

**MINUTES
REGULAR MEETING
LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS
Monday, December 19, 2022**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 9:33 a.m. on Monday, December 19, 2022, in the County Commission 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 following staff and elected officials were present: County Manager Chris Brice, Administrative Assistant Malarie Villegas, Executive Assistant Yossie Nieblas, Budget and Procurement Director Joanne Hethcox, County Attorney Charles Kretek, Finance Counsel/Bond Board Attorney Peter Kelton, HR Director Rosa Porras, Emergency Management Director Pablo Montoya, Emergency Safety Coordinator Phillip Rodriguez, Clerk Berenda McWright, Chief Deputy Clerk Leslie Nabours, Deputy Clerk Pilar Salcido, Chief Deputy Assessor Isabelle Enciso, Treasurer Kristie Hobbs, Chief Deputy Treasurer Johnathan Richmond, DWI Administrative Assistant Charmaine Sias, Central Dispatch Director Lauree Sanchez, Central Dispatch Operations Manager Yovanie Granillo, Central Dispatch Shift Supervisor Luhuana Valdespino, Dispatcher Angela Lucero, Dispatcher Cassandra Duran, JJCS Manager Anadely Martinezs, Road Department Director David Bailey, Sheriff Gannaway, Captain Michael Brown, Sheriff Patrol LT Isreal Valdez, LCDC Director Lee Cook, Starmax Director Tyler Massey, IT Technician Luis Ortega.

CALL TO ORDER: Chair Smrkovsky called the meeting to order at 9:33 a.m. and led the Pledge of Allegiance and the salute to the flag of the State 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 as presented. Commissioner Reedy motioned to approve the agenda as submitted. The motion was seconded by Commissioner Sweetser and was approved unanimously.

Oath of Office for Newly Elected Officials: The following newly elected officials were sworn into Office by Judge Hofacket: Ray Trejo (County Commissioner, District One), Mike Eby (Sheriff), Collette Chandler (County Commissioner, District Two), and Scott Chandler (Magistrate Judge).

MINUTES: Commissioner Sweetser motioned to approve the Minutes for the Work Session of November 7, 2022, and the Regular Meeting of November 14, 2022, as submitted. The motion was seconded by Commissioner Reedy and was approved unanimously.

SERVICE AWARDS/RETIREMENT:

- Training SGT Fabian Chayrez was presented with his pin for five years of service by LCDC Director Lee Cook.

- JJCS Monitor John Gonzalez was presented with his pin for five years of service by JJCS Program Coordinator Anadely Martinez
- JJCS Monitor Christine Milo was presented with her pin for five years of service by JJCS Program Coordinator Anadely Martinez
- LT Isreal Valdez was presented with his pin for 10 years of service By Sheriff Gannaway.
- CPL Michael Baca was presented with his pin for 10 years of service by Sheriff Gannaway.
- Captain Jose Martinez was not present to receive his pin for 15 years of service with the Luna County Sheriff's Department.
- Detention Officer Lydia Salaiz was not present to receive her retirement pin.

SPECIAL RECOGNITION AWARDS: County Manager Chris Brice presented Special Recognition Awards to Linda Smrkovsky, Barbara Reedy, and Candie Sweetser. Ms. Sweetser was not present to receive her award. LCSO Captain Michael Brown presented Sheriff Kelly Gannaway with his award of 32 years. Central Dispatch Shift Supervisor Luhuana Valdespino presented an award to Angela Lucero for her handling an extremely tough call as a dispatcher with calmness and composure

PRESENTATIONS:

- Luna County was presented with the Luna County Award for Best Chile in New Mexico, with Speir Family Farm being the producer of the best green chile, and the second best red chile. The award was presented by Travis Day Executive Director of the New Mexico Chile Association. Mr. Brice accepted the award on behalf of Luna County.

ELECTED OFFICIALS REPORT:

- **Assessor:** Chief Deputy Assessor Isabelle Enciso reported that the Assessor's Office is working on closing out the year for 2022. Ms. Enciso stated that the 2023 Livestock and Personal Property reports are ready to be mailed out.
- **Clerk:** Clerk Berenda McWright stated that there was no report, but she did want to express her appreciation for being able to work with everyone on the board and congratulate the newly elected officials. She announced that her door is always open and invited them to stop by if they had any questions or concerns. Ms. McWright also stated that the election recount and audit was complete and there were no changes.
- **Probate Judge:** No report was given.
- **Treasurer:** Treasurer Kristie Hobbs reported that this tax season went very well. Ms. Hobbs stated that 61% of the taxes due had been collected for a total of \$9,677,531. Ms. Hobbs also stated that the tax auction from last week was a success, she stated that 353 out of the 368 properties were sold, with the 15 properties that were not sold being paid in full prior to the auction. Ms. Hobbs stated that the State was able to sell all of the properties by doing re-offers at a lower amount. Ms. Hobbs also stated that with all of the properties being sold instead of being deleted for the eleventh year of delinquency, her office can now mail out tax bills for them and hopefully collect the taxes on those properties for 2023. There will be another tax sale to be held in March of 2023. Ms. Hobbs stated that there should be more sales happening throughout the year to catch up from being so far behind due to COVID.
- **Sheriff:** Sheriff Gannaway reported that there was no report, and stated what an honor and privilege it had been to serve the citizens of Luna County.
- **Commissioners:** Chair Smrkovsky thanked all of the employees and citizens.

COUNTY MANAGER'S REPORT: County Manager Chris Brice Reported that last week County employees attended Better Informed Public Officials (BIPO) training. Mr. Brice stated that he, along

with Collette Chandler, Pablo Montoya, Ray Trejo, and Commissioner Sweetser were in attendance. Mr. Brice stated that this in-person training versus the virtual training which took place two years ago gave the opportunity to actually sit and talk to the new Commissioners and talk to them about what they learned and what they were taught at the BIPO class. Mr. Brice stated that the Tax Auction was very successful and gave special thanks to Charles Kretek, Kristie Hobbs, and Santiago Chavez head of Tax and Revenue for helping to get those properties sold.

- **Dispatch:** Mr. Brice reported that there were 1,193 (911) calls received. He stated that Leslie Gonzales was transferred from LCDC back to Central Dispatch. He reported that the bi-weekly CAD system meetings are still taking place and the project to get the new CAD system and radios installed in the new Emergency Management Building at the Armory is on track.
- **LCDC:** Mr. Brice reported that there were 172 people booked and 206 released. Mr. Brice stated that US Marshall's daily average population is 243, part of that is due to the number of inmates and lack of Detention staff the County has. Mr. Brice reported that Jose Gutierrez was promoted to Corporal, Ryan Hardman was promoted to Sergeant, Frances Chapell was promoted to Corporal, and Aundrea Pena was transferred from Central Dispatch to LCDC.
- **Road Department:** Mr. Brice reported that the Road Department has two truck driver positions open at this time. There was a total of 203 miles of road graded, and a total of 1,743 tires pickup and disposed of. Mr. Brice stated that there was a dumpster fire on Josefita Road and it was more than likely started by someone on purpose.
- **Projects/Grants:** Mr. Brice reported that the County is using up the last of the Colonias funding. Some County money was added along with the remainder of the last Colonias money to complete the project on Scotch Pine Road. Mr. Brice stated that Water Co-Op for Keeler Farm, is not working at all and he suggested moving City water to that area. Mr. Brice stated that, Mr. Sera agreed, provided that the County uses the devices that the city uses for meter reading. Mr. Brice reported that there are about four miles on Lucca road that are left to chip seal. He explained that the length of this project was due to issues that occurred that were out of the Road Department's control, for example, the rains, the cost of oil, and other things that occurred which slowed that project down. Mr. Brice stated that once the Lucca Rd project is complete, the project for McCann Rd will be next and should be completed by December 31. Mr. Brice explained that there will be a portion of this road that will not be chip-sealed right away due to the fact that, part of this next Colonias project will be coming in to pave the portion left unsealed once the drainage on McCann is fixed. He explained that the road will be coated in order to have dust control in the area. Mr. Brice reported that the Industrial Park paving is on track. The County got the right away from the Village of Columbus and everything is moving along. The County will go out to bid for this soon. Mr. Brice also stated that the BERM project is on track, and that Candie Sweetser helped secure the final \$18,000,000 for the project.
- **Budget and Procurement:** Mr. Brice reported that Starmax received \$411,000 so far through the digital reimbursement program. Mr. Brice also stated that the County is currently working with Triadic on getting the programming corrected for checks, POs, Invoices, etc.
- **Safety/Risk Management:** Mr. Brice reported that there is work being done to update the SOP for the County safety program. Mr. Brice also reported that for the month of November, there was only one COVID positive case and one close contact. There were three Workers' Comp claims, which he stated was a bit concerning but at the same time, the claims were nothing huge.
- **Emergency Management:** Mr. Brice reported that Title 42 is scheduled to end on December 21st. Mr. Brice stated that it was reported on the news that the El Paso shelter is meant to occupy about 1,000 people, is now housing about 5,000. Mr. Brice explained that if Title 42

goes away there is a possibility that a large number of people will be sent across the border. Mr. Brice Stated that the County has been working with the Portal Director and CBP, and that there are no plans to release any of the immigrants here in Luna County. The immigrants will still be taken through the processing center in El Paso, but Luna County is being looked at to help with bussing. Mr. Brice stated that Luna County is shorthanded in Detention and trying to figure out a way to help. The County is staying on top of the issue, but there is no promise that this will not happen in our community. The County is working closely with Ariana at Colores United who has taken in as many people as she can. Mr. Brice stated that he attended an active shooter committee meeting last week and that pretty much every agency was in attendance which allowed for a good talk-through. Mr. Brice stated that there will be a walk-through of Cesar Chavez High School and that the walk-throughs will happen at every school when the schools are vacant to perform mock drills and live scenarios without causing panic throughout the community.

- **Luna County Fire:** Mr. Brice stated that there were 16 fire calls received and 15 authorized burns, and explained that the new authorized burn process is working very well.
- **Casa:** Mr. Brice reported that CASA is currently serving 23 Children in Luna County, 18 in Grant County, and 1 in Hidalgo County. There were a total of 12 events that were attended throughout the month of November. Mr. Brice also asked if anyone knows someone that would like to be a volunteer for CASA, as the help would be very much appreciated.
- **JJCS:** Mr. Brice reported that the program manager took the Girl's Circle facilitator training. He met with the School Resource Officers to go over the programs available and explained that the schools had come up with enough funding to hire a second School Resource Officer. The Schools will be working with the Sheriff's Office to see if this will be possible. Mr. Brice stated that the Girls Circle group meets on Tuesdays at the High School, and Boy's Council is meeting Mondays and Wednesdays at Memorial School. There is a Strengthening Families Program that teaches better parenting skills and how to communicate with your kids, etc.
- **IT:** Mr. Brice reported that there was a total of 1,057 work orders submitted and 1,005 that were completed.
- **Planning Department:** Mr. Brice stated that there will be a meeting to talk about the community solar projects. Mr. Brice stated that there were 15 property donations submitted to the County and that transfers have been completed.
- **Luna County Health Council:** No report was given.
- **Starmax:** Mr. Brice reported that there is now a Party Planner at Starmax, at the suggestion of director Tyler Massey to make sure that everything is organized for families having the parties. Mr. Brice stated that for the month of November, there were 20 parties that took place at Starmax. Mr. Brice also stated that it is always good to look for different ways to work smarter and do things better. Tremco did a scan of the roof at Starmax and the roof will only need a partial replacement at this time. Mr. Brice reported that there are a lot of new parking features now which include speed bumps and parking bumpers that have helped with speed control, also bike racks and benches have been put up. Mr. Brice reported that Starmax also has security monitoring and more cameras will be installed to assist in case of any vandalism and/or fights that may occur in the parking lot at any time.
- **HR:** Mr. Brice reported that the current open positions are for Detention Officers as always and two dispatchers. He explained that there were five new employees on board but there were eight that were off boarded. Mr. Brice reported that there was a salary study completed and there were very few employees that are not within the salary range that is recommended. It had been four or five years since the last salary study had been done.

- **PAT:** Mr. Brice Reported that there are currently 144 Clients enrolled in Luna County and 50 in Hidalgo County. Mr. Brice stated that there were about 560 Direct Services and 92 Indirect Services in both Counties. The Parents as Teachers program also gave out 18 car seats. Mr. Brice stated this is a really cool program that allows the family applying for the car seat to purchase the car seat for \$25.00 or get it for free based on their income, when the parent goes through the training on how to install it.
- **DWI:** Mr. Brice reported that unfortunately there are 18 misdemeanor DWI offenders and one DV case that was transferred from Dona Ana County. There were four new clients that were screened for substance use disorder. There are 21 participants in Teen court with one successfully completed and one new intake received. Mr. Brice reported that vaping has become a problem in elementary schools and encouraged parents to be aware and to talk to kids about it.
- **Luna County Health Council:** Mr. Brice reported that the Luna County Health Council is collaborating with Deming High School to host a Youth Health Fair on January 26, 2023. There will also be a Narcan training if there are any teens interested. The training will be provided through the County.

INDIGENT CLAIMS REPORT: Commissioner Reedy motioned to recess as County Commission and convene as Claims Board. The motion was seconded by Commissioner Sweetser and was approved unanimously. Budget and Procurement Director Joanne Hethcox reported that there was a total of 13 claims, for a total of \$87,580.08. Ms. Hethcox stated that the GRT was being posted so she could not report at this time. Ms. Hethcox reported that the cash balance as of November 30th was \$1,910,877 and of that \$1,328,465 is encumbered. Ms. Hethcox also stated that seven of the 13 claims were for the Detention Center. Commissioner Reedy questioned the high number of claims. Ms. Hethcox explained that the hospital just brings the claims to her for payment. Mr. Brice stated that the high number is somewhat due to both the flu and catching up with some of the older claims from out at the Detention Center and here. Mr. Brice stated that there has been a spike in flu and RSV cases at this time. Ms. Hethcox stated that the County has hired a former employee on a part-time basis to be in charge of the handling of the Indigent claims. Commissioner Sweetser motioned to consider claims dated December 19, 2022. The motion was seconded by Commissioner Reedy and the motion was approved unanimously. Commissioner Sweetser motioned to recess as a Claims Board and reconvene as a County Commission. Commissioner Reedy seconded the motion and the motion was approved unanimously.

Mr. Brice reported that the County is still working through the Detention Center's Medical Healthcare contracts. The number one choice fell through, the County offered \$2.1 million and which was not enough, so the County is now negotiating with the second-best healthcare company. Mr. Brice explained that this company was able to cover for \$2.2 million. Mr. Brice also explained that there are other counties in the state that have fewer detainees and are paying much more for healthcare. Mr. Brice gave a special thank you to the Sheriff's Department (Captain Michael Brown) who came out on the first day of the Land Sale Auction, and another Deputy who showed up on the second day. Mr. Brice explained that the Sheriff's Department was around in case any altercation took place.

COMMUNITY SUPPORT REPORTS: Deming Mainstreet Director Chelsea Evans reported that Deming Mainstreet had a very good year and they are looking forward to 2023 being an even better year. Luna County Chamber of Commerce Executive Director Debbie Troyer announced the following newest members: Desert Artistas from Columbus, New Mexico Solar Made Products from Columbus, Stick with Lori, Custom House Kitchen, and Dr. Troy Evans Chiropractic. Ms. Troyer reported that the

Chambers of Commerce is currently serving 279 members, along with 3,713 Facebook followers. Ms. Troyer stated that there is a new column in the Deming headlight to look out for on Fridays called Chamber Chat. Executive Director of the Deming Senior Center Julie Bolton reported that the Senior Center currently offers 11 services to the Community. Ms. Bolton stated that to date there have been a total of 8,985 in congregate meals delivered to 340 unduplicated clients, and a total of 16,270 home-delivered meals to 218 unduplicated clients.

PUBLIC COMMENT: Chair Smrkovsky opened the floor to public comment. Kristie Kennedy offered comments via webcast on turning Luna County into an Artist Community. Sandy Foster of the Deming Humane Society reported that with all of the grants and financial help that has come to the Humane Society, the organization has been able to give back to the Community, having given under \$70,000 to the Spay and Neuter programs this year. Susan Shiffner suggested that Ordinance 107 be amended by starting over with all of it. Andrew Bell voiced his dissatisfaction with McCann Rd being torn up. Paul Lesmister voiced his concerns about the Carne Energy Solar Company located on Hatch Highway because of the cost, the fact that the energy is not intended for Luna County, jobs, and what he feels will affect any future projects in Luna County. Linda Harmon also voiced her concern about solar and wind energy coming into Luna County.

CONSENT AGENDA:

- Accounts Payable: \$1,505,573.32
- Payroll: \$1,581,367.04

Commissioner Reedy motioned to approve the consent agenda as presented. The motion was seconded by Commissioner Sweetser and unanimously approved following a roll call vote.

ORDINANCE:

- **Ordinance 23; Amended Luna County Personnel Ordinance.** Mr. Brice gave a brief explanation of what this ordinance covered, such as discipline, promotions, etc.. There were no public comments forthcoming. Commissioner Reedy motioned to approve Ordinance 23; Amended Luna County Personnel Ordinance. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.
- **Ordinance 115; IRB for Solar PV Development NM 18 II LLC and Carne Energy Storage LLC for Carne Solar Project-Series 2022A.** Peter Kelton an attorney for the Rodey Law Firm representing Luna County with the issuance of the series 2022A and 2022B IRB bonds for the Carne Solar Project gave a presentation and explained that the Series 2022A is used for the generation of solar energy. The public hearing was opened by Chairman Smrkovsky and there was much back and forth discussion between the public, Mr. Kelton, Mr. Brice and the Board. Two members of the public; Phillip Butts and Wes Light came before the board and spoke in opposition of the approval of this Ordinance. Commissioner Sweetser motioned to approve Ordinance 115; IRB for Solar PV Development NM 18 II LLC, and Carne Energy Storage LLC for Carne Solar Project-Series 2022A. The motion was seconded by Commissioner Reedy and approved unanimously following a roll call vote.
- **Ordinance 116; IRB for Solar PV Development NM 18 II LLC and Carne Energy Storage LLC for Carne Solar Project-2022B.** Mr. Kelton stated that Series 2022B is used for the storage of this energy. Phillip Butts and Wes Light came before the Board and spoke in opposition to the approval of this Ordinance. Commissioner Sweetser motioned to approve Ordinance 116; IRB for Development NM II LLC and Carne Energy Storage LLC for Carne Solar Project-2022B. The motion was seconded by Commissioner Reedy and unanimously

approved following a roll call vote. Megan Whitley representing DE Shaw Renewable Investments responded to a question about Luna County residents being hired during and after the construction of the facility. Ms. Whitley explained that there will be an Engineering, Procurement, and Construction contractor hired to construct the project which will then in turn sub-contract out for all work positions needed for the project to be completed. Mr. Brice stated that the sub-contracted work will always go out to bid and the best offer will be taken.

NEW BUSINESS:

- **Resolution 22-91: Budget Increases:** Budget and Procurement Director Joanne Hethcox reported that there were four budget increases. The first one is for the Reimbursement for overtime salaries for a project that was going on on I-10, the second is to increase the line item for an appropriation for the American Legion, the third is to assist the domestic violence center La-Casa, Inc in the amount of \$36,000, and the fourth one is for revenue and expense both for a \$300,000 for the New Mexico DHSEM fire apparatus. Commissioner Sweetser motioned to approve Resolution 22-91: Budget Increases. The motion was seconded by Commissioner Reedy and unanimously approved following a roll call vote.
- **Resolution 22-92: Budget Transfers:** Ms. Hethcox requested approval of five budget transfers. The first one is for the Planning Department to pay for additional training for the remainder of the fiscal year, the second is for Central Dispatch to pay for new computers for their new CAD System, the third is for Economic development moving money around to pay for contracts that the County has, the fourth one is for the Road Department to move money from grounds to mileage and per diem for additional training this year, and the fifth one is for Starmax to get one line item out of the negative for printing and publishing. Commissioner Reedy motioned to approve Resolution 22-92: Budget Transfers. The motion was seconded by Commissioner Sweetser and unanimously approved following a roll call vote.
- **Resolution 22-93: Disposal of Assets:** Ms. Hethcox is asking that two assets, a 2005 Ford 500 and a 2007 Ford 500 which neither is in working condition be removed from County assets. Ms. Hethcox also stated that the armored vehicle that the County was allowed to keep until needed was not on the assets list, but returned to the military. Commissioner Reedy motioned to approve Resolution 22-93: Disposal of assets. The motion was seconded by Commissioner Sweetser and unanimously approved following a roll call vote.
- **Resolution 22-94 Establishing Salaries for Elected Officials:** Mr. Brice stated that this resolution was discussed during the budget season when all Elected Official's salaries were raised to the maximum allowed by state statute. Mr. Brice stated that this resolution will affect the newly elected officials and the re-elected officials. Commissioner Reedy motioned to approve Resolution 22-94 Establishing Salaries for Elected Officials. The motion was seconded by Commissioner Sweetser and unanimously approved following a roll call vote.
- **Resolution 22-95: A Resolution in Support of Expanding Telecommunications services in Columbus, New Mexico:** Mr. Brice explained that this resolution would give Lupita Hernandez Director of Planning and Zoning authority to look for a telecommunications provider to put up a tower on the south side of the County for better communication between law enforcement and the Village of Columbus. Commissioner Reedy motioned to approve Resolution 22-95; A Resolution in support of Expanding Telecommunication Services in Columbus, New Mexico. The motion was seconded by Commissioner Sweetser and was unanimously approved following a roll call vote.
- **Resolution 22-96: Authorizing the purchase of County Parcels:** Mr. Brice explained that this is a 10-acre lot that is being purchased by the County for the purpose of a retention pond to aid with flooding control for Country Club and Rockhound. Commissioner Reedy motioned

to approve Resolution 22-96: Authorizing the purchase of County Parcels. The motion was seconded by Commissioner Sweetser and unanimously approved following a roll call vote.

- **2023 Luna County Holiday Schedule:** Mr. Brice stated that the holiday Juneteenth had been added to the County Holiday Schedule. Commissioner Reedy motioned to approve Luna County Holiday Schedule as presented. The motion was seconded by Commissioner Sweetser and approved unanimously following a roll call vote.
- **Commission of Aging Funding Request:** Chair Smrkovsky explained that this \$40,000 of additional funding would insure the operating revenue of minimally sustaining for the coming months. Commissioner Sweetser motioned to approve the Commission of Aging Funding Request. The motion was seconded by Commissioner Smrkovsky. Commissioner Reedy abstained. The motion was carried with two affirmative votes.
- **La Casa-Healing House Funding Request:** Mr. Brice explained that with the State cutting back on funding, La-Casa has agreed to take on as much counseling as they can for individuals without insurance. Mr. Brice stated that the County is proposing to give La-Casa \$20,000 to help if the caseload gets too high. Commissioner Reedy motioned to approve La Casa-Healing House Funding Request in the amount of \$20,000. The motion was seconded by Commissioner Sweetser and was unanimously approved following a roll call vote.

Upcoming Meetings/Events (Unless otherwise specified):

Luna County Offices Closed; December 23, 2022
 Luna County Offices Closed; December 26, 2022
 Luna County Offices Closed; January 2, 2023
 Regular Meeting; January 12, 2023, at 10:00 a.m.

ADJOURN: Upon a motion by Chair Smrkovsky the meeting was adjourned at 1:24 PM

ATTEST:

**LUNA COUNTY BOARD OF
COUNTY COMMISSIONERS**

Berenda McWright

 Berenda McWright, Luna County Clerk

Ray J. Trejo

 Ray J. Trejo, District 1

Approved: 1-12-23

Colette M. Chandler

 Colette M. Chandler, District 2

John S. Sweetser

 John S. Sweetser, District 3

