

**MINUTES
REGULAR MEETING
LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS
Thursday, June 10, 2021**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 10:00 a.m. on Thursday, June 10, 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, Deputy Clerk Pilar Salcido, Chief Deputy Clerk Leslie Nabours, Assessor Michelle Holguin, Sheriff Kelly Gannaway, Road Department Director David Bailey, Community Development Director Premal Patel, LCDC Compliance/PREA Tyler Massey, Dispatch Director Lauree Sanchez, LCDC Interim Director Pablo Montoya, Economic Development & Community Director Christie Ann Harvey, Budget & Procurement Director Joanne Hethcox and County Attorney Charles Kretek. Other directors and elected officials were present virtually.

CALL TO ORDER: Chair Reedy 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, 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 May 13, 2021, the Work Session of May 17th 2021 and the Special Meeting of May 19, 2021 were unanimously approved.

SERVICE AWARDS: Training Sargent David Townsend presented to Raul Moreno-Felix a five years of service award. Lisa Maynes was not present to receive her fifteen years of service award. Anna Barraza was presented her 20 years of service award by Program Administrator Zalenna Pinon.

RETIREMENT: Interim Director Pablo Montoya presented Lionel Lozano with his 29 years of service retirement award.

PRESENTATION:

- **Veteran's Assistance Center:** President Cabrini Martinez and Vice-President Richard Orona gave an extensive presentation in support of having a Veteran's Clinic set up in Luna County.

They are willing to donate a piece of land owned by the Veteran's Assistance Center to make this happen. Commissioner Sweetser stated he is in full support as he is a veteran himself, and supports the County in doing whatever they can to help. Chair Reedy stated her father was a POW and he would have been 100 years old this year. She also stated the County does support the veterans and would like to have Ms. Martinez and Mr. Orona speak with County Manager Chris Brice to discuss the options.

- LEDA Presentation for Homegrown Produce LLC: Economic Development & Community Director Christie Ann Harvey presented on the Local Economic Development Ordinance (LEDA) and how it ties to a particular project that the County is involved in. The LEDA project is the enactment and use of LEDA allows the public support of economic development projects to foster, promote, and enhance the efforts of creation of businesses, and opportunities to expand the economic base in our County. A special meeting will be scheduled to discuss this item further, and with more research and information on hand.
- Columbus Land Port of Entry Diversion Berm and Flood Control Project Update by Wilson Company: Eric Hamilton presented in great detail the status update on the Columbus port of entry berm and flood control project.

ELECTED OFFICIALS REPORTS: Assessor Michelle Holguin reported they are busy since the opening of their office to the public. They are currently working on certifying the values to the property tax division. It has been a long process with the State going to an automated system, so it is taking longer than usual. The County Service Specialists are busy processing deeds, change of addresses, affidavits, tax levies, personal property, and livestock. The appraisers are busy working up their protests and reviewing those properties. They will have four appraisers attending IAAO courses this year going towards their certification. Three other appraisers will be going to IAAO courses to keep up their certification. GIS Flood Plain/911 Rural Addressing department has updated the maps for 2021 and will continue to work on the UPC's and their deeds. Ms. Holguin stated they are finalizing the draft SOP policies for their office, and their online services are now available. Her staff is available to help anyone with the online services. Assessor Holguin encourages all to visit their office if anyone has questions.

Sheriff Kelly Gannaway reported on the criminal side for the month of May. No homicides, no rapes, but assault reports were up, burglaries and larcenies are down. We had two vehicle thefts, no arsons, and no robberies for the month. The overall criminal totals are down. The non-criminal paper service is down, accidents are up and no DWI's to report. The total for non-criminals is down as well as the overall grand totals for the month are down. Sheriff Gannaway reported they finally have been able to get their four new deputies put into place. Derrick Lovelace comes over certified, Jacob Moreno, Osvaldo Lopez, and Nicolas Soledad are uncertified, and they are commissioned and getting trained. Deputy Paredes is attending the law enforcement academy in Dona Ana. They are still waiting on their three vehicles to be purchased in August. Sheriff reported the vehicle auction was a success and he believes they sold about \$115,000 for the Sherriff's side. The total sold for the auction was about \$300,000. Sherriff Gannaway thanked Lionel Lozano for his service and wished him well in his retirement. Commissioner Sweetser asked Sherriff Gannaway if the sales from the auction go back into the Sherriff's budget. Sherriff Gannaway responded that he expects to get half of the money

back into the budget to purchase vehicles and the other half goes into the Stonegarden budget which is also used to purchase vehicles. Sherriff Gannaway stated he will definitely be able to purchase more vehicles with this money.

Commissioner Smrkovsky reported that she will be attending an NM Workforce Solution meeting. Part of the things they are looking at is re-organizing the local boards for the Southwest area which consists of two regions, an urban and a rural area. That would split out Dona Ana from the rest of the rural counties. There is a lot of opposition to that because under the new WELA Federal Act. That is one issue our board is dealing with right now. NM Counties will be having their meeting in Roswell on the 16th and the 17th which will be the first sit-down meeting in probably two years.

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

- Dispatch: A total of almost 8,000/911 calls were received for the month of May, with 184 warrants, 35 new protection orders.
- LCDC: A total of 322 people were booked. The average daily population was 355 and the Marshalls is 212. A job fair has been scheduled at the Courthouse Park on June 18th from 6:00 p.m. to 8:00 p.m. They continue to work with Veteran's organizations and other places trying to recruit. They are also working with Workforce Solutions. National Night Out is August 3rd where law enforcement gets together with the community, we will be advertising recruitment there as well to get people hired for the detention center.
- Road Department: The County received almost 3,000 tires for the month. The auction was very successful. The County recouped about \$340,000. The County did get the RAID grants that Mr. Bailey talked about in a previous meeting, they received \$203,000 for one and \$60,000 for tire recycling and facility improvement. They have put Majestic View/People's Water Coop and the Keeler Farms on the list for next year's Colonia's project. There is going to be an engineering study scheduled. They also got the \$500,000 Capital Outlay grant. They are still working on the LGRF for the 2020/2021 project which includes Solana, 8th, Hermanas Grade, and La Bajada. The 2021 projects through the LGRF are going to be Solana, Lucca, Skyview, McCan, Sunshine, and 4th Streets. They have two TPF infrastructure support projects. They have applied for a \$5.1 million grant for the Columbus Industrial Park area to pave those roads, create dirt drainage, and make that a more inviting place for businesses and people to move into that area. They are also looking at paving Camino Doce which is \$6.6 million. Wilson is applying for a RAISE grant in the amount of \$12 million for the berm project.
- Budget and Procurement: Mr. Brice and Mrs. Hethcox continue to work on the 2021 budget.
- Human Resources: A dispatcher was hired, one Starmax cook, a person for the Healing House, one of the two Court House Security Officers were hired, and some new deputies. We still have a detention officers, a maintenance, another dispatcher, another person for the Healing House, and one more Court Security needed.
- Starmax: The sales for the month of May were over \$20,000. June 18th is the plan for the drive-in opening, the capacity estimated to be 84 cars. A fee will be charged and the concession stand and bathrooms will be opened inside.

- **Emergency Management:** They are still monitoring the spread of Covid-19. The spread is .83% which is down from 3.03%. The County's population with at least one shot is 63% and 53% fully vaccinated. LCDC just another big vaccination event with 160 inmates who received the Johnson & Johnson vaccine. There is not anything happening at the border concerning us.
- **Safety Management:** Safety Program Coordinator Joann Moorman continues to do RAP and road-ready training.
- **Luna County Volunteer Fire Department:** They responded to three structure fires, seven brush fires, and four-car fires.
- **DWI:** 91 misdemeanor DWI offenders are currently being tracked. The teen court program has three participants, and four arrests were reported to DWI. Some of the DWI grant funding was used to purchase equipment for the State Police and the Sherriff's office.
- **Community Health and Well Being:** The previous Capital Outlay in the amount of \$220,000 is being used to refurbish some of the floorings in the Healing House. They also put in new cabinets in the kitchen, they have a new stove, and the restrooms are getting redone. Casa has 36 kids between Luna and Grant Counties. Parents as Teachers are serving 168 clients in Luna and Hidalgo Counties. They are still doing the food distributions and continue to help the community.
- **IT:** A total of 800 work orders were completed. There were 1,400 plus attacks on our networks.
- **Planning:** Premal and his people are working with the environmental people to assist Columbus with high nitrate levels. They did get approval to move 10-acre feet of water rights to Starmax and at the Detention Center.
- **Maintenance:** They are overseeing the Healing House project and they are monitoring the IT's building over-hall which should be completed in July.
- **Economic Development:** Christie Ann Harvey has a huge entry for her Director's report, they are working on vocational training with Ken Leupold on the possible AWS welding courses. The county sign being placed by Starmax is in the final quote stage.

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 & Procurement Director Joanne Hethcox reported one claim for the month of May. The total expenditures for the month of May were \$707.68. GRT for the month has gone down to \$61,993.94. The balance for the Indigent Claims Fund total is \$2,057,152.68, of that \$257,652.69 is encumbered. One encumbrance which is not showing is an additional \$350,000 which was process after May 31st. Commissioner Smrkovsky asked Ms. Hethcox if the GRT amount received was the similar to last year GRT received for the same month. Ms. Hethcox stated it is close to previous Covid amounts. Commissioner Smrkovsky motioned to approve the Indigent Claims Report as presented. Commissioner Sweetser 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.

CALL FOR ORDINANCE: Resolution 21-47: Call to adopt Ordinance 104; Building and Facility Usage: County Attorney Chuck Kretek explained this is something that has been in the works for a while. Mr. Kretek stated he is hoping to get input from the Board today. This ordinance intends to codify in one place the usage of the County facilities. The County does not have a uniform application, fees, management, or set of rules for their facilities. In addition, the park is being used with or without authorization all hours of the day and night without any uniformed rules. The City closes its parks at 10:00 p.m. and opens at 8:00 a.m., but the County has no rules or standards for our park. This ordinance is intended to set standards for the use of the County facilities. We are asking the Commission to authorize management to move forward with drafting an ordinance for you to review and then vote on in the next meeting. Commissioner Smrkovsky motioned to approve Resolution 21-47: Call to adopt Ordinance 104; Building and Facility Usage. Commissioner Sweetser seconded the motion which carried unanimously following a roll call vote.

PUBLIC COMMENT: Chair Reedy opened the floor to public comment. Albert Morgan went before the board in support of the veteran's assistance center and veteran's clinic in Luna County.

Susan Schifner went before the board to announce that her husband has passed away over the weekend, and that his last years alive were miserable. She continues to ask the board to look into this issue and to help her resolve her problem.

Collette Chandler went before the board to thank the County for all they do to help their residents.

Jack Harmon went before the board to state that the Florida Mountains were used as a bombing and testing range during WWII. This area has never been cleared by the government and feels that if the County approves any digging in the Florida Mountains the County becomes liable.

Interim Director for Deming Mainstreet Chelsea Evans went before the board to give an update on Mainstreet events.

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

- a. Accounts Payable: \$736,335.36
- b. Payroll: \$1,071,440.57
- c. Oath of Office and Appointment of Deputy Sheriff Nicholas Soledad
- d. Oath of Office and Appointment of Deputy Sheriff Derick Lovelace
- e. Oath of Office and Appointment of Deputy sheriff Osvaldo Lopez
- f. Oath of Office and Appointment of Deputy Sheriff Jacob Moreno

OLD BUSINESS:

- a. **Extraterritorial Zoning Authority:** Mr. Kretek explained that he received letters of interest from seven individuals interested in the ETZ Commission. This authority would consist of the three-county board members and two city council appointees. The commission is charged with administering and interpreting variances. The County Board will appoint five individuals, the first four individuals should reside outside of the City but within the ETZ. Commissioner Smrkovsky motioned to appoint Colette Chandler as the fifth appointee for a two-year appointment. Commissioner Sweetser seconded the motion which carried unanimously following a roll call vote. Commissioner Smrkovsky

motioned to appoint Cal Wenzel and Justin Franzoy for the three-year appointment. Commissioner Sweetser seconded the motion which carried unanimously following a roll call vote. Commissioner Smrkovsky motion to approve Valerie Tyler and Jerry Zachek for the two-year appointments. Commissioner Sweetser seconded the motion which carried unanimously following a roll call vote.

NEW BUSINESS:

- a. **Resolution 21-38: Budget Increases:** Budget and Procurement Director Joanne Hethcox explained the proposed budget increases. Commissioner Sweetser motioned to approve Resolution 21-38 Budget Increases. The motion was seconded by Commissioner Smrkovsky and approved unanimously following a roll call vote.
- b. **Resolution 21-39: Budget Transfers:** Budget and Procurement Director Joanne Hethcox explained these are line item budget transfers intra-departmental. Commissioner Sweetser motioned to approve Resolution 21-39: Budget Transfers: The motion was seconded by Commissioner Smrkovsky and carried unanimously following a roll call vote.
- c. **Fiscal Year 21-22 Budget Discussion.** Commissioner Smrkovsky had questions on the budget and asked that she be able to see the items that were on the sheet that was added to the budget. She did not just want to see the sheet in the front as she had not received a copy of it. Ms. Hethcox said she would e-mail to Commissioner Smrkovsky an additional copy of the preliminary budget. Commissioner Smrkovsky asked to get the final copy of the preliminary budget. Commissioner Sweetser asked if the assistant manager position was discussed with an \$80,000 salary tied to it. County Manager Chris Brice clarified it was a funded position for an assistant county manager. Commissioner Sweetser stated he was under the impression that there would be more discussion if this position was needed or not. He also stated that if we do not need it we should not do it. Commissioner Sweetser stated he would like to move to remove that position. Chair Reedy asked how this change would affect the budget. Ms. Hethcox explained that the preliminary budget has already been submitted but that change can be done before submitting the final budget. Chair Reedy stated that including this item in a special meeting for discussion is more appropriate than discussing now. Commissioner Smrkovsky motioned to table the Fiscal Year 2021-2022 Budget Discussion. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.
- d. **Resolution 21-40: Authorize the Budget Procurement Department to Make Necessary Intra Department Budget Adjustments to Clean up Line Items before End of Fiscal Year:** Commissioner Smrkovsky motioned to approve Resolution 21-40 Authorize the Budget Procurement Department to Make Necessary Intra Department Budget Adjustments to Clean up Line Items before End of Fiscal Year. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.
- e. **Resolution 21-41: Disposition of Personal Property:** County Manager Chris Brice explained Hidalgo County is wanting to trade their shuttle for a regular 15 passenger van from us. Commissioner Smrkovsky motioned to approve Resolution 21-41 Disposition of Personal Property. Commissioner Sweetser seconded the motion which carried unanimously following a roll call vote.

- f. **Resolution 21-42: Banning and Restricting the Use or Sale of Certain Fireworks:** Commissioner Smrkovsky motioned to approve Resolution 21-42 Banning and Restricting the Use or Sale of Certain Fireworks. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.
- g. **Resolution 21-43: Designation of Polling Places for 2022 and 2023:** Commissioner Smrkovsky motioned to approve Resolution 21-43: Designation of Polling Places for 2022 and 2023. Commissioner Sweetser seconded the motion which carried unanimously following a roll call vote.
- h. **Resolution 21-44: Camino Doce Transportation Project, Luna County:** County Manager Chris Brice explained we must have resolutions in support of the fund request. Commissioner Smrkovsky motioned to approve Resolution 21-44 Camino Doce Transportation Project, Luna County. Commissioner Sweetser seconded the motion which carried unanimously following a roll call vote.
- i. **Resolution 21-45: Columbus International Gateway Project, Luna County:** County Manager Chris Brice stated this is also a resolution in support of fund request. Commissioner Smrkovsky motioned to approve Resolution 21-45 Columbus International Gateway Project, Luna County. Commissioner Smrkovsky motioned to approve Resolution 21-45 Columbus International Gateway Project, Luna County. Commissioner Sweetser seconded the motion which carried unanimously following a roll call vote.
- j. **Resolution 21-46: Appointment of Board of Registration:** Commissioner Sweetser motioned to approve Resolution 21-46 Appointment of Board of Registration. Commissioner Smrkovsky seconded the motion which carried unanimously following a roll call vote.
- k. **Proclamation 21-05: Supporting Repaying the Rural Borderland Act:** County Manager Chris Brice explained, Representative Harrell's office emailed the Board of County Commission requesting support of repaying the Rural Borderland Act. Commissioner Smrkovsky motioned to approve Proclamation 21-05 Supporting Repaying the Rural Borderland Act. Commissioner Sweetser seconded the motion which carried unanimously following a roll call vote.
- l. **Proclamation 21-06: Supporting Enhanced Security on the Border:** Commissioner Sweetser motioned to approve Proclamation 21-06 Supporting Enhanced Security on the Border. Commissioner Smrkovsky seconded the motion which carried unanimously following a roll call vote.
- m. **NM Feeding CO Exemption from Special Tax Assessment:** Commissioner Smrkovsky motioned to approve NM Feeding CO Exemption from Special Tax Assessment. Commissioner Sweetser seconded the motion which carried unanimously following a roll call vote.

UPCOMING MEETING: Chair Reedy announced the following upcoming meetings.

Regular Commission Meeting: July 8th, 2021 at 10:00 a.m.
Special Meeting: June 23, 2021 at 1:00 p.m.

JAIL SITE INSPECTION: County Manager Chris Brice, Chair Reedy, Commissioner Smrkovsky and Commissioner Sweetser met at the Luna County Detention Center for the jail inspection. The meeting was adjourned after the jail inspection.

ADJOURN: The meeting was adjourned by Chair Reedy at 2:14 p.m.

ATTEST:


BERENDA MCWRIGHT, LUNA COUNTY CLERK

APPROVED: 7-8-21

**LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS**


CHAIR BARBARA L. REEDY, DISTRICT 1


LINDA M. SMRKOVSKY, DISTRICT 2


JOHN S. SWEETSER, DISTRICT 3

