

**MINUTES
SPECIAL MEETING
LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS
Friday, September 7, 2018**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in Special Session at 1:00 p.m. on Friday, September 7, 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, Clerk Andrea Rodriguez, Chief Deputy Clerk Berenda McWright, Deputy Clerk Pilar Salcido, Treasurer Gloria Rodriguez, Chief Deputy Treasurer Dora Madrid, Sheriff Captain Michael Brown, Dispatch Director Lauree Sanchez, Operations Manager Yovanie Granillo, Community Projects Director Jessica Etcheverry, Code Enforcement Officer Manny Armendariz, Executive Secretary Estella Ortiz, Administrative Assistant Rachel Bishop, Emergency Services Director Mark Jasso and Administrative Assistant Patricia Rodriguez.

CALL TO ORDER: Chair Smrkovsky called the meeting to order at 1:09 p.m. and led the Pledge of Allegiance and the salute to the flag of the State 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**

PUBLIC COMMENT: Chair Smrkovsky opened the floor for Public Comment. There was no public comment forthcoming.

NEW BUSINESS:

Work Schedule Clarification: Chair Smrkovsky stated the reason this item is on the agenda is because it has come to the Board's attention that the Detention Center, Dispatch and the Sheriff's Department did not conform with the decision the Board made in July to go back to the five day work schedule. Chair Smrkovsky stated there is a problem with that, due to the Holiday Schedule that was adopted after the change was made as well as other employees' complaints. A written letter was submitted by Sheriff's Executive Assistant Estella Ortiz requesting the Luna County Board of County Commissioners allow the other Elected Officials or Department Heads to continue managing their own departments, which includes work schedules. Ms. Ortiz came before the Board and explained that her office staff consists of three people that work four ten hour shifts, except on the weeks there is a holiday. On the weeks there is a holiday, they each work 32 hours and still accommodate the public with having the office open 8am to 5pm without accruing or using comp time nor PTO the remainder of that week. Assistant Manager Glory Juarez stated that it causes some

difficulties with payroll, however, the main issue is complaints from other employees who would also prefer to work four tens. Commissioner Reedy stated when this issue began, the Elected Officials and Department Heads were given an opportunity to come up with a plan to maintain a four day work week while still having the Courthouse open five days a week. Ms. Ortiz stated that the Personnel Policy allows for department to set the hours for their employees. Commissioner Sweetser stated that the schedule really needed to apply to all of the departments across the board according to their action that any department that was on four tens prior, would stay at four tens, but any department that was not previously on four tens would go back to five eights. Dispatch Director Lauree Sanchez informed the Board that they had already complied. Ms. Juarez reported that the Detention Director was under the understanding they could continue the shift work but his department would be willing to go back. Sheriff Captain Michael Brown pointed out that the Personnel Ordinance under subsection 9.1 of Ordinance 23 under hours of work: states "employees will work their scheduled hours pursuant to work schedules established by the department". The Board of Commissioners stated they were not aware of that and agreed the personnel ordinance should be reviewed. Ms. Juarez stated that it was discussed at the beginning of the process because she recalled having conversations with Manager Ira Pearson that it didn't even need to go to the commission to switch to four ten's but it was his executive decision to bring it before the commission. Chair Smrkovsky stated that she knows there was a case in which the issue was challenged in another county and the courts supported the decision of the commission. Ms. Juarez stated that she believes the Board of County Commissioners have the authority to set the hours of operation. Chair Smrkovsky made a motion to clarify the decision made by the Luna County Commissions at the July meeting that every department that had gone to the four tens a year ago in June would go back to five eights if they worked five eights prior to that. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.

Opposition of the Straight Party Voting Option: Chair Smrkovsky explained that the Secretary of State has determined to go back to straight party ticket voting in order to make voting go faster and recommended approval of a resolution opposing that decision. The issue is currently before the Supreme Court to determine if she has that authority. Legislation was passed back in 2001 removing the straight ticket voting in New Mexico. Commissioner Reedy stated there are seven other counties that have voiced their opposition and it was her opinion that Luna County is a county that votes for the person and not the party. Commissioner Sweetser read the following statement for the record: "Straight party voting benefits the majority party and creates an insurmountable obstacle to independent or third party candidates at election time. Unfortunately many voters are more concerned with the top of the ballot options and disregard down ballot races. This hurts our local races immeasurably as the races are usually based on the people running and not the party affiliation." He also stated there are only seven or eight states that still offer straight party voting. Chair Smrkovsky suggested the Board of County Commissioners send an Amicus Curiae (Amicus Brief) pertaining to the lawsuit that is before the Supreme Court as a Friend of the Court opposing the "Straight Party Ticket" per Resolution #18-39. Commissioner Reedy motioned to approve Resolution #18-39 as presented and direct the County Attorney to petition for status of Amicus Curie and file a brief consistent with this resolution with the New Mexico Supreme Court on the issue of Straight Party ticket voting. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.

EXECUTIVE SESSION: Executive Session to discuss Limited Personnel Matters pursuant to §10-15-1 (H)(2) NMSA 1978 pertaining to the County Manager's contract: 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 contract. Commissioner Sweetser so moved, Commissioner Reedy seconded and the motion carried unanimously following a roll call vote. The Board went into Executive Session at 1:50 p.m. and returned at 4:09 p.m.

Commissioner Reedy motioned to return from Executive Session where no other matters were discussed other than limited personnel matters. The motion was seconded by Commissioner Sweetser and carried unanimously upon a roll call vote.

No action was taken.

ADJOURN: Upon a motion by Commissioner Sweetser and a second by Commissioner Reedy the meeting was adjourned the meeting at 4:10 p.m.


ATTEST:


ANDREA RODRIGUEZ, CLERK

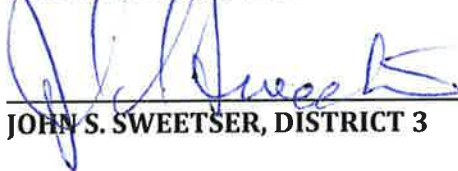
APPROVED: 10/11/18



LUNA COUNTY BOARD OF COUNTY COMMISSIONERS


BARBARA L. REEDY, DISTRICT 1


LINDA M. SMRKOVSKY, DISTRICT 2


JOHN S. SWEETSER, DISTRICT 3