

**MINUTES
REGULAR MEETING
LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS
Thursday, February 9, 2023**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 10:00 a.m. on Thursday, February 9, 2023, 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, Executive Assistant Malarie Villegas, Executive Assistant Yossie Nieblas, County Attorney Charles Kretek, HR Director Rosa Porras, Budget and Procurement Director Joanne Hethcox, Emergency Management Director Pablo Montoya, Chief Deputy Clerk Leslie Nabours, Deputy Clerk Toni Esparza, Assessor Michelle Holguin, Chief Deputy Assessor Isabelle Enciso, Chief Deputy Treasurer Johnathan Richmond, Planning and Zoning Director Lupita Hernandez, DWI Program Manager Edith Vazquez, Central Dispatch Director Lauree Sanchez, Road Department Director David Bailey, LCSO Under Sheriff Jimmy Garcia, LCSP Sheriff Patrol LT Israel Valdez, LCSO Sgt. James Mcburney, LCSO Deputy Paul Garcia, LCSO Sgt. Paul Sanchez, LCDC Director Lee Cook, LCDC Operations Captain Robert Apodaca, LCDC Chief of Security Andrew Gilmore, Starmax Director Tyler Massey, IT Technician Luis Ortega.

CALL TO ORDER: Chair Sweetser called the meeting to order at 10:00 a.m. after 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:

**Ray Trejo, District 1
Colette M Chandler, District 2
John S. Sweetser, Chair District 3**

MINUTES: Commissioner Trejo motioned to approve the minutes for the Regular Meeting on January 12, 2023, and Work Session on January 25, 2023, as presented. The motion was seconded by Commissioner Chandler and was unanimously approved following a roll call vote.

County Manager Chris Brice explained that there are sign-in sheets if the public would like to make comments on any of the New Business items. Mr. Brice stated that the members of the public who sign-up and specify which item they would like to comment on will be called up and will have three minutes to comment on the specified agenda item only. Mr. Brice stated that by doing this the meeting will move along in a timely manner being that this is a business meeting.

PRESENTATIONS:

Jail Inspection Report 2023: Luna County Detention Center Director Lee Cook presented a Jail Inspection Report from January 12, 2023. Commissioners Trejo and Chandler thanked Mr. Cook and his staff for the good job they all do keeping the facility running.

Sheriff Patrol Lieutenant Israel Valdez presented Deputy of the Year Recognition Award to Deputy Paul Garcia for the improvement and courage he has demonstrated while on duty.

CONSENT AGENDA:

- Accounts Payable: \$2,184,307.25
- Payroll: \$1,290,343.96
- Resolution 23-18: Budget Increase
- Resolution 23-19 Budget Transfers
- Resolution 23-21: Approval to participate in the Local DWI Grant and Distribution Program
- Memorandum of Understanding between Luna County DWI and New Mexico Department of Finance and Administration/Local Government Division/ Driving While Intoxicated Program
- Statement of Assurance Local DWI Grant and Distribution Program
- Oath of Office for Jimmy Garcia; Undersheriff
- Oath of Office for Isaac Lenhardt; Deputy Sheriff

Commissioner Chandler motioned to approve the Consent Agenda as presented. The motion was seconded by Commissioner Trejo and was unanimously approved following a roll call vote.

Public Hearing: Ordinance 76, Second Revised Tax Obligation for Land Transfers, Division and/or Recombinations. Chair Sweetser opened the floor for public comments. Sean Blaine stated that he feels there needs to be a statement added that informs not only the seller but also the buyer of the tax burden for the purchase of the property. Mr. Brice stated that the tax bills are being sent out to all persons involved. Commissioner Trejo asked if, with the revision of this Ordinance, the affected departments were involved. Mr. Brice stated that all parties being affected were involved in the revision, (Assessor, Treasurer, Banks, and Title companies). Both Ms. Holguin and Mr. Richmond verified their department's involvement in the new and final Ordinance draft. Commissioner Chandler motioned to approve Ordinance 76, Second Revised tax Obligation for Land Transfers, Division and/or Recombinations as presented. The motion was seconded by Commissioner Trejo and was unanimously approved following a roll call vote.

NEW BUSINESS:

Resolution 23-20: Disposal of Assets: Mr. Brice stated that this resolution is to approve that a 2006 Ford 500 be disposed of in Auction. Commissioner Trejo motioned to approve Resolution 23-20: Disposal of Assets. The motion was seconded by Commissioner Chandler and was unanimously approved following a roll call vote.

Resolution 23-22: Authorizing the Purchase of Property (Rockhound Colonias Project). Road Department Director David Bailey stated that the property will be purchased to have a ponding area for flooding and drainage in the Colonias area. Commissioner Chandler motioned to approve Resolution 23-22: Authorizing the Purchase of Property (Rockhound Colonias Project). The Motion was seconded by Commissioner Trejo and unanimously approved following a roll call vote.

Resolution 23-23: Appointment of Representative to serve on the Region IV Chief Elected Officials Board of the Southwestern Area of the State of New Mexico for the Year 2023. WIOA Administrator Glory Juarez stated that this resolution is to appoint an elected official from Luna County to sit on the Board. Ms. Juarez stated that federal funding comes through the Department of

Workforce Solutions. The responsibility of the Board is to administer the grant funding, to approve the Service Provider Contracts, to approve the Agent Contract, and the Administrative Entity Contract. Ms. Juarez stated that this would basically educate and provide services to the communities. Commissioner Trejo stressed his interest in being the elected official appointed to serve on the Region IV Chief Elected Official Board of the Southwestern Area of the State of New Mexico for the year 2023. Commissioner Chandler motioned for Commissioner Trejo to be the appointed Representative to serve on the Region IV Chief Elected Officials Board of the Southwestern Area of the State of New Mexico for the Year 2023. The motion was seconded by Chair Sweeter and was unanimously approved following a roll call vote.

Luna County 2023 Annual Certified County Maintained Mileage Report. Road Department Director David Bailey explained that every January the Road Department receives a letter from the State requesting a new certification of miles for the year. Mr. Bailey stated that this is how the State appoints gas tax and the other Revenues that come from Santa Fe to local government for mainly asphalt maintenance. Commissioner Trejo motioned to approve the Luna County 2023 Annual Certified County Maintained Mileage Report. The motion was seconded by Commissioner Chandler and unanimously approved following a roll call vote.

Indigent Claims Report: Commissioner Chandler motioned to recess as County Commission and convene as a Claims Board. The motion was seconded by Commissioner Trejo and unanimously approved. Budget and Procurement Director Joanne Hethcox reported that there were two claims both of which were for the Detention Center in the amount of \$1,544.97. Ms. Hethcox stated that in January the County received \$132,618.43 through GRT for the Indigent Program. There is a balance in that fund as of January 31, 2023, of approximately \$2,069,916.91 of which \$650,110.54 is previously encumbered for County obligations. Commissioner Trejo motioned to consider Claims dated February 9, 2023: \$1,544.97. The motion was seconded by Commissioner Chandler and was unanimously approved. Commissioner Chandler motioned to recess as a Claims Board and re-convene as County Commission. The motion was seconded by Commissioner Trejo and unanimously approved.

Community Support Reports: Executive Director of the Economic Development Council Christie Ann Harvey reported that she attended a meeting regarding H2A Housing for the agricultural community. She also attended a Border Authority Meeting as well as Silver Spikes in Santa Fe. She is working on the High Speed Broadband effort. She is also setting a meeting regarding the Market Rate Apartment Complex with a prospective developer. She was re-appointed to the Border Authority Board.

Candice McBain the Marketing Strategist from K Fox TV and CBS 4 gave a short presentation regarding an advertising campaign that she has been running for Luna County. The contract is coming up for renewal in April.

Debbie Troyer the Economic Development Coordinator of the Deming Luna County Chamber of Commerce reported on the new chamber members which included Rico Electric, T Mobile and Pianist Carmen Macdonald. There is a total of 272 members businesses of the Chamber of Commerce. A total of 28 businesses participated in the passport to fun game. The 2023 Chamber Gala will be held on March 11th and details can be found on the website and Facebook page. They

are kicking off Lemonade Day events on March 25th at Starmax. Lemonade day events will be held through October.

Elected Officials Report:

Assessor: Assessor Michelle Holguin reported that this is a busy time of the year for the Assessor's Office. Ms. Holguin stated that this is the rendering Period, where all information must be turned in and picked up, and reported to her office. Ms. Holguin stated that she is currently working on the Preliminary Budget as well as getting ready for evaluation by Property Tax Division which is done annually. Personal property, Livestock, and Manufactured Homes stickers need to be picked up and turned in by the end of February to avoid an assessed five percent penalty. Ms. Holguin stated that all exemptions are available right now through the end of April. These exemptions include Veterans, Head of Household, Disabled Exemptions, and 65 and older limitation freeze. Ms. Holguin also stated that the Notice of Values would be mailed out at the end of March. Ms. Holguin stressed how important it is to look at the Notice of Value when received, this will inform the public of what their taxes would be, which is based on the current tax rate because the new tax rate does not come in until September. If there are any questions on the tax evaluation, now is the time to ask about it. This is 30 days from the time these are mailed.

Clerk: No report given.

Probate Judge: No report given.

Treasurer: Chief Deputy Treasurer Jonathan Richmond reported that the only thing that their office had to report was that the telephone system had been integrated with Triadic to make the payment process easier for customers.

Sheriff: Under Sheriff, Jimmy Garcia reported for the month of January. Mr. Garcia stated that there were 193 calls of which 154 were non-criminal (civil), ten larcenies, seven burglaries, six motor vehicle thefts, five assaults and batteries, and eleven motor vehicle accidents.

Commissioners: No comments from the Commissioners were forthcoming.

County Managers Report: Mr. Brice reported they attended meetings in Santa Fe with the Border Industrial Alliance, Jerry Pacheco's group out Santa Teresa, and met with the Governor to discuss major projects, which he felt were received well. He also attended meetings along with the Silver Spikes and they had a really good discussion with the Governor regarding the Border. The Governor mentioned that she intends to take a trip down here to share her ideas soon after the Legislative Session.

Mr. Brice stated that the major projects for the Road Department are finally wrapping up. The road project for the Columbus Industrial Park is going out to bid soon. This will be a five or six million dollar project. They are in the process of purchasing six properties through the Sanders group for the Berm Project in Columbus.

Mr. Brice reported the DFA has not approved the Armory Board transfer. They will get the language right to get that cleared up and start designing the new Emergency Center.

Mr. Brice also reported that he is working closely with Senators Diamond and Representative Jones on funding for Capital Outlay.

The United States Marshall's average daily population is 192 which is low. The Marshalls are looking closely throughout the state at detention center staffing issues which are causing the numbers to be low. Staff retention is directly related to pay. They will continue to work with the Collective Bargaining Agreement to get pay up. There is a bill in Santa Fe to move minimum wage to \$16.00 per hour and if that is passed Luna County will be behind. Salaries for dispatchers is up to a good rate thanks to the salary study.

Mr. Brice stated that a Chuck Kretek and Malarie Villegas are working on the Budget and Strategic Planning Retreat.

Executive Session: Executive Session pursuant to section 10-15-1H(7) NMSA 1978 matters pending litigation; Opioid Litigation; Ruiz; Thomas; Punchall; Valencia; Munoz; Biggins; SNMEC; IPRA; PELRB and limited personnel matters pursuant to Section 10-15-1H(2). Commissioner Trejo motioned to go into Executive Session pursuant to section 10-15-1H(7) NMSA 1978 matters pending litigation; Opioid Litigation; Ruiz; Thomas; Punchall; Valencia; Munoz; Biggins; SNMEC; IPRA; PELRB and limited personnel matters pursuant to Section 10-15-1H(2). The motion was seconded by Commissioner Chandler and was unanimously approved following a roll call vote. Commissioner Trejo motioned to return from Executive Session where no other matters were discussed but Limited Personnel matters and pending Litigation. The motion was seconded by Commissioner Chandler and unanimously approved following a roll call vote. Chair Sweetser announced that no action was taken in Executive Session.

Upcoming Meetings/Events (Unless otherwise specified):

Luna County Offices will be closed; on President's Day February 20, 2023
County College: Luna County Assessor's and Treasurer's Department: February 23, 2023, at 5 p.m.
Regular Meeting: March 9, 2023, at 10 a.m.

Public Comment: Susan Schiffner commented that the new Commission Board should review all of the Ordinances and Resolutions that have been approved from Election Day to the Present and make any changes that the Commissioners see fit to make. Ms. Schiffner also asked that the County Attorney's position and salary be looked into, she commented that she feels that a full-time Attorney is unnecessary since a lot of other counties do not have one. Carmen MacDonald commented that she believes misprision (the deliberate concealment of the knowledge of a crime) is occurring in Luna County. She also asked if the county could announce when the Governor of New Mexico is coming to visit so that the community would have the opportunity to meet her. Ms. MacDonald also commended the clean-up occurring at the Jack Key property. Linda Harmon read a portion of the Constitution of New Mexico and then she commented that she has generations of family who have been in the military. She stated that she feels the constitution is being violated during Commissioner's Meetings.

Adjourn: Upon a motion by Chair Sweetser the meeting was adjourned at 12:30 p.m.

ATTEST:

Berenda McWright
Berenda McWright, Luna County Clerk

LUNA COUNTY BOARD OF
COUNTY COMMISSIONERS

Ray J. Trejo
Ray J. Trejo, District 1

Approved: 3-9-23

Collette M. Chandler
Collette M. Chandler, District 2

John S. Sweetser
John S. Sweetser, District 3

