

**MINUTES
REGULAR MEETING
LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS
Thursday, August 10, 2017**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 10:00 a.m. on Thursday, August 10, 2017 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: County Manager Ira Pearson, Assistant to the County Manager and Special Projects Supervisor Glory Juarez, Executive Administrative Assistant Yossie Nieblas, County Clerk Andrea Rodriguez, Chief Deputy Clerk Berenda McWright, Deputy Clerk Myrna Duarte, County Treasurer Gloria Rodriguez, Chief Deputy Treasurer Dora Madrid, Assessor Delilah Rojo, Chief Deputy Assessor Barbara Cobos, Sheriff Kelly Gannaway, Captain Michael Brown, Captain Jose Martinez, Sargent Luis Malina, Detective Antonio Maravilla, Human Resources Director Danny Gonzales, Community Projects Director Jessica Etcheverry, Public Information Officer Matt Robinson, Dispatch Director Lauree Sanchez, Operations Manager Yovanie Granillo, Safety Director Mark Jasso and Community Health and Well-Being Director Jecca 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: Deputy Clerk Myrna Duarte called roll. The following members of the Board constituting a quorum were present:

**Linda M. Smrkovsky, Chair, District 2
John S. Sweetser, District 3**

APPROVAL OF AGENDA: Commissioner Sweetser motioned to approve the agenda. The motion was seconded by Chair Smrkovsky, which carried unanimously.

ELECTED OFFICIALS REPORTS: County Treasurer Gloria Rodriguez reported that her department had a Property Tax Sale on August 8th and 9th, and 66 out of 387 properties were auctioned. She thanked Sheriff Gannaway and Deputy Robert Nordof for providing security during both property sales. Ms. Rodriguez stated that July's financial report was almost complete and the report will be distributed to all departments once balanced. A total of 91% percent of the 2016 property taxes have been collected.

Assessor Delilah Rojo asked for support for employee Rebecca Flores Ramsey who is on FMLA, due to illness. She stated her office is doing fundraisers to help Mrs. Ramsey with financial expenses. Ms. Rojo reported that three of her appraisers went to training in Socorro New Mexico to complete a four step appraising certification. The office is working on 133 protests that will be heard starting on October 23, 2017.

County Clerk Andrea Rodriguez reported that her department was busy assisting customers researching properties for the tax sale. The Clerk's office has been short staffed due to Joanna Zurinsky leaving and Myrna Duarte has assumed her position. The County Clerk's office has advertised for the County Services Specialist position.

Sheriff Kelly Gannaway reported crime statistics are decreasing and burglaries are on the rise. Civil Division and accidents are also decreasing and DWI's are increasing. Criminal Investigations had three warrant arrests, one recovered stolen vehicle. The total value of stolen property was \$15,000 and approximately \$14,800 has been recovered. The Sheriff's Department is in the process of promoting a Sergeant and hiring a deputy. The department is also looking into purchasing a new vehicle and has purchased new hand held radios.

ANNOUNCEMENTS: Community Projects Director Jessica Etcheverry announced there will be a few events coming up.

- **Community Yard Sale & Recycle Fair** - September 9, 2017 at 8:00 a.m.
- **Fall Hump Day Training Series** - All Classes Are Free Starting 10:00 a.m. to 12:00 p.m. at the Mimbres Valley Learning Center 2300 E. Pine Street.
 - September 13, 2017 - Leadership Training
 - September 27, 2017 - Access Capital Training
 - October 11, 2017 - Entrepreneurship / Starting a Business Training
- **Toss No Mas Cleanup** - October 28, 2017 - 8:00 a.m. at the Court House Park

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

- Dispatch calls for July: Landline 911 Calls - 220. Wireless 911 Calls - 1251.
- Community Projects: Salsa Fest July 29-30th, was a success.
- Columbus Work Session: Great turn out. County will continue to have sessions in Columbus.
- Detention Center: LCDC Daily average population for July: 284 Inmates. U.S. Marshals Service- 134 Inmates. Local Population- 150 Inmates. Average length of stay- 50 days.
- Road Department: Busy addressing roads with all the rain in July. Mr. Pearson reminded the public of the online reporting system for road issues.
- Maintenance Department: Busy working on 22 buildings checking for leaks.
- Starmax: July sales were \$142,000, down from last July and Winter Hours begin August 14th, 2017.
- IT Department: The new County website is up and running and the department is starting to utilize the Intranet.

PUBLIC COMMENT: Chair Smrkovsky opened the floor to Public Comment:

David Neil stated the diversion plan has too many unknown factors such as what is the cost to the taxpayers, what is the environmental impacts and will high levels of toxins in Evans Lake be transferred to the Mimbres aquifer.

Peggy Chinkes addressed the commission about the NM Cap entity which she stated will be a private enterprise selling water along with Freeport McMoRan. She stated that the price they will sell the water for is unknown and urged the commission to vote to against the agreement and keep the power and the money in Luna County.

Sara Boyett, President of Southwestern NM Audubon Society, urged the commission to table the joint powers agreement with the NM Cap Entity. She suggested they slow down and take a long term view.

Beth Bardwell Director of Conservation for Audibon New Mexico spoke about water supply, water demand and the environment. She encouraged the commission to vote no to the joint powers agreement with the NM Cap Entity.

Larry Caldwell requested specific changes to the joint powers agreement with the NM Cap Entity agreement and urged the commission to table.

Ruben Javier Diaz spoke in favor of approving the joint powers agreement with NM Cap Entity reminding the commission that they represent the majority of the citizens of Luna County and not just the public that was present at the meeting.

Clare Alexander May urged the commission and the public present to attend a meeting August 23, 2017 in regards to the Infrastructure Capital Improvement Plan.

Margaret Fairman urged the commission to investigate the facts regarding the joint powers agreement with the NM Cap entity.

Maria Garten spoke about the dangers of the drought and the importance of water conservation and urged the commission to vote against the joint powers agreement.

Edward Khanbabian had questions regarding the water levels and expressed concerns about the money. He urged the commission to listen to the majority of the voters in the room regarding the joint powers agreement.

Aaron Sera City of Deming Administrator stated that conservation should be our number one priority. He stated that the amendment to the Joint Powers Agreement with the NM Cap Entity allows us to utilize existing infrastructure and not build an additional diversion or reservoir that will get water into Luna County. He urged the commission to vote in favor on the amended joint powers agreement.

CONSIDER MINUTES: Upon motion of Commissioner Sweetser, seconded by Chair Smrkovsky, the minutes of the July 13, 2017 Work Session were unanimously approved. Upon motion of Commissioner Sweetser, seconded by Chair Smrkovsky, the minutes of the July 13, 2017 Regular Meeting were unanimously approved. Upon motion of Commissioner Sweetser, seconded by Chair Smrkovsky, the minutes of the July 18, 2017 Work Session were unanimously approved. Upon motion of Commissioner Sweetser, seconded by Chair Smrkovsky, the minutes of July 25, 2017 Special Meeting were unanimously approved.

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

- a. **Accounts Payable: \$1,092,024.33**
- b. **Payroll: \$1,007,670.30**
- c. **Resolution 17-45 Budget Increases**
- d. **Resolution 17-46 Budget Transfers**
- e. **Resolution 17-47 Adoption of an Infrastructure Capital Improvement Plan (ICIP)**
- f. **Exemption from Special Tax Assessment for Predator Control Program – New Mexico Feeding Co.**
- g. **Exemption from Special Tax Assessment for Predator Control Program – Nutt Dairy LLC**

NEW BUSINESS:

- a. **Amended Joint Power Agreement NM Cap Entity:** Commissioner Sweetser motioned to approve the Amended Joint power Agreement NM Cap Entity, Chair Smrkovsky seconded the motion which carried unanimously following a roll call vote. Chair Smrkovsky stated that she did listen and understand everyone's concerns and they are not looking to take the water out of the Gila but ensure that Luna County has a voice.
- b. **Lease Agreement between Luna County and Quorum Health (Mimbres Memorial Hospital)** County Manager Assistant and Special Projects Supervisor Glory Juarez requested the Commissioner's authorize County Manager Ira Pearson to negotiate the contract and any future amendments. She stated the lease payment in the amount of \$3,570 per month will remain the same. Chair Smrkovsky requested a motion to and authorize the County Manager to negotiate and approve the lease agreement between Luna County and Quorum Health doing business as Mimbres Memorial Hospital in a lease amount no less than the current lease amount in accordance to the lease market value performed by an official appraiser and the State Board of Finance recommendation and to allow the county managers office to make any changes required by DFA. Commissioner Sweetser so moved, Chair Smrkovsky seconded and the motion carried unanimously.


INDIGENT CLAIMS REPORT: INDIGENT CLAIMS REPORT: Commissioner Sweetser motioned to recess as County Commission, and convene as an Indigent Claims Board. The motion was seconded by Chair Smrkovsky and unanimously approved. Luna County Manager Ira Pearson reported 0 claims report for the month of July, 2017. Commissioner Sweetser moved to approve indigent claims report as submitted, Chair Smrkovsky seconded the motion which carried unanimously. Commissioner Sweetser moved to recess as claims board and to reconvene as the Board of County Commissioners. The motion was seconded by Chair Smrkovsky and approved unanimously

ANNOUNCE NEXT MEETING: County Manager Assistant & Special Projects Supervisor Glory Juarez announced that a Work Session will be held on September 14, 2017 at 9:00 a.m. A Regular Meeting will be held on September 14, 2017 at 10:00 a.m.

REQUESTS FOR FUTURE AGENDA ITEMS: Larry Caldwell requested a reconsideration of having a five member board.

ADJOURN: Chair Smrkovsky adjourned the meeting at 10:59 a.m.

ATTEST:




ANDREA RODRIGUEZ, LUNA COUNTY CLERK

LUNA COUNTY BOARD OF COUNTY COMMISSIONERS

(District 1 vacant pending appointment by the Governor)



LINDA M. SMRKOVSKY, DISTRICT 2



JOHN S. SWEETSER, DISTRICT 3

APPROVED: September 19, 2017

