

**MINUTES
REGULAR MEETING
LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS
Friday, September 14, 2018**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 10:00 a.m. on Friday, September 14, 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 Appraiser Michelle Holguin, , Captain Michael Brown, Budget & Procurement Director/Indigent Claims Administrator Joanne Hethcox, Detention Director Chris Brice, Detention Lieutenant Robert Apodaca and Assistant Emergency Services Director Sonia Arteche.

CALL TO ORDER: Chair Smrkovsky called the meeting to order at 10:08 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 Items H and I from the Consent Agenda be removed and considered under New Business Items E and F. Also, Item number 16 Jail Inspection to be remove from the agenda this month. Commissioner Reedy moved to approve the Agenda, with Items 12H and 12I moved to new business and Item 16 jail inspection removed. Commissioner Sweetser seconded the motion which was unanimously approved.

PRESENTATION:

Flood Control Implementation Strategy Plan by NM Border Authority: Mario Juarez of Wilson and Company gave an extensive slide show presentation regarding the Flood Control Implementation Strategy Plan by New Mexico Border Authority. Mr. Juarez stated that the Border Authority requested to be added to this agenda because of the storm back on July 15th and 16th that exceeded the hundred year storm event and flooded Columbus. Eric Kiltz Recovery Officer with the New Mexico Department of Homeland Security in Emergency Management was also present and reported on response and recovery mitigation efforts.

MINUTES: Upon a motion made by Commissioner Sweetser and a second by Commissioner Reedy the Minutes of the August 9, 2018 Work Session were unanimously approved. Upon a motion made by Commissioner Reedy and a second by Commissioner Sweetser the Minutes of the August 9, 2018 Regular Meeting were unanimously approved. Upon motion made by Commissioner Sweetser and seconded by Commissioner Reedy the Minutes of the August 20, 2018 Special Meeting were unanimously approved.

ELECTED OFFICIALS REPORTS: Sheriff Captain Brown reported that assaults are up slightly, burglaries are down considerably, vehicle thefts are up as well, non-criminal are up considerably. Deputy Richard Huerta

started resource officer duties last week and the Sheriff's Department will be posting for a vacant core security position.

Treasurer Gloria Rodriguez reported that we have new Tax rates and they are currently working with the Assessor to start the process with the 2018 tax bills.

Chair Smrkovsky reported on the priorities for the New Mexico County Legislative session. The NMC is working on restoring the original appropriation of \$5 million to the County Detentions Facilities Reimbursement Act. This fund helps counties pay for State prisoners whom are in our jails and creates a line item in the DFA budget for \$700,000 to reimburse for Sherriff Officers who transport State prisoners. The State Statue is in place which authorizes the State to make such payments but hasn't been funded in over 20 years. Chair Smrkovsky encouraged the County Treasurer's, Assessor's, Clerk's employees attend classes dealing with economic development.

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

- Dispatch received 10,138 calls for the month of August.
- Currently working on the Radio Communications Project with the Road Department
- Today is Jessica Etcheverry's last day with Luna County
- Community Projects held for the CDBG Planning Grant Application
- Clean ups have begun for the new fiscal year
- Capital Outlay agreements were received and executed for the Domestic Violence Shelter received \$225,000.
- Capital Outlay Resolution and Agreement for Road Improvement through NMDOT \$100,000
- Colonia's Infrastructure Grant for Rockhound Road has been closed
- Detention Center: Number of Inmates Incarcerated: LCDC Daily average population for August: 340 Inmates. U.S. Marshals Service 149 Inmates. Sierra County – 43 Inmates. Fire Marshal inspections and recommendations being addressed. Received approval for certificate.
- Several applications for truck drivers have been received hoping to fill positions soon. Department is currently working on Camino Doce and Lucca to Hermanas/Franklin coordination meeting with NMDOT.
- Budget and Procurement Department: Starmax has received a total of \$371,367 on the reimbursements for the conversion project. Starmax is down to a debt of only \$6,385 on that digital conversion project.
- Starmax sales in August were \$83,837
- Ribbon cutting on CDBG project –playground done this week we had several County Officials present at ribbon cutting.
- Community Health Fair tomorrow from 9am-1pm at the Courthouse with the walk starting at 8am beginning at the Visitors Center. Everyone invited to join.
- Resolution 18-05 Amended Notice of Right to Inspect Public Records "Item E on Consent Agenda" is to appoint Yossie Nieblas as the Custodian of Public Records.
- Resolution 18-41 Participation in Capital Outlay Program and Approval of Agreement "Item F on the Consent Agenda" is for the road capital outlay funding.
- Resolution 18-42 Authorizing the submission of a New Mexico Community Development Block Grant "item 12G of the Consent Agenda" is a planning grant for the Comprehensive Plan.

CALL TO REPEAL ORDINANCE: Chair Smrkovsky recommended approval of the call to repeal the three ordinances regarding animal control. Commissioner Reedy motioned to direct the County Manager's Office to publish the title and summary of Ordinance Number 1; An Ordinance to Regulate, Restrain, Control and require vaccination of dogs; Repeal Ordinance Number 33; Luna County Animal Control; and Repeal Ordinance Number 52; Animal Regulation and Control one time in the Deming Headlight at least two weeks prior to the meeting for the Board at which the Ordinance is proposed for final repeal. The publication shall also include the date

and time at which the repeal of the Ordinances is to be considered. Commissioner Sweetser seconded the motion which carried unanimously following a roll call vote.

CALL TO ADOPT AN ORDINANCE: Commissioner Sweetser motioned to direct the County Manager's Office to publish the title and summary of Ordinance Number 98; providing for Animal Regulation and Control for Luna County, New Mexico one time in Deming Headlight at least two weeks prior to the meeting of the Board at which the ordinance is proposed for final passage. The publication shall also include the date and time at which the ordinance is to be considered. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote.

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 four claims were processed for the month of August at which none of these claims were for the detention center. The gross receipts collections totaled \$70,105.79 and the balance for Indigent Claims Fund totaled \$844,195.81 of that \$254,155.73 is encumbered. Has not been received Safety net care pool billing, but expect it to be about \$400,000 this year. 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 noted that Item H, Supporting 2019 NMC Legislative Priorities, and item I, Certificate of 2018 Property Tax Rates was moved to new business. 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: \$743,538.51
- b. Payroll: \$1,441,300.87
- c. Resolution 18-37 Budget Increases
- d. Resolution 18-38 Budget Transfers
- e. Resolution 18-05 Amended Notice of Right to Inspect Public Records
- f. Resolution 18-41 Participation in Capital Outlay Program and Approval of Agreement
- g. Resolution 18-42 Authorizing the submission of a New Mexico Community Development Block Grant
- h. *This agenda item was moved to new business item e*
- i. *This agenda item was moved to new business item f*

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

- a. **Resolution 18-40 Water Trust Board Funding Application:** Chair Smrkovsky stated that the County did a letter of intent for this grant which is 1.5 million with the County match being \$225,000. Commissioner Reedy motioned to approve Resolution 18-40 Water Trust Board Funding Application. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.
- b. **Authorize the Luna County Detention Center Director, Chris Brice, as Project Manager for the LCDC Expansion and Renovation:** Chair Smrkovsky recommended approval of authorizing Chris Brice as Project Manager on the expansion and renovation of the final phase of the detention center project. Commissioner Reedy motioned to approve Chris Brice being named Project Manager of the LCDC Expansion and Renovation project. The motion was seconded by Commissioner Sweetser and carried unanimously.

- c. **Luna County Detention Center Collective Bargaining Agreement and Payment Plan:** Assistant County Manager Glory Juarez explained that Mr. Pearson and Mr. Kretek along with the Union Representative Andy Gilmore and Mr. Brice have met several times to negotiate and create a payment plan which will eliminate inconsistencies and discrepancies with pay, work load, responsibilities and accountabilities. Detention Director Chris Brice stated that there has been an issue with upward mobility of detention officers. The plan helps by adding defined goals for promotions and provides for an average for overall raise is 2.16% this year. The plan will be reviewed annually. Commissioner Sweetser motioned to approve Luna County Detention Center Collective Bargaining Agreement and Payment Plan. The motion was seconded by Commissioner Reedy and carried unanimously following a roll call vote.
- d. **Oath of Office and Appointment of Sheriff Deputy-Kris Seats and Ricardo S. Huerta.** Ms. Juarez on behalf of Sheriff Gannaway requested to table this item. Commissioner Reedy motioned to table the Oath of Office and Appointment of Sheriff Deputy - Kris Seats and Ricardo S. Huerta. The motion was seconded by Commissioner Sweetser and carried unanimously.
- e. **Supporting 2019 NMC Legislative Priorities:** Chair Smrkovsky stated that approving the NMC Legislative priorities shows support. Commissioner Reedy motioned to approve supporting 2019 NMC Legislative Priorities. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.
- f. **Certificate of 2018 Property Tax Rates:** Assessor Rojo reported that the new tax rates have been received for 2018. Ms. Rojo stated that she sent the tax rates out to Schools, City, and the Village of Columbus for review. She reported the tax rates have increased by \$1,734,019 from last year to this year. Commissioner Sweetser moved to approve Certificate of 2018 Property Tax Rates. The motion was seconded by Commissioner Reedy and carried 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 Contract and Internal Affairs Investigation; and 10-15-1H (7) NMSA 1978 pending litigation matters, pending lawsuit: 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 and Internal Affairs Investigation; and 10-15-1H (7) NMSA 1978 pending litigation matters, pending lawsuit. Commissioner Reedy so moved. 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 Contract and Internal Affairs Investigation; and 10-15-1H(7) NMSA 1978 pending litigation matters, pending lawsuit. Commissioner Sweetser so moved. Commissioner Reedy seconded the motion and the motion carried unanimously following a roll call vote.

Commissioner Reedy moved to authorize the County Attorney in coordination with the Assistant County Manager to request the District Attorney to prosecute pursuant to 36-1-18a (11) if found to be necessary. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.

UPCOMING MEETINGS: Chair Smrkovsky announced the following upcoming meetings.

Work Session- October 11, 2018 at 9:00am
Regular Meeting- October 11, 2018 at 10:00 a.m.

JAIL INSPECTION: The jail inspection was removed

ADJOURN: Upon a motion made by Commissioner Sweetser and a second made by Commissioner Reedy the meeting was adjourned at 1:02 p.m.

ATTEST:



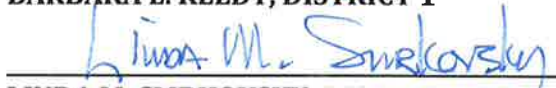
ANDREA RODRIGUEZ, LUNA COUNTY CLERK

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

