

**MINUTES
SPECIAL MEETING
LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS
Tuesday, October 13, 2020**

BE IT REMEMBERED that the Luna County Board of County Commissioners met at 10:00 a.m. on Tuesday, October 13, 2020 in the Basement Training room of the Luna County Courthouse, Deming, New Mexico, for the purpose of conducting a Special Meeting. Due to the Covid-19 Pandemic and the Governor's Orders regarding social distancing, the commission meeting was 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, Administrative Assistant Lupita Hernandez, Chief Deputy Clerk Berenda McWright, Deputy Clerk Pilar Salcido, Chief Deputy Assessor Isabelle Enciso, Code Supervisor Frankie Tarazon, IT Administrative Assistant Debra Seats, and Community Development Director Premal Patel.

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 the State 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**

CALL TO REPEAL ORDINANCE:

- **Ordinance 87: Zoning Regulations for the Former Extra-Territorial Zone:** Community Development Director Premal Patel explained that Ordinance 87 was a result of Luna County withdrawing from the City-County joint jurisdiction of the extra-territorial zone. Luna County recognizes that the zone would continue to remain in full force and the jurisdiction of zoning would remain with the City of Deming within the first mile surrounding the City limits. Due to the potential growth in Luna County, the City of Deming and Luna County administration recognize the need to revert back to the extra-territorial zoning ordinance that was in effect in June of 2014. There will be changes to the ordinance which have been requested by both parties and will be introduced at a later date. Staff recommended repealing Ordinance 87 in its entirety and keeping in force the extra-territorial zoning ordinance which was intact in June of 2014. Mr. Patel also recommended that the ETZ Authority start with a three member board until changes are recommended. Chair Sweetser asked Mr. Patel why Luna County pulled out of the joint jurisdiction. Mr. Patel stated that he does not have the full story as to why the County decided to withdraw. The repeal was actually a big hurdle on getting development done and the County is definitely in need of fixing the ETZ. County Manager Chris Brice explained the City of Deming has authority over the individuals living in the one-mile zone and there really is not any authority after that point. Mr. Brice stated that step one is to repeal the ordinance and step two is to re-write the ordinance to benefit all involved. Luna County Attorney Charles Kretek further explained that the reason the County

pulled out of the ETZ was because back in 2013 the County Manager and the City Manager were in dispute over who was going to pay for what and how far the ETZ would go. At that time the statutory ETZ was one mile but could have been extended all the way up to five miles. Mr. Kretek believes at that point they had a three mile ETZ with a one mile hard buffer. An attorney was hired back then to write up a new ETZ ordinance, which was rejected by DFA in December of 2013. The next day the Chairman wrote a letter to the City of Deming saying the County would be pulling out of the JPA. The County officially withdrew in June of 2014 and imposed Ordinance 87. Mr. Brice stated the County does not intend to do another JPA or get DFA approval. Commissioner Smrkovsky asked Code Enforcement Supervisor Frankie Tarazon if he had anything to say. Mr. Tarazon stated that if the County does bring the ETZ back he would like to recommend adding another Code Enforcement Officer so that new person could concentrate on the ETZ which is the way the City used to do it. Mr. Tarazon said they currently have two Code Enforcement Officers and they split the County in half which keeps them very busy. Commissioner Reedy motioned to direct the County Manager's Office to publish the title and summary of Ordinance 87 – Zoning Regulations for the Former Extra-Territorial Zone, one time in the Deming Headlight at least two weeks prior to the meeting of the Board at which the ordinance is proposed for final passage. The publication shall also include the date and time at which the ordinance is to be considered. Commissioner Smrkovsky seconded the motion which carried unanimously following a roll call vote.


PUBLIC COMMENT: No public comment was forthcoming.

NEW BUSINESS:

- a. **Resolution 20-52 - Call for Repeal of Ordinance 87:** Commissioner Smrkovsky moved to approve Resolution 20-52 – Call for Repeal of Ordinance 87. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote.
- b. **Drug Testing Policy - Discussion only:** County Manager Chris Brice explained the current drug testing policy is out dated and probably in violation of OSHA so the County is currently looking to update and modify the policy.
- c. **Service Animal Policy – Discussion only:** County Manager Chris Brice explained that he would like to get us in line with State Statutes and Federal law regarding service animals and create a policy on what we can and cannot do.

ADJOURN: Chair Sweetser adjourned the meeting at 12:25.

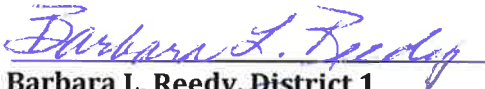
ATTEST:



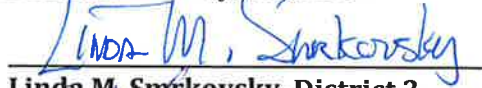
Andrea Rodriguez, Luna County Clerk

Approved: November 12, 2020

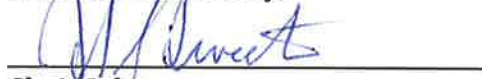
**LUNA COUNTY BOARD OF
COUNTY COMMISSIONERS**



Barbara L. Reedy, District 1



Linda M. Smrkovsky, District 2



Chair John S. Sweetser, District 3

