

**MINUTES
REGULAR MEETING
LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS
Thursday, October 6, 2022**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 10:00 a.m. on Thursday, October 6, 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, Risk/Workers Comp Coordinator Joann Moorman, Deputy Clerk Toni Esparza, Chief Deputy Assessor Isabelle Enciso, Treasurer Kristie Hobbs, Chief Deputy Treasurer John Richmond, Road Department Director David Bailey, Director Lee Cook, Captain Robert Apodaca, Sheriff Kelly Gannaway, Captain Michael Brown, IT Technician JT Apodaca, IT Help Desk/Tech Assisstant Luis Ortega .

CALL TO ORDER: Chair Smrkovsky called the meeting to order at 10:01 a.m. and led the Pledge of Allegiance and the salute to the flag of 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 as presented. Commissioner Reedy motioned to approve the agenda as presented. The motion was seconded by Commissioner Sweetser seconded the motion which was approved unanimously.

MINUTES: Commissioner Sweetser motioned to approve the Minutes for the Regular Meeting of September 8, 2022, and the Special Meeting of September 19, 2022. The motion was seconded by Commissioner Reedy and was approved unanimously.

SERVICE AWARDS/RETIREMENT:

- Safety/Risk Coordinator Joann Moorman was presented with her five-year service pin by Emergency Services Director Pablo Montoya.
- Detention Officer Dolores Gonzales was not present to receive her retirement award.
- Chair Linda Smrkovsky was presented with an award for her seven years of service to the NM Counties Board of Directors. County Manager Chris Brice presented the award on the Board's behalf.

PRESENTATIONS:

- Restrictive Housing Quarterly Report: LCDC Director Lee Cook reported a total of two inmate incidents.
- Luna County Expansion: Christie Ann Harvey introduced Kitty Clemens who gave an explanation on expanding broadband to improve communication. The pilot program will launch in the Village of Columbus. She explained due to the fact that when Covid hit, the Village was the spot that took the hardest hit. This pilot program is focused on giving the public the opportunity to take advantage of telemedicine, remote learning, apply for jobs, and use platforms that can help with daily life.

ELECTED OFFICIALS REPORT:

- **Assessor:** Chief Deputy Assessor Isabelle Enciso presented the Assessor's Office monthly Report. Ms. Enciso stated that the tax rates for October were received from the DFA (Department of Finance). The Assessor's Office has completed the Abstract to Property Tax Division and has submitted that warrant to the Treasurer. She stated that the E notice sign-up has been added to the Assessor's website, letting the public know that anyone interested in receiving their Notice of Value online is encouraged to sign-up for this, and will receive an email with the requested information. Ms. Enciso explained that with the passing of Ordinance 76, first revised, their office has been contacting local companies, realtors, and banks and placed a notice on the website notifying the public that with the passing of the Ordinance that all taxes will have to be paid in order for any transfer of property to take place. The Appraisal Department is finalizing permits, and affidavits, and is calculating all new charges for 2023. She stated that the County specialists in the Assessor's Office are processing deeds, affidavits, address changes, and helping customers on the phone, online, and in the office. She also wanted to remind the public that online services are readily available, but if there are more questions or concerns for the public to feel free to call or come into the office.
- **Clerk:** No Report was given
- **Probate Judge:** No Report was given
- **Treasurer:** Treasurer Kristie Hobbs reported that the Treasurer's Office had received the warrant from the Assessor's Office and put in the order to start the tax bills. The tax bills will be sent out beginning on October 12, 2022. There are a total of 58,679 tax bills. Ms. Hobbs stated that from last year when the system was changed to where the public was able to receive their tax bills online, there is a total of 1,258 people who are now receiving their tax bills online at this time. This service is very beneficial to the people (snowbirds) in the way that the information can be accessed from anywhere. Ms. Hobbs explained that there is a place on the website for the public to sign-up and are able to see the whole history of properties owned. Also, if there are properties owned in other counties and those counties use this same system the customer is able to see those tax bills as well, which includes location and Notice of Value. She said that she has been in touch with the State to see when an auction would be possible. There is an auction planned for December 13, and December 14, 2022. Ms. Hobbs explained that it has been about five years since the last auction putting everything really behind. The State is hoping to auction off about 400 properties which are all abandoned Deming Ranchettes. She stated that her office will be concentrating on the units of property that are in 10 years of being delinquent. The Treasurer's Office is also selling

Cancer Support Ribbons for \$2.00 to honor friends or loved ones. The Ribbons will be placed on the front window in the Treasurer's Office.

- **Sheriff:** Sheriff Gannaway gave the monthly report for September. There were no homicides or rapes reported. Assaults are up a bit, burglaries are down, and larcenies are down as well. He reported Vehicle thefts are up, there were no arsons, and no robberies to report. The overall totals for the month of September are down. The Sheriff reported that the non-criminal paper service is down. Accidents are down, and there are no DWI's to report. The overall totals for non-criminals are down. The overall totals for both criminal and non-criminal are down as well. Sheriff Gannaway reported that two new vehicles have been ordered and are waiting for the equipment for these vehicles to come in and are hoping to receive it soon. He stated that Captain Martinez and Deputy Valdez attended a School Resource Officer school last week in Albuquerque. The main topic of this training was active shooting training in our schools. The Sheriff stated that the hiring of Shannon Rodriguez puts the department up to speed and at full strength. On another note, he discussed that Shop with a Cop will take place on December 10, 2022, at Walmart. Some of the activities that will be taking place are a golf tournament on October 29, 2022, at the Rio Mimbres Golf Course. There will be a Cornhole tournament on November 7, 2022, at Boogie's, and a Bowling tournament on November 12, 2022, at Starmax. He also stated that there are about 15 raffles in the works and they are in hopes of getting more. The raffles will be at \$50.00 a piece with the drawing to be taking place on December 23, 2022.
- **Commissioners:** Commissioner Reedy reported on the Candidate Forum which she said was very well attended. Commissioner Reedy also stated that she had been talking to different people to talk about their thoughts on going back to the five-member Commission Board. The benefits of a five-member Commission that Commissioner Reedy feels would be beneficial to the public is that it would make it easier to get out and talk to a lot more people in their districts. Chair Smrkovsky suggested that records from the Clerk's office be pulled to see the outcome of the previous time this was done, and also the see how some of the other counties are going about it.

COUNTY MANAGER'S REPORT: County Manager Chris Brice Reported.

- **Dispatch:** Mr. Brice reported that Dispatch received 1,374 (911 calls), and there were 186 warrants that were processed. Four dispatchers attended the Communications Training Officer Course for new hires, there were two openings but those were filled at the hiring event recently held. The kick-off meeting for the new CAD system and radios was held on September 27, 2022, and the new CAD system is scheduled to go live in June 2023. The Armory Board did get in touch with the County to advise that the Armory Board meeting had been rescheduled.
- **LCDC:** There were 446 people booked, the average daily population for Marshalls is about 255, which Mr. Brice stated is a good number. He said that at the moment there are staffing issues and there is a total of about 14 to 15 people needed.
- **Road Department:** The repair on Solana Road and Lucca Road has begun. At this time there is one layer of chip seal down and they are preparing to put down the second layer. There were 245 miles of road that were bladed. The Road Department is trying to catch up on the blading of the roads due to the rainfall and the washed-out roads. There were almost 2,000 tires collected and shredded and 223 tons of trash hauled to the landfill. Mr. Brice reported

that Road Department Director David Bailey reported to him that the brand-new loader broke down on the first day of use.

- **Budget and Procurement:** The RFP for the water system for the Volunteer Fire Department has been awarded, which will start very soon. Budget and Procurement Director Joanne Hethcox attended and completed the New Mexico Procurement Professional master class. The final budget has been completed and uploaded, there are a few little things that need to be done, but for the most part, it is complete. Mr. Brice stated that the County is out to RFP on the Detention Center Medical Services, and there have been responses received that are very extensive, and they are hoping to have answers out by late October or early November time frame. He stated they are looking to have the current provider or a new one in by December. There is a statewide struggle with Health Care in Detention Centers at this time.
- **Safety/Risk Management:** There was only one employee that tested positive for Covid, and only one Worker's Comp Claim. Mr. Brice stated that there will be Reasonable Suspicion training for County supervisors because of the new Marijuana laws. He said that Marijuana testing for County employees has stopped, due to the fact that marijuana is now legal. Reasonable Suspicion Training is heavily focused on other things such as alcohol and/or other drugs. If an employee is not acting in a normal state the supervisor can send the employee to get tested.
- **Emergency Management:** Safety/Risk Management and Emergency Management did a fire extinguisher training and active shooter training out at Starmax for all of the employees. Fire inspection was done on Dispatch, Parents as Teachers, and the DA's Office. Mr. Brice stated that a few of the County Employees did attend the fire chief's conference in Ruidoso which was very informative. There were fire alarm activations for The Learning Center and Starmax.
- Mr. Brice stated that a quote for the elevator has been received for upgrades needed, and the PO for that will be done this month. Johnson Control was hired to conduct fire alarm inspections and backflow testing at the Sheriff's Office, Courthouse, and District Court to make sure that all County buildings are up to code.
- **Luna County Fire:** There were 12 fire calls received.
- **Casa:** The CASA Program currently has 18 children in Luna, 15 in Grant, and one in Hidalgo County. Casa will have a booth at the fair if there is anyone interested in volunteering. Volunteers are always needed. There were 19 events that were attended in the month of September.
- **PAT:** Parents as Teachers has 125 Clients in Luna, and 50 in Hidalgo. There are a total of 178 families that enrolled in July. The Organization also attended the National Conference in Denver Colorado.
- **JJCS:** This program currently has 10 clients. SWAG group ended in September with a total of 24 graduates. There are 19 children in Luna County, 25 in Grant, and one in Hidalgo County.
- **Grant Administrator:** No Report Given
- **IT:** IT had 1,035 work orders submitted, and 1,001 that were completed.
- **Planning Department:** Mr. Brice explained that there are three agenda items that are to be tabled due to the fact that Ordinance 53 for wireless telecommunications is being worked on in order to be able to further discuss these items. He said that there are eleven property donations so far that are in County possession, and four new applications received. The applications are put in place when someone is looking to get rid of property in their possession. The owner must pay the property taxes up-to-date before it can be donated. He explained that the County is trying to consolidate as many properties as possible to be able to use for certain projects or to sell in bigger parcels. Since the Ranchettes are small maybe

more than one parcel can be put together and package them up into five-acre lots for people to want to buy.

- **DWI:** No Report Given
- **Luna County Health Council:** No Report Given.
- **Starmax:** Is in the process of updating its emergency procedure policy. Spooky golf has been set up. The miniature golf course has been decorated for Halloween and has had a lot of positive reviews. Mr. Brice stated that the roof at Starax is an issue, there is a company that will be coming in to do a survey on the roof to see how much water is trapped under it, and also to see if the roof can be repaired in sections or if a full reroof is needed. A hiring event was held and about 100 people attended.
- Mr. Brice stated that he had been in Santa Fe attending the last Taskforce meeting on the Senate and House Memorial on Corrections and Detention and prepared to go in front of the Legislature to testify on that soon and this will be the last in-person meeting for this. He said that the Detention Affiliate is next week and quite a few employees will attend this meeting. An Infrastructure Conference will be held at the end of October which both Budget and Procurement Director Joanne Hethcox and Mr. Brice will be attending. The Behavioral Health will be attended by Mr. Brice and Emergency Services Director Pablo Montoya.

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 were two claims in the amount of \$1,324.12, which she stated were both for the Luna County Detention Center. There was a total of \$112,780.34 in GRT collected. There is a cash balance of \$1.7 million, and of that \$1.4 million is encumbered. Commissioner Sweetser motioned to approve the indigent Claims Report as presented by Ms. Hethcox. The motion was seconded by Commissioner Reedy and was approved unanimously. Commissioner Reedy motioned to recess as a Claims Board and reconvene as a Commission Board. The motion was seconded by Commissioner Sweetser and was approved unanimously following a roll call vote.

COMMUNITY SUPPORT REPORTS: Rebecca Lescombs came forward on behalf of the Silver Spikes, and announced that there is to be a ceremony to reveal the bench that has been placed in front of the County Clerk's Office as a tribute to former Senator John Arthur Smith. The Ceremony is to take place Sunday, October 16, 2022, at 11:30 a.m. at the Courthouse Park.

PUBLIC COMMENT: Chair Smrkovsky opened the floor to public comment. Linda Harmon, Alberta Morgan, Susan Schiffner, and Rebecca Lescombs came forth with comments and concerns.

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

NEW BUSINESS:

- a. **Resolution 22-73: Budget Increases.** Ms. Hethcox reported that there were a total of six budget increases. The Sheriff's Office had total of \$12,000 for extradition. Other increases were for the following: The Road Department to pay for a part-time Intern about 10 hrs. a week; DWI for the expenditures from June that carried over into July; the local ICIP will get \$2.2 million for local economic development projects; Casa will get

\$4,000 into their supply line item; Sherriff's Office will get the one eighth receipt tax to purchase a new pursuit vehicle. Commissioner Sweetser motioned to approve Resolution 22-73: Budget Increases. The motion was seconded by Commissioner Reedy and was approved unanimously following a roll call vote.

- b. **Resolution 22-74: Budget Transfers.** Budget and Procurement Director Joanne Hethcox reported that there were only three intra-fund transfers from After School Programs Community Services into Professional Services and over time, from the Law Enforcement Protection Fund from their supplies into their Capital Outlay to pay for any purchases for the rest of the year, and a fund to fund from General Fund into the Local ICIP to support the increase that was approved in the previous resolution. Commissioner Reedy motioned to approve Resolution 22-74 Budget Transfers. The motion was seconded by Commissioner Sweetser and was approved unanimously following a roll call vote.
- c. **Resolution 22-75: Disposal of Assets.** Ms. Hethcox stated that this resolution is to dispose of a 2005 Dodge Caravan that has been inoperable for many years and can no longer be repaired. Commissioner Sweetser motioned to approve Resolution 22-75: Disposal of Assets. The motion was seconded by Commissioner Reedy and was approved unanimously following a roll call vote.
- d. **Resolution 22-76: Luna County and Cattleman's Agreement.** Mr. Brice reported that this agreement is for the purchase of the property on Stirrup Road where the Beef Processing Plant will be located. Commissioner Reedy motioned to approve Resolution 22-76 Luna County and Cattleman's agreement. The motion was seconded by Commissioner Sweetser and was approved unanimously following a roll call vote.
- e. **Resolution 22-77: Small Wireless Facility Design Guidelines.** Mr. Brice suggested that this item be tabled until the ordinance has been put into place.
- f. **Resolution 22-78: Application for Sun State Towers to construct a 150' monopole at 130000 Silver City Highway.** Mr. Brice suggested that this item be tabled until the ordinance has been put into place.
- g. **Amended Resolution 22-03: Notice of Fees** Mr. Brice suggested that this item be tabled until the ordinance has been put into place.
- h. **Amended Resolution 22-37: Authorizing the Sale of County Property (PMS Building).** Mr. Brice explained that this resolution is being amended to satisfy the sale of the property. Commissioner Reedy motioned to approve Resolution 22-37: Authorizing the Sale of County Property (PMS Building). The motion was seconded by Commissioner Sweetser and was approved unanimously following a roll call vote.
- i. **Collective Bargaining Agreement for LCDC-AFSCME #2061.** Mr. Brice stated that this was the updated agreement, As of August 16, 2022 everyone is in agreement. This will allow the distribution of the five percent increase that was approved in July to the collective bargaining unit and detention officers. Commissioner Sweetser motioned to approve Collective Bargaining Agreement for LCDC-AFSCME #2061. The motion was

seconded by Commissioner Reedy and was approved unanimously following a roll call vote.

- j. **Proclamation 22-07; October as Domestic Violence Awareness Month.** Commissioner Reedy motioned to approve Proclamation 22-07; October as Domestic Violence Awareness Month. The motion was seconded by Commissioner Sweetser and was approved unanimously following a roll call vote.

Upcoming Meetings/Events (Unless otherwise specified):

Indigenous People's Day: October 10, 2022-Offices Closed
Special Meeting: October 24, 2022, at 2:00 PM
Candlelight Vigil Ceremony: October 28, 2022, at 6:30 PM, Courthouse Park
Regular Meeting: November 10, 2022

EXECUTIVE SESSION: Executive Session Pursuant to 10-15-1hH(7) NMSA 1978 two matters of pending litigation opioids; Ruiz; Thomas; Punchall; Valencia; Purvis; Higgins; Declaratory Judgement; Code Enforcement Gate; Section 10-15-1(H)(8) for the purpose of discussing the potential purchase, Acquisition, and disposal of certain parcels of real property. Commissioner Sweetser motioned to enter into Executive Session Pursuant to 10-15-1hH(7) NMSA 1978 two matters of pending litigation opioids; Ruiz; Thomas; Punchall; Valencia; Purvis; Higgins; Declaratory Judgement; Code Enforcement Gate; Section 10-15-1(H)(8) for the purpose of discussing the potential purchase, Acquisition, and disposal of certain parcels of real property. The motion was seconded by Commissioner Reedy and was approved unanimously following a roll call vote.


Commissioner Sweetser motioned to return from Executive Session where no other matters were discussed and no action was taken. The motion was seconded by Commissioner Reedy and was approved unanimously following a roll call vote.

ADJOURN: Upon a motion by Chair Smrkovsky the meeting was adjourned at 1:16 PM

ATTEST:

**LUNA COUNTY BOARD OF
COUNTY COMMISSIONERS**


Berenda McWright, Luna County Clerk


Barbara L. Reedy, District 1

Approved: ✓ 11-14-22


Chair, Linda M. Smrkovsky, District 2


John S. Sweetser, District 3

