

**MINUTES
REGULAR MEETING
LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS
Wednesday, November 10, 2021**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 10:00 a.m. on Wednesday, November 10, 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, Administration Assistant Lupita Hernandez, Deputy Clerk Pilar Salcido, Clerk Berenda McWright, Chief Deputy Clerk Leslie Nabours, Assessor Michelle Holguin, Chief Deputy Assessor Isabelle Enciso, DWI Program Coordinator Edith Vasquez, Captain Michael Brown, Road Department Director David Bailey, IT Technician Joseph Apodaca, LCDC Deputy Director, Economic Development Community Director Christie Ann Harvey, Community Development Liaison Mary Mackey, County Attorney Charles Kretek, and Budget & Procurement Director Joanne Hethcox. Other directors and elected officials were present virtually.

CALL TO ORDER: Commissioner Smrkovsky 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. **Chair Barbara L. Reedy was absent.** The following members of the Board constituting a quorum were present:

**Linda M. Smrkovsky, District 2
John S. Sweetser, District 3**

MINUTES: Upon a motion made by Commissioner Sweetser and a second by Commissioner Smrkovsky the Minutes for the Regular Meeting of October 14, 2021, were approved following a roll call vote.

SERVICE AWARDS:

- Program Manager Viviana Silva presented to Tanya Ortiz from CASA her 5-years of service award.
- Mary Gooding from LCDC was not present to receive her 20-year pin.

PRESENTATIONS:

- **Community Service Plaque to USCBP** – County Manager Chris Brice presented a plaque of gratitude on behalf of Luna County to the Border Patrol. Border Patrol Agents Rafael Reyes and Frank Pena received the plaque. A member of the public Gary Strader also went before the Board to express his gratitude to the Border Patrol.

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- **Research & Polling Redistricting Presentation** – Brad Morrison gave a detailed virtual presentation on the commission redistricting plan due to the recent 2020 census results. The changes will affect the area just east of Highway 11, which is bounded by Solana Rd on the north, Country Club on the east, and Monte Vista Rd on the south. This change moves 369 people to be in compliance per the census numbers.
- **Veterans Debriefing Program** – District Attorney Michael Renteria and Jennie Becerra gave an extensive presentation on the Veterans Treatment Court initiative. They were there to explain the initiative and to request funding from Luna County hoping to get a match in the amount of \$100,000 which is the amount Grant County has given them for the program.
- **WNMU Vocational Programs** - Manny Ramirez presented on present and upcoming opportunities at WNMU. The developing upcoming classes will be for CNA, electrical technology, computer literacy, GED in Spanish - Deming, GED in Spanish, and English in Columbus

ELECTED OFFICIALS REPORTS: Assessor Michelle Holguin reported they are busy processing deeds, calculating appraisals, and the GIS department is busy making sure the maps are updated. They are getting ready for year-end and waiting for the livestock values and depreciation tables to come in from the State. This tends to be a busy time for them as tax bills went out, so people usually have questions about their value. She encouraged anyone with questions to visit the Assessor's office. Two new employees Mallory Villegas and Rhonda Emmanuel will be starting next week. One of the specialists took a promotion to the appraisal department which left two vacancies.

Clerk Berenda McWright reported for the month of October the office processed 2 in-person registrations, 6 through the mail, 31 removed, and 17 online. Luna County currently has a total of 12,575 active registered voters. Of that 5208 are Democrats, 4,210 are Republicans, 108 are Libertarians, and 3,049 have declined to state and other. A total of 381 documents were recorded in the Clerk's office. Two new business registrations were issued in October with no businesses cancelling their registration and with that a total of 231 businesses are currently registered in Luna County. A total of 9 marriage licenses were issued and a total of 9 marriages were filed. The lodger's taxes collected were \$123.09 for August and \$2,059.71 year to date. They have processed minutes for one commission meeting and processed 17 records request via e-mail. The ongoing projects are the Canvassing of the Regular Local Election 2021, re-districting and PDS scanning of the minutes and election files.

Captain Michael Brown reported Lorenzo Paredes graduated from the Dona Ana County law enforcement academy a month ago, and is back out on the street. Their office has received two new units this past week they are currently getting detailed and will be out on the street within a week. They had to re-post the School Resource Officer position as the candidate selected declined the position due to economic matters. A Patrol Sargent will be reposted after losing Marty Crumley to the position here in the Court House. They wish him well in that new position. They have two new deputies starting next week.

Commissioner Smrkovsky commented the meetings with New Mexico Counties Board and the New Mexico Municipal League to discuss legislative priorities have been rescheduled to a later date.

COUNTY MANAGER'S REPORT: COUNTY MANAGER'S REPORT: Mr. Brice reported on the planning of Shop with a Cop with law enforcement. This event was cancelled last year but will be up and running this year. They plan to have 400 kids this year to shop with a cop for Christmas. The golf tournament raised almost \$10,000 toward the Shop with a Cop fundraiser.

The Transportation Project Funds of \$5 million for the Columbus Industrial Park will be used for repaving some of the roads behind the Dollar Store and back into the Industrial Park area. That area is also a bus route, the roads are in terrible shape it also needs drainage work, sidewalks, and some other much-needed improvements. Tentatively they have been approved for \$1.5 million through the US Senators Earmarks with the Federal budget, we will find out soon if it is approved.

It looks really good that the County will be getting the money for our Emergency Operation Center. They are starting plans now. They would like to get the Emergency Operation Center away from the center of town if possible.

Christie Ann Harvey and others have written and sent the justification to the Lieutenant Governor for a federal requests to expand the Learning Center, and to create some of those vocational opportunities mentioned previously by Manny. The request of \$2.5 million has been requested for this, there is a good chance this will be awarded to Luna County. They have also requested the same amount through HB 2 money for the expansion at the Learning Center with the commitment from Western University to continue vocational classes which they believe are critical for our community.

The State Fire Marshall who was in town looking at other buildings looked at the Starmax building. It was decided to close Starmax while they get things fixed. This decision was made for the safety of the citizens. Sprinklers at Starmax are next to be worked on, then the smaller things like drapery and carpets will need to be replaced. The Learning Center was also inspected, a new alarm system is going in and because they have high school students the alarm system requirements are different than if it was just a college atmosphere. The Fire Marshall has allowed the Learning Center to stay opened during the upgrading.

Capital Outlay funding has been requested at the State level to help build a new District Attorney's office. The District Attorney's staff have completely outgrown the Plaza building and it needs a lot of refurbishing, even if it were big enough. Mr. Brice stated that new construction is the way to go, which would possibly hold both the DA's office, some of the county offices, Court compliance, juvenile, and CASA offices. That is a long-term project but now is the time to request Capital Outlay at the State level, and the State has more funding than they have had in past years.

On the south side of the detention center, they will be working on getting rid of boxes. They plan on doing a request for proposal in hopes that somebody will be willing to remove all the boxes simply for the price of getting the scrap steel.

The County was able to purchase a property near Rockhound State Park which had an abandoned house on it. They paid maybe a little more in what property taxes were due. The Road Department is working on leveling the house then they are going to move the trash collection site to that area.

The County has received all the Capital Outlay grant agreements from last year which includes the \$1 million for the Healing House, \$450,000 for the Road Department, \$450,000 for DWI refurbishment, and the children juvenile program. They are going to start the planning, and the spending of that money. Mr. Brice talked to Priscilla yesterday at the COG meeting and she is going to work with him to put in the new Capital Outlay request for this year. It is a new system so they will work on that together. A joint letter was sent to Candy Sweetser and Crystal Diamond on funding requests for the County/City for HB 2 money, this is different from Capital Outlay money.

Marty Crumley has moved to the position in the Court House which is the accreditation or compliance position. Tyler Massey held this position previously. Marty's first focus would be to get the Detention Center accredited and then he will move to either the Sherriff's office or the Dispatch Center so they can also get accredited. He will then be doing compliance and helping with policy and procedures.

INDIGENT CLAIMS REPORT: Upon a motion by Commissioner Sweetser and a second by Commissioner Smrkovsky, the meeting of the Board of County Commissioners was recessed and the meeting of the Indigent Hospital Claims Board convened.

Budget & Procurement Director Joanne Hethcox reported that for October they had nine claims of \$33,702.88, of that one was for the Luna County Detention Center. The gross receipt tax (GRT) received for the month is \$76,313.16. The balance for the Indigent Claims Fund total is \$1,847,160.30 as of October, and of that \$730,701.88 is encumbered. Commissioner Smrkovsky asked for a motion to consider the claims. Commissioner Sweetser made a motion to consider the claims as presented. The motion was seconded by Commissioner Smrkovsky and approved.

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

COMMUNITY SUPPORT REPORTS: Executive Director of Deming Mainstreet Chelsea Evan gave an update on activities.

PUBLIC COMMENT: A public comment period was entertained to gain public input regarding items on the Agenda only. No public comment was forthcoming.

PUBLIC HEARING:

- a. **Ordinance 98: Animal Control:** County Attorney Charles Kretek explained he made some minor changes to Ordinance 98 Animal Control. One change was the sterilization fee, this is a mandatory fee implemented by the State. Instead of adding that as a separate fee it is being rolled into the adoption fee. Microchipping is not mandatory but they are offering a 10% discount if they voluntarily microchip their pet. This is to try to encourage microchipping but not mandating it. Another change was to delete the exotic and wild animal provision because the State addresses that better than the County can. They have also added to licensing fee for domestic cats of \$2. With no public comment, forthcoming. Commissioner Sweetser motioned to approve the changes to Ordinance 98: Animal Control. The motion was seconded by Commissioner Smrkovsky and carried following a roll call vote.

- b. **Ordinance 108: Redistricting of County Commission Districts based on 2020 Census:** Clerk Berenda McWright stated the area chosen to redistrict was a non-partisan decision. The plan to redistrict the area chosen was due to affecting the least amount of people and causing the least amount of work. With no public comment forthcoming Commissioner Sweetser motioned to approve Ordinance 108: Redistricting of County Commission Districts based on the 2020 Census. The motion was seconded by Commissioner Smrkovsky and carried following a roll call vote.

- c. **Utility Variance Request: 5495 Highway 549 SE:** County Attorney Charles Kretek stated this is a request by Robby Hervol for a shared well. The County created the issue when the County bought the old Knights of Columbus hall. Holy Family then had to move their Klabasi preparations place. Mr. Hervol generously donated a corner of the property where the road enters on Hwy 549. The well and the outbuildings are owned by Holy Family Church and used once a year for Klabasi. Mr. Hervol wants to build a house just to the right of it, which the church is happy to allow. The present Ordinance 75 is an older ordinance which requires permission for a variance to allow for a shared well. Luna County currently has shared wells but this one is unique because they will only be sharing the well on the third weekend of October for Klabasi, then it will be Mr. Hervol's well the rest of the year. The County has not received any public comment pertaining to this issue and the County does not have any problem with it. With no public comment forthcoming, Commissioner Sweetser motioned to approve Utility Variance Request: 5495 Highway 549 SE. The motion was seconded by Commissioner Smrkovsky and carried following a roll call vote.

CALL FOR ORDINANCE:

- a. Resolution 21-69; Call to Amend Ordinance 86; Adopting the Local Economic Development Plan to Implement the Authority Provided by the New Mexico Local Economic Development Act. County Attorney Charles Kretek stated this has been discussed in length with the Homegrown LEDA request. Up until that point the county did not have joint LEDA projects with the Luna County Economic Development or the State. Now that the County has decided that it is feasible to do so, the County needs to create their own processes and procedures. Ms. Harvey and he have been looking at some of the best versions of it. They believe they have a good draft and are asking the Board to call for an ordinance. Mr. Kretek stated if the Board would like schedule a work session prior to approval for discussion that can be arranged. Commissioner Sweetser motioned to approve Resolution 21-69; Call to adopt Ordinance 86; Adopting the Local Economic Development Plan to Implement the Authority provided by the New Mexico Local Economic Development Act. The motion was seconded by Commissioner Smrkovsky and carried following a roll call vote.

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

- 1. Accounts Payable: \$1,199,573.31
- 2. Payroll: \$1,152,415.65

A five-minute break was requested and granted by Commissioner Smrkovsky.

NEW BUSINESS:

- a. **Resolution 21-70: Budget Increases:** Budget and Procurement Director Joanne Hethcox explained the budget increases in detail. Commissioner Sweetser motioned to approve Resolution 21-70: Budget Increases. The motion was seconded by Commissioner Smrkovsky and carried following a roll call vote.
- b. **Resolution 21-71: Budget Transfers:** Ms. Hethcox explained the budget transfers in detail. Commissioner Sweetser motioned to approve Resolution 21-71: Budget Transfers. The motion was seconded by Commissioner Smrkovsky and carried following a roll call vote.
- c. **Resolution 21-72: Colonias Infrastructure Project Fund Agreement – (CIF-5537 Keeler Farm – People’s Water Coop):** Mr. Brice explained this is the acceptance of the grant agreement of the Colonias Keeler Farm Water Coop. Commissioner Sweetser motioned to approve Resolution 21-72: Colonias Infrastructure Project Fund Agreement. The motion was seconded by Commissioner Smrkovsky and carried following a roll call vote.
- d. **Resolution 21-73: Colonias Infrastructure Project Fund Agreement (CIF-5538 Rockhound Street Drainage improvements):** Mr. Brice explained this is the acceptance of the grant agreement for the Colonias Rockhound Street drainage improvement. Commissioner Sweetser motioned to approve Resolution 21-73; Colonias Infrastructure Project Fund Agreement (CIF-5538 Rockhound Street Drainage Improvements). The motion was seconded by Commissioner Smrkovsky and carried following a roll call vote.
- e. **Resolution 21-74: Amendment to Resolution 17-35: Procurement Policy.** Mr. Brice explained the per-diem rates for the State of New Mexico have gone up so the County has adjusted its procurement policy to reflect that. Removing section seven in the old policy and replacing it with the new rates. The maximum amount has gone up to \$55 for a 24 hours for in-state and out of state then a partial day per-diem tiered up some as well. Full per-diem went up to \$151 within and out of state and \$194 in Santa Fe. Commissioner Sweetser motioned to approve Resolution 21-74; Amendment to Procurement Policy. The motion was seconded by Commissioner Smrkovsky and carried following a roll call vote.
- f. **Resolution 21-75: Resolution Supporting the New Mexico Counties 2022 Legislative Priorities.** Commissioner Smrkovsky explained that NM Counties have already approved their legislative priorities. That is what this is about and not the joint meeting within municipal and NM Counties. Commissioner Sweetser motioned to approve Resolution 21-75; Resolution Supporting the New Mexico Counties 2022 Legislative Priorities. The motion was seconded by Commissioner Smrkovsky and carried following a roll call vote.
- g. **Amendments to Collective Bargaining Agreement – AFSCME LCSO #176:** Mr. Kretek explained this is a two-part process. They have already completed the LCDC negotiations amendments and now this is the first of the Sheriff’s department. They broke off the agreement with some minor changes from the finances to get them some money. Everyone else has gotten their raises and the holidays are coming. They are taking certified deputies from \$18.00 to \$18.75 an hour. Corporal Eby and Sargent Molina over the years have gotten a higher level of pay coming into this and they have never gotten a raise. We are going to give them a small raise for that. Then we have the incentive pay which has been increased from

\$500 a year to \$750. Commissioner Sweetser motioned to approve the Amendments to Collective Bargaining Agreement – ACFCME LCSO #176. The motion was seconded by Commissioner Smrkovsky and carried following a roll call vote.

h. Budget for Redistricting and GPS – Discussion Only: This item is no longer needed as Ordinance 108 was approved.

CERTIFICATION OF CANVASS RESULTS FOR THE REGULAR LOCAL ELECTION 2021: Ms. McWright thanked everyone that helped with the election including the IT department and the Maintenance department. Commissioner Sweetser motioned to approve the Certification of Canvass Results for the Regular Local Election 2021. The motion was seconded by Commissioner Smrkovsky and carried following a roll call vote.

EXECUTIVE SESSION:

Executive Session pursuant to Section 10-15-1H (2) NMSA 1978 – pertaining to limited personnel matters: Commissioner Sweetser motioned to go into Executive Session pursuant to Section 10-15-1H (2) NMSA 1978 – pertaining to limited personnel matters. The motion was seconded by Commissioner Sweetser and carried following a roll call vote.

The Commissioners went into Executive Session at 11:45 a.m. and returned from Executive Session at 12:41 p.m.

Commissioner Sweetser moved to return from Executive Session pursuant to Section 10-15-1H(2) NMSA 1978- where no other matters were discussed other than limited personal matters. The motion was seconded by Commissioner Smrkovsky and carried following a roll call vote. No action was taken.

UPCOMING MEETING: Commissioner Smrkovsky announced the following upcoming meetings.


County Offices will be closed on:
November 11th, 2021 in observance of Veterans Day
Half a day on November 24th, all day on November 25th & 26th for Thanksgiving

Regular Commission Meeting: December 9, 2021, at 10:00 am

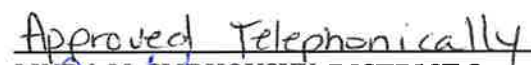

ADJOURN: Upon a motion by Commissioner Sweetser and a second by Commissioner Smrkovsky the meeting was adjourned at 12:42 p.m.

ATTEST:


BERENDA MCWRIGHT, LUNA COUNTY CLERK

LUNA COUNTY BOARD OF COUNTY COMMISSIONERS

CHAIR BARBARA L. REEDY, DISTRICT 1

APPROVED: 12-9-21


LINDA M. SMRKOVSKY, DISTRICT 2

JOHN S. SWEETSER, DISTRICT 3

