

**MINUTES
REGULAR MEETING
LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS
Wednesday, April 27, 2022**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 10:00 a.m. on Wednesday, April 27, 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 Malarie Villegas, IT Technician Joseph Apodaca, Clerk Berenda McWright, Chief Deputy Clerk Leslie Nabours, Deputy Clerk Pilar Salcido, Deputy Clerk Toni Esparza, Chief Deputy Assessor Isabelle Enciso, Sheriff Kelley Gannaway, LCDC Director Lee Cook, LCDC Deputy Director Pablo Montoya, Road Department Director David Bailey, Emergency Manager Phillip Rodriguez, Safety Program Coordinator Joann Moorman, Economic Development & Community Director Christie Ann Harvey, Planning Supervisor Lupita Hernandez, HR Director Rosa Porras, 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: 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.

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

SERVICE AWARDS:

LCDC Chief of Security Andrew Gilmore presented Robert Apodaca his ten years of service award.

PRESENTATIONS:

- Presentation from the National Weather Services by Jason Laney: Jason Laney and Leven Reynolds gave an extensive presentation on the National Weather Services in Luna County, it has been determined that Luna County is the epicenter of dust.
- Quarterly Restrictive Housing Unit Presentation by Lee Cook: LCDC Director Lee Cook reported a total of six detainees met the reporting requirements for the month of March under HB 364, New Mexico Restricted Housing Act.

ELECTED OFFICIALS REPORTS:

Chief Deputy Assessor Isabelle Enciso reported the Assessor's office is in full swing. They have closed out the 2021 tax year and have mailed out the Notice of Values on April 1st for the 2022 tax year. The 2022 values were submitted for printing on March 18, 2022, they had 62,959 notices of value this year alone. Included in the notice of values is an insert explaining the notice. Luna County is on a yearly reappraisal cycle which helps to be proactive by looking at the impact of the market on a yearly basis. Values increase up to 3% yearly if warranted by the market and could change in a certain neighborhood, while others may not be affected. The rendering period on livestock, personal property, and manufactured homes run from January 2, 2022, through February 28, 2022. The rendering period for exemptions, limitations, and protests runs from January 2, 2022, through May 2, 2022. A total of 379 building permits were pulled in Luna County. The values increased for 2021 with the exception of personal property which is self-rendering. The increase and decrease are indicated in the report. The increase in residential would be new construction and ongoing market values. The decrease in non-residential would be a personal property which is self-rendering and on the honor system. The above values are before protests have been filed and will change depending on how many protests are filed and the total values being protested. The office processed 3,457 documents filed in the Luna County Clerks' office for 2021. The appraisal department has completed the 2022 market analysis for the county and will start working on the 2023 reappraisal, concentrating on the city limits while the in-office appraisers will be looking at sales ratios, commercial properties, and the tables for any updates that are needed. This ensures that we are maintaining a constantly updated market at all times and so we have appraisal staff in the office to assist customers with appraisal questions. International Assessing Association Office (IAAO) will be holding classes in Socorro, New Mexico in the spring. We have two Appraisers III and three Appraisers I. The appraisers III will be taking their 4th classes if passed they will be certified, and the Appraisers I will be taking their second course. They are ensuring that all staff is crossed trained and able to help anyone calling or coming into the office. The Luna County Specialists are busy in the office answering phones, and emails, processing deeds, change of address, and processing affidavits. The GIS Department is working on processing deeds and working to make sure the maps are updated issuing County 911 addresses and processing flood plain applications for the City and the County. Property Tax Division has gone to a fully automotive system, this is the second year using the automated system for evaluation on April 21-29th, 2022. They had a lot of data entry and uploading to do and uploading all documentation requests by the State which was very lengthy and time-consuming, but this year should just be updating and maintaining processes from here on forward

and they are currently working on their budget. They have attached a copy of the 2021 Sales Ratio Report for the board's review.

Clerk Berenda McWright reported that they processed 29 in-person voter registrations, 13 through the mail, 30 removable, and 76 online. There is a total of 12,716 active voters, 5,180 are Democrats, 4,230 are Republicans, 117 are Libertarians, and 3,189 are decline to state. They have processed 496 recordings and 10 new businesses registrations. There is a total of 252 registered businesses in Luna County. A total of 14 marriage licenses were issued and 11 were filed. A total of 16 probates opened, 5 closed and 13 updated. The Lodger's Tax collected was \$382.52 in February. There was one regular commission meeting recorded and minutes prepared. A total of 20 records requests were processed via e-mail. Important information about the upcoming Primary Election was provided. On May 10, 2022, early voting will begin in the Clerk's office and on May 21st early voting begins at the Learning Center. June 2nd is the last day to submit an application for an absentee ballot. Early voting ends on June 4th, and June 7th is Election Day. She reminded everyone that NMvote.org is a really good source for all of your voting needs, you can register to vote, request an absentee ballot, and also view your sample ballot.

Sheriff Kelly Gannaway gave the monthly activity reports for March. There were no homicides or rapes to report. Assaults, burglaries, and larcenies are down. We had 5 Vehicle thefts, no arsons or robberies to report. Overall totals for criminals are down. Non-Criminal paper service is down, accidents are way up. One of the reasons is the dust storms. Sheriff Gannaway stated he put out some public services notices. DWIs are up a little, overall totals for non-criminals are up but the grand totals for both criminal and non-criminal are down. Sheriff Gannaway stated that they finally got three new Durangos that are just waiting to get the radars put in them and get the gas cards to get them out on the street. There is one more truck sitting in Albuquerque waiting to get outfitted. Sheriff Gannaway also stated that he has five new hires, one is certified and four are non-certified. All but one are on the street going through training. They just hired another Deputy last week, and he will be starting on May 2nd. The next academy will be held in June or July, hopefully, they can get all of those in the academy and get them trained as well. Deputy Nunez and Moreno will be graduating from the Law Enforcement Academy next month on May 18th. They are looking forward to getting them back and out on the streets. There was a promotion last week, Deputy Solano was promoted to Corporal.

Commissioner Reedy stated she attended some extremely interesting community meetings in the last month, the Coast Riders Meeting being one of them. The people that attended that course throughout that period of time had very good things to say about their businesses and how useful that program was. Commissioner Reedy also stated that she hopes that this program continues.

Chair Smrkovsky just wanted to let everyone know that tomorrow is the Executive Meeting for NM Counties. The Executive Director will be retiring in October.

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

- Dispatch: They have been working on radios for dispatch. The last quote they received was for a little over \$600,000, to get them in compliance. They will be using the funding received

by the Recovery Act. They are working on the CAD systems as well which will also be expensive but it is something that we obviously have to do. The Dispatch Department is that important.

- County Manager Chris Brice reported he is a board member for Memorials. There were two Memorials discussed during the last Legislative Session. They looked at the Department of Corrections (DOC) and them taking over the detention centers responsibilities due to the lack of personnel, the funding problems between the State and the Counties, and some other things that are going on. The Cabinet Secretary for prisons, the Administrative Office of Courts, and all the key players were present. The idea of the DOC taking over the detention centers was immediately shot down. They do not want any part of it, which was expected. They did however evolve into good conversations about regionalization and what can be done better about communications between DOC and detention centers. Mr. Brice stated that they will be having a zoom meeting in May and another in-person meeting in June. This will continue throughout the year until a resolution is reached for the Legislators at the next January Conference. Baca's Funeral Home has completed the bench for the County. The bench is a commemoration of the 911 event that we held here last year which is a really nice addition to the front of the flag pole. He and Christie Ann Harvey plan to attend the Rural Summit on May 12th and 13th in Santa Fe. He plans to leave after the commission meeting on the 12th. The Summit is a bunch of training and conferences on all of the programs available for rural communities. He believes he will be able to bring back some good information for the following commission meeting.
- LCDC: They are trying to wrap up the maintenance building. They are also working on remodeling the booking area. They bought a body scanner through the Recovery Act funds but cannot install it until the remodel is completed. They have been very fortunate with the Marshall Inmates and the funds they have been able to generate out there. The detention center is looking very good. A total of 426 people were booked and 255 were released. The average daily population was 396 with 259 Marshalls.
- Road Department: They are on top of everything and doing a really good job helping with the countywide cleanups. They collected over 600 tons of solid waste and scrap tires off the desert landscape. We need to take care of our community better. They continue to work with the Village of Columbus on the Industrial Park paving. They are waiting on signatures for the latest engineering designs to start the berm project in Columbus as well.
- Budget and Procurement: They are currently in budget season. There will be some work sessions coming soon for the Commissioners to attend and go through the budget and get that submitted on time.
- Human Resources: They moved Priscilla Dominguez to Human Resources as the assistant. They currently have Starmax, LCDC, and Dispatch openings.
- Starmax: Jill Black has been hired at Starmax and in her first two weeks she has already made an impact. The projection company said they will be able to keep all six theatres running. The company is ready to start the project in the next week. The carpet and drapes are being replaced with fire retardant materials. They are focusing first on the two theatres and trying to get them opened for the release of Top Gun which is in late May or early June. They should

be able to open all six theatres within the next month or month and a half. The carnival at Starmax was a huge success.

- Planning Department: They are working on the land use ordinance, a work session is to be scheduled to make sure they are all on the same page and to get public input. They are still looking at some purchases which will be discussed in Executive Session.
- Emergency Management: Phillip has been busy with both fires and dust storms. The County is 97.8% vaccinated with at least one vaccination. Title 42 has been delayed by the Federal Judge and as of right now it is not going away yet. A total of 97% of contact they have are with Mexican Nationals which means they go right back. It is more of the triangle countries that would claim asylum and stay here. Some of the work that is being done is they received \$1.5 million through Congressional Directive Spending from last year's budget they received \$2.08 million from the State for the emergency operations center. Mr. Brice made another Congressional Directive Spending request through the US Senators for \$5 million to do a Joint Community Justice Center. This would be the District Attorney's, the DWI program, CASA, Juvenile Justice, and possibly adding Emergency Operations and Dispatch in that one building. Commissioner Smrkovsky asked where they are looking to build. Mr. Brice said they are looking at the vacant property behind the Sheriff's Office. He said having the DA next to the Sheriff's Office creates its own line of communication which would be helpful. They have not given up on the Armory site as well. The June meeting is where the City will be awarding the Armory to the County. It is centrally located and spacious, he believes this building would also work.
- Safety Management: Pablo has taken over as Emergency Services Director who will be in charge of Dispatch, Detention Center, Volunteer Fire, Safety and Emergency Management. He has been working with Joann on the NM County safety and risk manual. They are still working on alarms and panic buttons. They have spent about \$70,000 on the new fire alarms and detection systems at the Learning Center just to get them up to code. The Fire Marshall came back saying they needed a different type of alarms due to students. The original drawings were submitted as a business not as a place of congregation so they wanted another \$150,000 to get a required voice activation alarm. They are moving forward with getting Western Fire to go in and finish the system to code.
- Luna County Fire: They received a total of 12 calls. Mr. Brice participated and spent about six hours in one of the recent brush fires. City of Deming Fire and Hidalgo County also participated in putting that fire out.
- Community Health and Well Being:
 - Healing House: They are working with CYFD, the domestic violence shelter of Dona Ana County and La CASA to take over the Healing House as a 501c. It looks like that transfer will go through in July. The county will continue to support the Healing House but it will be managed and run by La Casa and their board of directors. All the current employees will then be their employees and no longer be county employees.
- Grants: They have many grants submitted. They had a big American Cleanup day on Saturday. Mr. Brice thanked all the firefighters who showed up to cook for the participants of the cleanup after being at a fire until 2:00 am. It turned out to be a good day.

- IT: They are getting close to being put in their new building. They are remodeling the Slate street building which started about two weeks ago. They are waiting on PNM for some power requirements. They should have the Department of Health and Parents as Teachers over there in February 2023. That is a \$3.2 million project.

Jarrold Trevizo was recognized for winning the local film prize of \$2,500. Mr. Trevizo stated he and his girlfriend searched for a topic that would get the judge's attention. They came up with the topic related to the border. He said it took about 2-3 months from start to finish. They received many comments stating that although individuals had lived in the area for some time they did not realize there was an issue. Mr. Trevizo feels they were able to open people's eyes and inspire other students to appreciate the opportunity to be able to go to school because there are those who do not have that opportunity at all.

INDIGENT CLAIMS REPORT: Upon a motion by Commissioner Sweetser and a second by Commissioner Reedy, 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 fourteen claims for the month of March for a total of \$27,732.47. Ten of those claims were for the detention center. The money received for the Month of March was \$74,057.75 and the balance for the Indigent Claims Fund was \$1,821,471.07, of that \$358,595.66 is encumbered. Commissioner Reedy motioned to approve the Indigent Claims Report as presented in the amount of \$27,732.47. Commissioner Sweetser seconded the motion which carried unanimously.

Commissioner Sweetser motioned to recess as a Claims Board and reconvene as a County Commission. Commissioner Reedy 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. Humane Society Director Sandy Foster thanked the Board of Commissioners for their continued support. Ms. Foster stated they still have discount vouchers for spaying or neutering.

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

PUBLIC HEARING:

- Ordinance 111: Addressing the Naming of County Owned Property:** County Attorney Charles Kretek explained the county currently does not have a process in place for the naming of county-owned property. This ordinance allows a process to name county owned properties. The properties can be named after deceased people, events, or whatever the commission or public requests. The simplified process is, a request is made by a resident or a commissioner, the request is published, it is considered, and then it is voted on. Chair Smrkovsky opened the floor to public comment. Susan Schiffner a member of the public went before the board with questions. Commissioner Reedy motioned to approve Ordinance 111: Addressing the Naming of County Owned

Property. The motion was seconded by Commissioner Sweetser and was approved unanimously following a roll call vote.

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

- a. Accounts Payable: \$1,124,956.88
- b. Payroll: \$1,150,783.47
- c. Oath of Office for Manuel Mendez; Deputy Sheriff
- d. Oath of Office for Juan Ochoa; Deputy Sheriff
- e. Oath of Office for Raymond Lazos; Deputy Sheriff
- f. Oath of Office for Chris Rodriguez; Deputy Sheriff

OLD BUSINESS:

- a. **Resolution 22-24: Luna County's Predator Control Program:** Commissioner Reedy motioned to approve Resolution 22-24: Luna County Predator Control Program. The motion was seconded by Commissioner Sweetser and was approved unanimously following a roll call vote.

NEW BUSINESS:

- a. **Resolution 22-25: Budget Increase:** Budget & Procurement Director Joanne Hethcox explained the eleven budget increases and one decrease in detail. Commissioner Sweetser motioned to approve Resolution 22-25: Budget Increase. The motion was seconded by Commissioner Reedy and was approved unanimously following a roll call vote.
- b. **Resolution 22-26 Budget Transfers:** Ms. Hethcox explained the ten budget transfers for this month. Commissioner Reedy motioned to approve Resolution 22-26: Budget Transfers: The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.
- c. **Resolution 22-27: A Resolution confirming Luna County to Participate in the NMDOT Project Fund Call for Projects (Survey and Design of Camino Doce):** Commissioner Sweetser motioned to approve Resolution 22-27: A Resolution Confirming Luna County to Participate in the NMDOT Project Fund Call for Projects (Survey and Design of Camino Doce): The motion was seconded by Commissioner Reedy and was approved unanimously following a roll call vote.
- d. **Resolution 22-28: A Resolution Confirming Luna County to Participate in the NMDOT Project Fund Call for Projects (Planning and Design of North Boundary Street):** Commissioner Reedy motioned to approve Resolution 22-28: A Resolution Confirming Luna County to Participate in the NMDOT Project Fund Call for Projects (Planning and Design of North Boundary Street): The motion was seconded by Commissioner Sweetser and was approved unanimously following a roll call vote.
- e. **Resolution 22-29: A Resolution Confirming Luna County to Participate in the NMDOT Project Fund Call for Projects (International Industrial Park Gateway Phase II):** Commissioner Reedy motioned to approve Resolution 22-29: A Resolution Confirming

Luna County to Participate in the NMDOT Project Fund Call for Projects (International Industrial Park Gateway Phase II): The motion was seconded by Commissioner Sweetser and was approved unanimously following a roll call vote.

- f. Resolution 22-30: Appointing Members of the Luna County Protest Board:** Attorney Charles Kretek stated that this appoints two members to the tax protest board pursuant to Statute. Commissioner Sweetser motioned to approve Resolution 22-30: Appointing Members of the Luna County Protest Board. The motion was seconded by Commissioner Reedy and was approved unanimously following a roll call vote.

- g. Resolution 22-31: A Resolution to Support of Deming Soil and Water Conservation District Letter Opposing the Removal of the Five Earthen Dams in Starvation Draw:** Road Department Director David Bailey explained that the board can vote on an approval today and actually pass the resolution as written or they can table the item until they receive more information. Mr. Bailey stated he appreciates the comments made by Mr. Holdridge of the Soil and Water Conservation District and Mr. McSherry, that they are absolutely correct in that they have to protect any potential loss of property, life, and roadways. China draw is completely opened and flooding comes across Keeler Rd. The same would happen from Starvation Draw to Hwy 26. The county involvement in this to date has nothing to do with the planning or development of the dams nor is it a road project. The only involvement the county has today is that Greenleaf Mine Road goes through the dams around to where it meets Keeler Rd. and back down to Hidden Valley and back to Hwy 180. The engineering firm out of Tucson, the BLM, the State Engineer's Office, and NMDOT are all involved in the planning and development. The planning is nowhere near where the work will be done any time soon. Mr. Bailey's recommendation is to have a public or town hall meeting to get BLM to come out and have a discussion as to what is actually happening. Mr. Bailey stated he would hate for the approval now to cause them to have to come back and correct the resolution in the future. Mr. Holdridge stated that the resolution, in his perspective, encourages the BLM to put the local landholder and the community in first place. Part of what concerns him is the Conservation District has worked with the BLM, and when they asked them why they are doing this their response is "they want to take it back to the way it was". Mr. Holdridge stated the way it was, was before people lived downstream. He stated this resolution puts the representation of Luna County, the safety of the people, and the health of the roads on the table firmly with the BLM. Mr. Holdridge's concern is there is a lot of engineering work being done before anyone has decided what should be done. That is their concern and was pretty strong in their letter sent to BLM. He would strongly recommend that the board vote for the approval of the resolution today. Commissioner Sweetser motioned to approve Resolution 22-31: A Resolution to Support of Deming Soil and Water Conservation District Letter Opposing the Removal of the Five Earthen Dams in Starvation Draw: The motion was seconded by Commissioner Reedy and was approved unanimously following a roll call vote.

- h. Amendment to Collective Bargaining Agreement for LCSO-ACFSCME #1764:** Mr. Kretek explained they added Lieutenants to the bargaining unit, they added on-call pay to the investigators on duty and some smaller clean-ups on typos. The board previously approved the salary increases back in August. Commissioner Reedy motioned to approve Amendment to Collective Bargaining Agreement for LCSO-ACFSCME #1764. The motion

was seconded by Commissioner Sweetser and was approved unanimously following a roll call vote.

- i. Proclamation 22-04: May is Motorcycle Awareness Month:** Commissioner Sweetser motioned to approve Proclamation 22-04: May is Motorcycle Awareness Month. The motion was seconded by Commissioner Reedy and was approved unanimously following a roll call vote.
- j. Proclamation 22-05: Local Great American Clean-Up:** Commissioner Reedy motioned to approve Proclamation 22-05: Local Great American Clean-up. The motion was seconded by Commissioner Sweetser and was approved unanimously following a roll call vote.
- k. Luna County Comprehensive Plan:** Chair Smrkovsky motioned to table the Luna County Comprehensive Plan so they can review it further. Mr. Brice stated they will schedule a work session for further discussion. The motion to table was seconded by Commissioner Reedy and was approved unanimously following a roll call vote.

Executive Session is pursuant to Section 10-15-1H (2) NMSA 1978- limited personnel matters pertaining to the County Manager's contract and Section 10-15-1H(8) 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 is pursuant to Section 10-15-1H (2) NMSA 1978- limited personnel pertaining to the County Manager's contract and Section 10-15-1H(8) for the purpose of discussing the potential purchase, acquisition, and disposal of certain parcels of real property. The motion was seconded by Commissioner Reedy and carried unanimously following a roll call vote.

The Commissioners went into Executive Session at 11:51 a.m. and returned from Executive Session at 2:31 p.m.

Commissioner Reedy moved to return from Executive Session is pursuant to Section 10-15-1H (2) NMSA 1978- limited personnel matters regarding the County Manager's contract and Section 10-15-1H(8) for the purpose of discussing the potential purchase, acquisition, and disposal of certain parcels of real property. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.

EXECUTIVE SESSION ACTION/NO ACTION TAKEN: Chair Smrkovsky stated no action was taken.

UPCOMING MEETINGS: Chair Smrkovsky announced the following upcoming meetings:

Regular Commission Meeting – May 12, 2022 @ 10 a.m.

ADJOURN: Chair Smrkovsky entertained a motion to adjourn the meeting. Commissioner Sweetser motioned to adjourn the meeting: The motion was seconded by Commissioner Reedy and carried unanimously. The meeting was adjourned by Chair Smrkovsky at 2:33 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: 5-12-22

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

John S. Sweetser
JOHNS. SWEETSER, DISTRICT 3

