

**MINUTES
REGULAR MEETING
LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS
Thursday, August 11, 2022**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 10:00 a.m. on Thursday, August 11, 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, Emergency Management Director Pablo Montoya, Chief Deputy Clerk Leslie Nabours, Deputy Clerk Toni Esparza, Elections Specialist Rachel Bishop, County Service Specialist Paula Granillo, Probate Judge Diana Diaz, Chief Deputy Assessor Isabelle Enciso, Treasurer Kristie Hobbs, Chief Deputy Treasurer John Richamond, DWI Program Manager Edith Vazquez, Planning Director Lupita Hernandez, Economic Development Director Christie Ann Harvey, Community Development Liaison Mary Mackey, Grant Administrator Heather Lutz, Road Department Director David Bailey, Director Lee Cook, Chief Andrew Gilmore, Captain Robert Apodaca, Detention Officer Linda Calderon, Sheriff Kelly Gannaway, Captain Michael Brown, IT Director Elizabeth El Bizri, GIS Coordinator/IT Judy Hatch, IT Technician JT Apodaca, IT Help Desk/Tech Assisstant Debbie Seats.

CALL TO ORDER: Chair Smrkovsky called the meeting to order at 10:00 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 (Was not in attendance for this meeting)**

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

MINUTES: Upon a motion made by Commissioner Reedy and a second by Chair Smrkovsky the Minutes for the Regular Meeting of July 14, 2022, Work Session for July 19, 2022, and Special Meeting for July 21, 2022, were unanimously approved.

SERVICE AWARDS/RETIREMENT:

- Rachel Bishop was presented with her five-year service pin by Chief Deputy Clerk Leslie Nabours.
- Ashley Kayser HIDTA Grant Secretary was not in attendance to receive her five-year service pin.

- Judy Hatch was presented with her 10-year service award by County Manager Chris Brice
- Linda Calderon was presented with her 20-year service award by Director Lee Cook and Chief of Security Andrew Gilmore.

PRESENTATIONS: Swearing in of LCDC staff by Judge Davalos- All new LCDC Detention Officers were sworn in by raising their right hand and taking an Oath. Each of the new officers was given a certificate that was signed by both Judge Davalos and each officer. Training Sergeant Fabian Chayrez presented an Academy Certification of Completion to Detention Officer Rebecca Diaz and Detention Officer Raelynn Flores.

ELECTED OFFICIALS REPORT:

- **Assessor:** Chief Deputy Assessor Isabelle Enciso presented the Assessor's Office monthly report. Ms. Enciso reported that the Assessor's Office has completed its 2022 Certification to Property Tax Division. She stated that the values will be sent off to the DFA (Department of Finance) to figure out the new tax rate for 2023 that will be disbursed on September 1, 2022. The Assessor's Office will be contacting the local realtors to schedule a meeting to open up communication for any questions they may have for their office. There were two protest hearings that took place on August 11, 2022 and were held in the basement conference room. Ms. Enciso was proud and pleased to announce that they now have four of their employees that passed the IAAO courses that they attended on July 18th-22nd. Ashley Gallegos passed all four of the required courses and is now a Certified Appraiser. Mary Pena also completed and passed the 4th of the required courses, and she too is now a Certified Appraiser. Renee Rivera completed the second of the four required courses toward her certification, and she is now an Appraiser II. Jacquelyn Tarazon has also completed the second of the four required courses, and she too is now an Appraiser II. The Assessor's Office now has five certified Appraisers, two Appraiser II, and one Appraiser I. The training will continue so that all of the Assessor's Office staff be better informed on their government work. Ms. Enciso also stated that the department is busy finalizing all their protests and getting ready to review permits, and affidavits, and finish calculating for 2023. The County Specialists are busy processing deeds, affidavits, address changes, and tax levies helping customers on the phone, online, and in the office as well. She reminded everyone that all online services are readily available for everyone. The GIS/Flood Plain Department is busy processing deeds, reviewing, and signing off on flood plain inquiries for the County and the City. They are also processing data inquiries and issuing new addresses in the County. She also encouraged everyone to reach out to their department by phone, email, or by coming into their office with any questions.
- **Clerk:** Chief Deputy Clerk Leslie Nabours gave the report for the month of July. She reported the Clerk's Office has been busy and Voter Registration has reopened. There have been 90 in-person Voter Registrations, 27 by mail, there were 79 were removable, this meaning that some are deceased, have moved out of the County, or were processed through the Eric Process. There has been 270 online voter registration processed. Ms. Nabours stated that Luna County currently has a total of 12,986 active voters, 5,236 Democrats, 4,363 Republicans, 123 Libertarians, and 3,264 DTS/other. The Clerk's Office processed a total of 462 recordings, and one new business was registered, one was canceled, with a total of 255 total Business Licenses. There were a total of 17 Marriage Licenses issued and 13 were filed. The Clerk's Office took in \$81.48 for Lodger's tax. It was also reported, that one regular meeting, one Work Session, and one Special Session were processed. Ms. Nabours stated that preparations have already begun for the General Election which will take place on November

8, 2022. She stated that Berenda, Rachel, and herself had attended election school in Albuquerque from August 1st -3rd. She also introduced that the Clerk's Office welcomed a new employee Paula Granillo, that will be at the front desk.

- **Probate Judge:** Probate Judge Diana Diaz reported that year to date there have been 13 new probates open for a total of 102 for the year. Ms. Diaz stated that there were two probates that went to District Court, the only two that she has ever had to go to that level. She reported that she performed five weddings since the last regular session, bringing the year-to-date total to 31.
- **Treasurer:** Treasurer Kristie Hobbs introduced her new Chief Deputy Treasurer John Richmond. Ms. Hobbs also gave special thanks to the Maintenance and IT departments for their help and support while their office was being remodeled.
- **Sheriff:** Sheriff Gannaway gave the monthly report for July. There were no homicides or rapes reported. Assaults are up a bit, as well as burglaries, and larcenies stayed the same. He reported Vehicle thefts are way up, there were no arsons, and no robberies to report. The overall totals for the criminal side are up as well. The Sheriff reported that the non-criminal paper service is way up. Accidents are high but still steady, and no DWI to report. The overall totals for non-criminals are up. The overall totals for both criminal and non-criminal are up as well. Sheriff Gannaway reported that he has four deputies attending the Academy, these deputies are as follows: Deputy Lozano, Deputy Mendez, Deputy Ochoa, and Deputy Rodriguez. The four Deputies should graduate sometime in November. He reported that the Sheriff's Department received another unit that was ready to be put out on the street. He reported that there are currently 16 active cases and two that are closed.
- **Commissioners:** Commissioner Reedy reported that she had received notice from the National Association of Counties that she was being appointed to two committees, one being the Immigration Reform Task Force and the other being the Programs and Services standing committee. Chair Smrkovsky reported that she was unable to attend the New Mexico Association of Counties meeting that took place on August 5, 2022.

COUNTY MANAGER'S REPORT: County Manager Chris Brice Reported for the month of July.

- **Dispatch:** Mr. Brice reported that Dispatch received 1,398 (911 calls), and there were 200 warrants that were processed. He stated that Motorola assigned a Program Manager to help kick off the programming of the radios and CAD system. Mr. Brice thanked Emergency Services Director Pablo Montoya for his certification and instruction all of the staff at Central Dispatch have been Basic Life Support and CPR re-certified.
- **LCDC:** Mr. Brice reported that the Otero County Manager sent out an email last week sometime, in a panic due to the fact that the Otero County Detention facility was about to be shut down due to being so short-staffed. She had asked if it would be possible for the Luna County Detention Center would agree to house 50 inmates and ended up only housing about 27. He said that this is a statewide problem within the New Mexico Detention Centers. He said that pay and incentives to be able to staff our Detention Center. Mr. Brice reported that our Marshall population is at 246 which he stated is a good number. The daily Per Diem rate for the Marshalls is still in renegotiation. Once the new rate has been established the other Counties including Sierra, Hidalgo, Grant, and some of the others, the daily Per Diem rate will be raised to whatever the Marshall's ends up being. Mr. Brice mentioned that there was a new body scanner that was received and the installation will begin soon.

- **Road Department:** Mr. Brice reported that 1,289 scrap tires had been received. There were about 160 miles that the Road Department bladed, he stated that this was a good number considering all the rain.
- **Budget and Procurement:** Budget and Procurement Director Joanne Hethcox is close to having OpenGov up and running. Mr. Brice stated that once it is completely ready to go this will solely and hopefully be used for next year's budget. Mr. Brice stated that he would like to start on the budget much earlier.
- **Safety/Risk Management:** Risk/Workers Comp Coordinator Joann Moorman has gotten all of the information she needed to put into the Origami system. This software system that New Mexico Counties uses to keep track of all of the equipment or assets. There have been two employees that have tested positive for Covid and there have been two Workers comp claims.
- **Emergency Management:** The free at-home Covid test kits are no longer available here in the Courthouse the reason being that the state is saving its stockpile for facilities such as Nursing Homes, Detention Centers, and Hospitals. The test kits are available through covidtests.gov, and this comes with four tests per household and they should still be free. Emergency Services Director Pablo Montoya and Emergency Safety Coordinator Phillip Rodriguez have come up with a fire inspection that will take place on an annual basis, to help catch things that need to be addressed before the Fire Marshall comes in so that the County is not caught off guard like at Starmax. There are four inspections for the Sheriff's Office, Detention Center, Courthouse, and District Court that are coming up soon. The panic notifications at the District Court and the Healing House have been upgraded. Mr. Brice stated that there was an estimate for upgrades to the elevator at \$107,265.00. This will upgrade the equipment so that it will be easier to replace and repair when needed. Mr. Montoya and the Sheriff's Department recovered three bodies on the East side of the Floridas recently.
- **Luna County Fire:** There were 22 Fire calls received. There will be a request for RFP in reference to a water project grant which will be for the hydrant over at Cook's Peak. Mr. Brice stated that the County will be applying for an FY-23 Fire Fund grant asking for a fire truck the max is \$300,00.00 and the cost for a fire truck is about \$600,00.00 with a wait time of two years.
- **Casa:** There are currently 14 children in Luna County, 20 in Grant County, and 1 in Hidalgo County. AOC was billed \$8,532.00 for the month of June. There were 9 events attended throughout the month of July.
- **PAT:** In FY-23 will serve 200 families with a total budget of \$1,200,00.00. This program in Luna County is always being recognized for being the best Parents as Teachers program in the state and they will be hiring one or two more people. There are 136 clients enrolled in Luna County and 50 in Hidalgo County. There have been 536 direct services for both Counties. Parents as Teachers also distribute car seats. There were 11 distributed. This program will teach parents how to use the car seats correctly and they are free just to make sure the children are safe.
- **Grant Administrator:** There have been updates made on the American Rescue Plan Act, also updates to the BERM Project, and applying for a Recreational Grant to cover some costs for the engineers.
- **IT:** The IT Department have had a total of 1,162 work orders submitted. A total of 1,108 were completed. 2,050 viruses were stopped by the email spam filter. There were a total of 32 iPhones that were given out.
- **Planning Department:** The Planning Department continues to work on the land use ordinance and solar policy. The Learning Center had 9 events in July and the pavilion had six

events there were 28 new address applications. The Planning Department is now accepting credit card payments.

- **DWI:** The department is tracking 85 misdemeanor DWI offenders. There are 4 new clients that were screened for substance abuse disorder. Teen Court has 22 participants right now. Griselda Milo is now the new Preventions Specialist.
- **Luna County Health Council:** The program has submitted the acceptance letter to DOH funding for FY-23 projected available funding is about \$12,952.00. The County participated in the Seamless Summer Meals for Kids by Deming Public Schools. The Health Equity Committee hosted a planning meeting to discuss goals for 2022-2023
- **Starmax:** Eric Roach submitted his letter of resignation. He will be working part-time. The Starmax Director position has been open. Also always looking for bartenders. Also in the works trying to get a concert together for Saturday night at the Duck Races. Mr. Brice stated that The County is trying to get a band and stage and about 100 seats for people to sit. A meeting with the Alcohol Board to see if Alcohol can be served at this event. Starmax is completely open.

INDIGENT CLAIMS REPORT: Upon a motion by Commissioner Reedy and a second by Chair Smrkovsky, 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 for the month of July, that there were 22 claims at a cost of \$86,152.56, of these claims 9 were for the Detention Center. Ms. Hethcox reported that there was a total of \$97,439.97 in GRT collected. The ending tax balance is \$2,081,966.71 of this total \$1,545,000.00 was encumbered.

Commissioner Reedy motioned to consider the Claims Report presented on August 11, 2022, for \$86,152.56. The motion was seconded by Chair Smrkovsky the motion which was carried unanimously.

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

COMMUNITY SUPPORT REPORTS: Deming Mainstreet Director Chelsea Evans gave updates on the events that took place in the recent weeks and their success. Miss Evans stated that there would be a Market on Saturday, August 13, 2022, to be held outside at the Courthouse Park from 8:00 am -11:00 am. She mentioned that also this month The Great American Duck Race Parade will take place on August 27, 2022. There are new projects that Mainstreet is working on and are gearing up for Trunk-or-Treat in October.

PUBLIC COMMENT: Chair Smrkovsky opened the floor to public comment. Several members of the community brought forth comments but spoke of items that were not on the agenda.

PUBLIC HEARING: Luna County Infrastructure Capital Improvement Plan (ICIP) FY24-28.

Chair Smrkovsky was asked by a member of the public to give a brief explanation of what this ICIP Plan was and what it is used for.

CALL FOR ORDINANCE:

- a. Resolution 22-53: Call to Amend Ordinance 76-Tax Obligation for Land Transfers, Divisions, and Recombinations. County Attorney Charles Krettek explained that no property can be transferred without the taxes being current.

After a motion from Commissioner Reedy and a second for Chair Smrkovsky, the motion was carried out and unanimously approved following a roll call vote.

- b. Resolution 25-54: Call to Adopt Ordinance 113: Ordinance Approving a Local Economic Development Project for USDA-certified meat processing facility in Luna County. Mr. Brice gave a brief explanation of the benefit of this ordinance.

After a motion from Commissioner Reedy and a second by Chair Smrkovsky, the motion was carried out and unanimously approved following a roll call vote.

- c. Resolution 22-55 Call to Adopt Ordinance 114: An Ordinance Approving the Application for a loan from the New Mexico Clean Water State Revolving Fund.

After a motion from Commissioner Reedy and a second for Chair Smrkovsky, the motion was carried out and unanimously approved following a roll call vote.

CONSENT AGENDA:

- a. Accounts Payable: \$1,125,317.37
- b. Payroll: \$1,705,564.56

After a motion from Commissioner Reedy to approve the Consent Agenda as presented and a second by Chair Smrkovsky the motion was carried out and unanimously approved following a roll call vote.

OLD BUSINESS:

- a. Luna County 2022 Comprehensive Plan

After a motion from Commissioner Reedy and a second from Chair Smrkovsky, the motion was carried out and unanimously approved following a roll call vote.

NEW BUSINESS:

- a. Resolution 22-56: Agreement between Luna County and Southwestern NM Council of Governments & Appointment of Representatives

After a motion from Commissioner Reedy and a Second by Chair Smrkovsky, the motion was carried out and unanimously approved following a roll call vote.

- b. Resolution 22-57: Authorizing Submission of an Application to DFA for participation in the Juvenile Adjudication Fund Program.

After a motion by Commissioner Reedy and a second by Chair Smrkovsky the motion was carried out and unanimously approved following a roll call vote.

- c. Resolution 22-58: Luna County Infrastructure Capital Improvement Plan (ICIP) FY-24-28.

After a motion by Commissioner Reedy and a second by Chair Smrkovsky, the motion was carried out and unanimously approved following a roll call vote.

- d. Casa Mission Statement

After a motion by Commissioner Reedy and a Second by Chair Smrkovsky, the motion was carried out and unanimously approved following a roll call vote.

EXECUTIVE SESSION: Executive Session pursuant to Section 10-15-1H(8) for the purpose of discussing the potential purchase, acquisition, and disposal of certain parcels of real property.

Commissioner Reedy motioned to enter into Executive Session pursuant to Section 10-15-1H(8) for the purpose of discussing the potential purchase, acquisition, and disposal; of certain parcels of real property. Chair Smrkovsky 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 and no action was taken. Chair Smrovsky seconded the motion and the motion was unanimously passed following a roll call vote.

Upcoming Meetings/Events (Unless otherwise specified):

County Offices will be closed on September 5, 2022, in observance of Labor Day
Regular Meeting: September 8, 2022, at 10:00 a.m.

ADJOURN: Upon a motion by Chair Smrkovsky the meeting was adjourned at 12:24 p.m.

ATTEST:

LUNA COUNTY BOARD OF
COUNTY COMMISSIONERS

Berenda McWright
Berenda McWright, Luna County Clerk

Barbara L. Reedy
Barbara L. Reedy, District 1

Approved: 9-8-22

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

John S. Sweetser
John S. Sweetser, District 3

