

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

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 10:00 a.m. on Thursday, March 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, IT Technician Eric Esguerra, Deputy Clerk Pilar Salcido, Assessor Michelle Holguin, Chief Deputy Assessor Isabelle Enciso, Appraiser Associate Mary Perez, Treasurer Kristie Hobbs, Sheriff Kelly Gannaway, Captain Michael Brown, Road Department Director David Bailey, Community Development Director Premal Patel, County Attorney Charles Kretek, Emergency Manager Phillip Rodriguez, Dispatch Director Lauree Sanchez 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 10:02 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, 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 the Minutes for the Regular Meeting of February 11, 2021 were unanimously approved.

SERVICE AWARDS: Assessor Michelle Holguin presented Mary Perez with her award for five years of service. Jesus Aude and Ruben Almanza from the Detention Center were not present to receive their award for ten years of service. Deputy Paul Sanchez was also not present to receive his award for ten years of service.

PRESENTATIONS: **Luna County's 2019-2020 Fiscal Audit by Robert Gonzalez.** Mr. Gonzalez presented the 2020 financial statement audit by zoom conference, he introduced himself as the principal partner on the field for the 2020 financial statement audit for Luna County.

ELECTED OFFICIALS REPORTS: Assessor Michelle Holguin reported the rendering period for personal property/livestock and manufactured homes has come to an end for 2021. Property owners can still sign up for their exemptions thru April 30, 2021, including a 65 and older or disabled limitation freeze. The online service has been down for a couple of weeks but is back up and running

now. Notice of Values will be sent out to the printer on March 18, 2021 and mailed out on April 1, 2021. The County Service Specialist staff are busy with their regular duties. The Appraisal staff are finishing up the final values for 2021 and the GIS/Floodplain/911 staff are getting ready to publish and update our maps for 2021. The partitions in the Assessor's office have been completed.

Treasurer Kristie Hobbs reported they have collected 1,458 tax payments in the month of February. They have processed thirty-one 2020 tax releases and have processed 351 credit card payments. The online tax payment system is currently not working. Ms. Hobbs reported to date, they have collected \$9,207,592 in property taxes. She also reported they are currently working on demand letters for mobile homes and personal properties.

Probate Judge Dianna May-Diaz reported she has performed six marriages recently. Ms. Diaz also reported 10 new probates which makes the year to date total of probates at 29.

Sheriff Kelly Gannaway compared January to February statistics. There were no homicides or rapes reported in February. The assaults and burglaries are the same in February as in January. Larcenies' are down from January and vehicle theft are about the same. The overall totals are down for the criminal side. The non-criminal statistics are up. Paper service are up from last month, accidents are way up, fifteen compared to four in January. DWI is zero, overall totals are up for both criminal and non-criminal. Deputies Solano and Garcia are at the academy and they should be graduating in April. Two brand new units were picked up in Albuquerque and will be put out on patrol. The Sheriff's Department is looking to hire five Deputies. They are losing one Deputy to Dona Ana County and another one to Sandoval County.

Commissioner Smrkovsky reported that New Mexico Counties is working diligently on Bills currently being heard. One of them specifically is the Civils Rights Bill which was heard last night and will be heard on the floor today.

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

- Dispatch: A total of 9,395/911 calls were received for the month, 261 warrants and 39 new protection orders. The staff that were involved in Officer Jarrot's shooting went through the crisis incident intervention for help dealing with that situation.
- LCDC: There were a total of 253 people booked and 150 released. The average daily population was 253 which is the largest in the State. The total of Marshall inmates is 147 and they continue to work with the Marshalls in an effort to increase the number.
- Road Department: They installed 32 cattle guards along Hermanas Road from New Frontier Road South for 15 miles out to Highway 9. A total of 2,684 tires were received. There were discussions with the Regional Manager for Universal Waste in trying to figure out where these tires are coming from. Pothole patching improvements have been done on Hermanas, Hermanas Grade, Solana and Ash Street. They are going to work on re chip sealing Ash Street in the future. There are two new projects coming up. The Keeler water project and Majestic View for the next Colonias. The garbage cans have been relocated from Akela and to the Florida Fire Station. The annual pipeline training has been completed.

- **Budget and Procurement:** The gross receipt taxes received per Ms. Hethcox was again higher than expected. New Mexico was one of the States that did not experience a huge drop in gross receipt taxes (GRT). The Hazard Mitigation Plan project will be starting in the next few weeks, Mr. Brice believes BOLD is the name of Company selected to work on that project.
- **Human Resources:** New hires include two full time and two part time truck drivers. One part time truck driver was hired as seasonal just in case a need arises for possibly driving the detention buses to transport asylum seekers to Dona Ana or El Paso. Christy Ann Harvey has come on board as Community Development Director. She is currently working with the apartment developer at Starmax. She has already done a lot of work in the Columbus area. The County is pushing forward with Columbus becoming a destination spot for history and historic buildings. The Mayor is on board with this. Still searching for Detention Officers, cooks and bartenders for Starmax, and Deputies for the Sheriff's Office. An LCDC Corporal is currently being interviewed. They are trying to figure out what to do for the replacement of Program Manager Samantha Apodaca at the Healing House. Human Resources did receive a couple of good applicants for that position.
- **Starmax:** The sales for the month of February were zero. They are looking to open up the bowling area at 25% for seating as part of the bar and restaurant. The County is looking for a grant for shuttered venues, they will be applying for those grants.
- **Emergency Management:** Emergency Manager Phillip Rodriguez is busy monitoring the spread of Covid-19. Currently the Covid spread is 3.31% which is down from 15.71% in the beginning of February. Mr. Rodriguez is also monitoring the border situation as multiple calls a week are being received. Vaccination sites implemented for border patrol and law enforcement officers. The County has administered 120 vaccine doses for the month of February and almost 4,000 to date. Mr. Brice reported a Unified Area Command for border counties has been set up with Hidalgo, Dona Ana, and Luna Counties to plan for Asylum Seekers. They don't feel the State is involved enough in giving the border counties enough information. The Unified Area Command continue to have weekly meeting and looking to do them twice a week now so that the border counties are all same page with how the Asylum Seeker situation will be handled. The Emergency Operations Center (EOC) was activated in Columbus during the winter storms which help the Village. The contract for Hazard Mitigation Plan has been sent to BOLD for signatures.
- **Safety Management:** Safety Program Coordinator Joann Moorman continues to do Covid-19 tracking and reporting for all County employees. She is also managing RAP and the Road Ready training is ongoing, to date, 20% of employees have completed the training. The new alerting system for the County should be up and running very soon.
- **Luna County Volunteer Fire Department:** They responded to three structure fires and six brush fires. Brush trucks have been ordered and the volunteer fire fighter training continues on weekends with 15 to 20 volunteers attending that training.
- **DWI:** They are tracking 99 misdemeanor DWI offenders. The teen court program has 18 participants via phone and e-mail. They had 8 DWI arrests last month.
- **Community Health and Well Being:** Griselda Milo is Interim Program Manager at the Healing House. They have received a couple of very good candidates for the Managers position. CASA

is currently serving 42 kids in Luna, Hidalgo and Grant Counties. Parent as Teachers won the Deming/Luna County Chamber of Commerce free membership. They are currently serving 162 clients in Luna and Hidalgo Counties. Rosalba Lara from Parents as Teachers was panelist on the National Boston Children's Hospital webinar. They work with Colores United on food distributions.

- IT: IT had a total of 672 work orders with 615 completed. The County had 900 plus attacks on networks last month which is a never ending battle. There are many projects going on in IT.
- Planning: Premal has been working with the environmental department to assist Columbus with high nitrate levels. He is also working on multiple ordinances. The first draft of what the architects want to do at Starmax with respect to the batting cages and the skate park have been received.
- Maintenance/Projects: The floors at the Healing House building are being worked on. The final approval has been received on the electrical at Park Plaza. It is now time to finish the IT section. The pavilion project has just been wrapped up.

CALL FOR ORDINANCES:

- **Resolution 21-21: Call for Ordinance 101: Procedure for Accepting Donations of Real Property; to Establish Procedures and Controls for Donated Property.** Community Development Director Premal Patel explained "this is one of a few ordinances going back in history and coming into this position, finding out there is over 14,000 properties in tax delinquencies." We started developing multiple ordinances to handle different avenues of trying to keep properties out of tax delinquencies and trying to get properties out of the States hands that are delinquent in nature. Ordinance 101 gives us internal controls of when someone presents to us a donation of property here in Luna County. We do have the internal controls and it is basically at the Commission and the County Manager's approval. The requirement is that the taxes must be paid because the taxes stay with the property and it becomes a liability to the County at that point." Commissioner Smrkovsky motioned to approve Resolution 21-21: Call for Ordinance 101: Procedure for Accepting Donations of Real Property; to Establish Procedures and Controls for Donated Property. Commissioner Sweetser seconded the motion which carried unanimously following a roll call vote.
- **Resolution 21-22: Call for Ordinance 102: Schedule of Fees; to Repeal All Fees Established in the Luna County Code of Ordinances and Establish by Resolution a "Schedule of Fees".** Mr. Patel explained "what we are doing in this ordinance is repealing the fees in the ordinances and establishing a resolution establishing all the fees yearly. As we change our duties as the time goes on you will see more of this resolution being amended of the fees. However, this is basically stating in the ordinances that we are adopting it by resolution for the future". Commissioner Smrkovsky motioned to approve Resolution 21-22: Call for Ordinance 102: Schedule of Fees; to Repeal all Fees Established in the Luna County Code of Ordinance and Establish by Resolution a "Schedule of Fees". Commissioner Sweetser seconded the motion which carried unanimously following a roll call vote.

- **Resolution 21-23: Call for Ordinance 103: Procedure of Tax Sale Property Emancipation; Establishing Internal Procedures and Plan to Free Land in Long Term Tax Delinquencies.** Mr. Patel explained “that this ordinance going back historically as I mentioned before there are over 14,000 properties in tax delinquencies. In working with Bureau Chief of the Property Tax Division, we went going back and forth with ideas. We tried obtaining tax liens for these properties. We brought out the idea of possibly freeing up some of these lands and selling them back out into the market and doing a cost split or a percentage where they can pay their taxes and we can start getting these properties activated. After multiple different ideas and hearing the no, they finally came up to one that they were somewhat receptive of. So were trying that and again this is going to be working with the State but this is our way of trying to get some of these properties out of tax delinquencies. Basically these are the internal controls of how we approve the properties to send to the State to put them out to bid. There is a non-competitive clause on it where we cannot bid other people there has to be a no bid on it before we try to obtain those properties. You will see on there in section (c.) the control setting is standard bid amount for that”. Commissioner Smrkovsky motioned to approve Resolution 21-23: Call for Ordinance 103: Procedure of Tax Sale Property Emancipation; Establishing Internal Procedures and Plan to Free Land in Long Term Tax Delinquencies. Commissioner Sweetser seconded the motion which carried unanimously following a roll call vote.

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 seven claims for the month of February. The total expenditures for the month of February was \$21,048.89. The money received for the month of February \$61,784.68 and the balance for the Indigent Claims Fund totaled \$1,782,530.71, of that \$337,017.86 is encumbered. Ms. Hethcox stated that a few more claims are ready to be processed, and they are needing some codes from the hospital to process them in March for the April Meeting. Commissioner Smrkovsky commented that she is curious that a claim would be exactly \$10,000. Ms. Hethcox explained \$10,000 is the maximum payment which the policy allows, and that none of these claims reported are for inmates at the detention center. Commissioner Smrkovsky motioned to approve the Indigent Claims Report as presented in the amount of \$21,048.89. Commissioner Sweetser seconded the motion which carried unanimously.

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 introduced Chelsey Evans her successor as Interim Executive Director at Mainstreet.

Chelsey Evans reported that she accepted the Interim position at Mainstreet. She stated that she completed the New Mexico grant writing training and they are working on multiple proposals for this year’s grant cycle. She has also signed up for the fundraising training. She does have a meeting with one of the revitalization specialist toward the end of this month. Christy Ann and she met with Jesse and went over some design concepts for the Pavillion. Ms. Evans stated the first show for CashMob

will be next Thursday, March 18th at 6:00pm featuring The Yarn Emporium. This is Mainstreet's effort to promote local businesses.

Alberta Morgan went before the board to comment on the blowing dirt and the current drought conditions.

Carmen McDonald went before the board to recommend that a memorial be created in name of deceased Sam Baca at the City pool center.

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: \$1,195,555.05
- b. Payroll: \$1,075,862.22

NEW BUSINESS:

- a. **Proclamation 21-01: Proclaiming April as Child Abuse Awareness Month.** Chair Reedy read Proclamation 21-01: Proclaiming April as Child Abuse Awareness Month to all present. Commissioner Smrkovsky motioned to approve Proclamation 21-01 Proclaiming April as Child Abuse Awareness Month. The motion was seconded by Commissioner Sweetser and approved unanimously following a roll call vote.
- b. **Proclamation 21-02: Proclaiming April as Fair Housing Month:** Chair Reedy read Proclamation 21-02: Proclaiming April as Fair Housing Month. Commissioner Smrkovsky motioned to approve Proclamation 21-02 Proclaiming April as Fair Housing Month. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.
- c. **Resolution 21-24 Budget Increase:** Budget & Procurement Director Joanne Hethcox explained the seven increases to this resolution in the amount of \$186,537.67. She reported the two biggest increases are the \$749,077 CDBG grant award for the Health Complex on Slate Street and the \$450,000 which was appropriation for vehicles for Luna County. She reports the others are re-spending on monies collected like the Sheriff's Office has requested an increase from the gross receipts collected. Those monies will be used to revamp their weaponry. Commissioner Smrkovsky asked about the indigent burials expenses and where that money gets paid out of. Ms. Hethcox explained it comes out of the indigent fund. She offered to add burials to the indigent claims report. Ms. Hethcox stated each indigent burial cost \$600 and there have been significantly more this year. Commissioner Smrkovsky motioned to approve Resolution 21-24 Budget Increase. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.
- d. **Resolution 21-25 Budget Transfers:** Budget & Procurement Director Joanne Hethcox explained these are line item transfers within budgets that need to satisfy expenditures that have come up to date. The biggest one is Starmax where we are moving money into that budget to continue on their capital improvement and they needed a new and improved bowling scoring system. Commissioner Smrkovsky asked about the \$100,000 listed on the resolution. Ms. Hethcox stated that is for the Detention Center as they moved

money into building repairs over time and one other line item from salaries. Commissioner Sweetser motioned to approve Resolution 21-25 Budget Transfers. The motion was seconded by Commissioner Smrkovsky and carried unanimously following a roll call vote.

- e. **Resolution 21-26: Establishing Salaries for Chief Deputies:** Commissioner Smrkovsky commented that this resolution is to correct an error on the percentage amount awarded to the Chief Deputies salaries. County Manager Chris Brice explained this resolution will establish the 95% of Elected Officials salaries which was changed for some reason in 2016. Commissioner Smrkovsky motioned to approve Resolution 21-26; Establishing Salaries for Chief Deputies. Commissioner Sweetser seconded the motion which carried unanimously following a roll call vote.
- f. **Resolution 21-27: Acceptance and Approval of 2019-2020 Luna County's Fiscal Audit:** Commissioner Smrkovsky motioned to approve Resolution 21-27 Acceptance and Approval of 2019-2020 Luna County's Fiscal Audit. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.
- g. **Resolution 21-28: Statutorily Authorized Additional Compensation:** County Manager Chris Brice explained the Statute allows for additional compensation to the Elected Assessor in the amount of \$3,500 for holding an Appraiser Certificates. The Statute also allows \$7,500 addition compensation for a qualified appraiser in the Assessor's office for holding an Appraiser Certificates. Commissioner Smrkovsky moved to approve Resolution 21-28 Statutorily Authorized Additional Compensation. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.
- h. **BID Award: Bid TY 109-01 Rockhound Roadway and Drainage Improvements:** Engineering Manager for Wilson & Company Eric Hamilton and Projects Engineer of Records Gabriel Vianueva recommended that the Rockhound Roadway and Drainage Improvements Project be awarded to Deming Excavating Inc. in the amount of \$378,406.25 excluding NMGRT. Commissioner Sweetser asked if this completes the street paving. Mr. Vianueva explained the streets will be surfaced with a chip seal. Commissioner Sweetser motioned to approve the BID Award: Bid TY 109-01 Rockhound Roadway and Drainage Improvements to Deming Excavating Inc., motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.

EXECUTIVE SESSION:

Executive Session pursuant to Section 10-15-1(H)(8) NMSA 1978 – for the purpose of discussing the potential purchase, acquisition and disposal of certain parcels of real property. Commissioner Smrkovsky motioned to go into Executive Session pursuant to Section 10-15-1(H)(8) NMSA 1978 – for the purpose of discussing the potential purchase, acquisition and disposal of certain parcels of real property. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.

Commissioner Smrkovsky moved to return from Executive Session pursuant to Section 10-15-1(H)(8) NMSA 1978-for the purpose of discussing the potential purchase, acquisition and disposal of

certain parcels of real property. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.

The Commissioners went into Executive Session at 11:32 a.m. and returned from Executive Session at 12:25 p.m.

ACTION TAKEN: Commissioner Smrkovsky motioned to allow County Manager Chris Brice to pursue looking at multiple projects for consideration. Commissioner Sweetser seconded the motion which carried unanimously following a roll call vote.

UPCOMING MEETINGS: Chair Reedy announced the following upcoming meetings:

Regular Commission Meeting – April 8, 2021 @ 10 a.m.

ADJOURN: The meeting was adjourned by Chair Reedy at 12:27 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: 4-8-21

Linda M. Smrkovsky
LINDA M. SMRKOVSKY, DISTRICT 2

John S. Sweetser
JOHN S. SWEETSER, DISTRICT 3

