

**MINUTES
REGULAR MEETING
LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS
Thursday, July 12, 2018**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 10:00 a.m. on Thursday, July 12, 2018 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: Manager Ira Pearson, Executive Assistant Yossie Nieblas, Attorney Charles C. Krettek, Clerk Andrea Rodriguez, Chief Deputy Clerk Berenda McWright, Deputy Clerk Pilar Salcido, Chief Deputy Treasurer Dora Madrid, Assessor Delilah Rojo, Chief Deputy Assessor Barbara Cobos, Chief Appraiser Michelle Holguin, Sheriff Kelly Gannaway, Captain Michael Brown, Detention Director Chris Brice, Special Projects and Facilities Management Director Billy Ruiz, Community Development Director Jessica Etcheverry, Budget & Procurement Director/Indigent Claims Administrator Joanne Hethcox, Roads Department Director Marty Miller, Roads Supervisor Mike Hatch and Administrative Assistant Patsy Rodriguez.

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

ROLL CALL: Chief Deputy Clerk Berenda McWright 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: Commissioner Sweetser requested item h. (Agreement between Luna County and Deming-Luna County Chamber of Commerce) of the Consent Agenda be pulled for discussion. Chair Smrkovsky entertained a motion to pull item h. from the Consent Agenda and consider it under New Business. Commissioner Sweetser so moved, Commissioner Reedy seconded the motion which carried unanimously.

MINUTES: Upon a motion made by Commissioner Reedy and a second by Commissioner Sweetser the Minutes of the June 5, 2018 Special Meeting were unanimously approved.

Upon a motion made by Commissioner Reedy and a second by Commissioner Sweetser the Minutes of the June 7, 2018 Special Meeting were unanimously approved.

Upon a motion made by Commissioner Sweetser and a second by Commissioner Reedy the Minutes of the June 14, 2018 Work Session were unanimously approved.

Upon a motion made by Commissioner Reedy and a second by Commissioner Sweetser the Minutes of the June 14, 2018 Regular Meeting were unanimously approved.

Upon a motion by Commissioner Reedy and a second by Commissioner Sweetser the June 28, 2018 Work Session Minutes were unanimously approved.

ELECTED OFFICIALS REPORTS: Clerk Andrea Rodriguez announced the Clerk's Office is busy collecting business registrations and the Re-Count Election was successful.

Sheriff Gannaway reported the statistics for the month of June. He stated there was one homicide which was investigated and a suspect was found in Kentucky who is waiting for an extradition. Burglaries and larcenies are up and vehicle theft is down. Overall calls are up a little bit. Non-Criminal and DWI's calls are down. Corporal Valdez and Corporal Acosta were promoted to Sergeants. The Sheriff's Department is in the process of promoting for three corporal positions. They are working on hiring a Deputy and a CSO. Deputy McBurney and Deputy Sias are in the academy currently. The department is also in the process of purchasing two new vehicles.

Chair Smrkovsky reported that many of the Elected Officials and Directors recently attended the New Mexico Counties 33 Strong Conference and the New Mexico Edge Classes. Luna County was presented an award for 24% reduction in the number of workmen's comp claims, 54% reduction in the number of auto claims and 100% reduction in the number of multi-line claims in the last seven years. She commended Mr. Pearson and Safety Director Mark Jasso for the award.

Chair Smrkovsky also reported that yesterday the NMC held a Legislative Committee Meeting which she and Mr. Pearson attended. The Committee considered issues such as appropriations for behavioral health, forfeiture act reform, tax reform and IRB's. Other issues that will be supported but are not necessarily priorities, included Fire Protection Fund, Whistle Blower Act, EMS Memorial, create statewide 911 Board, reinstate 911 funds, add non-residential properties, election clean-up, advanced mapping fund, rural residency program funding, dental therapist licensure, flexible to schedule jury duty excusal from elected officials, making world bank in Washington DC style super nationals permissible purchases.

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

- 1) Community Projects
 - a. Salsa Festival is slated for July 28 and 29
 - b. ICIP Meetings had 17 different community members attend the 3 different meetings
- 2) Detention
 - a. Number of Inmates Incarcerated = 338 Number Released = 369
 - b. Average Daily Population = 265
 - c. USMS Daily Population = 123 Last Month = 157
 - d. Local Population = 142 Inmate Average Length of Stay = 20 days
 - e. Sierra County = 34 inmates
- 3) Budget
 - a. Starmax has received \$360,911.70 towards the digital reimbursement program. \$16,841.32 to pay off balance
- 4) Maintenance
 - a. Buildings are starting to get preventative maintenance
 - b. 40 Work orders this month last month = 30
- 5) Starmax

- a. June sales = \$159,362 June 2017 = \$141,278
- b. As an enterprise fund, it is still staying in the black.
- 6) Volunteer Fire Department
 - a. BLM has lifted the open flame ban as of July 12, 2018
 - b. Luna County wants to remind everyone to still be cautious and follow the burn ban ordinance.
- 7) NMC (formally NMAC) Conference
 - a. Attended by Luna County
 - b. NMC is asking for feedback
 - c. Data report by next Commission meeting

PUBLIC HEARING: To Consider Repealing Ordinance Number 6- Salaries for County Elected Officials: Chair Smrkovsky opened the floor for public comment. No public comment was forthcoming.

ORDINANCE: Repeal Ordinance Number 6-Salaries for County Elected Officials: Mr. Pearson explained that the ordinance is out of date. Commissioner Reedy motioned to repeal Ordinance number 6- Salaries for County Elected Officials. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.

INDIGENT CLAIMS REPORT: Upon motion of Commissioner Sweetser and a second by Commissioner Reedy, 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 26 claims for the month of June. One claim was denied. A total of 15 claims were detention center claims. The other 10 were citizen’s claims for a total 23,599.53. The gross receipts collections totaled \$63,460.44 and the balance for Indigent Claims Fund totaled \$802,463.27 of that \$59,676.74 is encumbered. Commissioner Sweetser motioned to approve the Indigent Claims Report as submitted. Commissioner Reedy 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 for Public Comment. Edward Khanbabian spoke extensively against the four day work schedule. He also spoke against the County Manager’s contract regarding the terms and the salary.

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

- a. **Accounts Payable: \$2,295,464.81**
- b. **Payroll: \$1,030,230.81**
- c. **Agreement between Luna County and Deming-Luna County Humane Society**
- d. **Agreement between Luna County and Deming Animal Guardians**
- e. **Agreement between Luna County and Deming-Luna County Commission on Aging**
- f. **Agreement between Luna County and Deming Art Council**
- g. **Agreement between Luna County and Deming-Luna County Mainstreet Program**
- h. *(item was moved to d. under New Business)*
- i. **Agreement between Luna County and Luna County Historical Society**

- j. **Agreement between Luna County and Rio Mimbres Golf Course**
- k. **Agreement between Luna County and Southwestern NM State Fair Association**
- l. **Luna County National Night Out Proclamation**
- m. **Approval of Commission on Aging Board Member – Patsy Leyba**

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

- a. **Appoint Member to Labor Management Relations Board:** Mr. Pearson explained that the local labor management Relations Board is a three member board. One member was chosen by the Board of County Commissioners which is John Strand. One member is being chosen by the Labor Union which is Mark Myers and the third member will be chosen by the first two members. Commissioner Sweetser motion to approve the nomination of Mark Myers to the Labor Management Relations Board. The motion was seconded by Commissioner Reedy and carried unanimously.
- b. **Participation in a Class Action Lawsuit regarding the right to recover additional sums under the Payments in Lieu of Taxes Act for FY 2015, 2016, & 2017:** Chair Smrkovsky stated that the Commissioners have until September to act on this item and suggested they table the item for further review. Mr. Pearson explained that the information for the lawsuit was distributed by the National Association of Counties and each County will need to decide individually if they want to participate in the Class Action Lawsuit. Commissioner Sweester motioned to table Participation in a Class Action lawsuit regarding the right to recover additional sums under the Payments in Lieu of Taxes Act for Fiscal Year, 2015, 2016 and 2017. The motion was seconded by Commissioner Reedy and carried unanimously.
- c. **Authorize the County Manager to enter into a purchase agreement for the McGee property (0.9 acres) not to exceed the appraised value:** Mr. Pearson explained that this is the last piece of property dividing up the recreation area around Starmax. The appraisal should be available by next week. The County would not pay more than appraised value and the funds would come out of the Starmax funds. Chair Smrkovsky asked about the Starmax funds. Mr. Pearson explained the way the bond is written any excess on the Gross Receipts Tax can be used for the facility in acquiring land, repairs and other various things. A few years ago the County purchased the land right next to Starmax using the same method. Commissioner Sweester asked how much is in the fund. Mr. Pearson stated approximately \$350,000. Commissioner Reedy motion to authorize the County Manager to enter into a purchase agreement for the McGee property (0.9 acres) not to exceed the appraised value. The motion was seconded by Commissioner Sweetser and carried unanimously.
- d. **Agreement between Luna County and Deming-Luna County Chamber of Commerce:** Commissioner Sweetser requested an explanation regarding the fact the Chamber is a member driven organization classified as a 501 C6. Mr. Pearson explained the agreement is made between Luna County and the Chamber of Commerce stating that the contractor agrees to conduct a Chamber of Commerce that enhances a community environment that encourages and supports dynamic business

activity while fostering community pride and spirit and that the Commission agrees to pay \$2,000 during the fiscal year to help defray the expenses of conducting the business. The Chamber will invoice the County for what they do and it will not be considered just a donation for them. They are identified as a contractor for needs that the County has, and it is under the amount that would have to go out for RFP. Commissioner Reedy motioned to approve the agreement between Luna County and Deming-Luna County Chamber of Commerce. The motion was seconded by Commissioner Sweetser and carried unanimously.

EXECUTIVE SESSION: to discuss Limited Personnel Matters pursuant to §10-15-1 (H)(2) NMSA 1978 pertaining to the County Manager's Evaluation & Contract to include job description, performance goals, roles and responsibilities: Commissioner Reedy motioned to go into Executive Session to discuss Limited Personnel Matters pursuant to §10-15-1 (H)(2) NMSA 1978 pertaining to the County Manager's Evaluation and Contract to include job description, performance goals, roles and responsibilities. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote. The Commissioner went into Executive Session at 11:02 am.

Chair Smrkovsky entertained a motion to return from Executive Session where no other matters were discussed other than Limited Personnel Matters pursuant to §10-15-1 (H)(2) NMSA 1978 pertaining to the County Manager's Evaluation and Contract to include job description, performance goals, roles and responsibilities. Commissioner Reedy so moved. The motioned was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.

The Commissioners returned from Executive Session at 2:02 p.m. and no action was taken.


ANNOUNCE NEXT MEETING: Chair Smrkovsky announced the following upcoming meetings.

Special Meeting- July 23, 2018 at 3:00 p.m.
Work Session- August 9, 2018 at 9:00 a.m.
Regular Meeting- August 9, 2018 at 10:00a.m

ADJOURN: Upon a motion made by Commissioner Reedy and a second made by Commissioner Sweetser the meeting was adjourned at 2:05 p.m.

ATTEST:

LUNA COUNTY BOARD OF COUNTY COMMISSIONERS



ANDREA RODRIGUEZ, LUNA COUNTY CLERK




BARBARA L. REEDY, DISTRICT 1

APPROVED: 
August 9, 2018



LINDA M. SMRKOVSKY, DISTRICT 2



JOHN S. SWEETSER, DISTRICT 3