

**MINUTES
REGULAR MEETING
LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS
Thursday, July 13, 2023**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 10:00 a.m. on Thursday, July 13, 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, Assistant to County Manager Yossie Nieblas, Executive Assistant Mayra Hernandez, County Attorney Charles Kretek, Budget and Procurement Director Joanne Hethcox, Emergency Management Director Pablo Montoya, HR Director Rosa Porras, HR Legal Assistant Malarie Villegas, Administrative Assistant Senior Toni Esparza, Probate Judge Diana May-Diaz, Assessor Michelle Holguin, Treasurer Kristie Hobbs, Chief Deputy Treasurer Jonathan Richmond, Planning and Zoning Director Lupita Hernandez, Sheriff Mike Eby, Undersheriff Jimmy Garcia, LCDC Chief of Security Robert Apodaca, Deputy Warden Justin Porter, Grants Administrator Heather Lutz, Road Department Executive Assistant Nancy White, IT Technician Joseph "JT" Apodaca.

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 June 8, 2023, and Special Meeting on June 26, 2023. The motion was seconded by Commissioner Trejo and was unanimously approved.

PRESENTATIONS:

- LCDC Chief of Security Robert Apodaca reported on behalf of LCDC Director Lee Cook.

RECOGNITIONS:

- Chief Deputy Clerk Leslie Nabours was recognized for receiving her New Mexico Certified Advocate for Public Ethics and New Mexico Certified County Clerk. Probate Judge Diana Diaz thanked everyone on Ms. Nabour's behalf.

CONSENT AGENDA:

- Accounts Payable: \$2,703,310.48
- Payroll: \$2,025,021.98
- Agreement Between Luna County And Chamber of Commerce
- Agreement Between Luna County and Rio Mimbres Country Club

- Agreement Between Luna County and Deming Arts Council
- Agreement Between Luna County and Deming Animal Guardians
- Agreement Between Luna County and Deming-Luna County Humane Society
- Agreement Between Luna County and La Casa Healing House
- Agreement Between Luna County and Luna County Commission on Aging
- Agreement Between Luna County and Luna County Historical Society
- Agreement Between Luna County and Luna County Mainstreet Program
- Agreement Between Luna County and Play Sharity Foundation
- Agreement Between Luna County and Luna County Silver Linings
- Agreement Between Luna County and Southwest NM State Fair Association
- Agreement Between Luna County and USDA/Aphis
- Resolution 23-55: A Resolution in Support and Financial Commitment for Corre Caminos Transportation Services.

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.

Ordinance:

- **Ordinance 112 Amended: Addressing Off-Highway Vehicles.** Commissioner Chandler motioned to enter into Public Hearing for Ordinance 112 Amended: Addressing Off-Highway Vehicles. The motion was seconded by Commissioner Trejo and was unanimously approved. Community member Dean White commented that Ordinance 112 on 4.3 should state that off-highway vehicles should not be allowed to exceed the speed of 55 mph. Commissioner Chandler motioned to adopt the ordinance with the amendment suggested. The motion was seconded by Commissioner Trejo and approved unanimously following a roll call vote.
- **Ordinance 76 Amended/Partially Repealed: Tax Obligation for Land Transfers, Divisions, and/or Recombinations.** Commissioner Trejo motioned to enter into Public Hearing for Ordinance 76 Amended/Partially Repealed: Tax Obligation for Land Transfers, Divisions, and/or Recombinations. The motion was seconded by Commissioner Chandler and unanimously passed. No Public Comment was forthcoming. Commissioner Trejo motioned to approve Ordinance 76 Amended/Partially Repealed: Tax Obligation for Land Transfers, Divisions, and/or Recombinations. The motion was seconded by Commissioner Chandler and was unanimously approved following a roll call vote.

New Business

- **Resolution 23-56: MSA between Luna County and the Village of Columbus:** Mr. Brice stated that this Resolution is the Multi-service agreement that is done on a yearly basis. Mr. Brice stated that the County will be giving the Village of Columbus more money to operate their landfill. Mr. Brice stated that the County will be giving \$10,000 more for the landfill and an additional \$50,000 more to keep their EMS and their Fire Department operational which serves all of Columbus. Commissioner Chandler motioned to approve Resolution 23-56: MSA between Luna County and the Village of Columbus. The motion was seconded by Commissioner Trejo and unanimously approved following a roll call vote.

- **Resolution 23-57: MSA between Luna County and the City of Deming:** Mr. Brice stated that this resolution is the same as the one with the Village of Columbus only bigger due to the fact that it is with the City of Deming. Mr. Brice explained the money that is given is used to keep everything within the City and County running smoothly such as the Pool and to help pay for inmates that are arrested for charges within the City, etc. Commissioner Trejo motioned to approve Resolution 23-57: MSA between Luna County and the City of Deming. The motion was seconded by Commissioner Chandler and was unanimously approved following a roll call vote.
- **Resolution 23-58: Authorizing filing an application for financial assistance to the New Mexico Colonial Infrastructure Board (Keeler Farm Colonias):** Mr. Brice stated that this resolution is to apply for funds for flooding control in the Keeler Farm Colonias area. Commissioner Chandler motioned to approve Resolution 23-58: Authorizing filing an application for financial assistance to the New Mexico Colonial Infrastructure Board (Keeler Farm Colonias). The motion was seconded by Commissioner Trejo and was unanimously approved following a roll call vote.
- **Vacation of Maverick Estates Subdivision:** Commissioner Chandler motioned to enter into Public Hearing. The motion was seconded by Commissioner Trejo and was unanimously passed. Planning and Zoning Director Lupita Hernandez stated that in April of this year, a request was submitted to vacate Maverick Estates Subdivision, since then the owner has complied with requirements of Ordinance 56 to vacate the plat. Ms. Hernandez stated that there was no issue in vacating the property because no one else owned this property, and there were no interior roads that needed to be vacated. Ms. Hernandez stated that the owner was able to contact Columbus Electric in order to vacate the utility. Ms. Hernandez stated that the property to be vacated is located off Monte Rd and Maverick. No Public comment was forthcoming. Commissioner Trejo motioned to approve the Vacation of Maverick Estates Subdivision the motion was seconded by Commissioner Chandler and was unanimously approved following a roll call vote.

Indigent Claims Report: Commissioner Chandler motioned to Recess as a County Commission Board and convene as Claims Board. The motion was seconded by Commissioner Trejo and unanimously approved. Budget and Procurement Director Joanne Hethcox reported that there was only one claim for the month of June for a total of \$1,338.93. Ms. Hethcox stated that there was a total of \$97,442.03 was collected in GRT. Ms. Hethcox stated that the balance in indigent Funds balance as of June 30, 2023, is \$1,609,928.81. Commissioner Trejo motioned to approve the Indigent Claims report as submitted. The motion was seconded by Commissioner Chandler 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: Christie Ann Harvey Executive Director of the Greater Luna County Economic Opportunity Council reported on Broadband and the fact that what was found in a recent study is that under all of the current plans, there will be an excess of at least 2,000 businesses and homes that will not be connected. Ms. Harvey stated that with the County's permission to have a grant written up to assist with the cost of having those not connected also have access to Broadband. Ms. Harvey stated that it was brought to her attention that collaboration with Dona

Ana County may help in obtaining the grant. Ms. Harvey stated that the Council will be setting up a film department for the County and have appointed Troy Scoutin to head this project. Ms. Harvey stated that there will be a film that will be produced here in Luna County in the Armory building starring Heather Lutz called Safe Haven Six. Ms. Harvey stated that last December she formed a relationship with Border Plex Connects, the El Paso Community Foundation of Las Cruces, as well as the Council and collaboratively wrote a competitive grant to the FCC to get \$300,000 of funding for ACP (American Connectivity Plan). Ms. Harvey stated that the grant was approved and part of the money will go to the Council. Ms. Harvey stated that, with this money, plans have been made on how to train community health workers to go out into the community over the next couple of years to educate people on how to apply for the ACP. Ms. Harvey stated that the ACP is a \$30 subsidy if there is a certain criteria that is met or \$75 subsidy for Indigenous People. Ms. Harvey stated that this will also provide a vehicle for the Council to educate people on how to use the Internet for banking, telehealth, etc. Ms. Harvey stated that with Debbie Troyer leaving the Chamber of Commerce, there was a negotiation between Ms. Troyer, the Deming Headlight, and the Chamber of Commerce and it was decided that Debbie would keep Lemonade Day. Ms. Harvey stated that as a result of that and Ms. Troyer's work with Jenifer Jones, a \$70,000 grant was awarded with Luna County being the Fiscal Agent.

Chelsea Evans Executive Director for the Deming Luna County Mainstreet Project gave an update on the scheduled upcoming events. Ms. Evans stated Salsa Fest, will be on July 29, 2023, beginning at 10 am at the Courthouse Park. Ms. Evans stated that this event will include lots of fun things to do such as corn hole, jalapeno/ watermelon eating contest, tortilla toss, salsa tasting, etc. The second event, National Night Out, will be held on Tuesday, August 1, 2023, at 6:00 pm at the Courthouse Park as well.

Sandy Foster with the Humane Society stated that the facility was re-opened on June 19. Ms. Foster stated that the Humane Society already has over 100 animals. Ms. Foster stated that the procedure that is being followed in order to prevent another outbreak is that when someone comes to surrender their animals they are asked to stay in their vehicles and a SNAP test which is similar to a COVID Test is done on the animal to check for distemper before taking in animals. Ms. Foster stated that if an animal tests positive it is in State Statute that the owner is responsible to get their pets' Vet attention before surrendering them. Ms. Foster stated that there are still a lot of spay/neuter vouchers left, only 88 of the 300 vouchers have been used.

Elected Officials Report:

Assessor: Assessor Michelle Holguin stated that the in the Assessor's Office, the values for 2023 were just certified to Property Tax Division and she is waiting to hear back on the final approval. Ms. Holguin stated that there are two new employees Itzel Lopez and Alondra Palsa who are being trained on all of the functions of the Assessor's Office at this time. Ms. Holguin states that the Assessor's Office is still in the process of getting aerial imagining which would include a file for every two years, and would be very beneficial to the County. Ms. Holguin stated that the Appraisal staff is busy working on protests, and there were 46 for this year. Ms. Holguin stated that Jacquelyn Tarazon Appraiser three will be traveling to Socorro next week to take her final course for her certification.

Clerk: No Report Given

Probate Judge: Probate Judge Diana Diaz stated that since the last meeting in June, there have been 15 new probates. There were 10 probates without wills and 10 were Foreign. Ms. Diaz stated that there were four marriages for a total of 18 for the year. Ms. Diaz reported on the NMC Board of Directors Conference that she attended in Farmington. Ms. Diaz stated that the big issue that was discussed was that the General Service Division sent invoices out to 24 counties for hundreds of thousands of dollars and is requesting the Counties pay the deficiency in their group self-insurance fund because they have failed to assess increases in their premiums due to the rising cost of insurance and COVID. Ms. Diaz stated that at this time there is a petition that Luna County is a part of, for judgment in the 7th Judicial Court, but there have been no updates on the status of this. Ms. Diaz stated that the next NMC Board meeting would be held on August 3rd and 4th in Carlsbad. Ms. Diaz stated that at this meeting there may possibly be more information on the matter. Ms. Diaz stated that the primary presidency for the filing of the petition that the funding that the General Service Division is seeking is not an appropriation therefore, it is illegal to ask the counties to pay. Ms. Diaz stated that the second concern from the NMC Board was that previously County Managers and the Sheriff's Offices were asked to submit statistical data for qualified prisoners to seek additional funding so that the County would not have to for funding for prisoners in the County jail but need to be in a State facility, transported into another state, or are Federal prisoners.

Treasurer: No Report Given

Sheriff: Sheriff, Mike Eby reported that for the month of June 2023, there were 9 burglaries in the following areas; 3600 Block of Southeast Cabrito Rd, 200 Block of Lewis Lane, 700 Block of Northwest Highland, 2400 Block of Northeast Daisy Lane, 2000 of Southeast Rockhound Rd, 7300 Block of Southeast Rockhound Rd. Sheriff Eby stated that there were also two burglaries located one at 3800 Block Southeast Highway 11, in Columbus New Mexico and one at the 500 Block of North Ohio St. Sheriff Eby stated that there were seven larcenies in the following areas, 99300 of Southwest Sunshine Rd, 16300 Block of Southeast San Pedro Rd, 700 Block of Northwest Apache Hills Rd. Sheriff Eby stated that there was a larceny of mail at the following addresses, 2200 Block of Northeast Hunt and Little Dr., 16000 Block of Southeast Trocadero Rd, and 5600 Block of Southeast Brangus Rd. Sheriff Eby stated that in Columbus there was a larceny in the 500 Block of Ohio St. Sheriff Eby stated that three criminal motor vehicle incidents were reported, one recovered vehicle by LCSO, and one motor vehicle theft reported to LCSO. Sheriff Eby reported that in Columbus there was one motor vehicle tampering that occurred in the 500 Block of North Ohio St and two arsons were reported in the following areas 15800 Block of Montezuma Rd, 11400 Block of Highway 549 near mile marker Nine. Sheriff Eby reported that there were five assaults, 17 motor vehicle accidents, and a total of 208 calls of which 166 of those calls were non-criminal.

Commissioners: No comments from the Commissioners were forthcoming.

County Managers Report: Mr. Brice reported that the Sheriff's Office has submitted their numbers for transport from LCDC.

- **Miscellaneous:** Mr. Brice reported that the Department of Health is done and moved into the remodeled facility, along with Parents as Teachers on Slate St. Mr. Brice stated that

sometime in September there will be a grand opening of the facility. Mr. Brice stated that there is a bit of conflict with the Armory, the military has a lease on the building to use it as an operating station and possibly to stay there overnight if need be. The County is also working with the movie company to do their movie production in the facility. Mr. Brice stated that the County has started some of the money to start the process for the Armory to become the Emergency Operations Center, with step one being to get Fiber Optics in the building. Mr. Brice stated that IT has submitted a quote to get new fiber optics which is mandatory when there is that kind of communication equipment. Mr. Brice stated that the BERM Project in Columbus is in the final stage of acquiring the last piece of property due to the owner who is deceased did not have an estate or anything so it took longer to acquire this piece of land. Mr. Brice stated that Edith in the DWI department had put in for Congressional Directed spending for a Health Council Trailer where kids can go in and do activities. Mr. Brice stated that this grant was in the last round of Congressional Directed spending at the Federal Level. Mr. Brice stated that if they ever get a new budget this grant will go through and get approved, if not, the money will just sit until a new budget is done. Mr. Brice stated that Assistant to County Manager Yossie was working between La Casa and Silver Linings. There was a grant put in for \$300,000 to be able to take care of the homeless. Mr. Brice stated that the County was not eligible this year for CDBG due to the fact that the County's part was not complete. Mr. Brice stated that although the County was not eligible this year, it will be for 2024. There were public meetings held and input received from a group in Columbus, along with Silver Linings who gave ideas on things that could be done. Mr. Brice introduced new Deputy Warden Justin Porter. Mr. Brice stated that Mr. Porter has been a warden in two other counties in New Mexico, the head of the Detention Affiliate, and the head of the Accreditation Council for Detention Centers. Mr. Brice stated that Shop with a Cop has a lot of events coming up. Mr. Brice stated that at National Night Out the County will have a box set up for donations along with all of the planned fundraising events for Shop with a Cop which include a golf tournament in October, a Bowling Tournament, a Cash Party in December, a Corn hole Tournament coming up in August at Duck Downs. Mr. Brice stated that finally the sign that has been in the works for a while has been completed and will be placed in the Starmax parking lot, the sign is 25 ft. high and 22 ft. wide and weighs about 6,500 pounds. Mr. Brice stated that the audit is starting again. Mr. Brice stated that the County has the preliminary designs for the outdoor entertainment area, which consists of batting cages, basketball courts, a skate park, and a roller rink. Mr. Brice stated that the County also has the preliminary design for the expansion of the kitchen, bar, and restaurant. Mr. Brice stated that this is to include bathrooms in the bar to prevent those that have been drinking to cross through the area where the kids are. Mr. Brice stated that Starmax is still moving forward with its Summer Youth Program. Mr. Brice stated that the County has a pool party planned for the Summer Youth program kids and this will end the Summer Program for the summer.

Upcoming Meetings/Events (Unless otherwise specified):

- ICIP Public Hearing Work Session July 27, 2023, at 4:00 pm
- Citizen's College: Luna County Strategic Plan: June 27, 2023, at 5:30 pm
- Public Input Work Session August 10, 2023, from 9:30-10:00 am
- Regular Meeting: August 10, 2023, at 10 am

LUNA COUNTY BOARD OF COMMISSIONERS

ATTEST:

Ray J. Trejo
Ray J. Trejo,
Commissioner, District 1

Berenda McWright
Berenda McWright, County Clerk

Colette M. Chandler
Colette M. Chandler,
Commissioner, District 2

John S. Sweetser
John S. Sweetser, Chairperson
Commissioner, District 3

