

**MINUTES  
REGULAR MEETING  
LUNA COUNTY BOARD OF COUNTY  
COMMISSIONERS  
Wednesday, January 08, 2020**

**BE IT REMEMBERED** that the Luna County Board of County Commissioners met in regular session at 10:00 a.m. on Wednesday, January 8, 2020 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, Executive Assistant Yossie Niebles, Clerk Andrea Rodriguez, Chief Deputy Clerk Berenda McWright, Probate Judge Diana May-Diaz, Deputy Clerk Pilar Salcido, Treasurer Gloria Rodriguez, Chief Deputy Treasurer Dora Madrid, Sheriff Kelly Gannaway, Captain Michael Brown, IT Technician James Ozment, Road Department Director Marty Miller, Dispatch Director Lauree Sanchez, 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 10:09 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, District 2  
John S. Sweetser, Chair District 3**

**ELECT 2020 CHAIRMAN:** Chair Smrkovsky motioned to nominate Commissioner John Sweetser as the 2020 Chairman. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote. Chair Smrkovsky turned the meeting over to the newly elected Chairperson John Sweetser. Chair Sweetser thanked Commissioner Smrkovsky for her three years of leadership.

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

**MINUTES:**

- **Regular Meeting – December 12, 2019:** Upon a motion made by Commissioner Reedy and a second by Commissioner Smrkovsky the Minutes of the December 12, 2019 Regular Meeting were unanimously approved.
- **Special Meeting – December 18, 2019:** Upon a motion made by Commissioner Smrkovsky and a second by Commissioner Reedy the Minutes of the December 18, 2019 Special Meeting were unanimously approved.

**SERVICE AWARDS:** County Manager Chris Brice recognized Starmax Director Tom Long for his five years of service, Mr. Long was not present to receive recognition.

**PRESENTATIONS:**

- **Quarterly Restrictive Housing Unit Report:** County Manager Chris Brice explained that last July a new law took effect requiring a restrictive housing report which must be submitted quarterly. The first report was presented in October. Restrictive housing is the confinement and inability of an inmate to come out of their cell for greater than two hours a day. This report indicates five individuals were on restrictive housing. This information will be uploaded to the County's website. The County Commission must be notified of any restrictive housing participants. The main reasons for individuals on restrictive housing were medical reasons with physicians' direction to not be ambulatory.
- **Colonias Infrastructure Grant Discussion by Priscilla Lucero:** Director Southwest New Mexico of Counsel of Governments and Colonias Board Member Priscilla Lucero explained that Colonias Infrastructure fund is the actual State fund which was created in 2012. Colonias, according to the State rule, is a community within 150 miles from the boarder which lacks adequate infrastructure. She explained the categories which can be applied for funding under the Colonias Infrastructure fund is water, sewer, roads, flooding control, drainage control and solid waste. The process for the Colonias Infrastructure fund is to have a letter of intent submitted so that they can get a general idea of how many applications are being received in this funding cycle. Currently in this funding cycle there is \$19,100,000 available for southern Colonias designated areas. She stated here is an opportunity for the County to look at what potential projects they would like to submit for consideration. There is a 10% required match as well as a 10% required loan component with that program but it is one that is only competitive around the Southern Colonias designated areas. To date Ms. Lucero explained there is approximately \$21,000,000 of funding request versus the \$19,100,000 available. The Luna County designated areas currently are Franklin, Sunshine, Cat Fish Cove, Keeler Farm, Village of Columbus, and a portion of the City of Deming. Other areas can be designated but must meet the requirements set by the State. The application deadline is February 17<sup>th</sup>. Although Luna County did not submit a letter of intent which was due January 3<sup>rd</sup> the County can still apply for funding. County Manager Chris Brice stated the County did not do a very good job previously preparing for the letter of intent for the Colonias grant and because of that, Mr. Brice stated Wilson & Company suggests that the County do a master drainage or road plan because that would be easiest to prepare a letter of intent. Mr. Brice stated the way to go this year is to request funding for the master drainage and roads. Then before the fall the County needs to consider what needs to be considered Colonias wise within the County he also mentioned that may change for next application time. Ms. Lucero made clear that whatever the County applies for as a master plan, it can only benefit the discussed areas.
- **New York Life Insurance Presentation by Maricela Sandoval:** Licensed Agent with New York Life Maricela Sandoval presented life insurance products offered to Luna County employees and their families going forward with individual payments versus payroll deduction.
- **Presentation on Children's Museum:** Jamie Viramontes, Adam Westenhofer, Kalyn Blazak, Chelsea Newman gave an extensive presentation regarding Play Sharity. They are seeking

\$50,000 funding from Luna County as the City of Deming will donate \$50,000 if the County commits to donation.

**ELECTED OFFICIALS REPORTS:** Treasurer Gloria Rodriguez reported property taxes are due on Friday, January 10<sup>th</sup>. If taxes are paid after January 10<sup>th</sup> there will be late fee and interest applied to taxes. The Treasurer's Office is currently working on the December financial report.

Diana May-Diaz reported on the end of year report. Ms. May-Diaz stated she had 136 probates for 2019, of those probates 67 had wills and 64 are without wills. Twenty-eight marriages were performed last year.

Sheriff Kelly Gannaway reported that all stats are down except for one, homicide. Overall for the month of December calls are down and on the civil side stats are also down. Yearend totals are down on the criminal side but the non-criminal stats are up which could be attributed to the paper service. Sheriff Gannaway also reported they may lose another officer to deployment soon and he is in the hiring process for a Court Security Officer. He also stated Deputy Adrian Flores will be resigning in a couple of months. Sheriff Gannaway stated that they have two trucks and a Tahoe currently being outfitted which were purchased with money from the State.

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

- The Emergency Management position has been posted and closes Friday. Interviews for this position will start in the next couple of weeks.
- Health Council gave a Census presentation to Deming Head Start, ten parents and three staff members were present. Health Council is working with Census Complete County Committee, in which 600 Census flyers were distributed to the community. The first Complete Count Committee Meeting was held recently and Yossie Niebles will be the Chair.
- DWI tracked 104 misdemeanor DWI offenders in the month, 20 individuals in teen court, 13 in Moral Reconciliation Therapy (MRT).
- Luna County Fire responded to one semi fire, one structure fire and three controlled burns for the month. Hose testing was conducted, approximately 1375 feet of hose failed. Luna County did not get the annual fire grant because pumps had not been tested as required. The County lost \$50,000 to \$100,000 this year because we were not doing what we should have been doing. Mr. Brice is confident current leadership in place will do what is required going forward.
- IT had 190 work orders submitted and 161 have been completed. There were seven attacks on networks this month. IT has been tremendous in helping out with the upgrades being done at the Detention Center including new phone system, new jail management software and video visitation systems.
- Planning had four new cases with code enforcement issues, one has been abated. Planning is working with the Assessor's Office to streamline the addressing process by requesting addresses on-line.

- Dispatch had 351 warrants served in Luna County and eighteen served out of the County. They had 1,200 911 calls for the month of December. State Police warrants are being transferred to State Police dispatch center on January 16<sup>th</sup> which is a huge load lifted off the dispatch department.
- Detention center booked 716 people and released 340, average day population was 419 and US Marshall inmate is 298. The per diem rate has gone from \$60 to \$75 a month which will be a huge increase on revenue generated at the detention center. Joanne Moorman, part of transport team, passed her CDL. Bridgett Vega was hired replacing Yossie's position and is working out well. The Juvenile Detention center is closing, CYFD is putting even more requirements for 2020 and we cannot afford to keep the center open. An official letter will be going out this week letting all involved know were closing the facility. Juveniles will be going to Dona Ana or Lee County going forward.
- The Road Department is still playing catch up on road repairs after recent rains. Their priorities are bus routes and high traffic areas.
- Budget and Procurement continues to catch up on Operation Stonegarden. Laura has done an amazing job on getting everything needed for reimbursement by late February. First Finance Review Committee meeting was held with Chair Smrkovsky and will be held going forward quarterly at a minimum.
- Human Resources had one new hire, four employees off-boarded for retirement, and three for separation. Personnel Action forms were submitted for the \$800 salary increase implementation.
- Starmax sales for the month of December were \$114,223.00 which is down by approximately \$30,000 from last year. Working on plans to keep smoke out of the cantina area from the kitchen.
- Community Health and Well Being - Healing House remodeling project will be starting in the near future. The County received \$250,000 of Capital Outlay for this project.

Capital outlay request forms have been submitted on time and ready to go. Mr. Brice applied to become a member of the Boarder Authority Board. The County gym has been closed, the two individuals who have personal equipment in there must remove their equipment as soon as possible. Commissioner Reedy asked Mr. Brice what is the status on the IT Policy? Mr. Brice stated it will be part of the February meeting. Commissioner Smrkovsky asked that the IT Policy be part of a work session to discuss. Mr. Brice will send a list of policies to the Commissioners so they can request what policies they would like to be involved with.

**INDIGENT CLAIMS REPORT:** Upon motion by Commissioner Smrkovsky 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 fifty-two claims totaling \$22,640.48 were processed for the month of December. The gross receipts collections totaled \$56,197.48 and the balance for Indigent Claims Fund totaled \$1,207,946.10 of that \$524,468.70 is encumbered. The total for all services and all claims for the calendar year 2019 was \$154,289.07 and the total for inmate care for 2019 was \$1,238,964.45. Commissioner Smrkovsky asked if the Indigent Claims Policy is being reviewed. Ms. Hethcox stated a meeting has been scheduled for the end of this month to start reviewing and

changing the policy prior to bringing changes to the Board. Commissioner Smrkovsky motioned to approve the Indigent Claims Report as submitted. Commissioner Reedy seconded the motion which carried unanimously. Commissioner Reedy motioned to recess as a Claims Board and reconvene as a County Commission. Commissioner Smrkovsky seconded the motion which carried

**PUBLIC COMMENT:** Chair Sweetser opened the floor to public comment: Chair Sweetser stated this public comment will also include any comment regarding the CDBG public input. Chair Sweetser read the rules of public comment which states comments can pertain to agenda items only, that it is not a question and answer period and the time is limited to three minutes.

Alberta Morgan expressed concerns regarding Resolution 20-14. Her concern is how the County is coming up with the money to do work for reimbursement and if the County has enough personnel to complete the work. County Manager Chris Brice responded that much of the work will not require money up front as the Road Department employees will be doing the work. Ms. Morgan also thanked the Board of Commissions for the sleeping bags donated to Silver Lining.

Sharon Shiffner addressed the fly issue again. She stated that Keeler Farms has dumped onions the first part of November and to date, they have not covered them up. County Manager Chris Brice stated that this issue requires research prior to taking action and the County is currently researching the situation. Ms. Shiffner asked that the Board address this issue as quickly as possible.

Amanda Keeler an Honorary Board Member with Play Sharity commented that she is excited to be on the Board which is going to make a better experience for the children and future children of the community. She asked the Board to consider making recurring funding possible to continue with the work and efforts being done at Play Sharity.

Speech Language Pathologist Chris Alverpolo invited the Board to tour Play Sharity. She commented that she sees the need for this project in this community in order for growth and to have a safe place and opportunity for children to learn. She pledged that she will help with the outsourcing needed to reach the lower income families for their participation.

Arianna returned to Deming to care for her 89 year old grandmother and she works at Play Sharity. She works to honor her grandmother's legacy in early childhood education. She believes this program will help in improving this community.

Christie Ann Harvey commented on the CDBG grant and feels the chosen project of the Health Department would be an excellent selection. She stated it was an eye-opening experience for her to hear all that the Health Department actually does and feels the improvements are critical. She also stated that the support of Luna County to Mainstreet is deeply appreciated. Mainstreet is currently working with the City on a signature event which will happen July 17<sup>th</sup> through the 19<sup>th</sup> which is centered at the Salsa Festival. Professional entertainment and a Mexican rodeo at the Luna County fairgrounds is planned. Ms. Harvey also introduced her Executive Assistant Chelsea Evans.

Danielle Little commented that she fully supports Play Sharity and commented that she and her husband are licensed foster parents in this community. Ms. Little believes Play Sharity can bridge the gap for parents who are struggling with parenting and need support. She is excited to be part of the program.

Chair Sweetser called a five minute recess at 12:03 p.m. and returned at 12:17 p.m.

**CONSENT AGENDA:** Chair Sweetser pulled item h from the Consent Agenda for discussion under New Business. Commissioner Smrkovsky asked if the “web-site” needs to be added to Resolution 20-04. County Manager Chris Brice did not feel it had to be added as they only included the paid notices. Upon a motion by Commissioner Smrkovsky to approve the Consent Agenda moving item h to new business, and a second by Commissioner Reedy the following items of the Consent Agenda were approved unanimously following a roll call vote.

- a. Accounts Payable: \$812,107.30
- b. Payroll: \$1,138,585.05
- c. Resolution 20-01 Notice of Meetings
- d. Resolution 20-02 Timely Payments
- e. Resolution 20-03 Notice of Fees
- f. Resolution 20-04 Depositories, Board of Finance, and Media Designation
- g. Resolution 20-05 Right to Inspect Public Records
- h. *MOVED TO NEW BUSINESS ITEM J.*
- i. Resolution 20-07 Designating Treasurer to Require Collateralization
- j. Resolution 20-08 DWI Participation
- k. Resolution 20-09 ADA Grievance Procedure
- l. Resolution 20-10 Residential Displacement
- m. Oath of Office for Isreal Saenz for Deputy Sheriff
- n. Oath of Office for Adrian Flores for Investigator

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

- a. **Resolution 20-11 Budget Increases:** Budget and Procurement Director/Indigent Claims Administrator Joanne Hethcox explained there are three budget increases or decreases this month. Ms. Hethcox explained each line item in detail to the Board. Commissioner Reedy moved to approve Resolution 20-11 Budget Increases. Commissioner Smrkovsky seconded the motion which carried unanimously following a roll call vote.
- b. **Resolution 20-12 Budget Transfers:** Ms. Hethcox explained the budget transfers in detail. Commissioner Smrkovsky moved to approve Resolution 20-12 Budget Transfers. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote.
- c. **Resolution 12-13 Agreement between Luna County and Southwest New Mexico Council of Governments for Annual Membership & Appointment of Members:** County Manager Chris Brice stated that every August the resolution is done to work with SWCOG, this resolution is simply to change the name of the primary member from Mr. McSherry to himself. The first alternate is Commissioner Reedy and the second alternate will be Commissioner Smrkovsky. Commissioner Smrkovsky motioned to approve County Manager Chris Brice as the member, first alternate to be Commissioner Barbara Reedy and the second alternate to be Commissioner Linda Smrkovsky. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote.

- d. **Resolution 20-14 Supporting the Columbus Land Port of Entry Diversion Berm and Flood Control Project, In Columbus, New Mexico:** Commissioner Smrkovsky had concerns with the verbiage in this resolution “all acts and resolution in conflict with this resolution are hereby rescinded, annulled and repelled”. County Manager Chris Brice explained there are currently no resolutions or acts in place so nothing is annulled or repelled. Commissioner Smrkovsky motioned to approve Resolution 20-14 Supporting the Columbus Land Port of Entry Diversion Berm and Flood Control Project, in Columbus, New Mexico. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote.
- e. **Resolution 20-15 Limited Delegation of Authority to County Manager:** County Manager Chris Brice explained he feels there must be some sort of authority delegated to him to be able to conduct day to day business for the County. Mr. Brice stated he used the \$60,000 maximum limit amount which is also the amount for professional services that can be accepted without going to the bidding process. Commissioner Smrkovsky motioned to approve Resolution 20-15 Limited Delegation of Authority to County Manager. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote.
- f. **NM Border Authority Representation:** County Manager Chris Brice stated that through conversations with the Board of Commissioners and the fact that the previous administration can no longer represent Luna County on the NM Border Authority he requested to put himself, Chris Brice as the representative. Commissioner Smrkovsky motioned that NM Border Authority Representative to be Chris Brice. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote.
- g. **Acceptance of Roads Dedication in Rockhound Colonia:** Road Department Director Marty Miller confirmed all five roads were included in this road dedication. Commissioner Smrkovsky motioned to approve Acceptance of Roads Dedication in Rockhound Colonia. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote.
- h. **Elected Officials and Salary Survey:** Chair Sweetser entertained a motion to table this item for further review. Commissioner motioned to table this item for further review to March. Commissioner Reedy seconded the motion which carried unanimously.
- i. **Deming Animal Guardians Funding Request:** County Manager Chris Brice explained this request is so that Deming Animal Guardians can do their part to help in the local distemper outbreak and are requesting \$2,250 for distemper vaccinations which is a onetime request. Commissioner Smrkovsky motioned to approve the amended addendum (typo corrections to the original need to be made) to the Deming Animal Guardians agreement. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote.
- j. **Resolution 20-06 CDBG Annual Certifications and Commitments:** Commissioner Smrkovsky motion to approve Resolution 20-06 CDBG Annual Certifications and

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

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

Complete Count Committee Meeting – January 14, 2020 @ 4:00 p.m.  
Regular Meeting – February 13, 2020 @ 10 a.m.

**ADJOURN:** The meeting was adjourned by Chair Sweetser at 12:55 p.m.

**ATTEST:**


**LUNA COUNTY BOARD OF COUNTY  
COMMISSIONERS**

  
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ANDREA RODRIGUEZ, LUNA COUNTY CLERK

  
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BARBARA L. REEDY, DISTRICT 1

APPROVED: 

  
\_\_\_\_\_  
LINDA M. SMRKOVSKY, DISTRICT 2

  
\_\_\_\_\_  
JOHN S. SWEETSER, DISTRICT 3

