

**MINUTES
REGULAR MEETING
LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS
Thursday, August 13, 2020**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 10:00 a.m. on Thursday, August 13, 2020 in the in the Basement Training room 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, County Attorney Charles Kretek, Deputy Clerk Pilar Salcido, Deputy Clerk Rachel Bishop, Assessor Michelle Holguin, Chief Deputy Assessor Isabelle Enciso, Sheriff Kelly Gannaway, Captain Michael Brown, IT Help Desk Debbie Seats, Road Department Director Marty Miller, Community Development Director Premal Patel, and Budget & Procurement Director Joanne Hethcox. Other directors and elected officials were present virtually.

CALL TO ORDER: Chair Sweetser called the meeting to order at 10:00 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 consent agenda as submitted. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote.

MINUTES: Upon a motion made by Commissioner Reedy and a second by Commissioner Smrkovsky the Minutes for the Regular Meeting of July 9, 2020, Work Session of July 23, 2020 and Special Meeting of July 27, 2020 were unanimously approved following a roll call vote.

ELECTED OFFICIALS REPORTS: Assessor Michelle Holguin reported they received evaluations back from the Property Tax Division in which the Assessor's Office was found to be in compliance, with no statutory requirement discrepancies. Ms. Claudia Lucero from Property Tax Division wrote a very positive statement giving the Assessor's Office much praise for their performance. Ms. Holguin further reported they are getting ready to fill two positions within their office, one for Appraiser Associate and the other for County Service Specialist. Interviews are scheduled for next week.

Sherriff Gannaway reported for the month of July, burglaries, larcenies and accidents are up, overall totals are up. Officer Baeza has returned to his training at the law enforcement academy and should be finished by the end of August. Deputies Sias and McBurney have returned from their tour in Africa but are currently quarantined and should be returning to work in September. Sherriff Ganaway further reported they are in the process of hiring more deputies. Commissioner Reedy asked Mr. Gannaway about the cameras used by the Deputies. Mr. Gannaway responded that he has already implemented the use of cameras by his Deputies but has reached out to Ms. Torres-Small to see if they are eligible for any funds to help in the maintenance and storage.

Commissioner Smrkovsky clarified that the Elected Officials potential salary increase if approved, can only be issued at the next election run. This was confirmed by Steven Copleman and Linda Stover. They explained that by statute the County has to issue increases after an election. She also stated the Board will visit the Elected Officials increase again in November or December.

COUNTY MANAGER'S REPORT: County Manager Chris Brice reported:

- Dispatch – Had over 10,500 calls for the month of July. The department is struggling with consoles and computers with them shutting down and not archiving data so the State had to get involved on numerous occasions. To make resolutions easier it was decided that State equipment will be installed which will be maintained by the State and our IT will be able to wash their hands of the equipment. Four State computers are being brought in pre-loaded and imaged by the State and will be strictly handled by the State.
- Detention Center – Marshalls inmates are up to 200. Five individuals have graduated the academy last week. Luna County is currently the only intake facility for Marshalls in the State. Luna County has taken over Hidalgo's County detention center temporarily as they have some leadership issues. The plan is to put the Hidalgo detention center employees through our academy starting on the 24th which will include Covid training. During this training time all inmates currently in the Hidalgo Detention Center are being moved to the Luna County Detention Center. Hidalgo Detention Center will be considered the isolation unit for Covid for now.
- The Road Department has bladed 33.5 miles of road. Mr. Brice stated that in the contract between the City of Deming and the private waste management company, part of the money the City pays them is for them to take the tires from the County. The City gives us a break for dumping tires and we take care of their tires. The County is still working with Waste Management on the possibility of taking over the remote trash sites. Waste Management would like to put trash compactors out at those sites instead of trash containers to only pick up once a week.
- Budget and Procurement – The County is waiting for the final budget approval. Stonegarden is up to speed and in good standing thanks to Laura. The GRT received by the County is much higher than originally anticipated.
- The County has hired a dispatcher, three detention officers, a truck driver and we currently hired two seasonal IT individuals. The County currently has Detention Center Officers, Truck Drivers, Court Security Corporal, and a Mechanic openings. The County has implemented the

30, 60, 90 day evaluation process for all new hires, hopefully it will become routine. Leadership training on discipline for all Directors and Elected Officials has been held.

- Starmax sales for the month of July is \$1,900, this time last year sales were \$145,000. Mr. Brice stated that he is drafting the General Manager Job description for Starmax. Monica Bustamantes will be trained by Rosa, Joanne and Grisel to learn how to properly do things at Starmax so we do not get into the situation that we were in recently.
- Emergency Manager Phillip Rodriguez continues to work with the State Emergency Management team. The State previously provided us with all supplies needed. Mr. Rodriguez was the distributor throughout the County including the hospitals. Now, the State expects Mr. Rodriguez to prove that we can not purchase the items ourselves before they will send us the needed supplies. This is a change to the process it is unknown why this changed. We are getting reimbursed 75% through FEMA right now and believe we will get the remainder reimbursed through the CARES Act.
- Luna County Volunteer Fire Department responded to five brush fires, one vehicle fire, a structure fire and an RV fire. About fifteen to twenty individuals are participating in the volunteer fire department training being held on Sundays. Birthday parades are still being held.
- DWI has 95 individuals being tracked. Edith was submitted for the DWI award for our County because she deserves it.
- Community Health and Wellbeing – Samantha Apodaca has been doing a tremendous job. Yossie is taking over all the administrative functions for all the grant programs. Jessica Moreno still does the actual grant reporting for consolidating and reports to me.
- The IT Department received 204 work orders for the month.
- Planning and Development – The Federal bill grant for \$15,000,000 for storm water diversion down in Columbus has moved on to the next stage. The Planning Department is looking into the EDA grant to help support some of the visions we have out at Starmax regarding the business and apartment complex. Capital Outlay just finished the survey updating the vehicles and the \$750,000 for the Department of Health building. We lost \$116,000 of the Park Plaza building which expired on June 30th and the only person that can approve an extension at this point is the Governor or through the Legislative Conference. This project has been in the works since January but since Covid hit we have not been able to get the abatement team or the construction company mobilized here to start the project. The plan is to send a request to the Governor's Office to try to get back the money.

PRESENTATIONS:

- **Heritage Waters Coalition Presentation by Hayden Forward:** Board Member for Heritage Waters Coalition and Supervisor for the San Francisco Soil and Water Conversation District Hayden Forward gave an extensive presentation in opposition of New Mexico Wild and Scenic Rivers Act.

CALL FOR ORDINANCE:

Ordinance 96; Adopting a Special County Hospital Gross Receipts Tax (Continuation of GRT): Chair Sweetser entertained a motion to approve Ordinance 96. Commissioner Smrkovsky moved to approve Ordinance 96 Adopting a Special County Hospital Gross Receipts Tax (Continuation of GRT). Commissioner Reedy seconded the motion which carried unanimously following a roll call vote.

Ordinance 99; Process for Adoption of All Ordinances and Resolutions. Chair Sweetser entertained a motion to approve Ordinance 99. Commissioner Smrkovsky moved to approve Ordinance 99 Process for Adoption of all Ordinances and Resolutions. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote

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.

Budget and Procurement Director Joanne Hethcox reported one claim for the month of July in the amount of \$1,103.03. The gross receipts collections totaled \$184,906.20 and the balance for the Indigent Claims Fund totaled \$1,379,196.02, of that \$402,156.95 is encumbered. Commissioner Reedy motioned to approve the Indigent Claims Report as presented. Commissioner Smrkovsky seconded the motion which carried unanimously.

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

PUBLIC COMMENT: Chair Sweetser opened the floor to public comment. Alberta Morgan went before the board and expressed her concerns about having the Commissioners meeting in the basement and having to use the stairs, she felt the chambers has better equipment for presentations. Ms. Morgan also commented that with the new waste management in Deming she is concerned about all of the trash being thrown in the desert instead of being taken to the dump. She believes we should also hear from New Mexico Wilderness on the New Mexico Wild and Scenic Act.

Edward Khanbabian went before the board to express his concerns about using the basement for the Commissioner meetings. Mr. Khanbabian also suggested that before the Board of Commission makes any decision on New Mexico Wild Scenic Water's Act it would be good to hear from New Mexico Wild. Mr. Khanbabian wanted to know how the County is paying for the \$55,000 per month obligation to pay for the Starmax building with only making \$1,900 for the month.

OLD BUSINESS:

- a. **ETZ Variance Request: 3 Tracts in T23s, R9W:** Community Economic Development Director Premal Patel explained that Luna County has no jurisdiction to decide on the ETZ variance. County Manager Chris Brice explained that because of the way the ETZ was formed previously, and the way the County backed out of the ETZ including the location of the lots, the County does not have any say whatsoever. The decision falls completely on the City of Deming because of the one mile that the County left with the City to regulate. Commissioner Reedy asked that we start a dialog to enter into ETZ and make sure it works for all parties. Chair Sweetser entertained a motion to dismiss the request for variance as Luna County does not have jurisdiction. Commissioner Smrkovsky moved to approve the dismissal of the request for variance as Luna County does not have jurisdiction and to reestablish the three mile ETZ zone. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote.

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

- a. Accounts Payable: \$899,649.64**
- b. Payroll: \$1,532,408.02**

NEW BUSINESS:

- **Resolution 20-45 Agreement between Luna County and Southwest New Mexico Council of Governments & Appointments of Representatives:** Mr. Brice explained this is to appoint the voting member and the alternate for the Council of Governments. Commissioner Reedy moved to nominate County Manager Chris Brice as Luna County representative member and herself to be named as the alternate. Commissioner Smrkovsky seconded the motion which carried unanimously following a roll call vote.
- **Luna County Infrastructure Capital Improvement Plan FY 22-26:** Community Development Director Premal Patel explained that every year Luna County passes an infrastructure capital improvement plan. DFA has re-established a new computer software system recently which is causing some issues. Mr. Patel further reported that the current top ten projects for ICIP are:
 1. Healing Hourse Domestic Violence Shelter Improvement.
 2. Dispatch Communications Improvement
 3. Upgrade Dispatch Center
 4. Accelerate Luna County
 5. Fiber Installation
 6. Flood Prevention Projects
 7. Sunshine/Majestic View Improvement Project
 8. Maintenance Department Equipment
 9. Luna County Affordable Housing Plan
 10. Mimbres Valley/Special Event Center

Mr. Patel asked if anyone still has projects they would like to add to the ICIP that they communicate with him before final approval next month. Commissioner Reedy stated that a number of these projects may qualify for different funding sources and may not always be in this order, she wanted to make sure that is clearly understood. Chris Brice explained this has to be voted on next regular meeting and he recommended a work session be scheduled prior to the regular meeting to discuss each project.

- **Luna County Road Policy:** County Manager Chris Brice explained that since the last review of the road policy only misspellings have been corrected and that no changes to the substance of the policy have been made. Road Department Director Marty Miller explained that all maintained roads are maintained at least once a year. He further explained that if anyone would like to get a road added to the maintained road list they must first apply and petition for that addition. Then a decision will be made if that specific road can be added. Commissioner Reedy moved to approve Luna County Road

Policy. Commissioner Smrkovsky seconded the motion which carried unanimously following a roll call vote.

UPCOMING MEETINGS: Chair Sweetser announced the following upcoming meetings:

- Strategic Planning Committee Meeting – August 19, 2020 at 11:00 a.m.
- Census Parade – August 21, 2020 at 7:00 p.m.
- Complete Count Committee Meeting – August 25, 2020 at 4:00 p.m.
- Census Event with Congresswoman Xotchil Torres Small – September 3, 2020 at 1:00 p.m.
- LEPC Meeting – September 9, 2020 at 10:00 a.m.
- Regular Commission Meeting – September 10, 2020 @ 10 a.m.

ADJOURN: The meeting was adjourned by Chair Sweetser at 12:02 p.m.

ATTEST:

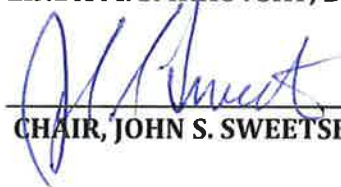

ANDREA RODRIGUEZ, LUNA COUNTY CLERK

LUNA COUNTY BOARD OF COUNTY COMMISSIONERS


BARBARA L. REEDY, DISTRICT 1

APPROVED: 09/10/2020


LINDA M. SMRKOVSKY, DISTRICT 2


CHAIR, JOHN S. SWEETSER, DISTRICT 3

