

**MINUTES
REGULAR MEETING
LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS
Thursday, September 09, 2021**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 10:00 a.m. on Thursday, September 09, 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.

The following staff and elected officials were present: County Manager Chris Brice, Assistant to the County Manager Yossie Nieblas, Deputy Clerk Pilar Salcido, Clerk Berenda McWright, Sheriff Kelly Gannaway, Captain Michael Brown, Road Department Director David Bailey, IT Technician Joseph Apodaca, LCDC Director Lee Cook, Economic Development Community Director Christie Ann Harvey, Grants Administrator Sarah Estrada, Planning Director Premal Patel, Interim Director Pablo Montoya, Community Development Liason Mary Mackey, 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 and the Work Session of August 12, 2021 were unanimously approved following a roll call vote.

RETIREMENT: LCDC Director Lee Cook presented a retirement plaque to Jessie Sherbutt. Ms. Sherbutt served 17 years with the Luna County Detention Center. She will continue to visit LCDC as the Chaplin.

ELECTED OFFICIALS REPORTS: Clerk Berenda McWright announced the candidates for the upcoming Local Election and gave her usual report. The voter registrations processed for the month of August in person were 22, 0 via mail, and 103 online and processed 58 removals. Luna County currently has a total of 12,574 active registered voters, of that 5,228 are Democrats, 4,209 are Republicans, 107 are Libertarians, and 3,030 are Declined to State and Other. A total of 469 documents were recorded in the Clerk's office. Seven new business registrations were issued in August with twelve businesses canceling their registration. A total of 225 businesses are currently registered in Luna County. A total of 12 marriage licenses were issued and nine marriage licenses were filed. There were 23 probates opened, six were closed and twelve files were updated. The Lodger's tax collected for the month of July was \$127.42 with a year-to-date total of \$1,833.65. They

attended and processed minutes for two commission meetings (one regular meeting, and one work session). Election Day is November 2nd.

Sheriff Gannaway reported on stats for August. On the criminal side, no homicides or rapes were reported, assaults and burglaries are down. Larceny is the same and vehicle thefts are up with eight for the month of August. No arson and one robbery, overall for the criminal side totals are down. The non-criminal civil are down, accidents are up, and no DWI's to report. Overall totals for non-criminal are down and the grand totals for both criminal and non-criminal are down. Two deputies are in the academy they should be graduating soon. No word on the new vehicles yet. They are looking to hiring another field deputy, a school resource officer plus they will also be hiring another investigator for the task force. They are also looking to promote a Sargent. They are trying to get Shop with a Cop up and going again, they had a meeting last night to discuss plans for it.

Commissioner Smrkovsky reported that the New Mexico Association of Counties Annual Conference in Lea County has been canceled due to the high rate of the new strain of Covid. There are still some NM Edge classes scheduled and they are still looking to having the affiliates meeting which is joint with the County Commissioners, the Managers, and the Finance department to go over things.

COUNTY MANAGER'S REPORT: County Manager Chris Brice was unavailable to report. The Commissioners will receive a written report:

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 telephonically 15 claims for the month of August in the amount of \$55,576.99. The claims denied for the month of August were \$27,125.24. The denied claims did not meet the income requirements that our policy addresses. Ms. Hethcox believes the claims denied were from the hospital. The patients have the opportunity to appeal the denials, the hospital may resubmit after they get all requirements in order or they can appeal in writing to the Indigent Claims Board. In August they collected \$67,378.28 in GRT. The balance for the Indigent Claims Fund total is \$1,686,686.60 as of August 31st of that \$350,000 is encumbered. Chair Reedy asked for a motion to consider the claims dated September 9th. Commissioner Smrkovsky made a motion to consider the claims as presented by Joanne Hethcox for August. The motion was seconded by Commissioner Sweetser and approved unanimously.

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

PUBLIC COMMENT:

A public comment period was entertained in order to gain public input regarding items on the Agenda only. No relevant public comment was forthcoming.

OLD BUSINESS:

1. **Luna County Drug and Alcohol Policy (Non-CDL):** County Manager Chris Brice reported this policy was discussed previously in a work session and was delayed because of the new legislation on the legalization for marijuana. Mr. Brice reported they have updated the policy based on the new statutes for the new hires to test for marijuana other than just the safety-

sensitive positions which would include Dispatch, Detention, and the Sheriff's office. The safety-sensitive positions will also continue to be random drug tested for marijuana. Commissioner Smrkovsky motioned to approve the Luna County Drug and Alcohol Policy (Non-CDL). Commissioner Sweetser seconded the motion which carried unanimously following a roll call vote.

1. **Ordinance 98: Animal Control - Discussion Only** – Luna County Attorney Charles Kretek reported that he did not receive any comments after publication of Ordinance 98: Animal Control. County Manager Chris Brice state this ordinance will be on the agenda for approval at the next commissioners meeting.

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

1. Accounts Payable: \$696,954.36
2. Payroll: \$1,125,055.92
3. Resolution 21-58: A Resolution Regarding County Acquisition of Property.

NEW BUSINESS:

- a. **Resolution 21-59: Budget Increases:** Commissioner Smrkovsky motioned to approve Resolution 21-59: Budget Increases. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.
- b. **Resolution 21-60: Luna County Infrastructure Capital Improvement (ICIP) Plan FY 23-27:** Community Development Director Premal Patel reported on the ICIP being submitted for approval. He highlighted a few items that were changed from the last submittal. Mr. Patel stated because there are limited top rank ICIP, they made a few changes to the top ten items. The first one is the Keeler Water Infrastructure for Keeler Farm Rd. Mr. Patel explained this project is in a small subdivision obtaining water from the counties well which was pushed up to number nine on the list. He further explained this was put in the top ten because this project has been an issue for many years and was upgraded for consideration for future grants. The Youth and Recreation item which was number nine was pushed down to number eleven but was able to be kept in the top fifteen. Mr. Patel explained that an "analysis is being done on the well and infrastructure. They are in the planning stages with the Water Association and Community Assistance on making some permanent long-lasting fixes for that whole entire area. Instead of trying to only fix the Keeler Farm issue, they are trying to figure out if they can regionalize this area and fix it. This project is being looked at in a broader view. Commissioner Smrkovsky asked for a breakout of the narrative phase project. County Manager Chris Brice clarified that the Keeler Farms with the Peoples Water Coop is the project we have been dealing with forever. They were awarded a Colonias grant to do a survey of the area in order to fix all of the problems. Since then in Premel's work, he has gotten with the Rural Water Association and they have taken a broader look, not just the Keller Farm but also the other residents around that area. Currently there are twenty residents there, and the County is now looking to service maybe a hundred households there. It makes more sense for the City to do something but if not we can use this engineering money that was received through Colonias to look at the entire area instead of fixing one spot. Commissioner Smrkovsky motion to approve Resolution 21-60: Luna County Infrastructure Capital Improvement Plan also known as (ICIP) Plan FY 23-27 as submitted. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.

- c. Resolution 21-61: Authorizing Submission of an Application to the Water Trust Board for Construction Services for Columbus LPOE Diversion Berm and Pond Phase I Construction:** Mr. Brice explained this is one more revenue string that they have reached out to. It does fit within the Water Trust Boards' scope of awarding funds as part of the storm water diversion project for the berm. Mr. Brice has sent the Notice of Intent to apply for the grant a couple of weeks ago in conjunction with Wilson & Company. This resolution is for the Board to authorize Mr. Brice to apply for over two million dollars from the Water Trust Board. Mr. Brice stated they stand a very good chance of getting approved for this request. Commissioner Sweetser motioned to approve Resolution 21-61: Authorizing Submission of an Application to the Water Trust Board for Construction Services for Columbus LPOE Diversion Berm and Pond Phase I Construction. The motion was seconded by Commissioner Smrkovsky and carried unanimously following a roll call vote.
- d. Resolution 21-62: Authorizing Submission of an Application to DFA for Participation in the Juvenile Adjudication Fund Program:** DWI Program Manager Edith Vazquez explained the Juvenile Adjudication Fund is basically supplementing the court funding as a fund to allow to continue with weekly activities and different programs for juveniles that are under the misdemeanor first offense program. This is a small fund that will help us to continue with more activities for youth sentenced to teen court. Ms. Vazquez stated this is an annual fund application and is getting lower and lower yearly. This grant started at \$3,000 then went up to \$12,000, then \$15,000 then went down to \$8,000. Ms. Vazquez does not know how much money will be available this year. This funding is collected from the Magistrate Courts when individuals have traffic offenses. The fund goes to DFA and then it comes back to us as an optional grant. This grant will definitely benefit our youth. Commissioner Smrkovsky motioned to approved Resolution 21-62: Authorizing Submission of an Application to DFA for Participation in the Juvenile Adjudication Fund Program. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.
- e. Resolution 21-63: Budget Transfers:** Commissioner Smrkovsky motioned to approve Resolution 21-63: Budget Transfers. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.
- f. Proclamation 21-08: In Support of New Mexico's Oil and Gas Industry:** Chair Reedy read Proclamation 21-08 in its entirety. Commissioner Smrkovsky motioned to approve Proclamation 21-08: In Support of New Mexico's Oil and Gas Industry. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.
- g. Proclamation 21-09: Proclaiming October as Domestic Violence Awareness Month:** Chair Reedy read Proclamation 21-08: Proclaiming October as Domestic Violence Awareness Month in its entirety. Commissioner Smrkovsky motioned to approve Proclamation 21-09: Proclaiming October as Domestic Violence Awareness Month. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.
- h. Certification of 2021 Property Tax Rates:** Chair Reedy has recommended that this item be tabled as the rates have not been confirmed by DFA.

- i. **Nutt Dairy Exemption from Special Tax Assessment for Predator Control Program:** Commissioner Smrkovsky motioned to approve Nutt Dairy Exemption from Special Tax Assessment for Predator Control Program. This motioned was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.

EXECUTIVE SESSION:

Executive Session pursuant to Section 10-15-1H (8) NMSA 1978-for the purpose of discussing the potential purchase, acquisition, and disposal of certain parcels of real property: Commissioner Sweetser motioned to go into Executive Session pursuant to Section 10-15-1H (8) NMSA 1978 for the purpose of discussing the potential purchase, acquisition, and disposal of certain parcels of real property. The motion was seconded by Commissioner Smrkovsky and carried unanimously following a roll call vote.

The Commissioners went into Executive Session at 11:05 a.m. and returned from Executive Session at 12:12 p.m.

Commissioner Smrkovsky moved to return from Executive Session pursuant to Section 10-15-1H(8) NMSA 1978- where no other matters were discussed other than discussing the potential purchase, acquisition, and disposal of certain parcels of real property, and where no decisions were made. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.

Commissioner Smrkovsky stated the action taken was to authorize County Manager Chris Brice to move forward with the acquisition of a property. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.

UPCOMING MEETING: Chair Reedy announced the following upcoming meetings.

9/11 Memorial Event – Chair Reedy asked DWI Preventionist Teresa Aguilera to give an update on the 9/11 Memorial Event. Ms. Aguilera stated that Mr. Kretek had an idea of having a type of memorial marker out in the front of the courthouse yard. Baca’s Funeral Home has agreed to donate a bench in honor of 9/11 and will be engraving what we would like on it. Mr. Brice talked about having a picture of the twin towers engraved on the bench in dedication to those who perished in the 9/11 event. The only stipulation to that donation is to show who made the donation. There will be 16 readers of 50 names of those who perished on 9/11. The readers are a very diverse group and come from all walks of life and yet here we are for one common cause. Ms. Vasquez hopes this project would bring together a little community that has experienced as much division as anyone else in this country. Commissioner Smrkovsky stated that they are very impressed with how Ms. Aguilera gives professional presentations. She recommended that Ms. Aguilera speak and recognize where the bench will be placed and the Company making that donation.

Regular Commission Meeting: October 14, 2021 at 10:00 a.m

ADJOURN: The meeting was adjourned by Chair Reedy at 12:23 p.m.

ATTEST:

LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS

Berenda McWright
BERENDA MCWRIGHT, LUNA COUNTY CLERK

Barbara L. Reedy
CHAIR BARBARA L. REEDY, DISTRICT 1

APPROVED: 10-14-21

Linda M. Smrkovsky
LINDA M. SMRKOVSKY, DISTRICT 2

John S. Sweetser
JOHN S. SWEETSER, DISTRICT 3

