

MINUTES
REGULAR MEETING
LUNA COUNTY BOARD OF COUNTY COMMISSIONERS
Wednesday, May 8, 2019

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 10:00 a.m. on Wednesday, May 8, 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, Administrative Assistant Laura Garcia, Chief Deputy Clerk Berenda McWright, Deputy Clerk Pilar Salcido, Elections Specialist Leslie Nabours, Assessor Michelle Holguin, Chief Deputy Assessor Isabelle Enciso, Treasurer Gloria Rodriguez, Sheriff Kelly Gannaway, Captain Michael Brown, Dispatch Director Lauree Sanchez, Community Health and Welfare Director Jessica Jara, IT Technician Judy Hatch, DWI Program Manager Edith Vazquez, and Budget & Procurement Director/Indigent Claims Administrator Joanne Hethcox.

CALL TO ORDER: Chair Smrkovsky called the meeting to order at 10:21 a.m., and led the Pledge of Allegiance and the salute to the flag of New Mexico.

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 agenda as presented. Commissioner Reedy motioned to approve the agenda as presented. Commissioner Sweetser seconded the motion which carried unanimously.

MINUTES:

- **Work Session – April 11, 2019:** Upon a motion made by Commissioner Sweetser and a second by Commissioner Reedy the Minutes of the April 11, 2019 Work Session were unanimously approved.
- **Regular Meeting – April 11, 2019:** Upon a motion made by Commissioner Reedy and a second by Commissioner Sweetser the Minutes of the April 11, 2019 Regular Meeting were unanimously approved.

ELECTED OFFICIALS REPORTS: Treasurer Gloria Rodriguez reported that the tax auction which was conducted on April 25th went very well. The County had 213 parcels to sell, 42 of them were paid prior to the auction, and 34 parcels were sold which left 137 without bids or pulled. Ms. Rodriguez thanked Sheriff Gannaway for providing security for the public auction. The Treasurer's office is busy with second half tax collections which are payable by Friday, May 10, 2019 without any

late fees, this information was published 3 times in the newspaper. Ms. Rodriguez also reported that the financial report is coming along and should be balanced by Friday.

Assessor Michelle Holguin reported that rendering period came to an end on May 1, 2019. The Assessor's Office received 147 protests out of the 60,000 notice of values issued. The appraisers will be starting the protest process including scheduling informal hearings. Ms. Holguin mentioned they are in full swing with the Sidwell Project and she continues to work on the budget. She also mentioned that they are gathering all the necessary data for the certification that is due to Property Tax Division by June 15th to certify all values, as well as entering all data for the sales ratio report due to Property Tax Division on July 1, 2019. Interviews for the Luna County Specialist position have been completed. The posting for GIS Coordinator position closed yesterday and applications will be reviewed and interviews scheduled within the next couple of weeks. Four appraisers are currently in Albuquerque attending the Marshall & Swift Class for valuing commercial properties.

Chief Deputy Clerk Berenda McWright thanked Leslie Nabours, Chuck Kretek and Judy Hatch for their hard work in putting the resolution and the map together for the adjustment of precinct boundaries.

Sheriff Gannaway reported on the statistics for the month of April. Mr. Gannaway stated that assaults, vehicle theft, burglaries and larcenies are up, all criminal calls are up from last month. Non-criminal are up, accidents are down and DWI's are down as well. Overall all the calls are up.

Chair Smrkovsky wasn't able to attend the NM County Board meeting in Farmington so Commissioner Reedy graciously attended this meeting. Ms. Smrkovsky thanked Commissioner Reedy for attending. Commissioner Reedy reported that there was a lot of information provided to them including an extensive report on PNM and the aspects of how that is affecting the Farmington community. Ms. Reedy congratulated Chair Smrkovsky for another two years of being on that board and offered to take over for her anytime.

COUNTY MANAGER'S REPORT: County Manager David McSherry reported that he continues to work on assessing the County operations. He continues to visit with departments and familiarize himself with the County programs and infrastructure. He also mentioned he attended a training on Infrastructure Capital Improvement Plan in Albuquerque and currently has County staff members attending the ICIP training in Silver City. He also visited with the engineers for the New Mexico Border Authority and the New Mexico Transportation Secretary at the New Mexico Transportation Conference in Las Cruces regarding the Port of Entry Flood Protection Berm Project and the proposed bridge on Highway 11. The County staff continues to work on the animal control ordinance and he expects a draft to be ready for a public meeting soon. He also reported that staff continues to work on budget preparations. Commissioner Sweetser asked the County Manager David McSherry for a report on Starmax and the Detention Center. Mr. McSherry reported that the average daily population for the detention center is 425, US Marshall 295 and the local daily average is 128. Starmax sales for the month of April is \$130,000 and the bathroom renovations are 75% complete.

Chair Smrkovsky thanked Rachel Bishop and the Clerk's Office for the communication that went out regarding the Celebration of Life and organizing the Luna County team. The County had a large turnout for the walk.

INDIGENT CLAIMS REPORT: Upon a motion by Commissioner Sweetser and a second by Commissioner Reedy, 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 13 claims were received for the month of April, of which all 13 claims were for the Detention Center in the amount of \$2,412.27. The GRT collected in April was \$53,465.77. The encumbered amount was \$85,198.18 with a cash balance of \$1,308,022.23. Ms. Hethcox is anticipating next year \$435,000 to \$450,000 safety net care pool obligation. Chair Smrkovsky stated that we don't have many claims from the local residents and asks if the application process is done with us or the hospital. Ms. Hethcox responded applications are received at either place, however, the Indigent Claim is only used as a last resort. The policy requires that individuals apply for Medicaid, Medicare, CHIP or any other programs available prior to applying for an Indigent Claim. The policy requires that individuals present denial letters when applying for an Indigent Claim. Chair Smrkovsky commented that it's gotten so much easier to get Medicaid and asked if Medicaid pays prior bills. Ms. Hethcox responded that our policy only allows us to look at billings from current and one prior fiscal year. Ms. Hethcox also mentioned that the hospital has a financial specialist to help individuals with Medicaid applications and will retro pay bills. Commissioner Reedy commented that she has been asked a few times about the detention center and any immigrants that would come in that needed medical care and how the County handles that. Ms. Hethcox mentioned that any medical expense would be paid through the detention center fund because the indigent policy requires that claimants be residents of Luna County so immigrants wouldn't meet the indigent claim qualification. Commissioner Reedy motioned to approve the Indigent Claims Report. Commissioner Sweetser seconded the motion which carried unanimously. Commissioner Sweetser motioned to recess as a Claims Board and reconvene as a County Commission. Commissioner Reedy seconded the motion which carried unanimously.

PUBLIC COMMENT: Chair Smrkovsky opened the floor to Public Comment. Russ Howell has concerns regarding immigration and the drugs that are coming through because of our inspection stations being closed and our close proximity to Mexico. She also wanted to reinforce the County's stance on not allowing any money to be spent on illegal immigration problems. Another problem she mentioned was the diseases that are being brought over. Residents have recently heard about measles and tuberculosis which concerns us all. Ms. Howell asked the Commission to not spend any money on the illegal immigration.

Diana Storm stated that Ms. Willie from Love You Back Sanctuary invites the Commissioners to visit her home and rescue center. She will provide Ms. Willie's phone number after the meeting.

CONSENT AGENDA: Upon a motion by Commissioner Reedy and a second by Commissioner Sweetser the following items of the Consent Agenda were unanimously approved following a roll call vote.

- a. Accounts Payable: \$1,217,878.56
- b. Payroll: \$1,021,925.86
- c. Resolution 19-21 Budget Increases
- d. Resolution 19-22 Budget Transfers
- e. Resolution 19-23 Juvenile Adjudication Fund
- f. Resolution 19-25 PERA Contribution
- g. Resolution 19-26 Elected Officials Salary
- h. Oath of Office and Appointment for Court Security Brittany Hethke & Sean Young
- i. Oath of Office and Appointment for Deputy Sheriff Jimmy Garcia & Dylan Graves

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

- a. Resolution 19-24 Approving Adjustment of Precinct Boundaries: Steve Cabiedes explained that this action was taken due to House Bill 407. Commissioner Reedy motioned to approve Resolution 19-24 Approving Adjustment of Precinct Boundaries. Commissioner Sweetser seconded the motion which carried unanimously.

- b. PNM Direct Solar Participation: Commissioner Sweetser asked if this applies to Luna County specifically or the whole County. Bruce Ashburn responded this applies to the energy purchased and used by the County. Mr. Ashburn mentioned he is speaking with the City also as this is a municipal based program. Commissioner Sweetser commented that PNM is regulated monopoly and they work for shareholders and obviously anything like this program is good for the shareholders but is it also good for citizens. Mr. Ashburn explained that as PNM goes forward with the renewable standards that have been passed in the last legislative session, PNM is absolutely out of their comfort zone. He mentioned he is standing in front of the Commission asking to consider a program that is cheaper than what is being given today. PNM knows that the only way they will reach their goals is if the individual customers reach theirs. Effectively they are offering the County a program to potentially lower their electricity price, again this program is largely driven by the fuel cost as they go forward. If the fuel cost remains an increasing item, the County will save money. Market forces have shown that prices are going to increase, this is totally different than anything PNM has offered in the past. Mr. Ashburn indicated that the PRC must approve this product and PNM wants have a fully subscribed product prior to presenting to the PRC which will start in the year 2021. County Manager David McSherry recommended taking the time needed to evaluate the benefits of this program against the overall outlook of the strategic planning for Luna County, keeping in mind the deadline of May 24th. Mr. McSherry asked that we postpone this prior to the 24th. Commissioner Sweetser motioned to postpone decision prior to the 24th, Commissioner Reedy seconded the motion which carried unanimously.

EXECUTIVE SESSION: to discuss bargaining strategy preliminary to collective bargaining session with AFSCME Local #1764(LCSO) and AFSCME Local #2061 (LCDC) pursuant to Section 10-1-1H(5) NMSA 1978. Commissioner Reedy motioned to go into Executive Session to discuss bargaining strategy preliminary to collective bargaining session with AFSCME Local #1764 (LCSO) and AFSCME Local #2061 (LCDC) pursuant to Section 10-1-1H(5) NMSA 1978. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote. The Commissioners went into Executive Session at 10:58 a.m. and returned from Executive Session at 12:52 a.m.


Chair Smrkovsky motioned to return from Executive Session where no other matters were discussed other than bargaining strategy preliminary to collective bargaining session with AFSCME Local #1764(LCSO) and AFSCME Local #2061 (LCDC) pursuant to Section 10-1-1H(5) NMSA 1978 and where no action was taken. The motion was seconded by Commissioner Reedy and carried unanimously following a roll call vote.

UPCOMING MEETINGS: Chair Smrkovsky announced the following upcoming meetings and mentioned that a Budget meeting will also be scheduled.

Work Session- June 13, 2019 at 9:00a.m.
Regular Meeting- June 13, 2019 at 10:00 a.m.

ADJOURN: Upon a motion made by Commissioner Sweetser and a second made by Commissioner Reedy the meeting was adjourned at 12:53 p.m.

ATTEST:



ANDREA RODRIGUEZ, LUNA COUNTY CLERK

APPROVED: 

JUNE 13, 2019


**LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS**



BARBARA L. REEDY, DISTRICT 1



LINDA M. SMRKOVSKY, DISTRICT 2



JOHN S. SWEETSER, DISTRICT 3

