

**MINUTES
REGULAR MEETING
LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS
Thursday, January 14, 2021**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 10:00 a.m. on Thursday, January 14, 2021 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. 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, Administrative Assistant Lupita Hernandez, IT Technician Joseph Apodaca, IT Technician Eric Esguerra, Clerk Berenda McWright, Deputy Clerk Pilar Salcido, Assessor Michelle Holguin, Treasurer Kristie Hobbs, Sherriff Kelley Gannaway, Captain Michael Brown, Deputy Director Pablo Montoya, Program Manager Edith Vazquez, Road Department Director David Bailey, Community Development Director Premal Patel, and Budget & Procurement Director Joanne Hethcox. 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 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 2021 CHAIRPERSON: Chairperson Sweetser made a motion to nominate Commissioner Reedy for the 2021 Chairperson. Commissioner Smrkovsky seconded motion which was unanimously approved.

MINUTES: Upon a motion made by Commissioner Smrkovsky and a second by Commissioner Sweetser Minutes for the Regular Meeting of December 10, 2020 were unanimously approved.

SERVICE AWARDS: Assessor Michelle Holguin presented to Chief Deputy Assessor Isabell Enciso her 20 years of service award. Ms. Enciso was not present, Ms. Holguin presented and accepted the award on Ms. Enciso's behalf.

Sheriff Gannaway presented awards for 10 years of service to Arturo Baeza, David Holguin and Daniel Acosta. Sheriff Gannaway explained that Mr. Baeza actually has over 40 years with the Sheriff's office overall. Mr. Baeza was not present to receive his award. David Holguin and Daniel received their awards.

County Manager Chris Brice presented a 10 years of service award to Project Manager Edith Vazquez.

Cody Garcia from Dispatch was not present to receive his 10 years of service award.

Michael Milo and Crystal Lessau from LCDC were not present to receive their 10 years of service awards. Linda Martinez from LCDC was not present to receive her 5 years of service award. Mr. Brice recognized all three individuals for their dedicated service.

RETIREMENT: Mr. Brice announced the retirement of both Marty Miller with 28 years of service and Mike Hatch with 23 years of service from the road department.

Treasurer Kristie Hobbs recognized and presented retirement plaques to both Dora Madrid for her 20 years of service and Gloria Rodriguez for her 49 years of service. Commissioner Smrkovsky recognized and thanked both ladies from the Treasurer's office for their help in projects that Commissioner Smrkovsky needed help with.

Clerk Berenda McWright presented Andrea Rodriguez with a retirement plaque with 29 years of service in the Clerk's office.

RECOGNITION AWARD: Mr. Brice recognized John Arthur Smith for his 31 years of Legislator service. Mr. Brice presented Mr. Smith with a personal plaque. An additional plaque honoring Senator Smith was mounted just outside the Chambers door. Commissioner Smrkovsky stated Mr. Smith has been her mentor ever since she met him from the time she worked at PNM. Commissioner Sweetser stated that the word "integrity" describes Mr. Smith. Chair Reedy stated she saw Mr. Smith on TV and said it was a history lesson with a lot of information she hadn't known prior to the show.

Captain Michael Brown recognized and presented Sheriff Kelly Gannaway with a 30 years of service award. Sheriff Gannaway accepted his plaque graciously. Sheriff Gannaway thanked Mr. Smith for everything he has done for Luna County and for the State of New Mexico.

Sheriff Kelly Gannaway presented to Deputy Robert Ramirez an award for 2020 Deputy of the Year. Deputy Robert Ramirez accepted his award graciously.

PRESENTATION:

- LCDC Director Pablo Montoya reported the Quarterly Restrictive Housing Unit Report in accordance with HB 364. During the period of October 1, 2020 thru December 31, 2020 the Luna County Detention Center had four detainees who met the reporting requirements. A 55 year old male, and a 23 year old male, who were placed on special management due to Covid 19. They also had a 21 year old male for refusing housing and had made opened threats to staff. A 43 year old female placed on restrictive housing due to Covid 19. Detainees had access to showers, television, medical attention, mental health attention and were seen by detention staff hourly.
- Columbus Land Port of Entry Diversion Berm and Flood Control Project Presentation Update by Wilson Company. Mr. Brice explained this issue to those not familiar with the berm and flood issues in Columbus. Wilson & Company, Inc., Engineering and Project Manager Eric Hamilton presented telephonically. He gave an extensive update of the Columbus Land Port of Entry Diversion Berm and Flood Control Project. The update included project history, intentions, proposed improvements and what to expect going forward.

ELECTED OFFICIALS REPORTS: Assessor Michelle Holguin extended herself to all newly elected officials with any assistance. Ms. Holguin reported 2021 rendering period for livestock/personal property, manufactured homes and exemptions is currently in full swing. Deadline information has been posted on the Luna County website and on the weekly Quacker with the Chamber of Commerce. The County Service Specialist staff are busy with processing deeds, affidavits, answering emails and tending to the public. The appraisal staff have finished all year end permits and sales affidavit reviews. They, are also completing the calculations for the 2021 values in the system. GIS/Floodplain/911 rural addressing department processed 260 deeds, 103 floodplain inquires, 69 parcel data inquires and 36 new addresses were issued in 2020 for the County. They are currently scanning all plats and surveys into the system to make it readily available for usage and working on publishing maps for 2021. The Assessor's office processed 2715 documents filed in the Luna County Clerk's office, a total of 311 permits pulled from the City of Deming and 75 permits were pulled from Luna County.

Clerk Berenda McWright reported she is busy restructuring the Clerk's office. She has appointed Leslie Nabours as her Chief Deputy. She has requested to advertise the front desk opened position as she promoted both Pilar Salcido and Rachel Bishop to Elections Specialist. The department is currently issuing marriage licenses to Luna County residents only and only by appointments. Deeds are getting recorded daily and they are just trying to work around the pandemic.

Treasurer Kristie Hobbs reported her office is currently extremely busy, they have just finished collecting the first half of 2020 property taxes. The process took a little longer than usual this year because they were shorthanded due to the changes in staffing requirements due to Covid. All mail has been processed, all payments were done by either mail or online. They are currently working on getting payments received with problems resolved.

Sheriff Kelly Gannaway thanked County Manager Chris Brice for the award given to him. Sheriff Gannaway gave the monthly and the yearly activity reports. The total assaults, burglary and larcenies are up for the month. Vehicle theft stayed the same as last month, arson robberies were zero. The totals are up a little and the grand totals over the year are down. Reporting non-criminal, paper service is up, accidents are down, as well as DWI's. Overall totals are up from last month, overall totals for the year, paper service is also up possibly due to the pandemic. Accidents are up for the year, DWI's are down. Overall totals for non-criminal are up and the grand total for criminal and non-criminal are up slightly. Sheriff Gannaway reported that Tommy Mora of Region VII Task Force which comprises of Luna County, Grant County and Hidalgo County reported they had 88 cases for methamphetamine with 29.23 lbs. seized, 32 heroin cases with 36.46 lbs. seized, 25 marijuana cases with 612.45 lbs. seized, 5 cocaine cases with 128 gm (approximately quarter lb.) seized, 2 mushrooms cases opened with 120 gm (approximately quarter pound) seized, 4 fentanyl cases opened with 1.5 lbs. seized, 12 prescription pill cases opened with 480 doses seized. The task force also conducted 161 arrests. Last but not least, two deputies have been enrolled into the law enforcement academy.

Commissioner Smrkovsky wanted to remind everyone that the legislative conference begins next week. She encourages all to attend if at all possible. She also encourages everyone to take advantage of the New Mexico Edge classes which are also next week and on zoom.

Commissioner Sweetser stated he sits on the New Mexico State Insurance Board. The Civil Rights initiative can effect higher judgements to the point the insurance company will charge higher prices. This could have the potential to bankrupt small counties. We need to lobby our Representatives and Senators to make sure this is mitigated as much as possible.

Chair Reedy wanted to thank Commissioner Sweetser for his service as Chair in the last year. Chair Reedy said she has been educated by two other Commissioners and hopes she will be able to do as well a job as they have done.

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

- Dispatch: Dispatch had a total of 9,437/911 calls and 102 warrants. A structure fire on January 1st burned through fiber optic cable that feeds the dispatch center. Dispatch had to move all 911 lines to Hidalgo County as dispatch administration lines were all affected. It took a few days to get that all corrected. Dispatch did a really good job transferring everything over. A demonstration from the State on the CAD system is scheduled in the near future. They are also in talks with Motorola for a new CAD system. They will also be coming to demonstrate their product. Mr. Brice is leaning towards the Motorola system because Hidalgo County just announced them as the winner of the RFP to provide their CAD systems. Unfortunately the State runs on six or seven different systems it makes it difficult to share with others. With the Motorola system, we would be able to share information with Hidalgo County.
- LCDC: There was a total of 238 people booked and 126 released. The average daily population was 238 with 142 Marshalls, which was somewhat under what we need to break even. We are taking a hard look at the remaining six months of this year to see where we are in respect to the budget and coming out even. The detention center is going to use the program that the County has been paying for called Survey Monkey. A staffing survey is being conducted at the detention center in search of the reason for the huge turnover rate in that area. Is the problem administration, supervisory, we need to find a balance. We have reached out to Workforce Solutions to get a hold of the surrounding military basis possibly to use the transition assistance program for discharged service members. I believe were missing out on a talent pool there. We currently have 22 Covid cases. The State is currently conducting waste water sampling of the LCDC discharge water. They notified us on Wednesday of a spike in Covid presence and sure enough on Friday individuals started showing systems.
- Road Department: We have begun finalizing the 2020 Department of Homeland Security and FEMA Emergency Road Project in the areas of Inman Road, Carzalia Loop, Perrin/Dwyer Roads, Cow Springs, Cedar Grove, and Gage Station. A total of 132 miles of road have been bladed with high traffic areas taking priority. We are working on Colonias applications at Majestic View for planning and design. We are also doing a preliminary engineering report on the Keeler Farm water source. We own a well there and want to find out what it would

take to get them hooked up into city water. Mr. Brice introduced David Bailey as the new Road Department Director. He said they are also working on revamping a plan to improve solid waste drop off locations to reduce overflow and limit collection of loose trash. In the future the county can get some inmates on work detail to clean these areas up but that is not possible right now due to Covid. A total of 2,574 tires were received. Community Development Director Premal Patel has a really good plan which he is working with the City on tracking where those tires are coming from.

- Budget and Procurement: We are patiently awaiting our audit findings. The Gross Receipt Tax received was much closer to normal, but still a little higher than normal.
- Human Resources: The Detention Center has 14 to 15 opened positions. The minimum wage as of January 1st is \$10.50 an hour. Employees were brought up to the minimum wage if they fell below \$10.50.
- Starmax: Sales for the month of December is \$542.00. Covid-19 testing continues to be done at the Starmax site. As of December 31st, 1,130 individuals have been tested. Curative is soon taking over the testing process from the National Guard. Upgrades and improvements continue to be done throughout the facility.
- Emergency Management: Emergency Manager Phillip Rodriguez continues to assist the Department of Health and the New Mexico National Guard. A mass notification system for Luna County should be up and running by the end of January or the middle of February. Anyone who registers on their phones will be able to receive all emergency broadcast and any updates. The County has administered 317 doses of the Pfizer vaccine. We are also working on the hazard mitigation plan. We currently have two bids we have it out to request for proposal (RFP).
- Safety and Risk: A safety power point presentation was conducted for all new hires as part of orientation. They are working on the action plan for the safety program. Joann started back up with the defensive driving training. We will eventually get that all done.
- Luna County Fire: They responded to a vehicle fire, three building fires and five brush fires. They helped out Columbus Fire with a big wreck down there. We have approved through the budget committee to purchase two new brush trucks for our volunteer fire department. The ones being used now are a 1993 and 1997 with over 100,000 miles on them, they are in horrible shape sometimes inoperable.
- DWI: They are tracking 97 misdemeanor DWI offenders. Program Manager Edith Vasquez stated the average number of cases is actually going down since Covid started. Edith is working with the Coalition against Teen Substance Abuse center. She also just sent out educational newsletter in an effort to communicate programs.
- Community Health and Well Being: The Healing House staff are getting tactical training from the Detention Center. There have been some issues where the guest have gotten a little irate and have done crazy things to the staff. They may need the use of pepper spray and maybe even a hand held taser for defending themselves. CASA is serving 37 kids in Luna and Grant County. They also had a toy drive in Deming and Silver City. Parents as Teachers are serving 163 clients in Luna County and Hidalgo County. They distributed 150 Christmas bags to families. They helped Play Sharity with another 362 developmental toys. JJCS has 34

graduates from the girl circle and boys council program from both Luna and Hidalgo Counties now we have 18 participants and 9 adult drug participants.

- IT: IT had a total of 819 work orders. The Professional Document Services (PDS) is conducting training in the basement. Training consists on scanning files. PDS will be working for the next few weeks on getting the piles of documents scanned so we can rid of all the paper we have had sitting in the office.
- Economic Development: We are looking at the Fina station which is Joanne's idea possibly using that for the County vehicle maintenance area. We are looking at getting appraisers and surveyors to get an idea of cost since it was a gas station previously. Working on projects with Starmax expansion of the facility and moving the sports bar into the train depot. Dollar General just closed on the property on Hwy 11. The meat market south of town is waiting on approval for a water variance. Mr. Patel is working diligently on grants and other things. He has a couple more Ordinances for review in the next meeting.
- Maintenance/Projects: The Health Complex is on track with CDBG \$750,000 from Capital Outlay. Just finished some minor design changes, Dekker/Perich/Sabatini will be moving forward with the design. The next step would be construction documents, we should be ready to go out to bid by April on revamping the old slate street building and turning that into the new Health Department. The Healing House flooring is being renovated. The Park Plaza electrical design has been upgraded. Maintenance has been disinfecting with foggers all County buildings and emergency lights were installed throughout the Mimbres Valley Learning Center.

INDIGENT CLAIMS REPORT: Upon a motion by Commissioner Smrkovsky 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.

Budget and Procurement Director Joanne Hethcox reported zero claims for the month of December. No expenditures were reported. The total for this year has been \$113,700.62. The money received for the month of December is \$84,598.79 and the balance for the Indigent Claims Fund totaled \$1,622,091.22, of that \$374,617.86 is encumbered. Ms. Hethcox reported the second quarterly payment has been made for the safety net care pool in the amount of \$94,000. Commissioner Smrkovsky asked Ms. Hethcox if she foresees any changes to this money going forward. Ms. Hethcox stated she does not see any changes as this is a GRT imposed by the citizens. She does anticipate being able to distribute it to help the detention center more. Commissioner Sweetser motioned to approve the Indigent Claims Report as presented. Commissioner Smrkovsky seconded the motion which carried unanimously.

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

PUBLIC COMMENT: Chair Reedy opened the floor to public comment. Alberta Morgan went before the board and commented on the insurance cost due to civil rights, the excess tires, phone systems and local fires.

Crystal Replogie, Andriana Salvidares, Chelsea Newman and Monica Tubble from Play Sharity appeared virtually requesting the Board's approval for funding.

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

- a. Accounts Payable: \$1,412,601.55
- b. Payroll: \$1,651,008.89
- c. Resolution 21-01 Notice of Meetings
- d. Resolution 21-02 Timely Payments
- e. Resolution 21-04 Depositories, Board of Finance, and Media Designation
- f. Resolution 21-05 Right to Inspect Public Records
- g. Resolution 21-06 CDBG Annual Certifications and Commitments
- h. Resolution 21-07 Designating Treasurer to Require Collateralization
- i. Resolution 21-08 DWI Participation
- j. Resolution 21-09 ADA Grievance Procedure
- k. Statement of Assurances Local DWI Grant and Distribution Program
- l. Memorandum of Understanding between Luna County DWI and New Mexico Department of Finance and Administration/Local Government Division

NEW BUSINESS:

- a. **Resolution 21-03 Notice of Fees:** Mr. Brice explained many fees were in ordinances but that makes it cumbersome to make changes to a fee as needed. Mr. Patel is moving to essentially having an ordinance for fees but there will also be a fee schedules which will be passed annually by resolution. Some of the fees under the ordinances will be moved into the fee schedules which will include the animal fees. Commissioner Sweetser motioned to approve Resolution 21-03 Notice of Fees. The motion was seconded by Commissioner Smrkovsky and approved unanimously following a roll call vote.
- b. **Resolution 21-10 Budget Increases:** Commissioner Smrkovsky motioned to approve Resolution 21-10 Budget Increases. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.
- c. **Resolution 21-11 Budget Transfers:** Commissioner Smrkovsky motioned to approve Resolution 21-11 Budget Transfers. The motion was seconded by Commissioner Sweetser and was approved unanimously following a roll call vote.
- d. **Resolution 21-12 Disposition of Personal Property:** Commissioner Sweetser asked what personal property is being disposed of. Budget & Procurement Director Joanne Hethcox and County Manager Chris Brice explained it is for modular jail cells no longer being used at the detention center and a gold Ford 500 vehicle which is no longer mechanically sound. Commissioner Smrkovsky motioned to approve Resolution 21-12 Disposition of Personal Property. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.
- e. **Resolution 21-13: Labor/Management Relations Board Meetings Notice:** Commissioner Sweetser motioned to approve Resolution 21-13; Labor/Management Relations Board Meetings Notice. Commissioner Smrkovsky seconded the motion which carried unanimously following a roll call vote.

- f. **PlaySharity Funding Request:** Chair Reedy read the request for reinstatement of the \$50,000 annual community service partnership. Commissioner Smrkovsky stated that she knows this funding request would be brought back in January and realizes they are developing a really good program but for clarification she stated this request would be for the \$25,000 which would complete the funding of \$50,000. She stated as the GRT seems to be going down all contributions will have to be looked at very closely again. Commissioner Smrkovsky motioned to approve PlaySharity Funding Request. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.

UPCOMING MEETINGS: Chair Sweetser announced the following upcoming meetings:

Regular Commission Meeting – February 11, 2021 @ 10 a.m.

Commissioner Smrkovsky wanted to bring up before closing this meeting that she has received many calls from constituents regarding the county being in the red zone implemented by the Governor's office. Commissioner Smrkovsky recommended that we send a letter to the State asking them to allow us to be at the table when they make decisions regarding rural communities. Mr. Brice explained that all tests are being counted and what it boils down to is the Governor's positivity rate requirements. At this time, there is only one county in the green another one is yellow and the rest is red. We have sent letters on behalf of our constituents and our county in the past to the Governor asking to be part of these negotiations without any acknowledgment from them. Mr. Brice stated he is aware that it is almost impossible for us to meet the requirements to move out of the red zone. Ms. Smrkovsky also mentioned that if the borders open up and the asylum seekers arrive in Luna County, as 95% of asylum seekers are testing positive for Covid that would not be good for the County. Mr. Brice stated it will be another battle if these tests are being reported and counted in Luna County. Those results should not be counted in our county if they are asylum seekers, but maybe they will be.

ADJOURN: The meeting was adjourned by Chair Reedy at 12:16 p.m.

ATTEST:

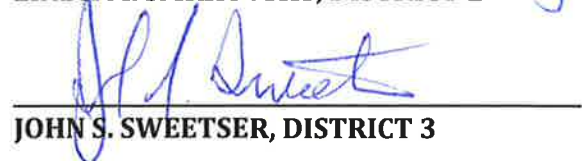
**LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS**


BERENDA MCWRIGHT, LUNA COUNTY CLERK


CHAIR BARBARA L. REEDY, DISTRICT 1

APPROVED: 2-11-21


LINDA M. SMRKOVSKY, DISTRICT 2


JOHN S. SWEETSER, DISTRICT 3

