

**MINUTES
REGULAR MEETING
LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS
Thursday, November 12, 2020**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 10:00 a.m. on Thursday, November 12, 2020 in the Basement Training room of the Luna County Courthouse, Deming, New Mexico, for the purpose of conducting any and all business to come properly before the Board. Due to the Covid-19 Pandemic and the Governor's Orders regarding social distancing, the commission meeting was also conducted via teleconference and webcasting with a minimum in attendance from the public and staff.

The following staff and elected officials were present: County Manager Chris Brice, Assistant to the County Manager Yossie Nieblas, Deputy Clerk Rachel Bishop, Community Development Director Premal Patel, other directors and elected officials were present virtually.

CALL TO ORDER: Chair Sweetser 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 Rachel Bishop 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**

APPROVAL OF AGENDA: Chair Sweetser entertained a motion to approve the agenda. Commissioner Smrkovsky motioned to move New Business item c. Resolution 20-58 Authorization to take necessary actions to sell County property; 665.51 acres off Whirlwind Rd SE, Section 34 & 35, T27S R8W under 13, to a continued New Business item after the Executive Session. Commissioner Reedy seconded the motion which carried unanimously.

MINUTES: Upon a motion made by Commissioner Reedy and a second by Commissioner Smrkovsky the Minutes for the Regular Meeting of October 8, 2020 were unanimously approved following a roll call vote. Upon a motion made by Commissioner Smrkovsky and a second by Commissioner Reedy the minutes of the Special Meeting held on October 13, 2020 were unanimously approved following a roll call vote.

PRESENTATIONS:

- **Play Sharity Funding Request:** Kaylin Blazak and Monica Topam of the Play Sharity Foundation a 501C3 Public Nonprofit Organization, requesting reinstatement of \$50,000 which is matched by the City of Deming. Program includes a resource library, tutoring services, assistance to families, and community improvement projects.

ELECTED OFFICIALS REPORTS: Elected Official reports were presented in written format.

Commissioner Smrkovsky gave her report regarding some of the issues with the upcoming legislative priorities and oppositions.

Commissioner Reedy reported she joined the National Association of Counties Immigration Reform. The association has come out with a platform with different policy recommendations and concerns. Ms. Reedy is providing County Manager Chris Brice a copy so he can distribute to other Board members as appropriate.

COUNTY MANAGER'S REPORT: County Manager Chris Brice reported:

- Dispatch: A letter of Commendation was presented to Dispatcher Leslie Saenze for her work during an incident with Deming Police Department. Unfortunately we will be losing Leslie because she has taken a position with Magistrate Court. Mike Brown was kind enough to write a letter of commendation to our dispatch for the response that they had during the snow storm that caused a lot of chaos and issues on the interstate and Highway 11. It really taxed our law enforcement, our emergency manager and dispatch. Dispatch had a total of 10,750 911 calls for the month and 114 warrants. Lori and I are working on a new CAD System. We have not had a lot of input on the new cad system selected by the State. We have had some issues with the old one. We are looking at a different CAD System provided by Motorola. Hidalgo County is going to that same CAD System so it makes sense to tie in locally. They are expensive but long term probably not any more expensive than staying with the State. We pay them \$60,000 per year for maintenance fees. There is some definite benefits to moving to a new CAD system.
- LCDC: There was a total of 261 people booked and 144 released. Grace Phillips sent out an update of who is in our beds list. It is a really good look at who we have in and why they are in. A lot of the fairly minor things that we are holding people, you would think would have been resolved during this Covid 19 situation to keep as many people out as we can. We are working with the Courts on that. Current ADP is about 260 people per day and 165 of those are Marshall's. That is not enough to break even at the detention center. Hidalgo County prisoners have been returned to Hidalgo County. They are now the intake and processing for US Marshall Border Patrol arrests in this area. We have trained them and we still check with them on the step down process if they get Covid 19 positives.
- Road Department: A total of 74.5 miles of roads have been bladed with high traffic area's taking priority. A total of 1,757 tires were received. Road construction is ongoing. I have met with Stantec Engineering regarding the road that we are proposing for the Colonias Grant. We are also looking at the way we do business with Colonias. The problem is they are looking for plan design and construct money and you only have two years to spend it and it takes a long time to do all of that. They are running into problems with not spending the money on time. The way we are looking at doing it is to have the plan and design done for the road that we want to request Colonias monies for. Then we are going to ask for strictly plan and design money for next year's application.

- Budget and Procurement: The audit is for the most part wrapped up. They gave us and in brief/out brief on what they saw. This can't be discussed yet because it hasn't gone through the State.
- Human Resources: We are down 12 detention officers. We need a part-time cook at Starmax that we have had very little luck in finding. It is hard to find anybody to work right now with what the lower end jobs pay for a lot of people it makes more sense to stay on unemployment and stay home and not risk going out. I think we are full in Dispatch. We just hired two and with Leslie leaving we will go ahead and hire the third applicant. We brought in five new Detention Officers and we have a new person in the Appraiser's office. We have a new Deputy. There is a reminder to all of our employees the ASI/FLEX open switch enrollment the month of November.

Starmax Director Eric Roach is doing some amazing things over there. One part-time drug court monitor has been brought on. Total sales for the month of October were \$6,400. Covid-19 precautions have been put in place. The schedule is Friday and Saturday 5pm-10pm; Sunday 10am-7pm. NFL Games will be showing on Sundays.

- Emergency Management: A food pantry has been set up in Columbus for those affected by Covid-19. Angie and Adriana and a bunch of people have really been working hard with Roadrunner and some other food distributors and our maintenance department has been running around all over the county dropping off food boxes and things to different people. The distribution has really worked well. We have been looking at a secondary care facility in Luna County because of the shortage of hospital beds. We are looking at the old National Guard site that was behind Mizcan. We had initially looked at that site to put tents up for the asylum seekers. The City has done a bunch of work out there in preparation for that. So we are looking at possibly putting tents back up out there if we have to use that as a separate Covid 19 treatment area. We have been working with State EOC, the Department of Health and with the American Red Cross for the community protection plan. We know through different entities that there are about 67,000 immigrants south of the border waiting to come across. These asylum seekers have the same circumstances as the one's we dealt with before. If they relax the requirements for coming across they plan not to do any detention for any of them, which although our asylum shelters were not a detention area, at least they were a holding processing area. We can at least plan on doing that. Due to Covid there will have to be some kind of quarantine before we can let them go out into the public. We don't have any space for that many people and our medical resources are already tapped. I haven't heard anything out of the Governor's office on preliminary planning.
- Safety and Risk: Joanne Moreman has been doing a phenomenal job in her position in Safety and Risk. She is trying to conduct defensive driving training. In the current conditions is almost impossible. She is in the process of updating all of the action plans. She has put out a training calendar on the intranet. The Safety council is functional again and doing good things.
- Luna County Fire: The volunteer fire department has responded to one brush fire, one vehicle fire and two building fires for the month. They held trainings for about 25 people at the Cook's Peak Volunteer Fire Department. The ambulance did get ordered for the Columbus Volunteer Fire Department is expected to arrive in 3-4 months.

- **DWI:** They have been working with the department on public safety on Red Ribbon Awareness Week. Teresa is also doing a Help Picture Contest for the 3rd – 5th graders and an Essay Contest for 6th – 12th graders. We currently have 104 misdemeanor DWI offenders.
- **Health Council:** Edith participated in the River of Life training session with included the UNM and NM Alliance of Health Councils.
- **Community Health and Well Being:** The healing house was named a recipient of the NM Coalition against Domestic Violence's Community Hero Award. Samantha Apodaca has really done some amazing things with what she has been handed. We just got the quotes today to get the flooring redone so that we can use some of the capital outlay that was awarded two years ago. Those quotes came in lower than was anticipated. There was a domestic violence awareness event on October 28th. CASA is serving seven kids in Luna and 32 in Grant County. Parents as Teachers is serving 106 clients in Luna County and 51 in Hidalgo. They were instrumental in helping us get 1,400 of those food boxes out to Hidalgo and Luna Counties over the last month and that's not all, we have done in excess of seven or eight thousands of those boxes. The juvenile justice Luna County Girl Circles has twelve participants. The Adult Drug Court has ten participants.
- **IT:** There were a total of 828 work orders submitted with 814 of them completed. They installed a new access control system in the Courthouse. We're resolving small issues with that but overall it works really well. Working on getting FOBs for the Board members.
- **Economic Development:** The Cares Act Grant had only eight applicants for the County and 40 for the City. Planning Director Premal Patel provided further explanation regarding the Cares Act Grant which he is administering. Premal has been working with the water board in the Keeler farm area to resolve the issues. It might become one of our Colonias projects to try to get City water to that area. We are working with Keller & Associates on grants for the emergency operations building, maybe rehabbing the old IT/jail across from us and still working on some type of medical wing.
- **Maintenance/Projects:** We have signed on the preliminary design that was submitted by Dekker Sabatini for the Department of Health building for the CDBG we got. That was \$132,000 it will cover all of the design services. New glass partitions were installed in the Clerk's Office. Tim Sybert did a really nice job on that. He will be doing the Treasurer's Office next which involves bullet proof glass and some other partitions. He will also be working on the other metal building by the Courthouse. The abatement was finished on the IT Building. We have not heard from Rycon, the construction company that will come in and rehab it.

INDIGENT CLAIMS REPORT: Upon a 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.

Mr. Brice reported there were no expenditures for the month of October. The total for this year has been \$94,980. We denied a total of \$4,273 this year. The money received for the month of October was \$61,478.50 and the balance for the Indigent Claims Fund totaled \$1,631,400.25, of that \$700,913.29 is encumbered. Commissioner Smrkovsky motioned to approve the Indigent Claims Report as presented. Commissioner Reedy seconded the motion which carried unanimously.

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

PUBLIC COMMENT: Chair Sweetser opened the floor to public comment. Alberta Morgan commended the County for their response to Covid 19 and discussed some of her theories regarding the issue. She also commended the current Board of Commissioners and Mr. Brice for the improvements to the roads and other accomplishments.

CALL TO AMEND ORDINANCE: Resolution 20-53 Call to Amend Ordinance 54; Relating to Collective Bargaining for Luna County, New Mexico; Providing Rights, Responsibilities, and Procedures in the Employment Relationship Between Employees and the Employer. Mr. Brice explained that the collective bargaining units have put a real big push to enhance their foothold in counties and municipalities throughout the state and strengthen collective bargaining power. The New Mexico Association of Counties and the Municipal League have really pushed back because it would be detrimental to county and city governments. Dina Holcomb who is the attorney in the state for collective bargaining went to bat for us. In the end some of the state statutes for collective bargaining did change. So we are amending ours to reflect the changes that have happened through the legislature. Commissioner Smrkovsky motioned to approve Resolution 20-53 Call to Amend Ordinance 54; Relating to Collective Bargaining for Luna County, New Mexico; Providing Rights, Responsibilities, and Procedures in the Employment Relationship Between Employees and the Employer. The motion was seconded by Commissioner Reedy and approved unanimously following a roll call vote.

PUBLIC HEARING: Resolution 20-54 Repeal of Ordinance 87: Zoning Regulations for the Former Extra-Territorial Zone. Mr. Brice stated this is all part of the grander plan to work with the City to re-establish an effective ETZ. The City is fully on board with everything. Mr. Patel stated that the input he has received was mostly regarding what happens now for the ETZ due to the gap. Mr. Patel explained that the rules will revert back to 2014 until the new procedure can be put into place. Commissioner Smrkovsky motioned to adopt Resolution 20-54 Repeal of Ordinance 87: Zoning Regulations for the Former Extra-Territorial Zone. The motion was seconded by Commissioner Reedy and carried unanimously following a roll call vote.

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

- a. Accounts Payable: \$1,221,025.21
- b. Payroll: \$1,112,641.05
- c. Oath of Office and Appointment for Deputy Sheriff Lorenzo Paredes
- d. Resolution 20-55 Establishing Salaries for Elected Officials

NEW BUSINESS:

- a. **Resolution 20-56 Budget Increases:** Mr. Brice explained that a tipping fee is a flat fee for what we take into the landfill. Through the NMSA we have agreed to \$75,000 per year as a flat fee for the weight that we take into the landfill. Commissioner Reedy motioned to approve Resolution 20-56 Budget Increases as presented. The motion was seconded by Commissioner Smrkovsky and approved unanimously following a roll call vote.

- b. **Resolution 20-57 Expressing Concern Regarding Certain Proposals before the New Mexico Civil Rights Commission:** Mr. Brice explained there has been a big push for claimants to bring suit to government entities. This is in support of NM Counties fighting back on this legislation. Commissioner Smrkovsky motioned to approve Resolution 20-57 Expressing Concern Regarding Certain Proposals before the New Mexico Civil Rights Commission. The motion was seconded by Commissioner Reedy and carried unanimously.
- c. **National Native American Heritage Month Proclamation:** Chair Sweetser read the proclamation. Commissioner Smrkovsky motioned to approve the National Native American Heritage Month Proclamation. The motion was seconded by Commissioner Reedy and was approved unanimously following a roll call vote.
- d. **Authorizing the submission of Funding Application for Colonias Infrastructure Roads Project:** County Manager Chris Brice explained Majestic View will be the one done this year. Commissioner Smrkovsky motioned to approve Authorizing the submission of Funding Application for Colonias Infrastructure Roads Project. The motion was seconded by Commissioner Reedy and carried unanimously following a roll call vote.
- e. **PlaySharity Funding request:** Commissioner Smrkovsky motioned to stay with the amount stated and possibly review in January. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote.
- f. **Luna County Drug and Alcohol Policy:** County Manager Chris Brice explained this is to adopt policy. Commissioner Reedy motioned to approve the Luna County Drug and Alcohol Policies. The motion was seconded by Commissioner Smrkovsky and carried unanimously following a roll call vote.
- g. **Service Animals Policy:** County Manager Chris Brice explained this is to adopt policy. Commissioner Smrkovsky motioned to approve the service animal policy as submitted. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote.

Certification of Canvass Results for the General Election 2020: Commissioner Smrkovsky motioned to accept the Certification of Canvass Results for the General Election 2020 as submitted by the Clerk. The motion was seconded by Commissioner Reedy and carried unanimously following a roll call vote.

Executive Session: Executive Session pursuant to Section 10-15-1H(2) NMSA 1978-limited personnel matters pertaining to the County Manager's contract: Mr. Brice suggested adding discussion of the disposal of real property pursuant to Section 10-15-H(8) to the executive session. Commissioner Smrkovsky motioned to go into Executive Session pursuant to Section 10-15-1H(2) and Section 10-15-H(8) NMSA 1978- for discussion of limited personnel matters pertaining to the County Manager's contract, and county property. The motion was seconded by Commissioner Reedy and carried unanimously following a roll call vote.

Commissioner Reedy moved to return from executive session where no other matters were discussed other than the manager's contract and the possible disposition of county property. The motion was seconded by Commissioner Smrkovsky and carried unanimously following a roll call vote.

Commissioner Smrkovsky motioned to increase the County Manager's salary by \$15,000 and that his contract be extended by one year until June 30, 2021. The motion was seconded by Commissioner Reedy and carried unanimously following a roll call vote.

NEW BUSINESS CONTINUED:

Resolution 20-58 Authorization to take necessary actions to sell County property; 665.51 acres off Whirlwind Rd SE, Section 34 & 35, T27S R8W: Commissioner Smrkovsky motioned to approve Resolution 20-58 Authorization to take necessary actions to sell County property; 665.51 acres off Whirlwind Rd SE, Section 34 and 35, T27S, R8W. The motion was seconded by Commissioner Reedy and carried unanimously following a roll call vote.

UPCOMING MEETINGS: Chair Sweetser announced the following upcoming meetings:

Regular Commission Meeting – December 10, 2020 @ 10 a.m.

ADJOURN: The meeting was adjourned by Chair Sweetser at 1:58 p.m.

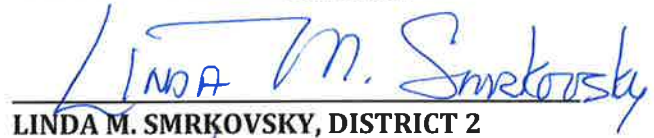
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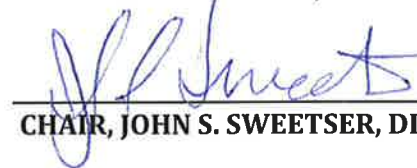
LUNA COUNTY BOARD OF COUNTY COMMISSIONERS


ANDREA RODRIGUEZ, LUNA COUNTY CLERK


BARBARA L. REEDY, DISTRICT 1

APPROVED: December 10, 2020


LINDA M. SMRKOVSKY, DISTRICT 2


CHAIR, JOHN S. SWEETSER, DISTRICT 3

