

**MINUTES  
REGULAR MEETING  
LUNA COUNTY BOARD OF COUNTY  
COMMISSIONERS  
Thursday, May 12, 2022**

**BE IT REMEMBERED** that the Luna County Board of County Commissioners met in regular session at 10:00 a.m. on Thursday, May 12, 2022, 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. The commission meeting was also conducted via teleconference and webcasting.

**The following staff and elected officials were present:** Director of Emergency Management Pablo Montoya, Assistant to the County Manager Yossie Nieblas, Administrative Assistant Malarie Villegas, IT Technician Nathan Ortberg, Deputy Clerk Pilar Salcido, Assessor Michelle Holguin, Chief Deputy Assessor Isabelle Enciso, Treasurer Kristie Hobbs, Sheriff Kelley Gannaway, LCDC Director Lee Cook, Chief of Security Andrew Gilmore, Road Department Director David Bailey, Planning Supervisor Lupita Hernandez, Development Liaison Mary Mackey, Grants Administrator Heather Seats, County Attorney Charles Krettek, and Budget & Procurement Director Joanne Hethcox. Other directors and elected officials were present virtually.

**CALL TO ORDER:** Chair Smrkovsky called the meeting to order at 10:01 a.m. and led the Pledge of Allegiance and the salute to the flag of New Mexico.

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

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

**APPROVAL OF AGENDA:** Chair Smrkovsky entertained a motion to approve the agenda. Commissioner Sweetser moved to approve the agenda as submitted. Commissioner Reedy seconded the motion which carried unanimously.

**MINUTES:** Upon a motion made by Commissioner Reedy and a second by Commissioner Sweetser the Minutes for the Regular Meeting of April 27, 2022, were unanimously approved.

**ELECTED OFFICIALS REPORTS:**

**Assessor:** Assessor Michelle Holguin reported that the rendering period for livestock, personal property, and manufactured homes ended on February 28, 2022. Anything rendered now for livestock and Personal Property will be assessed a 5% penalty.

The rendering period for exemptions and limitations freeze ended May 2, 2022. This includes Family/Head of Household, Standard Veterans, 100% Disabled Veterans Exemptions, 65 and older and disabled limitation freeze, and other exemptions. Ms. Holguin stated that along with the mailing of the Notices of Values were informational inserts for the public to register online for the Online Notice of Values for 2023. (The online services provided once the public signs up will be an archive for your personal records). This is only for anyone interested in getting their Notice of Values emailed to them rather than mailed each year. The Assessor's Office received 33 protests this year and the Appraisal staff is busy working up those protests which are scheduled for hearing on August 10<sup>th</sup> and 11<sup>th</sup>, 2022. There will be seven of the employees attending IAAO courses online from July 18<sup>th</sup> -22<sup>nd</sup> 2022. Two employees will be taking their last course for certification, three employees are taking their 2<sup>nd</sup> course, and two employees are taking their 1<sup>st</sup> course. The County Service Specialists are busy processing livestock, personal property, deeds, affidavits, address changes, tax levies, and helping customers on the phone, online, and in the office. Online services are readily available for everyone. The GIS/911 Rural Addressing/Flood Plain Department is busy processing deeds, reviewing and signing off on flood plain inquiries for the county and the city, processing parcel data inquiries, issuing new addresses in the county, processing address designation letters, continuing to work on city limits subdivision on the GIS map, scanning subdivision plats in the system and checking surveys and descriptions for Claim of Exemptions. The evaluation process is complete with Property Tax Division, and they are waiting for their results. We are currently working on the budget for 2023. The public is encouraged to reach out to the Assessor's Office by phone, email, or by coming into the office with any questions.

**Treasurer:** Treasurer Kristie Hobbs reported they just finished collecting the second half of the property taxes which were due by May 10<sup>th</sup>. The online services worked well this year and the drop box was appreciated and used.

**Sheriff:** Sheriff Kelly Gannaway gave the monthly activity reports for April. There was one homicide no rapes or assaults, burglaries are up and larcenies are the same. Vehicle thefts stayed the same, with no arsons or robberies to report. Overall totals for criminals are up from last month. Non-Criminal paper service is up. Accidents and DWIs are down. The overall totals for non-criminals are up and the grand totals for both criminal and non-criminals are up as well. Sheriff Gannaway praised his Detectives Holguin, Tyler and Seats, and Lara and Fetrow from the Deming Police Department for their participation in solving a homicide.

**Commissioners:** Chair Smrkovsky reported that NM Counties met last week. Joy Esparsen who is the Deputy Director was selected as the new Executive Director for the NM Association of Counties effective October 2022. Because of the fires in New Mexico, the meeting locations had to be changed from Las Vegas to Santa Fe.

**COUNTY MANAGER'S REPORT:** Director of Emergency Management Pablo Montoya (on behalf of County Manager Chris) reported on the following:

- **Dispatch:** 7,292 calls were received, and 169 warrants were issued.



- **LCDC:** There are a total of 427 people were booked and 199 were released. The average daily population was 420 with 273 Marshalls.
- **Road Department:** A total of 1,395 tires were received, and 160 total miles were bladed. They received approval for the 2022-2023 Colonias Funding for the construction and repair of Majestic View and Rockhound. They have finalized the roads being selected for 2022-2023.
- **Budget and Procurement:** They are currently working on the preliminary budget and preparing the annual ARPA report.
- **Human Resources:** One dispatcher was hired, five in LCDC, and three for Starmax. They currently have openings for a Starmax cook, Detention Officers, County Services Specialist, Dispatchers, Truck Driver, Bartender, and a Juvenile Justice Program Manager.
- **Starmax:** Construction has begun. The carpets are currently being worked on. They intend to have theaters 1 and 2 open by late May.
- **Planning Department:** The Planning Department is working on finalizing the solar policy.
- **Emergency Management:** Phillip is currently assisting the Emergency Manager at the fire location. He is also currently monitoring Title 42 as it may be lifted effective May 23<sup>rd</sup>.
- **Safety Management:** The Safety Department is working on updating the safety policy, and working with the State Fire Marshall's Office for the Plan of Actions regarding the findings.
- **Luna County Fire:** They had a total of 13 calls. They assisted law enforcement with road closures due to the recent dust storms. They had a big fire off of I-10 at mile marker 55 in which 243 acres were burned.
- **Community Health and Well Being:** All Community Health and Well Being programs are running properly and accordingly.
- **IT:** A total of 771 work orders were completed. They are still working on the project for iPhones. A total of 1,442 viruses were stopped.

**INDIGENT CLAIMS REPORT:** Upon a motion by Commissioner Sweetser and a second by Commissioner Reedy, the meeting of the Board of County Commissioners was unanimously recessed and the meeting of the Indigent Hospital Claims Board convened.

Budget and Procurement Director Joanne Hethcox reported zero claims for the month of April. She stated there are three incomplete applications. The money received for the Month of April was \$94,775.15 and the balance for the Indigent Claims Fund was \$1,823,921.30, of that \$363,595.66 is encumbered. Chair Smrkovsky asked Ms. Hethcox if they are looking at redoing the plan to utilize these funds. Ms. Hethcox explained they will increase this coming year with the safety net care pool because it is going to be a big hit in the GRT. The LCDC contract is very large and a good portion will go for that. Commissioner Sweetser motioned to approve the Indigent Claims Report as presented. Commissioner Reedy seconded the motion which carried unanimously.

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

**COMMUNITY SUPPORT REPORT:** Deming-Luna County Chamber of Commerce Executive Director Debbie Troyer reported on upcoming events. Debbie welcomed the newest Chamber members, Hebar Hay, Mototech Power Sports, Cactus Café, and Dune's Automotive Supplies. The Chamber of Commerce is currently serving 245 business members. Ms. Troyer reported that memberships have

dropped from about 274 mostly due to Covid. The Best Tasting Contest for Lemonade day had a good turnout. The next big event for Lemonade Day will be held on May 21, 2022. The Lemonade day event will go on all day long, at all locations in Luna County. Each child will be able to choose where their lemonade stand will be set. Location is everything. The public will probably see a lot of stands on Silver Street, Gold Street, and at the Courthouse Park. The Chamber of Commerce has started taking nominations for the Kingdom of the Sun Awards held annually. This event is tied to the annual meeting. There is a survey link provided on the Chamber's website. The public can nominate any favorite business on Facebook. The Chamber of Commerce page has a calendar where anyone can add upcoming community events being a member or a nonmember. This Calendar is being shared with the Columbus news channels to hopefully all get on the same calendar.

**PUBLIC COMMENT:** Chair Smrkovsky opened the floor to public comment. Susan Shifner provided comments concerning storage containers.

**CALL FOR ORDINANCE:**

- a. Resolution 22-32: Call to adopt Ordinance 100: Land Use Ordinance. County Attorney Charles Kretek explained this ordinance will replace 11 outdated ordinances. They will no longer have formal zoning but will have Use Districts. They will not have an ETZ. They will have an Urban Use District instead. There is not anything earth-shattering, he believes they are standard provisions. They are updating some of them and will have a new provision on the addressing and naming of roads that they had not had before. They will issue the call for the ordinance today and the vote will not take place until July at the earliest. Commissioner Reedy motioned to approve Resolution 22-32: Call to adopt Ordinance 100: Land Use Ordinance. The motion was seconded by Commissioner Sweetser and was approved unanimously following a roll call vote.
- b. Resolution 22-36: Call to adopt Ordinance 112: OHV Ordinance. Mr. Kretek explained the draft has been created. They will issue the draft to the constituents who expressed interest previously for their review. Then they will issue the publication which at that point is ready for the public. Commissioner Reedy motioned to approve Resolution 22-36: Call to adopt Ordinance 112: OHV Ordinance. The motion was seconded by Commissioner Sweetser and was approved unanimously following a roll call vote.

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

- a. Accounts Payable: \$1,216,064.56
- b. Payroll: \$1,155,746.78
- c. Oath of Office for Elian B. Lozano; Deputy Sheriff

**NEW BUSINESS:**

- a. **Resolution 22-33: Budget Increase:** Ms. Hethcox explained in detail the eight budget increases and one decrease. The first budget increase is for an agreement with the Secretary of State for reimbursement of Primary Election costs in the amount of \$22,800. The second is to the Treasurer's Fund for the remodeling of their office in the amount of \$16,000. The third is a decrease of fund 411 by \$743,451 to remove a grant that was carried over by mistake. The fourth is clean-up for the body armor grant received in the amount of \$165,600. The fifth is a new grant the County received as a pass-through fiscal



agent for the Village of Columbus. Commissioner Smrkovsky asked about the Columbus project for the RV's. Ms. Hethcox stated Luna County is the pass-through fiscal agent and this will not be added to the agreement with the Village of Columbus. This is just a pass-through grant whereas we purchase the RV's for them and they become our assets unless we do an agreement with the Village of Columbus. They have an agreement to buy eight RV's. This is not going through a housing organization but purchasing the RV's from a company in Albuquerque that Columbus had contracted with. The sixth increase was for the Mimbres Valley Learning Center to pay for the fire suppression system. Lastly, Casa collected donations in the amount of \$1,000. Casa received additional funds from the Office of the Courts in the amount of \$4,000. Commissioner Reedy motioned to approve Resolution 22-33: Budget Increase. The motion was seconded by Commissioner Sweetser and was approved unanimously following a roll call vote.

b. **Resolution 22-34 Budget Transfers:** Ms. Hethcox explained they had ten budget transfers for this month. They are all intra fund and cleaning up line items. Commissioner Sweetser motioned to approve Resolution 22-34 Budget Transfers. The motion was seconded by Commissioner Reedy and carried unanimously following a roll call vote.

c. **Resolution 22-35: Banning and Restricting the use or sale of certain fireworks:** Mr. Montoya explained this resolution is to ban aerial fireworks because the Fourth of July is coming around. This is a resolution that has been done over the last couple of years. Commissioner Sweetser motioned to approve Resolution 22-35: Banning and Restricting the use or sale of certain fireworks. The motion was seconded by Commissioner Reedy and was approved unanimously following a roll call vote.

**UPCOMING MEETINGS:** Chair Smrkovsky announced the following upcoming meetings:

- Work Session – May 23, 2022 @ 9:00 a.m.
- Special Meeting – May 26, 2022 @ 10:00 a.m.
- Regular Commission Meeting – June 9, 2022 @ 10 a.m.

**ADJOURN:** Chair Smrkovsky entertained a motion to adjourn the meeting. Commissioner Reedy motioned to adjourn the meeting: The motion was seconded by Commissioner Sweetser and carried unanimously. The meeting was adjourned by Chair Smrkovsky at 10:36 a.m.

**ATTEST:**

Berenda McWright  
BERENDA MCWRIGHT, LUNA COUNTY CLERK

APPROVED: 6-9-22



**LUNA COUNTY BOARD OF COUNTY COMMISSIONERS**

Barbara L. Reedy  
BARBARA L. REEDY, DISTRICT 1

Linda M. Smrkovsky  
CHAIR, LINDA M. SMRKOVSKY, DISTRICT 2

John S. Sweetser  
JOHN S. SWEETSER, DISTRICT 3