

**MINUTES  
REGULAR MEETING  
LUNA COUNTY BOARD OF COUNTY  
COMMISSIONERS  
Thursday, February 14, 2019**

**BE IT REMEMBERED** that the Luna County Board of County Commissioners met in regular session at 10:00 a.m. on Thursday, February 14, 2019 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: Interim County Manager Glory Juarez, Attorney Charles C. Kretek, Administrative Assistant Erica Carlos, LCSO Administration Assistant Laura Garcia, Clerk Andrea Rodriguez, Chief Deputy Clerk Berenda McWright, Deputy Clerk Pilar Salcido, Assessor Michelle Holguin, Chief Deputy Assessor Isabelle Enciso, Treasurer Gloria Rodriguez, Deputy Treasurer Kristie Hobbs, Sheriff Kelly Gannaway, Captain Mike Brown, and Budget & Procurement Director/Indigent Claims Administrator Joanne Hethcox, Road Department Director Marty Miller, .

**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 Pilar Salcido called roll. The following members of the Board constituting a quorum were present:

**Barbara L. Reedy, District 1  
Linda M. Smrkovsky, Chair, District 2  
John S. Sweetser, District 3**

**APPROVAL OF AGENDA:** Chair Smrkovsky requested approval of agenda. Commissioner Reedy motioned to approve the agenda. Commissioner Sweetser seconded the motion which carried unanimously.

**MINUTES:**

- **Special Meeting - December 26, 2018:** Upon a motion made by Commissioner Reedy and a second by Commissioner Sweetser the Minutes of the December 26, 2018 Special Meeting were unanimously approved.
- **Special Meeting - December 27/28, 2018:** Upon a motion made by Commissioner Sweetser and a second by Commissioner Reedy the Minutes of the December 27<sup>th</sup> and 28<sup>th</sup>, 2018 Special Meeting were unanimously approved.
- **Special Meeting - January 2, 2019:** Upon a motion made by Commissioner Reedy and a second by Commissioner Sweetser the Minutes of January 2, 2019 Special Meeting were unanimously approved.

- **Work Session – January 10, 2019:** Upon a motion made by Commissioner Sweetser and a second by Commissioner Reedy the Minutes of the January 10, 2019 Work Session were unanimously approved.
- **Regular Meeting – January 10, 2019:** Upon a motion made by Commissioner Reedy and a second by Commissioner Sweetser the Minutes of the January 10, 2019 Regular Meeting were unanimously approved.
- **Special Meeting – January 18, 2019:** Upon a motion made by Commissioner Sweetser and a second by Commissioner Reedy the Minutes of the January 18, 2019 Special Meeting were unanimously approved.

**ELECTED OFFICIALS REPORTS:** Treasurer Gloria Rodriguez reported that all is well in the Treasurer's Office and that Jacob Portillo from Property Tax and Revenue is currently here preparing for the tax sale. At this time no date has been set for the property tax sale.

Appraiser Michelle Holguin reported it is currently rendering period for mobile homes, livestock, and personal property through the end of February, she indicates that after February a 5% penalty is assessed. Ms. Holguin also mentioned the department is signing up individuals for their family and veterans exemptions and their freezes through the end of April. The Assessor's Department has had several trainings in Las Cruces to get ready for the Assessor's Evaluation which is due in March and another training for the Assessor's Certification which is due in June. Property Tax Division is doing a good job at making sure the newly Elected Officials are being properly trained for all these topics. The State is also going through modernization where they are looking at streamlining and getting everything on line for all the Counties in the State which will make the process a lot easier, hopefully, this will go into effect in the year of 2021. Ms. Holguin also mentioned Notice of Values will be mailed the first of April and two Appraisers will be going in March for their last certification class. Ms. Holguin also reported that House Bill 332 is being watched very closely, which if passed, could effect a special method for AG. She also mentioned that this bill could shift the tax burden and right now the Assessor's Affiliate is not supporting this bill.

Sheriff Gannaway reported on statistics for the month of January. Mr. Gannaway stated that the overall calls are down, assaults are up a little bit, burglaries, larcenies and vehicle thefts are down. Non-Criminal, Civil and accidents are down. The Sheriff's Department is still in the process of looking for two Deputies to hire. He has received several applications and is going through the hiring process now. He also mentioned, he is in the process of promoting a Detective and Shawn Young was hired as the Court Security Officer. Sheriff Gannaway thanked Marty Miller and Mike Hatch for their help in getting ready for the County Auction. The Sheriff's Department alone made a little over \$58,000.

Chair Smrkovsky mentioned that she, Commissioner Sweetser and Glory Juarez were at the Silver Spikes event that took place on February 11<sup>th</sup> and 12<sup>th</sup>. Ms. Smrkovsky explained they were fortunate enough to meet a lot of the Cabinet Secretaries at Silver Spikes. Silver Spikes looks at the different things that the County, City, Schools and Villages are doing. Chair Smrkovsky felt this event went

well she also feels there are some good talented Cabinet Secretaries whom presented themselves well at the meeting. Chair Smrkovsky will be attending the Board Meeting on Saturday in Santa Fe.

**COUNTY MANAGER'S REPORT:** Interim County Manager Glory Juarez reported on the following items.

- Starmax bathrooms are currently being renovated. The sales at Starmax for the month of January 2019 were \$108,096.
- The total number of inmates incarcerated at the Detention Center in January 2019 was 711 with the inmate daily average population being 428 and the inmate US Marshalls daily average population being 287.
- Luna County Dispatch received 9150 calls for the month of January. Currently the Dispatch Department is down four dispatchers which is causing a lot of overtime in that area, the department is actively seeking dispatchers.
- Budget and Procurement Department: The second quarterly report has been submitted and is currently working with the LGBMS system that the Department of Finance has imposed.
- Risk Management Department: Ms. Juarez thanked Mark Jasso, Safety Committee and the employees for receiving the New Mexico County Workers Compensation Safety Award. Defensive driving class was held on January 31<sup>st</sup> for new employees.
- Capital Outlay was submitted and continues to be followed closely. Renovation projects are being done at the Healing House and the Annex.
- Road Department is busy with road projects and next month will present the certification of the mileage for next fiscal year.
- The budget process has begun and budget meetings will be scheduled to move forward.
- A draft for the Animal Control Ordinance has been completed so next week individual meetings will be scheduled with the Commissioners and the Attorney Charles Kretek to go over that draft in an effort to move forward on scheduling a work session and then hold a public meeting shortly after that.
- A meeting was held with Triatic whom have a software system that can assist the Humane Society with the tracking of permits and licensing. Ms. Juarez is currently awaiting the official quote on that system. The City would also like to look at the system and possibly participate in the contribution of that expense.

Commissioner Reedy asked for a copy of Ms. Juarez County Managers Report in an effort to keep them informed. Ms. Juarez agreed to give the Commissioner a copy of the report. Commissioner Sweetser asked about the expenses at Starmax. Ms. Juarez explained that we are not in the red at this time at Starmax but there was a big expense with a big equipment repair which was funded through a reserve in Capital Outlay within the Starmax department. Starmax is currently looking for a bowling alley mechanic.

**INDIGENT CLAIMS REPORT:** Upon a motion by Commissioner Reedy and a second by Commissioner Sweetser, 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 reported that 23 claims were received for the month of January, of which 20 claims were for the Detention Center in the amount of \$26,055.34, the GRT collected in January was \$49,907.54 the encumbered are \$170, 996.37 with a cash balance of \$887, 834.96. Ms. Hethcox is anticipating a portion of that will be encumbered for April, May and June for the Detention Center medical contract. Commissioner Reedy asked if the indigent fund will be available in the next four to five years. Ms. Hethcox explained that this program is funded through gross receipts and claims will be paid as funds are available. Most of these claims come

from the hospital which are funded through the Safety Net Care Pool, so the County doesn't actually cut a check for \$26,000. The County would only cut a check for \$1,000 for the ambulance expense, which is not part of the Safety Net Care Pool. Ms. Hethcox mentioned she does not see this fund depleting any time soon. Mr. Juarez mentioned that she did commit to creating a fact sheet for tax gross receipts collected and Safety Net Care Pool mechanism and the Indigent Claims. Chair Smrkovsky asked if we also accept walk-in claims for Indigent Program. Ms. Hethcox stated that we do also accept in house claims. Commissioner Reedy motioned to approve the Indigent Claims Report. Commissioner Sweetser seconded the motion which carried unanimously. Commissioner Sweetser motioned to recess as a Claims Board and reconvene as a County Commission. Commissioner Reedy seconded the motion which carried unanimously.

**PUBLIC COMMENT:** Chair Smrkovsky opened the floor to Public Comment. No public comment was forthcoming.

**CONSENT AGENDA:** Upon a motion by Commissioner Sweetser and a second by Commissioner Reedy the following items of the Consent Agenda were unanimously approved following a roll call vote.

- a. Accounts Payable: \$1,214,511.03
- b. Payroll: \$1,038,200.93
- c. Resolution 19-10 Approval to participate in the Local DWI Grant and Distribution Program
- d. Memorandum of Understanding between Luna County DWI and New Mexico Department of Finance and Administration/Local Government Division/Driving while Intoxicated Program
- e. Department of Health Assurances and Cooperative Agreement
- f. Statement of Assurances – Local DWI Grant and Distribution Program
- g. Resolution 19-11 Budget Increases
- h. Resolution 19-12 Budget Transfers

**NEW BUSINESS:** Chair Smrkovsky reviewed each item on the New Business agenda with the Commissioners:

- a. **Voting Members for Multi-Line Membership Pool and Workers' Compensation Membership Fund:** Interim County Manager Glory Juarez explained at this time a new member and alternate needs to be appointed for both the Multi-Line Membership Pool and the Workers Compensation Membership Fund. Chair Smrkovsky asked the Commissioners for suggestions, neither Commissioner made any suggestions. Ms. Juarez recommended that Joanne Hethcox be the representative and she be the alternate for the Multi-Line Membership Pool or vice versa and that Charles Kretek be appointed the representative and herself as the alternate for the Workers Compensation Membership Fund. These arrangements can be changed mid-year if the future County Manager would like it changed. Commissioner Reedy moved to appoint Joanne Hethcox as the representative and Ms. Juarez as the alternate for the Multi-Line Membership Pool and Charles Kretek as the representative and Glory Juarez as the alternate for the Works Compensation Membership Fund. Commissioner Sweetser seconded the motion, which carried unanimously.

- b. **Road Applications – Mike Bolton (Applicant):** Road Department Director Marty Miller explained that before the County can approve maintaining a road in a subdivision the road needs to be brought up to specs by the developer. Mr. Miller explained that it will cost the County anywhere from \$6,000 to \$8,000 for the County to bring this road up to specs so that the County can maintain the road going forward. Mr. Miller also mentioned that stop signs would also need to be installed which cost the County \$1,500 per sign. Mr. Miller also expressed concerns with drainage in that area which he believes will cause an excess of water retention. Mr. Miller mentioned this cost would be about \$10,000 including labor which is not budgeted at this time but would need to be budgeted for next year if application is approved. Commissioner Reedy asked how many times that road would be graded a year and if the County has other roads that have been approved in the past that should be maintained. Mr. Miller responded it would be graded twice a year and there have not been any approvals of any subdivision road maintained that he can remember. Mr. Miller explained that these specific roads are contaminated with excess sand, so just blading will not fix the road. Commissioner Reedy asked Assessor Michelle Holguin to explain how the road tax works. Ms. Holguin explained the road tax was implemented in the County for some subdivisions but has not been implemented to all subdivisions and that the road tax was put in place to pay for road maintenance. Mr. Miller stated that there are approximately 235 subdivisions in Luna County and the County only gets revenue from 65 subdivisions. Chair Smrkovsky asked Interim County Manager Glory Juarez and Attorney Charles Kretek if they believed the Subdivision Ordinance needs to be reviewed. Ms. Juarez reported that she does believe the Subdivision Ordinance needs to be reviewed, especially pertaining to the road tax. Chair Smrkovsky indicated this needs to be a priority because it can only be done during budget time. She also mentioned there are 10 homes on this road and the road is about a mile and a half long. Ms. Juarez asked Mr. Kretek if bringing the road up to specs was a legitimate cost or if it pertained to anti-donation considering it is not a County easement yet. Mr. Kretek offered to research the issue. Ms. Juarez explained that there are two separate issues at hand, first is the funding and the other is the legality if we can bring the road up to specs. Chair Smrkovsky motioned to approve road application for next year contingent upon legal approval. Commissioner Sweetser seconded the motion with contingency upon legal approval. The motion carried unanimously.

**EXECUTIVE SESSION: to discuss limited personnel Matters pursuant to §10-15-1 (H) (2) NMSA 1978 pertaining to applicants of County Manager’s Position.** Commissioner Reedy motioned to go into Executive Session to discuss Limited Personnel Matters pursuant to §10-15-1 (H) (2) NMSA 1978 NMSA pertaining to Applicants of the County Manager’s Position. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote. The Commissioners went into Executive Session at 10:27am and returned from Executive Session at 1:46 pm.

Chair Smrkovsky entertained a motion to return from Executive Session. Commissioner Sweetser motioned to return from Executive Session where no other matters were discussed other than what was stated in the motion for the Executive Session. The motion was seconded by Commissioner Reedy and carried unanimously following a roll call vote.

Chair Smrkovsky stated they are moving forward with the hiring process for the County Managers position, no action has been taken.


**UPCOMING MEETINGS:** Chair Smrkovsky announced the following upcoming meetings.

Work Session- March 14, 2019 at 9:00a.m.

Regular Meeting- March 14, 2019 at 10:00 a.m.

**ADJOURN:** Upon a motion made by Commissioner Reedy and a second made by Commissioner Sweetser the meeting was adjourned at 1:47 a.m.

**ATTEST:**

  
ANDREA RODRIGUEZ, LUNA COUNTY CLERK

APPROVED:

March 14, 2019

**LUNA COUNTY BOARD OF COUNTY  
COMMISSIONERS**

  
BARBARA L. REEDY, DISTRICT 1

  
LINDA M. SMRKOVSKY, DISTRICT 2

  
JOHN S. SWEETSER, DISTRICT 3

