

**MINUTES
SPECIAL MEETING
LUNA COUNTY BOARD OF COUNTY COMMISSIONERS
Monday, October 24, 2022**

BE IT REMEMBERED: The Luna County Board of County Commissioners met at 2:00 pm on Monday, October 24, 2022, in the Chambers of the Luna County Courthouse, Deming, New Mexico, for the purpose of conducting a Special Session.

CALL TO ORDER: Chair Smrkovsky called the meeting to order at 2:05 pm and led the Pledge of Allegiance and the salute to the flag of New Mexico.

ROLL CALL: Deputy Clerk Toni Esparza called roll. The following Commissioners constituting a quorum were present:

**Barbara L. Reedy, District 1
Linda M. Smrkovsky-Chair, District 2
John S. Sweetser, District 3**

AGENDA: Commissioner Sweetser motioned to approve the agenda as presented. The motion was seconded by Commissioner Reedy and was approved unanimously.

PUBLIC COMMENT: Chair Smrkovsky opened the floor to public comment. Joel Chinkes and Alberta Morgan offered comments in favor of a five-member Commission Board. Chelsea Newman with Play Sharity Board was not on the agenda but was invited to give the Play Sharity quarterly report. Darren Albrecht offered comment on Resolution 22-78: Application for Sun State Towers to construct a 150' Monopole at 130000 Silver City Highway. Darren Albrecht stated that this would be of good benefit to the people out in that area since there is poor communication and a dead zone in that area. He stated that putting this Monopole out in this area would be the solution.

ORDINANCE:

Ordinance 53: Luna County Wireless Telecommunications: County Attorney Charles Kretek explained that this would be to update the changing of Federal Laws. Chair Smrkovsky opened the floor for public comment. Commissioner Reedy motioned to approve Ordinance 53: Luna County Wireless Telecommunications. The motion was seconded by Commissioner Sweetser and was approved unanimously following a roll call vote.

OLD BUSINESS:

Resolution 22-77: Small Wireless Facility Design Guidelines. Planning and Zoning Director Lupita Hernandez explained that this Resolution goes hand in hand with Ordinance 53 to update the changing of Federal Laws. Commissioner Sweetser motioned to approve Resolution 22-77: Small Wireless Facility Design Guidelines. The motion was seconded by Commissioner Reedy and was approved unanimously following a roll call vote.

Resolution 22-78: Application for Sun State Towers to construct a 150' monopole at 130000 Silver City Highway. Mr. Albrecht explained that all of the studies for the design have been submitted. This is a 150' monopole with no guidewires, and the offset for the monopole is off of the highway and away from any structures. Commissioner Reedy motioned to approve Resolution 22-78 Application for Sun State Towers to construct a 150' monopole at 130000 Silver City Highway. The motion was seconded by Commissioner Sweetser and was approved unanimously following a roll call vote.

Amended Resolution 22-03: Notice of Fees. Mr. Kretek explained that these fees are to be added to Ordinance 53. Commissioner Sweetser motioned to approve Amended Resolution 22-03: Notice of Fees. The motion was seconded by Commissioner Reedy and was approved unanimously following a roll call vote.

Resolution 22-79: Authorizing the assignment of Official Representative and Signatory Authorities. Mr. Kretek explained that this Resolution is a follow-up to the ordinance passed last month authorizing the County to submit an application for the Lescombs water project and would give County Manager Chris Brice the Authority to sign off on the necessary paperwork to execute that directive. The main point of contact for this would be Mr. Brice and the financial point of contact would be Budget and Procurement Director Joanne Hethcox. Commissioner Reedy motioned to approve Resolution 22-79: authorizing the assignment of Official Representatives and Signatory Authorities. The motion was seconded by Commissioner Sweetser and was approved unanimously following a roll call vote.

Discussion Items:

Luna County Personnel Ordinance No. 23: Discussion Only. County Manager Chris Brice suggested that this agenda item be tabled for now. Mr. Brice stated that he would be meeting individually with all Elected Officials to answer questions or concerns. Mr. Brice also stated that he would be meeting with the Commission Board after meeting with all Elected Officials.

Increasing the size of the Board of County Commissioners to Five Members: Discussion Only. Commissioner Reedy thanked Mr. Chinkes and Ms. Morgan for speaking in favor of increasing the size of the Board of County Commissioners to five Members. County Clerk Berenda McWright spoke and expressed her concern about the expense this would bring with having to redistrict. Commissioner Sweetser spoke out against increasing the Board of County Commissioners and also suggested leaving the decision to the new Commission Board. Commissioner Reedy stated that the benefit of passing this now would give the Board the opportunity to appoint the other two Commissioners to the five-member board.

Call for Ordinance:

Resolution 22-80: Call to Amend Ordinance 101; Procedure for Accepting Donations of Real Property. Mr. Kretek stated that amending this ordinance would change the fact that the individual who is donating the property would not be obligated to pay the \$25.00 filing fee for the new property deed to be recorded. Mr. Kretek stated that the wording when the ordinance was first put into place was being misinterpreted. For this reason, Ordinance 101 is being amended. Commissioner Sweetser motioned to approve Resolution 22-80: Call to Amend Ordinance 101; Procedure for Accepting Donations of Real Property. The motion was seconded by Commissioner Reedy and was approved unanimously following a roll call vote.

Resolution 22-81: Call to Amend Ordinance 23; Luna County. Commissioner Reedy motioned to approve Resolution 22-81: Call to Amend Ordinance 23; Luna County. The motion was seconded by Commissioner Sweetser and was approved unanimously following a roll call vote.

New Business:

Resolution 22-82: Local Emergency/Disaster Declaration. Mr. Brice explained that this disaster declaration is due to all of the rains and flooding that Luna County has had. Mr. Brice, Road Department Director David Bailey, Emergency Management Director Phillip Rodriguez, and Brian Stevenson from the State Engineer’s Office bring FEMA out to take pictures as well as drone video to assess the flood damage. FEMA and State Emergency Management came out to look at the damage to be able to declare the affected area a disaster to obtain funding from FEMA. Once FEMA has declared the area a disaster, then the Governor must do the same in order to apply for funding. Mr. Brice stated that the County has applied for about \$847,000 in FEMA funds. Mr. Bailey provided the Board with the pictures that were taken of the area. Mr. Bailey also explained that he and FEMA representatives did a walk-through of Columbus to include Black Hill Road, North Boundary, Rockhound Rd, Lewis Flats, Hwy 549, Mimbres, Hwy 377, and Keeler Farm Rd. Commissioner Reedy motioned to approve Resolution 22-82: Local Emergency/Disaster Declaration. The motion was seconded by Commissioner Sweetser and approved unanimously following a roll call vote.

Upcoming Meetings/Events (unless otherwise specified):

- Regular Meeting: October 14, 2022, at 10:00 a.m.
- Veteran’s Day: November 11, 2022; Luna County Offices are closed
- Thanksgiving Holiday, November 23, 2022; Luna County Offices close at Noon
- Thanksgiving Holiday, November 24, 2022; Luna County Offices Closed
- Personal Day, November 25, 2022; Luna County Offices Closed

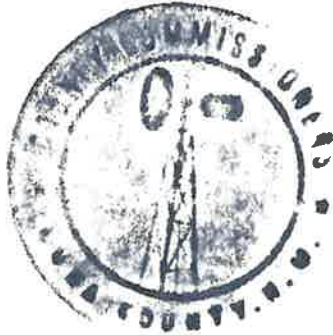
ADJOURN: Commissioner Reedy motioned to adjourn. The motion was seconded by Commissioner Sweetser and was approved unanimously. The meeting was adjourned at 2:53 p.m.

ATTEST:

Berenda McWright

Berenda McWright, Luna County Clerk

Approved: 11-14-22



LUNA COUNTY BOARD OF
COUNTY COMMISSIONERS

Barbara L. Reedy

Barbara L. Reedy, District 1

Linda M. Smrkovsky

Chair, Linda M. Smrkovsky, District 2

John S. Sweetser

John S. Sweetser, District 3