

**MINUTES  
REGULAR MEETING  
LUNA COUNTY BOARD OF COUNTY  
COMMISSIONERS  
Thursday, May 11, 2017**

**BE IT REMEMBERED** that the Luna County Board of County Commissioners met in regular session at 10:00 a.m. on Thursday, May 11, 2017 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, Executive Administrative Assistant Yossie Nieblas, County Clerk Andrea Rodriguez, Deputy Clerk JoAnna Zurinsky, Treasurer Gloria Rodriguez, Chief Deputy Treasurer Dora Madrid, Assessor Delilah Rojo, Sheriff Kelly Gannaway, Captain Mike Brown, Detention Director Chris Brice, Budget and Procurement Director Joanne Hethcox, Community Projects Director Jessica Etcheverry, Public Information Officer Matt Robinson, IT Technician Manny Armendariz, Safety Director Mark Jasso, DWI Program Manager Edith Vazquez, Community Health and Well-Being Director Jecca Jara.

**CALL TO ORDER:** Chair Smrkovsky called the meeting to order at 10:07 a.m., and led the Pledge of Allegiance and the salute to the flag of New Mexico.

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

**Joe L. Milo, District 1  
Linda M. Smrkovsky, Chair, District 2  
John S. Sweetser, District 3**

**APPROVAL OF AGENDA:** The Agenda for today's Regular Meeting was presented to the Board for approval. Commissioner Sweetser motioned to amend and approve the agenda, moving *Consent Agenda* items *F* and *G*, for further discussion under New Business as previously recommended by County Manager Ira Pearson. The motion was seconded by Commissioner Milo, which carried unanimously.

**ELECTED OFFICIALS REPORTS:** There was no report given by County Assessor Delilah Rojo. County Treasurer Gloria Rodriguez reported that her department is finishing up collecting 2<sup>nd</sup> half taxes, and everything is well. County Clerk Andrea Rodriguez stated that the NMAC Board Elections were held, and Commissioner (Chair) Linda Smrkovsky was elected as representative for Luna County. Sheriff Kelly Gannaway reported on April crime statistics, and stated that vehicle thefts continue to stay up, and two vehicles have been recovered. Vehicle accidents are up as well. The Department is still in the process of hiring/promoting a Lieutenant.

**ANNOUNCEMENTS:** No Announcements were made.

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

- Dispatch calls for April: Landline 911 Calls- 179. Wireless 911 Calls- 1069.
- The Governor has signed a bill to include taxing pre-paid phones. The tax will be effective July 1, 2017. Any caller to 911 will be charged the 51 cents surtax.
- April 22<sup>nd</sup>, the Great American Cleanup was hosted by Community Projects. Over 17,500 lbs. of trash was collected by volunteers.
- Detention Center: LCDC Daily average population for April: 280 inmates. U.S. Marshals count was 80 inmates. Local Population was 200.
- Road Department: The department recently lost a team member- Robert Barker, and is down to a 4-man blade crew until a new operator is trained. The Road Department is renting a tire shredder, which the City of Deming will assist in helping with the costs, in order to stay in compliance.
- Maintenance Department is currently installing a new security fence at the Detention Center, and the department continues to fill work orders for A/C maintenance and repair to prepare for the upcoming summer.
- Starmax: April sales were \$128,860. There have been many school field trips lately, and Summer Hours begin May 26<sup>th</sup>.
- Emergency Services: Safety Review Committee is back to meeting on a monthly basis. The committee reviews all accident reports and makes recommendations.
- Volunteer Fire Departments: Responded to 5 small brushfires, and there are currently 30 members between both stations.

**PUBLIC COMMENT:** Chair Smrkovsky opened the floor to Public Comment: Sean Blaine came before the Board and implored the Commission to increase the Sheriff's Budget and the Assessor's Department, even if it means raising taxes.

Edward Khanbabian came before the Board and inquired how the E911 tax would be distributed amongst the Counties. Mr. Khanbabian also asked how many U.S. Marshals inmates needed to be in the jail population to be profitable. Mr. Khanbabian asked about the cost of tire shredding, and other options available.

Ann Shine-Ring addressed her concerns with Fee Waiver agenda item with the Commission.

**CONSIDER MINUTES:** Upon motion of Commissioner Sweetser, seconded by Commissioner Milo, the minutes of the April 13, 2017 Work Session were unanimously approved.

Upon motion of Commissioner Milo, seconded by Commissioner Sweetser, the minutes of the April 13, 2017 Regular Meeting were unanimously approved.

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

- a. **Accounts Payable:** Accounts Payable Registers totaling \$1,109,214.94.
- b. **Payroll Registers:** Payroll Registers totaling \$1,022,055.40.
- c. **Resolution 17-29 Budget Increases**
- d. **Resolution 17-30 Budget Transfers**
- e. **Resolution 17-31 Juvenile Adjudication Fund Application**

**OLD BUSINESS:** County Manager Ira Pearson presented Old Business items on the agenda for reconsideration by the Board.

- a. **Luna County Technology Standard:** Commissioner Sweetser motioned to approve Luna County Technology Standard. The motion died on the floor due to lack of a second.
- b. **Luna County Personal Mobile Device Acceptable Policy:** Commissioner Sweetser motioned to approve Luna County Personal Mobile Device Acceptable Policy. The motion died on the floor due to lack of a second.
- c. **Luna County E-mail Policy:** Commissioner Sweetser motioned to approve Luna County E-mail Policy. The motion died on the floor due to lack of a second.
- d. **Information Technology Usage & Security Policy:** Commissioner Sweetser motioned to approve Luna County Technology Usage & Security Policy. The motion died on the floor due to lack of a second.

**NEW BUSINESS:** County Manager Ira Pearson reviewed each item on the New Business agenda with the Commissioners:

- a. **Administrative Offices Adjusted Schedule:** County Manager Ira Pearson outlined this item and stated that the Adjusted Holiday Schedule (*New Business Item B*) coincides with the Administrative Offices Adjusted Schedule. Mr. Pearson explained that several New Mexico counties have adopted a work schedule for the majority of their employees, which consist of four 10-hour shifts, Monday through Thursday, and the government offices being closed of Fridays. Mr. Pearson further outlined the potential cost and budgetary savings by eliminating Fridays as a regular working day. A lengthy discussion ensued amongst the Board, Elected Officials and the public pertaining to ample public notice regarding the change. Commissioner Sweetser motioned to table this item, pending more information. Commissioner Milo seconded the motion which carried unanimously.
- b. **Adjusted Holiday Schedule:** Upon motion from Commissioner Sweetser, seconded by Commissioner Milo, this item was tabled.
- c. **Approve Variance at 65 Irritabe Road NW pursuant to Ordinance 75, Section 3.7:** County Manager Ira Pearson summarized this item, stating that it is a Building Code Ordinance, and stems from a resident request, (who has a medical issue). The applicant requests a variance to move another mobile home unto his property so his son may assist in his care. The property has only one well, hence the variance request. Mr. Pearson stated that the applicant has done everything on their part and has followed code enforcement rules, and the County has not by not giving the other homeowners in the area proper notification, and requests that the Commission grant a 60-day variance. Commissioner Milo moved to approve a 60-day Variance at 65 Irritabe Road NW pursuant to Ordinance 75, Section 3.7. Commissioner Sweetser seconded the motion, which carried unanimously.
- d. **Amended Resolution 17-27 Fair Housing Policy:** Community Projects Director Jessica Etcheverry explained the amended Resolution which is updated to include Sexual Orientation. Commissioner Milo motioned to approve Amended Resolution 17-27 Fair Housing Policy. Commissioner Sweetser seconded the motion which carried unanimously following a roll-call vote.
- e. **Request for Waiver at Special Events Center- Chamber of Commerce:** Chair Smrkovsky summarized this item, which requests a waiver of fees for two events that the Chamber of Commerce hosts at the Special Events Center. Chair Smrkovsky commented that if the County starts making exceptions to waiving fees for one organization and not others, that it will create problems. Chair Smrkovsky stated that she couldn't support the request, as all organizations fund-raising efforts are important. County Manager Ira Pearson recommended

against approving the waiver, as it creates problems, and that the fee(s) charged need to be across the board. Commissioner Sweetser motioned to deny the request for Waiver at Special Events Center. Commissioner Milo seconded the motion, which carried unanimously.

**INDIGENT CLAIMS REPORT:** Upon motion of Commissioner Sweetser seconded by Commissioner Milo, the meeting of the Board of County Commissioners was unanimously recessed and the meeting of the Indigent Hospital Claims Board convened. Budget and Procurement Director Joanne Hethcox recommended approval of zero claims dated May 11, 2017 in the amount of zero dollars and zero denials. The monies received for April 2017 totaled \$47,774.81. The balance in the Indigent Funds Accounts as of April 30, 2017 is \$666,660.94 with an Encumbered Balance of \$173,505.89. Commissioner Sweetser moved to approve zero claims dated May 11, 2017 in the amount zero dollars 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 Sweetser seconded the motion which was approved unanimously.

**EXECUTIVE SESSION:** Chair Smrkovsky 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 Evaluation & Contract. Commissioner Milo so moved and announced no other matters would be discussed. Commissioner Sweetser seconded the motion which carried unanimously following a roll call vote.

Commissioner Sweetser motioned to return from Executive Session where no other matters were discussed but Limited Personnel Matters. Commissioner Milo seconded the motion which carried unanimously.

Commissioner Sweetser announced and motioned for the changes to the County Manager's contract with the following changes: County Manager Ira Pearson will receive a pay raise from \$92,000 to \$95,000 annually, and three month severance clause and three month insurance package. The changes will be effective June 6, 2017. Commissioner Milo seconded the motion which carried unanimously.

**ANNOUNCE NEXT MEETING:** Chair Smrkovsky announced that a Special Meeting for Budget Work Session will be conducted on Thursday, May 18, 2017 at 9:00 a.m.

A Special Meeting for Preliminary Budget Approval will be conducted on May 25, 2017 at 9:00 a.m.

A Work Session will be held on June 8, 2017 at 9:00 a.m.

A Regular Meeting will be held on June 8, 2017 at 10:00 a.m.

**REQUESTS FOR FUTURE AGENDA ITEMS:** County Manager Ira Pearson requested a revisit on the adjusted County Work Schedule for next month.

**ADJOURN:** Chair Smrkovsky adjourned the meeting at 12:47 p.m.

ATTEST:

Andrea Rodriguez  
ANDREA RODRIGUEZ, LUNA COUNTY CLERK

APPROVED: 6-8-17  
by: Berenda Newright  
Chief Deputy Clerk

LUNA COUNTY BOARD OF COUNTY  
COMMISSIONERS

ATTENDED / APPROVED TELEPHONICALLY  
JOE L. MILO, JR., DISTRICT 1

Linda M. Smrkovsky  
LINDA M. SMRKOVSKY, DISTRICT 2

J. Sweetser  
JOHN S. SWEETSER, DISTRICT 3

