

**MINUTES
REGULAR MEETING
LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS
Thursday, February 11, 2021**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 10:00 a.m. on Thursday, February 11, 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, Deputy Clerk Pilar Salcido, Assessor Michelle Holguin, Chief Deputy Assessor Isabelle Enciso, County Services Specialist Maria Montano, Treasurer Kristie Hobbs, Sheriff Kelly Gannaway, Road Department Director David Bailey, Community Development Director Premal Patel, Project Manager Edith Vasquez, DWI Administrative Assistant Brenda Ramirez, and Budget & Procurement Director Joanne Hethcox. Other directors and elected officials were present virtually.

CALL TO ORDER: Chair Reedy called the meeting to order at 10:03 a.m., and led the Pledge of Allegiance and the salute to the flag of New Mexico. Chair Reedy asked for everyone to stand and take a moment of silence for New Mexico State Police Officer Darian Jarrott and all other fallen Officers. Sherriff Gannaway lead us in the Pledge of Allegiance in honor of Officer Jarrott.

ROLL CALL: Deputy Clerk Pilar Salcido called roll. The following members of the Board constituting a quorum were present:

**Barbara L. Reedy, Chair District 1
Linda M. Smrkovsky, District 2
John S. Sweetser, District 3**

MINUTES: Upon a motion made by Commissioner Smrkovsky and a second by Commissioner Sweetser Minutes for the Regular Meeting of January 14, 2021 were unanimously approved.

SERVICE AWARDS: Assessor Michelle Holguin presented Maria Montano her five years of service award. DWI Project Manager Edith Vazquez presented Brenda Aude her five years of service award.

SERVICE AWARDS ON BEHALF OF THE STATE SENATE: County Manager Chris Brice presented Angie Martinez and Noel Nunez awards on behalf of the State Senate.

ELECTED OFFICIALS REPORTS: Assessor Michelle Holguin reported the Assessor's Office is in their second month of the rendering period for livestock/personal property, manufactured homes and exemptions. The rendering period ends on February 28, 2021. After the deadline all individuals will be assessed a 5% penalty for not rendering on time. The office will be closing books for the notice of

values on April 1, 2021. The notice of values have been approved by property tax division. This will be the first year this office will be doing yearly re-appraisals. The County Service Specialists are busy processing deeds, affidavits, answering e-mails and tending to customers. The Appraisal staff is finishing up on permits and sales affidavit reviews. They are also inputting values in the system for 2021. GIS\floodplain\911 rural addressing department are done processing all deeds for 2020 and are currently processing 2021 deeds and working on publishing and updating maps for 2021. The affiliate is well represented and currently tracking several Bills that may impact this office.

Treasurer Kristie Hobbs reported her office is working on problem letters for current tax season issues. She stated they have had a huge increase in credit card payments which bring on their own set of issues. Ms. Hobbs stated they are working on trying to get an easier way to process credit card payments once those payments have been received in their office. They expect to be very busy once income taxes are received as that is when many property taxes get paid. Commissioner Sweetser asked how they deal with the customer's credit card charges. Ms. Hobbs explained that the credit card charge today is 2.5% of payment amount, when the County started taking credit card payments the customer had to pay 3.9%.

Probate Judge Dianna May-Diaz reported that in 2019 they had 136 probates go through the office. In 2020 they had 120 probates go through the office with 13 closed. Currently as of today they have 19 new probates, 11 of them without wills and 8 of them with wills. Two probates have been closed. Marriages have been resumed since District Court has resumed jury trials. We have had 3 weddings with conditions, which are only five people including herself. The marriage has to take place outside and only one marriage a day can take place and that is to prevent people co-mingling inside. Judge Diaz stated House Bill 134 is proposing to allow Probate Judges to cover for one another as Probate Judge in another County. With 33 Probate Judges it is inevitable that coverage will be needed otherwise things will come to a halt. Commissioner Smrkovsky reported that HB 134 passed unanimously for County support.

Sheriff Kelly Gannaway reported on the criminal side 3 assaults, 2 burglaries, 7 larcenies and 4 vehicle thefts. On the non-criminal side paper service is up due to the virus, accidents are up and no DWI's for the month. Totals for non-criminal are a little higher than last year. Deputy Sloan and Deputy Garcia are attending the academy in Santa Fe and should be done by April. The law enforcement community took a hit this year, they lost a State Police Officer recently and he expressed his gratitude to the citizens of Luna County for their tremendous support and prayers to the State Police Officer. Chair Reedy thanked Sheriff Gannaway for his service.

Commissioner Smrkovsky reported that the Executive Committee did meet last Thursday and is meeting again today. One of the main issues that pops to the top is HB 4 for Civil Rights. HB 4 is a Bill that can really impact all local government as well as the State as a whole. Although the Senator is adamant to not make changes to the Bill, there is a new substitute Bill out there.

Commissioner Sweetser reported that the HB 200 basically removes any kind of water diversion from the Gila forever. Commissioner Smrkovsky stated this House Bill is on the list for today's meetings.

Chair Reedy read to the public the Drought Declaration Executive Order.

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

- Dispatch: Mr. Brice reported that dispatch did an awesome job and should be congratulated on how well they handled their job being under pressure during the incident in which an officer lost his life. Dispatch had a total of 9,178/911 calls, 155 warrants and 34 new protection orders. They are still working on obtaining the CAD system. They are leaning towards the same system Hidalgo County has for obvious reasons.
- LCDC: There were a total of 237 people booked and 115 released. The average daily population was 235 with 125 Marshalls. They just received 50 federal inmates from Cibola County. The Detention Center is doing a phenomenal job dealing with Covid, it has been kept under control. There is a Bill being heard right now which would disestablish or disallow private companies to operate detention facilities within the State of New Mexico. They do not want people making a profit on the detention of our citizens. There are four or five facilities in the State that are run privately. We are waiting on the outcome of that decision.
- Road Department: A total of 33.5 miles of road have been bladed with bus routes and high traffic areas taking priority. A total of 2,552 tires were received and we have no idea where they came from. The Road Department is getting on top of their grants, Colonias, and LGRF. They will soon begin construction of Rockhound Colonias Project which is a two year old project in which they were way behind on, but they are catching up rapidly. They are currently in the process of applying for new Colonias funding for plan and design of drainage and road repair on Rockhound, and for water improvement off Keeler Road. City Manager Aaron Sera sent Mr. Brice a well written letter from a concerned citizen that the trash in the County has gotten out of control. Part of that is due to issues with the convenience stations. The road department has done a good job trying to mitigate as much of that as possible. You will see that our convenience stations have reduced the amount of trash that gets blown out. I implore that every citizen take a look around them and pick up any trash seen and put it in the trash cans. The public needs to be reminded that this is our County and we need to take care of it.
- Budget and Procurement: The gross receipt taxes received was much higher than expected. From January of last year to January of this year we are about 5.3 million over previous year. Mr. Brice stated a lot of that increase is due to construction in the Playas area because they use our lumber yards and local places. Other than that, I do not have any idea where it comes from. I believe it will drop soon, thanks to the President's Executive Order to stop construction on the border wall. Joanne is working on the vendor list, she will be removing vendors who have been inactive for five years. Informal proposals have been received on the Hazard Mitigation Plan. The update has been reviewed and sent to the State. Two submissions were received.
- Human Resources: Six Detention Officers have been hired, Jaqueline Felix, John Santistevan, Macario Hernandez, Andreana Bridle, Richard Chavez, and Jose Calderon. One seasonal temp dispatcher has been hired, Brisa Mireles. We currently have Detention Officer openings and are currently working with the Workforce solutions and local military to try to get some of

the newly separated military individuals who might be interested in a detention or law enforcement career. A Field Deputy position is opened. The Clerk's position has been filled. Human Resources continue to interview for the School Resource Officer, the Deputies and a Lieutenant Deputy. They are working on posting a position for a Sargeant and a Corporal for the Sheriff's Office.

- **Starmax:** The sales for the month of January were zero. The liquor license from the City of Deming has been received but we are still waiting for the license from the State. They have done a really good job preparing for the opening of Starmax. We all had high hopes we would have moved to yellow. We are prepared to open once we become yellow. Eric and his employees ran the Covid testing for a long time. The Covid testing site is being moved from Starmax to the Learning Center. We are currently at 7% positivity rate which is still a little high.
- **Emergency Management:** Emergency Manager Phillip Rodriguez is monitoring the spread of Covid-19. Luna County is currently at 15.71% up from 10.22% at the beginning of January. Mr. Rodriguez is also monitoring the border situation, the concerns have shifted from caravans to mass transit such as airlines and buses to Juarez. He is working with the Department of Health and Mimbres Memorial Hospital to complete Phase 1 of the Pfizer vaccine. A total of 2,418 vaccines have been administered up to date. New Mexico has done really well in the distribution of vaccines compared to other States. We are in the top 10 States for distribution. The Mass Notification System is in the initial stages and will go live soon. A Curative test site will be moved from Starmax to the Mimbres Valley Learning Center effective February 8th.
- **Safety Management:** Safety Program Coordinator Joann Moorman has created Covid-19 tracking and reporting for all County employees. She is also managing Rap and the road ready training is ongoing, 13% of employees have completed the training. AED's are placed in various offices, two at the Luna County Sherriff's Office, one at dispatch, one at the court house basement and one at Mimbres Valley Learning Center.
- **Luna County Volunteer Fire Department:** They responded to two house fires, two brush fires and two trash fires. Citizens need to be very careful when burning trash at their houses, fires can get out of hand very quickly. The purchase of two new brush trucks has been approved. Also, two new team members have been added, Lupita Hernandez and Jessica Olivas.
- **DWI:** They are tracking 103 misdemeanor DWI offenders. The teen court program has 19 participants via phone and e-mail. Teen court participants volunteered for two roadside cleanups. They had 7 DWI arrests last month.
- **Community Health and Well Being:** The Healing House resumed their batterer intervention program classes with 35 participants and two facilitators. Detention is training them on OC spray contamination as they are working in a semi-hazardous environment. CASA is currently serving eight kids in Luna County, two in Hidalgo County and 32 in Grant County. Parent as Teachers are currently serving 159 clients in Luna and Hidalgo Counties. They have been doing food box distributions and we appreciate them for that. Juvenile Justice currently has 21 participants and adult drug court has 9 participants.

- IT: IT had a total of 204 work orders with 173 completed. The County had 300 plus attacks on networks last month. The Sheriff's Office was frequently being attacked.
- Planning: We have been working with some property owners around Starmax and trying to purchase what we do not own. We are working with a developer to build an apartment complex there including a pool, fitness center and a club house nice apartment housing complex to attract nurses, doctors and teachers who currently live in Las Cruces and commute here. We received the appraisal for the old Fina gas station. We are thinking about purchasing it for the County vehicle maintenance facility. Premal is always working on ordinances. We are waiting on approval for the batting cages, we have the money set aside and ready to start as soon as they receive approval. Planning Director Premal Patel sent a letter to the Chicago Cubs asking for permission to use their logo. Due to the Camp Cody and Chicago Cub game back in the day, they would like to make that their theme for the batting cages.
- Maintenance/Projects: The Healing House renovation has started with walls and flooring. We have asked for \$1 Million from the Governor in Capital Outlay which is a joint venture between City and County for some type of homeless and domestic violence shelter. We really need to do a better job at this. The Park Plaza drawing was submitted to the Construction Industries Division and is waiting on their approval. The Pavilion cement curbing is being added around the bottom perimeter, the roof was extended and supports have been completed to add shade.

CALL FOR ORDINANCES:

- Ordinance 101: Tax Sale Property Emancipation: Community Development Director Premal Patel explained this is for discussion only. There are over 14,000 delinquent properties in Luna County. This is the County's attempt to try to free up some of those properties to make them active again. The Donations of Real Properties Ordinance is basically the ability and the control set up for a person who has the taxes paid and who is not ever going to come to Luna County and can donate them to the County. Because of anti-donation laws, taxes will be required to be paid by the property donor. A similar ordinance has been successful in Sandoval and Valencia Counties. The Tax Sale Property Emancipation is a new idea. Other States have tax liens; after they go to the State they provide a tax lien to the County where the County can sell the property. New Mexico does not allow tax liens. What we are trying to do here is to provide the steps to free up properties in small sections little by little. Commissioner Smrkovsky asked Mr. Patel if a land trust can be formed for lands, then sold to new business owners. Mr. Patel said he will look into that and if it's possible he will incorporate it. The end goal is to free up delinquent properties. Commissioner Sweetser asked if these properties are Deming and Sunshine Valley Ranchettes. Many other properties are also included.
- Ordinance 102: Schedule of Fees: Mr. Patel explained that in item 12 they will be approving an Amended Resolution 21-03 Notice of Fees. He explained the fees are being taken out from the ordinance and being put in a resolution so fees can be modified. Chair Reedy asked if this is only for discussion. Mr. Patel responded yes because a motion was not added here. Chair

Reedy explained both these ordinances discussed are to be addressed after publication and in accordance with applicable laws at the next regular commission meeting of March 11, 2021. She also stated this will give all the Commissioners and staff adequate time to provide feedback on proposed ordinances. The vote on the ordinance will be held at the regular meeting of April 8, 2021. Copies of the proposed ordinances shall be available on the date of publication.

Chair Reedy requested a five minute break time was 11:30 a.m. and returned at 11:37 a.m.

INDIGENT CLAIMS REPORT: Upon a motion by Commissioner Sweetser and a second by Commissioner Smrkovsky, 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 were filed for the month of January. Ms. Hethcox stated her office received from the hospital a stack of indigent claims. These will be worked on this month. The money received for the month of January is \$65,986.41 and the balance for the Indigent Claims Fund totaled \$1,703,179.40, of that \$376,417.86 is encumbered for cart contracts. Commissioner Sweetser asked Ms. Hethcox to explain what "encumbered" means. Ms. Hethcox explained encumbered are expenses for which PO's have already been written out and are obligated to pay which includes some for the safety net care pool and some for the medical and behavior health contracted for the detention center. Commissioner Smrkovsky asked Ms. Hethcox if she was working on IHC funds. Ms. Hethcox stated they utilized some of those funds for the behavioral and medical contract at the detention center. Commissioner Smrkovsky asked if the ordinance or the plan needed to be changed. Ms. Hethcox explained that the policy covers this change. Commissioner Smrkovsky motioned to approve the Indigent Claims Report as presented dated February 21, 2021 with zero claims. Commissioner Sweetser seconded the motion which carried unanimously following a roll call vote.

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

PUBLIC COMMENT: Chair Reedy opened the floor to public comment. Christie Ann Harvey thanked Commissioner Sweetser for his prior participation as leader and as the Chair. She also congratulated Chair Reedy for her participation as the current Chair. Ms. Harvey reported on several Mainstreet activities.

Carmen Torres Lara a local citizen went before the board to express her concerns on water, the vaccine and the condition of the Court House.

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: \$1,208,487.22
- b. Payroll: \$1,109,721.73

NEW BUSINESS:

- a. **Amended Resolution 21-03 Notice of Fees:** Commissioner Smrkovsky motioned to approve Amended Resolution 21-03 Notice of Fees. The motion was seconded by Commissioner Sweetser and approved unanimously following a roll call vote.
- b. **Resolution 21-14 Budget Increases:** Commissioner Smrkovsky motioned to approve Resolution 21-14 Budget Increases. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.
- c. **Resolution 21-15 Budget Transfers:** Commissioner Smrkovsky motioned to approve Resolution 21-15 Budget Transfers. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.
- d. **Resolution 21-16 Opposing House Bill 4 of The First Session of the 55th Legislature:** Commissioner Smrkovsky stated that she is glad we are doing this and said that it is a follow up from a previous one. She said a lot of counties are doing this because it could have such a negative impact on county government. Commissioner Sweetser asked if this resolution was being sent out to all of the Legislators. Commissioner Smrkovsky confirmed that it would be sent out to all legislators. Commissioner Smrkovsky motioned to approve Resolution 21-16 Opposing House Bill 4 of The First Session of the 55th Legislature. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.
- e. **Resolution 21-17: Supporting Reinstatement of a State Meat Inspection Program:** County Manager Chris Brice explained there are only four major meat processing plants in the United States. The pandemic caused a lot of issues with getting meat products. We would like to see what we had before when New Mexico had a State meat inspection program. The State would certify inspectors' throughout the State for local growers. Our ranchers here would be able to be inspected and then deliver that meat to local markets. It would also give our local citizens the ability to know where their food is coming from and know it would be coming from local vendors. It makes a lot more sense to reinstate this program than what is in place now. Commissioner Smrkovsky stated the NM Livestock Board would be in charge of it. There is also another Bill 121 appropriating a fund to establish State wide meat processing and marketing. Commissioner Smrkovsky motioned to approve Resolution 21-17; Supporting Reinstatement of a State Meat Inspection Program. Commissioner Sweetser seconded the motion which carried unanimously following a roll call vote.
- f. **Resolution 21-18: Retiree Healthcare Resolution:** Commissioner Smrkovsky asked if this is being opposed. The response was yes. Commissioner Smrkovsky motioned to approve Resolution 21-18 Retiree Healthcare Resolution. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.
- g. **Resolution 21-19: Authorizing Filing of an Application for Financial Assistance from the New Mexico Colonias Infrastructure Board (Keeler Farm):** Mr. Brice explained that the Colonias application is for the preliminary report for the water distribution at the Colonias Keeler Farm area. The County owns a water pump and the State owns the property. Mr. Brice would like to know what it would take to have this section designed correctly. Commissioner Sweetser moved to approve Resolution 21-19 Authorizing Filing of an Application for Financial Assistance from the New Mexico

Colonias Infrastructure Board (Keeler Farm). The motion was seconded by Commissioner Smrkovsky and carried unanimously following a roll call vote.

- h. **Resolution 21-20: Authorizing Filing an Application for Financial Assistance from the New Mexico Colonias Infrastructure (Rockhound Colonias):** County Manager explained this is a request to fund the planning and designing at Majestic View. Commissioner Smrkovsky moved to approve Resolution 21-20; Authorizing Filing an Application for Financial Assistance from the New Mexico Colonias Infrastructure (Rockhound Colonias). The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.
- i. **2021 Annual Certified County Maintained Mileage Report:** Commissioner Sweetser asked how many miles are involved in this report. The response was 1,852.83 slightly different from last year, Cactus Garden on Sunshine has been removed from this report. Commissioner Sweetser moved to approve 2021 Annual Certified County Maintained Mileage Report of 1,852.83 miles. The motion was seconded by Commissioner Smrkovsky which carried unanimously following a roll call vote.

Commissioner Smrkovsky stated she would like to have site visits reinitiated when making changes to roads. There are not any current applications for paving on file.

EXECUTIVE SESSION:

Executive Session pursuant to Section 10-15-1H(2) NMSA 1978-limited personnel matters pertaining to salaries and Section 10-15-1H(7) NMSA 1978 - discussion subject to attorney-client privilege pertaining to threatened or pending litigation in which Luna County is or may become a participant (McSherry, Thomas, Najera, Ruiz, Aguirre, Punchall, Schmal, Caouette). Commissioner Sweetser motioned to go into Executive Session. The motion was seconded by Commissioner Smrkovsky to go into Executive Session pursuant to Section 10-15-1H(2) NMSA 1978-limited personnel matters pertaining to salaries and Section 10-15-1H(7) NMSA 1978 - discussion subject to attorney-client privilege pertaining to threatened or pending litigation in which Luna County is or may become a participant (McSherry, Thomas, Najera, Ruiz, Aguirre, Punchall, Schmal, Caouette). The motion carried unanimously following a roll call vote.

Commissioner Sweetser moved to return from Executive Session pursuant to Section 10-15-1H(2) NMSA 1978-limited personnel matters pertaining to salaries and Section 10-15-1H(7) NMSA 1978 - discussion subject to attorney-client privilege pertaining to threatened or pending litigation in which Luna County is or may become a participant (McSherry, Thomas, Najera, Ruiz, Aguirre, Punchall, Schmal, Caouette), where no other matters were discussed. The motion was seconded by Commissioner Smrkovsky and carried unanimously following a roll call vote.

The Commissioners went into Executive Session at 12:21 a.m. and returned from Executive Session at 2:58 p.m.

Commissioner Smrkovsky motioned to amend Resolution 20-55 establishing salaries for Elected Officials and Chief Deputies for the Assessor, Clerk and Treasurer, which was set at 90% of the Elected Official's salary. That percentage is being corrected to 95% of Elected Official's salary after doing research and finding that 95% was the previous percentage approved. This will be corrected in the

March meeting and payment will be on the April paycheck. This motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.

UPCOMING MEETINGS: Chair Reedy announced the following upcoming meetings:

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

ADJOURN: The meeting was adjourned by Chair Reedy at 2:59 p.m.

ATTEST:

LUNA COUNTY BOARD OF COUNTY COMMISSIONERS

Berenda McWright
BERENDA MCWRIGHT, LUNA COUNTY CLERK

Barbara L. Reedy
CHAIR BARBARA L. REEDY, DISTRICT 1

APPROVED: 3/11/21

Linda M. Smrkovsky
LINDA M. SMRKOVSKY, DISTRICT 2

John S. Sweetser
JOHN S. SWEETSER, DISTRICT 3

