

**MINUTES
SPECIAL MEETING
LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS
Tuesday, May 21, 2019**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in Special Session at 9:00 a.m. on Tuesday, May 21, 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, Attorney Charles Kretek, IT Technician Judy Hatch, Administrative Assistant Debra Seats, Clerk Andrea Rodriguez, Chief Deputy Clerk Berenda McWright, Assessor Michelle Holguin, Chief Deputy Assessor Isabelle Enciso, Treasurer Gloria Rodriguez, Chief Deputy Treasurer Dora Madrid, Sheriff Kelly Gannaway, Administrative Assistant Laura Garcia and Budget & Procurement Director/Indigent Claims Administrator Joanne Hethcox,

CALL TO ORDER: Chair Smrkovsky called the meeting to order at 9:04 a.m. and led the Pledge of Allegiance and the salute to the flag of the State 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 entertained a motion to approve the agenda. Commissioner Sweetser motioned to approve the agenda as presented. Commissioner Reedy seconded the motion which carried unanimously.

PUBLIC INPUT: Chair Smrkovsky opened the floor for 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.

- a. **Resolution 19-27 Budget Increases:** Budget & Procurement Director/Indigent Claims Administrator Joanne Hethcox explained the US Marshalls had a lot of additional revenue so that revenue budget is being increased by \$100,000. Chair Smrkovsky asked if this increase is for the Detention Center or the County's general budget. Ms. Hethcox responded that the increase would pertain to the Detention Center budget, this is capturing revenue and there will not be any change to the expenditure. Commissioner Sweetser motioned to approve Resolution 19-27 Budget Increases.

Commissioner Reedy seconded the motion, which carried unanimously following a roll call vote.

UNFINISHED BUSINESS:

- b. PNM Solar Direct Participation.** County Attorney Chuck Kretek explained that Luna County is interested in solar programs and solar energy but at this point in time they are not sure in what manner. Mr. Kretek said PNM Solar Direct is requiring a 15 year commitment which is one concern of his and the other is the early termination clause included in the Intent to Participate document which would cost the County money if Luna County chooses to terminate the program early. With the uncertainty of how Luna County is going to proceed in the future with solar programs Mr. Kretek's recommendation is to not participate in the PNM Solar Direct at this time. Commissioner Reedy motioned to not participate in the PNM Solar Direct at this time. Commissioner Sweetser seconded the motion, which carried unanimously following a roll call vote.

County Manager's Report on Joint Luna County/Deming Emergency Shelter: Chair Smrkovsky entertained a motion to authorize emergency/urgent procurement purchases with respect to the asylum refugee situation. Commissioner Reedy motioned to authorize emergency/urgent procurement purchases with respect to the asylum refugee situation and Commissioner Sweetser seconded and carried unanimously following a roll call vote.

- a. Funding**
- b. Operation**
- c. Organization**
- d. Emergency Procurement Authorization**

County Manager David McSherry attended a meeting with the Governor to discuss the influx of asylum seekers being dropped off in Deming. The Governor Michelle Lujan said she was going to work with those attending to the asylum seekers and the operations. Governor Lujan mentioned it is the responsibility of the County to create a budget including expenses for grant funding reimbursement. The Governor also pointed out that in an effort like this, there is a big volunteer component in which she will help Luna County tap into the volunteer pool across the nation. Mr. McSherry also mentioned that in the meeting with the Governor volunteer medical personnel was also discussed, and how with State laws and regulations we may run into hitches. Governor Lujan said she would also help with problems that might arise due to regulations.

Chair Smrkovsky mentioned the meeting with the Governor was a long exchange of information. Ms. Smrkovsky said her concern is how long this issue is going to go on for and how this situation will impact our community. She also mentioned they stopped by the emergency shelter yesterday and commented that as of yesterday Deming had almost 700 refugees. She compared our numbers to Las Cruces refugee number which are 2500 individuals in 8 days and Las Cruces is at 6000 individuals in 39 days, she mentioned there isn't any comparison considering the resources Las Cruces has compared to Deming. The State provided 5 vans in Las Cruces for transportation purposes, to date we have not received any vans to assist us. The School has provided us with a bus

which is being used for transportation. Senator Smith mentioned on the radio recently saying there is a \$2.5 million funding source for health issues and the State already spent \$1 million of that fund.

Commissioner Reedy mentioned that being one of the first ones out at the emergency shelter to help she was amazed at how the community came together to get things done. Ms. Reedy thanked the School who stepped up and are assisting with some of the storage issues and refrigeration. The detention center has been a blessing, without that group all this would have been more problematic. She also mentioned that they were told several times that Luna County is doing an outstanding job and they couldn't believe how well Luna County has been handling all the different aspects and keeping up with the constant moving pieces which requires a daily change in organization. Ms. Reedy feels the biggest problem at this time is the transportation and they are working on some plans to get that fixed. Ms. Reedy said it was important to keep the asylum seekers in one controlled area, she mentioned they didn't want individuals leaving the premises on their own. She also wanted to mention that these individuals do anything you ask of them, may it be clean bathrooms, clean their areas or anything asked of them. They are absolutely willing to do whatever it is without issues, Ms. Reedy feels that's important for the community to know.

Commissioner Sweetser mentioned that this is a Federal issue, the Border Patrol has the right to drop these individuals off at any transit station and we have two bus stations in Deming. Our options were: having individuals waiting around the bus stations with no direction, or take them off the streets to one location. He mentioned that our community has stepped up but as we started out with 170 individuals we are now up to 700. Mr. Sweetser feels at some point this is going to become unsustainable and it's going to cost the County money. He also mentioned the Governor, Michelle Lujan gave the message that the County would be compensated for expenses pertaining to the asylum seekers but still don't know how much longer this will be able to be sustained. The fire and police department have spent lots of time at the shelter and have done a great job but Mr. Sweetser's concern is the sustainability and possibly legal issue. Mr. Sweetser believes Luna County is the most effected County in New Mexico because of our size and resources. He also mentioned that Governor Lujan really didn't have to do anything for us as this is not a State issue but a Federal issue.

County Manager David McSherry mentioned that all entities from both the City of Deming and Luna County have helped getting the emergency shelter together. He said that they have reached out to many organizations including the State to gain information, knowledge and support from them. Mr. McSherry also mentioned that this issue isn't anything any of them want or asked for, but it is something that is having to be dealt with and both the City and the County are doing it. Mr. McSherry asked the Commissioner to approve the emergency and urgent procurement authorization so that purchases if needed can be done without any issues. Mr. McSherry asked Joanne Hethcox to explain the emergency procurement authorization to the Commissioners.

Joanne Hethcox explained the two components to the emergency purchase clause. The first is the emergency purchase which requires permission from the Commission to make a purchase and the second is the urgent purchases which allows Ms. Hethcox to process the purchase and to move forward without permission from the Commissioners. Ms. Hethcox also explained that on the back of purchase order forms, explanations for purchases must be provided prior to purchase. Chair Smrkovsky asked that they be provided a report explaining monies being spent. Mr. McSherry assured the Commission they would get reports.

Rebecca Sanchez from the Department of Health shared a flyer with frequently asked questions regarding asylum seekers. She asked if she could set up a meeting with the community and the Department of Health to address any issues the community may be having concerning the asylum seekers in Deming. She also mentioned medical volunteers were in every asylum seeking area in this State, medical volunteers are sought after through the New Mexico Medical Reserve Corp. They are working on getting medical help in this area.

Bernadette Gutierrez Regional Infectious Nurse for the Department of Health is here to help with the migrant situation in Deming and how it will affect the community. Commissioner Sweetser asked what kind of diseases are being found with the asylum seekers. Ms. Gutierrez responded that it's the same type of issues we're seeing here, flu and food related issues. She mentioned they are not seeing anything exotic and her job is to monitor and track what medical issues are being found. She left her business card for the Commissioners if they had any questions or concerns.

Shree Gomez RN has been at the fairgrounds and St. Ann's to help assess the individuals, and she said that the only thing she has seen for the most part is dehydration. Ms. Gomez reported that rumors are being circulated that TB was brought over from one of the asylum seekers she wanted to quash that rumor, she is confirming that there has not been any TB diagnosed and wants the community to know that.

Arsenio Romero Deming Superintendent wanted to commend all involved for the wonderful example of the community coming together in a very short amount of time to do some really wonderful things. He mentioned that he is happy to be a very small part of that. He also wanted to thank some of the community members throughout Luna County and the City of Deming and law enforcement, it's been amazing to see everybody step up. Mr. Romero reported that Deming Public Schools want to be able to continue to support any way they can.

EXECUTIVE SESSION: Executive Session to discuss a limited personnel matter for discussion of hiring, promoting, demoting, dismissing, and/or assigning of specific personnel related to the emerging asylee releases into our community and the operation of the joint Luna County/Deming emergency shelter pursuant to Section 10-1-1H(2) NMSA

Commissioner Reedy motioned to go into Executive Session to discuss Limited Personnel Matters pursuant to Section §10-1-1H(2) NMSA 1978 pertaining to discussion of hiring, promoting, demoting, dismissing and/or assigning of specific personnel related to the emerging asylee releases into our community and the operation of the joint Luna County/Deming emergency shelter. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote. The Board went into Executive Session at 9:54 a.m. and returned from Executive Session at 11:59 p.m.

Commissioner Sweetser motioned to return from Executive Session to discuss Limited Personnel Matters pursuant to §10-15-1 (H)(2) NMSA 1978 pertaining to discussion of hiring, promoting, demoting, dismissing and/or assigning of specific personnel related to the emerging asylee releases into our community and the operation of the joint Luna County/Deming emergency shelter 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.

Special Meeting- May 29, 2019 at 9:00a.m.

ADJOURN: Commissioner Reedy motioned to adjourn. The motion was seconded by Commissioner Sweetser and carried unanimously. Chair Smrkovsky adjourned the meeting at 12:01 p.m.

ATTEST:

**LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS**



ANDREA RODRIGUEZ, CLERK

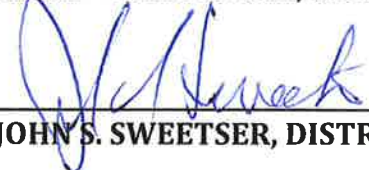


BARBARA L. REEDY, DISTRICT 1

APPROVED: June 13, 2019



LINDA M. SMRKOVSKY, DISTRICT 2



JOHN S. SWEETSER, DISTRICT 3

