

**MINUTES
REGULAR MEETING
LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS
Thursday, April 6, 2023**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 10:00 a.m. on Thursday, April 6, 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 Yossie Nieblas, County Attorney Charles Kretek, Budget and Procurement Director Joanne Hethcox, Grants Administrator Heather Lutz, Emergency Management Director Pablo Montoya, Clerk Berenda McWright, Chief Deputy Clerk Leslie Nabours, Deputy Clerk Toni Esparza, Probate Judge Diana Diaz, Assessor Michelle Holguin, Chief Deputy Assessor Isabelle Enciso, Treasurer Kristie Hobbs, Chief Deputy Treasurer Jonathan Richmond, Road Department Director David Bailey, Sheriff Mike Eby, LCDC Director Lee Cook, LCDC Operations Captain Robert Apodaca, LCDC Training SGT Fabian Chyrez, Starmax Director Tyler Massey, IT Technician Joseph "JT" Apodaca, IT Technician Nathan Ortberg, IT Director Elizabeth El-Bizri,

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 Chandler motioned to approve the minutes for the Regular Meeting on March 9, 2023, and Work Session on March 23, 2023, as presented. The motion was seconded by Commissioner Trejo and was unanimously approved.

SPECIAL AWARDS: Parents as Teachers Program Manager Anna Palacios presented Program Administrator Zalenna Pinon with her pin for 10 years of service.

RETIREMENT: Patricia Armendariz was not present. LCDC Director Lee Cook stated that Ms. Armendariz retired after 23 years of service to Luna County.

PRESENTATIONS:

- Municipal Court Judge Edgar Davalos swore in 15 new Detention officers.
- LCDC Director Lee Cook presented the Restrictive Housing Quarterly Report for the first quarter of 2023, from January 1 through March 31, 2023. Mr. Cook stated that there was one 61-year-old male that was not out of his cell for full-time recreation which is 2.0 hours. Mr. Cook stated that the reason for this inmate not getting the full recreation time was due

to a mix up which lead detention officers to believe that he had completed his recreation time, thus causing the inmate to be put back in his cell early.

- Grants Administrator Heather Lutz reported for Keep Luna County Beautiful. Ms. Lutz reported on the Great American Clean-up Proclamation. Ms. Lutz stated that the state of our environment is of utmost importance to our community's health and prosperity, and to recognize the efforts of 20,000 communities Nationwide and over 500,000 Volunteers and participants whose efforts and work return roughly about \$100,000,000 of measurable benefits across these communities on average every year. Ms. Lutz stated that the Great American Clean-up Proclamation is a call to action for every citizen in our nation to do their part in keeping our communities clean and beautiful. Ms. Lutz stated that this proclamation also encourages us to come together to improve the places where we live, work, and play. Ms. Lutz reported that for 25 years the Great American Clean-up has grown to become one of Keep America Beautiful's largest community improvement programs keeping over 6,000 opportunities for millions of volunteers to make an impact and clean up more than 200,000 miles of roads, highways, and shorelines, and has made an incredible impact on our Nation's environment and economy improving health and safety to our communities.
- NIST Assessment Presentation by Neil Richardson from Tebron Enterprises. Mr. Richardson stated that for the past 10 years, he has been assisting municipalities and schools to implement common sense security. Mr. Richardson stated that the County IT Department Contracted with Tebron Enterprises to perform a NIST Cyber Security Assessment based on the Cyber Security framework. Mr. Richardson stated that the audit revealed several areas of significant risk. Mr. Richardson stated that the areas of improvement are primarily around documentation, policy, and process, which are all parts of a strong cybersecurity program.
- Executive Director of the Council Christie Ann Harvey introduced Marketing Strategist for K-Fox 14 Candice McBlain. Ms. McBlain presented an update on the positive impact the advertisement strategy she put into place for Luna County has worked. Ms. McBlain stated that there is a Landing page (visitlunacounty.com), which talks about Tourism, but also about all of the different economic things that are available as well, Luna County's airport, and a lot of the Port Opportunities, etc. Ms. McBlain also stated that there is a weather camera that has been placed on top of the Starmax building which can be seen on kfoxtv.com or cbslocal.com viewers are able to see the weather from this camera every day multiple times. Ms. McBlain stated that there are currently 2,340 times that commercials advertising for Luna County have been run, this includes the Special Needs playground, the Salsa Fest, and other events. Another thing that is done is called OTT, which means that they are unskippable commercials that are run on Amazon Firestick, Roku, etc. Ms. McBlain stated that some of the top publishers that Luna County is being shown on are as follows: Dish, LG, Samsung, Discovery, and others. Ms. McBlain stated that Luna County also has a Facebook page that anyone can see. There has been a total of 2.8 Million people who have seen Luna County advertisements in one year. Ms. McBlain stated that due to all of the advertising, this resulted in a new business (Binge) coming into Luna County. Ms. McBlain is very happy about all of the positive impact this advertisement has had on Luna County.
- Rick Holdridge reported for Deming Soil and Water Conservation District. Mr. Holdridge stated that Deming Soil and Water District is actually an arm of the State Government, and are all Elected Officials. Mr. Holdridge stated that there is a total of seven Board Members, and Mr. Holdridge has been the Chair for about 25 years, where the members coordinate all of the conservation actions in Luna County largely working with the Natural Resource

Conservation Service as their partner. Mr. Holdridge stated that the Natural Resource Conservation service brings in the money and the Deming Soil and Water Conservation District distributes it. The Federal Range Improvement Program is one of the Programs that Deming Soil and Water Conservation District work very closely with the Federal Government. Mr. Holdridge stated that this program is where the BLM takes some of the leasing fees that get sent from the ranchers into Washington and from there sends it back to the local communities, which in turn assists ranchers in improving their land.

CONSENT AGENDA:

- Accounts Payable: \$1,783,801.63
- Payroll: \$1,304,949.99
- Resolution 23-37: Budget Increase
- Resolution 23-38: Budget Transfers
- Proclamation 23-05: Local American Clean-Up
- Proclamation 23-06: Lemonade Day

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

Call for Ordinance:

Resolution 23-39: Call to amend Ordinance 29; Re-establishing a Planning Commission for Luna County. Commissioner Chandler spoke in favor of Resolution 23-39: Call to amend Ordinance 29; Re-establishing a Planning Commission for Luna County. Ms. Chandler spoke of getting people in the community who know a little about all of the important details that maybe the Commission Board does not understand and to guide them in making decisions once there is a better understanding of details. Commissioner Chandler motioned to approve Resolution 23-39: Call to amend Ordinance 29; Re-establishing a Planning Commission for Luna County. The motion was seconded by Commissioner Trejo and was approved by a two to one vote with Chair Sweetser voting in the negative.

NEW BUSINESS:

Resolution 23-40: Disposal of Assets: County Manager Chris Brice stated that these were eight RV's that funding was requested for by the mayor of the Village of Columbus to house people in Columbus when the Governor was here last year. Mr. Brice stated that the Governor agreed and got the funding and requested that Luna County be the Fiscal agent to handle that transaction. The RV's were delivered. This resolution is to let DFA know that Luna County no longer wants these assets on their books, due to the fact that the RV's belong to the Village of Columbus. Commissioner Trejo motioned to approve Resolution 23-40: Disposal of Assets. The motion was seconded by Commissioner Chandler and was unanimously approved following a roll call vote.

Resolution 23-41: Resolution Confirming Luna County to Participate in the NMDOT Project Fund (Sunshine and McCan Road Truck Route): Road Department Director David Bailey stated that this resolution and the next are both TPF projects, this meaning that paved roads or higher level drainage can be done. Commissioner Trejo motioned to

approve Resolution 23:41: A Resolution confirming Luna County to Participate in the NMDOT Project Fund (Sunshine and McCan Road Truck Route). The motion was seconded by Commissioner Chandler and was unanimously approved following a roll call vote.

Resolution 23-42: A Resolution confirming Luna County to Participate in the NMDOT Project Fund (Hermanas Road Truck Route): Mr. Bailey stated that this resolution is the exact same thing as the prior resolution just for a different location of this truck route. Mr. Bailey stated that the route is not new, but that the Road Department will only be fixing the road for the already established truck route. Commissioner Chandler motioned to approve Resolution 23-42: A Resolution confirming Luna County to Participate in the NMDOT Project Fund (Hermanas Road Truck Route).

Appointment of a Marshall Memorial Library Board Member: Mr. Brice stated that there were three individuals that were interested in being an appointed Marshall Memorial Library Board Member. Commissioner Trejo motioned to nominate Kim Perea. The motion was seconded by Commissioner Chandler and was unanimously approved following a roll call vote.

Indigent Claims Report: Commissioner Trejo motioned to Recess as a County Commission Board and convene as Claims Board. The motion was seconded by Commissioner Chandler and unanimously approved. Budget and Procurement Director Joanne Hethcox reported that in March there were seven claims for the Indigent Claims Fund, four of which were for the Detention Center. Ms. Hethcox stated that the County received \$134,963.12 in GRT Money, and the balance in that fund is \$1,830,197.69 of which \$943,862.34 is currently encumbered for contractual obligations. Commissioner Chandler motioned to approve the Indigent Claims report as submitted. The motion was seconded by Commissioner Trejo and was unanimously approved. Commissioner Chandler motioned to recess as a Claims Board and reconvene as a County Commission Board. The motion was seconded by Commissioner Trejo and was unanimously approved.

Community Support Reports: Executive Director of the Luna County Chamber of Commerce Debbie Troyer welcomed the newest Chamber members. Ms. Troyer stated that the Chamber of Commerce is currently serving 229 businesses. Ms. Troyer stated that on March 11th the Chamber hosted a sold-out Murder Mystery Gala. Ms. Troyer stated that on March 25, Starmax hosted the Lemonade Day kick-off with a total of about 190 to 200 people, registering 80 children in person, and several online. Ms. Troyer stated that this year the Chamber of Commerce is working with the schools. Several teachers are volunteering to teach after-school classes and programs and go through the Lemonade Day workbook. Ms. Troyer stated that the main Lemonade Day event will be held on May 13, 2023. Ms. Troyer stated that more information on Lemonade Day can be found on the Facebook page Lemonade Day Luna, which is very specific to Lemonade Day, and there is also a specific website which is lemonadeday.org/deming-luna. Ms. Troyer stated that the Quacker Newsletter is still going out weekly where members can advertise events and sales, etc. Ms. Troyer also wanted to remind the public that the Chamber of Commerce event Calendar can be found on the Chamber website, and any business even if not a member can go on and post events.

Executive Director Christie Ann Harvey reported for the council a non-profit economic development group. Ms. Harvey stated that two weeks ago she had met with Dr. Shepard for WNMU and obtained a commitment from him for an additional five years to be here at the Learning

Center. Ms. Harvey stated that Dr. Shepard wants to put his effort behind the creation of a technical education center here in Luna County and promote classes such as solar, fiber technicians, electricians, construction, CDL, etc. Ms. Harvey stated that support for the business build-out that is going to happen at the Port of Entry and other projects as they develop is critically important. Ms. Harvey stated that through her connection with the Border Authority, she was invited by the US Department of State to attend Bi-National Border Partners Meeting, which the governor attended and gave a speech on economic development and what is going on here in Luna County. Ms. Harvey stated that Luna County has to continue the effort to bring people here that have money. Ms. Harvey stated that she wanted to extend appreciation to Commissioner Trejo for the work that he has done previously for the past two years in bringing events to Trees Lake. Ms. Harvey stated that these events involve our children and the outdoors. Ms. Harvey stated that some of the outdoor activities for this event include archery, fishing, wildlife identification, and several other things. Commissioner Trejo stated that there was free food and there has been a total of about 200 fishing rods have been handed out to children that have attended this event. Ms. Harvey also stated that the State Director for broadband was here last week. The primary visit was to go to Columbus and present an award of over \$6,000,000 to Valley Telecom as they expand their fiber network deeper into Columbus also coming North up Highway 11 to Palo Alto RD for another 866 customers.

Executive Director Chelsea Evans of Deming Mainstreet extended an invitation to the Downtown Block Party that will be hosted by Deming Mainstreet. Ms. Evans stated that the date for this event will be Saturday, May 13, 2023, from 7 p.m. to 11 p.m. on the South block of Silver Avenue. Ms. Evans stated that this event will feature the 575 Band from Las Cruces for dancing, and local vendors are invited to take part.

Executive Director for the Deming Senior Center Julie Bolton stated that the center offers crucial services that are critical for the senior citizens. Ms. Bolton stated that here in Luna County 26 percent of the population are seniors that are 60 years and older and if 55 and older are included it goes up to 31 percent. Ms. Bolton stated that the Senior Center offers 11 programs that supplement seniors' lives and are crucial to helping with living at home. Ms. Bolton stated that the center also offers activities that help the seniors engage in the community and volunteer programs with 12 stations throughout Luna County with a total of 104 volunteers that are seniors 55 and older. The services that are offered by the center include nutritious home-delivered meals, transportation, home care services, and adult daycare services. Ms. Bolton stated that the meals are by donation and it has a two-dollar per meal donation fee. Ms. Bolton stated that the Deming Senior Center has now joined the New Mexico Grown Program which assists with food costs. The food is purchased from vendors who grow here in New Mexico. Ms. Bolton extended an invitation to the County Manager and Commission Board to go to the Senior Center for a tour.

Elected Officials Report:

Assessor: Assessor Michelle Holguin reported that she had attended the Assessor's Affiliate Meeting in Socorro NM from March 27 through March 29. Ms. Holguin stated that the meeting offered a lot of informative discussions. Some of the interesting topics that were talked about were Legislative issues which ones may be affecting us, and which ones are being watched. Ms. Holguin stated that Property Tax Division also attended and is looking at standardizing the Notice of Value forms across the state. Ms. Holguin stated that another topic that was discussed was the effect of Cannabis within the State and making sure that the Assessors look at regulating this issue. Ms.

Holguin stated that work is being done to clean up the regulation in the State Statute book, a lot of time statute is passed and no update is done to the regulation. Ms. Holguin stated that the Notice of Values were mailed out on March 31, 2023, which totaled 63,141 parcels from that 2,295 individuals have signed up online to receive their Notice of Values and Property tax bills. Ms. Holguin invited anyone who has questions on their Notice of Values to please come into the Assessor's Office within 30 days from the day the notices were mailed out, with May 1, 2023, being the deadline. Ms. Holguin stated that the Notice of Values is very important in the sense that it is an estimation of what your taxes might be which is based on the current tax rate until the new tax rates are received in September. Ms. Holguin stated that the Assessor's Office is currently working on their evaluation with Property Tax Division which will be May 17, 2023, this is to make sure that State Statute is being followed and if any guidance is needed.

Clerk: No report was given.

Probate Judge: Probate Judge Diana Diaz reported that the year-to-date probate is way down compared to last year. Ms. Diaz stated that year-to-date there are 39 probates when last year at this time there were 60. Ms. Diaz stated that marriages are down also, last year at this time there were 15 and this year there have only been seven. Ms. Diaz reported that on March 30, 2023, Governor Grisham signed Senate Bill 248 which is a bill that has been a long time in the making and allows a Probate judge to docket cases in another county at the expense of the county where the judge is visiting. Ms. Diaz stated that the fee, if probate has to go to district court, has been waived with this bill. Ms. Diaz stated that she would be attending the NMC Board meeting in May and that will be a session of wrap-up of what NMC proposed, what they sponsored, what got passed, etc.

Treasurer: Treasurer Kristie Hobbs stated that second-half taxes are due April 10, 2023, and will be delinquent after May 10, 2023. Ms. Hobbs stated that there is only one bill that goes out once a year in October and there are two coupons on your first bill. Ms. Hobbs stated that there are five ways for the public to pay their tax bills, online, by phone, through the drop box that is located in the back southeast corner of the building, by mail, or come into the office to pay.

Sheriff: Sheriff, Mike Eby reported that for the month of March 2023, six burglaries in the following areas 2700 block of Southeast Solana Rd, 5000 block of Southwest Alma Rd, 6000 block of Southwest Alma Rd, 17400 block of Southeast Coyote Rd, 1800 block of Northeast Hatch Hwy, 7000 block of Southeast Franklin Rd. Sheriff Eby reported nine larcenies in the following areas, 17400 block of Southeast Coyote Rd, 26000 block of Silver City Hwy, 1800 block of Southwest O'Kelley, 4800 block of Northwest Cherokee Trail, 6000 block of Southwest Alma Rd, Port of Entry, 2400 block of Southeast J St, the Intersection of Southeast McCann and Rockhound Rd. Sheriff Eby reported one illegal entry of a structure in the 9000 block of Southeast Hwy 549, there were two assaults, two motor vehicles recovered, and six motor vehicle accidents, with a total of 160 calls and 134 of the calls were civil non-criminal.

Commissioners: No comments from the Commissioners were forthcoming.

County Managers Report: County Manager Chris Brice gave the following report.

- **Dispatch:** Mr. Brice stated that there were a total of 1,125 911 calls received and 263 warrants were processed. Mr. Brice stated that through the LAPC and Dispatch, there was a

pipeline training that Kinder Morgan helped put on. The training was about the pipelines that run through the area and some of the hazards associated with them. Mr. Brice stated that the CAD Project is still going. Mr. Brice stated that the Emergency Operations Center which is the old Armory is about to be turned over to the County in an official ceremony on April 11, 2023, after about a year and a half of negotiations.

- **LCDC:** Mr. Brice reported that there were a total of 150 inmates that were booked and 168 that were released. Mr. Brice stated that the Marshall ADP is at 191.
- **Road Department:** Mr. Brice stated that the road department has one person currently in CDL class. Mr. Brice stated that the OSHA 10 Training was held here and ten road department employees attended. Four of the road department employees attended Traffic Control Technician/ Flagger Training on March 27th and 28th. Mr. Brice reported a total of 2,188 tires were picked up and 233 miles of road were bladed over the month.
- **Budget and Procurement:** Mr. Brice stated that there was a Budget and Strategic Planning Conference a couple of weeks ago and they are working on the budget now based on the input from all of the Directors and Elected Officials, salaries and benefits will be put into the budget.
- **Risk Management:** Mr. Brice stated that there were no COVID-positive cases, no close contacts. Mr. Brice did state that there were three Worker's Comp claims which is not good in one month.
- **Compliance Manager:** Mr. Brice stated that there were two internal investigations done. Mr. Brice stated that the Compliance Manager is working hard with Dispatch to get their department accredited. Mr. Brice stated that the SOP for Dispatch is almost complete and ready for him to review with hopes of Central Dispatch being the first entity to be accredited through New Mexico Counties.
- **Safety and Emergency Management:** Mr. Brice stated that there was a week-long active shooter exercise with all of the local law enforcement, Deming Fire Department, and Chaparral Elementary. Mr. Brice stated that these exercises have been going really well and they are something that is much needed with all of the shootings that have been happening especially in schools. Mr. Brice stated that the County now has a mass notification system and if anyone would like to sign up contact Emergency Management, Pablo Montoya, or the Department of Public Safety for assistance in doing so. Mr. Brice stated that this notification system will put out notifications on any kind of emergencies, road closures for maintenance, etc. Mr. Brice stated that the State Fire Marshall was here and conducted the annual inspection on Starmax and the Learning Center, and found very few and minor things that need attention and correcting.
- **Luna County Fire:** Mr. Brice stated that there were a total of 15 fires that were responded to and 12 burn notices.
- **CASA:** Casa has eight volunteers, and 20 kids in Luna County. Mr. Brice stated that Casa will be hosting a fundraiser Gala on April 29, 2023, at Lescombs Winery.
- **PAT:** Mr. Brice stated that Parents as Teachers distributed five car seats with training on how to install them correctly. Mr. Brice stated that if the parents can not afford the car seat Casa will give it to the parents, typically Casa asks for \$25 per seat.
- **JJCS:** Mr. Brice stated that 13 boys graduated on March 1st, Girl's Circle is still ongoing at the High School and will be a part of the PAT Gala on April 29, 2023.
- **IT:** Mr. Brice stated that there were 783 total work orders completed, 1,649 viruses, Trojans, and ransomware that were stopped by either County firewalls or email SPAM

system. Mr. Brice stated that JT Apodaca is now certified on CompTIA IT Fundamentals. Mr. Brice stated that IT is now hiring a Technician.

- **Planning Department:** Mr. Brice stated that the department has wrapped up the major land owner's purchase for the BERM Project. Mr. Brice stated that there is an entity that wants to donate the runway that is down in Columbus where the airport is to the County. Mr. Brice stated that the County is looking into the feasibility and what it would take for the County to get that.
- **Starmax:** Mr. Brice stated that there will be new equipment going into Starmax with the biggest problem being the size of the kitchen to be able to accommodate the people that come in. Mr. Brice stated that this will be the next major project for Starmax. Mr. Brice stated that Tyler has added couches along with phone charging stations, also all new bowling shoes.
- **HR:** Mr. Brice stated that there were 10 new hires and eight that left, Malarie Villegas is now working as HR/Legal Assistant, and the Manager's Office is now hiring.
- **DWI and Teen Court:** Mr. Brice stated that this department is now tracking 88 misdemeanor DWI offenders. Mr. Brice stated that there was a total of eight DWI arrests that have been reported this month by law enforcement.
- **Miscellaneous:** Mr. Brice stated that the New Mexico Counties Summer Conference is coming up to be held in San Juan County (Farmington). Mr. Brice stated that Kelly Schlegel the head of New Mexico Do It, the IT Guru, and her deputy were extremely thrilled with Luna County's willingness to jump in and do whatever it takes and try to get our Broadband up and work the Detention Centers. Mr. Brice stated that in the last year, he was on a task force working with the Department of Corrections and Detention to see if there was a possible way to maybe combine the two. Mr. Brice stated that he had briefed the Legislative Committee on information technology and how it plays a role in video court. Mr. Brice stated that more video court means more bandwidth, with this being the main reason for Ms. Schlegel's visit and tour of that Detention Facility. Mr. Brice stated that Secretary Buttigieg was in Luna County yesterday announcing the money that is coming out of the Biden Administration for infrastructure. Mr. Brice stated that he had a really good conversation with Senator Ben Ray Lujan about what is going on at the Port of Entry and Senator Lujan was very excited to come back and go to the Port and look at the plans.

Executive Session: Pursuant to Section 10-15-1H (2) NMSA 1978 Limited Personnel Matters: Commissioner Chandler motion to enter into Executive Session: Pursuant to Section 10-15-1H (2) NMSA 1978 Limited Personnel Matters. The Motion was seconded by Commissioner Trejo and unanimously approved following a roll call vote.

The Commission Board entered into Executive Session at 12:22 p.m. and returned at 1:05 pm. Commissioner Trejo motioned to return from Executive Session: Pursuant to Section 10-15-1H (2) limited to Personal Matters, where no other matters were discussed and no action was taken. The motion was seconded by Commissioner Chandler and was unanimously approved following a roll call vote.

Upcoming Meetings/Events (Unless otherwise specified):

Regular Meeting: May 11, 2023, at 10 a.m.

Work Session: April 27, 2023, at 3 p.m.

County College: TBD: April 27, at 5:30 p.m.

BK 44 5814

County Offices Closed: May 29, 2023, in Observance of Memorial Day

Public Comment: Kristie Kennedy offered a comment on making Luna County a beautiful place and art community.

Adjourn: Upon a motion by Chair Sweetser the meeting was adjourned at 1:12 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: 5-11-23

Collette M. Chandler
Collette M. Chandler, District 2

John S. Sweetser
John S. Sweetser, District 3

