

MINUTES
REGULAR MEETING
LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS
Thursday, November 16, 2023

BK 44 7205

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 10:00 a.m. on Thursday, November 16, 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, Administrative Assistant to the County Manager Mayra Hernandez, County Attorney Charles Krettek, Budget and Procurement Director Joanne Hethcox, Business Office Administrative Assistant Grisel Taylor, Director of Public Safety Pablo Montoya, Clerk Berenda McWright, Chief Deputy Clerk Leslie Nabours, Probate Judge Diana Diaz, Administrative Assistant Senior Toni Esparza, Chief Deputy Assessor Isabelle Enciso, Treasurer Kristie Hobbs, Chief Deputy Treasurer Jonathan Richmond, Planning and Zoning Director Lupita Hernandez, Sheriff Mike Eby, Undersheriff Jimmy Garcia, LCSO Deputy Marty Crumley, LCDC Chief of Security Robert Apodaca, Deputy Warden Justin Porter, LCDC Administrative Assistant Aundrea Pena, Grant Director Bryan Reedy, Deputy Director Yossie Nieblas, PAT Program Director Anna Barraza, Parent Educators Mirna Chairez, Irma Geaney, Gladys Gonzalez, Maria Munoz, Olga Neave, Jessica Portillo, Mary Ramirez, Kenia Reyna, and Stephanie Wilson, PAT Program Administrator Zalenna Pinon, PAT Data Specialist Maria Montano, JJCS Program Coordinator Anadely Martinez, Road Department Director David Bailey, Grant Writer Heather Lutz, DWI Program Manager Edith Vazquez, Starmax Director Chad Troyer, IT Technicians Nathan Ortberg and Billy Almanza.

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- not present for this meeting.
Colette M Chandler, District 2
John S. Sweetser, Chair District 3

MINUTES: Commissioner Chandler motioned to approve the minutes for the Work Session on October 12, 2023, and the Regular Meeting on October 12, 2023. The motion was seconded by Chair Sweetser and was unanimously approved.

SPECIAL AWARDS:

- County Manager Chris Brice presented IT Administrative Assistant Debra Seats with her pin for five years of service.
- Parent as Teachers Program Manager Anna Barraza presented Parent Educator Maria Munoz with her pin for five years of service.
- Sheriff Mike Eby presented Sheriff Deputy Marty Crumley with his pin for 10 years of service.

- LCDC Chief of Security Robert Apodaca presented LCDC Administrative Assistant Aundrea Pena with her pin for 10 years of service.

PRESENTATIONS:

- Tamara Rosenberg of Resound Networks gave a brief presentation on a connectivity plan for Luna County to provide access to Broadband to the many individuals without service here in Luna County.
- Grant Writer Heather Lutz stated that the data presented for Keep Luna County Beautiful is from March 30, 2023, to June 30, 2023. Within this time as stated by Ms. Lutz there was a total of 54, 535 pounds of litter, reused or recycled 1,171 pounds, and 84 tires picked up. Ms. Lutz stated that the average amount of trash picked up by volunteers was about 8,340 pounds, and completely cleaned up a total of 14 miles, with a total 137 1/2 hours worked. Ms. Lutz stated that right now the program only runs from October to June, but a program has been devised so that the program will be year-round. Ms. Lutz stated that Keep Luna County Beautiful hosted a recycled art show that was advertised on their web page and took place on November 2, 2023. Ms. Lutz stated that the event was on Facebook Live and nine judges participated. Ms. Lutz stated that Keep Luna County Beautiful worked with Mayor Benny Jasso to get community trees, foliage, and/or greenery put in at Trees Lake for the purpose of beautification and received a grant of \$1,000.00 to do so. Ms. Lutz stated that there is a Community Garden project that will be planted in the Spring, with Deming Cesar Chavez Charter High School being one of four places that put in to get a Community Garden. Ms. Lutz stated that DCCCHS has had a Community Garden in the past and would like to start one again in order to offer a Home Economics class to teach students how to cook with homegrown vegetables. Ms. Lutz stated that this would also be a good way to send healthy food home with students and their families who are only promised good meals while in school. Ms. Lutz stated that next year Keep Luna County Beautiful is planning to have a wall built in order for the graffiti art to be displayed, the art will be cleaned off every month so that new art can be displayed. This will also slow down the defacing of property and display the art in a central location. Ms. Lutz stated that the Keep Luna County Beautiful Program also received a \$200.00 grant to work with the schools to make a small commercial to show the other schools in the district how littering affects the economy, people, and the landscape of a community. There is a work program offered in which DCCCHS is involved in providing an intern. Ms. Lutz stated that the school is in the interview stage at this time and once an intern is hired, Keep Luna County Beautiful will give the school \$3,900.00 in order to pay the intern directly.

CONSENT AGENDA:

- Accounts Payable: \$2,091,933.59
- Payroll: \$1,316,664.78
- Resolution 23-76: Budget Increases
- Resolution 23-77: Budget Transfers
- Resolution 23-78: Disposal of Personal Property
- Oath of Office: Appointment of Special Deputy Lee Cook-Jordon
- Oath of Office: Appointment of Sheriff Deputy Clint Garner

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

Public Hearing:

- **Ordinance 117: Affordable Housing:** Community member Alberta Morgan asked for Clarification on Ordinance 117. County Manager Chris Brice stated that this is done through the Council of Governments and this housing is for anyone in the community who is at the low to moderate income level. The Executive Director of the Council stated that this Ordinance is in place primarily for the County to donate land.

Commissioner Chandler motioned to approve Ordinance 117: Affordable Housing. The motion was seconded by Chair Sweetser and unanimously approved following a roll call vote.

New Business:

- **Resolution 23-79: Finance Authority Loan/Grant with Luna County WPF-5969(China Draw, Rockhound, and East Florida Flood Prevention Improvements).** Road Department Director David Bailey stated that this is a plan and design project to allow the Road Department to work with engineers to figure out how to fix the flooding problem. Mr. Bailey stated that once this solution is offered, then there is a future application for construction that will be submitted. Mr. Bailey stated that the grant being applied for is \$1.35 million. Commissioner Chandler motioned to approve Resolution 23-79: Finance Authority Loan/Grant with Luna County WPF-5969(China Draw, Rockhound, and East Florida Flood Prevention Improvements). The motion was seconded by Chair Sweetser and was unanimously approved following a roll call vote.
- **Resolution 23-80: Request to Transportation Commission Regarding ROV Routes:** Mr. Brice stated that Resolution 23-80: Request to Transportation Commission Regarding ROV Routes: will need to be presented to the State Commission for approval. Commissioner Chandler motioned to approve Resolution 23-80: Request to Transportation Commission Regarding ROV Routes. The motion was seconded by Chair Sweetser and unanimously approved following a roll call vote.
- **Resolution 23-81: Call to Amend Ordinance 2: Lodger's Tax:** Planning and Zoning Director Lupita Hernandez stated that this Ordinance is for the purpose of changing the eligible uses for the proceeds. The Clerk's Office is handling Lodger's Tax at this time, but it will soon be taken over by the Planning Department. Commissioner Chandler motioned to approve Resolution 23-81: Call to Amend Ordinance 2: Lodger's Tax. The motion was seconded by Chair Sweetser and was unanimously approved following a roll call vote.
- **Resolution 23-82: Call to Amend Ordinance 5: Business Registration Fee:** Ms. Hernandez stated that this Ordinance is to change the amount of the fees whenever a business owner in the County defaults when it comes time to pay the renewal fee. Commissioner Chandler motioned to approve Resolution 23-82: Call to Amend Ordinance 5: Business Registration Fee. The motion was seconded by Chair Sweetser and unanimously approved following a roll call vote.
- **Resolution 23-83: Call to Adopt Ordinance 118: An Ordinance relating to Addressing, road naming, and street signs.** Ms. Hernandez stated that this Resolution is to be put into place because there is no addressing ordinance in place at this time. Commissioner Chandler

motioned to approve Resolution 23-83: Call to Adopt Ordinance 118: An Ordinance relating to Addressing, road naming, and street signs. The motion was seconded by Chair Sweetser and unanimously approved following a roll call vote.

- **Bid# 112-01: Luna County Roadway and Drainage Improvements, Majestic View, Paquime, Casas Grandes, La Paz, Tigua, and Manzano Roads.** Budget and Procurement Director Joanne Hethcox stated that this is to award the bid to Deming Excavating. Commissioner Chandler motioned to approve Bid# 112-01: Luna County Roadway and Drainage Improvements, Majestic View, Paquime, Casas Grandes, La Paz, Tigua, and Manzano Roads. The motion was seconded by Chair Sweetser and unanimously approved following a roll call vote

Certification of Canvas results for the Regular Local Election 2023:

Commissioner Chandler motioned to approve the Certification of Canvas results for Regular Local Election. The motion was seconded by Chair Sweetser 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 Chair Sweetser and was unanimously approved.

Budget and Procurement Director Joanne Hethcox reported that there were a total of 10 claims of \$15,884.03 and two denials of \$3,534.23. Ms. Hethcox stated that there was a total of \$94,987.06 in GRT and the Indigent Fund balance as of October 31, 2023, was right at 1.9 million dollars with almost \$400,000.00 encumbered for obligations. Commissioner Chandler motioned to approve the Indigent Claims Report as presented. The motion was seconded by Chair Sweetser and unanimously approved.

Commissioner Chandler motioned to recess as a Claims Board and reconvene as County Commission. The motion was seconded by Chair Sweetser and was unanimously approved.

Community Support Reports: Executive Director of the Council Christie Ann Harvey spoke about a Broadband capacity grant that was opened by the Office of Broadband Expansion that is designed to provide support procurement of grant writing, engineering, and planning services, that will aid in community broadband needs and recovery to facilitate the application for the grant. Ms. Harvey stated that this money would be used to hire Finely Engineering for this project. Ms. Harvey stated that she met with Western New Mexico Telecom out of Silver City as well as Resound Networks in an effort to understand where the Broadband deployment plan stands for Luna County. Ms. Harvey stated that she met with the NMSU Assistant Professor of Agriculture and Natural Resources Franny Miller and invited her here to show students how classroom learning is carried out in a rural environment as well as put a panel together. Ms. Harvey stated that this event was canceled due to a lack of student participation and communication difficulties. Ms. Harvey stated that Border Authority Executive Director Marco Grajeda resigned his position leaving Deputy Director Julio Jemez in his place. Ms. Harvey stated that a study will be conducted aimed at what could be targeted in the Port of Columbus or the new Industrial Park in Columbus to begin attracting of people to do business there

across the border. Ms. Harvey stated that there will be work facilities as well as any special facilities that will need to be built in this area. Ms. Harvey stated that she attended the Outdoor Economics Conference that was held in Santa Fe several weeks ago. Ms. Harvey stated that a meeting is scheduled for today with Mr. Brice, the WNMU Vice President Patricia West, and directors James Ortiz and Manny Rodriguez to discuss two classes (drywall and framing) that WNMU is looking into condensing into a single class. Ms. Harvey stated that this is due to the fact that there is a commonality in Power tools safety, measuring, and a certain degree of math. Ms. Harvey stated that she is working with Wanda Villa the owner of Alamo Truck Driving School in San Antonio Texas to bring an instructor here to conduct a CDL course every other month. Ms. Harvey stated that she is working with WorkForce Connection in hopes of getting tuition assistance if someone is in need of obtaining a CDL. Ms. Harvey stated that the Sign for Starmax is ready to be installed, but the quote has to be redone. The quote previously included the installation of the LED lights for only one side, not both.

Executive Director of the Deming Luna County Main Street Program stated that on Saturday, December 2, 2023. The Christmas Market will be held at 1:00 pm, Santa will be there with gift bags for the children, and a photo booth will be set up by Desert Jewels Photography free of charge to families to come through to get pictures with Santa. Ms. Evans stated that there will also be a light-up downtown which is a kickoff for those businesses that are participating in the contest to light up their businesses. The Light Parade will begin at 6 pm which will follow the route of Spruce to Gold down to Poplar to disburse for the annual community tree lighting.

Elected Officials Report:

Assessor: Chief Deputy Assessor Isabel Enciso reported for Assessor Michelle Holguin. Ms. Enciso stated that the Assessor's Office did a great job in the Fall/Halloween decorating contest where they won first place. Ms. Enciso stated that Livestock and Personal Property reports will be mailed out by December 29, 2023. Ms. Enciso stated that Flood Plan Manager Javier Reyes just attended the NMFMA 2024 Conference workshop in Albuquerque in order to maintain his flood plan certification. Ms. Enciso stated that Mr. Reyes is responsible for the flood plan for both the County and the City. Ms. Enciso stated that their abstract was approved and finalized by the Property Tax Division all values were balanced and approved and the warrant was turned over to the Treasurer's Office.

Clerk: No Report was given

Probate Judge: Probate Judge Diana Diaz stated that there were a total of 17 new probates 10 of which were foreign. Ms. Diaz stated that there were five marriages last month bringing the year-to-date total to 31. Ms. Diaz asked for the Board to please ask our Legislatures to support Volunteer Firefighters and other initiatives.

Treasurer: Treasurer Kristie Hobbs stated that tax collections are going very smoothly this year. Ms. Hobbs stated that her office is at 38% collection which is great for this time of the year. Ms. Hobbs stated that there are several different ways to pay your taxes, by mail with a check, by phone, on the website, or the drop box outside, and all of the services are being utilized for payment. Ms. Hobbs stated that taxes are due no later than December 10, 2023, after this date, there will be a penalty and interest charge. Ms. Hobbs stated that the Property Tax Sale Auction will take place on December 18,

19, and 20 on the third floor in the Chambers. In order to register buyers will have to be here first thing in the morning and register with the Property Tax Division in order to bid.

Sheriff: Sheriff Eby reported that for the month of October, there were 15 assaults and 11 burglaries in the following areas, 10400 block of SE Hwy 549, 9400 of SE Columbus Rd, 3600 block NW Overhill Dr, 4500 SW Florida St, 3600 block of SW Amado Rd, 6100 block of SE San Felipe Rd, 1100 block of SW La Paz Rd, 7200 block of SE Hwy 549, 8400 block of SE Dona Ana Rd, 1700 block of SW Ash St, 3300 block of NE Comanche Trail. Sheriff Eby reported six larcenies in the areas of 5600 block of Triste Rd SE, 700 block of West Spruce St, 900 block of NW Nelson Way, Intersection of McCan and La Bonita Dr, Intersection of Canto Rd and McCan Rd SE, Intersection of McCan and Solana Rd. Sheriff Eby reported four motor vehicle thefts in the areas of the 3500 block of SE Puentes Dr, Intersection of Puentes and Hood Dr. SE. Sheriff Eby stated that there was a total of 877 calls, 824 of these calls were non-criminal/civil calls, 36 were criminal calls, and 17 were motor vehicle accidents.

Commissioners: No Comments were forthcoming.

County Managers Report:

- **Miscellaneous:** Mr. Brice stated that the County offered a PTO buy-back program where employees who were eligible could sell back a certain amount of hours and also with the approval of the budget the County was able to give employees Longevity Pay. Both were intentionally awarded at this time to help during the holiday season. Mr. Brice stated that both LCDC and LCSO Bargaining agreements were approved allowing the raises for Sheriff's Deputies and LCDC Detention Officers to go into effect as well. Mr. Brice congratulated all newly elected City Officials. Mr. Brice stated that Maintenance did a great job with the lights around the Courthouse which are able to be changed according to the event or holiday.
- **GIS:** Mr. Brice stated that Judy Hatch, in GIS along with her staff, has been busy improving the maps to include a restaurant map that has been updated, an event map, a County event map, active businesses within the city, DWI internal maps to assist law enforcement in seeing where crime is trending, and a utility map to assist the County in seeing where problems are and to help figure out which utilities do not need to continue.
- **Road Department:** Mr. Brice stated that the Road Department is down five positions which include a part-time Administrative Assistant and four truck drivers/equipment operators. Mr. Brice stated that Road Department Director David Bailey has gone through a lot of the grants and has a lot of projects going on at this time. Mr. Brice stated that a meeting with the People's Water Coop was held on Monday, November 13, 2023. And, although there was not a lot of productivity, it was a start in getting people coordinated and getting them on a billing cycle to make some progress with the water coop.
- **Planning:** Mr. Brice stated that a permit through the State Engineer's Office was issued for the partial transfer of water rights from Sunnyside Farms in Columbus for the Cattleman's Beef Processing. Mr. Brice stated that the County is working with DFA at this time on the appraisal for the property. The subsequent lease with Cattleman's has issues with the appraisal. Mr. Brice stated that there are at least 50 property donations finalized at this time.
- **Miscellaneous:** Mr. Brice stated that Active Shooter training will be held on Monday, November 20, 2023, at Starmax and Wednesday, December 13, 2023, here at the Courthouse. Mr. Brice stated that the City's SWAT Team, LCSO, and other law enforcement entities will run some drills.

- **IT:** Mr. Brice stated that IT has installed the security cameras for Parents as Teachers, and Central Dispatch along with a security door. Mr. Brice stated that the County is looking at all of the buildings and with the crime that has been happening lately it is imperative for all County buildings to have cameras not only for crime but also accidents that may occur.
- **HR:** Mr. Brice stated that HR is always looking for people. Mr. Brice stated that the County is offering sign-on bonuses for Detention Officers, Dispatch, and LCSO. Mr. Brice stated that there was a hiring event that took place and attendance was not the best. Sign-on bonuses for Sheriff's Deputy is \$20,000.00, and for Dispatch and Detention Officer is \$10,000.00. Mr. Brice stated that these sign-on incentives may be causing issues with Court Security, but are working to see what can be done to help everyone in high-risk jobs.
- **DWI:** Mr. Brice stated that the DWI Program is monitoring 98 misdemeanor DWI offenders.
- **Teen Court:** Mr. Brice stated that there are currently three participants.
- **Health Council:** Mr. Brice stated that DWI Program Coordinator Edith Vasquez is very active with the Health Council. DWI Program Coordinator Edith Vasquez stated that Luna County's First Substance Use Prevention Conference to be held here in Luna County.
- **Grants/Projects:** Mr. Brice stated that this department has been very proactive in applying for the matching funds. This is a pot of money where the County would have to match a percentage to whatever grant is received. Mr. Brice stated that with this program a grant can be applied for to get the match aid as well. Mr. Brice stated that the County was just approved for \$780,000.00 extra from a Capital Outlay grant for cost overruns which in turn saves the County money. Mr. Brice stated that there will be a 90 percent meeting for the BERM to move forward with this project. Mr. Brice stated that the Starmax kitchen will be closed for renovations beginning Tuesday, November 21, 2023. Mr. Brice stated that the kitchen will be expanded to the West out toward the parking lot which allow for a lot more seating around the side and a bigger kitchen to be able to keep up with food orders. Mr. Brice stated that although the kitchen will be closed there will be quicker foods such as hotdogs, tacos, frito pies, etc. served over by the concession area.
- **Central Dispatch:** Mr. Brice stated that the upgrade for this department went great and everything seems to be going very well, the County is now planning for the migration of Dispatch over to the new facility. Mr. Brice stated that the first thing that needed to be worked on was the fiber optic for communication. Once this is complete the new facility can be used.
- **LCDC:** Mr. Brice stated that the average daily population for the US Marshalls is 248.
- **Luna County Fire:** Mr. Brice stated that there were 15 Volunteer Fire Department calls for service. Mr. Brice stated that \$100,000.00 was received from Fire Protection for extrication equipment to get people out of crashed vehicles, and there was also a \$25,000.00 grant for recruitment and retention.
- **Casa:** Mr. Brice stated that Casa had 49 children in Luna/Hidalgo/and Grant counties.
- **Miscellaneous:** Mr. Brice stated that Executive Director of the Council Christie Ann Harvey, Emergency Management Director Pablo Montoya, Planning Director Lupita Hernandez, Commissioner Chandler, and himself attended the Lodge and Recreation Conference in Santa Fe. Mr. Brice stated that with the availability of open space and trails here in Luna County, it is good to move forward with a project like this. Mr. Brice stated that he and Mr. Montoya both attended the County Manager's Retreat in Santa Fe for a day to get briefings from insurance companies, because of the issues with the state health insurance plan and the Assessment for hundreds and thousands of dollars that were received by Luna and other counties in New Mexico. Mr. Brice stated that the County is looking at health insurance alternatives should the County choose to opt out of the state's plan. Mr. Brice stated that the

Shop with a Cop Bowling Tournament took place on Saturday, November 18, 2023, at Starmax.


Upcoming Meetings/Events (Unless otherwise specified):

- Thanksgiving Holiday, November 22, 2023, Luna County Offices close at noon
- Thanksgiving Holiday November 23, 2023, Luna County Offices are closed
- Personal Day November 24, 2023, Luna County Offices are closed
- Public Input Work Session, December 14, 2023, from 9:30 a.m. - 10:00 a.m.
- Regular Meeting, December 14, 2023 at 10 a.m.


Adjourn: Chair Sweetser adjourned the meeting adjourned at 11:46 am.

ATTEST:

LUNA COUNTY BOARD OF COUNTY COMMISSIONERS




 Berenda McWright, Luna County Clerk

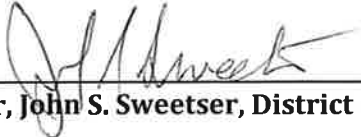


 Ray J. Trejo, District 1

Approved: 12-14-23



 Colette M. Chandler, District 2



 Chair, John S. Sweetser, District 3

