

**MINUTES  
REGULAR MEETING  
LUNA COUNTY BOARD OF COUNTY COMMISSIONERS  
Friday, July 12, 2019**

**BE IT REMEMBERED** that the Luna County Board of County Commissioners met in regular session at 10:00 a.m. on Friday, July 12, 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, Administrative Assistant Laura Garcia, Clerk Andrea Rodriguez, Chief Deputy Clerk Berenda McWright, Deputy Clerk Pilar Salcido, Assessor Michelle Holguin, Chief Deputy Assessor Isabelle Enciso, Captain Michael Brown, IT Technician Judy Hatch, IT Technician James Ozment, Administrative Assistant Debra Seats, Director Road Department Marty Miller, Supervisor Road Department Mike Hatch, DWI Coordinator Edith Vasquez.

**CALL TO ORDER:** Chair Smrkovsky called the meeting to order at 10:05 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 as presented. Commissioner Sweetser seconded the motion which carried unanimously after a roll call vote.

**MINUTES:**

- **Work Session - June 13, 2019:** Upon a motion made by Commissioner Reedy and a second by Commissioner Sweetser the Minutes of the June 13, 2019 Work Session were unanimously approved.
- **Regular Meeting - June 13, 2019:** Upon a motion made by Commissioner Sweetser and a second by Commissioner Reedy the Minutes of the June 13, 2019 Regular Meeting were unanimously approved.
- **Work Session - June 27, 2019:** Upon a motion made by Commissioner Reedy and a second by Commissioner Sweetser the Minutes of the June 27, 2019 Work Session were unanimously approved.

**ELECTED OFFICIALS REPORTS:** Diana May-Diaz reported she has officiated twenty marriages this year. Ms. Diaz also reported she was asked to present at the Summer Conference as a new Judge and

panel member. She was asked to evaluate training given to her as a new Judge. She gave positive feedback. County Manager asked Judge Diana May-Diaz to decorate the basement lobby area for weddings as that is where she performs weddings.

County Clerk Andrea Rodriguez reported the Clerk's office is currently sending second notice letters for business owners that have not renewed their 2019-2020 business registrations. Ms. Rodriguez also reported they attended several meetings regarding HB407. She stated that HB407 requires all the Commissioners with odd number districts on the election the same year as the President and all Commissioners' with even number districts on the election same year as the Governor. Chair Smrkovsky mentioned that because of HB407 she and Commissioner Reedy are in a lottery to see which one of the two will serve until 2024. Ms. Rodriguez also explained that going forward the County will be handling all elections including the Municipal, School and Soil and Conservation Districts elections to be held in November of the odd number years.

Assessor Michelle Holguin reported that both Certification of Values to Property Tax Division and 2019 Sales Ratio have been sent in for review. Ms. Holguin mentioned the appraisal staff is working on protests and conducting informal hearings. The protests not settled in the informal process will be set to be heard in October 2019 in a formal hearing. She also mentioned two appraiser trainees will be attending IAAO Course 101 Fundamentals of Real Appraisal. The Assessor's office has two new G.I.S. Technician Specialist and with that the Assessor's office is fully staffed.

Captain Mike Brown stated that assaults and burglaries are up and larcenies and vehicle thefts are down. Non-criminal Civil activity is up considerably, accidents and DWI's are down and grand total is down. He also mentioned the Sheriff's office hired two new Deputies, Jessy Solano and Brandon Baeza. Corporal Robert Ornelas has transferred to School Resource Officer. The Sheriff's Department will be promoting Sergeant and Corporal in patrol division and are currently looking for a Court Security Officer for District Court. Two new units were purchased and should be on the street within the next week. National Night out will be on August 6<sup>th</sup> from 6:00PM – 9:00PM at the Court House Park. This is a great event where local kids can interact with law enforcement. The Police Department will be grilling hot dogs and the Sherriff's Department will be grilling hamburgers. Commissioner Reedy asked what the non-criminal civil complaints are, Captain Brown explained that this would be anything in a civil matter like neighbor disputes, landlord disputes or non-violent domestic disputes.

Commissioner Reedy will be attending the New Mexico Economic Development course being held in Silver City on July 21<sup>st</sup> to July 24<sup>th</sup>. She also reported that she has lots of concerns about our IT security and asked if we have an IT Policy in effect. Mr. McSherry said we have an IT Policy which is pending his approval but would like to learn more before approving. Mr. McSherry said he will provide the Board a copy of the IT proposed policy.

Chair Smrkovsky reported she attended the NM County Conference in Clovis and feels it was one of the best conference she had attended. Commissioner Sweetser also attended the conference and felt it was a good opportunity to make connections with others to find out how things are getting done in other areas. Mr. Sweeter agreed that the training was good especially and the trainings that

interested him were the comprehensive plan and policies relating to Federal issues. Ms. Smrkovsky mentioned she learned a little on the NM Workforce Solutions and what they could bring to the County which isn't currently being utilized.

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

- Meeting with Frank Mesa from NM Workforce Solutions regarding their programs and what the County could participate in. The plan is to take advantage of their great program in the near future.
- Meeting with the City Manager to discuss the shelter and the future plan for the shelter.
- Mr. McSherry attended the Interstate Stream Commission meeting dealing with our membership on the NM CAP Entity.
- Continues to work on the information for the Grant pertaining to the shelter.
- Starmax revenue for June is just shy of \$156,000.
- The Detention Center federal inmates is 390, total inmate count is 564. Director Chris Brice has returned to his office at the LCDC and currently dedicating 80% of his time as LCDC Director and 20% as Assistant Manager for projects.
- The Deputy Manager for Operations has been hired and will start next week.
- Mr. McSherry will inform the Board of comments being implemented in the Animal Ordinance for approval prior to adding it in the final Ordinance.
- The Work Session scheduled for July 18<sup>th</sup> at 2:00 PM is to review the updated preliminary budget.
- Attended the Colonias Project grant training for the funding on Rockhound Road and McCan Road work. He will be getting clarification on the \$85,000 match that needs to be budgeted.

**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 at 10:45 am and the meeting of the Indigent Hospital Claims Board convened. County Manager David McSherry reported one claim was received for the month of June in the amount of \$51.51. The GRT collected in June was \$53,175.37. The encumbered amount was \$146,052.46 with a cash balance in the account of \$1,054,896.91. Ms. Reedy motioned to approve the Indigent Claims Report as submitted. Commissioner Sweetser seconded the motion which carried unanimously following a roll call vote. Commissioner Reedy motioned to recess as a Claims Board and reconvene as a County Commission at 10:50 am. Commissioner Sweetser seconded the motion which carried unanimously following a roll call vote.

**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.

- a. Accounts Payable: \$1,488,005.73
- b. Payroll: \$1,079,769.41

- c. Oath of Office and Appointment of Deputy Sheriff Jesse Solano
- d. Oath of Office and Appointment for Deputy Sheriff Brandon Baeza

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

- a. **Resolution 19-39 Authorizing and Approving Submission of a Completed Application for Financial Assistance and Project Approval to the NM Finance Authority:** Marty Miller explained the Road Department will be using these funds to update some equipment which is desperately needed. The Road Department will be replacing a dump truck and three day cabs and a trash truck. Mr. Miller is also looking into getting a tire shredder which will help with compliance and overtime. He would also like to get a hot patch machine. Total cost of everything is \$1,300,000 and the public funds are \$103,200. Commissioner Sweetser motioned to approve Resolution 19-39 Authorizing and Approving Submission of a Completed Application for Financial Assistance and Project Approval to the NM Finance Authority. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote.
- b. **Resolution 19-40 Designating Polling Places:** Clerk Andrea Rodriguez explained in the past the Clerk's Office did the Resolution for polling places in October but with HB407 we have to do it at this time. This takes effect for election year 2020-2022. One of the Polling place locations has changed from the Learning Center to the Depot for the 2020 Election. Commissioner Reedy asked how much work is entailed to make this change. Ms. Rodriguez explained some changes need to be done with removing chairs in the theatre at the Depot but any technology for the elections comes from Automated Election Service which are vendors for Secretary of State. Commissioner Sweetser motioned to approve Resolution 19-40 Designating Polling Places. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote.
- c. **Resolution 19-41 Road Department Capital Outlay:** County Manager David McSherry explained this resolution must be completed in order to proceed with the Capital Outlay and to receive the \$250,000 funds. Commissioner Reedy motioned to approve Resolution 19-41 Road Department Capital Outlay. Commissioner Sweetser seconded the motion which carried unanimously following a roll call vote.

**OLD BUSINESS:**

**JPA LUNA County and Village of Columbus – Amended:** County Manager David McSherry explained some changes to the original JPA were made. Commissioner Reedy motioned to approve JPA Luna County and Village of Columbus. 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.** Commissioner Reedy motioned to enter 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 Sweetser

and carried unanimously following a roll call vote. The Commissioners went into Executive Session at 11:12 a.m. and returned from Executive Session at 2:08 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. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.

Chair Smrkovsky announced no action was taken pertaining to the County Manager's Evaluation & Contract to include job description, performance goals, roles and responsibilities.

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

Work Session July 18, 2019 at 2:00 p.m.  
Special Meeting - July 26, 2019 at 2:00 p.m.

**ADJOURN:** Upon a motion made by Commissioner Reedy and a second made by Commissioner Sweetser the meeting was adjourned at 2:10 p.m.

**ATTEST:**

  
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ANDREA RODRIGUEZ, LUNA COUNTY CLERK

**LUNA COUNTY BOARD OF COUNTY COMMISSIONERS**

  
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BARBARA L. REEDY, DISTRICT 1

APPROVED: August 8, 2019

  
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LINDA M. SMRKOVSKY, DISTRICT 2

  
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JOHN S. SWEETSER, DISTRICT 3

