

**MINUTES
WORK SESSION
LUNA COUNTY BOARD OF COUNTY COMMISSIONERS
Thursday, December 13, 2018**

BE IT REMEMBERED that the Luna County Board of County Commissioners met at 9:00 a.m. on Thursday, December 13, 2018 in the County Commission Chambers of the Luna County Courthouse, Deming, New Mexico, for the purpose of conducting a Work Session.

CALL TO ORDER: Chair Smrkovsky called the meeting to order at 9:06 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 Commissioners constituting a quorum were present:

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

SERVICE AWARDS: Captain Mike Brown presented a five year service pin to Corporal Marty Crumley.

PRESENTATIONS/ANNOUNCEMENTS:

- **Safety Committee Recognition:** Risk Manager Mark Jasso and Luna County Safety Review Committee Chair Frankie Tarazon presented Challenge Coins for Dispatcher Cody Garcia and Dispatcher Monica Marquez. The Dispatchers were reviewing the cameras while on duty and witnessed a person trying to break into a county vehicle. They reacted quickly, called the police and the individual breaking in was arrested. Leslie Nabours from the Clerk's Office was also presented a Challenge Coin for her immediate response which prevented a person from falling and possibly getting hurt while voting in the Clerk's Office. The Safety Committee reviews accidents, injuries, losses and damages and they make recommendations on who earns recognition with Challenge Coins.

DISCUSSION:

- **Animal Control Ordinance Update:** Charles Kretek reported on repealing the current ordinances regarding animal control 1, 33, and 52 and replacing them with a new comprehensive ordinance. Mr. Kretek stated that he has gathered lots of source material from various counties and cities. Also, Allen Edmonds at the Animal Protection of New Mexico has provided a great deal of material and just recently the Humane Society of the United States sent information as well. Mr. Kretek is currently compiling all the information and putting it into groups by subjects in order to compile our ordinance. Mr. Kretek commented that he intended to present the ordinance at this meeting, but would rather get it right than get it quick, so he now intends to present the ordinance at the next meeting in January. Chair Smrkovsky mentioned that if the ordinance isn't ready for the January meeting, a special meeting could be scheduled as soon as the ordinance is ready.

PUBLIC INPUT: Michelle Whitehurst commented that Luna County was on Channel 4 news reporting that a dog was killed on Ruff Ruff's property and that what is happening is unacceptable. She stated that the County is responsible to the public to oversee that the contractors are fulfilling their duties which they are paid to perform with our tax dollars. She reported that Luna County Humane Society 2015 tax documents revealed that they are awarded \$202,083 in grants and \$98,609 in contributions. Ms. Whitehurst mentioned that the City gives \$95,000 and the County gives \$105,000 per year. The shelter receives approximately 49% of their funding from our government. She stated that many people in the room are aware that Ruff Ruff is not the only case of hoarding, abuse or puppy mills in Luna County. She suggested that the ordinance must be very concise in its language and enforced fairly and consistently across the board so that Luna County is not a magnet for these problems. She stated that two volunteer groups have stepped up to take care of these animals. Ms. Whitehurst requested that all involved in helping the County out in this situation will not find themselves in some witch hunt litigation and stated that it would be great if some funding could be provided to the two entities that are helping to get these animals homes and transferred to foster care. The two rescue groups are taking on the financial responsibilities themselves.

Ann Booker commented that she was recently inducted on the Board of the Animal Shelter and would like to work with all entities in Luna County and the City of Deming to make things better. Ms. Booker would like to see us move as quickly as possible, not to wait another month from January to February on a comprehensive ordinance. She stated there is the issue of enforcement which will always be a challenge but if you don't have the ordinances on the books you can't begin to enforce them. Ms. Booker informed the Commission that she came from a larger City where the public shelter worked very closely and without animosity with many private rescues. She stated that public organizations can't survive without the private organizations involved.

John Whitehurst commented that he has been in Luna County for over nine years now and effective government runs on accountability. Mr. Whitehurst said that he sat in the proceeding held several months ago and listened to this court talk about the options to resolve the abuses and neglect at Ruff Ruff Sanctuary. He stated that it appears no pro-active measures were taken or effectively put into place. He stated the primary responsibility for the abuse and neglect of these poor animals is first and foremost with Mr. Ray Schmal, but this court lacks leadership and action and bears a responsibility and a shame. He called for this court to enact its powers for the termination of Mr. Matt Robinson and Ms. Sandy Foster for the total ineffective actions leading to this inhumane situation. He finds the lack of action and accountability to be appalling and suggested this court consider a complete investigation into the local Humane Society and hold those persons accountable for the lack of action.

Randy Pirie, the affected property owner, presented pictures of the condition of his property to the Commissioners. He commented on how disappointed he is in Deming. He hasn't entered his home in over five years and only did so now to take pictures for this court. Mr. Pirie stated that he currently lives in Connecticut, but he can afford to live anywhere and he chose to retire in Deming which is why he bought this home. He stated that his house is currently unlivable. He said the Humane Society indicated that they are unable to help him with the living dogs, but were able to help him bury the dead one. There are currently 80 dogs living in his house without adequate provisions. Mr. Schmal has been evicted and sleeps in his truck on the road in front of his house. Mr. Schmal was recently given permission by a Luna County resident to move to another location and is currently moving dogs to that property. Mr. Pirie asked how this could be possible for him to start all over again at another

location. Mr. Pirie is asking the County not to wait until January to create the ordinance. He stated that it is impossible for one man to take care of 80 dogs.

Mike Reitz, Deming Animal Guardians Board Member, stated that what was shown on the news last night was so unbelievable and beyond immoral reproach. He stated that his volunteer was left alone to carry a dog with the Animal Control Officer just standing there and not helping. The Deming Animal Guardians have been feeding, watering and medicating the animals without any support from the Luna County Humane Society. He stated that an agreement was made last night with the Luna County Humane Society that DAG will feed, water and medicate in the morning and Luna County Humane Society would do the same in the evening. Mr. Reitz said no one from the Humane Society showed up last night to feed, water and medicate. Mr. Reitz stated that he had asked for Sandy to step down 17 years ago with no avail. He further commented that PETA and other groups will be coming into Luna County because of this situation. The Luna County Humane Society gets paid very well to take care of animals in the County and the contract with Luna County Humane Society needs to be reviewed and rewritten. The Ruff Ruff operation was inspected year after year by Luna County Humane Society and was allowed to become what it is. The Luna County Humane Society needs changes from the top down, the contract must be changed and the ones in power removed. The funding for training is available by DAG for two animal control officers. Mr. Reitz suggested that a salary would be required for animal control officers so that the officers will stay in operation. The City and the County need to be on the same page as far as the Humane Society is concerned. It should also be required that only property owners be able to have sanctuaries with limits to the amount of animals and mandatory shots for the animals.

Jonathan Pirie, brother to the affected property owner, expressed his concern that this could happen to his own rental properties in Luna County. He stated that on occasion, he would drive by his brother's property and found that his brother's property looked like a junk yard. The Realty Company in town that originally rented out his brother's property sent the contract back to his brother after one year and told his brother they refused to deal with the renter. He stated they have tried to legally evict Mr. Schmal to no avail and the house could probably be condemned as it is. He also gave praise to the Sheriff and DAG for being very helpful in this situation.

Chair Smrkovsky commented that she allowed more time than usual because she understands their concerns and the attorney is working on the best ordinance that fits this County and everyone concerned.

COMMISSIONERS AND STAFF DISCUSSION ON REGULAR MEETING AGENDA ITEMS: The Luna County Board of County Commissioners presented the Regular Meeting Agenda items for presentation and discussion by attending members of the public. *(*Note: Items were presented for discussion only and no actions were taken.)* The following agenda items were discussed:

Chair Smrkovsky commented time has run out to discuss items on regular meeting.

ADJOURN: Upon motion made by Commissioner Reedy and a second made by Chair Smrkovsky, Chair Smrkovsky adjourned the meeting at 10:01 a.m.

ATTEST:

Andrea Rodriguez
Andrea Rodriguez, Luna County Clerk

Approved: 01/10/2019



**LUNA COUNTY BOARD OF
COUNTY COMMISSIONERS**

Barbara L. Reedy
Barbara L. Reedy, District 1

Linda M. Smrkovsky
Chair, Linda M. Smrkovsky, District 2

John S. Sweetser
John S. Sweetser, District 3