Chairman Bennett called the meeting to order, in the Union County Commissioner's Office, located in the Union County Courthouse. The Pledge of Allegiance was recited.

Commissioner Hall moved to approve the agenda and the regular meeting minutes of August 8, 2017. Commissioner Vincent seconded. Vote: All YES. Motion carried. Minutes signed.

**HOSPITAL REPORT**

Tammie Stump, CEO, distributed copies of the "County Commissioner Monthly Hospital Report, Union County General Hospital, September 12, 2017". Stump reported on the following, but not limited to the following: **USP Battery Back-up Bid:** C&J Plumbing is interested in bidding on the CatScan USP Battery Back-up project. The bid will be published in tomorrow's paper; **Lab HVAC:** C&J Plumbing was awarded the bid. The project is currently on hold because of finances; **Physician Recruitment:** continues; **Dr. Van Wormer's Recertification:** submitted to CMS on July 10<sup>th</sup> and is in a holding pattern; **Rural Health Clinic:** accreditation is pending, and the hospital has completed all necessary requirements in preparation of survey. Waiting on the state to give final permission for The Compliance Team to conduct the survey; and **CMS Surveys:** conducted for UCGH. On 8/1/2017, unannounced surveys were conducted for hospital Re-Certification (done every 5 years), a Life Safety Survey (done every 5 years) and Home Health Re-Certification survey (done every 3 years). Findings were minimal because of staff team-work. Pursuant to the hospital board's approval, a **Mil Levy/GRT Request:** dated September 11, 2017, has been submitted to the county in the amount of \$300,217.97; **Billing concerns and 3<sup>rd</sup> party settlements/current liabilities:** briefly discussed.

Terri Martinez, CFO, distributed copies of the "Clayton Health Systems, August 30, 2017, Notes to Financial Statements, Period Ending July 31, 2017", and "Clayton Health Systems, Inc., Union County General

Consolidated Executive Financial Summary - 1 Month FY 2018". Martinez reported on the following, but not limited to the following: statistics, revenue, expenses and balances, cash on hand, and CD balances.

## **DISCUSSION/POSSIBLE ACTION ITEMS**

### **CLAYTON HEALTH SYSTEMS (CHS) INC. NEW BOARD MEMBER**

Tammie Stump, CEO, distributed copies of a study titled, "The Representation of Health Professional on Governing board of Health Care Organizations in New York City". Stump reported that Jim Mayfield, member of the Clayton Health Systems Board, has expressed intent on stepping down from the board due to medical reasons. Robert "Bob" Williams, the hospital's contractual CRNA, has submitted a letter of interest as Mayfield's replacement. Stump reported that Judith Cooper, president of CHS, concurs with the appointment of Williams, as long as, Community Health Corporation and the county commissioners approve. On behalf of CHC, Stump reported approval of the appointment. Mayfield concurred with the appointment of Williams. Mayfield's term was for three (3) years, commencing May 10, 2016.

Commissioner Hall moved to appoint Robert "Bob" Williams as board member replacement for Jim Mayfield. Discussion followed about the current terms. Chairman Bennett suggested a friendly amendment to Commissioner Hall's motion and asked that written clarification of the current board member terms and verification of the remainder of Mayfield's term be submitted in writing by the CHS Board to the Board of County Commissioners. Commissioner Hall concurred. Another discussion followed about term commencement, limits and potential conflicts. Chairman Bennett stepped down as chairman and seconded. Vote: All YES. Motion carried.

The board thanked Mayfield for his dedication and service as a member of the hospital board. Mayfield commented that he felt that the hospital is working a lot better today. Mgr. Gonzales asked CEO Stump that ample written notice is given to the county alerting them to resignations/appointments. Commissioner Vincent stressed that the hospital board communicates freely with the county. Stump concurred with Commissioner Vincent's request and agreed to supply appropriate information in the meeting packets that may require action.

At 9:51 a.m., meeting recessed for the commencement of the Joint Communications meeting and for lunch.

At 1:34, the meeting resumed. Commissioner Hall was not present for the remainder of the meeting. Hall needed to travel to Lubbock, Texas for the 20 Year Ports-to-Plains Alliance Conference.

### **FY 2018 BUDGET APPROVAL**

As contained in the meeting packet, a copy of a letter dated August 21, 2017, together with the county's final budget for FY 2018 which was date stamped 8/21/17 and "approved as amended" pursuant to §6-6-2 NMSA 1978, from the State of New Mexico Department of Finance and Administration Local Government Division, stated that the final budget was examined, reviewed and certified. The letter and amended budget were reviewed and discussed.

Commissioner Vincent moved to approve final FY 2018 budget. Chairman Bennett stepped down as chair and seconded. Vote: All YES. Motion carried.

### **NM STATE ARMORY BOARD LEASE FOR SHERIFF'S OFFICE**

A copy of a proposed lease from the State of New Mexico Department of Military Affairs between the Union County Board of Commissioners (Lessee) and the NM State Armory Board (SAB) (Lessor) was discussed. "The term of lease is established on a month to month term for a (3) year period commencing October 1, 2017, through September 30, 2020". After discussion, the board's wish was to have the SAB strike paragraph number 14 "Payment of Assessments, etc. Lessee shall pay as they become due all assessments, charges, liens, and taxes payable in respect to the leased premises during the term of this lease." Sheriff Lobb reported that the SAB would

like to know what Union County's decision is with respect to the contract as the SAB will have a special meeting On September 18<sup>th</sup> to go over statewide contracts with various entities wishing to use the guard facilities. On September 21<sup>st</sup>, in Albuquerque, the SAB wished to have the county chairman and sheriff sign the contract in person.

Commissioner Vincent moved to approve the three (3) year lease with the State Armory Board with the provision of striking paragraph 14. Chairman Bennett stepped down as chair and seconded. Vote: All YES. Motion carried.

#### **BID #17/18-07 WATER STORAGE TANKS AWARD**

Mgr. Gonzales reported that on August 29, 2017, at 3:00 p.m. in the manager's office, the following bids were opened and received from: Contained Water System, United Fiberglass Inc., and Power Piper & Tank LLC. Mgr. Gonzales reported that fire chief Jim O'Bryant recommended accepting the lower bid of \$30,928 plus GRT from United Fiberglass Inc. Discussion followed.

Chairman Bennett stepped down as chair and moved to approve the bid from United Fiberglass Inc. in the amount of \$30,928 plus Gross Receipts Tax. Commissioner Vincent seconded. Vote: All YES. Motion carried.

#### **RESOLUTION #106-11 CERTIFICATE OF PROPERTY TAX RATES**

A proposed resolution certifying county property tax rates was reviewed. The resolution is accompanied by the Certificate of Property Tax Rates in Mills for Tax Year 2017. Assessor Frank Aragon distributed copies of a spreadsheet showing the differences between the tax rates of 2016 and 2017. Differences in tax rates and values were discussed.

Commissioner Vincent moved to approve Resolution #106-11 Certificate of Property Tax Rates for Tax Year 2017. Chairman Bennett stepped down as chair and seconded. Vote: All YES. Motion carried. Resolution signed.

#### **RESOLUTION #106-12 SUPPORT LEGISLATIVE PRIORITIES OF THE NMAC**

A proposed resolution supporting the 2018 Legislative Priorities of the New Mexico Association of Counties (NMAC) was discussed. The following priorities were approved by NMAC Board of Directors for consideration at its 2018 regular legislative session: Forfeiture Act Reform, Protecting County Funding of Healthcare, Tax Reform, Local Election Act and Extend 2014 HB16 Liquor Distribution Sunset.

Commissioner Vincent moved to approve Resolution #106-12 Supporting Legislative Priorities of the NMAC. Chairman Bennett stepped down as chair and seconded. A brief discussion followed about various legislative issues with Clinton D. Harden, Union County's lobbyist. Vote: All YES. Motion carried. Resolution signed.

#### **ROAD CROSSING PERMITS**

No permits presented for consideration. No action was taken.

#### **INVENTORY ITEMS DISPOSITION**

"Union County Sheriff's Office Auction List" which included (3) three storage containers, a Caterpillar dozer D-7G, and (2) two John Deere 420 lawn tractors was reviewed and discussed.

Commissioner Vincent moved to approve the disposition of storage containers, Caterpillar dozer, and John Deere 420 lawn tractors. Chairman Bennett stepped down as chair and seconded. Vote: All YES. Motion carried. Auction list signed.

## NEGOTIATIONS OF DISPOSITIONS OF KISER ELEMENTARY

The status of the disposition of Kiser Elementary was discussed.

Chairman Bennett stepped down as chairman and moved to approve the proposed general terms of the agreement as presented at the last special meeting between the Clayton School district unless there were changes. Discussion: If the county fails to get a response from the Clayton School district, plans will be made for a follow up meeting. Commissioner Vincent seconded. Vote: All YES. Motion carried.

## CITIZEN'S FORUM

No citizen's present for the forum.

## HEALTH CARE ASSISTANCE PROGRAM - Approval of Claims

Claims for the Health Care Assistance Program were reviewed. A total of nine (9) claims were considered in the amount of \$1,497.47. Discussion followed.

Commissioner Vincent made a motion to approve the payment of nine (9) claims in the amount of \$1,497.47. Chairman Bennett stepped down as chair and seconded. Vote: All Yes. Motion carried.

## COUNTY TRAVEL REQUESTS

The following employees reported/requested travel approval: **Chairman Bennett** may attend the State Armory Board meeting with **Sheriff Lobb** in Albuquerque on September 21<sup>st</sup>; **Assessor Aragon** traveled to Santa Fe on September 7<sup>th</sup> for an Oxy meeting; **Sheriff's Office Deputy/Executive Secretary Nikki Callis** traveled to Albuquerque on September 12-13<sup>th</sup> for evidence technician training and for the Gathering of Counties on September 14<sup>th</sup>; **Administrative Assistant Cheryl Garcia** will travel to Albuquerque for the Gathering of Counties on September 14<sup>th</sup>; **Sheriff's Office Deputy/Executive Secretary Nikki Callis** will also be attending a SORNA (Sex Offender Registration and Notification Act) training in Santa Fe on September 20<sup>th</sup>; **Clerk Harkins and Deputy Clerk Brenda Green** will be traveling to Albuquerque for NM Edge classes on September 18<sup>th</sup>-20<sup>th</sup> and to a Clerk's Affiliate meeting in Ruidoso on October 3<sup>rd</sup>- 6<sup>th</sup>; **Commissioner Hall** will attend the 20 Year Ports-to-Plains Alliance Conference in Lubbock on September 12<sup>th</sup>- 14<sup>th</sup>; **county designee** may be traveling to Harding County on September 27<sup>th</sup> for the Northeast Regional Transportation and Planning Organization (NERTPO) meeting; **two (2) sheriff's deputies** will be traveling to California to pick up a military surplus van. All requests noted and approved.

## APPROVAL OF BILLS

The board reviewed and discussed bills in the amount of \$559,225.20 which includes the request from the Union County General Hospital for the Mil Levy/GRT payment in the amount of \$300,217.97.

Commissioner Vincent moved to approve the payment of bills in the amount of \$559,225.20. Chairman Bennett stepped down as chair and seconded. Vote: All YES. Motion carried.

## **EMERGENCY MANAGER JOINT POWERS AGREEMENT WITH TOWN OF CLAYTON**

A proposed agreement between Union County and the Town of Clayton governing the position of the Emergency Manager was briefly discussed. At the previous regular board meeting, the board directed Mgr. Gonzales to work together with Emergency Manager Russell to review and update the Joint Powers Agreement. Mgr. Russell reported that he and Mgr. Gonzales are still working on the draft. Chairman Bennett wants the draft of the Joint Powers Agreement reviewed by the county attorney and an update given on the personnel policy changes. Chairman Bennett asked that the draft is presented for discussion during the Joint Communications meeting on December 12, 2017.

## **ROAD SUPERINTENDENT'S REPORT**

Kear reported on the following: county wide wash out repairs especially north of Clayton; routine road maintenance; cattle guard cleanouts; repair of washouts and crossings; various projects have been delayed because of summer rains; equipment issues, which include the new International water truck which was discussed at length. The board suggested to Kear that the military surplus is searched for a water truck. Chairman Bennett suggest to Kear that he and Mgr. Gonzales work together with the county attorney on this situation. Kear reported that he is already doing so. Chairman Bennett addressed Furlow Road which needs to be built up pursuant to Effie Walker's request. Kear acknowledges the need for repair and this request will be added to the long list of projects. Furlow Road needs to be built up. Walker can supply sand material for the project. Once the Weatherly project is done, the crew will start crushing caliche for the many caliche requests in place. The board suggested to Kear that he secure a copy of a map showing all of the state-owned minerals within the county.

## **EMERGENCY MANAGER'S REPORT**

**Emergency Manager Russell** provided a written report, updated on September 6, 2017, which included the following: **LEPC** (Local Emergency Planning Committee) meeting is scheduled for October 18th; **SHSGP** (State Homeland Security Grant Program) Batteries on Sierra Grande are installed and working. Working on a quote for Clayton Police Department repeater battery backups. Commissioner Vincent suggested looking into portable cell towers with generators which can be used in a significant weather event. Looking into battery backups for CityNet. Received the SHCGP grant last week. Grant money has been redirected, and will be used for resource type teams; **EMPG** (Emergency Manager Performance Grant) 2016 last quarter reports submitted and waiting on payment, just received 2017 grant approval and needs to be signed by the manager; **Severe Weather Plan** changes have been made to the plan. Shelter consideration is pending. The plan will be considered by the LEPC then on to the county commissioners for approval; **EOC (Emergency Operations Centers) Activation Plan** is being reviewed; and **Hazard Mitigation** Notice of Interest was submitted with hopes of receiving money to put together a plan for the county, town, and villages in Union County. Chairman Bennett asked that Russell consider adding the county's fire lines, county heavy equipment, and salaries which may be used in a fire threat in the plan. Commissioner Vincent suggested considering the winter weather road closure gates as well. Mgr. Russell reported that he was put on alert for the hurricanes in Houston and Florida. If Russell is deployed, Clayton Fire Chief Justin Drumm will be the acting in Russell's place. Lastly, manager Russell will not be attending the Town of Clayton's meeting on the 20<sup>th</sup> because of another meeting conflict.

## **ELECTED OFFICIAL'S REPORTS**

**Sheriff Lobb** reported on the following: transports, travel, citations, civil services, offense incidents/crash/accident reports, various arrests, recovered a stolen ATV and provided traffic control for the Folsom Days event. Carr Vincent, in his capacity of a sheriff's reserve officer, attended an Active Shooter Training at the Federal Law Enforcement Training Center in Artesia.

**Assessor Aragon** reported that his office will start working on tax bills. Aragon traveled to Santa Fe for the deposition of Jerry Wisdom in the Oxy case. Aragon offered to discuss this deposition in an executive session.

At 3:45 p.m., Commissioner Vincent moved to go into executive session pursuant to NMSA 1978, §10-15-1 (H) (7) (i) OXY USA Inc. v NMTRD and (ii) OXY YSA Inc. v. Frankie J. Aragon, pertaining to threatened litigation in which the County is or may become a participant. Chairman Bennett stepped down as chair and seconded. Vote: Commissioner Vincent - YES and Commissioner Bennett - YES. Motion carried.

At 4:10 p.m., Commissioner Vincent moved to come out of the executive session and certified that matters that were discussed in the closed meeting were limited to only of that as specified in the agenda and motion for closure. No action was taken. Commissioner Bennett stepped down as chair and seconded. Vote: Commissioner Vincent - YES and Commissioner Bennett - YES. Motion carried.

The next regular meeting will be held on Tuesday, October 10, 2017, at 9:00 a.m. The next Joint Communications meeting will be on Tuesday, December 12, 2017, at 9:30 a.m.

**ADJOURN:** At 4:11 p.m., Chairman Bennett stepped down as chair and moved to adjourn the meeting. Commissioner Vincent seconded. Vote: All YES. Motion carried. Meeting adjourned.

**Board of County Commission  
Union County, New Mexico**

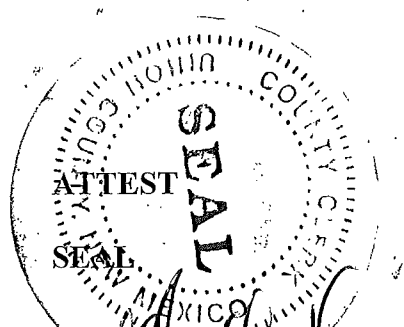
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**Justin K. Bennett - Chairman**

*Walter C. Hall*

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**Walter C. Hall - Member**

*W. Carr Vincent*

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**W. Carr Vincent - Member**



*Mary Lou Harkins*  
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**Mary Lou Harkins - Clerk**