

**MINUTES  
REGULAR MEETING  
LUNA COUNTY BOARD OF COUNTY  
COMMISSIONERS  
Thursday, September 8, 2016**

**BE IT REMEMBERED** that the Luna County Board of County Commissioners met in regular session at 10:00 a.m. on Thursday, September 8, 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 Ira Pearson, Assistant County Manager Glory Juarez, Executive Administrative Assistant Yossie Nieblas, County Clerk Andrea Rodriguez, Chief Deputy Clerk Berenda McWright, Deputy Clerk JoAnna Zurinsky, Treasurer Dora Madrid, Chief Deputy Treasurer Gloria Rodriguez, Sheriff Jonathan Mooradian, Lieutenant Richard Cowles, Special Projects and Facilities Management Director Billy Ruiz, Road Director Marty Miller, Dispatch Supervisor Lauree Sanchez, Human Resources Director Danny Gonzales, Community Health and Wellbeing Director Jessica Moreno, Detention Director Matt Elwell, Detention Captain Mary Gooding, Detention Chief of Security Bobby Brookhouser, Jr., IT Technician Manny Armendariz, Grant and Compliance Officer Palmira Valentine, Public Information Officer Matt Robinson, Safety Director Mark Jasso.

**CALL TO ORDER:** Chairman Diaz called the meeting to order at 10:08 a.m., and led the Pledge of Allegiance.

**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:** The Agenda for today's Regular Meeting was presented to the Board for approval. Commissioner Smrkovsky motioned to approve the agenda, amending the following *Consent Agenda* items: moving items *F, H, and K* to the *New Business* section of the Agenda, pending further discussion amongst the Board. The motion was seconded by Commissioner Milo which carried unanimously.

**ELECTED OFFICIALS REPORTS:** Sheriff John Mooradian reported that crime statistics have improved this year over this time last year. Sheriff Mooradian reported that stolen firearms were recently recovered, and complimented the efforts of the investigators that made the case. Sheriff Mooradian also reported to the Board, that due to the diligence and outstanding efforts of Lieutenant Richard Cowles appropriating left over Stonegarden funds, vehicles for the department were able to be purchased. Sheriff Mooradian commended his staff and the community for their overwhelming support for Law Enforcement Officers in Luna County and two Officers that recently lost their lives in Hatch and Alamogordo. Sheriff Mooradian also announced the recent retirement of Lieutenant Joy Mullins.

Treasurer Dora Madrid reported that 92.2% of property taxes have been collected. Ms. Madrid stated that the goal is to collect 93% of property taxes owed county wide.

Commissioner Smrkovsky reported that although only four priorities that were worked on very diligently, are addressed in today's Consent Agenda, that there are more New Mexico Association of Counties Legislative Priorities that are available for viewing on the NMAC website. Commissioner Smrkovsky reported there was a significant budget shortfall, and that it was going to be a tough fiscal year for many counties in New Mexico.

**ANNOUNCEMENTS:** County Manager Ira Pearson announced that the Fiscal Year 2017 Final Budget was approved by the Department of Finance Administration (DFA). The approval was received from the DFA via e-mail. Mr. Pearson stated that no changes were made, and the announcement is being made as a formality.

Assistant County Manager Glory Juarez announced Community Well Being Director Jessica Moreno was appointed as a voting member to the National Association of Social Workers to represent Luna County.

Community Well Being Director Jessica Moreno announced that \$10,000 was awarded from Dep Com to Healing House.

Chairman Diaz announced that he attended an Arizona Water Settlement Act meeting, and stated that he was 'disappointed'. Commissioner Smrkovsky commented that she hoped that the community recognized the importance of the community leaders staying involved and aware, and keeping a 'seat at the table', and commended Chairman Diaz in his role.

**SERVICE AWARDS:** Detention Director Matt Elwell presented Chief of Security Bobby Brookhouser, Jr. with a 10 year service award.

**PRESENTATIONS:** There were no presentations given at today's Regular Meeting.

**PUBLIC HEARING:** Chairman Diaz opened the floor to receive testimony to Consider Amending Ordinance Number 54- Collective Bargaining Ordinance. With no comments forthcoming, Chairman Diaz closed the floor to public testimony. County Manager Ira Pearson introduced counsel Dena Holcombe telephonically who was available for questions pertaining to the Collective Bargaining Ordinance. Ms. Holcombe outlined a brief history, and explained that the Ordinance was amended to reflect an updated or correct template, by updating the template, it will ensure a higher likelihood that the Ordinance will be approved by a State Board. Both Ms. Holcombe and Mr. Pearson recommended approving the amended Ordinance which will allow a local Employee Relations Board, rather than on the State level.

**ORDINANCE:** Commissioner Smrkovsky motioned to approve Amended Ordinance 54- Collective Bargaining. Commissioner Milo seconded the motion which carried unanimously following a roll-call vote.

**PUBLIC COMMENT:** Chairman Diaz opened the floor to Public Comment however there was no public comment forthcoming.

**COUNTY MANAGER'S REPORT:** County Manager Ira Pearson reported on the following items:

- A new power source was installed on the radio for the Columbus Fire Department.
- A battery test was performed for Dispatch, and everything is backed-up and running.

- Community Projects: The Hump Day academies were a success and well-received throughout the community. The academy classes provided free training seminars on topics such as Excel, Word and Customer service.
- The Luna County Detention Center (LCDC) applied for accreditation through NMAC, which is a two-year process. Construction for the LCDC expansion is set to begin the first of January.
- The Road Department has begun implementing a new customer service process.
  - Roads are washing out because of the recent heavy rains, and the response has been good from Luna County.
  - Construction of asphalt and sealing of Lucca and Hermanas Roads to begin soon.
- Human Resources is reviewing the new salary plan.
- Starmax: Sales for August 2016= \$120,000. Sales for August 2015=\$112,000.
- Risk Management: NMAC will be reimbursing a \$10,000 deductible from 2014. The case was finalized this year.

**CONSIDER MINUTES:** Upon motion of Commissioner Smrkovsky, seconded by Commissioner Milo, the minutes of the August 11, 2016 Work Session were unanimously approved.

Upon motion of Commissioner Milo, seconded by Commissioner Smrkovsky, the minutes of the August 11, 2016 Regular Meeting were unanimously approved.

Upon motion of Commissioner Milo, seconded by Commissioner Smrkovsky, the minutes of the August 29, 2016 Special 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.

- Accounts Payable:** Accounts Payable Registers totaling \$990,118.10.
- Payroll Registers:** Payroll Registers totaling \$1,001,448.82.
- Resolution 16-44 Budget Increases**
- Resolution 16-45 Department Transfers**
- Resolution 16-46 Supporting 2017 2017 NMAC Legislative Priorities**
- Approve Exemptions from Special Assessment for the Predator Control Program**
- Amended Resolution 16-42 Mileage & Per Diem**
- Letter to Congressman Pearce of Appreciation and Support in Opposing the Travel Management Plan of Gila National Forest**
- Water Rights Transfer from Luna County to Deming Public Schools**
- Authorize the County Manager to request donation of property from Duke Energy for the purpose of building an additional fire station.**

**OLD BUSINESS: Resolution 16-43 Declaring Regional Support and Submittal of Project Feasibility Form for NM Highway 11 Truck By-Pass Location Study:** Assistant County Manager Glory Juarez stated the City of Deming inadvertently sent the incorrect Project Feasibility Form, and the correct one is now being submitted, and gave a brief history of this item. Ms. Juarez stated this Resolution is a back-up plan, and that the EDA grant is in the process. Commissioner Smrkovsky motioned to approve Resolution 16-43 Declaring Regional Support and Submittal of Project Feasibility Form for NM Highway 11 Truck By-Pass Location Study. Commissioner Milo seconded the motion which carried unanimously following a roll-call vote.

**NEW BUSINESS:** The tabled items from the Consent Agenda were submitted as New Business items.

- f. Resolution 16-47 Courthouse Park Use Agreement:** County Manager Ira Pearson outlined the amended agreement which entails the section about alcohol being allowed or being served using a dispenser's license. Commissioner Smrkovsky commented that she has received many calls and comments from member of the public in support of the agreement. Commissioner Smrkovsky motioned to amend and approve Resolution 16-47 Courthouse Park Use Agreement. Chairman Diaz seconded the motion which carried with a majority roll-call vote, with Commissioner Milo voting in the negative (against).
- h. Bond Purchase Agreement:** County Manager Ira Pearson stated the approval of Bond Purchase Agreement in the form of Resolution 16-48 which allows the Bond Purchase to go through. Mark Valenzuela stood before the Board for questions, and introduced Bond Counsel Linda Melendrez to outline the terms of the bond. Mr. Valenzuela stated that yesterday (September 7<sup>th</sup>) was a good day for Luna County for bonds, and that the County sold bonds in the amount of \$12,251,000. It will provide 12 million dollars for construction funds for the jail with a 2.98% for 30 year financing period. Linda Melendrez provided a brief outline of the resolution for including bond details, sale terms and insurance requirements, and bond proceed allocations. Commissioner Smrkovsky motioned to approve and assign Resolution 16-48 as Bond Purchase Agreement. Commissioner Milo seconded the motion, which carried unanimously following a roll-call vote.
- k. Appointment of Labor Relations Board Member:** County Manager Ira Pearson recommended the appointment of attorney Charles Kretek as a member to the Labor Relations Board. Commissioner Smrkovsky motioned to appoint Charles Kretek as a member of the Labor Relations Board. Commissioner Milo seconded the motion, which carried unanimously.

**CALL FOR ORDINANCE:** Commissioner Smrkovsky motioned to direct the County Manager's Office to publish the title and summary of Ordinance 5- Business Registration Fee as amended 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. Commissioner Milo seconded the motion which carried unanimously.

**APPROVAL OF TRAVEL REQUESTS:** There were no Travel Requests submitted, therefore no action was taken on this item.

**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. Human Resources Director Danny Gonzalez recommended approval of 34 claims dated September 8, 2016 in the amount of \$83,456.40 and zero denials. The monies received for August 2016 totaled \$46,742.71. The balance in the Indigent Funds Accounts as of August 31, 2016 is \$766,842.74, with an Encumbered Balance of \$309,485.75. Commissioner Smrkovsky moved to approve 34 claims dated September 8, 2016 in the amount \$83,456.40 and zero denials. Commissioner Milo seconded the motion which carried unanimously. Commissioner Milo moved to recess as claims board and to reconvene as the Board of County Commissioners. Commissioner Smrkovsky seconded the motion which was approved unanimously.

**EXECUTIVE SESSION:** Chairman Diaz entertained a motion to enter into Executive Session to discuss possible litigation matters pursuant to 10-15-1 (H)(7) NMSA 1978 pertaining filing an Inspections of Public Records Request Violation. 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. Commissioner Milo seconded the motion which carried unanimously. No action was taken during the Executive Session.

**ANNOUNCE NEXT MEETING:** Chairman Diaz announced that a Work Session will be conducted on October 13, 2016 at 9:00 a.m. and the next regular meeting will be held on Thursday, October 13, 2016 at 10:00 a.m.

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

**JAIL INSPECTION:** A jail inspection was conducted following a recess for lunch by the Luna County Board of County Commissioners at the Luna County Detention Center.

**ADJOURN:** Chairman Diaz adjourned the meeting at 2:07 p.m.

**ATTEST:**

  
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ANDREA RODRIGUEZ, LUNA COUNTY CLERK

**APPROVED:** 10/13/16



**LUNA COUNTY BOARD OF COUNTY COMMISSIONERS**

  
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JOE L. MILO, JR., DISTRICT 1

  
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LINDA M. SMRKOVSKY, DISTRICT 2

  
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CHAIRMAN, R. JAVIER DIAZ, DISTRICT 3