

**MINUTES  
REGULAR MEETING  
LUNA COUNTY BOARD OF COUNTY  
COMMISSIONERS  
Monday, November 14, 2022**

**BE IT REMEMBERED** that the Luna County Board of County Commissioners met in regular session at 10:00 a.m. on Monday, November 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, Budget and Procurement Director Joanne Hethcox, County Attorney Charles Kretek, Emergency Management Director Pablo Montoya, Clerk Berenda McWright, Chief Deputy Clerk Leslie Nabours, Election Specialist Rachel Bishop, Deputy Clerk Toni Esparza, Assessor Michelle Holguin, Treasurer Kristie Hobbs, Chief Deputy Treasurer Johnathan Richmond, Planning and Zoning Director Lupita Hernandez, Central Dispatch Director Lauree Sanchez, Road Department Director David Bailey, Grants Administrator Heather Lutz, Road Department Director David Bailey, Captain Michael Brown, LCDC Director Lee Cook, Training Sgt. Fabian Chayrez, IT Technician Nathan Ortberg.

**CALL TO ORDER:** Chair Smrkovsky called the meeting to order at 10:07 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 Sweetser motioned to approve the agenda as presented. The motion was seconded by Commissioner Reedy and was approved unanimously.

**MINUTES:** Commissioner Reedy motioned to approve the Minutes for the Regular Meeting of October 6, 2022, and the Special Meeting of October 24, 2022, as presented. The motion was seconded by Commissioner Sweetser and was approved unanimously.

**SERVICE AWARDS/RETIREMENT:**

- Chair Smrkovsky tabled the presentation of the five-year service award due to Officer Paul Garcia not being present.

**PRESENTATIONS:**

- Municipal Court Judge Edgar Davalos performed the Swearing-in of the new LCDC Officers. Training Sgt. Fabian Chayrez presented the officers with their certificates.
- Mr. Gordon Simanton presented for SolarStone. Mr. Simanton gave a brief discussion on some of the projects, locations, and types of equipment that the company works with.

**ELECTED OFFICIALS REPORT:**

- Assessor:** Assessor Michelle Holguin reported that the current year sales ratio report from Property Tax Division has been received. This report lets both the Assessor and Property Tax Division know where they stand with market values. Ms. Holguin stated that she was pleased to announce that the Assessor's Office is within all levels of current and correct market values. She explained that the front office is getting ready for the first of the year rendering period, which includes all exemptions, manufactured home stickers, and making sure that all forms on the website are updated and available to the public. The Assessor's Office is also working on livestock and Personal Property statements, which will be mailed out on December 30, 2022. Ms. Holguin again reminded the public that the e-notice sign up is online. This will allow those who sign up to receive their Notice of Values by email rather than it being mailed to their homes making it more convenient for the property owner. She also explained that when you sign up for the e-notice for either the Assessor's Office or the Treasurer's Office it will automatically sign you up for both. With the passing of Ordinance 76, first revised, the deed process is taking longer, especially with the self-done deeds or those that are mailed from out of town. Ms. Holguin explained that until the word is out about the new procedures it will take longer for her office to process deeds. Ms. Holguin explained that being that it is tax season right now anyone that is transferring property until the end of the year will only have to pay the taxes current. In the New Year, Ms. Holguin explained that anyone transferring property will not only have to pay the taxes current but will also have to pay taxes in advance to complete any deed transfers. She stated that Property Tax Division will be offering winter classes for Appraisers going toward their IAAO certification. The Assessor's Office will have two Appraisers that will be attending those classes.
- Clerk:** Clerk Berenda McWright reported that the Clerk's Office processed 43 Same Day Registrations, 28 in Person, four by mail, 43 were removable (moved out of the country or deceased including Eric cancellations), and 63 online voter registrations. Ms. McWright stated that there are currently 13,168 Voters, 5,268 Democrats, 4,447 Republicans, 129 Libertarians, and 3,324 DTS/other. The Clerk's Office processed 410 Recordings, and three new business registrations, there were zero canceled for a total of 260 Businesses. Ms. McWright stated that all notices for the yearly fee have been mailed. The Clerk's Office issued 16 Marriage Licenses and 11 of those were filed. She stated that a total of 13 probates were opened, five were closed, and 10 were updated. A total of \$110.44 in Lodger's Taxes were collected. The Clerk's Office attended and prepared minutes for one regular and one special meeting.
- Probate Judge:** Report was given along with the Clerk's report.
- Treasurer:** Treasurer Kristie Hobbs reported that this tax season is already at 31% collected for this year. Ms. Hobbs stated that she feels that this good response is due to having sent out tax bills earlier than usual. The Treasure's Office has two part-timers working to help with the mail, which has helped a lot in keeping the mail current on a day-to-day basis. Ms. Hobbs stated that her office is in the process of working with First New Mexico Bank to get an ATM machine installed at Starmax around the end of November. She also stated that there will be a State Property auction, which will consist of 400 properties all of which are Deming Ranchettes. This auction is set to be held on December 13th and 14th on the third floor of the Courthouse in the Chambers. The list of properties to be auctioned off should be on the website sometime this week. Ms. Hobbs said that the Treasurer's Office is selling Santas to help raise money for Shop with a Cop. The Santas are \$2.00 and available for purchase in the Treasurer's Office along with raffle tickets which will also help support Shop with a Cop.

- **Sheriff:** Captain Michael Brown reported for Sheriff Gannaway. There were no homicides or rapes reported. Assaults are down, burglaries are down, and larcenies are down as well. Captain Brown reported Vehicle thefts are up slightly, there was one arson, and no robberies to report. He stated that the non-criminal civil is up, and also accidents were up significantly. The Sheriff reported that the non-criminal paper service is down. Accidents are down, and there are a couple of DWIs to report for the month of October. Captain Brown stated that there are four deputies that will be graduating from the academy tomorrow (11-15-2022), and he would be attending. He stated that the Sheriff's Office has four vacant positions with two candidates moving in the hiring process, the position is still posted, and is hoping to have some good turnout with that eventually. Captain Brown stated that the Shop with a Cop bowling tournament that was held on Saturday, November 12, 2022, at Starmax helped raise over \$2,200.00.
- **Commissioners:** None of the Commissioners had anything to report.

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

- **Dispatch:** Mr. Brice reported that the County is on track with the new CAD and radio system, which ARPA funds were used to fund this project. Mr. Brice stated that on October 11th the kickoff for the GIS portion of it took place, and on October 20<sup>th</sup> the radio design review was done and everything is going well.
- **LCDC:** Mr. Brice reported that there were eight graduates through the academy. He stated that there is a total of 269 which is a good stable number in the State Marshall Population.
- **Road Department:** Mr. Brice reported that the Road Department is now fully staffed. Mr. Brice explained the job fair that was held last month helped in the hiring of staff for the road department. A new roll-off truck was received on the 25<sup>th</sup>. All of the department's equipment has been repaired and is up and running. Mr. Brice stated that the County received an extension and state approval to use previous leftover grant funding for the Scotchpine project and to prepare for some flood design work that the County will be doing in the future. Mr. Brice also stated that some of this money would be used on the Keeler Farm water Coop to get the water coop up and running properly and to be able to start collecting water bills again. He explained that another project that is being worked on with this money is Majestic View just off 8<sup>th</sup> Street. Mr. Brice stated that the big project at the moment is the two miles of chip seal on Lucca road that need to be done this week. He stated that there are six miles on Lucca and Solana Rd have been capped before Veteran's Day. Mr. Brice stated that all of the chip sealing, fogging, and stripping should be done by the end of November on all of these roads. Mr. Brice explained that McCann Rd will be the next project to be worked on.
- **Budget and Procurement:** No report was given.
- **Safety/Risk Management:** Report included with Emergency management report.
- **Emergency Management:** Mr. Brice Stated that the Hazzard Mitigation Plan has been approved with the City of Deming and the Village of Columbus. FEMA funds cannot be applied for without the Hazzard Mitigation Plan having been put into place and approved. Mr. Brice stated that the County assisted the Sheriff's Department and Border Patrol in locating and rescuing six people that were stranded in the Florida Mountains last month. Mr. Brice also stated that there have been Active Shooter committee meetings, and there will be an active shooter scenario soon.
- **Luna County Fire:** Mr. Brice stated that there were eight fire calls received and also there are two new volunteers on staff, which is always good. Mr. Brice also stated that Luna County Fire assisted the Deming Fire Department with calls during the funeral of the firefighter that

was lost in a car accident recently. Mr. Brice stated that the County did receive \$300,000 to pay for half of the new fire truck that was purchased.

- Mr. Brice returned from the County Managers' retreat in Santa Fe last week, which he stated had been very well attended by about 20 of the 33 County Managers. The number one issue discussed at this retreat was the statewide Detention staff shortage and what can be done to correct this issue. Mr. Brice explained that there is a statewide campaign put into place that standardizes and focuses on what is looked for in Detention officers and trying to get their pay boosted up to the level of firefighters, law enforcement, etc. This is due to the fact that a detention officer's job is to perform at the same level and they deserve that recognition for the law enforcement and first responders that they are. Mr. Brice stated that the Better Informed Public Officials for the new/re-elected officials will be held in Albuquerque on December 8<sup>th</sup> and 9<sup>th</sup>, and all rooms have already been reserved for this event. Mr. Brice stated that he would be meeting with the newly elected officials to get their travel arrangements set up. Mr. Brice also stated that the County had been awarded the Armory building and now all that is left to do is all of the paperwork that goes along with completing the transfer of an asset like this. Mr. Brice explained that the Capital Outlay funding was awarded at the previous Legislative session about a year ago, and they just received the grant agreements for these funds. With these funds, Mr. Brice explained that the County is now able to use this money as needed. Mr. Brice stated that this money is for the Armory, and fiber optic which is to be installed throughout all county buildings.
- **Casa:** No report was given.
- **PAT:** Mr. Brice reported that Parents as Teachers and the Department of Health building are coming along nicely and are on track, the estimated move-in time frame should be January at the latest February.
- **JJCS:** No report was given.
- **Grant Administrator:**
- **IT:** Mr. Brice gave an update on the IT building remodel in the Plaza building which should be complete within the next two to three weeks.
- **Planning Department:** No report was given.
- **DWI:** No report was given.
- **Luna County Health Council:** No report was given.
- **Starmax:** No report was given.

**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 was one claim last month in the amount of \$1,611.00, a total of \$88,754.85 was collected in GRT, and the ending balance on October 31<sup>st</sup> was \$1,900,302.02 of which \$986,351.70 is encumbered for the County's current obligations. Commissioner Sweetser motioned to consider claims dated November 14, 2022, for \$1,611.00. The motion was seconded by Commissioner Reedy and the motion was approved unanimously. Commissioner Sweetser motioned to recess as a Claims Board and reconvene as a County Commission. Commissioner Reedy seconded the motion and the motion was approved unanimously.

**COMMUNITY SUPPORT REPORTS:** Don Kile a representative for Cattlemen's Processing gave a short update and answered some public questions on the new USDA Beef Processing Plant that will be coming into Luna County, which will in turn offer job opportunities here in Luna County. Kristie Ann Harvey Executive Director of the Greater Luna County Economic Opportunity Council DBA The

Council reported on the Western University expansion groundbreaking last week. Ms. Harvey also gave a brief discussion and answered public questions on the importance that affordable faster Broadband has on communication, education, telehealth, and more.

**PUBLIC COMMENT:** Chair Smrkovsky opened the floor to public comment. Leslie Bronkin came forward with a written report which she read for the board regarding concerns about the Certification of the 2022 General Election. Ms. Bronkin accused the Clerk's Office of deleting records and recommended the board delay certification. Clerk Berenda McWright gave a brief explanation of how absentee ballot applications are handled and assured the board that records were not deleted. Ms. McWright also stated that if Ms. Bronkin had concerns she should have come to her office to discuss them prior to the Commission meeting. Commissioner Reedy expressed concerns about their roll in the canvass. Commissioner Sweetser stated that the County Clerk has expertise and recommended trusting her. Linda Harmon recommended everyone watch 2000 mules and expressed concerns about the drop boxes. Carol Schultz stated that she has voted in Luna County for 42 years and that she has complete faith in the County Clerk's Office and the election results. Scott Chandler recommended certifying the election and looking into the information provided by Leslie later. Online public comments were also forthcoming regarding the certification of the election.

**CALL FOR ORDINANCE: Resolution 22-84; and Call to Adopt Ordinance 115; IRB for Solar PV Development NM 18 II LLC and Carne Energy Storage LLC for Carne Solar Project-Series 2022A A Call to Adopt Ordinance 116; IRB for Solar PV Development NM 18 II LLC and Carne Energy Storage LLC for Carne Solar Project-2022B:** Megan Whitley representative for DE Shaw Renewable Investments gave some background on the project listed above. Ms. Whitley explained that this project has achieved the execution of a power purchase agreement in October of this year with El Paso Electric. This will allow El Paso Electric to purchase the energy to provide for their New Mexico customers. Ms. Whitley explained that this project would provide a large source of revenue for Luna County. She stated that the project will provide anywhere from 150 to 250 construction jobs. Commissioner Reedy motioned to approve Resolution 22-84, and Call to Adopt Ordinance 115; IRB for Solar PV Development NM 18 II LLC and Carne Energy Storage LLC for Carne Solar Project-Series 2022A A Call to Adopt Ordinance 116; IRB for Solar PV Development NM 18 II LLC and Carne Energy Storage LLC for Carne Solar Project-2022B. Commissioner Sweetser seconded the motion which carried unanimously following a roll call vote.

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

**OLD BUSINESS:**

- **Ordinance 101 Amended; Procedure for Accepting Donations of Real Property:** Commissioner Reedy motioned to approve Ordinance 101; Procedure for Accepting Donations of Real Property as amended. The motion was seconded by Commissioner Sweetser and unanimously approved following a roll call vote.

**NEW BUSINESS:**

- **Resolution 22-85: Budget Increases:** Budget and Procurement Director Joanne Hethcox reported that there were 14 budget increases. Commissioner Reedy motioned to approve Resolution 22-85: Budget Increases. The motion was seconded by Commissioner Sweetser and unanimously approved following a roll call vote.

- **Resolution 22-86: Budget Transfers:** Ms. Hethcox reported three requests for three budget transfers. Commissioner Reedy motioned to approve Resolution 22-86: Budget Transfers. The motion was seconded by Commissioner Sweetser and unanimously approved following a roll call vote.
- **Resolution 22-87: Disposal of Assets:** Ms. Hethcox explained that there is only one request for disposal which is for a 2013 Ford Fusion which is totaled and inoperable. Commissioner Sweetser motioned to approve Resolution 22-87: Disposal of assets. The motion was seconded by Commissioner Reedy and unanimously approved following a roll call vote.
- **Recommendation of RFP 11-01 LCDC Medical & Behavioral Care Services:** Ms. Hethcox recommended approval to begin negotiations with WellPath. Commissioner Sweetser motioned to approve the Recommendation of RFP 11-01 LCDC Medical & Behavioral Care Services. The motion was seconded by Commissioner Reedy and unanimously approved following a roll call vote.
- **Resolution 22-88: Resolution Supporting the New Mexico Counties 2023 Legislative Priorities:** Commissioner Reedy motioned to approve Resolution 22-88 supporting the New Mexico Counties 2023 Legislative Priorities. The motion was seconded by Commissioner Sweetser and was unanimously approved following a roll call vote.
- **American Legion Fund Request:** Mr. Brice explained that this request from the American Legion is to fix the building's roof. Commissioner Reedy motioned to approve the American Legion Fund Request. The motion was seconded by Commissioner Sweetser and unanimously approved following a roll call vote.
- **Special Use Permit to Solar Stone Project Application:** County Attorney Charles Kretek explained that the Planning Department approved a Conditional Use Permit for SolarStone Development project which is valid contingent upon an award of capacity from the PRC. Chair Smrkovsky opened the floor for public comment. Online comments were offered by Kristie Kennedy, expressing concerns about what it will look like. The public hearing was closed. Commissioner Sweetser motioned to approve Special Use Permit to SolarStone Project Application. The motion was seconded by Commissioner Reedy and approved unanimously following a roll call vote.
- **Resolution 22-89: Appraisal and Terms of DESRI Carne Solar Project for Solar PV Development NM 18 II LLC & Carne Energy Storage LLC Permit Applications:** Susan Schiffner and another member of the public came forth with comments and concerns about the power from this project not benefiting Luna County. After a brief explanation by Ms. Whitely and another representative for this project, Commissioner Reedy motioned to approve Resolution 22-89: Appraisal and Terms of DESRI Carne Solar Project for Solar PV Development NM 18 II LLC & Carne Energy Storage LLC Permit Applications. The motion was seconded by Commissioner Sweetser and was unanimously approved following a roll call vote.
- **Resolution 22-90: Authorization of an Application to NMDOT for I-10 & I-40 Corridors:** After a brief explanation by Road Department Director David Bailey, Commissioner Sweetser motioned to approve Resolution 22-90: Authorization of an Application to NMDOT for I-10 and I-40 Corridors. The motion was seconded by Commissioner Reedy and was unanimously approved following a roll call vote.
- **Certification of Canvass Results for the General Election 2022.** Mr. Brice recommended the election to be certified and then the concerns that were brought up to be looked into at a later time. He stated that there were no concerns regarding the outcome of the votes. Ms. McWright gave a special thanks to the Clerk's office staff, Ezra Uzueta, Joel Rivera from the Maintenance Department, Administrative Assistant Malarie Villegas, County Attorney

Charles Kretek, the IT Department, and everyone else involved in helping the voting process run smoothly. Commissioner Sweetser motioned to approve the Certification of Canvass Results for the Regular Local Election 2022. The motion was seconded by Chair Smrkovsky and approved following a roll call vote with Commissioner Reedy voting Nay.

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

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  
Regular Meeting: December 15, 2022; at 8:30 a.m.

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

**ATTEST:**

**LUNA COUNTY BOARD OF  
COUNTY COMMISSIONERS**

Berenda McWright  
Berenda McWright, Luna County Clerk

Barbara L. Reedy  
Barbara L. Reedy, District 1

Approved: 12-19-22

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

John S. Sweetser  
John S. Sweetser, District 3

