

**MINUTES
REGULAR MEETING
LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS
Thursday, May 13, 2021**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 10:00 a.m. on Thursday, May 13, 2021 in the 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, Assistant to the County Manager Yossie Nieblas, Tech Assistant Debra Seats, Deputy Clerk Pilar Salcido, Clerk Berenda McWright, Chief Deputy Clerk Leslie Nabours, Probate Judge Diana May-Diaz, Assessor Michelle Holguin, Chief Deputy Assessor Isabelle Enciso, Treasurer Kristie Hobbs, County Services Specialist Cynthia Grado, Sheriff Kelly Gannaway, Captain Michael Brown, Road Department Director David Bailey, Community Development Director Premal Patel, Dispatch Director Lauree Sanchez, Economic Development & Community Director Christie Ann Harvey, Budget & Procurement Director Joanne Hethcox and County Attorney Charles Kretek. Other directors and elected officials were present virtually.

CALL TO ORDER: Chair Reedy 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, Chair, District 1
Linda M. Smrkovsky, District 2
John S. Sweetser, District 3**

MINUTES: Upon a motion made by Commissioner Smrkovsky and a second by Commissioner Sweetser the Minutes for the Regular Meeting of April 8, 2021, and the Special Meeting of April 21, 2021, were unanimously approved.

SERVICE AWARDS: Treasurer Kristie Hobbs presented to Cindy Grado her five-year service pin award.

ELECTED OFFICIALS REPORTS: Assessor Michelle Holguin reported the 2021 Notice of Values were mailed out on March 31, 2021, there were 62,750 notices mailed. Included with the Notice of Values was an insert explaining the Notice of Value and an explanation that Luna County is now on a yearly re-appraisal cycle. The rendering period for all exemptions, limitations, and protests ran from March 31st thru April 30, 2021. A total of 381 building permits were pulled. A total of 52 protests were filed for 2021. The appraisal staff will be contacting owners for review and conducting informal meetings.

They will also be working on the market and making sure all necessary manufactured homes are processed. The GIS area is working on processing deeds and making sure the maps are updated. They are also issuing County addresses and processing flood plain applications. The staff is making sure all new values on construction, personal property, livestock, and market sales are reported and valued. We are also ensuring that all staff is cross-trained. Several of the staff will be moving forward with training and certifications. The Property Tax Division has gone to a fully automated system. The State is currently auditing documents and has an exit interview scheduled for May 19, 2021.

Clerk Berenda McWright reported on totals for the month of April. Luna County has 12,608 registered voters. A total of 537 documents have been recorded, four new business registrations, and ten new marriage licenses have been issued in the Clerk's office. The Probate Judge office opened 13 probates in April, and we have received \$287.47 in lodgers' tax for the month. Ongoing projects in the Clerk's office are PDA/Minutes, Voter Street File Maintenance, PDS microfilming images, Appointment of Board of Registration, business registration renewals of 237 businesses by July 1st, and certifying the tub and scanning into SERVICE.

Treasurer Kristie Hobbs reported that the due date for property taxes was April 10th and delinquent after May 10th. The total payments collected in the month of April is 2,873, they did 41 tax releases and collected 834 credit card payments as of April 30th. The total amount collected for 2020 property taxes is \$11,045,956. They are currently in conversation with the State in hopes to be chosen as one of the Counties which will start with tax auctions within the next two weeks.

Probate Judge Diana May-Diaz explained that we have single document probate, which are included in the probate total numbers. She thanked the County for the masks and thanked Berenda for including marriages and probates in her report.

Sheriff Kelly Gannaway reported on the criminal side for the month of April there were no homicides, no rapes, two assaults, burglaries are six and larceny are eight. We had two vehicle thefts, and no robberies for the month. The overall criminal totals are down. The non-criminal paper service is up, accidents are down and no DWI's to report. The total for non-criminals is even and the overall grand totals for the month are down. Sheriff Gannaway reported Deputy Solano and Deputy Garcia completed their certification for Deputy. Deputy Peredes is next to go to Dona Ana Academy. They have just hired four individuals for the Sheriff's office. Israel Valdez was promoted to Lieutenant. The Luna County auction will be held on May 15th. Chair Reedy thanked Sheriff Gannaway for what he does for Luna County.

Commissioner Smrkovsky reported that on Friday the NMC Board of Directors held a zoom meeting and she was glad to report the next meeting in June will be an in-person meeting. They went over the status of Bills, the ones that passed and the ones that did not pass. There was also a Chief Elected Officials meeting for the Workforce Solutions. The Feds made some changes about three years ago that make government entities liable to repay WIOLA funds if the programs were not successful or were not utilized properly.

COUNTY MANAGER'S REPORT: County Manager Chris Brice reported that the Courthouse will be opened to the public, and back to business as usual on Monday, 5/17/2021. The County is currently

in turquoise because of the Governor's changes to the criteria including vaccination rates. Many businesses have opened and now we can also have a mass gathering of a maximum of 150 people:

- Dispatch: A total of 6,686/911 calls were received for the month of April, with 341 warrants, 38 new protection orders, and 64 city alarm triggers. We will be spending quite a bit of money on dispatch. They need a new CAD system which is part of the operations of dispatch, and they are going to need new radios. It is looking close to about an \$800,000 expense. Rescue funds can probably be used for dispatch's new building. They are also looking for grants which can assist with that.
- LCDC: A total of 323 people were booked and 172 were released. The average daily population was 257 and the Marshalls was 156. They are doing a Prison Rate Elimination Act (PREA) mock audit which is a vital program and every detention center and correction facility has to have it as a federal standard requirement. Tyler has been working hard to get ready for this.
- Road Department: The County received 2,092 tires this month. Construction has started at Rockhound Colonias which should be completed in July. The Project Application Waivers for the Majestic View/People's Water Coop and the Keeler Farms water projects have been approved. We anticipate that we will get approved for both of those Colonias next year. We are working with US Customs, Border Protection, and Spaceport America to collect, shred, and recycle 141 plus tons of used scrap tires. They need them for one of their projects. They are paying us for the delivery of the scrap tires. We are still working with NMDOT for the improvements to Hwy 180 between here and Silver City. The Auction is scheduled on May 15th if you have not signed up you still can do so. The auction starts at 9:00 a.m. we have a notice out to get local food trucks to serve food during the auction. We are still working on the railroad project on Uvas Valley Rd. We submitted a NM RAID grant application for tire recycling and illegal dumping. Road Department Director David Bailey explained they submitted two RAID grant applications, one from the road department and one from Premal's office basically for illegal dumping and scrap tire abatement to keep it out of the desert. One grant was approved for \$204,000 for the road department and \$60,000 for the community development department making it \$264,000 total awarded. The entire State was given \$420,000 so we were allocated more than half of the entire State's allocation. We do continue to have a problem with illegal dumping but when the staff is out doing their rounds and working on the roads they grab anything they see. The County website has a new link for any trash concerns. They can pick up mattresses and tires or whatever is thrown.
- Budget and Procurement: He and Joanne continue to work on the 2021 budget. Joanne is also working simultaneously with OpenGov which is going to be the system you see for budgets next year.
- Human Resources: One maintenance worker, a Starmax server, and a maintenance worker at the Detention Center were hired. We are working with Angie from Cesar Chavez to get us a few of the kids wanting to do an internship at Starmax. We are also getting some YCC kids to do projects throughout the County, they will be with us for a month or a month and a half. We still have openings for Detention Center officers, Starmax needs a part-time cook, the

Healing House needs one full-time and one part-time advocate. The LCDC has a total of 19 open positions.

- **Starmax:** The sales for the month of March are \$10,169. League and opened bowling will resume Wednesday through Saturday. We submitted the requisition for the drive-in movie theatre system. We are shooting for the first of June to start showing movies at the drive-in. The drive-in location will be on the west-facing wall of Starmax. The City of Deming was looking to buy a theatre system so we are going to share the system.
- **Emergency Management:** Currently the Covid spread is 3.03% which is up from 2.24% previously. The increase is possibly due to the schools reopening and some kids getting Covid. We are still okay with the border situation we are nowhere near the situation that Texas is in. A total of 56.3% of the population has had at least one Covid shot and 45.2% are fully vaccinated. They are working on the mobile command unit and trying to get it up to speed. Deming Police Department would like to use the mobile command unit for graduation. Nothing new with Border Patrol or ICE. We have about 1,000 migrants scheduled to cross under the Migrant Protection Protocol in the next few weeks. Which should be easily handled through the El Paso sector.
- **Safety Management:** Safety Program Coordinator Joann Moorman continues to do Covid-19 tracking and reporting for all County employees. She is also managing RAP and the Road Ready training is ongoing. The Workers Compensation PowerPoint presentation for the new hires has been implemented. Joann conducted the appraisals for the County buildings.
- **Luna County Volunteer Fire Department:** They responded to two car fires, six brush fires and had to do one extraction from a building. Because of the work that the Fire Department did with the Forestry Division, and all the training done with the brush trucks and the relationship Pablo built with them they let us have a 2011 Ford F550 4 wheel drive for as long as we want it.
- **DWI:** They are tracking 91 misdemeanor DWI offenders. The teen court program has 21 participants. They have six attendees in the outpatient treatment program and three DWI arrests were reported.
- **Community Health and Well Being:** We are doing renovations to the Healing House, spending some of the Capital Outlay we received two years ago, we are doing the floors. A total of 15 clients were sheltered throughout the month and 32 people were in the Battered Intervention Program. We hired two contracted positions for the Health Council to connect families to services in the community. Casa has 41 kids in Luna and Grant Counties. They have recently started having home visits. They will be back in the office in July. Parents as Teachers are serving 166 clients in Luna and Hidalgo Counties. They did 328 home visits and they are still distributing food.
- **IT:** A total of 801 work orders were completed. There were 1,000 or more attacks on our networks.
- **Planning:** Premal and his people are working with environmental people to assist Columbus with high nitrate levels. We did get approval to move 10-acre feet of water rights to Starmax and at the Detention Center just in case we need it.

- Maintenance: They are replacing the cabinets and flooring at the Healing House. They completed the pavilion. They are ready and standing by for the mural that should be going up on the pavilion wall.
- Economic Development: Christie Ann Harvey has been working on vocational training with Ken Leupold on possible AWS welding and other certified vocations. We are waiting on the final quote for the 21ft. by 15 ft. County sign which will say Deming and Columbus. There is going to be another mural painted on the north wall of Starmax. Ms. Harvey is busy trying to get businesses back up and running.

INDIGENT CLAIMS REPORT: Upon a motion by Commissioner Sweetser 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 & Procurement Director Joanne Hethcox reported two claims for the month of April. The total expenditures for the month of April were \$1,036.36 to the Mimbres Memorial Hospital. The year-to-date total to Mimbres Memorial Hospital was \$21,899.18 and \$969.00 for other services with a total of year-to-date expenses being \$22,868.18. The balance for the Indigent Claims Fund totaled \$1,880,781.22, of that \$260,646.77 is encumbered. Commissioner Smrkovsky motioned to approve the Indigent Claims Report as presented. Commissioner Sweetser seconded the motion which carried unanimously.

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

PUBLIC COMMENT: Chair Reedy opened the floor to public comment. Russ Howell went before the Board and stated she is unable to hear as the presenters are speaking. She stated we use to provide headsets to the public but she did not see any available. She also asked that the Board of Commissioners plan a meeting to explain their plan to handle the illegal immigrant situation.

Justin Franzoy went before the Board to express his concern about one of his neighbors subdividing their 40-acre property.

Andrew Bill went before the Board to express his concern on what the County Commissioners are going to do to prevent another border crisis with the illegals. "He does not want County funds spent on that mess again".

Susan Schiffner went before the Board to express her concerns with the severe health issue being presented with the excessive fly situation with Keeler Farms dumping their onions. She stated she has been trying to resolve this situation for four years.

Cliff Denshire went before the Board to express his concerns regarding the immigrant issues and would like to see the County take similar action as they did with the Second Amendment issue.

Interim Director for the Deming Luna County Main Street Program Chelsea Evans gave an update on the program.

Cal Wenzel representing Billy the Kid Farms went before the Board to express his concerns with the loss of employment in Luna County if Billy the Kid and the Sensient companies close down. He also expressed his concern about the lack of water in the area.

Alberta Morgan went before the Board to state that there is a trash pickup program in place now. She also expressed her concerns with the lack of information getting out to the public.

Mr. Brice explained he is working extremely hard with the City of Deming and Dona Ana County on the immigrant situation. The County will pay for hotel rooms in El Paso before we decide to house immigrants here. We do not have the people to help and in the Covid environment, we just cannot house immigrants again. All agencies are aware of where we stand with this respect. The current processing system is working well in Santa Teresa. The Annunciation House in El Paso has a network that can process thousands of immigrants. There is also Dona Ana County who would be the next step for immigrants if needed. They are prepared to use the fairgrounds for housing in Dona Ana County. We would be the very last effort for housing. Both Aaron at the City and he have agreed if they had to house anyone it is going to be overnight then they will be bused to Dona Ana County or El Paso the following day. Mr. Brice also stated that Greyhound no longer has a bus stop in Deming which is great for us.

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

- a. Accounts Payable: \$776,949.01
- b. Payroll: \$1,061,789.36

NEW BUSINESS:

- a. **Resolution 21-34: Budget Increases:** Budget and Procurement Director Joanne Hethcox explained they are asking for five budget increases. The first one is to supplement the IT department as they have had a lot of extra expenditures with Covid and there are some things at the end of the year deals that we need take advantage of in respect to discounts. Another increase is for the mapping and to replace mapping equipment needed, Indigent claims were increased due to more indigent burials than in the past. Ms. Hethcox is also asking for an increase to pay for mandatory training for a grant program called The Connection Program. The revenue for the commissary needs to be increased as they have to ask for an increase as well. Commissioner Sweetser asked what it cost to bury an indigent. Ms. Hethcox responded that it cost \$600 to bury an indigent person. Commissioner Smrkovsky motioned to approve Resolution 21-34 Budget Increases. The motion was seconded by Commissioner Sweetser and approved unanimously following a roll call vote.
- b. **Resolution 21-35: Budget Transfers:** Budget and Procurement Director Joanne Hethcox explained that they are asking for eleven transfers. Most of them are line item transfers within the same intra-budget where people need money more than what they added. The last three are money transfers from the bonds from the Entertainment Complex, Judicial Complex, and the Detention Center addition. Two of those are going into the local ICIP fund for upcoming projects for next year. The other one is going directly into Starmax just to ensure they have proper operating cash. We are moving some of the excess bond funds to their operating fund. Commissioner Sweetser motioned to approve Resolution 21-34: Budget Transfers: The motion was seconded by Commissioner Smrkovsky and carried unanimously following a roll call vote.

- c. **Resolution 21-36: FY 2021-2023 MSA between City of Deming and Luna County:** Mr. Brice explained there is not much difference from the previous year MSA. Aaron increased the money the City sent to dispatch. We went back because we had not been paying tipping fees to the dump to let our residents dump at the transfer station at Hwy 549. The biggest reason it was opened was because of the planning combination or consolidation of planning which fell through. We took that back out until the City can get their side of planning figured out and we are ready to consolidate for one County Planning department. Those are the only changes. Commissioner Smrkovsky motioned to approve Resolution 21-36 FY 2021-2023 MSA between City of Deming and Luna County. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.
- d. **Resolution 21-37: Certification of Assets:** Commissioner Sweetser motioned to approve Resolution 21-37 Certification of Assets. The motion was seconded by Commissioner Smrkovsky and carried unanimously following a roll call vote.
- e. **Proclamation 21-04: Supporting Economic Development in Luna County:** Chair Reedy read Proclamation 21-04 in its entirety out loud to the public. Commissioner Smrkovsky motioned to approve Proclamation 21-04. Commissioner Sweetser seconded the motion which carried unanimously following a roll call vote.
- f. **Luna County Volunteer Fire Pay-Per -Call Policy:** Mr. Brice explained that our firefighters are strictly volunteering. The Chiefs have worked hard to build up this fire department and to get the rating up so we can get more money throughout the year for the fire department. Mr. Brice has reached out to other volunteer fire departments to find out how they encourage volunteers to stay as the turnover rate is high in the volunteer fire department. With that and the rising gas prices, we would like to reward the volunteers for showing up and fighting the fires. We have agreed to a stipend of \$20 per call and would be required to not only show up but put the fire out and go back to the station and help with cleaning the equipment and preparing the equipment for the next call. Once that cycle is completed the Chief will sign off to get payment of \$20 for that call. We have capped the monthly stipend to \$200. Commissioner Sweetser motioned to approve Luna County Volunteer Fire Pay-Per-Call Policy. The motion was seconded by Commissioner Smrkovsky and carried unanimously following a roll call vote.
- g. **Extraterritorial Zoning Authority:** County Attorney Charles Kretek explained that back on November 12th of 2020 the Commission repealed Ordinance 87 with the intent of going back to the 2014 regulations. That act means that the three of the Commissioners sit on the Extraterritorial Zoning Authority. Mr. Kretek is asking for permission to solicit the County members to join the committee. The Extraterritorial Zoning Committee would consist of four County members, and four City members and those eight individuals will appoint one more member. Commissioner Smrkovsky motioned to approve Mr. Kretek to solicit County members for the Extraterritorial Zoning Committee. Commissioner Sweetser seconded the motion which carried unanimously following a roll call vote.

EXECUTIVE SESSION:

Executive Session pursuant to Section 10-15-1H (7) NMSA 1978 – pertaining to pending litigation update – GRT and Section and Section 10-1H (5) NMSA 1978 to discuss bargaining

strategy for collective bargaining sessions with AFSCME Local #1764 (LCSO). Commissioner Smrkovsky motioned to go into Executive Session pursuant to Section 10-15-1H (7) NMSA 1978 – for the purpose of discussing pending litigation update - GRT and Section 10-1H (5) NMSA 1978 to discuss bargaining strategy for collective bargaining sessions with AFSCME Local #1764 (LCSO). The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.

Commissioner Smrkovsky motioned to return from Executive Session pursuant to Section 10-15-1H (7) NMSA 1978 – for the purpose of discussing pending litigation update - GRT and Section 10-1H (5) NMSA 1978 to discuss bargaining strategy for collective bargaining sessions with AFSCME Local #1764 (LCSO). The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.

The Commissioners went into Executive Session at 11:10 a.m. and returned from Executive Session at 12:17 p.m.

ACTION TAKEN:

- a. **Collective Bargaining Agreement for LCSO – AFSCME #1764:** Commissioner Sweetser motioned to approve the Collective Bargaining Agreement for LCSO – AFSCME #1764. Commissioner Smrkovsky seconded the motion which carried unanimously following a roll call vote.

UPCOMING MEETINGS: Chair Reedy announced the following upcoming meetings:

Budget Work Session – May 17, 2021 at 10:00 a.m.

Special Meeting – May 19, 2021 at 10:00 a.m.

Regular Commission Meeting – June 10, 2021 at 10:00 a.m.

ADJOURN: The meeting was adjourned by Chair Reedy at 12:18 p.m.

ATTEST:


BERENDA MCWRIGHT, LUNA COUNTY CLERK

APPROVED: 6-10-21

LUNA COUNTY BOARD OF COUNTY COMMISSIONERS


CHAIR BARBARA L. REEDY, DISTRICT 1


LINDA M. SMRKOVSKY, DISTRICT 2


JOHN S. SWEETSER, DISTRICT 3

