

**MINUTES
REGULAR MEETING
LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS
Thursday, June 9, 2022**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 10:00 a.m. on Thursday, June 9, 2022, in the County Commission 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 following staff and elected officials were present: County Manager Chris Brice, Administrative Assistant Malarie Villegas, Clerk Berenda McWright, Chief Deputy Clerk Leslie Nabours, Deputy Clerk Toni Esparza, County Services Specialist Senior Maria Rudloff, Chief Deputy Assessor Isabelle Enciso, Planning Supervisor Lupita Hernandez, Economic Development & Community Director Christie Ann Harvey, Community Development Liaison Mary Mackey, Grant Administrator Heather Lutz, Attorney Charles Krettek, IT Technician JT Apodaca, Captain Michael Brown, Sheriff Kelly Gannaway, LCDC Director Lee Cook, Road Department Director David Bailey, Court Security Officer Tina Cabrera.

CALL TO ORDER: Chair Smrkovsky called the meeting to order at 10:00 a.m. and led Pledge of Allegiance and the salute to the flag of the State of New Mexico.

ROLL CALL: Deputy Clerk Toni Esparza 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: Commissioner Reedy suggested tabling Proclamation 22-06: Supporting all Economic Development in Luna County (SunZia Transmission Project), stating that all resolutions for economic development in Luna County have been approved. Commissioner Sweetser motioned to approve the agenda with the amendment. The motion was seconded by Commissioner Reedy, and was unanimously approved.

MINUTES: Upon a motion made by Commissioner Reedy and a second by Commissioner Sweetser the Minutes for the Regular Meeting of May 12, Work Session of May 23, and Special Meeting of May 26, 2022, were unanimously approved.

SERVICE AWARDS/RETIREMENT:

- Sheriff Gannaway presented an award for five years of service to Stephanie Young who was unable to attend.
- Clerk Berenda McWright presented County Services Specialist Senior Maria Rudloff with her 30 years of service award, a Retirement plaque, and acknowledged for her dedication to her job.

SPECIAL RECOGNITION:

- A Service Award was presented by the staff at The Healing House to Miss Kathy Sayre for 14 years of service and for all of her dedication to working with the victims of Domestic Violence.
- Corrections Director Lee Cook presented Court Security Officer Tina Cabrera with a Special Recognition Award for all of the positive feedback given about her.

PRESENTATIONS:

- SunZia Transmission Line Presentation - John Strand presented on the SunZia Transmission line project. He gave a brief update and advised of the virtual meetings that will be taking place. Mr. Strand explained that these virtual meetings are to be held to explain more about what this project is all about.
- Marketing Expert, Candice MacBlain presented the Luna County Advertising Plan and strategies that have been put into place for more people to see what Luna County has to offer. She explained that this is being done through social media in the sense of a custom tourism Facebook page (Visit Luna County), the page consists of ads, one of which is Carousel Ads which shows the viewer pictures which contain a small description as people scroll through, the second is the commercials that show the area. The third, and final one is a static ad that will pop up when on social media. Candice spoke of this and the positive impact this has and will have on tourism in Luna County.

ELECTED OFFICIALS REPORT:

- **Assessor:** Chief Deputy Assessor Isabelle Enciso reported they mailed out the second notices for livestock and personal property, anything received in the office now for livestock and personal property taxes will be assessed a 5% penalty. The rendering period for all other exemptions and limitations freeze ended on May 2, 2022. With the mailings of the Notice of Values, were informational inserts explaining how to understand the Notice of Values and how to register for online 2023 notices. The office received 33 protests, and the Appraisal Staff is reviewing these protests to work up the ones that are scheduled for a hearing on August 10th and 11th, 2022. There will be seven employees taking the IAAO online courses which are set to take place July 18th-22nd, to get their Appraisal Certifications. The County Service Specialists are busy processing the last of the livestock, personal property documents, deeds, affidavits, address changes, tax levies, and helping customers on the phone, online, and in the office. The GIS/911 Rural Addressing/Flood Plain Department is busy processing deeds, reviewing and signing off on flood plain inquiries, parcel data inquiries, issuing new addresses in the County, processing address designation letters, working on city subdivision GIS map, scanning subdivision plats and checking surveys for Claims of Exemptions. The Assessor's Office is working on the Certification of Values to The Property Division, and are waiting for the necessary documents for them to be able to begin this process, and meet their deadline which has been extended from June 15th to July 15th, 2022. The Assessor's Office is encouraging the public to reach out by phone, email, or by coming into the office with questions or concerns.
- **Clerk:** Clerk Berenda McWright reported that for the month of May the Clerk's Office was very busy. The Clerk's office processed 27 same day registrations, 10 in-person, 2 through the mail, 56 removable (Moved out of the county or deceased including Eric cancellations), and 41 online. Ms. McWright reported that there are a total of 12,683 active voters, 5,175 Democrats, 4,263 Republicans, 116 Libertarians, and 3,129 DTS/other. The Clerk's Office

processed a total of 474 recordings, and 2 new businesses were registered, none were canceled, with a total of 257 total Business Licenses. The notices for the yearly Business License renewal fees were mailed out on June 8, 2022. There were a total of 6 Marriage Licenses issued and 3 were filed. A total of 19 Probates were opened and 7 were closed. The Lodger's Tax collected totaled \$278.11. It was also reported, that one regular, one work session, and one special meeting were processed. Ms. McWright stated there was a 21% voter turnout for the Primary Election which was the lowest turnout in the last four years. She thanked the IT department (JT, Nathan, Judy, and Debbie), Maintenance (Ezra Uzueta and Joel Rivera) for all of their help with setup, and also, Court Security Officer Tina Cabrera.

- **Probate Judge:** No report was given.
- **Treasurer:** No report was given.
- **Sheriff:** Sherriff Gannaway gave the monthly report for May. There were no homicides or rapes reported for the month of May. Assaults are down, burglaries are up a bit and larcenies are way up. Vehicle thefts are up, there were no arsons, and no robberies to report. The overall totals for criminals are up. The Sherriff reported that the non-criminal paper service is way up. Accidents are way up, and there was one DWI to report. The totals for both criminal and non-criminal are both up.
- **Commissioners:** Commissioner Barbara Reedy gave thanks to Sherriff Gannaway for attending the vandalism meeting. She explained that the meeting was held due to the concerns pertaining to all of the vandalism that is occurring in the downtown area. Commissioner Reedy did advise that she would not be attending the Special Meeting that would be held Monday, June 13, 2022, at 10:00 a.m. Chair Smrkovsky reported that she would not be attending the NMC Summer Conference, along with which comes the NM Association of Counties Board Meeting. Commissioner John Sweetser will be attending these meetings in Chair Smrkovsky's place.

COUNTY MANAGER'S REPORT: County Manager Chris Brice asked, Economic and Development Director Christie Ann Harvey to report for her department. Ms. Harvey gave a brief update on the projects that Economic Development is currently working on which included the Comp Plan, WNMU Classes, the apartment complex, Caprock/Columbus Industrial Park, City gas pipeline/Mexico and Broadband among others. Commissioner Reedy requested written copies of the updates in order to be able to keep up with what is going on with each project. Mr. Brice stated that the NMC Summer Conference would be held from June 13th to June 17th, and asked for patience as most of the departments would be short-staffed due to the conference. He also reported that the County is stepping full force into working to get Broad Band to the rural residents of Luna County possibly in the next 6 to 12 months.

- **Dispatch:** Director Pablo Montoya is busy working on radios and the CAD system, there are dedicated funds from the Rescue Act Funds to support both. Dispatch received a total of 11,170 calls and issued 221 warrants.
- **LCDC:** The Detention Center has booked 431 people, 182 have been released, 252 State APD, and 272 USM APD. United States Marshalls conducted a site walkthrough on May 12, 2022, and there were no concerns reported. The average daily population is well over what we need to break even with the operation of the Detention Center. The County is considering entering into new negotiations to reopen the contract with the US Marshall. Mr. Brice stated that it has been about three to four years since the negotiation took place last. In this negotiation, he is looking into raising per diem for Marshalls. With the way costs are going up, the negotiations need to be re-opened. The South Units of the Detention Center are being ripped out, hopefully, the area that is referred to as the trailer park can be gone soon to be able to focus on what is going to be done construction-wise to expand some of the laundry

facilities that really need expanding and some of the storage facilities. The maintenance building project is wrapping up out there and it will be a good addition to the Maintenance Department. The crew had been working out of two storage containers. After this project is complete The Maintenance Department will have an actual building to work out of.

- **Road Department:** Director David Bailey reported on the completed road projects and the newly begun road repairs. Mr. Bailey also stated that his department is working on solutions for the roads to remain in good condition in hot temperatures. Mr. Brice reported that he met with Wilson Company to continue the planning of the approved funded LPOE Columbus Industrial park phase I, and will be looking to go out to bid sometime in late October 2022. He also stated that an updated ROW/MOU with the village as well as potential changes in the scope to include the footage of the roadway and pond acquisition and potential changes. There was a shovel-ready project to include the Columbus LPOE Industrial Park Phase II submitted and RTOP approved the project on May 20, 2022. A plan and design-only projects for the repair of North Boundary Road in Columbus, and Comino Doce Road were also submitted, but both of these projects were lower priority ranked by RTOP, and do not expect approval this year. All projects were submitted to NMDOT as required by May 31, 2022, with the final approval expected by the State in September 2022.
- **Budget and Procurement:** The preliminary budget has been completed and submitted to DFA for final approval. Starmax has received a total of \$411,638.40 for the digital reimbursement program for which the original investment of approximately \$388,000.00 through May 21, 2022. There is no remaining balance on conversion expenses. The funds will be put back into fund 416 for use in other projects.
- **Human Resources:** There are many positions to fill, CDL drivers being one of the most needed. Mr. Brice reported that the lack of CDL drivers is a nationwide issue. The currently available positions are Detention Officer, County Services Specialist Clerk, Truck Driver, Starmax Bartender, Juvenile Justice Program Manager, and Field Deputy. The new hires for the month of May are Elian Lozano (LCSO), Ilena Salcido (LCDC), Avelardo Chavez (LCDC), Edgar Madrid (LCDC), Jared Palmer (LCDC), Alendra Omenalu (Starmax). There is an issue that interviews are being set-up and applicants are not showing up. Working with Workforce Solutions to see if they can help to solve this issue.
- **Starmax:** Continuous work is being done to work on various issues, and there are now two theaters open.
- **Planning Department:** The Planning Department is finalizing the Solar Policy, there are about 19 to 20 companies that are interested in solar energy and community solar, and making sure that the process being used is the right one. Also, the County is still working on the property donations in which there are a total of six applications in the final stages of the transfer process, this program has been a very successful one. The property comes from people who have inherited the properties and do not wish to keep the property and continue to pay the property taxes on it.
- **Emergency Management:** The Hazzard Mitigation Updated Plan has been officially submitted to DHSEM, and is under review which is expected to take anywhere from 30-60 days, and awaiting approval on the State and Federal levels. Once approved it will be sent to FEMA, and the County will then be able to apply for grant money. Emergency Manager Phillip Rodriguez has been extremely busy assisting the state and local EMs with the large wildfires burning in the North. Mr. Rodriguez spent a total of 11 days in Las Vegas and, The County is conducting a donations drive for some of the New Mexico Counties that are in need of supplies, such as shovels, rakes, cleaning supplies, etc. Someone will drive the supplies to Mora County once they are collected.

- **Safety/Risk Management:** There is an updated safety policy being drafted to submit to New Mexico Counties, working with SFM for the Plan of Actions regarding the findings.
- **Luna County Fire:** There have been 22 fire calls received and the burn ban is still in effect. Any moisture or humidity is a tremendous help to the firefighters in helping contain the fires.
- **Community Health and Well-Being:** The Healing House will be turned over to La Casa out of Las Cruces on July 1st. The IT Department is working on some of the technical issues before The Healing House changes hands. Mr. Brice mentioned that all staff would be moving to La Casa, he also stated that this move is a good one.
- **DWI:** The DWI Department is currently tracking 85 misdemeanor DWI offenders, and Teen Court has 18 participants, (12 males, 6 females).
- **Healing House:** The Healing House is currently sheltering 11 adults, 16 children, 16 BIP clients, 13 DVOPs, and 11 counseling sessions were held.
- **Health Council:** The Health Council distributed 17 medication lock boxes to the public. The staff attended the NM Rural Summit in Santa Fe and they attended the Celebration of Life event on May 7, 2022.
- **Casa:** The Casa Program is currently serving 36 kids in Luna, Hidalgo, and Grant Counties.
- **PAT:** There are currently 177 clients enrolled in Luna and Hidalgo Counties. There were a total of 15 car seats distributed. PAT also held a Mother's Day celebration.
- **JJCS:** For Luna and Hidalgo Girls Circle there is a total of 7 participants, Boy's Council had a total of 21 participants, and Adult Drug Court had 9 participants.
- **IT:** The IT Department has been busy with completing 998 work orders, and stopping 2,345 Trojan viruses and ransomware. There were a total of 27,900 emails caught on the spam filter just this month, including a spam email that looked like it was from Charlene Web the Sierra County Manager.

A meeting was held in Santa Fe on Wednesday, June 8, 2022, which was a study to see if the merger of the Department of Correction and County Detention Centers would be feasible. The feasibility of the two is not good at this time.

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

Mr. Brice reported on behalf of Budget and Procurement Director Joanne Hethcox. There were no claims for Indigent for the month of May. There was a total of \$49,071.23 for the calendar year, and \$370,814.66 is encumbered as of May 31, 2022. Commissioner Sweetser motioned to accept the Indigent Claims Report as issued, and a second by Commissioner Reedy the motion carried unanimously.

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

COMMUNITY SUPPORT REPORTS: Chelsea Evans, Mainstreet gave updates on past and present events, one of which was the Main Street Block Party. She stated this is the third party to be hosted by Main Street and they are hoping to plan another party for the fall season. The first Main Street Market is to be held on June 11th at the Courthouse Park. There are about 50 vendors that are signed up to attend. The Salsa Fest is scheduled for the last weekend of July (29-31) cook-off registrations should be open this week. They are planning for the National Night Out, which will be held on August 3, 2022.

County Manager reported for Sandy Foster from the Humane Society. He reported that the Humane Society received another \$25,000 grant which will be used solely for spaying and neutering. This will be for anyone that cannot afford to have their pets spayed or neutered.

Rebecca Lescombes reported that Lemonade Day took place on May 21 and was very successful. There was a great turnout for this event, a total of 40 booths were set up on Main Street. Lemonade Day will take place again next year due to the great turnout and support.

PUBLIC COMMENT: Chair Smrkovsky opened the floor to public comment. Alberta Morgan spoke about the need for broadband.

PUBLIC HEARING: Ordinance 112: An Ordinance Addressing off Highway Vehicles. Commissioner Reedy motioned to approve Ordinance 112: An Ordinance Addressing off Highway Vehicles. The motion was seconded by Commissioner Sweetser and was approved unanimously following a roll call vote.

CONSENT AGENDA: Commissioner Sweetser motioned to approve the Consent Agenda. The motion was seconded by Commissioner Reedy and was approved unanimously following a roll call vote.

- a. Accounts Payable \$1,624,581.14
- b. Payroll \$1,175,350.48

NEW BUSINESS:

- a. **Resolution 22-38: Authorizing the Budget and Procurement Department to make final necessary intra-departmental line item transfers before the end of the fiscal year:** Commissioner Reedy motioned to approve Resolution 22-38: Authorizing the Budget and Procurement Department to make final and necessary intra departmental transfers before the end of the fiscal year. The motion was seconded by Commissioner Sweetser and unanimously approved following a roll call vote.
- b. **Resolution 22-39: Budget Increases:** Commissioner Sweetser motioned to approve Resolution 22-39 Budget Increases. The motion was seconded by Commissioner Reedy and unanimously approved following a roll call vote.
- c. **Resolution 22-40: Budget Transfers:** Commissioner Sweetser motioned to approve Resolution 22-40 Budget Transfers. The motion was seconded by Commissioner Reedy and unanimously approved following a roll call vote.
- d. **Resolution 22-41: Disposition of Personal Property:** Commissioner Reedy motioned to approve Resolution 22-41 Disposition of Personal Property. The motion was seconded by Commissioner Sweetser and was unanimously approved following a roll call vote.
- e. **Resolution 22-42: Certification of Fixed Assets:** Chair Smrkovsky asked that Resolution 22-42 be tabled until a more legible copy was made available to the Board of Commissioners. Commissioner Reedy motioned to table and reschedule Resolution 22-42 for Special Meeting scheduled for Monday, June 13, 2022. The motion to table was seconded by Commissioner Sweetser and was unanimously approved following a roll call vote.

- f. **Resolution 22-43: Procurement Policy Amendment-New Travel Rates:** Commissioner Reedy motioned to approve Resolution 22-43: Procurement Policy Amendment-New Travel Rates. The motion was seconded by Commissioner Sweetser and unanimously approved following a roll call vote.
- g. **Resolution 22-44: Luna County Cooperative Agreement Project (SP):** Commissioner Reedy motioned to approve Resolution 22-44: Luna County Cooperative Agreement Project (SP). The motion was seconded by Commissioner Sweetser and was unanimously approved following a roll call vote.
- h. **Resolution 22-45: Luna County School Bus Routes Project (SBR):** Commissioner Sweetser motioned to approve Resolution 22-45 Luna County School Bus Routes Project. The motion was seconded by Commissioner Reedy and was unanimously approved following a roll call vote.
- i. **Resolution 22-46: Luna County Arterial Projects (CAP):** Commissioner Sweetser motioned to approve Resolution 22-46 Luna County Arterial Projects (CAP). The motion was seconded by Commissioner Reedy and was unanimously approved following a roll call vote.
- j. **Resolution 22-47: Request for Sunzia Transmission LLC to use certain roads in Luna County and other matters:** Commissioner Reedy motioned to approve Resolution 22-47: Request for Sunzia Transmission to use certain roads in Luna County and other matters. The motion was seconded by Commissioner Sweetser and was unanimously approved following a roll call vote.
- k. **Resolution 22-48: Authorizing the Purchase of Property (Little Vineyards Subdivision):** Mr. Brice explained that this property is the one that is located behind Starmax and to the north of the Happy Camper. This property would be purchased to square off the East side of Starmax. Commissioner Reedy motioned to approve Resolution 22-48: Authorizing the Purchase of Property (Little Vineyards Subdivision). The motion was seconded by Commissioner Sweetser and was unanimously approved following a roll call vote.
- l. **Resolution 22-49: Authorizing the Purchase of Property (1110 W Florida St Deming NM):** County Manager Chris Brice explained that this property is the Blue Skies Medical Building. He stated that this building is planned to be used for the District Attorneys' Office until a more permanent building can be built. Commissioner Sweetser motioned to approve Resolution 22-49: Authorizing the Purchase of Property (1101 W Florida St Deming NM). The motion was seconded by Commissioner Reedy and was unanimously approved following a roll call vote.
- m. **Proclamation 22-06: Supporting Economic Development in Luna County (Sunzia Transmission Project):** This Proclamation was unanimously tabled.

Upcoming Meetings/Events (Unless otherwise specified):

Special Meeting: June 13, 2022 at 10:00 a.m.

Regular Meeting: July 14, 2022 at 10:00 a.m.

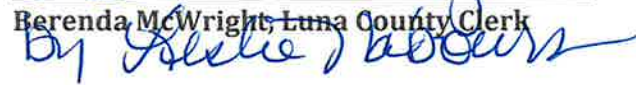
ADJOURN: Upon a motion by Chair Smrkovsky the meeting was adjourned at 11:53 a.m.

ATTEST:

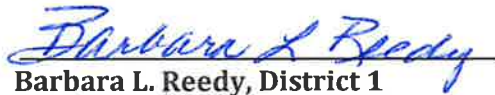
**LUNA COUNTY BOARD OF
COUNTY COMMISSIONERS**



Berenda McWright, Luna County Clerk

By 

Approved: _____



Barbara L. Reedy, District 1



Chair, Linda M. Smrkovsky, District 2



John S. Sweetser, District 3