

**MINUTES
REGULAR MEETING
LUNA COUNTY BOARD OF COUNTY COMMISSIONERS
Thursday, September 19, 2019**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 4:00 p.m. on Thursday, September 19, 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, Deputy County Manager Byron Hollister, County Attorney Charles C. Kretek, Administrative Assistant Laura Garcia, 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, Captain Michael Brown, IT Technician Judy Hatch, Administrative Assistant Debra Seats, DWI Coordinator Edith Vasquez, Preventionist Teresa Aguilera, LCDC Director Chris Brice, Executive Assistant Yossie Nibles, Dispatch Director Lauree Sanchez, Dispatch Operations Manager Jovanie Granillo, Road Department Director Marty Miller and Budget & Procurement Director/Indigent Claims Administrator Joanne Hethcox.

CALL TO ORDER: Chair Smrkovsky called the meeting to order at 4:29 p.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 the agenda with the following changes to include moving the presentation by Taylor Horst after the approval of agenda and moving the service award right after the presentation. Chair Smrkovsky also requested pulling items c and d from the Consent Agenda to be considered under New Business items g and h for discussion. Also, Old Business to be moved in front of New Business. Chair Smrkovsky also questioned item a. under the Executive Session and suggested that become a separate item after the Executive Session. Commissioner Reedy motioned to approve the agenda as amended. Commissioner Sweetser seconded the motion which carried unanimously.

PRESENTATION: Taylor Horst, Director of New Mexico County Risk Management gave presentation on Insurance Coverage. Mr. Horst explained that Chair Smrkovsky is on the NM Associations of Counties Board of Directors as the Luna County Representative. Commissioner Sweetser is now on the Multi-Line Insurance Pool Board. Mr. Horst gave two power point presentations which provided an extensive overview of NM Counties services and insurance coverages they provide to Counties.

SERVICE AWARDS: Miguel Carreon from the Detention Center was presented his 20 year anniversary pin by Captain Lionel Lozano.

MINUTES:

- **Work Session – August 8, 2019:** Upon a motion made by Commissioner Reedy and a second by Commissioner Sweetser the Minutes of the August 8, 2019 Work Session were unanimously approved.
- **Regular Meeting – August 8, 2019:** Upon a motion made by Commissioner Sweetser and a second by Commissioner Reedy the Minutes of the August 8, 2019 Regular Meeting were unanimously approved.
- **Special Work Session – August 28, 2019:** Upon a motion made by Commissioner Reedy and a second by Commissioner Sweetser the Minutes of the August 28, 2019 Special Work Session were unanimously approved.
- **Special Meeting – August 28, 2019:** Upon a motion made by Commissioner Sweetser and a second by Commissioner Reedy the Minutes of the August 28, 2019 Special Meeting were unanimously approved.

ELECTED OFFICIALS REPORTS: Assessor Michelle Holguin reported they received tax certificates from DFA. She reported they received two sets of tax certificates which is due to the School Bond Elections being held in November. One tax rate reflects tax rates if the School Bond passes and the other tax rates reflect the tax rates if the School Bond does not pass. Ms. Holguin is asking the Board to approve both tax certificates at this time. Ms. Holguin mentioned the Clerk's Office has five days to canvas the election at which time the Assessor's Office will know which tax certificate will be implemented and which tax roll will be turned over. Ms. Holguin also mentioned that the Luna County Assessor's, Clerk's and Treasurer's Offices are now offering online services. The Chamber of Commerce, Luna County website and the Deming Headlight will be used in helping to inform the public of this new service. She also announced that Appraisers Casi Goldman and Alma Arias received their Appraisers Certifications. Mr. Philip Sena the Bureau Chief from Property Tax Division presented the awards to both Casi and Alma and they were recently recognized in the Deming Headlight for their accomplishments. Ms. Holguin also mentioned the Assessor's Office is working towards offering the public an option to receive their Notice of Value by regular mail or email in the future so they are collecting e-mail addresses at this time.

Treasurer Gloria Rodriguez reported they requested an extension on mailing out the tax bills and now have until December 1st to do so. The extension for the due dates will now be December 10th and delinquent date will be January 11, 2020. She also mentioned information has gone out to the schools, City of Deming, Village of Columbus, mortgage companies and abstract companies letting them know the information received. Ms. Rodriguez also mentioned she needs to publish the new billing and due dates three times in the Deming Headlight.

Captain Michael Brown reported most of the stats for the month of August have gone up significantly. Non-criminal civil activities, assaults and burglaries are up. Larcenies are down, vehicle thefts are up, total criminal is up, and grand totals including accidents, DWI and the non-criminal civils are up drastically. The other significant information to report is that a Court Security Officer has been hired for District Court.

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

- Humanitarian Award presented to Luna County by Governor Grisham for the Asylum Seeker Emergency Shelter.
- Animal Ordinance will be published and presented to the Board for approval in November.
- Mr. McSherry attended Senator Heinrich's Energy Summit in Albuquerque regarding energy efficiency and solar.
- Met with District Judges Jennifer Delaney and Jared Holfacket as a follow up on planned improvements on maintenance and IT with a contractor.
- The County continues to support the Asylum Seeker Shelter by leasing the National Guard Armory to the City of Deming and Luna County is also paying for the PNM power at the armory.
- BLM has given the opportunity to have Luna County sign on to an agreement as a Cooperating Agency as part of the National Environment Policy Act (NEPA) process.

Executive Assistant Laura Garcia reported on the Census 2020 Complete County Committee. She explained she is working on getting the grant written and submitted for the amount of \$23,171.77. The funds received from the grant will be used for flyers, stickers and pins anything to get the public informed of the Census. She also mentioned Census is hiring for the 2020 Census, applications are accepted at [Census.gov](https://www.census.gov) if anyone is interested.

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 on the July and August claims. Twelve claims were received for the month of July in the amount of \$13,465.94. The GRT collected in July was \$50,165.26. The cash balance in the account is \$992,326.92. In August there were no claims received and the amount Collected from GRT was \$53,564.19 with an ending balance of \$1,081,631.66. The amount encumbered for August was \$378,043.69. There was also an additional encumbered amount of \$292,000. Chair Smrkovsky expressed concern about approving the indigent claims report that was tabled from the meeting in August because it was not included in this month's packet or listed correctly on the agenda. Mr. Sweetser motioned to approve the September Indigent Claims Report as submitted and tabled the August Indigent Claims Report as report wasn't available for review. 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: Mike Reitz Deming Animal Guardian Board Member and Director of Non-Kill Rescue DAGSHIP expressed his concerns with the amount of animals an individual is allowed to have per the new Animal Ordinance. He doesn't believe an individual could have the time to properly take care of 80 animals. He also mentioned that most Counties have a 20 animals cap in their ordinances.

Susan Shiffner who resides on Sunshine Road expressed concerns about issues with flies due to the way all the onion sheds are disposing of onions. She would like help from the Board to resolve this issue by creating an ordinance which prevents onion sheds disposing of produce within one mile of an occupied building.

Jack Harmon also a resident near Sunshine Road expressed his concerns with the fly issue and with the way produce is being dumped and disposed of in Luna County. Mr. Harmon suggests that the County start enforcing laws and quit allowing farmers and ranchers to dump their waste wherever they want to.

Edith Vazquez reported that she oversees the Luna County DWI Program. She mentioned that one of the programs for the DWI is a Moral Reconciliation Therapy (MRT) group, MRT is a type of cognitive behavioral therapy. Ms. Vazquez recognized Clara Renteria who introduced her MRT program to the Board. Ms. Renteria mentioned she is a recovering addict who has been working on bringing recovery awareness and support to the community. Ms. Renteria mentioned they will be celebrating Second Annual Recovery Awareness Walk. The route for the walk will start at the Chamber of Commerce and end at the Courthouse Park. A movie will be provided for the children which will start after the walk. Ms. Renteria thanked the Board and invites the Board to join them.

John Richmond from the Chamber of Commerce reported that on October 3rd Terrazas Funeral Chapel will be hosting "Hello Thursday" from 5-7 p.m. He also reported that an employer workshop was held last Friday at the Andy Silva Conference Center which went really well and was very informative. A ribbon cutting ceremony will be held at the Yarn Emporium on September 27th at noon at 208 S. Gold. Mr. Richmond also mentioned that the Duck Race event went well with 1070 individual racers at the event and the prize for both wet and dry track winners was \$1,420 each. He also mentioned they hosted over 100 vendors this year. The 5K event had over 50 participants and 4-H sold out of their 10,000 lbs. of roasted chili.

Christine Ann Harvey reported on several events coming to the City of Deming. She also mentioned they have been recertified by New Mexico Main Street as an accredited program and was told they are one of the highest performing programs in the State. Ms. Harvey mentioned NM Main Street will be funding through Capital Outlay the Sun Zia design at the intersection of Spruce and Gold which is a \$350,000 to \$450,000 project.

Alberta Morgan commented she is concerned about the money being spent on the entertainment center. Ms. Morgan feels the money could better be utilized for the people.

John Graver commented on his concern regarding the poor condition of the pool heater at the Aquatic Center. Chair Smrkovsky said she would share this information with the appropriate individual at the City who are responsible for the pool.

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: \$1,714,499.55
- b. Payroll: \$1,560,048.06

OLD BUSINESS:

- a. **Budget Review Committee Appointment:** Chair Smrkovsky tabled this item as the County Manager David McSherry had left the meeting due to a personal emergency.
- b. **Update on Strategic Plan:** Attorney Charles Kretek gave a brief update regarding the strategic plan. The item was then tabled by Chair Smrkovsky.

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

- a. Exemption from Special Tax Assessment for Predator Control Program – Nutt Dairy LLC and NM Feeding Co:** Chair Smrkovsky entertained a motion to approve Exemption from Special Tax Assessment for Predator Control Program. Commissioner Reedy moved to approve the Resolution 17-28 with the exemptions. Commissioner Sweetser seconded the motion which carried unanimously following a roll call vote.
- b. Appointment of Member of Labor Management Relations Board (Labor-Mark Myers):** Chair Smrkovsky entertained a motion to approve appointment of Mark Myers to Member of Labor Management Relations Board. Commissioner Sweetser moved to approve the appointment of Mark Myers. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote.
- c. Appointment of Member of Labor Management Relations Board (Management – John Strand).** Chair Smrkovsky entertained a motion to approve appointment of John Strand Member of Labor Management Relations Board (Management). Commissioner Sweetser motioned to approve appointment of John Strand. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote.
- d. Appointment of Member of Labor Management Relations Board (Independent – Gary Jeffreys)** Chair Smrkovsky entertained a motion to approve appointment of Gary Jeffreys Member of Labor Managements Relation Board (Independent). Commissioner Sweetser motioned to approve appointment of Gary Jeffreys. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote.
- e. Resolution 19-47 Luna County Infrastructure Capital Improvement Plan (ICIP):** Chair Smrkovsky entertained a motion to approve the ICIP plan with the following priorities:

List for 2021:

1. Dispatch/IT Center Expansion/Improvement Facility
2. Roads Improvements
3. Entertainment Complex Improvements
4. Health Complex Renovation
5. Detention Center Improvements
6. Public Safety and County Vehicles
7. Regional Law Enforcement Complex
8. Park Improvements
9. Flood Prevention Projects
10. Luna County Courthouse Improvements
11. Solid Waste
12. Mimbres Valley/Special Events Center
13. Comprehensive Plan Update
14. NM 11 Hwy 180 Truck By-pass Route

15. Heavy Road Machinery/Equipment
16. Youth and Community Recreation Complex
17. Child Care Center Renovation
18. Computer Upgrades
19. Healing House

List for 2022

1. Hermanas Grade
2. Maintenance Department Equipment
3. Fiber Installation
4. Cattle Guards
5. Asset Management Plan
6. Luna County Affordable Housing Plan

Commissioner Reedy moved to approve Resolution 19-47 Luna County Infrastructure Capital Improvement Plan (ICIP) as per the changes and priorities as discussed and approved by the Commission. Commissioner Sweetser seconded the motion which carried unanimously following a roll call vote.

- f. Resolution 19-48 Disposition of Personal Property:** County Attorney Charles Kretek explained property which is valued under \$5,000 will be sold either online or public auction. Mr. Kretek explained that the Detention Center has several old conex boxes cut up that are not useful for much. The City would like to use the conex boxes at the BMX for storage which would be considered an inter-governmental transfer, which is allowed under the statute. Chair Smrkovsky entertained a motion to approve Resolution 19-48 Disposition of Personal Property. Commissioner Reedy so moved to approve Resolution 19-48. Commissioner Sweetser seconded the motion which carried unanimously following a roll call vote.
- g. Resolution 19-45 Budget Increases:** Budget and Procurement Director Joanne Hethcox explained most of these increases are grant related where we didn't have information during final budget. The grant which supported Ms. Jara's position is no longer being supported as monies were moved. General Fund picked up \$7,943.00 which is 10% of salary and benefits. Chair Smrkovsky entertained a motion to approve Resolution 19-45 Budget Increases. Commissioner Sweetser so moved to approve Resolution 19-45 Budget Increases. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote.
- h. Resolution 19-46 Budget Transfers:** Budget and Procurement Director Joanne Hethcox explained that the first transfer is for the Teen Outreach Program which is contracted and needed to be moved from contract services to part time salary and benefits. She also explained that the second one is transferring funds to adjust salary due to job duty change for Deputy County Manager. Chair Smrkovsky entertained a motion to approve Resolution 19-46 Budget Transfers. Commissioner Reedy so moved to approve Resolution 19-46. Commissioner Sweetser seconded the motion which carried unanimously following a roll call vote.

- i. **Resolution 19-49 Electronic Eavesdropping/Unlawful Recording Policy:** Chair Smrkovsky entertained a motion to table this item. Commissioner Sweetser moved to table this item for more clarification. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote.
- j. **Certification of Tax Rate for 2019:** Chair Smrkovsky entertained a motion to approve Certification of Tax Rates for 2019. Commissioner Sweetser motion to approve 2019 Tax Rates. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote.
- k. **Keller Partners & Company (Possible Vote) Grant Writing & Lobbying:** Deputy County Manger Byron Hollister explained this came about because he believed the County was missing some grant opportunities. Mr. Hollister stated that he met with Keller Partners & Company and they felt Luna County would be first in line for most of the funds being sought after. They offered to come conduct an assessment and also to have us go there and help us lobby for funds as they become available after the assessment is complete. Mr. Hollister mentioned they approached the City of Deming to ask if they would be willing to partner with Luna County. Chair Smrkovsky entertained a motion to allow Luna County to enter into negotiations and possibly enter into a contract with Keller Partners & Company for the purpose of grant writing and lobbying. Commissioner Reedy so moved to authorize David McSherry to go forward with negotiations and possibly enter into a contract. Commissioner Sweetser seconded the motion which carried unanimously following a roll call vote.
- l. **Opportunity Zones:** Chair Smrkovsky informed the public that Luna County is part of an opportunity zone which includes the outskirts of Deming. She reported that Christine Logan with the State Economic Development is pushing this federal program. The State of New Mexico identified 121 opportunity zones and only 63 applied, all 63 were approved. Chair Smrkovsky believes we need to move forward with this as Luna County has opportunities. Ms. Smrkovsky is going to reach out to Christine Logan to set up a meeting soon.
- m. **Luna County Community and Economic Development Advisory Committee Resolution 17-13:** Chair Smrkovsky explained that Resolution 17-13 is still withstanding and expressed concerns regarding how the representatives are appointed.

EXECUTIVE SESSION: to discuss bargaining strategy for collective bargaining sessions with AFSCME Local #1764 (LCSO) and AFSCME Local #2061 (LCDC) pursuant to Section §10-1-1 (H) (5) NMSA 1978. Chair Smrkovsky entertained a motion to go into Executive Session to discuss bargaining strategy for collective bargaining sessions with AFSCME Local #1764(LCSO) and AFSCME Local #2061 (LCDC) pursuant to Section §10-1-1 (H)(5) NMSA 1978. Commissioner Sweetser so moved. The motion was seconded by Commissioner Reedy and carried unanimously following a roll call vote. The Commissioners went into Executive Session at 7:35 p.m. and returned from Executive Session at 8:02 p.m.

Chair Smrkovsky motioned to return from Executive Session where no other matters were discussed other than the matters pertaining to the bargaining strategy for collective bargaining sessions with AFSCME Local #1764 (LCSO) and AFSCME Local #2061 (LCDC) pursuant to Section §10-1-1 (H) (5)

NMSA 1978 where no action was taken. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.

FY 2019-20 Final Budget approved by DFA presented by Joanne Hethcox: Joanne Hethcox informed the board that the final approved budget and the letter in the packets is the final budget approved by DFA and that is binding upon every department in the County. Chair Smrkovsky entertained a motion to approve FY 2019-2020 Final Budget approved by DFA. Commissioner Sweetser so moved to approve FY 2019-2020 Final Budget. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote. **FY 108 Compensation Levels:** County Attorney Charles Kretek asked the Board to approve holding off on implementing the raises to all the employees so that when the union employee's increases are approved all raises can be implemented at once. Chair Smrkovsky entertained a motion to delay raises for employees until all union negotiations are complete and all raises to employees be implemented at once, at the discretion of the Manager. Commissioner Reedy so moved. Commissioner Sweetser seconded which 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.

Regular Meeting – October 10, 2019

ADJOURN: Upon a motion made by Commissioner Reedy and a second made by Commissioner Sweetser the meeting was adjourned at 8:07 p.m.

ATTEST:


ANDREA RODRIGUEZ, LUNA COUNTY CLERK

APPROVED: 10/10/19

LUNA COUNTY BOARD OF COUNTY COMMISSIONERS


BARBARA L. REEDY, DISTRICT 1


LINDA M. SMRKOVSKY, DISTRICT 2


JOHN S. SWEETSER, DISTRICT 3