

**MINUTES  
REGULAR MEETING  
LUNA COUNTY BOARD OF COUNTY  
COMMISSIONERS  
Thursday, August 9, 2018**

**BE IT REMEMBERED** that the Luna County Board of County Commissioners met in regular session at 10:00 a.m. on Thursday, August 9, 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: Assistant Manager Glory Juarez, Executive Assistant Yossie Nieblas, Attorney Charles C. Kretek, Clerk Andrea Rodriguez, Chief Deputy Clerk Berenda McWright, Deputy Clerk Pilar Salcido, Treasurer Gloria Rodriguez, Chief Deputy Treasurer Dora Madrid, Assessor Delilah Rojo, Chief Deputy Assessor Barbara Cobos, Chief Appraiser Michelle Holguin, Sheriff Kelly Gannaway, Captain Michael Brown, Community Development Director Jessica Etcheverry, Budget & Procurement Director/Indigent Claims Administrator Joanne Hethcox, Roads Department Director Marty Miller, Administrative Assistant Patsy Rodriguez, Emergency Services Director Mark Jasso Community and Health and Welfare Director Jessica Jara.

**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:** Chair Smrkovsky requested to table the jail inspection as discussed in the work session. Commissioner Reedy moved to approve the agenda as amended. The motion was seconded by Commissioner Sweetser and approved unanimously.

**MINUTES:** Upon a motion made by Commissioner Sweetser and a second by Commissioner Reedy the Minutes of the July 12, 2018 Work Session were unanimously approved.

Upon a motion made by Commissioner Sweetser and a second by Commissioner Reedy the Minutes of the July 12, 2018 Regular Meeting were unanimously approved.

Chair Smrkovsky requested the minutes of the Special Meeting be carefully considered per advice from Assistant Manager Juarez. After careful consideration, a motion was made by Commissioner Reedy and a second by Commissioner Sweetser the Minutes of the June 23, 2018 Special Meeting were unanimously approved.

**ELECTED OFFICIALS REPORTS:** Sheriff Gannaway reported that burglaries are up significantly, vehicle thefts are up, there was one larceny, accidents are way up and overall offences are up for the month of July. He also reported that Deputies Granillo, Crumbly and Ellis were promoted to Corporal

and a new Court Security Officer was hired. Sheriff Gannaway thanked everybody who participated and organized the National Night Out, it was a great success.

Chair Smrkovsky gave a report regarding the New Mexico Counties Board Meeting in Hobbs she attended last week concerning a presentation given by New Mexico Oil and Gas Association and the funding they provide to our schools.

**COUNTY MANAGER'S REPORT:** Assistant Manager Glory Juarez reported on the following items:

- Dispatch received 10,459 calls for the month of July.
- Community Projects held ICIP meetings.
- The Salsa Festival was a huge success in which approximately 8,000 people attended.
- Detention: The total number of Inmates Incarcerated was 348, US Marshall Inmates was 146 and the number of Sierra County Inmates was 47 for the month of July.
- Road Department: The monsoon season is keeping the road department very busy. They have job openings for two truck drivers.
- Budget: The budget was converted to the new DFA system and submitted successfully. Also the auditors have begun their site visits.
- Starmax: The revenues for the month of July were \$142,000. The summer hours will end on August 10<sup>th</sup>.
- Safety: RED have been inspected. Rap trainings are continuing with the employees.
- Community Health and Well Being: The National Night Out was an incredible event.
- Volunteer Fire Departments: The fire departments put out a few minor brush fires during the month of July. New doors and locks were installed to secure the facilities.

**INDIGENT CLAIMS REPORT:** Upon 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 zero claims were processed for the month of July. The gross receipts collections totaled \$70,354.22 and the balance for Indigent Claims Fund totaled \$813,381.70 of that \$310,000.00 is encumbered. Ms. Hethcox introduced Veronica Olvera and Trisha Smith from Mimbres Memorial Hospital and requested a meeting be set up with the Commissioners to go over the claims process. 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. No public comment was forthcoming.

**CONSENT AGENDA:** Chair Smrkovsky motioned to move item c. Resolution 18-35 Adoption of an Infrastructure Capital Improvement Plan (ICIP) to new business. The motion was seconded by Commissioner Sweetser and approved unanimously. Upon a motion by Commissioner Reedy and a second by Commissioner Sweetser the following items of the Consent Agenda were unanimously approved following a roll call vote.

**a. Accounts Payable: \$1,071,646.18**

- b. **Payroll: \$1,023,210.55**
- c. *This agenda item was moved to new business item*
- d. **Exemption from Special Tax Assessment for Predator Control Program- Nutt Dairy LLD**

**OLD BUSINESS:**

- a. **Participation in a Class Action lawsuit regarding the right to recover additional sums under the Payments of in Lieu Taxes Act for FY 2015, 2016, & 2017:** Chair Smrkovsky recommended approval of participating in the Class Action lawsuit. Attorney Charles Kretek explained that an attorney would be chosen based on what other counties are doing and the amount the county could possibly recover is approximately \$90,000. Commissioner Reedy motioned to approve participating in a Class Action lawsuit regarding the right to recover additional sums under the Payments of in Lieu Taxes Act for FY 2015, 2016, & 2017. The motion was seconded by Commissioner Sweetser and carried unanimously.

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

- a. **Amended 2018 Luna County Holiday Schedule:** Chair Smrkovsky recommended amending the holiday schedule to include the half day prior to Thanksgiving. Discussion ensued amongst the Board regarding Fair Day versus Good Friday. Chair Smrkovsky suggested the employees' be polled to determine which holiday they would prefer. Commissioner Reedy motioned to approve the amended 2018 Luna County Holiday Schedule with the modification of adding the half day prior to Thanksgiving and to direct staff to conduct a poll regarding Good Friday versus Fair Day. The motion was seconded by Commissioner Sweetser and carried unanimously.
- b. **Resolution 18-36 Agreement between Luna County & Southwest New Mexico Council of Governments & Appointment of Representatives:** Ms. Juarez stated this is the annual participation agreement with the Southwest Council of Governments. Currently our representatives are Jessica Etcheverry, with Linda Smrkovsky as a second and Glory Juarez as the third alternate. Along with approving the agreement and the fee of \$7,221 the Board needs to appoint the representatives. Commissioner Reedy motioned to approve Resolution 18-36, Agreement between Luna County and the Southwest New Mexico Council of Governments and appoint representatives as follows: Jessica Etcheverry, Barbara Reedy and Glory Juarez. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.
- c. **Oath of Office and Appointment of Court Security Officer- Ricardo Huerta:** Sheriff Gannaway performed the Oath of Office for Court Security Officer Ricardo Huerta. Commissioner Reedy motioned to approve the Oath of Office and appointment of Court Security Officer Ricardo Huerta.

- d. **Resolution 18-35 Adoption of an Infrastructure Capital Improvement Plan (ICIP):** Community Development Director Jessica Etcheverry gave a brief explanation of the top five projects listed on the ICIP which included #1. Tire Shredder, #2. Berm-Port of Entry Flood and Drainage Control, #3. Comprehensive Plan Update, #4 Informational Tech Building/Dispatch Renovation and #5. Health Complex Renovation. She explained to the Commissioners that the top five projects are considered most favorably for Capital Outlay funding at the Legislature and the Board has the authority to change the order of priorities if they so choose. There was further discussion between the Board of Commissioners and staff regarding the different projects and the order of priorities. Commissioner Reedy motioned to approve Resolution 18-35 Adoption of an Infrastructure Capital Improvement Plan (ICIP) with the amendment of the order of priorities as follows: #1. Tire Shredder, #2. Informational Tech Building/Dispatch Renovation, #3. Health Complex Renovation, #4. Comprehensive Plan Update, #5. Berm-Port of Entry Flood and Drainage Control. The motion was seconded by Commissioner Sweetser and was approved unanimously following a roll call vote.

**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 & 10-15-1H(7) NMSA 1978 pending litigation matters:** Chair Smrkovsky requested a motion 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 and 10-15-1H(7) NMSA 1978 pending litigation matters. Commissioner Reedy so moved and asked that Assistant County Manager Glory Juarez be invited to attend. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote. The Board went into Executive Session at 11:07 am and returned at 1:30 pm.

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 and 10-15-1H(7) NMSA 1978 pending litigation matters. Commissioner Reedy so moved. The motioned was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.

Commission Reedy motioned the County Manager be placed on Administrative Leave pending further action. The Commission will review this at or before the next regular Commission meeting or a Special meeting may be called. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.

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

Work Session- September 13, 2018 at 9:00 a.m.

Regular Meeting- September 13, 2018 at 10:00 a.m.


CDBG Public Meetings- September 28, 2018 at 10:00a.m., 12:00p.m. & at 5:00p.m.

**JAIL INSPECTION:** The jail inspection was tabled.

**ADJOURN:** Upon a motion made by Commissioner Sweetser and a second made by Commissioner Reedy the meeting was adjourned at 1:35 p.m.

**ATTEST:**


**LUNA COUNTY BOARD OF COUNTY COMMISSIONERS**

  
ANDREA RODRIGUEZ, LUNA COUNTY CLERK

  
BARBARA L. REEDY, DISTRICT 1

**APPROVED:** September 14, 2018

  
LINDA M. SMRKOVSKY, DISTRICT 2

  
JOHN S. SWEETSER, DISTRICT 3

