

MINUTES
REGULAR MEETING
LUNA COUNTY BOARD OF COUNTY COMMISSIONERS
Thursday, November 21, 2019

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 10:00 a.m. on Thursday, November 21, 2019 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, County Attorney Charles C. Kretek, Executive Assistant Yossie Niebles, Clerk Andrea Rodriguez, Chief Deputy Clerk Berenda McWright, Probate Judge Diana May-Diaz, Deputy Clerk Pilar Salcido, Assessor Michelle Holguin, Chief Deputy Assessor Isabelle Enciso, Treasurer Gloria Rodriguez, Sheriff Kelly Gannaway, Captain Michael Brown, IT Technician Judy Hatch, Administrative Assistant Debra Seats, Road Department Director Marty Miller, Human Resource Director Rosa Porrás, Maintenance Director Paden Vendrely, Planning Director Byron Hollister, Code Compliance Supervisor Frankie Tarazon, Administrative Assistant Patricia Rodriguez, and Budget & Procurement Director/Indigent Claims Administrator Joanne Hethcox.

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:

- **Regular Meeting – October 10, 2019:** Upon a motion made by Commissioner Reedy and a second by Commissioner Sweetser the Minutes of the October 10, 2019 Regular Meeting were unanimously approved.
- **Special Meeting – October 31, 2019:** Upon a motion made by Commissioner Sweetser and a second by Commissioner Reedy the Minutes of the October 31, 2019 Special Meeting were unanimously approved.
- **Special Meeting – November 12, 2019:** Upon a motion made by Commissioner Reedy and a second by Commissioner Sweetser the Minutes of the November 12, 2019 Special Work Session were unanimously approved.

PRESENTATION:

- **Swearing in of LCDC Cadet by Judge Van Gundy:** Municipal Judge Frank Van Gundy conducted the swearing in ceremony for Luna County Detention Center Cadets Angel Villa and Denise Garay.
- **Ryan Jewell of Yearout Energy-Presentation on Energy Efficiency:** Ryan Jewell presented information on guaranteed energy savings performance contracting. Mr. Jewell stated GESPC is a funding mechanism to be able to update infrastructure building using energy efficiency. Mr. Jewell indicated his primary focus is to audit government buildings in order to find energy efficiencies to help pay for infrastructure upgrades using things like solar, lighting, HVAC equipment efficiency in the buildings to pay for itself. Mr. Jewell stated they have identified a couple of measures that could be beneficial to Luna County buildings. The next step to this process would be to take a deep dive into the buildings if the Commission chooses to move forward through an investment grade audit. The County spends \$271,000 on energy a year which includes the County Courthouse, Detention Center, Star Max and District Courthouse. It is estimated that on a conservative level the savings can be up to 25% which equates to about \$80,000 a year in utility savings. Mr. Jewell explained there are three phases to a guarantee energy savings performance contract. The first one would be the investment grade audit which is the development team taking a deep dive at the buildings and working and partnering with the client to see what the goals are for the future and creating a project through goal expectations. The second phase is the implementation phase and the construction phase. The third phase would be the measurement verification phase and because this is a guaranteed project they would outline guaranteed savings and guarantee a maximum price for the project. The guaranteed savings would be on the back-end. County Manager Chris Brice asked Mr. Jewell if the fee for the construction side of the project is all up front or is extrapolated over time. Mr. Jewell stated their fee is all up front but would be paid for through utilities. He also stated that the investment grade audit is a financeable document and that a loan can be obtained. Because the savings are guaranteed, it is very easy to get funding for construction work. If they could not achieve the project for the dollar amount given they would be responsible for the expense to make sure all work is completed. Also, if they guarantee a savings amount and come up short they will also cut a check for the difference. They carry insurance on all "project which is State" mandated.
- **John Costilla-Gonzalez – Center for Health Innovation: Results for the NM Community Survey for Alcohol and RX Misuse in Luna County:** John Costilla-Gonzalez Project Coordinator introduced Christina Lopez-Gutierrez as the evaluator and data person. Mr. Costilla-Gonzalez stated they are a coalition against teen substances use which is a sub-committee of the Luna County Health Council. Mr. Costilla-Gonzalez indicated he is the Project Coordinator, the Center for Health Innovations is the physical agent and are the paying agent for his services. He stated that their focus is to reduce underage drinking and to reduce prescription drug usage for ages twelve to twenty years old and sixty plus. Mr. Costilla-Gonzalez believes misuse is not all intentional he believes more knowledge and education is needed. Ms. Lopez-Gutierrez stated they were here presenting a year ago, at that point it was a planning year for this grant and now they are in the implementation phase. She indicated that they are trying to change behaviors at the County level. They have implemented a survey for this measurement and have collected 457 surveys. That is the baseline for this project including Columbus.

SERVICE AWARDS: LCDR Captain Apodaca presented five year service award to Brent Jasso from the Detention Center. Alvaro Granillo from the Sheriff's Office was not available to receive his ten year service award.

ELECTED OFFICIALS REPORTS: Clerk Andrea Rodriguez thanked the Elections Administrator Leslie Nabours for her hard work and all she does during elections. Mr. Rodriguez stated Ms. Nabours is responsible for taking care of the elections from the very beginning to the very end. Ms. Nabours puts her blood sweat and tears into her job and does a tremendous job. She also thanked Berenda McWright and the rest of her staff for working together to get it all done. She also thanked the poll workers, and Maintenance Director Paden Vendrely and his team for their hard work in getting us ready and doing a great job at the polling places. The Clerk's Office had a few hiccups during this election and the County Attorney Charles Kretek was there to do the legal work to resolve those issues in a timely manner. She thanked him for his participation.

Assessor Michelle Holguin reported that on October 15th they issued final abstract to the Property Division with all of their values. Once elections were completed and canvassed, they turned over the tax rules to the Treasurer. Ms. Holguin stated they are busy getting ready for the end of the year duties. She also stated she and the Treasurer Gloria Rodriguez met with the Relators at their MLS November meeting explaining the online services to see if they had any questions. Ms. Holguin mentioned they received a lot of good feedback from them and are hearing a lot of good things about the online services being offered. Ms. Holguin stated she will have year-end numbers next month at the year-end report.

Treasurer Gloria Rodriguez thanked the Assessor Michelle Holguin for delivering the tax rule to the Treasurer, all went smoothly with no errors. She also thanked the Clerk and other departments who cooperated with the preparation of the tax rule. Ms. Rodriguez stated they are now busy getting the tax bills out. Out of 66,000 tax bills, 58,000 will be mailed out. Tax exempt bills are not mailed. Online tax information is up to date including penalty and interest if it applies and bills will be mailed out tomorrow or no later than Monday.

Diana May-Diaz reported she has filed 111 probates, year to date probates are 125. Ms. May-Diaz also stated she has had 14 new cases last month. No marriages performed by her for the month of October and November.

Sheriff Kelly Gannaway reported the October stats are down. He reported the Non-Criminal is up, accidents are down, DWI's are down, but overall totals are up as well. Sheriff Gannaway stated he attended the academy on October 25th and that Dylan Graves graduated as a Certified Officer, he also graduated as a Valedictorian. Robert Ramirez was promoted to Sergeant, he has fourteen plus years of service as a law enforcement officer. Clark Smith was also promoted to Corporal, he has twenty years of service as a law enforcement officer. Deputy Sias and Deputy McBurney are in the National Guard and are being deployed and will be gone for about a year. Deputy Solana and Baeza the two newest hires will be attending the Academy in January, so the department will be short four individuals from January to April.

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

- Dispatch served 363 warrants in the County and 19 out of the County. The dispatchers received 1,242 911 calls for the month of October, the majority are from within City limits. Calls within the city limits are a topic that we will be discussing with Aaron Sera at the City of Deming on what their cost share is for dispatch. The dispatch office has three vacancies and it is imperative they keep that department fully staffed. Mr. Brice also stated they are working on having State police holding their own warrants and turned over to the State Dispatch Center which should be completed by January.
- Luna County Detention Center has 857 people booked, 380 released, US Marshalls average day in population (ADP) was 343 for the month of October and they have just concluded negotiating a new IGA with the Marshalls which was increased from \$60 a day in per diem to \$75 a day in per diem. From that contract alone Mr. Brice anticipates \$1,000,000 more a year. Transportation went up as well and the Detention Center will probably break even on transport. LCDC is currently going into a new phone system for jail management which is called Securus. The system includes inmate video visitation. The phone company profits a lot and they in turn will pay us back by giving us free software, bells and whistles. The system should be switched over on January 1st. Mr. Brice stated they are still working on the SOP for accreditation.
- The Road Department continues to work on repairing roads from the past and current rains. Mr. Brice stated he met with the Department of Homeland Security regarding a grant including three Counties, Hidalgo, Luna and Sierra. Luna County will probably get about \$375,000 to repair some of the damaged roads from the flooding in Columbus and other areas. The scrap tire pile is all caught up at this time.
- Budget and Procurement: The Stone Garden is not quite where we need to be, Laura Garcia will be working on that grant full time to try to get us caught up.
- Human Resources: There were two new hires in Maintenance, one in the Road Department and five in LCDC. Six employees have been off-boarded.
- Starmax sales for the month of October were \$103,875 down \$6,000 from last year in October. The Veterans Bowling Tournament was held on October 9th. The fire detection and sprinkling system is in need of replacement or repair.
- Community Health and Well Being: October was the Purple Ribbon Campaign. They conducted the "Cram the Cruiser" event with Deming Police Department and they have received funding in the amount of \$12,000 from FEMA. Mr. Brice stated they are working on new vehicles with Parents as Teachers and actually are working on new vehicles for everybody which is a big monster to tackle but we will get there. Mr. Brice stated he is working with the City of Deming and their facility to do our vehicle maintenance.

- Luna County Fire Department: The fire department responded to two brush fires, two vehicle fires, one gas leak and a report of smoke. Mr. Brice also stated they applied for the 2025 Fund Act. They had to beg because we didn't meet the requirements to apply for the grant. They agreed to help us with the grant as they know our position. He also stated that they sent three firefighters to the fire academy in Dona Ana and two have passed, one needs to retest and that will make seven State qualified firefighters as volunteers.
- The Christmas tree will be put up and decorated soon. On December 7th the Christmas tree lighting ceremony will be held.
- There is a Bowling tournament this Saturday to raise money for Shop with a Cop.
- Mr. Brice met with Priscilla and the State Health Department and the County is looking to apply for CDBG funding in the amount of \$750,000 to fix the State Health Department building correctly, or looking at the building on Florida Street which was the rehabilitation building. The building off Florida Street is now empty and the County is also considering the possibility of turning it into offices for the Health and Human Service and Community Health and Well Being departments. Mr. Brice believes it is a newer building and it is a better located area for those services as it is closer to the hospital and the high school.
- The IT Department has installed cameras in the court house and plans to install two going into the Treasurer's Office. Wi-Fi is being installed for Pat at Parents as Teachers in Lordsburg. IT is moving to the Plaza Building and work is being done to get that fixed up for them.

INDIGENT CLAIMS REPORT: Upon a motion by Commissioner Reedy and a second by Commissioner Sweetser, the meeting of the Board of County Commissioners was recessed and the meeting of the Indigent Hospital Claims Board convened. Budget and Procurement Director Joanne Hethcox reported in October there were six claims, two of which, were from the Detention Center in the amount of \$19,097.79. The total gross receipts collected in October was \$52,061.77. The balance in that fund is \$1,136,044.09, of which \$598,281.20, is encumbered for obligations. Commissioner Reedy moved to approve the October Indigent Claims report in the amount of \$19,097.79. 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.

PUBLIC COMMENT: Chair Smrkovsky opened the floor to public comment: Susan Shiffner commented extensively on issues she is having with flies on her property in Luna County. She drafted an Ordinance which she would like the Board to put into effect.

Rosemarie Lynch also commented on a similar situation as Susan Shiffner. Ms. Lynch was able to resolve her issue by contacting Environmental Protection.

Mike Reitz from Deming Animal Guardians and DAG SHIP Rescue questioned Section 5.5.2 and 5.5.3 of the Animal Ordinance regarding amount of animals allowed. DAG recommended the amount of animals should be 20.

Diana Bell from Deming Animal Guardians reported that it cost Deming Animal Guardians over \$25,000 to deal with the last hoarding situation. She mentioned this Ordinance is great but feels the only way to prevent another hoarding situation is an alliance upon enforcement and inspection which must happen.

Christy Ann Harvey Executive Director of Deming Luna County Main Street Program extended a warm welcome to the new County Manager Chris Brice. She also mentioned that Main Street is involved in the following upcoming events: The distribution of Luna County Coats for Kids, Shop Small Business on November 30th, Shop with a Cop on December 7th, the lighting of Downtown and the Christmas tree lighting. Ms. Harvey asked if they could use a PA system for the event.

CONSENT AGENDA: Upon a motion by Commissioner Reedy and a second by Commissioner Sweetser the following items of the Consent Agenda were approved following a roll call vote.

- a. Accounts Payable: \$729,431.28**
- b. Payroll: \$1,107,792.70**

OLD BUSINESS:

- **Animal Control Ordinance Number 98:** County Attorney Charles Kretek stated that the Ordinance is a conglomeration of a survey of New Mexico Counties and it also includes input from DAG, the Humane Society and several other individuals. The intent of the ordinance was to make Luna County a safer place for animals and residents. Fees have been established on the number of animals being kept and the more animals a person has the higher the fee. Mr. Kretek stated that a facility with 80 animals should be inspected monthly. He also stated the Sheriff has the authority to enforce all Ordinances and he specifically has the authority to inspect facilities themselves, delegate to inspect or go together with the animal control. The Humane Society of the US from Washington has agreed that once the Ordinance has been passed, they will bring a free training program to town for prosecutors, law enforcement and animal control officers. Mr. Brice asked Mr. Kretek where the number of 80 animals came from, Mr. Kretek stated that he thought it came from the Otero County Animal Ordinance. Mr. Kretek stated if anyone has more than 60 animals, the County will be there for inspection at least once a month. If they are not in compliance they will lose their license and will be shut down. Mr. Brice would like to get this Ordinance approved today and if needed in the future it can be amended. Mr. Kretek stated he would like to do a six month evaluation and a twelve month evaluation to make sure what is working or what is not working and a report can be submitted to the Board. Commissioner Reedy moved to approve Animal Control Ordinance Number 98 as presented. Commissioner Sweetser seconded the motion which carried unanimously following a roll call vote. Chair Smrkovsky added that the fee schedule be presented in the December meeting for approval, then at that point a six month review will be scheduled.

NEW BUSINESS: Chair Smrkovsky reviewed each item on the New Business Agenda with the Commissioners:

- a. Resolution 19-54 Budget Increases:** Budget and Procurement Director/Indigent Claims Administrator Joanne Hethcox explained each budget increase line items in detail to the Board. Commissioner Sweetser moved to approve Resolution 19-54 Budget

Increases. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote.

- b. Resolution 19-55 Budget Transfers:** Budget and Procurement Director/Indigent Claims Administrator Joanne Hethcox explained these budget transfers are all intra-fund transfers which means department heads realizing they need to move money around within their own funds. The first four items are within their own funding for transfers to allow spending through the remainder of the fiscal year. Item number five is a fund to fund money transfer for the EMPG grant salary which was reimbursed to us from June 30th. Commissioner Reedy moved to approve Resolution 19-55 Budget Transfers. Commissioner Sweetser seconded the motion which carried unanimously following a roll call vote.
- c. Resolution 19-56 Colonias Infrastructure Project Fund (Road):** Road Department Director Marty Miller stated this resolution would allow the road department to move forward with phase two of the Colonias Infrastructure Project which has already started on Rockhound. Chair Smrkovsky asked for clarification on sites included in the project, she was under the impression that it included all of the sites. Marty Miller stated the two roads not included in this resolution were El Gordo and Triste that were supposed to be included in the \$880,000. County Manager Chris Brice stated he will clarify with Mario which sites are definitely included. Ms. Hethcox stated that the only thing she has seen is the three roads and she does not think the \$880,000 is enough to cover all five roads. She also stated that there are at least two more additional phases to the project. Chair Smrkovsky stated that it was her understanding that they were able to negotiate down the cost with Mario and still include the five roads. Chair Smrkovsky asked if the decision could be postponed. Mr. Kretek suggested approving the resolution and possibly correcting the documents if the \$780,000 cannot be applied to all five roads. Commissioner Sweetser moved to consider passing Resolution 19-56 Colonias Infrastructure Project Fund (Road). Commissioner Reedy seconded the motion which carried unanimously following a roll call vote.
- d. Resolution 19-57 Supporting the New Mexico Counties 2020 Legislative Priorities:** Chair Smrkovsky stated the County does this on an annual basis and the priorities are listed in the Resolution. Commissioner Reedy motioned to approved Resolution 19-57 Supporting the New Mexico Counties 2020 Legislative Priorities. Commissioner Sweetser seconded the motion which carried unanimously following a roll call vote.
- e. Authorizing closure of County Offices for employee meeting December 20, 2019 at 1:00 p.m.:** Commissioner Reedy motioned to approve authorizing closure of County Offices for an employee meeting on December 20, 2019 at 1:00 p.m. Commissioner Sweetser seconded the motion which carried unanimously following a roll call vote.

UPCOMING MEETINGS: Chair Smrkovsky announced the following upcoming meetings:

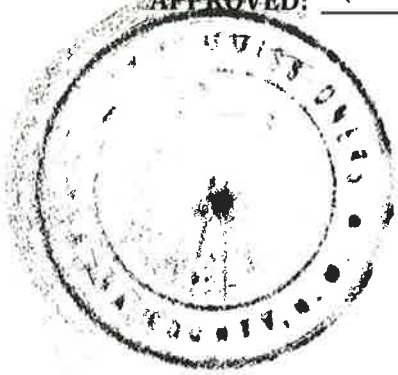
Regular Meeting – December 12, 2019 @ 10 a.m.

ADJOURN: Upon a motion made by Commissioner Reedy and a second made by Chair Smrkovsky the meeting was adjourned at 11:32 a.m.

ATTEST:


ANDREA RODRIGUEZ, LUNA COUNTY CLERK

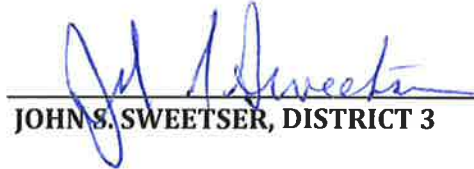
APPROVED: 12/12/19



LUNA COUNTY BOARD OF COUNTY COMMISSIONERS


BARBARA L. REEDY, DISTRICT 1


LINDA M. SMRKOVSKY, DISTRICT 2


JOHN S. SWEETSER, DISTRICT 3