

**MINUTES
REGULAR MEETING
LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS
Thursday, July 8, 2021**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 10:00 a.m. on Thursday, July 8, 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, Clerk Berenda McWright, Chief Deputy Clerk Leslie Nabours, Assessor Michelle Holguin, Chief Deputy Assessor Isabelle Encisco, Treasurer Kristie Hobbs, Sheriff Kelly Gannaway, Captain Michael Brown, Road Department Director David Bailey, IT Technician Joseph Apodaca, Preventionist Teresa Ortberga-Aguilera, Administrative Assistant Charmaine Sias, LCDC Interim Director Pablo Montoya, Economic Development & Community Director Christie Ann Harvey, Human Resource Director Rosa Porras, 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 June 10, 2021, and the Special Meeting of June 23, 2021 were unanimously approved.

SERVICE AWARDS: Treasurer Kristie Hobbs presented a 15 year service pin to Lisa Maynes.

PRESENTATION:

- **Community Service Plaque:** County Manager Chris Brice presented to General Manager of Peppers Supermarket Mark Schultze the first-ever "Business of the Year" Award. This award will be issued yearly to a business nominated by the community.

- 9/11 Event Announcement: Teresa Ortberg-Aguilera announced there is a planned event hosted by Teen Court for the 20th year anniversary of 9/11. Ms. Aguilera stated Luna County will be receiving a flag of honor, that includes all the names of the victims of September 11th. A parade is being put together which will run from the Visitor's Center to the Courthouse Park. Two speakers have been confirmed to speak.
- Restrictive Housing Unit Quarterly Report: LCDC Interim Director Pablo Montoya gave the LCDC quarterly report from April to June. The Luna County Detention Center had one detainee who met the reporting requirements. A 60-year-old white male qualified. It was requested by medical that he be detained and kept in a medical cell for observation to prevent further injury to himself.
- Workforce Innovation Opportunity Act (WIOA) Youth Program: Program Manager Mary Gandara presented to the Board of Commission telephonically the WIOA Youth program in great detail. They are currently in search of a program manager for the Luna County area.

ELECTED OFFICIALS REPORTS: Assessor Michelle Holguin reported they have certified the Values for Property Tax Division and are waiting for their response from their evaluation. A copy of the certification has been provided to the Board of Commissioners. The County Service Specialist staff has processed 203 deeds for the month of June. They have also been busy processing changes of addresses, affidavits, tax levies, personal property, livestock, and helping customers in the office, online, and on the phone. The Appraisal staff are busy working up protests and are reviewing their properties. Four Appraiser Associates will be taking IAAO online courses the week of 19th – 23rd towards attaining their certification from the Property Tax Division, and three Certified Appraisers will also be taking continuing education classes to maintain their certificates the same week. For the month of June, the GIS/Floodplain /911 rural addressing department will continue to update the maps for 2021. They have processed 78 UPCs, 71 deeds, 17 flood plain inquires, and 15 parcel data inquires, 7 new addresses, 2 address designation letters, and are continuing to work on the City limits subdivision on the GIS maps. Assessor Holguin encourages all to visit their office if anyone has questions.

Clerk Berenda McWright reported on the number of voter registrations processed for the month of June. There were nine in person, one via mail and 87 online registrations processed. Luna County currently has a total of 12,634 registered voters. A total of 517 documents were recorded in the Clerk's office. Two new business registrations were issued in June. There is a total of 255 businesses currently registered in Luna County. A total of 14 marriage licenses were issued, and 10 probates were opened in June. The Lodger's tax collected for the month of May was \$182.19 with a year- to-date total of \$1,574.38. They attended and processed minutes for two commission meetings one regular meeting and one special meeting. They attended the Clerks Affiliate in July. Ms. McWright reported that permanent ballot drop boxes will be installed here at the Courthouse, the Learning Center, and maybe at Peppers Supermarket before this upcoming election. Rachel and Leslie attended NM Edge classes for certification. August 24th is candidate filing day for the upcoming Local Election to be held on November 2nd. Commissioner Smrkovsky asked what we do with the lodger's tax money. Ms. McWright states the Clerk's office only collects the money, she doesn't know what

happens to it after collection. Commissioner Sweetser asked if these were the ballot boxes being mentioned in news with a lot of controversy. Ms. McWright responded there are some controversies on this issue but this is mandated by the State.

Treasurer Kristie Hobbs reported they have mailed out 23,426 delinquent notices on the first of June. They have hired Monica Juarez as their new employee. They are closing out fiscal year-end this month, and are also providing auditors with requested documents. The information requested is e-mailed to them prior to them getting here. For the month of June, they took 3,263 tax payments, 36 tax releases, 626 credit card payments with a total amount received for 2020 of \$14,120,057.

Sheriff Kelly Gannaway reported on the criminal side for the month of June. One homicide, no rapes, one assault, three burglaries, eight larcenies, and one vehicle theft. The overall criminal totals are down. The non-criminal paper service is down, accidents are up and one DWI to report. The total for non-criminals is down as well as the overall grand totals for the month are down. Deputy Paredes is attending the law enforcement academy in Dona Ana. They have two Deputies attending the Santa Fe Academy this month. They just picked up a new unit last month and continue to wait for three more. Sherriff Gannaway stated the National Night Out is scheduled for August 3rd. They will also be getting Shop with a Cop going, a meeting is scheduled sometime this month to discuss it.

Commissioner Smrkovsky reported she attended NM Counties on June 24th and the payment of lieu of taxes is out. That figure is \$2,124,639, and the other payment in lieu of taxes is \$747,187. Lea County is hosting this year's NMC Annual Conference on September 21-23rd. Ms. Smrkovsky encouraged all who can attend should attend.

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

- Dispatch: A total of almost 7,613/911 calls were received for the month of June, with 390 warrants, 38 new protection orders.
- LCDC: A total of 321 people were booked, 167 were released. The average daily population of 293 and the Marshalls are 195. Mr. Brice reported a 77% vaccination rate for the detainees which is the highest of any detention center in the State. NM Counties will be coming for a celebration to thank the detention center employees. The medical department is also a big factor in the vaccination rate.
- Road Department: The County received almost 1,600 tires for the month. The Rockhound Colonia's should be completed by July 22th. They will then submit for final reimbursement from that Colonia's grant. The next project will be Majestic View/People's Water Coop on Keeler Farm Road, they should be receiving funding soon for that project. They are still in the process of applying for a RAISE grant and working with Wilson and Company which will be a \$12 million project for phases two and three of the storm water diversion project in the Columbus Port of Entry. They received another Emergency recovery grant of \$300,000 to repair and replace almost a mile of road along Deming Station Road by the dump, it was washed out.
- Budget and Procurement: Mr. Brice and Mrs. Hethcox continue to work on the approved preliminary 2021 budget and they are waiting on the final to come back.

- Human Resources: Two County Service Specialists have been hired, two part-time shelter advocates for the Healing House, four Starmax concession positions, a dispatcher, and one LCDC officer hired. They are currently in need of CDL drivers for the Road Department. They are working on the time clock system which should be implemented in the next month. Everyone will clock in and clock out and have access to everyone's time. Hopefully, it will speed up the payroll process which is currently very slow and cumbersome. They are obtaining quotes for the salary review plan.
- Starmax: The drive-in was a big success a couple of weeks ago. They did not do the outdoor drive-in this last weekend because of the weather but they did do indoor theatre. They are still working on the process of getting full-time indoor movies. They plan to do drive-in movies once a month. The City expressed interest in showing movies at Tree Lake in their outdoor area we may let them do that. Bowlers are coming into Starmax from Alamogordo, White Sands, Las Cruces, and Silver City. The total sales for the month of May were \$23,628.
- Emergency Management: The County just downgraded from level three of emergency operations to a level four. The County is at 69.8% of the population with at least one Covid shot and 62.2% have been fully vaccinated. They are still waiting on Title 42 to see what happens with that (Title 42 expulsions are removals by the U.S. government of persons who have recently been in a country where a communicable disease was present. The extent of authority for contagion-related expulsions is set out by law in 42 U.S.C. § 265.)
- 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, four brush fires, two vehicle fires, and one kitchen fire.
- Community Health and Well Being: The Healing House continues to be renovated. Casa has 42 kids between Luna and Grant Counties. Parents as Teachers are serving 161 clients in Luna and Hidalgo Counties. They are still doing the food distributions and continue to help the community. They did 322 home visits as of Monday.
- IT: A total of 788 work orders were completed. There were 1,400 plus attacks on our networks.
- Planning: Getting ready to sign the medical building agreement for the District Attorney's office. The agreement was for \$200,000 the building needs a little remodeling before moving the DA's office in. Once the DA's office moves to the new building they can then start planning the renovations for the Plaza building. Premal had a meeting with people for the water Coop on Keeler Farm to discuss their situation and let them know what is happening.
- Maintenance: They are upgrading around the Courthouse and another multitude of things. They continue to work on Starmax and all other buildings trying to get the air conditioners running. Ricardo is constantly overseeing projects throughout the County.
- Economic Development: Christie Ann Harvey is working with multiple companies trying to get them to either expand here or to move here. Businesses we are jointly helping the City with are a gas station, and a big convenience store. Mr. Brice stated he had a meeting with the Commissioners of Grants, the Border Authority, and Santa Teresa Port about two weeks ago. He stated it is amazing what has been done at the Santa Teresa Port. The Grant's Commissioners were here because two of their biggest businesses have been closed involving petroleum type products. This product was 52% of their workforce. They are looking to see

how they could develop economically in their area. The berm project is going fairly well a meeting is scheduled for next week with some of the stakeholders.

- **Manager's Office:** Yossie and Lupita are doing a tremendous job in the manager's office. Yossie has been running the Healing House for about 7 months on top of everything else she does.

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 & Procurement Director Joanne Hethcox reported no claims for the month of June. GRT for the month has gone down to \$57,824.92. The balance for the Indigent Claims Fund total is \$1,838,391.25, of that \$273,578.34 is encumbered. Chair Reedy stated there are no claims to consider

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:

- a. Resolution 21-51: Call for Ordinance 106: A Local Economic Development Project for Green Stream Algae LLC d/b/a Green Stream Farms:** County Manager Chris Brice explained this call for the ordinance is in support of a State-funded LEDA project for Green Stream Algae. This project is near Columbus, they are doing a huge expansion of their business and have applied for some State LEDA funding. Mr. Brice stated he believes they received \$250,000 from the State and because we are the fiduciary for this business, we have to do the ordinance so that we can manage the money. NM Region Business & Economic Development Representative Louise Marquez gave a brief overview of LEDA for educational purposes. Commissioner Smrkovsky motioned to approve Resolution 21-51: Call for Ordinance 106; A Local Economic Development Project for Green Stream Algae LLC d/b/a Green Stream Farms. Commissioner Sweetser seconded the motion which carried unanimously following a roll call vote.
- b. Resolution 21-52: Call for Ordinance 107; Community Commercial Renewable Energy Projects:** Community Development Director Premal Patel explained this is a wind and solar policy for the development, the de-commission, and the dust control into one solid ordinance. County Manager Chris Brice clarified that essentially, we are developing a policy through an ordinance because community solar is going to become a big thing in Luna County soon. The County is getting calls from solar companies asking to lock up land in the event they want to put a solar field the area. The County needs to get ready before we start dealing with the solar companies. Commissioner Smrkovsky motion to approve Resolution 21-52: Call or Ordinance 107; Community Commercial Renewable Energy Project. Commissioner Sweetser seconded the motion which carried unanimously following a roll call vote.

PUBLIC COMMENT: Chair Reedy opened the floor to public comment. Susan Schifner went before the board and expressed her concerns regarding the burying of the onions, the water drought issue, and moving the firework display away from the Animal Humane Society.

Executive Director of the NM Chili Association Joram Robbs went before the board to express his support of Homegrown Produce and stated they will be adding value to agriculture in the County.

Linda Harmon went before the board to ask about the Green Stream Algae Farm. County Manager explained it is an Algae Farm in the Southern part of the County.

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

Carmen McDonald went before the board to express her many concerns.

Julie Bolten from Deming Luna County Commission on Aging went before the board to express her appreciation for Luna Counties' help.

Debbie Troyer from Chambers of Commerce went before the board to give an update.

PUBLIC HEARING:

- a. **Ordinance 104: Luna County Facility Usage Ordinance: PUBLIC HEARING:** County Manager Chris Brice explained that the County owns buildings or outdoor areas the public would like to rent or lease for events. The process has been codified in one ordinance. No public comment was forthcoming. Commissioner Smrkovsky motioned to approve Ordinance 104: Luna County Facility Usage Ordinance. Commissioner Sweetser seconded the motion which carried unanimously following a roll call vote.
- b. **Ordinance 105: Approving a Local Economic Development Project for Homegrown Produce, LLC: PUBLIC HEARING:** Jamie Viramontes from Homegrown Market went before the board to express her appreciation for the Counties' support. Commissioner Sweetser motioned to approve Ordinance 105: Approving a Local Economic Development Project for Homegrown Produce, LLC. Commissioner Smrkovsky seconded the motion which carried unanimously following a roll call vote.

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: \$2,115,056.59
- b. Payroll: \$1,114,338.97
- c. Agreement between Luna County and Chamber of Commerce
- d. Agreement between Luna County and Deming Animal Guardians
- e. Agreement between Luna County and Deming Arts Council
- f. Agreement between Luna County and Deming-Luna County Humane Society
- g. Agreement between Luna county and Deming-Luna County Mainstreet Program
- h. Agreement between Luna County and Deming-Luna County Commission on Aging
- i. Agreement between Luna County and Luna County Historical Society
- j. Agreement between Luna County and Luna County Silver Linings
- k. Agreement between Luna County and Play Sharity Foundation
- l. Agreement between Luna County and Rio Mimbres Country Club-Golf Course
- m. Agreement between Luna County and Southwestern NM State Fair Association
- n. Agreement between Luna County and USDA/Aphis

- o. Agreement between Luna County and Cooperative Extension Services - NMSU

NEW BUSINESS:

- a. **Approval of Amendments to Collective Bargaining Unit - AFSCME Local #2061 (LCDC)** County Manager Chris Brice explained that we just approved last year's agreement. The new agreement included a salary starting at \$14.00 an hour and \$15.00 after the probationary period. It also included targeted pay raises just like we did for the Sherriff's Department. Commissioner Smrkovsky motioned to approve the Approval of Amendments to Collective Bargaining Unit-AFSCME Local #2061 (LCDC). The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.
- b. **Luna County Commission on Aging Board Member Letter of Interest - Patsy Leyba:** Commissioner Smrkovsky motion to approve Luna County Commission on Aging Board Member Letter of Interest by Patsy Leyba. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.
- c. **MSA between Luna County and the Village of Columbus:** County Manager Chris Brice explained this an updated version of the JPA which has been switched over to a Multi-Service Agreement (MSA) between Luna County and the Village of Columbus with a little of the funding adjusted. The Mayor of Columbus is requesting some of the funding for the pool which we usually help support be moved to help with the trash. This is a two-year agreement which can be revisited. Chair Reedy stated we should revisit this agreement soon. Commissioner Smrkovsky motioned to approve the MSA between Luna County and the Village of Columbus. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.

UPCOMING MEETING: Chair Reedy announced the following upcoming meetings.

Regular Commission Meeting: August 12, 2021 at 10:00 a.m.

ADJOURN: The meeting was adjourned by Chair Reedy at 12:05 p.m.

ATTEST:

Berenda McWright
BERENDA MCWRIGHT, LUNA COUNTY CLERK

APPROVED: 8-12-21

LUNA COUNTY BOARD OF COUNTY COMMISSIONERS

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

Linda M. Smrkovsky
LINDA M. SMRKOVSKY, DISTRICT 2

John S. Sweetser
JOHN S. SWEETSER, DISTRICT 3

