

**MINUTES  
REGULAR MEETING  
LUNA COUNTY BOARD OF COUNTY  
COMMISSIONERS  
Thursday, March 10, 2022**

**BE IT REMEMBERED** that the Luna County Board of County Commissioners met in regular session at 10:00 a.m. on Thursday, March 10, 2022, 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. 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, Administrative Assistant Priscilla Nevarez-Dominguez, IT Technician Nathan Ortberg, Probate Judge Diana May-Diaz, Clerk Berenda McWright, Chief Deputy Clerk Leslie Nabours, Deputy Clerk Pilar Salcido, Treasurer Kristie Hobbs, Assessor Michelle Holguin, Chief Deputy Assessor Isabelle Enciso, Sheriff Kelley Gannaway, Captain Michael Brown, Executive Secretary Estella Ortiz, Detention Director Lee Cook, Detention Deputy Director Pablo Montoya, Road Department Director David Bailey, Program Manager Edith Vazquez, Code Compliance Supervisor Frankie Tarazon, Code Compliance Manny Armendariz, Community Development Liaison Mary Mackey, County Attorney Charles Kretek, Community Development Director Premal Patel, and Budget & Procurement Director Joanne Hethcox. Other directors and elected officials were present virtually.

**CALL TO ORDER:** Chair 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. The following members of the Board constituting a quorum were present:

**Barbara L. Reedy, District 1  
Linda M. Smrkovsky, Chair District 2  
John S. Sweetser, District 3**

**APPROVAL OF AGENDA:** Chair Smrkovsky entertained a motion to approve the agenda. Commissioner Sweetser moved to approve the agenda as submitted. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote.

**MINUTES:** Upon a motion made by Commissioner Reedy and a second by Commissioner Sweetser the Minutes for the Regular Meeting of March 10, 2022, was unanimously approved.

**SERVICE AWARDS:**

**PRESENTATIONS:**

## **PRESENTATIONS:**

- Luna County's 2020-2021 Fiscal Audit by Robert Gonzales: Mr. Gonzales gave his report including the 2020-2021 fiscal audit virtually. The audit is a requirement of the Office of the State Auditor.
- Luna County Veterans Assistance Center by Alvina Meyers: Ms. Meyers gave an extensive presentation on the activities and responsibilities of the Veterans Assistance Center.
- Strengthening Families Program for Luna and Hidalgo Counties by Desa Malina JJCS: Ms. Malina gave an extensive presentation about many county programs provided to local families.

## **ELECTED OFFICIALS REPORTS:**

Assessor Michelle Holguin reported that the rendering period for livestock, personal property, and manufactured homes ended on February 28<sup>th</sup>. Anything rendered now for livestock and personal property will be assessed at a 5% penalty. Those that did not render their manufactured homes have been assessed a 5% penalty. The rendering period for signing up for exemptions and limitation freeze is until May 2, 2022. These exemptions include family, head of household, standard veterans, 100% disabled veterans, 65 and older, disabled limitation freezes, and other exemptions have until May 2<sup>nd</sup>. The County Service Specialists are busy processing exemptions, livestock, personal property as well as processing their daily work. Online services are up and running. The Appraisal staff are busy doing final calculations and all changes for 2022 to close out the books and getting ready to mail out Notice of Values. It is very important to review the Notice of Values. You have 30 days from the day they are sent out to inform them of any issues. Once the tax bills are sent out it is too late for them to address any issues as they have already at that point given all values to the Property Tax Division. They will be using a new vendor for the Notice of Values this year. This vendor will allow you to create an online account and have the notices e-mailed possibly as early as next year and keep a yearly archive of the notices of values for your records at home. An insert will also be included explaining how to read the Notices of values. The Notice of Values has been approved by the Property Tax Division. They will be sent to the printers by March 15<sup>th</sup> and be ready for mailing on April 1<sup>st</sup>. The GIS 911 Rural Addressing Flood Plain Department is busy processing deeds, reviewing, and signing off on flood plain inquiries for the County and the City of Deming. They are also processing parcel data inquiries, issuing new addresses for the County, and processing address designation letters. They continue to work on city limit subdivisions on the GIS maps, scanning subdivision maps into the system, and checking survey descriptions for claims of exemptions. They are in the process of working on evaluation for the Property Tax Division and working on the budget for the year 2023.

Probate Judge Diana May-Diaz reported for herself and for the County Clerk Berenda McWright. Judge Diaz reported the candidate filing was held on Tuesday, March 8, 2022. The following have declared their candidacies:

- State Representative District 32: Candie Sweetser, and Jenifer Marie Jones
- Magistrate Judge: Edna M. Reyes, and J. Scott Chandler

- County Commissioner District 1: David X. McSherry, Ray J. Trejo, and Barbara Reedy
- County Commissioner District 2: Rebecca Lescombes, Premal Ramesh Patel, and Collette M. Chandler
- Sheriff: Kelly D. Gannaway, and Mike Eby
- Assessor: Michelle Martinez-Holguin
- Probate Judge: Diana Diaz

Judge Diaz reported 16 opened probates last month and 5 were closed. Closed probates can be from years past or even months. There were 12 marriage licenses issued, and 7 marriages were performed. Judge Diaz stated she is thankful for the security guard in the front of the courthouse. They had some issues where a within-age couple wanted to get married, the parents did not agree and they aired their differences in the hallway before they took it out to the parking lot and there were some arrests made. Probate training will have 17 new Judges and she has accepted the position of Secretary for the Probate Affiliate. Mandatory Probate training is still on zoom.

Sheriff Kelly Gannaway gave the monthly activity reports for February. There were not any homicides or rapes to report. Assaults are down, burglaries are down, and larcenies are up from six to eleven. Vehicle theft is way down, we did not have any arsons or robberies to report. Overall totals for criminals are down. Non-Criminal paper service is down, accidents are up, DWIs are one for the month, overall totals for non-criminals are down but the grand totals for both criminal and non-criminal are down. Sheriff Gannaway stated they swore in four new Deputies yesterday, Manuel Mendez, Chris Rodriguez, Juan Ochoa, and Raymond Lazos. Out of those four Deputies, he has one certified the three others will go to training soon. They have one more opening for a Deputy and are currently in the process of hiring for that position. They also have a Corporal position to be filled. They have new units outfitted but for some reason, they cannot get radios. They have been asked to provide old radios until the new ones come in.

Chair Smrkovsky reported that the NM Legislature has not met recently.

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

- Dispatch: Dispatch had a total of 6,313/911 calls and 191 warrants issued. They are very close to securing a contract for the new CAD system which should be happening in the next few months. They will be going off of the State system in the next 5-6 months.
- LCDC: A total of 435 people were booked and 150 were released. The average daily population was 397 with 269 Marshalls. They were able to get three inmates out to help clean up at the Petro a couple of weekends ago. They were able to get 377 bags of trash and made a slight dent in that area. 4H was also out there helping with the cleanup. He is hoping to get inmates out more to help. The Governor mentioned that the State prisons are going back on to getting inmates out to clean up.
- Road Department: A total of 1,780 tires were received and 140 total miles bladed. They did get the roll-off truck ordered. They have had that Capital Outlay for \$250,000 for a year and a half and finally got someone who has a roll-off truck that they can get to us much like Kelly's problems on vehicles same with the big trucks. We will then have a third roll-off truck so

when one breaks down we will always have two trucks in operation. David and the group out at the Road department increased the allowable spending on tires from \$15,000 to \$50,000 they came out and inspected to see how many we actually do and are within limits. Colonias awards will be announced on March 30<sup>th</sup>. He does not see any reason why they will not be selected for the grants they applied for. They are working on the LGRF projects which include McCan, Solana, four miles of Lucca, and Dona Ana. The Road Department has been instrumental in these cleanups in the County, they do a fantastic job anytime you need them they are out there. We have some huge areas that require cleaning up like the Ben Archer area. They are working with Wilson Company on the TPF project. They received funding in the amount of \$5.2 million for Columbus Industrial Park to pave the roads off of Hwy 11 and into the Industrial Park. The Water Trust Board and the \$2.5 million that goes from the Water Trust Board towards the berm project were resolved.

- Budget and Procurement: April is National Procurement Month. Mr. Brice read the proclamation given to Luna County from the Governor. Matthew Berry is the new employee helping out Joanne.
- Human Resources: Matthew Berry was hired as Procurement Specialist. Mayra Hernandez was hired as County Services Specialist. Jose Espinoza and Arturo Barraza were hired as truck drivers. Britney Valdez was hired as an SRO. Macario Hernandez was brought back as a Detention Officer. Opened positions include Starmax Cook, Assistant Manager, Part-time Bartender, Detention Officer, Dispatcher, and Domestic Violence Offender Treatment for the Healing House. They are obtaining quotes for the salary plan.
- Starmax: They finally got the sprinkler guys out there and they have pretty much wrapped up what they needed as far as the sprinklers. They still have some air-conditioning work to be done. The purchase order for the theatre is going out very soon for carpet and drapes.
- Planning: They continue to work on the Land Use Ordinance. They are working on potential purchases and getting appraisals for different buildings whether they are selling them or buying them.
- Emergency Management: Emergency Manager Phillip Rodriguez continues to monitor the spread of Covid-19. They have distributed 5,300 at-home test kits. They will not be getting any more. Currently have 97.8% of the population with at least one Covid shot and 84.3% are fully vaccinated. The Mass Notification is being launched now, sign up via the county website. They did activate the EOC due to the severe dust storms.
- Safety: Joann Moorman is working on the panic and burglar alarms.
- Luna County Fire: They received 16 fire calls and assisted the City Fire Department with the Jack Key fire. They were the first responders at the Familia Bakery fire and they have responded and assisted the Village of Columbus with their structure fires.
- Community Health and Well Being:
  - DWI: There were four DWI arrests and they are tracking 84 misdemeanor DWI offenders. They have 11 offenders in the out-patient treatment.
  - Healing House: Teen dating violence brochures were made and distributed around schools and juvenile programs. Panda's, Sweet N' Spicy, Gabe's Fitness, Cut Loose Beauty, KFC, MC Hair Studio, and Paparazzi Jewelry donated certificates for the art

contest. They held a free self-defense class a total of 20 kids participated. 4-H Club, Capital Power, Chaberton, Little Ceasar, amongst others have made generous donations. Captain Townsend held a de-escalation class for the Healing House staff.

- Health Council: They have been talking about a support group for COVID Long-Haulers. Long Haulers are individuals that are suffering from long-term effects associated with COVID. They have contracted two community health workers to educate the community about local resources and disseminate health information. There is a Health Fair scheduled for April 2, 2022, they will be handing out free medication lock boxes.
- CASA: Serving 38 kids in Luna, Hidalgo, and Grant Counties.
- JJCS: Desa spoke about her programs they do some good things.
- IT had a total of 954 work orders completed. There were 1,049 viruses, Trojans, and ransomware stopped. There were 6,417 emails caught on the spam filter many lately have been Russian attempts.
- Maintenance: They have been doing a lot of work at Courthouse Park. They have re-trimmed the trees and brought in fillers for the low spots where they typically turned into mud puddles.

Mr. Brice stated all requested for Capital Outlay have made it through the Governor's signature process, they are in really good shape for this coming year's projects. Mr. Brice received a call from the Senators office regarding the \$1 million requested to build an Emergency Operations Center. It looks like they may get approval tomorrow.

**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 one claim for the month of February for a total of \$90.00. The money received for the Month of February was \$85,975.30 and the balance for the Indigent Claims Fund was \$1,851,777.51, of that \$330,659.05 is encumbered. Chair Smrkovsky stated they plan on using those funds for other programs. Commissioner Sweetser 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 Sweetser seconded the motion which carried unanimously.

**COMMUNITY SUPPORT REPORT:** Deming Luna County Mainstreet Executive Director Chelsea Evans and Deming-Luna County Chamber of Commerce Executive Director Debbie Troyer reported on upcoming events. Economic Development & Community Director Christie Ann Harvey reported on upcoming economic development events. Community Development Liaison Mary Mackey reported on upcoming community events.

**PUBLIC COMMENT:** Chair Smrkovsky opened the floor to public comment. Several members of the public went before the board and provided comments.

**PUBLIC HEARING:**

**CALL FOR ORDINANCE:**

- a. Resolution 22-11: Call to Adopt Ordinance 109: Authorizing Issuance of its GRT Revenue Bonds Series 2022A – Taxable and Series 2022B for the Judicial-Correctional or County Correctional Facility. Mark Valenzuela from Market Volatility stated that this item is the actual vote on the ordinances. These transactions are very sensitive to the interest-rates. Today we are seeing the three-year treasury is at 1.9% and the ten-year treasury is at 2%. There is only one-tenth of a percent between. For these transactions to work they have to produce at least 3% net present value savings to the County. We are bringing these to you so that you may be prepared to act on those interest rates if they develop, they are currently moving in that direction so that's a positive thing. The negative thing is two days ago the rates were a quarter percent lower. The Federal Government will make its announcement on interest rate rising next week, we are expecting a quarter percent higher. Chair Smrkovsky opened the floor to public comment. Colette Chandler voiced her concerns to the board. County Manager Chris Brice responded to Ms. Chandler's concerns. Commissioner Reedy motioned to approve Resolution 22-11: Call to Adopt Ordinance 109: Authorizing Issuance of its GRT Revenue Bonds Series 2022A – Taxable and Series 2022B for the Judicial-Correctional or County Correctional Facility. The motion was seconded by Commissioner Sweetser which carried unanimously following a roll call vote.
- b. Resolution 22-12: Call to adopt Ordinance 110: Authorizing Issuance of its Taxable Refunding Capital Outlay GRT Revenue Bonds for Refunding, Refinancing, and Defeasing a portion or all of its Outstanding Taxable Capital Outlay GRT (Starmax). Mark Valenzuela from Market Volatility explained this item will only be recommended if there is at least a 3% savings. Chair Smrkovsky opened the floor to public comment on this item. No public was forthcoming. Commissioner Sweetser motioned to approve Resolution 22-12: Call to adopt Ordinance 110: Authorizing Issuance of its Taxable Refunding Capital Outlay GRT Revenue Bonds for Refunding, Refinancing, and Defeasing a portion or all of its Outstanding Taxable Capital Outlay GRT (Starmax). The motion was seconded by Commissioner Reedy which carried unanimously following a roll call vote.

**CALL FOR ORDINANCE:**

- a. Resolution 22-20: Call to Adopt Ordinance 111: Addressing the Naming of County Owned Property. County Attorney Charles Kretek explained this item is at the request of Commissioner Reedy. Mr. Kretek explained that we currently do not have a policy or any written guidelines on how to name a County building. This resolution will be the policy to address that. Commissioner Reedy explained she is interested in renaming a building in Deming. Chair Smrkovsky motioned to approve Resolution 22-20: Call to Adopt Ordinance 111: Addressing the Naming of County Owned Property. The motion was seconded by Commissioner Reedy which carried unanimously following a roll call vote.

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

- a. Accounts Payable: \$1,842,292.18
- b. Payroll: \$1,141,563.10
- c. Oath of Office for Britney Valdez; Deputy Sheriff

**NEW BUSINESS:**

- a. **Resolution 22-21: Budget Increase:** Budget & Procurement Director Joanne Hethcox explained the seven budget increases and or decreases in detail. Commissioner Reedy motioned to approve Resolution 22-21: Budget Increase. The motion was seconded by Commissioner Sweetser and was approved unanimously following a roll call vote.
- b. **Resolution 22-22 Budget Transfers:** Ms. Hethcox explained there are six budget transfers this month. Commissioner Reedy motioned to approve Resolution 22-22: Budget Transfers: The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.
- c. **Resolution 22-23: Acceptance and Approval of Luna County's Fiscal Audit 2020-2021:** Commissioner Reedy motioned to approve Resolution 22-23: Acceptance and Approval of Luna County's; Fiscal Audit 2020-2021. The motion was seconded by Commissioner Sweetser and was approved unanimously following a roll call vote.
- d. **Luna County 2022 Annual Certified Maintained Mileage Report:** Road Department Director David Bailey explained there is a total of 18,286 miles maintained. Chair Smrkovsky stated in the past they would visit the areas being added or deleted from the report. She would like to get back to going out and seeing the changes. Mr. Bailey stated there are no changes at this time. Commissioner Reedy motioned to approve Luna County 2022 Annual Certified Maintained Mileage Report. The motion was seconded by Commissioner Sweetser and was approved unanimously following a roll call vote.
- e. **Resolution 22-24; Luna County's Predator Control Program:** County Manager Chris Brice recommended that this item be tabled at this time. They need to do petitions and get members to sit on the predator control board. Chair Smrkovsky tabled the item.
- f. **Proclamation 22-02: Proclaiming April as Child Abuse Awareness Month:** Commissioner Sweetser motioned to approve Proclamation 22-02: Proclaiming April as Child Abuse Awareness Month. The motion was seconded by Commissioner Reedy and was approved following a vote.
- g. **Proclamation 22-03: Proclaiming April as Fair Housing Month:** Commissioner Reedy motion to approve Proclamation 22-03: Proclaiming April as Fair Housing Month. The motion was seconded by Commissioner Sweetser and was approved following a vote.

**Executive Session is pursuant to Section 10-15-1H (7) NMSA 1978-relating to threatened and pending litigation and subject to the attorney-client privilege (Opioid class action; Ruiz; Schmal; Hollister; Thomas; Aguirre; Punchall; Valencia; Rodriguez; Purvis; and Mendoza-Munoz); pursuant to Section 10-15H(5) for discussion of preliminary strategy to collective**

**bargaining negotiations; and pursuant to Section 10-15-1H(2) limited personnel matters regarding the County Manager's contract.** Commissioner Reedy motioned to go into Executive Session pursuant to Section 10-15-1H (7) NMSA 1978 relating to threatened and pending litigation and subject to the attorney-client privilege (Opioid class action; Ruiz; Schmal; Hollister: Thomas; Aguirre; Punchall; Valencia; Rodriguez; Purvis; and Mendoza-Munoz); pursuant to Section 10-15H(5) for discussion of preliminary strategy to collective bargaining negotiations; and pursuant to Section 10-15-1H(2) limited personnel matters regarding the County Manager's contract. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.

The Commissioners went into Executive Session at 12:16 p.m. and returned from Executive Session at 2:15 p.m.

Commissioner Reedy moved to return from Executive Session is pursuant to Section 10-15-1H (7) NMSA 1978-relating to threatened and pending litigation and subject to the attorney-client privilege (Opioid class action; Ruiz; Schmal; Hollister: Thomas; Aguirre; Punchall; Valencia; Rodriguez; Purvis; and Mendoza-Munoz); pursuant to Section 10-15H(5) for discussion of preliminary strategy to collective bargaining negotiations; and pursuant to Section 10-15-1H(2) limited personnel matters regarding the County Manager's contract-where no other matters were discussed and no action was taken. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.

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

- Regular Commission Meeting – April 14, 2022 @ 10 a.m.
- County Offices Closed for Good Friday: April 15, 2022
- Day of the Young Child Event: April 22, 2022, at 9:00 a.m. Veterans Park

**ADJOURN:** The meeting was adjourned by Chair Smrkovsky at 2:17 p.m.

**ATTEST:**

**LUNA COUNTY BOARD OF COUNTY COMMISSIONERS**

Berenda McWright  
**BERENDA MCWRIGHT, LUNA COUNTY CLERK**

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

**APPROVED:** 4/27/22

Linda M. Smrkovsky  
**CHAIR, LINDA M. SMRKOVSKY, DISTRICT 2**

John S. Sweetser  
**JOHN S. SWEETSER, DISTRICT 3**

