

**MINUTES
REGULAR MEETING
LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS
Thursday, June 8, 2023**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 10:00 a.m. on Thursday, June 8, 2023, 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, Assistant to County Manager Yossie Nieblas, Executive Assistant Mayra Hernandez, County Attorney Charles Kretek, Budget and Procurement Director Joanne Hethcox, Emergency Management Director Pablo Montoya, HR Director Rosa Porras, HR Legal Assistant Malarie Villegas, Clerk Berenda McWright, Chief Deputy Clerk Leslie Nabours, Administrative Assistant Senior Toni Esparza, Executive Assistant Pilar Salcido, Elections Specialist Rachel Bishop, County Services Specialist Paula Granillo, Probate Judge Diana May-Diaz, Chief Deputy Assessor Isabelle Enciso, Treasurer Kristie Hobbs, Chief Deputy Treasurer Jonathan Richmond, Planning and Zoning Director Lupita Hernandez, Code Compliance Manny Armendariz, Road Department Director David Bailey, Starmax Director Tyler Massey, Sheriff Mike Eby, Undersheriff Jimmy Garcia, CPL Arthur C Smith, LCDC Director Lee Cook, Training Sgt. Fabian Chayrez, CPL Jose Gutierrez, IT Technician Joseph "JT" Apodaca, and IT Tech Tracy Fostvedt.

CALL TO ORDER: Chair Sweetser called the meeting to order at 10:06 a.m. after the Pledge of Allegiance and the salute to the flag of the State of New Mexico.

ROLL CALL: Deputy Clerk Toni Esparza called Roll. The following members of the Board constituting a quorum were present:

**Ray Trejo, District 1
Colette M Chandler, District 2
John S. Sweetser, Chair District 3**

MINUTES: Commissioner Chandler motioned to approve the minutes for the Regular Meeting on May 11, 2023, and Special Meeting on May 25, 2023. The motion was seconded by Commissioner Trejo and was unanimously approved.

SERVICE AWARDS:

- Chief Deputy Assessor Isabelle Enciso presented Appraiser Kristen Gallegos with her Service Pin for five years.
- LCDC Director Lee Cook presented Amy Perea with her Service Pin for five years.
- Clerk Berenda McWright presented Chief Deputy Clerk Leslie Nabours with her award for 15 years of service.

SPECIAL RECOGNITION:

- Starmax Director Tyler Massey presented Teresa Seats with a Special Recognition Award for her hard work and dedication for the past 11 years as a volunteer.

RETIREMENT:

- Laura H. Garcia was not present.

MISCELLANEOUS: County Manager Chris Brice presented The Sheriff's Office with checks from a Law Enforcement Retention Fund that was created in State Treasury which was essentially appropriated for retention only. Mr. Brice stated that Captain Martinez, Deputy Crumley, CPL Baca, and LT Valdez meet the Criteria and would receive two checks. Mr. Brice stated that the rest of the Sheriff's Deputies would also receive a check from this fund.

PRESENTATIONS:

- There were no Presentations.

CONSENT AGENDA:

- Accounts Payable: \$2,336,117.14
- Payroll: \$1,273,793.19
- Resolution 23-45: Budget Increases
- Resolution 23-46: Budget Transfers
- Oath of office Deputy Sheriff Adolfo Olivas

Commissioner Trejo motioned to approve the Consent Agenda as presented. The motion was seconded by Commissioner Chandler and was unanimously approved following a roll call vote.

Call for Ordinance

- **Resolution 23-47 Call to partially repeal Ordinance 76: Tax Obligation for Land Transfers, Divisions, and/or Recombinations:** Mr. Brice stated that due to the issues caused with the title companies, banks, Assessor's Office, and Treasurer's Office, Ordinance 76 would be repealed and the Ordinance will return to the way it was previously done before being amended. Commissioner Chandler motioned to approve Resolution 23-47: Call to partially repeal Ordinance 76: Tax Obligation for Land Transfers, Divisions, and/or Recombinations. The motion was seconded by Commissioner Trejo and was unanimously approved following a roll call vote.

New Business

- **Resolution 23-48: Authorizing the budget and Procurement Department to make final necessary intra-departmental line item transfers before the end of the fiscal year:** Mr. Brice stated that this Resolution was put into place to allow Budget and Procurement Director Joanne Hethcox to go in and clean up line items and get ready to close out the last year's budget. Commissioner Trejo motioned to approve Resolution 23-48: Authorizing the Budget and Procurement Department to make final necessary intra-departmental line item transfers before the end of the fiscal year. The motion was seconded by Commissioner Chandler and was unanimously approved following a roll call vote.
- **Resolution 23-49: Disposal of fixed Assets:** Mr. Brice stated that this is an end-of-year disposal. Mr. Brice stated that the fixed assets were just completed and will be certified. Mr. Brice stated that there will be a clean-up of all assets from last year's disposal of assets as well, things that the County had approved to dispose of that never got to DFA approval.

Mr. Brice stated that all assets from both this year and last year will be disposed of together. Commissioner Chandler motioned to approve Resolution 23-49: Disposal of fixed Assets. The motion was seconded by Commissioner Trejo and was unanimously approved following a roll call vote.

- **Resolution 23-50: Luna County Procurement Policy Amendment-Travel Addendum:** Mr. Brice stated that this resolution is where DFA comes out with new per diem rates, mileage rates, meals, hotels, etc. Mr. Brice stated that he will be working with Ms. Hethcox to get this pulled out of the policy and have the Travel Amendment embedded, this would allow for only the addendum to have to be added so that the policy does not have to be approved on a yearly basis. Commissioner Chandler motioned to approve Resolution 23-50: Luna County Procurement Policy Amendment-Travel Addendum. The motion was seconded by Commissioner Trejo and was unanimously approved following a roll call vote.
- **Resolution 23-51: Luna County Certification of Fixed Assets:** Mr. Brice stated that this is the County's annual fixed assets inventory that needs to be certified through DFA and part of the audit. Commissioner Trejo motioned to approve Resolution 23-51: Luna County Certification of Fixed Assets. The motion was seconded by Commissioner Chandler and was unanimously approved following a roll call vote.
- **Resolution 23-52: Incentive Wages for Luna County Appraisers, Elected Officials:** Mr. Brice stated that this is a Bill that was passed during the last Legislative Session to increase the incentives for Appraisers and Elected Officials. Commissioner Trejo motioned to approve Resolution 23-52: Incentive Wages for Luna County Appraisers, Elected Officials. The motion was seconded by Commissioner Chandler and was unanimously approved following a roll call vote.
- **Resolution 23-53: Board of Registration Appointments:** Ms. McWright stated that this Resolution is to appoint people to convene to approve the purge of voters that are to be removed. Commissioner Trejo motioned to approve Resolution 23-53: Board of Registration Appointments. The motion was seconded by Commissioner Chandler and was unanimously approved following a roll call vote.
- **Resolution 23-54: Designation of Polling Places for 2024 and 2025:** Commissioner Chandler motioned to approve Resolution 23-54: Designation of Polling Places for 2024 and 2025. The motion was seconded by Commissioner Trejo and was unanimously approved following a roll call vote.
- **Resolution 23-33: Luna County Cooperative Agreement Project (SP):** Commissioner Trejo motioned to approve Resolution 23-33: Luna County Cooperative Agreement Project (SP). The motion was seconded by Commissioner Chandler and was unanimously approved following a roll call vote.
- **Resolution 23-34: Luna County School Bus Routes Project (SBR):** Commissioner Chandler motioned to approve Resolution 23-34: Luna County School Bus Routes Project (SBR). The motion was seconded by Commissioner Trejo and was unanimously approved following a roll call vote.

- **Resolution 23-35: Luna County Arterial Projects (CAP):** Commissioner Trejo motioned to approve Resolution 23-35: Luna County Arterial Projects (CAP). The motion was seconded by Commissioner Chandler and was unanimously approved following a roll call vote.

Indigent Claims Report: Commissioner Chandler motioned to Recess as a County Commission Board and convene as Claims Board. The motion was seconded by Commissioner Trejo and unanimously approved. Budget and Procurement Director Joanne Hethcox reported that there were six claims for the month of May for a total of \$27,921.83. Ms. Hethcox stated that there was a total of \$107,842.14 was received. Ms. Hethcox stated that the balance in indigent Funds is 1.6 million and the encumbrances are \$13,000.00 until the end of June. Ms. Hethcox stated that only two of the six claims were for the Detention Center. Commissioner Trejo motioned to approve the Indigent Claims report as submitted. The motion was seconded by Commissioner Chandler and was unanimously approved. Commissioner Chandler motioned to recess as a Claims Board and reconvene as a County Commission Board. The motion was seconded by Commissioner Trejo and was unanimously approved.

Community Support Reports: Christie Ann Harvey Director of the Council stated that the contract with K-Fox TV was renewed. Ms. Harvey stated that the purpose of the renewal is to pivot and concentrate on new business attraction, retention, and relocation within the County. Ms. Harvey stated that the County is leveraging the relations with The New Mexico Border Authority and our Legislative Partners at the State and Federal Levels to accomplish that. Ms. Harvey stated that the fourth cohort in three years for the co-starter group that she teaches with the Council of Governments as well as a few other people will end tonight, but there may be one more meeting. Ms. Harvey stated that this is an entrepreneurial program that helps young entrepreneurs and people that already in business and those that seek information about how to start a business.

Deming Chamber of Commerce Executive Director Tarcia Reibez stated that there are 13 new members. Ms. Reibez stated that the Chamber had hosted a ribbon cutting for Equine Safe Haven for their grand opening. Ms. Reibez stated that for this year's Lemonade Day event, there were a total of 47 stands, seven more than last year's event.

Elected Officials Report:

Assessor: Chief Deputy Assessor Isabelle Enciso stated that in the month of June, the Assessor's Office sent out second notices on Personal Property and Livestock. Ms. Enciso stated that the two current vacant positions have been filled and the new employees will have orientation next week. Ms. Enciso stated that at this time they are in the process of getting Geo-Spatial software aerial imagery and analytics which would include a fly-over every two years.

Clerk: Clerk Berenda McWright stated that 257 business registration notices are due by the end of June.

Probate Judge: Probate Judge Diana Diaz stated that last week there were five marriage licenses and weddings. Ms. Diaz stated that year-to-date there are 72 open probates and the majority are foreign and with no wills. Ms. Diaz stated that she attended the NMC Board of Directors meeting in

May which was held in Angel Fire. Ms. Diaz stated that this meeting was a recap of the Legislative Session and Bills that were sponsored and passed. Ms. Diaz stated that one of the bills that was passed after five years was Senate Bill 248 which allows a Probate Judge from another County to assist another who will be out for an extended period of time. Ms. Diaz stated that the Probate judge from another county can only assist with new cases, not any already open cases. Ms. Diaz stated that one of the Bills that did not pass was the Prisoner Transportation. She stated there is funding but an additional \$2,000,000 is needed due to the transport of Federal Prisoners. Ms. Diaz stated that she would be attending the Affiliate meeting in San Juan County and also the next NMC Board Meeting.

Treasurer: Treasurer Kristie Hobbs stated that there was a total of 24,364 Delinquent Tax Notices mailed out and 400 e-notices. Ms. Hobbs stated that delinquent taxes are due by July 10, 2023, and if your property is three years delinquent on June 30th the property will get listed to the state for auction.

Sheriff: Sheriff, Mike Eby reported that for the month of May, there were five burglaries in the following areas 10,000 block of Southeast Rivera Rd, 2,000 block of Hwy 180, 8,000 Block of Southeast block of Dona Ana Rd, and two in Columbus, 800 block of North Slocum Street and North Boundary and Dust Devil St. Sheriff Eby reported that there was one illegal entry of a structure on the 2000 block of Southwest Ash Street. Sheriff Eby stated that there was a total of 14 larcenies in the following areas, 5000 block of Southeast Yuma Rd, 7000 block of Southeast Hwy 549, 3000 block of Northwest North Lane Rd, 700 block of East Pine St, 19000 block of Northwest Perrin Road (twice), 800 block of Southwest O'Kelly Road, 5000 block of Southeast Columbus Hwy., 10900 block of Dustview Rd., and the 200 block of West Howard St both in Columbus. Sheriff Eby stated that there were two shopliftings reported at the 6095 block of Southeast Columbus Hwy. Sheriff Eby stated six motor vehicle thefts were reported in the following areas, Frontage Rd I-10, 700 block of Northwest Arrowhead Rd, 700 block of East Pine St, 300 block of Hood Rd, 2000 of Northeast Daisy Rd, In Columbus at Altura and Zuro Rd. Sheriff Eby stated that there were five assaults and nine motor vehicle accidents. Sheriff Eby stated that there was a total of 184 calls and 145 of the calls were civil non-criminal calls.

Commissioners: No comments from the Commissioners were forthcoming.

County Managers Report: Mr. Brice reported that the County had attended that Change of Command Ceremony at the Columbus Port of Entry. Mr. Brice stated that Emergency Services Director Pablo Montoya and Mr. Brice had attended a Fourth of July Party at the Consulate General in Juarez a couple of weeks ago. Mr. Brice stated that Representative Jones was also in attendance. Mr. Brice stated that he has been working on an MSA with the City. Mr. Brice stated that both he and Arron Sera had agreed that the Multi Services Agreement was not for the City and County to try to get money from each other it is just a way to offset who pays for what services provided.

- **Dispatch:** Mr. Brice reported that Leticia Ortiz, Terry Snyder, and Judith Granillo start with Central Dispatch on May 15, 2023. Mr. Brice stated that Operations Manager Yovanie Granillo and Director Lauree Sanchez attended the Citizens College for Public Safety.
- **LCDC:** Mr. Brice stated that there are 264 Marshall inmates in the LCDC population. Mr. Brice stated that some of the LCDC staff attended the American Jail Conference Association

and also New Mexico Gang Taskforce training in Albuquerque. Mr. Brice stated that the new SOP is about to be implemented and training was held in the basement for each shift.

- **Road Department:** Mr. Brice stated that a total of 195 tons of solid waste was taken to the landfill and the County reimburses the City. Mr. Brice stated that 49 tons of tires were shredded and taken to the landfill and disposed of.
- **Budget and Procurement:** Mr. Brice stated that the Preliminary Budget has been submitted. Mr. Brice stated the final Quarterly Three Report that is due to DFA for approval.
- **Risk Management:** Mr. Brice stated that both Risk Management and HR would be having a three-day orientation for new hires.
- **Safety and Emergency Management:** Mr. Brice stated that there was a monitor pole camera supplied by DHSEM installed in the Columbus Elementary School Campus for a better visual in that area and should be completed by the end of June. Mr. Brice stated that there was a training and gave the City of Deming Admin rights to the Mass Notification System. Mr. Brice stated that in sharing this system with the City, all major emergencies, road closures, etc. will be able to be put out to keep the public informed.
- **Luna County Fire:** Mr. Brice stated that there were 24 fire calls. Mr. Brice stated that four firefighters successfully passed Hazmat A & O and will be attending the Fire Academy this year.
- **CASA:** Mr. Brice stated that CASA currently has 11 volunteers, 25 children in Luna County, 23 children in Grant County, and one in Hidalgo County. Mr. Brice stated that CASA attended 10 events this last month.
- **PAT:** Mr. Brice stated that there is a total of 167 families served in May, with 409 hours of direct services in both counties. Mr. Brice stated that Parents as Teachers distributed a total of 10 car seats at the Train Depot. Mr. Brice stated that there is a \$25.00 charge for each car seat along with the training in correctly installing them, but if the family does not have that money the car seat is given to them.
- **CYFD/JJCS/JJCS:** Mr. Brice stated that there was a total of 121 SWAG Contacts, and 112 UAs with five being positive for illegal substances, and also a total of 110 community service hours assigned
- **IT:** Mr. Brice stated that Debbie Seats passed her Comptia Fundamentals exam and is now certified. Mr. Brice introduced the new IT Technician Tracy Fostvedt. Mr. Brice stated that Judy Hatch got her Nextgen 911 certificate and attended that NENA/APCO 911 Conference for GIS.
- **Planning Department:** Mr. Brice stated that Planning Director Lupita Hernandez has been working with the State Board of Finance and State Engineer's Office to get some of the County's water rights from the Sunnyside Farm transferred to the new Cattleman's Beef Processing Property that is County owned. Mr. Brice stated that Code Enforcement East had 10 new cases and Code Enforcement West had seven new cases.
- **Starmax:** Mr. Brice stated that the new cash management system has been installed. Mr. Brice stated that Pat Renteria was hired as the new food and beverage manager. Starmax Director Tyler Massey stated that the new Summer Program is a program that was developed by the Starmax youth staff, it is an eight-week program twice a week to include dodgeball, water balloons, water guns, and a day for movies and bowling.
- **HR:** Mr. Brice stated that Michael Milo at the Detention Center was promoted to LT, Crystal Lessau also from the Detention Center was promoted to Operations Cpt, and Mayra Hernandez transferred from the Assessor's Office to the Manager's Office.

- **DWI and Teen Court:** Mr. Brice stated that DWI and Teen Court are tracking 72 misdemeanors DWI offenders and 56 active clients. Mr. Brice stated that there are currently 12 participants in the Teen Court Program. Mr. Brice stated that the Health Council attended a two-hour long meeting on May 25, 2023 and held a mental health awareness and movie night event in Columbus.
- **Miscellaneous:** Mr. Brice stated that the Maintenance Department did a complete power shut-down of Starmax in order to test all emergency lighting, exit lights, etc. Mr. Brice stated that between Maintenance and Emergency Safety Coordinator Phillip Rodriguez they were some lights that were found in need of repair. Mr. Brice stated that there are some electrical problems out at the Detention Center that are being worked on at the moment. Mr. Brice stated that the main AC unit is out at the Sheriff's Department, along with other units in other County buildings which Maintenance is in the process of repairing.

Upcoming Meetings/Events (Unless otherwise specified):

- County Offices closed June 19, 2023, in observance of Juneteenth National Independence Day
- County College: Luna County Road Department: June 22, 2023, at 5:30 pm
- Public Input Work Session July 13, 2023, from 9:30-10:00 am
- Regular Meeting: July 13, 2023, at 10 am
- ICIP Public Hearing Work Session July 27, 2023, at 4:00 pm

Executive Session: Executive Session Pursuant to Section 10-15-1H (2) NMSA 1978 Limited Personnel matter pertaining to the County Manager's Contract.

Commissioner Chandler motioned to enter into Executive Session at 11:14 a.m.: Pursuant to Section 10-15-1H (2) NMSA 1978 Limited Personnel Matters matter pertaining to the County Manager's Contract. The Motion was seconded by Commissioner Trejo and unanimously approved following a roll call vote.

County Attorney Charles Kretek stated that the motion to be considered is to amending is paragraph 6.5 of the County Manager's contract to require two continuous weeks of vacation for financial purposes. Mr. Kretek stated this would help to satisfy auditors. Mr. Kretek stated that this would also apply to Budget and Procurement Director Joanne Hethcox. Mr. Kretek stated that paragraph 6.10 would also need to be amended to make sure that the cell phone allowance is a monthly allowance, not an annual allowance.

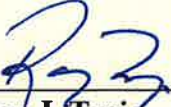
Commissioner Chandler motioned to return from Executive Session: Pursuant to Section 10-15-1H (2) limited to Personal Pertaining to the County Manager's Contract at 11:37 a.m. where no other matters were discussed and to approve the changes that Mr. Kretek discussed for the County Manager's Contract. The motion was seconded by Commissioner Trejo and was unanimously approved following a roll call vote.

Adjourn: Commissioner Trejo motioned to adjourn the meeting. The motion was seconded by Commissioner Chandler and was unanimously approved and adjourned at 11:37 a.m.

Done at Deming, New Mexico this 13th day of July 2023.

LUNA COUNTY BOARD OF COMMISSIONERS

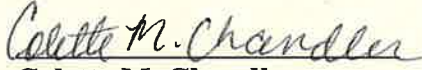
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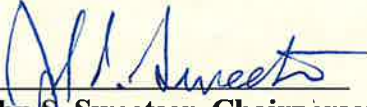
Ray J. Trejo,
Commissioner, District 1


Berenda McWright, County Clerk





Colette M. Chandler,
Commissioner, District 2



John S. Sweetser, Chairperson
Commissioner, District 3