

**MINUTES
REGULAR MEETING
LUNA COUNTY BOARD OF COUNTY COMMISSIONERS
Thursday, June 13, 2019**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 10:00 a.m. on Thursday, June 13, 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, Administrative Assistant Laura Garcia, Clerk Andrea Rodriguez, Chief Deputy Clerk Berenda McWright, Deputy Clerk Pilar Salcido, Assessor Michelle Holguin, Chief Deputy Assessor Isabelle Enciso, Treasurer Gloria Rodriguez, Sheriff Kelly Gannaway, Captain Michael Brown, IT Technician Judy Hatch, IT Technician James Ozment, Administrative Assistant Debra Seats, Economic Development Joe Padilla, Administrative Assistant Planning and Development Patsy Rodriguez and Budget & Procurement Director/Indigent Claims Administrator Joanne Hethcox.

CALL TO ORDER: Chair Smrkovsky called the meeting to order at 10:30 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 entertained a motion to approve the agenda as presented. Commissioner Reedy motioned to approve the agenda with moving items c. through item l. from the consent agenda to new business for discussion. Commissioner Sweetser seconded the motion which carried unanimously after a roll call vote.

MINUTES:

- **Work Session – May 08, 2019:** Upon a motion made by Commissioner Sweetser and a second by Commissioner Reedy the Minutes of the May 08, 2019 Work Session were unanimously approved.
- **Regular Meeting – May 08, 2019:** Upon a motion made by Commissioner Reedy and a second by Commissioner Sweetser the Minutes of the May 08, 2019 Regular Meeting were unanimously approved.
- **Emergency Meeting – May 17, 2019:** Upon a motion made by Commissioner Sweetser and a second by Commissioner Reedy the Minutes of the May 17, 2019 Emergency Meeting were unanimously approved.
- **Work Session – May 21, 2019:** Upon a motion made by Commissioner Reedy and a second by Commissioner Sweetser the Minutes of the May 21, 2019 Work Session were unanimously approved.

- **Special Meeting – May 21, 2019:** Upon a motion made by Commissioner Sweetser and a second by Commissioner Reedy the Minutes of the May 21, 2019 Special Meeting were unanimously approved.
- **Special Meeting – May 29, 2019:** Upon a motion made by Commissioner Reedy and a second by Commissioner Sweetser the Minutes of the May 29, 2019 Special Meeting were unanimously approved.

ELECTED OFFICIALS REPORTS: Sheriff Gannaway reported on the statistics for the month of May. Mr. Gannaway stated that assaults and vehicle thefts are down, burglaries and larcenies are up, one arson in Columbus and overall totals are down. Non-criminal are down, accidents and DWI's are up. He also mentioned that Valerie Tyler was promoted to Investigator. He announced that the Sheriff's Department is currently in the hiring process for four positions including a school resource officer, a court security officer and two deputies.

Clerk Andrea Rodriguez reported that the Clerk's Office is very busy with business registration renewals and preparing for the upcoming Local Elections Act Election in November.

Assessor Michelle Holguin reported the appraisers are working on 147 protests. Luna County Specialist Irisel Miranda started June 3rd and is currently in training. The Assessor's Department is working on getting the Sales Ratio Report to Property Tax Division by July 1st, they also received an extension from Property Tax Division for the State Assessed Properties Certification which is now due June 28th. Several Assessors are registered for certification training with IAAO for July 15-19th in Socorro. Ms. Holguin mentioned they hired a GIS Specialist who will start in July. The Assessor's Department is currently fully staffed.

Treasurer Gloria Rodriguez reported that the May financial report is balanced to the penny. On June 7th the department mailed 22,500 delinquent notices and are busy trying to collect, especially those who are delinquent as of 2016 tax year. Ms. Rodriguez did not know how many 2016 delinquent tax bills are out there but the total delinquent properties are 22,500.

Chair Smrkovsky announced that next week is the annual NMC conference in Clovis. She reported that some County employees will be attending the conference and others will be attending both the conference and the New Mexico Edge Classes which start on Monday.

Commissioner Reedy will be attending the New Mexico Economic Development course being held in Silver City on July 21st to July 25th.

COUNTY MANAGER'S REPORT: County Manager David McSherry reported on the following.

- He continues to work on a strategic planning session with the Board and Management staff.
- The County currently has 25 opened positions which include Detention Officers, Dispatchers, Payroll, Deputy Manager and two part time Shelter Advocates.
- Starmax revenue for May is just shy of \$141,000.
- The detention center federal inmates is 346 total inmate count is 542.
- Emergency Shelter has received food donations from Pack Away Hunger. Deming Public Schools donated a bus and will be on site very soon. They were also loaned a bus from First

Baptist Church which was used in the beginning of the emergency situation. The lease of the armory is complete with the New Mexico National Guard and the armory is available now if needed. The LDS Church has also donated food and the community has donated money, food, clothes and their time. Currently there isn't a financial report for the asylum seeker expenses as Mr. McSherry mentioned he is currently gathering information and will evaluate the emergency part of the process.

- The County has received the \$250,000 grant agreement with the State and is available today.

Chris Brice updated the Board on the shelter. He mentioned that the numbers of the individuals at the shelter are less than 100 at this time. Mr. Brice mentioned they continue to work with the Annunciation House out of El Paso. Luna County sent a bus out to Dallas with 57 individuals on Saturday morning and then on Tuesday they sent another bus to Denver with 44-46 individuals, this expense was fully financed by donations from the Annunciation House. The Sherman Foundation was collecting financial donations for the Emergency Shelter but have recently pulled out of that commitment. Jennifer Garner who is on the Board of Save the Children visited the shelter recently. They have been involved with Luna County for the last two weeks which in that time have set up a play area for the kids at the emergency shelter. She mentioned she will lobby her Board for funding to sustain this effort for as long as the shelter is in effect. She also mentioned she will lobby other organizations to do the same for Deming. The County has recently hired seasonal employees who were initially volunteers for the shelter. Mr. Brice mentioned they are looking to see where the shelter can be moved. They currently have two options and are currently waiting on the City to see what the next step is.

Chair Smrkovsky thanked all the volunteers who participated in the operation of the shelter including the organizations who have been involved. Commissioner Reedy again congratulated Chris on his organization of the operation. Commissioner Sweetser commends the leadership that has done an outstanding job in this situation.

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 eight claims were received for the month of May in the amount of \$24,060.58, of which two claims were for the Detention Center and six were from Mimbres Memorial Hospital. The GRT collected in May was \$57,468.11. The encumbered amount was \$85,198.18 with a cash balance in the account of \$1,076,636.32. Ms. Hethcox mentioned another \$145,000 was encumbered recently and will be added for next months totals. Mr. Sweetser motioned to approve the Indigent Claims Report as submitted. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote. 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.

Christine Ann Harvey gave an update on Main Street local events.

Sean Blaine commented on item 12. He suggested in lieu of having a meeting after hours he would recommend having this meeting on Fridays at 1:00pm so that the County employees could get half days off and those individuals who work could participate in our meetings. He also commented on item 6. He thanked the County Management, Board of Commissioners, Sherriff's, and Detention department and all the other County volunteers who have participated in our local refugee problem. He stated that this issue is our problem no matter what our personal opinions are and we have to deal with it. Our community and the leadership in this community have done an excellent job in dealing with our problem.

John Richmond gave an update on local events regarding the Chamber of Commerce.

Diana Storm provided a letter from the management of Love U Back to the Board of Commissioners. As this topic was not on the Agenda she did not report further.

Russ Howell wanted to know how she could find the meeting agenda and information pertaining to the meetings work packets on the website. Administrative Assistant Laura Garcia explained how to access the agenda on the Luna County website by selecting Meeting Minutes and then select the meeting information which also includes documents pertaining to meeting.

Ricky Bennett is very concerned regarding the asylum seekers bringing the Ebola disease.

Carmen Torrez is also concerned regarding the big city problem with the asylum seekers. She asked if we can have emergency training for Ebola once it arrives, she also asked if we can have DNA test kits at the County.

Rosalie Bennett explained that the people have the power and when the federal government does not protect its citizens the people have the right to stand up to a government. She mentioned that a well-regulated militia is something that needs to be considered and addressed here in Deming and other places.

Chair Smrkovsky explained that she is aware that there are many concerns addressed here and has thanked those who have volunteered to help the situation. This is something that is here it is not something that we wanted. She understands everybody's concerns and appreciates all comments.

Chris Brice wanted to add that he understands the citizens' concerns and that everyone has their own personal opinions on the matter. He clarified again that no one at the County or City had a choice in this matter. The Border Patrol was going to drop these people off as they were directed to do so. Our choice was to allow 245 people to stand around without any direction, or to take them in and get them to their final destination as safely and as soon as possible.

Sean Blaine commented that nobody wanted this and if you are going to be mad at the situation be mad at the federal government's action for the past 30 years. That is where you need to be making your calls. Everybody here is doing an excellent job in the situation.

CONSENT AGENDA: Upon a motion by Commissioner Reedy and a second by Commissioner Sweetser items a and b were approved of the Consent Agenda with items c-l moved to new business for discussion which was unanimously approved following a roll call vote.

- a. Accounts Payable: \$685,486.80

b. Payroll: \$1,031,496.32

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

- a. **Committee on Budget/Finance:** County Attorney Charles Kretek suggested restarting the advisory board which Mr. Pearson had previously started. The statutory section that Mr. Pearson was working under is 4-38-38, the creation of the County Advisory Board to address investing and issues with the budget and the Treasurer's Office. The Board of Commissioners agreed they would like to see the three Commissioners on this advisory board which would likely need to meet quarterly and held as a work session. Mr. Kretek suggested scheduling a budget update meeting the last week in September. Mr. McSherry is also in agreement that quarterly budget meetings are a good idea so that budget items can be reviewed and discussed without being in a hurry to meet State deadlines. A meeting will be scheduled in July after strategic planning is complete.
- b. **JPA with Village of Columbus:** Mr. Kretek explained that we have a Multi Service Agreement "MSA" with Columbus which expires at the end of June. The County also had an active Joint Powers Agreement "JPA" with the Village of Columbus which covers law enforcement. In discussions with the Mayor of Columbus, a decision to move towards eliminating the two agreements into one. All of the points involved in the two agreements have been rolled into one JPA which is provided to the Board today. Mr. Kretek explained that in the current JPA the financial obligations have not changed at all, they remain the same as it has for the past four years at least. What has changed is the reporting requirement which was added to find out if the money is sufficient, not enough or if services are being provided at all. County Manager David McSherry asked the Commission to agree to have quarterly meetings to study the fine points of this agreement over the next year for the next budget review. Commissioner Sweetser motioned to approve the JPA with Village of Columbus. Commissioner Reedy seconded the motion which carried unanimously.
- c. **Resolution 19-31 Budget Increases:** Budget and Procurement Director Joanne Hethcox provided summary of the budget increases in regards to overtime for the detention center. They had increased their budget and still had funds left over which was added for this year's spending. The US Marshall's increased in the amount of \$250,000 on revenue and expenditure for inmate medical cost and \$220,000 both on revenue and expenditure in the commissary, with the influx of inmates the County has collected more money in commissary therefore the bill is higher. Commissioner Reedy motioned to approve Resolution 19-31 Budget Increases. Commissioner Sweetser seconded the motion which carried unanimously following a roll call vote.
- d. **Resolution 19-32 Budget Transfers:** Ms. Hethcox explained that these are all intra departmental transfers moving money from one line item to another within the departments where it is needed. Commissioner Sweetser motioned to approve the Resolution 19-32 Budget Transfers. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote.
- e. **Resolution 19-33 Luna County CAP Project:** Road Department Director Marty Miller explained these funds are for Monte Vista Road, Hermanas Rd to Hwy 11. Commissioner

Reedy motioned to approve Resolution 19-33 Luna County CAP Project. Commissioner Sweetser seconded the motion which carried unanimously following a roll call vote.

- f. Resolution 19-34 Luna County SB Project:** Mr. Miller explained this is for the school bus route from Hermanas Grade to Sunshine Road. Commissioner Sweetser motioned to approve Resolution 19-34 Luna County SB Project. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote.
- g. Resolution 19-35 Luna County SBR Project:** Mr. Miller stated this resolution allows for participation in the local government road fund program administered by the NMDOT to apply micro-surface, fill potholes, control shoulders back to original condition and improve drainage on County Club Road SE from Rockhound Road SE. Commissioner Reedy motioned to approve Resolution 19-35 Luna County SBR Project. Commissioner Sweetser seconded the motion which carried unanimously following a roll call vote.
- h. Resolution 19-36 Solana Road SW Project:** In an effort to get funding from HB694 the County submitted a funding request in the amount of \$1,027,576 shared with NMDOT to restore Hermanas Grade and to recycle and reclaim the condition of the road. Commissioner Sweetser motioned to approve Resolution 19-36 Solana Road SW Project with the correction of line b. changing from 25% to 5%. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote.
- i. Resolution 19-37 Luna County Board of Registration:** Clerk Andrea Rodriguez explained that we have already voted on this but with the new HB407 a new resolution must be created for year 2020-2021. Commissioner Reedy motioned to approve Resolution 19-37 Luna County Board of Registration with the name change of Phil Hoylen to Paul Hoylen. Commissioner Sweetser seconded the motion which carried unanimously following a roll call vote.
- j. Resolution 19-38 End of Year Intra-Department Transfers:** Mr. McSherry explained that this resolution allows the County Manager to work with Joanne Hethcox and make year-end adjustments without having to have the Board of Commissioners convene to approve those last minute changes on June 30th. Commissioner Sweetser motioned to approve Resolution 19-38 End of Year Intra-Department Transfers with correction of manager spelling. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote.
- k. Certification of Fixed Assets:** Ms. Hethcox explained the total of Luna County assets is \$17,725,497.05 unappreciated. DFA requires us to physically inventory our fixed assets every year and this is a certification of those assets. Commissioner Reedy motioned to approve Certification of Fixed Assets. Commissioner Sweetser seconded the motion which carried unanimously following a roll call vote.
- l. Removal of Assets:** Joanne Hethcox explained these are assets that have been broken, or are obsolete and no longer need to be on our assets list. Commissioner Reedy motioned to approve Removal of Assets. Commissioner Sweetser seconded the motion which carried unanimously following a roll call vote.

EXECUTIVE SESSION: to discuss Limited Personnel Matters pursuant to Section 10-15-1 (H) (2) NMSA 1978 pertaining to the County Manager's Evaluation & Contract to include job description, performance goals, roles and responsibilities. Chair Smrkovsky motioned to go into Executive Session to discuss Limited Personnel Matters pursuant to Section 10-15-1 (H) (2) NMSA 1978 pertaining to the County Manager's Evaluation & Contract to include job description, performance goals, roles and responsibilities. The motion was seconded by Commissioner Reedy and carried unanimously following a roll call vote. The Commissioners went into Executive Session at 12:33 p.m. and returned from Executive Session at 3:48 p.m.

Commissioner Reedy motioned to return from Executive Session where no other matters were discussed other than Limited Personnel Matters pursuant to Section 10-15-1 (H) (2) NMSA 1978 pertaining to the County Manager's Evaluation & Contract to include job description, performance goals, roles and responsibilities 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 and mentioned that a Budget meeting will also be scheduled.

Special Work Session June 27, 2019 at 9:00am

1. Ben Aragon, Wilson & Company - Feasibility Study Starmax, Mimbres Valley Learning Center and the Luna County Day Care Center
2. Ordinance 98 Animal Control – Draft Ordinance is posted and suggestions can be submitted no later than 5:00 pm on Tuesday June 25, 2019 to the County Manager's Office at laura_garcia@lunacountynm.us

Work Session- July 11, 2019 at 9:00a.m.

Regular Meeting- July 11, 2019 at 10:00 a.m.

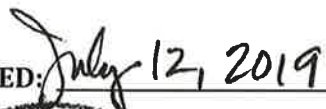
ADJOURN: Upon a motion made by Commissioner Reedy and a second made by Commissioner Sweetser the meeting was adjourned at 3:50 p.m.

ATTEST:



ANDREA RODRIGUEZ, LUNA COUNTY CLERK

LUNA COUNTY BOARD OF COUNTY COMMISSIONERS


BARBARA L. REEDY, DISTRICT 1

APPROVED: 
July 12, 2019


LINDA M. SMRKOVSKY, DISTRICT 2


JOHN S. SWEETSER, DISTRICT 3

