

**MINUTES  
REGULAR MEETING  
LUNA COUNTY BOARD OF COUNTY  
COMMISSIONERS  
Thursday, September 10, 2020**

**BE IT REMEMBERED** that the Luna County Board of County Commissioners met in regular session at 10:00 a.m. on Thursday, September 10, 2020 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, Chief Deputy Clerk Berenda McWright, Probate Judge Diana May-Diaz, Deputy Clerk Rachel Bishop, Assessor Michelle Holguin, Chief Deputy Assessor Isabelle Enciso, Sheriff Kelly Gannaway, IT Technician Joseph Apodaca, 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 10:02 a.m., and led the Pledge of Allegiance and the salute to the flag of New Mexico.

**ROLL CALL:** Deputy Clerk Rachel Bishop 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 Smrkovsky and a second by Commissioner Reedy the Minutes for the Regular Meeting of August 13, 2020 and the Work Session of August 26, 2020 were unanimously approved following a roll call vote.

**SERVICE AWARD:** County Manager Chris Brice presented five-year service awards to both JJCS Program Coordinator Desadaria Malina and Parents as Teachers Program Manager Viviana Silva. Parents as Teacher Program Manager Anna Barraza presented Program Educator Rosalba Lara with her five-year service award. Dora Madrid was not present to receive her service award for twenty years.

**RETIREMENT AWARD:** Frank Chavez was not present to receive his retirement award.

**ELECTED OFFICIALS REPORTS:** Assessor Michelle Holguin reported they received the 2020 tax rates from the Department of Finance with minimal change to the report which is on the agenda for approval today.

Ms. Holguin also reported that she was honored to have spoken at the August 2020 Rotary meeting regarding the importance of the Notice of Values and all of the many services provided by the Assessor's Office. They are finishing up four protests which will be heard by the Board next week. Two new employees have been hired: Petra Stevenson in the appraisal department and Mariela Higuera in the front office. Alexandria Garcia is moving to the Geographical Information System (GIS) Department as a GIS Data Analyst. GIS Coordinator Javier Reyes has been busy with the flood plain and the floods going on in the County.

Probate Judge Diana May-Diaz reported she had to petition the State Supreme Court to have in person contact with customers regarding Probates. She has not heard from the State in this regard so currently no in person meetings are being conducted. Year to date there have been 93 probates and 22 marriages.

Sherriff Gannaway reported for the month of August, assaults, burglaries and larcenies are down. Vehicle theft is up, one arson and one robbery were reported. Overall totals for criminal are down. Paper service is down, accidents are way up, no DWI's. Overall totals for both criminal and civil are down for the month of August. Officer Brandon Baeza graduated from the academy, received his certification and is back to work. Deputy McBurney and Sias are back from deployment and back to work. The department is pretty much fully staffed except for one Deputy.

Commissioner Smrkovsky reported that she attended the meeting for the Border Authority.

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

- Dispatch – Had almost 10,000 911 calls for the month of August, 116 warrants and 74 protection orders.
- Detention Center – Had 327 individuals booked and 186 released. The County currently has 217 Marshall Inmates. US Marshall's inspection was passed with flying colors. The County is hosting academy training for Hidalgo County. Covid 19 cross contamination occurred from Hidalgo County inmates with a current overall total of 50 cases.
- The Road Department is dealing with flooding the State will be helping with assessing the situation, they will be here on Monday.
- Budget and Procurement – Auditors will be in next week. The HazMat mitigation plan is starting. A grant was received for mitigation.
- Human Resource – Two new truck drivers, six Detention Officers, two individuals for the Assessor's office, an assistant in the Managers office, a Safety Coordinator and a part time Advocate for Helping Hands have been hired.
- Starmax will be opened this coming Friday from 5:00 p.m. to midnight with karaoke, Saturday from 5:00 p.m. to midnight. They are trying to get musicians to play. Dancing will not be

allowed. Sundays will be opened from 10:00 a.m. until 7:00 p.m. for football. On Taco Sundays all tacos will be 75 cents each all day during game time.

- Emergency Manager Phillip Rodriguez is extremely busy with road closures and flooding including the interstate flooding at mile marker 68 and the east side of 180.
- Luna County Fire - Assisted the County yesterday with road closures and getting people out of the water. Volunteers responded to three brush fires, three vehicle fires and two RV fires last month alone. They received new bunker gear for all volunteers. They are no longer taking birthday parade requests because they are fully booked.
- DWI has 96 misdemeanor offenders being tracked. Up-coming events currently being worked on are the NotInMyHouse Campaign and Mothers against Drunk Drivers.
- Community Health and Wellbeing - CASA is serving eight kids in Luna, one in Hidalgo and 31 in Grant County. Parents as Teachers are currently serving 109 clients in Luna County, 48 in Hidalgo and 300 food boxes are being distributed.
- The IT Department received almost 800 work orders for the month and knocked out 173. They are currently working on several projects.
- Economic Development/Planning and Development - Luna County received funding from the Cares Act grant and they are working on finalizing the ICIP.
- Maintenance - M Squared Electric LLC is working on the PNM lighting project. The Health Complex design is finalized. Park Plaza has pending asbestos issues before moving forward with demo and renovations. They are working on placing plexiglass in several departments.
- A funding request was received from Cheryl Lenhardt to purchase a holiday house.
- The Shop with a Cop program is being returned to the Luna County Sherriff's Department this year.

**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 three claims for the month of August in the amount of \$7,411.33, one claim was denied due to not meeting income guidelines. The gross receipts collections totaled \$258,296.71 and the balance for the Indigent Claims Fund totaled \$1,595,998.61, of that \$350,000 is the encumbered obligation to the Safety Net Care Pool (SNCP). The County has not encumbered the obligation to the SNCP yet but it should be coming shortly. Ms. Hethcox explained that "All Other Services" includes Las Cruces doctors, Cardiologists, and anything non-specific to this hospital or Deming EMS. She also explained that the Detention Center inmate expenses are partly funded out of this fund. Commissioner Smrkovsky motioned to approve the Indigent Claims Report as presented. Commissioner Reedy 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 to advise the Board of possible changes to the census deadline.

Susan Schiffner expressed her concerns regarding the onion sheds with health hazard as a result of unburied onions. She also stated she contacted the produce safety department and was told by them

that there are no regulations regarding the process of dumping onions. She will continue to complain about this issue until it is resolved.

Ray Trejo spoke in favor of the Wild and Scenic designation. He reported there are currently 125 miles in the State of New Mexico that are designated as Wild and Scenic.

**PUBLIC HEARING:**

- Ordinance 96 Amending the Delayed Repeal of a County Local Option Gross Receipts Tax (Increment 430): No public comment was forthcoming.
- Ordinance 99 – Process for Adoption of All Ordinances and Resolutions: No public comment was forthcoming.

**ORDINANCES:**

- a. Ordinance 96: Amending the Delayed Repeal of a County Local Option Gross Receipts Tax (Increment 430).** Commissioner Smrkovsky moved to approve Ordinance 96 – Amending the Delayed Repeal of the County Local Option Gross Receipts Tax. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote.
- b. Ordinance 99: Process for Adoption of All Ordinances and Resolutions.** Commissioner Reedy moved to approve Ordinance 99 – Process for Adoption of All Ordinances and Resolutions. Commissioner Smrkovsky 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 following a roll call vote.

- a. Accounts Payable: \$684,700.35**
- b. Payroll: \$1,053,276.85**
- c. Final Budget Approval**

**NEW BUSINESS:**

- a. Resolution 20-46 - Supporting the Amendment of the Delayed Repeal of Ordinance 96:** County Manager Chris Brice explained this resolution only repeals to the current expiration of five years as soon as the resolution is approved it will be presented to Judge Delaney. Commissioner Smrkovsky motioned to approve Resolution 20-46 – Supporting the Amendment of the Delayed Repeal of Ordinance 96. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote.
- b. Resolution 20-47 Budget Transfers:** Budget & Procurement Director Joanne Hethcox explained the MFA loan grant was added, minor changes left over from final budget were made and the new grant awards were added that did not have figures prior to final budget. Commissioner Reedy motioned to approve Resolution 20-47

Budget Transfers. Chair Sweetser seconded the motion which carried unanimously following a roll call vote.

- c. **Resolution 20-48 Budget Increases:** Budget & Procurement Director Joanne Hethcox explained that the largest budget increase for the budget transfers is the project over at the Detention Center transferring funds from the bond to the County capital outlay. Commissioner Reedy moved to approve Resolution 20-48 Budget Increases. Commissioner Smrkovsky seconded the motion which carried unanimously following a roll call vote.
  
- d. **Resolution 20-49 Luna County Infrastructure Capital Improvement Plan (ICIP) FY 22-26:** Economic Development Director Premal Patel explained this is an annual plan mandated by DFA and a great planning tool for the local jurisdiction. The ICIP also gives the County a roadmap idea of how to start planning grants. The following are the top ten priorities listed on the ICIP:
  - 1. Luna County Emergency Operations Center - \$1,000,000
  - 2. Luna County Emergency Operations Information Tech - \$452,000
  - 3. Luna County Detention Communicable Disease Wing - \$2,600,000
  - 4. Luna County Fiber Optics Information Technology - \$500,000
  - 5. Luna County Heavy Road Machinery/Equipment - \$500,000
  - 6. Luna County Accelerator – \$1,275,000
  - 7. Luna County Flood Prevention Projects – \$500,000
  - 8. Luna County Majestic View/Sunshine Road Improvement - \$1,200,000
  - 9. Luna County Comprehensive/Affordable Housing Plan - \$75,000
  - 10. Luna County Asset Management Plan - \$60,000

Commissioner Smrkovsky motioned to approve Resolution 20-49 Luna County Infrastructure Capital Improvement Plan (ICIP) FY 22-26. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote.

- e. **Resolution 20-50 Disposal of Fixed Assets:** Mr. Brice explained this resolution is for more vehicles to add to the disposal of fixed assets. He was not sure if these were going to be able to be added to the auction sale scheduled for October 24<sup>th</sup>. Commissioner Reedy motioned to approve Resolution 20-50 Disposal of Fixed Assets. Chair Sweetser seconded the motion which carried unanimously following a roll call vote.
  
- f. **Certification Tax Rates for 2020:** Commissioner Reedy motioned to approve the Certification of Tax Rates for 2020. Commissioner Smrkovsky seconded the motion which carried unanimously following a roll call vote.
  
- g. **Appoint of Member of Labor Management Relations Board:** County Manager Chris Brice recommended the following:

Labor – Mark Myers  
Management – John Strand  
Independent – Gary Jefferys

Commissioner Smrkovsky motioned to approve the recommended appointments to the Labor Management Relations Board. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote.

- h. Approval of Commission of Aging Board Member - Allen Rosenberg:** Mr. Brice recommended Allen Rosenberg. Commissioner Reedy motioned to approve the appointment of Allen Rosenberg as a Board Member of the Commission of Aging. Commissioner Smrkovsky seconded the motion which carried unanimously following a roll call vote.
- i. Elected Official Salary Survey – Discussion Only:** Mr. Brice explained that he would like to get this voted on prior to elections so there will not any misconceptions. He stated that current elected officials’ salaries are not even at the 2014 maximums approved by the legislature. Mr. Brice recommended at the least a 10% increase which would barely put the County over the cap of the 2014 approved salaries.
- j. Wild and Scenic Rivers – Discussion Only:** County Manager Chris Brice explained they sent resolutions for both sides to the Forest Service. Alberta Morgan commented that she believed the County should not be involved in this as this issue does not affect us.

**UPCOMING MEETINGS:** Chair Sweetser announced the following upcoming meetings:

Regular Commission Meeting – October 8, 2020 @ 10 a.m.

**ADJOURN:** The meeting was adjourned by Chair Sweetser at 11:29 p.m.

**ATTEST:**

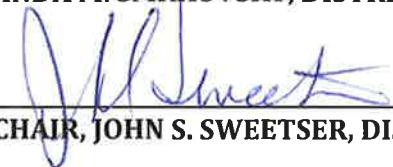
**LUNA COUNTY BOARD OF COUNTY COMMISSIONERS**

  
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ANDREA RODRIGUEZ, LUNA COUNTY CLERK

  
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BARBARA L. REEDY, DISTRICT 1

**APPROVED:** October 8, 2020

  
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LINDA M. SMRKOVSKY, DISTRICT 2

  
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CHAIR, JOHN S. SWEETSER, DISTRICT 3

