

**MINUTES
REGULAR MEETING
LUNA COUNTY BOARD OF COUNTY COMMISSIONERS
Thursday, April 11, 2019**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 10:00 a.m. on Thursday, April 11, 2019 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 David McSherry, County Attorney Charles C. Kretek, Human Resource Assistant Erica Carlos, Clerk Andrea Rodriguez, Chief Deputy Clerk Berenda McWright, Deputy Clerk Pilar Salcido, Assessor Michelle Holguin, Chief Deputy Assessor Isabelle Enciso, Treasurer Gloria Rodriguez, Chief Deputy Treasurer Dora Madrid, Sheriff Kelly Gannaway, Captain Michael Brown, Community Health and Welfare Director Jessica Jara, IT Technician Judy Hatch, Probate Judge Diana May-Diaz, Risk Management Mark Jasso, Road Department Director Marty Miller, Road Department Supervisor Mike Hatch, DWI Program Manager Edith Vazquez, DWI Administrative Assistant Charmaine Sias, DWI Preventionist Teresa Aguilera, CASA Volunteer Joanna Vasquez, CASA Program Manager Viviana Silva, Code Compliance Officer Manny Armendariz, Planning Administrative Assistant Patricia Rodriguez, Code Compliance Supervisor Frankie Tarazon, and Budget & Procurement Director/Indigent Claims Administrator Joanne Hethcox.

CALL TO ORDER: Chair Smrkovsky called the meeting to order at 10:00 a.m., and led the Pledge of Allegiance and the salute to the flag of New Mexico. She introduced County Manager David McSherry to the public. Mr. McSherry said he was looking forward to working with all in Luna County.

ROLL CALL: Deputy Clerk Pilar Salcido 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 requested approval of the agenda with the removal of Consent Agenda items e., f. and g. and to be put under new business for discussion. Commissioner Reedy motioned to approve the agenda as amended. Commissioner Sweetser seconded the motion which carried unanimously.

MINUTES:

- **Special Meeting – March 8, 2019:** Upon a motion made by Commissioner Reedy and a second by Commissioner Sweetser the Minutes of the March 8, 2019 Special Meeting were unanimously approved.
- **Work Session – March 14, 2019:** Upon a motion made by Commissioner Sweetser and a second by Commissioner Reedy the Minutes of the March 14, 2019 Work Session were unanimously approved.

- **Regular Meeting – March 14, 2019:** Upon a motion made by Commissioner Reedy and a second by Commissioner Sweetser the Minutes of the March 14, 2019 Regular Meeting were unanimously approved.

ELECTED OFFICIALS REPORTS: Probate Judge Diana May-Diaz reported that she attended a training in December where she learned about Senate Joint Resolution 8, which was spearheaded by Judge Judith Nakamora and carried in the Senate by Senator Ivy Soto. The resolution was to add a constitutional amendment where County Commissioners could do away with Probate Judges. The resolution passed the Senate but failed in the House of Representatives. Judge May-Diaz reported that this issue may come up again in two years. She felt the need to write a fair share of letters to committees in the House of Representatives. Judge May-Diaz reported that she has opened and reviewed over 50 probate files to date. She stated that probate judges serve the public well. They do not charge for answering probate questions verses seeing an attorney for a fee. Probate forms can be downloaded from the website for free, or picked up at the Clerk's office for a fee of \$5. She is hoping to serve as many individuals this year as the Clerk's office did last year. Ms. Diaz also has the responsibility of conducting marriages, to date she has married 16 couples.

Treasurer Gloria Rodriguez reported they are very busy with second half tax collections which are payable by May 10, 2019 after the 10th there is 1% total tax penalty and \$5 or 5% whichever is greater. Property Tax Division will be here April 25, 2019 at 10:00 to conduct a public tax sale on delinquent accounts, this sale will take place in the third floor chambers. There are 204 items on the list, to date 11 have been paid most individuals wait until the last minute to pay delinquent taxes so hopefully the sales number will be less. The financial report has been balanced and sent to the departments, County Manager and County Commissioners. Ms. Rodriguez invites anyone to visit her office for any questions.

Clerk Andrea Rodriguez reported that it is time to elect a board member for NMC. She mentioned that any elected official can be nominated or nominate themselves. The deadline to be considered is April 30, 2019, all candidates must inform Ms. Rodriguez of their intent. The election will take place on May 2, 2019 and the ballots will be counted on May 3, 2019. Three individuals in the Clerk's office will be going to Santa Fe to meet with the Secretary of State's Office to discuss laws that have passed and how they will affect Luna County. Ms. Rodriguez also reported that Research and Polling have added precincts to Luna County, we now have 17 precincts verses 12, and they will be here in the near future to explain the change prior to approval from the Commission.

Assessor Michelle Holguin welcomed David McSherry as the County Manager. She reported the Assessor's Office mailed 61,067 notice of values on April 1, 2019, along with inserts explaining the notice evaluation, exemptions and services offered during the rendering period. The same information can also be seen on the Assessor's web-site labeled understanding your property assessment. Property owners have until May 1, 2019 to sign up for their exemptions, which include head of household, veteran's, 100% disabled veteran's and the evaluation freeze. The insert also explains how the tax bills are calculated based on the third of full value, the obligation of reporting improvements and disclosure of sale on residential properties. The insert also explains how to protest if you don't agree with the assessed values. The Assessor's Office just received notification

that next year, the modified gross income for the limitation value freeze was \$32,000. It will be increased to \$35,000 for 2020. The Property Tax Division will hold a tax sale on April 25, 2019. The two appraisers that were sent to IAAO class to complete their certification passed their tests. The Appraiser's Office now has a total of five certified appraisers. Ashley Gallegos will be moving to the appraisal department, so her position in the front office has been posted. A GIS Technician Position will also be posted shortly. Ms. Holquin stated they are still undergoing the Sidwell project which will generate a new UPC for each property in Luna County and adjust and realign the property lines to insure accuracy. Appraisers are in the field re-appraising for 2021. Ms. Holquin also mentioned she has turned in the preliminary budget and thanked Joanne for all of her help.

Sheriff Gannaway reported on the statistics for the month of March. Mr. Gannaway stated that assaults and vehicle theft are up, burglaries and larcenies are down, the over-all total for criminal are down, non-criminal, civil and accident are up and DWI is zero. Sheriff Gannaway hired two new Deputies, Jimmy Garcia and Dillon Graves, which started on Monday. Sherriff Gannaway mentioned a pilot program will be starting on April 24, 2019 where an Intel Officer will be placed in Luna County and other border Counties. He is looking forward to this program as there will be intel sharing with other Intel Officers along the border. He also mentioned there will not be a cost to the County at this time as this is only a pilot program that will last six months.

Chair Smrkovsky reported that she attended the Executive Committee for the NMC, where they discussed the following bills. Motor Vehicle excise tax is to be raised to 4% and half of 1% will go to the State Road Fund and the other half of 1% is to go to Local Road Funds. This is estimated to be about \$40,000,000 being shared with Counties. She also reported that the House Bill 6 "the Tax Packet" was vetoed, but internet tax will begin in 2022. The State estimates \$24,000,000 will be coming in from that tax. The Counties will get a share of that. House Bill 379 GRT taxes are being de-earmarked so that they can be used for other applicable issues. She reported that she will have more information soon on this. She also reported that the three Commissioners attended the Farm Bureau Meeting in addition to State Representative Candie Sweetser.

COUNTY MANAGER'S REPORT: County Manager David McSherry announced he will be attending the NMC Legislative update next week and plans to learn what was and was not passed pertaining to Luna County. Mr. McSherry stated that he continues to evaluate the County's operations and has found that the employees are very dedicated. He asked for patience as he has many questions and may be overly interested in what the different County Departments are doing. Mr. McSherry also mentioned he had the privilege to see the volunteer fire department at work during the recent fire at the Columbus Stock Yard. He plans to visit all departments in the near future.

INDIGENT CLAIMS REPORT: Upon a motion by Commissioner Reedy and a second by Commissioner Sweetser, the meeting of the Board of County Commissioners was unanimously recessed and the meeting of the Indigent Hospital Claims Board convened. Budget and Procurement Director Joanne Hethcox reported that five claims were received for the month of March, of which one claims was for the Detention Center in the amount of \$3,640.93. The GRT collected in March was \$51,048.91. The encumbered amount was \$89,247.54 with a cash balance of \$940,980.39. Commissioner Sweetser motioned to approve the Indigent Claims Report. Commissioner Reedy seconded the motion which carried unanimously. Commissioner Reedy motioned to recess as a

Claims Board and reconvene as a County Commission. Commissioner Sweetser seconded the motion which carried unanimously.

PUBLIC COMMENT: Chair Smrkovsky opened the floor to Public Comment. No public comment was forthcoming.

CONSENT AGENDA: Upon a motion by Commissioner Sweetser and a second by Commissioner Reedy the following items of the Consent Agenda were unanimously approved following a roll call vote. Items e, f, and g, were moved to new business.

- a. Accounts Payable: \$1,076,521.81
- b. Payroll: \$1,473,686.30
- c. Resolution 19-18 Budget Increases
- d. Resolution 19-19 Budget Transfers

NEW BUSINESS: Chair Smrkovsky reviewed each item on the New Business agenda with the Commissioners:

- a. **Voting Members for Multi-Line Membership Pool and Worker's Compensation Membership Fund:** County Attorney Charles Kretek suggested that the same person be both Multi-Line and Worker's Compensation Members and Alternate. Chair Smrkovsky motioned to assign Joanne Hethcox as the delegate and County Manager David McSherry as the alternate member for both Multi-Line and Worker's Compensation Membership Fund. Commissioner Sweetser seconded the motion which carried unanimously.
- e. **Resolution 19-20 Correcting Certification for Maintained Roads in Luna County:** Manager David McSherry recommended approval of the resolution correcting the certification for maintained roads in Luna County to reflect the intent the board to add the roads of Dove Meadow Estates for the next fiscal year, starting on July 1, 2019. Commissioner Sweetser motioned to approve Resolution 19-20 Correcting Certification for Maintained Roads in Luna County. Commissioner Reedy seconded the motion which carried unanimously.
- f. **Give Grandly Proclamation:** Samantha Apodaca, General Manager at Border Partners a local non-profit group in Deming, stated that she is here on behalf of the Grant County Community Foundation Southwest New Mexico Non-Profit Coalition with 54 total non-profit organizations participating in Give Grandly Give Local. She thanked the Board of Luna County Commissioners for supporting this endeavor which provides much needed services that enhance the quality of life in Southern New Mexico. She invited the Commission and the public to join her on May, 11, 2019 from 8:30 a.m. to 2:30 p.m. at the Farmers Market in Silver City, where they will provide food, activities and a day in giving to all non-profits. Chair Smrkovsky asked that three signature lines be added to the proclamation so that all three Commissioners sign and approve the proclamation. Commissioner Reedy asked if we have an event like this in Deming. Ms. Apodaca indicated that this is the coalition of all southwestern non-profit in the area and this event just happens to take place in Silver City. She also mentioned they have had some discussion in having an event in Deming. Chair Smrkovsky asked if the Girl Scouts in Deming were included, Ms. Apodaca didn't think so. County Manager David McSherry

explained that there are many non-profit agencies in Luna County which participate in increasing and improving the quality of life in Luna County and he asked if we could amend the proclamation to include Non-Profit in the Luna County Area. Commissioner Reedy motioned to approve Give Grandly Proclamation as amended. Commissioner Sweetser seconded the motion which carried unanimously.

- g. Fair Housing Proclamation:** Chair Smrkovsky explained that April is Fair Housing month nationwide and recommended approving the proclamation in March going forward so that it covers the entire month of April. Commissioner Sweetser motioned to approve the Fair Housing Proclamation. Commissioner Reedy seconded the motion which carried unanimously.

EXECUTIVE SESSION: to discuss Limited Personnel Matters pursuant to §10-15-1 (H) (2) NMSA 1978 pertaining to the County Manager’s goals and performance objective. Commissioner Reedy motioned to go into Executive Session to discuss limited personnel matters pursuant to §10-15-1 (H)(2) NMSA 1978 NMSA pertaining to the County Manager’s goals and performance objective. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote. The Commissioners went into Executive Session at 10:51 a.m. and returned from Executive Session at 1:24 a.m.


Chair Smrkovsky entertained a motion to return from Executive Session. Commissioner Reedy motioned to return from Executive Session where no other matters were discussed other than the matters pertaining to the County Manager goals and performance objective and where no action was taken. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.

UPCOMING MEETINGS: Chair Smrkovsky announced the following upcoming meetings.

Work Session- May 09, 2019 at 9:00a.m.
Regular Meeting- May 09, 2019 at 10:00 a.m.

ADJOURN: Upon a motion made by Commissioner Reedy and a second made by Commissioner Sweetser the meeting was adjourned at 1:25 p.m.

ATTEST:



ANDREA RODRIGUEZ, LUNA COUNTY CLERK


APPROVED: May 8, 2019



LUNA COUNTY BOARD OF COUNTY COMMISSIONERS


BARBARA L. REEDY, DISTRICT 1


LINDA M. SMRKOVSKY, DISTRICT 2


JOHN S. SWEETSER, DISTRICT 3