

**MINUTES  
REGULAR MEETING  
LUNA COUNTY BOARD OF COUNTY  
COMMISSIONERS  
Thursday, July 14, 2022**

**BE IT REMEMBERED** that the Luna County Board of County Commissioners met in regular session at 10:03 a.m. on Thursday, July 14, 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, County Attorney Charles Kretek, Emergency Management Director Pablo Montoya, Chief Deputy Clerk Leslie Nabours, Deputy Clerk Toni Esparza, Assessor Michelle Holguin, Planning Director Lupita Hernandez, Economic Development Director Christie Ann Harvey, Community Development Liaison Mary Mackey, Grant Administrator Heather Lutz, Road Department Director David Bailey, Chief Andrew Gilmore, Captain Robert Apodaca, Detention Officer Betty Quiroz, Sheriff Kelly Gannaway, Captain Michael Brown, Deputy Dylan Graves, IT Technician Nathan Ortberg.

**CALL TO ORDER:** Chair Smrkovsky called the meeting to order at 10:03 a.m. and led 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:

**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 following a roll call vote.

**MINUTES:** Upon a motion made by Commissioner Reedy and a second by Commissioner Sweetser the Minutes for the Regular Meeting of June 9, 2022, and Special Meeting of June 13, 2022, were unanimously approved.

**SERVICE AWARDS/RETIREMENT:**

- Captain Robert Apodaca and Chief Andrew Gilmore presented Detention Officer Betty Quiroz with her 15-year service award.
- Lieutenant Lucio Caballero was not in attendance to receive his 20-year service award.

**SPECIAL RECOGNITION:**

- Sheriff Gannaway presented Deputy Dylan Graves with an award of recognition for his professionalism and efficiency.

## PRESENTATIONS:

- **LCDC Restrictive Housing Unit QTR Report-** Chief Andrew Gilmore presented on behalf of Director Lee Cook, to say that from the period April 1, 2022, to May 30, 2022, the Detention Center had no detainees.
- **SABER Presentation- Presented by Sergeant Tim Williams,** Sergeant Trey Reed was not in attendance. In attendance along with Sergeant Williams were Detective Jake Kartchner and Detective Jesse Mitchum. Mr. Williams gave a brief presentation about the issue that is going on at the border. He explained that Cochise County has developed a camera system to aid in the apprehension of people crossing the border illegally. He stated that the numbers are well over 100,000 for the month of July. He stated that they have seen 437 drug mules, and seized over 12,000 pounds of dope, and 109 pounds of meth. There are hundreds of pounds of Methamphetamines being smuggled along with the illegal aliens coming across the border daily. Mr. Williams explained the difficulty that they face trying to determine who has clothing in their backpacks and who is coming across with drugs. He, also stated that the violence that is coming along with all of the illegal crossings is skyrocketing. The technology that is needed to help with the border issue was all taken away when the building of the Border wall was stopped. Mr. Williams said that immigrants are crossing in larger groups dressed in head-to-toe camo and armed. The camo is making it difficult to distinguish people from trees or bushes. The cartels are using social media to promise people jobs when they arrive in the United States. There are a lot more Illegal immigrants coming across compared to the manpower equipped to stop them. The live camera system that was created to assist in the efforts to stop the illegal crossings in Cochise County is able to report real-time numbers and statistics. Mr. Williams stated that the immigrants are willing to crawl for miles just to get into the United States. Now that Marijuana has been legalized in Arizona the cartels are using the same packing techniques to get methamphetamines into the United States. A new operation that Mr. Williams discussed was Operation Safe Streets. He said that there are people from Phoenix, California, and other parts of the country who are renting cars and coming to their highways, and picking up groups of people. At this point, the cartels were telling the drivers that if there was any kind of law enforcement pursuit, to drive as fast and as crazy as possible, and the pursuit would be terminated, and the drivers would be able to get away. He stated that this is the reason Operation Safe Streets had to be created to be able to keep the rest of the drivers on the highway safe. Mr. Williams said that putting consequences to action will be the only solution.
- **Break:** As per Chair Smrkovsky a short break was taken.
- **Community Solar-Columbus Electric, Chris Martinez:** Mr. Martinez reported on Community Solar. He explained that this year the Legislature and the Governor signed into law House Bill 84, which is a pilot program that will be used to show the cost and benefits of renewable energy.

## ELECTED OFFICIALS REPORT:

- **Assessor:** Assessor Michelle Holguin reported for the month of June, that the Assessor's Office received paperwork from Property Tax Division so they will now be working on certifying values to meet the July 22<sup>nd</sup> deadline. She stated that they are conducting meetings

with the local title companies and realtors to open up a line of communication on any questions that these companies may have for the Assessor's Office, this is with deed transfers or with anything processed that helps them or anything on their website that they need help with. Mrs. Holguin stated that the appraisal staff is busy finalizing their protests that are scheduled for August 10<sup>th</sup> and 11<sup>th</sup>. Employees are preparing for the IAAO online. She stated that there are seven employees that will be taking these courses, which will be taking place next week July 18<sup>th</sup>- the 22<sup>nd</sup>. County Specialists in the Assessor's Office are busy processing deeds, affidavits, address changes, tax levies, and helping customers on the phone, online, and in the office. Mrs. Holguin stated that all of their online services are up and running and readily available for the public. The GIS/Rural Addressing/Flood Planning Department is busy processing deeds, reviewing and signing off on flood planes, and inquiries for the County and the City, processing data inquiries, and issuing new addresses for the county. Mrs. Holguin reported on new hire Devor Lara who will be working as a County Specialist for the Assessor's Office, and Mariela Higuera has moved to the GIS Data Analyst position for their office. Mrs. Holguin was happy to announce that the Assessor's Office is now fully staffed and running full force.

- **Clerk:** Chief Deputy Clerk Leslie Nabours gave the report for the month of June. She reported the Clerk's Office just finished with the Primary Election. A total of 52 people took advantage of the Same-Day Voter Registration. Ms. Nabours explained that the same day voter registration process was available to anyone that was not registered on election day. In this process, a voter is able to change a name and address, and if the voter is declined to state they could select a party affiliation. The Clerk's office did not process any voter registrations. Ms. Nabours stated that this was due to the fact that voter registration was closed from May 10<sup>th</sup> to July 12<sup>th</sup>. There were 16 removable (this means that there were cancelations, moved out of the County, or deceased). She stated that Luna County currently has a total of 12,657 active voters, 5,161 Democrats, 4,253 Republicans, 115 Libertarians, and 3,128 DTS/other. The Clerk's Office processed a total of 412 recordings, and three new businesses were registered, five were canceled, with a total of 255 total Business Licenses. There were a total of 14 Marriage Licenses issued and 10 were filed. There were a total of nine probates opened and four were closed, and seven probates with new filings in them. The Lodger's Tax collected totaled \$108.21. It was also reported, that one regular meeting and one special meeting were processed. On June 28<sup>th</sup> the state certified the Primary Election, and within this state certification there were several counties that had recounts, there was a total of 11,979 ballots that were recounted, and none of the totals changed.
- **Probate Judge:** No report was given.
- **Treasurer:** No report was given.
- **Sheriff:** Sheriff Gannaway gave the monthly report for June. There were no homicides or rapes reported for the month of June. Assaults are down, burglaries are down and larcenies are down as well. Vehicle thefts have been steady, there were no arsons, and no robberies to report. The overall totals for the criminal side are down as well. The Sherriff reported that the non-criminal paper service is up. Accidents are up, and DWI is down. The overall totals for non-criminals are down as well. The overall totals for both criminal and non-criminal stayed the same. Sherriff Gannaway reported that the Sherriff's detective unit had eight active cases open for the month of June, and of the eight cases three were closed. There will be four deputies attending the Academy in Santa Fe starting July 24<sup>th</sup> and graduating sometime in November. He also stated that he is in the process of hiring one more deputy.

- **Commissioners:** Chair Smrkovsky reported that on June 16<sup>th</sup> the New Mexico Border Authority Board meeting was held. She and Mr. Brice attended via Zoom that Economic Development Director Christie Ann Harvey attended in person. She stated the meeting was basically updated on Columbus/Luna County activities as well as the Santa Teresa/Dona Ana activities. The project updates were provided by either the companies and/or project coordinators. The New Mexico Counties Board Meeting will take place on August 4, 2022 in Los Lunas, and Chair Smrkovsky will be in attendance.

**COUNTY MANAGER'S REPORT:** County Manager Chris Brice Reported for the Humane Society: Mr. Brice stated that of the \$25,000 grant that the Humane Society received, the full amount will be used to issue vouchers for spaying and neutering. Each voucher will be for \$100, and 60 of those have already been issued. Mr. Brice stated that the requirements are that to receive one you must be a Luna County resident, and County Vets must be used.

- **Dispatch:** Director of Dispatch Lori Sanchez will now be a council member of the Professional Standards Council for Dispatchers. She will now have a say in how things are run from that position. A \$1.3 million dollar PO was issued for the new CAD system, and new radios and they are still working on the delivery dates.
- **LCDC:** The Detention Center USM ASP is at 258 and holding steady. Mr. Brice reported that nine cadets graduated from the Detention Officer Academy, and will be doing their oath next month. He stated that there are still negotiations with the third party who is helping the County negotiate for the US Marshall Contracts. They are looking at increasing the per diem rate.
- **Road Department:** Amnesty 21,247 tires were collected, that was \$63,741 in RAID funding. Mr. Brice reported that there have been a lot of complaints about the roads, and explained that the cost to lease the machinery to fix the roads is about \$30 to \$40,000 a month. This is why when the Road Department goes out they try to reclaim as much as possible at that point. The pricing for the items needed to maintain the roads has almost doubled. Mr. Brice stated that the County will be having a meeting with Columbus upon the mayor's request to get updates on the Berm and phase one of the Industrial Park projects.
- **Budget and Procurement:** The OpenGov and Transparency Budget will finally be coming online in the next month or two. Budget and Procurement Director Joanne Hethcox will be working with the Elected Officials and Directors to show them how to use the program.
- **Human Resources:** Mr. Brice reported that Human Resources is still working on salary surveys, and opened positions which can be found on the Luna County Website.
- **Starmax:** The Fire Marshall gave the ok and Starmax is now 100% open. All of the carpets and curtains have all been redone and all ready to go.
- **Planning Department:** The Planning Department has already gotten six properties through the property donation program, which is run by County Attorney Charles Kretek and Planning Director Lupita Hernandez. Code Enforcement has a total of 12 new cases that they are working on. Mr. Brice stated that there is now a credit card machine that was installed in the Planning Department so that customers may now use credit or debit cards to pay their fees.
- **Emergency Management:** The Hazard Mitigation Plan has been approved by DHSEM statewide, it will now go to the Federal level for approval, and this will in turn help with obtaining grants for the Emergency Management Department.

- **Safety/Risk Management:** The department is working on the Origami Surveys with NMC, which are done every year where all of the properties and values are looked at. Mr. Brice reported that 13 of our employees tested positive for close contact in June, there were two Workers Comp Claims. Emergency Management Director Pablo Montoya and Safety Officer Phillip Rodriguez have been working on upgrading the elevator. The existing one is so old that there are no longer any replacement parts available for repair.
- **Luna County Fire:** There have been 25 fire calls, and there is always a need for volunteers.
- **Health Council:** The free movies in the park schedule an average of 85 people have been reached. Mr. Brice reported that the County is helping with the Deming Public Schools/Senior Center meals. The County will also be helping Play Sharity deliver meals out of the Courthouse Park, and utilizing the County Learning Center in Columbus as well.
- **IT:** The IT Department processed almost 9,000 work orders. Mr. Brice Stated that IT may be able to move into their new building within the next month or two with those renovations complete.

**INDIGENT CLAIMS REPORT:** Upon a motion by Commissioner Reedy 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.

Mr. Brice reported on behalf of Budget and Procurement Director Joanne Hethcox. There were no claims for Indigent for the month of June, so there was a total of \$49,071.23 to close out the calendar year so far.

Commissioner Sweetser motioned to consider the Claims Report presented by Mr. Chris Brice. The motion was seconded by Commissioner Reedy the motion which was carried unanimously.

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

**COMMUNITY SUPPORT REPORTS:** Deming Mainstreet Director Chelsea Evans reported that Salsa Festival will be a three-day event this year. There will be a mariachi band to kick off the event on Friday, July 29, 2022, at 7:00 pm, the annual festival will be held at the Courthouse Park on Saturday, July 30 from 8:00 am to 3:00 pm. There will be a big Mexican Fiesta performance at the Fairgrounds that will begin at 7:00 pm. There will be an International/Bicultural Rodeo that will begin at 7:00 pm to end the event on Sunday, July 31<sup>st</sup>. Miss Evans also reported that all tickets for this event are on sale now, the public is able to purchase the tickets in person at the Deming Visitor's Center, or Eventbrite.com. She also stated that National Night Out will take place the following Tuesday, August 2<sup>nd</sup> from 6-8 pm at the Courthouse Park.

Luna County Chamber of Commerce Executive Director Debbie Troyer reported that there are several new members consisting of, Cutting Edge Auto Glass, Southwest Ariel Imagery, Filtering Feeders, The Squeegees, and Alma's Mexican Kitchen for a total of 250 business members, and are still down about 30 members, even with all of the new members there is a total of close to 100 lost due to COVID. She reported a total of 3,320 Facebook followers these days. Most people sign up for the newsletter, which continues to be the best way to see what is going on in town. The Chamber of Commerce events calendar is still available, but not too many people are using it unless the Chamber posts events themselves. Ms. Troyer stated that the Kingdom of the Sun/ Chamber annual meeting was held recently where the best of community categories were announced as well as the winners of

the lemonade contest. The winners can be found on the Chamber website and Facebook page. She stated that the Chamber is currently planning its annual Gala which was postponed from January to October 1<sup>st</sup> of this year. The event will take place at the Mimbres Event Center, more information on this event can be found on the Chamber of Commerce website and Facebook page. A candidate forum has been planned for October 4<sup>th</sup> at the old train station depot next to Starmax, all candidates running for the categories in Luna County have been invited to attend. Ms. Troyer also stated that the Duck Race Parade is in the planning process anyone interested in entering can pick up the entry forms at the Chamber Office, there will be a Lemonade Day float entered. The Winners of the Lemonade Day event will be invited to ride on the float.

**PUBLIC COMMENT:** Chair Smrkovsky opened the floor to public comment. Susan Shifner went before the board, her question was directed to the Road Department Director David Bailey about the County dumpsters. Mr. Bailey explained that both of the roll-off trucks broke in the same week. Mr. Bailey also explained that all of the parts for repairs are on back order along with the new truck that was ordered for his department.

**CONSENT AGENDA:** Commissioner Sweetser motioned to approve the Consent Agenda. The motion was seconded by Commissioner Reedy and was approved unanimously following a roll call vote. The following items of the Consent Agenda were approved:

- a. Accounts Payable \$1,624,581.14
- b. Payroll \$1,175,350.48
- c. Agreement between Luna County and Chamber of Commerce
- d. Agreement between Luna County and Rio Mimbres Country Club
- e. Agreement between Luna County and Deming Arts Council
- f. Agreement between Luna County and Deming Animal Guardians
- g. Agreement between Luna County and Deming-Luna County Humane Society
- h. Agreement between Luna County and Luna County Commission on Aging
- i. Agreement between Luna County and Luna County Historical Society
- j. Agreement between Luna County and Luna County Mainstreet Program
- k. Agreement between Luna County and Play Sharity Foundation
- l. Agreement between Luna County and Luna County Silver Linings
- 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 Soil and Water Conservation
- p. Agreement between Luna County and Cooperative Extension Services-NMSU
- q. Amended Resolution 22-48 Authorizing the Purchase of Property (Little Vineyard Subdivision)
- r. Resolution 22-50 A Resolution in Support and Financial Commitment for Corre Cominos Transportation Services

**NEW BUSINESS:**

- a. **Collective Bargaining Agreement for LCSO-AFSCME #1764:** Mr. Brice explained that this was to show how the five percent that was granted by the Commission was divided. Commissioner Reedy motioned to approve the Collective Bargaining Agreement for the

Luna County Sheriff's Office. The motion was seconded by Commissioner Sweetser and was unanimously approved following a roll call vote.

- b. **MSA between Luna County and the Village of Columbus:** Mr. Brice explained that this explains the funding change from the community pool due to it being too expensive to fix and instead it is being put towards the landfill. This will be used by everyone all the time. The County is working with the Mayor of Columbus to figure out a way to fund a Splash Pad instead due to safety and less maintenance. Commissioner Reedy motioned to approve the Multi-Service Agreement between Luna County and the Village of Columbus. The motion was seconded by Commissioner Sweetser and was unanimously approved following a roll call vote.
- c. **Variance Request for Property Setback; Villanueva Estates, Block 1 Lot 13:** Planning Director Lupita Hernandez requested a Variance on behalf of Andrea Beckstien. Ms. Hernandez explained that Ms. Beckstien inherited this piece of property last year from her mother. Ms. Beckstien was in the process of selling the property which is located in the Villanueva Estates, but according to the Restrictive Covenants the setbacks for the property lot lengths should be at five feet and it was actually built at 3.1 feet, this in turn is causing the Real Estate company to request the variance in order to finalize the sale. Commissioner Sweetser motioned to approve the Variance Request for Property Setback; Villanueva Estates, Block 1 Lot 13. The motion was seconded by Commissioner Reedy and was unanimously approved following a roll call vote.

**EXECUTIVE SESSION: Executive Session pursuant to Section 10-15-1H(7) relating to threatened and pending litigation and subject to attorney-client privilege (Opioid class action; Ruiz; Schmal, Thomas; Punchall a/k/a/ Punchard; Valencia; Purvis; Mendoza-Munoz; Higgins).** Commissioner Reedy motioned to enter into Executive Session pursuant to Section 10-15-1H(7) relating to threatened and pending litigation and subject to attorney-client privilege. Commissioner Sweetser seconded the motion which was unanimously approved following a roll call vote.

Commissioner Reedy motioned to return from Executive Session where no other matters were discussed but pending litigation. Chair Smrovsky seconded the motion and the motion was unanimously passed following a roll call vote.

**Upcoming Meetings/Events (Unless otherwise specified):**

- Work Session: Final Budget Review; July 19, 2022, at 10:00 a.m.
- Special Meeting: Final Budget Approval; July 21, 2022, at 10:00 a.m.
- Regular Meeting: August 11, 2022, at 10:00 a.m.

**ADJOURN:** Upon a motion by Chair Smrkovsky the meeting was adjourned at 1:26 p.m.

ATTEST:

LUNA COUNTY BOARD OF  
COUNTY COMMISSIONERS

Berenda McWright  
Berenda McWright, Luna County Clerk  
by Keele Mabours

Approved: \_\_\_\_\_

Barbara L. Reedy  
Barbara L. Reedy, District 1

Linda M. Smrkovsky  
Chair, Linda M. Smrkovsky, District 2

ABSENT  
John S. Sweetser, District 3