



County of Los Alamos

Los Alamos, NM 87544
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Minutes

County Council – Special Session

*David Izraelevitz, Council Chair; Susan O'Leary, Vice Chair;
Christine Chandler, James T. Chrobocinski, Antonio Maggiore,
Rick Reiss and Pete Sheehey, Councilors*

Wednesday, July 26, 2017

6:00 PM

Council Chambers – 1000 Central Avenue
TELEVISED

1. OPENING/ROLL CALL

Councilor Izraelevitz, called the meeting to order at 6:06 p.m.

The following Councilors were in attendance:

Present: 7 - Councilor Izraelevitz, Councilor O'Leary, Councilor Chandler, Councilor Chrobocinski, Councilor Maggiore, Councilor Reiss and Councilor Sheehey

2. PLEDGE OF ALLEGIANCE

Led by: All

3. PUBLIC COMMENT

Mr. Greg White, 600 San Ildefonso Road, spoke.

4. APPROVAL OF AGENDA

A motion was made by Councilor Chandler, seconded by Councilor Chrobocinski, that the Agenda be approved as presented.

The motion passed by acclamation with the following vote:

Yes: 7 - Councilor Izraelevitz, Councilor O'Leary, Councilor Chandler, Councilor Chrobocinski, Councilor Maggiore, Councilor Reiss and Councilor Sheehey

A motion was made by Councilor Chandler, seconded by Councilor Maggiore, that Council go into Executive Session.

The motion passed by roll call vote with the following vote:

Yes: 6 - Councilor Izraelevitz, Councilor O'Leary, Councilor Chandler, Councilor Maggiore, Councilor Reiss and Councilor Sheehey

No: 1 - Councilor Chrobocinski

The meeting recessed at 6:14 pm and reconvened at 6:20 pm

5. COUNCIL BUSINESS

- A. Incorporated County of Los Alamos Resolution No. 17-08; A Resolution Amending Certain Parts of Resolution 16-10 Regarding the Duties of the Los Alamos County Police Department and the Duties of the Los Alamos County Sheriff's Department

Sheriff Marco Lucero, spoke.

Public Comment:

Mr. John L Horne, 2274 47th Street, spoke in support.
Ms. Deborah Cucchiara, 2274 47th Street, spoke.
Mr. Vincent Chiravalle, 1 Deer Court, spoke in support.
Mr. Phillip Gurskey, 223 El Viento, spoke in support.
Mr. James Whitehead, 200 Camino Encantado, spoke.
Mr. Chris Luchini, 121 La Senda Road, spoke in support.
Mr. Daniel Cooper, 5 Loma Vista Drive, spoke in support.
Mr. Michael Redondo, 390 Manhattan Loop, spoke.
Ms. Cristina Olds, 967 Tsankawi, spoke.
Ms. Elena Georgie, 5140 Quemazon, spoke in opposition.
Mr. Mark Jones, 520 Navajo Road, spoke.
Mr. Robert Pelak, 4790 Esperanza, spoke in support.
Mr. Brady Burke, 2310 39th Street, spoke.
Mr. Greg White, 600 San Ildelfonso Road, spoke in support.
Mr. Matt Volk, 876 Kristi Lane, spoke.
Mr. Jim Santana, 2513B 36th Street, spoke in support.
Mr. Dan McCarn, 2262 38th Street, spoke in support.

A motion was made by Councilor Chandler, seconded by Councilor Sheehey, that Council return to Executive Session.

The motion passed with the following vote:

Yes: 6 - Councilor Izraelevitz, Councilor O'Leary, Councilor Chandler, Councilor Maggiore, Councilor Reiss and Councilor Sheehey

No: 1 - Councilor Chrobocinski

The meeting recessed at 7:40 p.m. and reconvened at 7:50 p.m.

Councilor Izraelevitz announced that Council went to executive closed session and there was no action taken and neither was there action taken at the previous executive closed session.

A motion was made by Councilor Sheehey, seconded by Councilor Chrobocinski, that Council adopt Incorporated County of Los Alamos Resolution No. 17-08; A Resolution Amending Certain Parts of Resolution 16-10 Regarding the Duties of the Los Alamos County Police Department and the Duties of the Los Alamos County Sheriff's Department.

A motion was made by Councilor Chandler, seconded by Councilor Maggiore, that Council *amend* the motion by deleting the last paragraph of the full paragraph of the resolution before you get to roman numeral two, which is just a perfunctory kind of boiler plate sentence.

The motion passed with the following vote:

Yes: 5 - Councilor Izraelevitz, Councilor O'Leary, Councilor Chandler, Councilor Maggiore and Councilor Reiss

No: 2 - Councilor Chrobocinski and Councilor Sheehey

A motion was made by Councilor Chandler, seconded by Councilor Chrobocinski, that Council Table the *amended* original motion.

The motion passed with the following vote:

Yes: 7 - Councilor Izraelevitz, Councilor O'Leary, Councilor Chandler, Councilor Chrobocinski, Councilor Maggiore, Councilor Reiss and Councilor Sheehey

6. PUBLIC COMMENT

Mr. Jim Santana, 2513B 36th Street, spoke in regard to civilian review boards.
Mr. Greg White, 600 San Idelfonso, spoke in regard to review committees.
Sheriff Marco Lucero, 2339 46th Street, spoke in regard to review committees.
Mr. James Whitehead, 200 Camino Encantado, spoke in regard to review committees.

7. ADJOURNMENT

The meeting adjourned at 8:37 p.m.

INCORPORATED COUNTY OF LOS ALAMOS

David Izraelevitz, Council Chair

Attest:

Naomi D. Maestas, County Clerk

Meeting Transcribed by: Francella M. Montoya, Senior Deputy Clerk

Correction to Agenda Item No. RE0342-17

Resolution No. 17-08

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INCORPORATED COUNTY OF LOS ALAMOS RESOLUTION NO. 17-08

**A RESOLUTION AMENDING CERTAIN PARTS OF RESOLUTION 16-10 REGARDING
THE DUTIES OF THE LOS ALAMOS COUNTY POLICE DEPARTMENT AND
THE DUTIES OF THE LOS ALAMOS COUNTY SHERIFF'S OFFICE**

WHEREAS, Article 10, Section 5 of the Constitution of the State of New Mexico provides that the Charter of an Incorporated County shall provide for the form and organization of the incorporated county government and shall designate those officers which shall be elected, and those officers and employees which shall perform the duties assigned by law to county officers; and

WHEREAS, pursuant to Article 10, Section 5 of the Constitution of the State of New Mexico, the Incorporated County of Los Alamos adopted a charter that designated those officers which shall be elected as well as identifying those officers and employees who shall perform the duties assigned by law to county officers; and

WHEREAS, Article 303, Subpart 303.1 provides, in relevant part, that no function assigned by the Charter to a particular department is subject to change by Council; and

WHEREAS, Article 304, Subpart 304.4, *Duties of the Sheriff, Police Department, and Police Officers* identifies certain officers and employees of the County who shall perform duties assigned by law to county officers; requires Council to establish as a department of the County, a Police Department, to be charged with conserving the peace and enforcing the laws of the State and the Ordinances of the County; provides that the Sheriff shall have those powers and duties assigned to sheriffs by state statutes, including the power of a peace officer, but prohibits the Sheriff from duplicating or performing those duties assigned by the Charter, by ordinance or by resolution to the County's Police Department; and

WHEREAS, on May 24, 2016 Council adopted ~~Ordinance~~ Resolution No. 16-10 establishing the duties of various departments of the county including the Police Department and Sheriff's Office; and

WHEREAS, on November 8, 2016, the citizens of Los Alamos County voted to retain an elected Office of the Sheriff; and

WHEREAS, Council finds that good cause exists to amend certain elements of ~~Ordinance~~ Resolution No. 16-10 that address the duties of the County's Police Department and the County's Sheriff's Office;

**THE COUNCIL OF THE INCORPORATED COUNTY OF LOS ALAMOS HEREBY
RESOLVES THAT:**

I. ~~Ordinance~~ Resolution No. 16-10 is hereby amended in its entirety to read as follows:

7. The Police Department duties are to conserve the peace; to investigate all violations of the criminal laws of the state as well as violations of the ordinances of the County; to cooperate with and assist the attorney general, the district attorney, or other prosecutor in the investigation and prosecution of violations of the criminal laws of the state as well as violations of the ordinances of the County; to respond to calls for service to protect and serve the citizenry; to investigate injuries to persons and property; to provide emergency management services; to

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provide a consolidated dispatch system for all county emergency services; to provide detention services including the operation of the county jail; and to provide for animal control services.

The Sheriff's Office duties are to provide civil process service (including but not limited to service of summons, writs, and subpoenas) within the Incorporated County of Los Alamos as directed or requested by the municipal court as well as the courts of the State of New Mexico; to collect lawful fees from the provision of said civil process; to provide courtroom and court building security at the Justice Center; to assist with transportation of prisoners when certified law enforcement escorts are necessary; and to maintain the Sex Offender Registry.

If a citizen who is not certified as a law enforcement officer by the New Mexico Law Enforcement Academy Board is elected Sheriff, then that Sheriff may only perform administrative and ceremonial activities in support of the prescribed duties of the County's Sheriff's Office, unless and until that person is certified as a law enforcement officer by the New Mexico Law Enforcement Academy Board. Any Undersheriff, or Deputy Sheriff employed or deputized by the County's Sheriff's Office, shall be certified as a law enforcement officer by the New Mexico Law Enforcement Academy Board. If an employee of the County's Sheriff's Office is not certified as a law enforcement officer by the New Mexico Law Enforcement Academy Board, then that employee may only perform administrative duties in support of the prescribed duties of the County's Sheriff's Office. If the County's Sheriff's Office needs additional certified law enforcement officers to carry out its prescribed duties, certified law enforcement officers of the County's Police Department may be cross-deputized by the Sheriff, but only with the written consent of the Police Chief.

If a certified law enforcement officer employed by the County's Sheriff's Office, or a Sheriff who is a certified law enforcement officer, encounters criminal activity or an emergency situation, then that certified law enforcement officer may take appropriate action to preserve public safety, and shall immediately contact and summon the County's Police Department.

If the County's Sheriff's Office reasonably believes that the integrity of a criminal investigation would be compromised if carried out by the County's Police Department, or the County's Sheriff's Office is advised by the attorney general, the district attorney, or other prosecutor, that the integrity of a criminal investigation would be compromised if carried out by the County's Police Department, then the County's Sheriff's Office may conduct the criminal investigation, or cooperate with and assist the attorney general, the district attorney, or other prosecutor in conducting that criminal investigation.

II. All other provisions of ~~Ordinance-Resolution~~ No. 16-10 not amended here remain in full force and effect.

PASSED AND ADOPTED this ____ day of _____, 2017.

**COUNCIL OF THE INCORPORATED
COUNTY OF LOS ALAMOS**

David Izraelevitz
Council Chair

ATTEST:

Naomi D. Maestas
Los Alamos County Clerk

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