

**MINUTES
REGULAR MEETING
LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS
Thursday, June 11, 2020**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 10:00 a.m. on Thursday, June 11, 2020 in the 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. Due to the Covid-19 Pandemic and the Governor's Orders regarding social distancing, the commission meeting was also conducted via teleconference and webcasting with a minimum in attendance from the public and staff.

The following staff and elected officials were present: County Manager Chris Brice, Executive Assistant Yossie Nieblas, Deputy Clerk Pilar Salcido, Chief Deputy Clerk Berenda McWright, Assessor Michelle Holguin, Chief Deputy Assessor Isabelle Enciso, Sheriff Kelly Gannaway, Captain Michael Brown, IT Technician James Ozment, Road Department Director Marty Miller, Community Development Director Premal Patel, and Safety & Risk Coordinator Tyler Massey. Other directors and elected officials were present virtually.

CALL TO ORDER: Chair Sweetser called the meeting to order at 10:02 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, District 2
John S. Sweetser, Chair District 3**

APPROVAL OF AGENDA: Chair Sweetser entertained a motion to approve the agenda. Commissioner Smrkovsky moved to approve the agenda as submitted. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote.

MINUTES: Upon a motion made by Commissioner Smrkovsky and a second by Commissioner Reedy the Minutes of the Work Session on May 8, 2020, the Regular Meeting of May 14, 2020, the Work Session of May 20, 2020, and the Special Meeting of May 27, 2020 were unanimously approved following a roll call vote.

SERVICE AWARDS:

- David Montano was not present to receive his five year pin. Assessor Michelle Holguin presented and accepted Mr. Montano's five year pin.
- Samantha Grimes from the Detention Center was not present to receive her five year pin.
- Robert Ramirez from the Sheriff's Office was not present to receive his five year pin.
- Robert Nordorff was presented his five year pin by Sheriff Gannaway.

ELECTED OFFICIALS REPORTS: Assessor Michelle Holguin reported a position has opened up in the appraisal department and she hopes to have it filled soon. The appraisal staff is busy working on protests and will be doing reviews on protest properties and meeting with Protestants. Ms. Holguin also reported they are currently working on calculating the 2021 reappraisals. The GIS Department is getting the maps ready to publish by the end of the year. Property Tax Division has filed an extension to certify their central assessed values, which pushes back the certification of property taxes to July 15th.

Chief Deputy Clerk Berenda McWright apologized that Clerk Andrea Rodriguez could not be present to report. Ms. McWright thanked all those involved for their contribution to the recent Primary Election, with the pandemic and the increased absentee ballots requiring a lot of extra work. She especially thanked Elections Administrator Leslie Nabours for always being overly prepared for every circumstance. She thanked Emergency Manager Phillip Rodriguez for making sure we had all the PPE and met all of the requirements as well as completing the inventory the day after the election. She thanked maintenance and Mr. Brice for all their help and the IT department. The clerk's office staff really had to step it up and work together and it all went well. Commissioner Smrkovsky asked if any ballots were received late. Ms. McWright stated they did and those ballots are required to be logged in as late received ballots. Ms. McWright estimated she had processed ten late ballots so far. Ms. McWright also stated there were about 300 absentee ballots still out, which means a ballot was issued but had not been returned. Those individuals could have still voted at the polls so it does not necessarily mean they missed their opportunity to vote.

Chair Sweetser stated they received Probate Judge Diane May-Diaz's report electronically.

Sherriff Gannaway reported the crime has been up and down but is mostly trending down. The non-criminal which is their paper service for some reason has sky rocketed. The totals are higher because of the paper process overall. Sheriff Gannaway stated they just hired three new deputies, Antoinette Calderon from the State Police, Paul Garcia who was a Detention Officer, and Lorenzo Rivera who was also a Detention Officer but from Grant County. He also stated that he has two deputies deployed overseas and reported they should be back in September, one other deputy will be deployed soon. They have three new vehicles and have twelve old vehicles to sell in the upcoming auction.

Commissioner Smrkovsky stated that she was on the CEO meeting call yesterday for the Southwest Area Workforce Development Board. One thing that came up was the recertification of our area, which she was told was mandated by the Cabinet Secretary for Workforce Solutions. Ms. Smrkovsky had a conversation with New Mexico Economic Development person in which she learned our area is the only area aligned with the State Economic Development, the other seven counties are not. Christine Logan is our representative until December in which another representative and another district will be added. Ms. Smrkovsky stated that Luna County brings a lot to the table because of high unemployment and low family income. Yet this county does not get as much funding from the programs because they are being held in Dona Ana County, due to higher participation. She brought up that they needed to probably look at re-assessing what we do. She suggested the two Cabinet Secretaries could get together to re-assess because they transfer so much money out of Luna County to the bigger Counties. She stated she would hope they will customize programs for smaller groups

of people trained to do what they are doing in Dona Ana County. Commissioner Reedy asked how that was perceived, Commissioner Smrkovsky responded “not well”.

COUNTY MANAGER’S REPORT: County Manager Chris Brice reported that he was invited by Christine Ann Harvey to speak about Luna County at the Rotary Club meeting. Mr. Brice stated that Luna County is working with Keller & Associates to submit a Bill Grant in the amount of \$15 million to complete phases one and two of a project in Columbus. The County is working very closely with the Border Authority and Mario as well. The Capital Outlay amount the Border Authority received from the State is about \$5 million so far to start that project. The bill grant requires a 20% match, so we convinced the Border Authority to jump on board with us and use their money as our match for this \$15 million which should give us phase one. Phase one is the berm project on the west side of Hwy 11 to divert water into the reservoir and is designed as such the border patrol can drive on top of it. That was \$6.5 million worth of work. The second part of that was essentially a causeway building up Hwy 11 and a causeway to where the water will flow underneath into a retention lake. Together that would be about \$15 million requested through the bill grant. Keller and Associates seems to have a lot of confidence that the County will get this grant. With all the money spent by the Federal Government on the Port of Entry it would only make sense. Many have signed a letter of support for this project which went to the United States Secretary of State. Phase three would be the final phase of the program, would be the north side of Columbus re-routing that water through a channel down the east side of Columbus and eventually into Mexico into a retention lake. Premal Patel is doing a lot of Economic Development work. There is a company wanting to put a solar field north of town, they are working closely with John Strand on that. Mr. Patel is also identifying an engineering firm to look at our Starmax area to see how best to lay that out, not only as an entertainment complex but maybe an apartment complex with walking and jogging paths, something that would get the younger professionals to want to live in Deming. Cesar Chavez invited the Mayor of Deming and himself to Deming Public Schools and the Detention Center to gather up food from Road Runner and deliver to the Senior Center. Another one will be scheduled for later this month for another charity.

- Dispatch – A total of 9000 “911” calls for the month of May were received and only 100 warrants were processed. This was due to the fact that we do not take State Police warrants anymore. Most of the law enforcements are citing people to court and not taking them in. Dispatch is working on a radio communication project with the Road Department hopefully we can get that pushed through.
- LC Detention Center – A total of 210 individuals were booked and released. A total of 96 individuals were incarcerated and they have 126 Marshall Inmates. They are working with the Marshalls to get some negative tested transfers from Otero County. We received our first 25 the day before yesterday they are isolated to make sure they do not test positive. They were tested before they left Otero County then tested again when they arrived in Luna County. Once they test negative both times they will be put into population and then the detention center will accept another group. About 75% of the Otero County population have the virus so the next group of inmates received will most likely be those who have already recovered and tested negative. Then we will take another 25-40 and keep doing that until we

can get them out of that environment and it helps us out in the long run to build up our average daily Marshall Population. The Detention Center had one officer and twenty-two inmates decline to be tested. Staff has been tested three times and now they are on the 5% per week testing of staff which the Secretary of Health recommended. There are counties in New Mexico which made it voluntary to be tested which is frustrating because we made it mandatory. We chose to take it serious and make sure all are healthy to work. Commissioner Reedy asked if the County is out of test kits. Mr. Brice stated that when we received the inmates they also sent us 100 test kits and he had not heard from anyone of the test shortages. He said he would follow-up with the Emergency Manager Phillip Rodriguez.

- The Road Department received the tire shredder, set up and running. They believe they can shred three to five thousand tires a day. They had almost 30,000 tires for shredding.
- Mr. Brice stated that he is still working with Budget and Procurement Director Joanne Hethcox on the final 20-21 fiscal year budget. The preliminary budget has been submitted but there are a couple little things that they have had to change as far as finalizing the final budget.
- The Stonegarden Grant is going well and is all caught up on monthly invoicing.
- A total of three new Sheriff's Officers have been hired. Newly opened positions consist of two Truck Drivers, Detention Center Officers, an IT technician, an Appraiser, two Dispatchers and they are always looking for cooks and concession employees for Starmax.
- The Starmax sales for the month of May are zero. The sales for the month of May in 2019 were \$140,000. The restaurant has been opened. The camera system has been installed and recording capabilities. The art teacher from the high school is doing a mural on the south side of the building. Patsy and Premel came up with an idea for a really cool project, where they have huge murals with things unique to Deming for people to take pictures in front of. They are trying to get a grant from Keep Luna County Beautiful for that project.
- Community Health and Well Being – Casa is currently serving seven kids in Luna County and three in Hidalgo County and 33 in Grant County. Parents as Teachers has 115 clients in Luna County and 31 in Hidalgo. The Healing House in May alone served 22 clients.
- DWI has 99 misdemeanor DWI offenders which is too many.
- Emergency Manager Phillip Rodriguez continues to do a good job staying informed on what is happening state wide. Mr. Rodriguez is the single point of contact for all PPE for Luna County including the hospital. All of the PPE has to go through him up to the State back to him and back out. A drive through testing event was held in Luna County where 200 individuals were tested. They also did one in Columbus.
- Luna County Fire Resolution has been added to this topic. We had about four brush fires last weekend alone and because of the dryness were seeing a lot more fires.
- The IT Department received 154 work orders for the month and completed 121.
- Keep Luna County Beautiful had to cancel the events due to Covid. They are working on the Colonias Grant with the Road Department for next year.
- Planning and Development Director Premal Patel is always looking for grants and is doing a very good job. Mr. Patel is working on project management training for his staff which is good for us all.
- The big projects going on in the Maintenance Department are demolishing the roof at the old IT/jail. The Maintenance Department saved the County approximately \$300,000 by demolishing that roof. They have also been working on parking lot stripes everywhere.

- The Court House painting did not turn out as well as expected, they need to touch up a few things.
- They are working on cleaning and making Starmax more pleasant.
- The survey for Park Plaza is done, found asbestos in the tile and the mastic underneath. We have a quote for removal.
- The tile has been ripped out by in-mates, Cesar Chavez students and everyone else at the neo building. That building is being leased to Crystal for a pre-K program. They are trying to get tile in that building so that it will be ready to move into.
- The pavilion is the next project. Approval has been received to re-do the sides and extend the roof out to the concrete pad for bands. They are still working on getting the American flag back to where it used to be.
- Magnesium Mine – The call was to be strictly for the mine site but many questions were made regarding the roads. None of those roads are equipped for the trucks. A Road Excise Tax will need to be implemented and levied.

INDIGENT CLAIMS REPORT: Upon a motion by Commissioner Reedy and a second by Commissioner Smrkovsky, the meeting of the Board of County Commissioners was unanimously recessed and the meeting of the Indigent Hospital Claims Board convened.

County Manager Chris Brice reported five claims for the month of May in the amount of \$6,257.04. The gross receipts collections totaled \$81,886.74 and the balance for the Indigent Claims Fund totaled \$1,159,348.90, of that \$118,145.50 is encumbered. Inmates cost so far this year is \$869,000. Commissioner Smrkovsky motioned to approve the Indigent Claims Report as presented. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote.

Commissioner Reedy motioned to recess as a Claims Board and reconvene as a County Commission. Commissioner Smrkovsky seconded the motion which carried unanimously following a roll call vote.

PUBLIC COMMENT: Chair Sweetser opened the floor to public comment. Alberta Morgan came before the board and expressed her concerns with attending the meeting by phone. “It doesn’t work all voices were garbled terribly”. Ms. Morgan asked how much money has the County lost in sales tax due to the virus? Mr. Brice responded, that for the month of March the sales tax were higher than in the previous year. He did not have April’s numbers yet. She asked for any presenter to speak into the microphone. She asked if the County has a stand on the Magnesium Mine. The County at this time does not have a stand on the mine.

Executive Director of Deming/Luna County Main Street Program Christy Ann Harvey commended the Board of Commissioners for their choice on the County Manager of Chris Brice. She is so pleased and astounded by the grasp this man has taken of the operation here including his involvement not only in this Commission and the County but also in the City in various altruistic activities. We are very fortunate to have him here. Ms. Harvey gave a report regarding updates and events on Main Street projects and stated they continue with some projects.

CONSENT AGENDA: Upon a motion from Commissioner Smrkovsky, and a second by Commissioner Reedy the Consent Agenda was approved unanimously following a roll call vote.

- a. Accounts Payable: \$921,733.50
- b. Payroll: \$1,054,225.32

- c. Oath of Office and Appointment of Deputy Sheriff Paul A. Garcia
- d. Oath of Office and Appointment of Deputy Sheriff Lorenzo Rivera
- e. Oath of Office and Appointment of Deputy Sheriff Antioinette Calderon

NEW BUSINESS:

- a. **Resolution 20-33 Budget Increases.:** Commissioner Reedy moved to approve Resolution 20-33 Budget Increases. Commissioner Smrkovsky seconded the motion which carried unanimously following a roll call vote.
- b. **Resolution 20-34 City of Deming and Luna County Multi-Services Agreement:** County Manager Chris Brice explained we have had a multi-services agreement for some time which was expiring in July of this year. He sat down with City Manager Aaron Sera and they both agreed to the premise that the County and the City should not try to make money off of each other. We both have services offered that cost money to provide. In the new agreement the County came out for the best of about \$72,000 compared to last year's agreement. Mr. Sera increased quite a bit of funds that he provides to dispatch. We increased some of the funding we give to the dump and collection sites so that the County residents can continue to use those sites. The City used to pay by the hour for their inmates but will now be paying a cost per day of \$55. For the most part the rest stayed the same. Commissioner Smrkovsky asked how much the solid waste increased. Mr. Brice responded \$20,000. Then she asked about the \$5,000 recycling charge. Mr. Brice explained that was reduced from \$8,000 to \$5,000 and the ambulance went up to \$50,000. Commissioner Reedy moved to approve Resolution 20-34 City of Deming and Luna County Multi-Services Agreement. Commissioner Smrkovsky seconded the motion which carried unanimously following a roll call vote.
- c. **Resolution 20-35 Budget Transfers:** Commissioner Smrkovsky moved to approve Resolution 20-35 Budget Transfers. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote.
- d. **Resolution 20-36 Consideration of Firework Restrictions:** County Manager Chris Brice explained that this resolution is standard due to dryness. City Manager Aaron Sera is still going through with the Fourth of July fire work display which is centralized and protected. The County is trying to reiterate the fact that it is extremely dry and we have a volunteer fire department. Although Pablo is doing an excellent job on recruiting, it does tap our resources when we have two or three wild fires going on at one time. Commissioner Reedy moved to approve Resolution 20-36 Consideration of Firework Restrictions. Commissioner Smrkovsky seconded the motion which carried unanimously following a roll call vote.
- e. **Luna County Salary Plan:** County Manager Chris Brice explained that this plan was done in 2016 and in 2017 we decided to not incorporate it due to it being a tremendous hit to the budget to get everyone into this salary plan. The decision was made to bring on new hires into this salary plan and then as we could bring current employees up somewhere into the new salary plan. Mr. Brice stated he believes we are in a situation now to implement this salary plan if approved. He also stated that he has been unable to verify the fact that a new salary plan must be done every five years. Commissioner Smrkovsky

said that when a new salary plan is created before being implemented it must be approved by the Commission. Mr. Brice stated that almost everyone is either at minimum or slightly above minimum. Commissioner Reedy moved to approve Luna County Salary Plan. Commissioner Smrkovsky seconded the motion which carried unanimously following a roll call vote.

- f. Certification of Fixed Assets:** County Manager Chris Brice explained that since he has been at the County we have had a procurement code which is unreasonable. The county has equipment that has not been identified and other equipment that is identified and needs to be located. Currently there is no department head accountability for inventory. Mr. Brice believes when Directors change over a count of inventory should take place at the end of Directors term and the beginning of a Directors term. The Director's should be taking responsibility for their own departments' inventory. Mr. Brice stated he has a plan to get this in place starting with vehicles. The county is insuring vehicles that we have not had for three to five years. We have vehicles that we have been driving around for three years that have never been put on the insurance. Commissioner Smrkovsky moved to approve Certification of Fixed Assets. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote.
- g. Removal of Assets:** County Manager Chris Brice explained that there are computers that have been changed out. The last item one on the list is the retiring canine. Commissioner Smrkovsky moved to approve Removal of Assets. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote.
- h. Authorize the Budget Procurement Department to make necessary intra department budget adjustments to clean up line items before end of fiscal year:** Commissioner Smrkovsky asked that the County Manager Chris Brice present to the Commission items adjusted. Mr. Brice stated he will present adjustments to clean up line items in the July meeting. Commissioner Smrkovsky moved to approve to authorize the Budget Procurement Department to make necessary intra-department budget adjustments to clean up line items before end of fiscal year. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote.

Certification of Canvass Results for the Primary Election 2020: Ms. McWright reported on the results of the election and explained comparisons of previous primary elections. Commissioner Smrkovsky moved to approve Certification of Canvass Results for the Primary Election 2020. Commissioner Reedy seconded the motion which 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 limited personnel matters: Commissioner Reedy motioned to go into Executive Session pursuant to 10-15-1(H) (2) NMSA 1978 pertaining to limited personal matters. The motion was seconded by Commissioner Smrkovsky and carried unanimously following a roll call vote.

The Commissioners went into Executive Session at 11:56 a.m. and returned from Executive Session at 12:51 p.m.

Commissioner Reedy motioned to return from Executive Session where no other matters were discussed other than limited personal matters where no action was taken. The motion was seconded by Commissioner Smrkovsky and carried unanimously following a roll call vote.


UPCOMING MEETINGS: Chair Sweetser announced the following upcoming meetings:

- Regular Commission Meeting – July 9, 2020 @ 10 a.m.
- Finance Review Committee Meeting – June 17, 2020 at 10:00 a.m.
- Complete County Committee June 23, 2020 at 4:00 p.m.

ADJOURN: The meeting was adjourned by Chair Sweetser at 12:52 p.m.

ATTEST:

LUNA COUNTY BOARD OF COUNTY COMMISSIONERS


ANDREA RODRIGUEZ, LUNA COUNTY CLERK


BARBARA L. REEDY, DISTRICT 1

APPROVED: 


LINDA M. SMRKOVSKY, DISTRICT 2


CHAIR, JOHN S. SWEETSER, DISTRICT 3

