

**MINUTES
REGULAR MEETING
LUNA COUNTY BOARD OF COUNTY COMMISSIONERS
Thursday, December 12, 2019**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 10:00 a.m. on Thursday, December 12, 2019 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 Chris Brice, County Attorney Charles C. Kretek, Executive Assistant Yossie Niebles, Clerk Andrea Rodriguez, Chief Deputy Clerk Berenda McWright, Probate Judge Diana May-Diaz, Deputy Clerk Pilar Salcido, Assessor Michelle Holguin, Chief Deputy Assessor Isabelle Enciso, Treasurer Gloria Rodriguez, Chief Deputy Treasurer Dora Madrid, Sheriff Kelly Gannaway, IT Technician James Ozment, Road Department Director Marty Miller, Human Resource Director Rosa Porras, Maintenance Director Paden Vendrely, Coordinator Joe Padilla, Emergency Management John Hefley, Dispatch Director Lauree Sanchez, LCDC Director Pablo Montoya, Program Director Jecca Jara, Administrative Assistant Patricia Rodriguez, and Budget & Procurement Director/Indigent Claims Administrator Joanne Hethcox.

CALL TO ORDER: Chair Smrkovsky called the meeting to order at 10:01 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 entertained a motion to approve the agenda. Commissioner Sweetser moved to approve the agenda as submitted. Commissioner Reedy seconded the motion which carried unanimously.

MINUTES:

- **Regular Meeting – November 21, 2019:** Upon a motion made by Commissioner Reedy and a second by Commissioner Sweetser the Minutes of the November 21, 2019 Regular Meeting were unanimously approved.

SERVICE AWARDS: LCDC Sergeant Richard Casillas presented a twenty year service award to Martha Garcia.

Program Manager Jecca Jara presented a five year service award to Rosie Moreno from the Healing House.

RETIREMENT: County Manager recognized individuals retiring from Luna County service.

- Mark Jasso 23 years
- Danny Gonzales 22 years
- Moses Pastran 20 years
- Benny Ramon 17 years
- Carolina Trevizo 13 years

ELECTED OFFICIALS REPORTS: Sheriff Kelly Gannaway reported the overall stats for the month of November are up from October with one DWI. The overall grand totals are up. Court Security Officer Brittany Hethke has accepted a bailiff position at District Court so a position has opened there. Sheriff Gannaway stated that Shop with a Cop was a great success and thanked everybody who helped especially Chuck Kretek who did a tremendous job organizing the program.

Assessor Michelle Holguin reported they have entered all new tax rates and everything went smoothly. She provided the Board with a final abstract values for Luna County for 2019 along with a 2018 comparison of last year's values. Ms. Holguin stated they are getting ready for the first of the year and will be mailing out livestock and personal property statements by December 31st, along with the new forms to update records in the Assessor's Office. She mentioned there will be an agricultural land application and a commercial property rent/lease form which was added this year. The limitation and disabled exemption's minimum income requirements has changed from \$32,000 to \$35,000 for 2020. All exemptions will be available for the public to sign up after January 1st including family, veteran, non-governmental exemptions as well as manufactured home sticker pick up. Manufactured home stickers, livestock and personal property are due by February 29th without incurring a 5% penalty. All exemptions must be applied for by April 30th. Ms. Holguin also stated she has two appraisal employees attending the 2nd IAAO appraisal course to help them obtain their certification. Ms. Holguin wished a Merry Christmas and Happy New Year to the Board on behalf of herself and her staff. She also thanked the County Manager, Commissioners, Chief Deputy Assessor Isabel, her staff, fellow Elected Officials, Directors, co-workers and the public for helping her with the transition from employee to her new elected official position. She stated it has been a smooth transition.

Clerk Andrea Rodriguez reported business as usual with a little more traffic with everyone paying taxes. She stated there are two elections scheduled for next year.

Treasurer Gloria Rodriguez reported the Treasurer's Office is very busy as they mailed the tax bills on November 26th and are very busy collecting taxes by phone, on line and processing by mail. The Treasurer's Report has been balanced to the penny and will be submitted by e-mail at the end of the day. They have three part time employees for tax season to help with the mail. Ms. Rodriguez also stated the first part of the tax bill is due by January 10th without having to pay a penalty and interest.

Diana May-Diaz reported since November's meeting she has had 125 probates with nine new ones for a total of 134 year to date and five are without wills. Mr. May-Diaz stated she performed one marriage in November. She also wanted to inform the Board that last year the Chief Supreme Court Justice wanted to completely do away with the position of Probate Judges across the State which died in the Senate. Now the Chief Justice wants to change the name of Probate Judges but not sure at this time what that will be. She also stated there is a proposed Bill to have a Probate Judge serve in a different county if there is an extended illness or leave of absence and it will be upon the receiving County of the Probate Judge to take care of those expenses.

COUNTY MANAGER'S REPORT: County Manager Chris Brice reported on the following items:

- Dispatch had 309 warrants served in the County, 18 of those were out of Luna County. There were a total of 1,083 "911" calls for the month of November. Two dispatchers have been hired and Erica Garcia started the dispatch academy on December 2nd and will be graduating next Friday.
- The Detention Center has 803 booked, 342 released, 465 is the daily average, with 341 being US Marshalls. Thirteen new hires started the academy and the department is currently fully staffed. Sergeant Apodaca went to Santa Fe to become fully certified as a weapon's instructor for pistol, rifle and shotgun. He can now qualify Police, and Sherriff's Officers as a certified instructor. Mr. Brice stated the detention center is looking at a January 6th start up for the new system which includes video visitation, new phones and new computer software for managing inmates.
- The Road Department has been having a difficult time due to the rains and the road conditions which is causing individuals to become stranded in their houses. Mr. Brice stated he is going to put a new system in place to track road graded activity and when the public can expect the next grading activity.
- Budget Procurement – The hospital has recently notified us they were no longer going to treat the County inmates because they are not being paid for their services. Mr. Brice stated he was under the impression that the safety net care pool was reimbursing the hospital for indigent services. Mr. Brice stated they are looking at various avenues to fund the \$200,000 a year expense which the hospital has been writing off as a loss all this time.
- The Stone Garden Grant is getting caught up. Laura has been traveling to Santa Fe, Dona Ana County, and Albuquerque meeting with all the resident experts to get up to speed and get caught up on billing for that program.
- The Human Resources Department has seven new hires, one of those in Dispatch, one in the Road Department and five in the Detention Center. Four employees have been off boarded. They have another employee hired under the Salary Assistance Program.
- Starmax is down about \$20,000 from last year this month. Mr. Brice will speak with Director Tom Long to try and determine the reason for the drop. Fire detection and sprinkler systems are currently being worked on, the detention center maintenance was sent to Starmax to try to determine why the bar/eating area is getting filled with smoke. Mr. Brice believes they have figured out what the problem is and possibly have a resolution to correct the issue.

- Community Health and Well Being area includes the Healing House, CASA, Parents as Teachers, Top Program, Aim, Reading and Math Intervention, JJCS Literacy, Swag Program, Adult Drug Court and Health Council. All these programs are vital to the community. Mr. Brice invites all to get more informed on these programs.
- Emergency Management received 3,000 to 4,000 sleeping bags from Border Patrol who got them from the Forestry Service. They are being stored at the Detention Center and can be used in an emergency situation.
- Local Emergency Planning Committee (LEPC) is on track thanks to John Hefley being here and taking that over.
- Health Council did a Sexually Transmitted Infectious training for all departments at Deming High School. We are working with Census Complete Count Committee to pass out flyers and information.
- Luna County Fire had two brush fires, and a structure fire. The County conducted pump testing for the engines, something that had not been done in a while but is part of our requirement for ISO ratings and is also a requirement to get grants. Two pumps passed and one needs to be looked at and possibly retested.
- Keep Luna County Beautiful had a recycled art show at Deming Art Center which was held through the month of November.
- IT had 136 work orders and completed 115. Cameras have been installed in the Treasurer's Office and the entry ways. Mr. Brice stated he is looking into remodeling the old IT/jail area to get the IT back in there and comfortable.
- Planning had five new code enforcement cases for the month, one of those has already been evaded.
- Community Development Block Grant (CDBG) – Mr. Brice stated he was in training in Albuquerque on Tuesday and will hold a public hearing/meeting on December 26th to present possible projects for CDBG. The CDBG grant could be up to \$750,000 which is awarded to us every two years. Mr. Brice stated they will get public input on what they think needs to get done in the community which would be worthy of applying for the grant. Once the public input is complete, the plan is to get a Resolution passed to apply for the funding and pick a worthy project.
- Columbus Berm Project is starting 2021, they will be able to utilize the Army Corp of Engineers due to the Governor signing the Declaration. Lots of good stuff going on at the Village of Columbus.
- An all employee meeting is scheduled at the Learning Center on December 20th.

INDIGENT CLAIMS REPORT: Upon a motion by Commissioner Reedy and a second by Commissioner Sweetser, the meeting of the Board of County Commissioners was recessed and the meeting of the Indigent Hospital Claims Board convened. Budget and Procurement Director Joanne Hethcox reported in November there were seven claims in the amount of \$11,884.11 and one denial in the amount of \$1,600.80. The total gross receipts collected in November was \$49,258.46. The balance in that fund is \$1,210,566.25, of which \$597,681.20, is encumbered for obligations. Ms. Hethcox stated for this year the County added care of prisoner cost. She stated it is the first year it has topped over a million dollars, it is at \$1,098,000 to November 30th for the care of our inmates not involving the safety net care pool or anything else. Chair Smrkovsky stated Ms. Hethcox had stated

previously she would be re-visiting the indigent claims policy and she believes it should be done sooner rather than later. Commissioner Sweetser moved to approve the Indigent Claims report in the amount of \$11,884.11. Commissioner Reedy seconded the motion which carried unanimously. Commissioner Reedy motioned to recess as a Claims Board and reconvene as a County Commission. Commissioner Sweetser seconded the motion which carried unanimously.

PUBLIC COMMENT: Chair Smrkovsky opened the floor to public comment: Susan Schiffner commented that she has all the confidence in the world in the new County Manager which was recently chosen. Ms. Schiffner has concerns on the fly situation and now has 256 signatures on her fly petition.

Alberta Morgan is concerned about the waived fees in the new Animal Ordinance. She also asked that the County donate some sleeping bags to the homeless facility at Silver Linings which she volunteers for. Mr. Brice said he would look into getting sleeping bags to them if it is possible and does not violate any rules.

Christine Ann Harvey reported the Christmas Tree Lighting was a success and thanked Mr. Brice for his participation and for allowing them to use County property. Ms. Harvey updated the Board on the light at Leyendecker Plaza and Pie Alley.

John Richmond Executive Director of Deming Luna County Chamber of Commerce gave local updates on activities past and future.

CONSENT AGENDA: Commissioner Sweetser asked County Manager what the dotted line signified on the Luna County Organization chart, Mr. Brice responded, "it is indirect supervision where as a solid line signifies direct supervision". Upon a motion by Commissioner Reedy and a second by Commissioner Sweetser the following items of the Consent Agenda were approved unanimously following a roll call vote.

- a. **Accounts Payable: \$1,036,095.39**
- b. **Payroll: \$1,170,106.80**
- c. **2020 Luna County Holiday Schedule**
- d. **Luna County Organizational Chart**

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

- a. **Resolution 19-58 Budget Increases:** Budget and Procurement Director/Indigent Claims Administrator Joanne Hethcox explained each budget increase line item in detail to the Board. Commissioner Sweetser moved to approve Resolution 19-58 Budget Increases. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote.
- b. **Resolution 19-59 Budget Transfers:** Ms. Hethcox explained the four budget transfers are intra-fund transfers moving from one line item to another for the most part it is cleaning up line items and allowing for spending for the remainder of the fiscal year. Commissioner Reedy moved to approve Resolution 19-59 Budget Transfers. Commissioner Sweetser seconded the motion which carried unanimously following a roll call vote.

- c. Animal Ordinance Fee Schedule:** County Attorney Charles Kretek explained the Animal Ordinance fees and recommended amounts. The fees are what are already in the Ordinance and the amounts are similar to other Counties. Sande Foster from Humane Society commented that we need to let the public know of these fees which are effective now until July of 2021. She also commented on the relinquishing fees which has been hard because all other places in the State do not charge to take in animals, El Paso charges \$100 and you have to make an appointment to relinquish. Ms. Foster's concern is animals will be thrown in the desert or simply thrown over the fence at the Humane Society to avoid paying the fees. She suggested the County spend at least six months getting the word out to the public regarding the fees and set two days of the month to do so. For example the first and third Wednesdays when people can drop off animals to shelter and relinquish them at no charge to ease into the change. Deceased animal pick up fees are currently \$10 but if a vet calls to pick up a euthanized animal, the shelter does not charge any fees for vet pick-ups nor do they want to. She also stated the shelter currently charges fees to bury a cat in the amount of \$35 and the most they have charged is \$180 for 180 pound dog. Ms. Foster has provided the Board with a report on what is being done in regards to the distemper outbreak at the facility. She just received notice four more animals were just put down due to distemper and they were put down on the recommendation of the State Board of Veterinary medicine and Dr. Haynes. Mr. Kretek clarified the fact that although the ordinance is in place now the fees will not take effect until June of 2020. Commissioner Reedy motioned to approve the Animal Ordinance Fee Schedule. Commissioner Sweetser seconded the motion which carried unanimously following a roll call vote.
- d. Addendum to Memorandum of Agreement between Luna County and Deming Luna County Humane Society:** Mr. Kretek explained that because of the approval of the new Animal Ordinance, the additional responsibilities added to the Humane Society and the 2,000 animals being surrendered per year to them. The Humane Society has asked for \$10,000 and in exchange they are going to provide the County with additional reporting. The County will also be providing the Humane Society with an Animal Control unit for their use to enforce our Ordinance. We will also help them with grant writing, provide maintenance and insure the donated vehicle. Commissioner Reedy motioned to approve Addendum to Memorandum of Agreement between Luna County and Deming Luna County Humane Society. Commissioner Sweetser seconded the motion which carried unanimously following a roll call vote.
- e. Collective Bargaining Agreement Modification for LCDC – AFSCME #2061:** County Manager Chris Brice explained that negotiations have been ongoing since April and very few things were on the table for the Detention Center. The main topic was an increase in salaries of \$800 per person which had been approved by the Commissioners previously and how we split that out amongst the bargaining unit members. Commissioner Sweetser motioned to approve Collective Bargaining Agreement Modification for LCDC – AFSME #2061. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote.
- f. Collective Bargaining Agreement Modifications for LCSO – AFSCME #1764:** Mr. Brice explained that raises were an issue and all have signed and have agreed. Commissioner Sweetser motioned to approve Collective Bargaining Agreement Modifications for LCSO

- AFSCME #1764. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote.

- g. Road Maintenance Application:** Road Department Director Marty Miller stated he received an application to maintain Amado Road SW and north of 418. Mr. Miller explained he has documentation including law suit information pertaining to this exact area which he will be providing to the County Attorney. Mr. Miller stated the information he is providing is from issues beginning in 2003. Mr. Brice stated they will review all of the documentation and contact the applicant. Chair Smrkovsky asked for more information on this issue to be reported back to the Commissioners.

EXECUTIVE SESSION: to discuss limited personnel matters pursuant to 10-15-1(H)(7) NMSA 1978 Subject to Attorney/Client Privilege for Pending Litigation (Najera): Commissioner Reedy motioned to go into Executive Session pursuant to 10-15-1(H)(7) NMSA 1978 Subject to Attorney/Client Privilege for Pending Litigation (Najera). The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote. The Commissioners went into Executive Session at 11:21 p.m. and returned from Executive Session at 11:42 p.m.


Commissioner Reedy motioned to return from Executive Session where no other matters were discussed other than Attorney/Client Privilege for Pending Litigation. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.

UPCOMING MEETINGS: Chair Smrkovsky announced the following upcoming meetings:

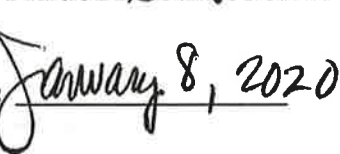
- Work Session – December 18, 2019 @ 9:00 a.m.
- Finance Committee – December 18, 2019 @ 10:00 a.m.
- Regular Meeting – January 8, 2020 @ 10 a.m.
- Work Session on Policy Reviews – Future Scheduling

ADJOURN: Upon a motion made by Commissioner Reedy and a second made by Commissioner Sweetser the meeting was adjourned at 11:50 a.m.

ATTEST:



ANDREA RODRIGUEZ, LUNA COUNTY CLERK

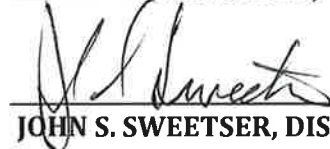
APPROVED:



LUNA COUNTY BOARD OF COUNTY COMMISSIONERS


BARBARA L. REEDY, DISTRICT 1


LINDA M. SMRKOVSKY, DISTRICT 2


JOHN S. SWEETSER, DISTRICT 3