

**MINUTES
REGULAR MEETING
LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS
Thursday, April 7, 2016**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 10:00 a.m. on Thursday, April 7, 2016 in the County Commission Chambers of the Luna County Courthouse, Deming, New Mexico, for the purpose of conducting any and all business to come properly before the Board.

The following staff and elected officials were present:

County Manager Charles "Tink" Jackson, Assistant County Manager Glory Juarez, County Clerk Andrea Rodriguez, Chief Deputy Clerk Berenda McWright, Elections Administrator Leslie Nabours, Deputy Clerk JoAnna Zurinsky, Treasurer Dora Madrid, Sheriff Jonathan Mooradian, Special Projects and Facilities Management Director Billy Ruiz, Detention Director Matthew Elwell, Dispatch Supervisor Lauree Sanchez, Community Projects Director Jessica Etcheverry, Road Director Marty Miller, Budget and Procurement Director Joanne Hethcox, Human Resources Director Danny Gonzales, Starmax Facilities Director Ira Pearson, Community Well Being Director Jessica Moreno, IT Technician Manny Armendariz, Grant and Compliance Officer Palmira Valentine, Emergency Services Director Mark Jasso, Public Information Officer Matt Robinson, Volunteer Fire Department Chief Luis Malina, Security Screener Moses Pastran.

CALL TO ORDER: Chairman Diaz called the meeting to order at 10:05 a.m.

ROLL CALL: Deputy Clerk JoAnna Zurinsky called roll. The following members of the Board constituting a quorum were present:

Joe L. Milo, Jr., District 1
Linda M. Smrkovsky, District 2
R. Javier Diaz, Chairman, District 3

APPROVAL OF AGENDA: Commissioner Milo motioned to amend and approve the Agenda, removing *Item E* from the Consent Agenda, pending further discussion from the Board. Commissioner Smrkovsky seconded the motion which carried unanimously.

ELECTED OFFICIALS REPORTS: County Clerk Andrea Rodriguez announced that her office has been busy preparing for the Primary Election on June 7th.

Sheriff John Mooradian reported on crime statistics, and stated that burglaries were down, and larcenies were up, and contributed this to problems surrounding mail theft. Sheriff Mooradian also reported that a new patrol unit was received by the department.

There were no reports given by the County Treasurer or the County Assessor.

ANNOUNCEMENTS: There were no announcements made.

SERVICE AWARDS: Sheriff John Mooradian presented Paul Sanchez with a five-year service award.

PRESENTATIONS: There were no presentations given.

PUBLIC COMMENT: Chairman Diaz opened the floor to Public Comment, however there was none forthcoming.

COUNTY MANAGER'S REPORT: County Manager Charles "Tink" Jackson reported on the following items:

- Hermanas Grade- The process to get final approval for the Hermanas Grade project continues. The County is just a few days away from the draft Environmental Assessment from being finalized. At this point, the majority of the public comments submitted are in favor of the project. The County should see the final Environmental Assessment (EA) and start the final public process for approval of the EA before the end of April. The approved EA will allow the Bureau of Land Management to approve the final 30-year Right of Way for the entire road, and allow Phase IV to occur this year.
- ISC Canadian River Application- After this Commission approved the proposed settlement agreement between the Interstate Stream Commission (ISC) and the Protestants, a small number of the Protestants requested some minor changes in the language of the settlement. Those changes have been accepted now, and the County should be seeing a final version of the document for execution in the near future.
- Luna County Detention Center (LCDC) Project Programming-The County Commission approved Option B of the Programming Report at the Special Meeting on March 24. The Project Management Team has been established, and will continue to work closely with the CES contractor to keep the project on the timetable that is established for completion.
- Draft Budget- Staff is working on the draft budget for the Commission's consideration next month. Lack of additional revenues coupled with increased insurance costs and the State Land Office Amnesty program on State roads within Luna County will significantly limit what the Commission can do this year internally and for outside entities.
- Luna County Detention Center (LCDC) Reorganization- In preparation for the upcoming expansion at the LCDC, the County has reorganized the staff to meet the additional needs the LCDC will have upon completion. (Mr. Jackson introduced Mary Gooding as Deputy Director, Bobby Brookhouser, Jr. as Chief of Security, and Nathan Ortberg as Special Management Unit Director.)
- Staff continues to work on and address options for the Luna County Road Tax. While none of the current staff was here when the problems with the tax were created, a resolution must be found to the concerns expressed about the tax. It has been recommended to the Commission that it might take a full 'reboot' of the program to correct the problems that are being faced now. The road tax assessment would apply to every property owner with front footage within every subdivision approved historically by the Luna County Board of County Commissioners.
- The County Manager would like to take the time to thank the Commissioners for giving him the opportunity to serve as the Luna County Manager for the last two years. Regardless of what a very small handful might say, a look back over the last two years shows many positive things the County has done together to help the citizens of Luna County. Whether it is the \$2.1 million dollars that the County saved taxpayers by refinancing the bond at the Starmax facility, the 2015-2016 budget that did not allow for any money from reserves to be spent, the lack of liability claims against the County that others have faced due to lax policies and administrators, or the establishment of an Ethics Pledge that requires those that receive county taxpayer money to meet the same standards that the County holds themselves to,

Luna County has set a high mark for others to attain. Mr. Jackson also thanked the staff and urged them to keep up the hard work, and thanked the members of the community present and stated that 'he hoped that they would always see through the arrogance of those that want to take power from the people, and give it to a small group of self-serving individuals who think they should run everything in the County.' 'To not see this', Mr. Jackson stated, 'would be a giant step backwards for the future.'

CONSIDER MINUTES: Upon motion of Commissioner Smrkovsky, seconded by Commissioner Milo, the minutes of the March 10, 2016 Work Session were unanimously approved.

Upon motion of Commissioner Milo, seconded by Commissioner Smrkovsky, the minutes of the March 10, 2016 Regular Meeting were unanimously approved.

CONSENT AGENDA: Upon motion of Commissioner Smrkovsky, seconded by Commissioner Milo the following items on the Consent Agenda were unanimously approved following a roll-call vote.

- a. **Accounts Payable: Accounts Payable Registers totaling \$944,441.96.**
- b. **Payroll Registers: Payroll Registers totaling \$1,051,109.58.**
- c. **Resolution 16-21 Budget Increases**
- d. **Resolution 16-22 Budget Transfers**
- e. ***(This Item was pulled from the Consent Agenda)****
- f. **Resolution 16-24 Fair Housing Policy**
- g. **Fair Housing Proclamation**
- h. **2017 County Fire Protection Fund Distribution Application – Cook’s Peak**
- i. **2017 County Fire Protection Fund Distribution Application- Sunshine**

***CONSENT AGENDA ITEM E: Resolution 16-23 Opposing Luna County Road Survey by BLM:** *(This item was discussed further amongst the Board for clarification.)* Mr. Jackson explained the language changes necessary, and recommended approval of this amended item. In the title of the Resolution, add the word 'Process' after *Survey*. Omit the fifth paragraph in the body of the document. In the sixth paragraph of the Resolution, remove the word *such*. In the seventh paragraph, replace *high school students* with *the selected contractor*, and replace the *have any* with *has no*, and *any county* will be replaced by *Luna County*. Amend the ninth paragraph, and remove the inadvertent *and* after *will*. On the tenth paragraph, replace the word *will* with *shall*. Commissioner Smrkovsky motioned to amend and approve Resolution 16-23 Opposing Luna County Road Survey by BLM. Commissioner Milo seconded the amended motion, which carried unanimously following a roll-call vote.

NEW BUSINESS:

- a. **Assign Resolution Number 16-20 to the NMAC Healthcare Policy Committee (Previously approved as Resolution 16-17):** Mr. Jackson explained this New Business item was previously approved by the Board and the Resolution number needs to be changed from 16-17 to 16-20, because 16-17 had already been assigned to an existing Resolution. Commissioner Smrkovsky moved to approve Assign Resolution Number 16-20 to the NMAC Healthcare Policy Committee (Previously approved as Resolution 16-17). Commissioner Milo seconded the motion, which carried unanimously following a roll-call vote.
- b. **Appointment of Luna County Animal Control Advisory Committee:** Mr. Jackson outlined the history of this item, and recommended approval of the Committee in order to keep the process moving. Mr. Jackson explained and recommended the Committee as follows: Matt Robinson as Chairman, Sandra Foster (Humane Society Designee), a Designee from Deming Animal Guardians,

the Sheriff (or his Designee), Billy Ruiz (or his Designee), and two or three members of the public. A conversation ensued amongst the Board in regards to the individuals that they would like to see serve on the Committee. Mr. Jackson reiterated the Committee appointments as follows: Matt Robinson (chair), Sandra Foster, Robert Floyd, Sherry McDaniel, Joanne Bryan, Malinda Mahnke, the Sheriff or his Designee, and Billy Ruiz's Designee, Frankie Tarazon. Commissioner Smrkovsky moved to approve the Appointment of Luna County Animal Control Ordinance advisory Committee. Chairman Diaz seconded the motion which carried unanimously.

APPROVAL OF TRAVEL REQUESTS:

- a. Bond Rating Trip to Dallas, TX (April 13-14, 2016):** Mr. Jackson recommended approval of this request, and explained that the trip is essential to the Jail Expansion and will establish the County's Bond Rating and establish the interest rate for the project. Commissioner Smrkovsky motioned to amend and approve the Bond Rating Trip to Dallas, Texas with the following group: Glory Juarez, Matt Elwell, Javier Diaz, Linda Smrkovsky, and Tink Jackson. Commissioner Milo seconded the amended motion which carried unanimously.
- b. NACo Conference (July 22-25, 2016 Los Angeles County- Long Beach, CA):** Commissioner Smrkovsky submitted this travel request for the National Association of Counties (NACo) Conference in Los Angeles County- Long Beach, CA, stating that she is on the NMAC Board and the Economic Development Committee for NACo. Mr. Jackson recommended approval for travel for Glory Juarez, Chairman Diaz, and Commissioner Smrkovsky. Commissioner Smrkovsky motioned to approve the travel request for the NACo Conference (July 22-25, 2016 Los Angeles County- Long Beach, CA for Glory Juarez, Javier Diaz, and Linda Smrkovsky. Commissioner Milo seconded the motion which carried unanimously.

INDIGENT CLAIMS REPORT: Upon motion of Commissioner Milo seconded by Commissioner Smrkovsky, the meeting of the Board of County Commissioners was unanimously recessed and the meeting of the Indigent Hospital Claims Board convened. Joanne Hethcox recommended approval of two claims dated April 7, 2016 in the amount of \$365.52 and zero denials. The monies received for March 2016 totaled \$42,252.39. The balance in the Indigent Funds Accounts as of March 31, 2016 is \$719,779.17 with an Encumbered Balance of \$203,462.00. Commissioner Smrkovsky moved to approve two claims dated April 7, 2016 in the amount \$365.52 and zero denials. Commissioner Milo seconded the motion which carried unanimously. Commissioner Smrkovsky moved to recess as claims board and to reconvene as the Board of County Commissioners. Commissioner Milo seconded the motion which was approved unanimously.

CALL FOR ORDINANCE: Call for Ordinance Adopting Special County Hospital Tax (Ordinance to Re-Impose the Special County Hospital Tax dedicated to Ambulance Service by Special Election). Mr. Jackson explained this item is an existing tax, and is the hospital tax for the County, and the tax is required to be reestablished every five years. The deadline to submit this was missed, and the Ordinance requires a referendum, and a special election must be held. Budget and Procurement Director Joanne Hethcox further explained to the Board that the funds from the tax are used for ambulance services (multi-services agreement), and for funding the purchases of ambulances. Ms. Hethcox stated that the County will lose approximately \$180,000 to \$200,000 if the collection of the tax lapses for six months, and that it was urgent to get it reinstated for the tax cycle beginning in January. The sunset for this is June 30th, and therefore the tax will not be collected from July to December on Luna County's behalf. Ms. Hethcox reiterated that the tax will need to be voted on, and suggested a mail-in ballot special election, and explained that if the County loses the tax in its entirety, then the amount lost is over \$400,000 a year, and the County will have to find the funds for ambulance

services elsewhere. Assistant County Manager Glory Juarez outlined the timeframe and guidelines the County must operate in, and stated that the County is looking to hold the election July 28th to September 9th. This will allow for enough time to get the referendum to Taxation and Revenue by the end of September. Commissioner Smrkovsky motioned to approve the call for ordinance, and directed the County Manager's Office to publish the title and summary of the Ordinance Adopting Special County Hospital Gross Receipts Tax one time in *The Deming Headlight* at least two weeks prior to the meeting of the Board at which the ordinance is proposed for final passage. The publication shall also include the date and time at which the ordinance is to be considered. The motion was seconded by Commissioner Milo which carried unanimously.

EXECUTIVE SESSION: Chairman Diaz entertained a motion to enter into Executive Session to discuss Limited Personnel Matters pursuant to 10-15-1 (H) 2 NMSA 1978 pertaining to the County Manager's position. Commissioner Smrkovsky so moved and announced no other matters would be discussed. Commissioner Milo seconded the motion which carried unanimously following a roll-call vote.

Commissioner Smrkovsky motioned to return from Executive Session where no other matters were discussed but Limited Personnel Matters pertaining to the County Manager's position. Chairman Diaz seconded the motion which carried unanimously. Commissioner Smrkovsky motioned. 1.) To allow the County Manager to exchange his last day of employment from April 8, 2016 to April 14, 2016. 2.) To approve posting of the County Manager's job description/opening shall be posted immediately for a period of three weeks (fifteen working days) with the ICMA, New Mexico Association of Counties, NACo, *The Deming Headlight*, radio, and Workforce Solutions. 3.) To appoint Assistant County Manager Glory Juarez to serve as the Interim County Manager with a temporary pay increase of 5 percent during this time. The motion was seconded by Commissioner Milo, and carried unanimously.

ANNOUNCE NEXT MEETING: Chairman Diaz announced that a Work Session will be conducted on May 12, 2016 at 9:00 a.m. and the next regular meeting will be held on Thursday, May 12, 2016 at 10:00 a.m.

REQUESTS FOR FUTURE AGENDA ITEMS: There were no requests submitted.

JAIL INSPECTION: After a recess for lunch, a jail inspection was conducted at 1:30 p.m. the Luna County Detention Center. Commissioner Milo motioned to reconvene as the Luna County Board of County Commissioners. Commissioner Smrkovsky seconded the motion which carried unanimously.

ADJOURN: Chairman Diaz adjourned the meeting at 2:25 p.m.

ATTEST:

Andrea Rodriguez
ANDREA RODRIGUEZ, LUNA COUNTY CLERK

APPROVED: May 12, 2016



LUNA COUNTY BOARD OF COUNTY COMMISSIONERS

Joe L. Milo, Jr.
JOE L. MILO, JR., DISTRICT 1

Linda M. Smrkovsky
LINDA M. SMRKOVSKY, DISTRICT 2

Chairman, R. Javier Diaz
CHAIRMAN, R. JAVIER DIAZ, DISTRICT 3