

**MINUTES
REGULAR MEETING
LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS
Thursday, March 14, 2024**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 10:00 a.m. on Thursday, March 14, 2024, in the 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 Chris Brice, Executive Assistant to the County Manager Mayra Hernandez, County Attorney Charles Krettek, HR Director Rosa Porras, HR/Legal Malarie Carlos, Director of Public Safety Pablo Montoya, Budget and Procurement Director Joanne Hethcox, Business Office Administrative Assistant Grisel Taylor, Chief Deputy Clerk Leslie Nabours, Probate Judge Diana Diaz, Administrative Assistant Senior Toni Esparza, Treasurer Kristie Hobbs, Grants Director Bryan Reedy, Deputy Director of Grants Department Yossie Nieblas, Planning and Zoning Director Lupita Hernandez, Road Department Director David Bailey, Under Sheriff Jimmy Garcia, LCSO Captain Michael Brown, JJCS Program Manager Anadely Martinez, CASA Program Manager Tanya Ortiz, CASA Deputy Manager Joanna Vazquez, Starmax Director Chad Troyer, IT Director Victor Gonzalez, IT Tech Nathan Ortberg.

CALL TO ORDER: Chair Chandler called the meeting to order at 10:00 a.m. and led the Pledge of Allegiance and the salute to the flag of New Mexico.

ROLL CALL: Deputy Clerk Toni Esparza called roll. The following members of the Board constituting a quorum were present:

**Ray J. Trejo, District 1
Colette M. Chandler, District 2
John S. Sweetser, District 3**

MINUTES: Commissioner Trejo motioned to approve the minutes for the Work Session and Regular Meeting of February 8, 2024. The motion was seconded by Commissioner Sweetser and unanimously approved following a roll call vote.

SERVICE AWARDS:

- LCDC SMU SGT Nora Herrera was not present to receive her pin for five years of service. Warden Pablo Montoya stated that he would present this award to her at a later time.
- County Manager Chris Brice presented Parents as Teachers Parent Educator Mary Ramirez with her pin for five years of service. Mr. Brice stated that Ms. Ramirez works in the Hidalgo County office and is very good with the families that she works with.

PRESENTATIONS:

- Senator Siah Correa Hemphill's Capital Outlay Presentation was to be presented remotely, but was rescheduled due to technical difficulties.
- Luna County's FY 2022-2023 Fiscal Year Audit Report was presented remotely by Robert Gonzales. Mr. Gonzales stated that the audit process is a lengthy one. The first step began in

late May and June in the Contracting Period. Mr. Gonzales stated that the planning phase which goes through the whole audit began in June. The Entrance Conference took place on July 20, 2023. The Subtenant Evidence Gathering took place the week of September 11, 2023. The reporting wrap up and conclusions took place in October of 2023, and the Exit Conference took place on November 16, 2023. Mr. Gonzales stated that once the reporting was submitted, the County's due date was December 1, 2023, which then initiated the quality control audits through the Office of the State Auditor. Mr. Gonzales stated that there are two levels of quality control and the release letter was received on January 10, 2024 and the Financial Statements were released January 15 2024. Mr. Gonzales stated that all of the expenses reflected in this financial statement are related to expenditures that will be taking place either in 2024, 2025 or further. Mr. Gonzales stated that the audit was properly planned and scoped, and all of the timing was reasonable. Mr. Gonzales stated that no significant difficulties were encountered during the audit and no immaterial past adjustments were noted in the current year. Mr. Gonzales stated that the County received an unmodified opinion, which is the cleanest opinion to be received. This means the financial statements were presented fairly in accordance with GAP, and that users of the financial statements can rely on the numbers. Mr. Gonzales stated that the County also received a single audit which is due to the County expending over \$750,000.00 of Federal monies, and now a Financial Statement Auditor must come in and perform a single audit only on the Federal Programs. Mr. Gonzales stated that the County received an unmodified opinion for the single audit as well. Mr. Gonzales stated that it is recommended that the County keep up with IT and make sure that both software and physical hardware is up-to-date and working properly, and also to ensure that proper processes are in play for Capital Asset Audit closeouts. Mr. Gonzales stated that the final recommendation is performer risk assessment for the Finance, Payroll, and Treasurer's successions.

- Rosela Nanez gave a short presentation and showed a video on how a Baby Box works. Ms. Nanez stated that this would be something great for Luna County even if the Baby Box was only used one time. Ms. Nanez stated that it would give a mother that is unable to care for her child an option besides abortion.

CONSENT AGENDA:

- Accounts Payable: \$1,411,630.73
- Payroll: \$1,354,568.54
- Resolution 24-27: Budget Transfers
- Resolution 24-28: Budget Increases
- Proclamation 24-01: Proclaiming April as Child Abuse Awareness Month
- Proclamation 24-02: Proclaiming April as Fair Housing Month

Commissioner Sweetser motioned to accept and approve the Consent Agenda as presented. The motion was seconded by Commissioner Trejo and was unanimously approved following a roll call vote.

OLD BUSINESS:

- **Resolution 24-26: Acceptance and Approval of the FY2023 Audit:** Commissioner Trejo motioned to approve Resolution 24-26: Acceptance and Approval of the FY/23 Audit as presented by Mr. Gonzales. The motion was seconded by Commissioner Sweetser and was unanimously approved following a roll call vote.

NEW BUSINESS:

- **Resolution 24-29: Authorization for NM State Land Right of Way Application:** Road Department Director David Bailey stated that this Resolution is a request for renewal of a permit for about a half mile of road on Hermanas Grade just north of the Aerostat. Mr. Bailey stated that there are at least two more of these renewals that the County will be going through for the rest of the year. Commissioner Trejo motioned to approve Resolution 24-29: Authorization for NM State Land Right of Way Application. The motion was seconded by Commissioner Sweetser and was unanimously approved following a roll call vote.
- **Resolution 24-30: Authorizing the Cattlemen's Lease and Purchase Agreement:** Mr. Brice stated that this Resolution is to work with DFA on the approval of the Lease to purchase Agreement. Once the lease is approved Cattlemen's Beef Processing Company will be able to start moving into the area and start working. Commissioner Trejo motioned to approve Resolution 24-30: Authorizing the Cattlemen's Lease and Purchase Agreement. The motion was seconded by Commissioner Sweetser and was unanimously approved following a roll call vote.
- **Resolution 24-31: Approval of Settlement and Authorization to Purchase Property:** Chair Chandler tabled Resolution 24-31: Approval of Settlement and Authorization to Purchase Property due to unresolved issues. Chair Chandler stated that this Resolution would be revisited once all issues have been resolved.
- **Second Amended Resolution 23-33: Luna County Cooperative Agreement Project (SP):** Mr. Bailey stated that amended Resolution is due to the rising costs of materials and is the last of the adjustments of the Covid pricing. Mr. Bailey stated that the Road Department will now be working on phase two of the McCan Road Project, and will also allow for the completion of work on the roads around Solana, 8th St, and Lucca Rd. Commissioner Trejo motioned to approve Resolution 23-33: Luna County Cooperative Agreement Project (SP). The motion was seconded by Commissioner Sweetser and was unanimously approved following a roll call vote.
- **Second Amended Resolution 23-35: Luna County Arterial Projects (CAP):** Commissioner Trejo motioned to approve Second Amended Resolution 23-35: Luna County Arterial Projects (CAP). The motion was seconded by Commissioner Sweetser and was unanimously approved following a roll call vote.
- **Amended Resolution 24-24: An Application for Financial Assistance from the New Mexico Colonias Infrastructure Board (People's Water Coop):** Mr. Bailey stated that this project was being looked at from all angles in order for the County to take it over, which included maintenance to the tanks, the pump house, and all of the piping. Mr. Bailey stated that last year the County applied for Colonias funding and was denied, but is still trying to upgrade the system as is. This included trying to connect it all the way down to the 5R putting the Water Coop on the City of Deming's water system. Mr. Bailey stated that this had proven to be very complicated with the State as far as understanding how that was all going to work, therefore connecting to the City's water will no longer be pursued. Mr. Bailey stated that the County will just upgrade and maintain the system as is to get it up to code to provide a quality water supply. Doing this will change the scope of the project from 2.9 Million for everything to just \$600,000 for the area itself. Commissioner Sweetser motioned to approve Amended Resolution 24-24: An Application for Financial Assistance from the New Mexico Colonias

Infrastructure Board (People's Water Coop). The motion was seconded by Commission Trejo and was unanimously approved following a roll call vote.

INDIGENT CLAIMS REPORT:

Commissioner Trejo motioned to Recess as County Commission and convene as Claims Board. The motion was seconded by Commissioner Sweetser and was unanimously approved.

Budget and Procurement Director Joanne Hethcox reported that there were 16 claims for the month of February 2024 in the amount of \$50,034.50. Ms. Hethcox stated that there were three denials totaling \$5,099.85. There was a total of \$110,038.61 in gross receipts and as of February 29, 2024 the account fund cash balance was \$2,282,414.47. Ms. Hethcox stated that none of those claims for this month were for the Luna County Detention Center, they were all community claims. Commissioner Trejo motioned to consider the claims dated March 14, 2024 in the amount of \$50,034.50. The motion was seconded by Commissioner Sweetser and was unanimously approved.

Commissioner Trejo motioned to recess as Claims Board and re-convene as County Commission. The motion was seconded by Commissioner Sweetser and was unanimously approved.

Community Support Reports: Deming Senior Center Executive Director Julie Bolton reported that the Congregant Meal Services provided 22,138 meals to 573 non-duplicated clients with a 19% increase and the numbers continue to grow. Ms. Bolton stated that the Senior Center was averaging about 150 clients for lunch each day and this week there were 175. A total of 20,960 meals were delivered to 212 un-duplicated clients, and of those meals, 819 were served to 17 seniors in the Village of Columbus. The Senior Center Home Care Services where light housekeeping and respite care is provided for seniors who live alone, totaled 2,873 hours of service to 31 un-duplicated clients. Ms. Bolton stated that for transportation services this year the Senior Center has done an expansion and they are now providing transportation to clients in the Village of Columbus to locations out of town. Ms. Bolton stated that overall the Center has provided 4,438 rides to 150 un-duplicated clients. The Adult Daycare the Center has provided 1,361 hours to 8 un-duplicated clients.

Deming-Luna County Chamber of Commerce Executive Director Tarcia Rebeiz stated that the Chamber is currently supporting 265 members. Ms. Rebeiz stated that there are five new board members representing businesses all over Luna County. Ms. Rebeiz stated that the Deming-Luna Chamber of Commerce will be joining with Economic Development, Copper Kettle, and Lescombs Winery for the third annual Lemonade Day Experimental Mixing Class. Ms. Rebeiz stated that the Kingdom of the Sun Awards will be held earlier this year and nominations are open at this time until March 31, 2024. Ms. Rebeiz stated that voting for the awards will take place in April along with the annual meeting for members and the awards ceremony will take place in May.

Executive Director of the Council Christie Ann Harvey stated that the grant GWEP a grant writing, engineering, and planning grant that was submitted by the County for \$99,000. Ms. Harvey stated that the purpose of the grant is seeking funds to build Luna County Film Studios. Ms. Harvey stated that the new technical education programs are underway at the Mimbres Valley Learning Center, where there are currently five students enrolled. Ms. Harvey stated that previously most of the students enrolled were from Early College High School, and now there are community members that are taking these courses as well. Ms. Harvey stated that the next scheduled class is for electrical work. Ms. Harvey stated that a DPS meeting which was set to discuss the feasibility of Western New Mexico University playing an increasing role in the construction trades programs was set for another date due to spring break. Ms. Harvey stated that the reason for this meeting would be to see how some of the DPS classes could be moved to the Construction Trades Program at WNMU. Ms. Harvey stated that there is an application for the Connect New Mexico Grant which is due March 15, 2024.

This application seeks to add to the funds that were previously received from the FCC under the RDOF which is the Rural Digital Opportunity Fund to do work in Luna County. Ms. Harvey stated that with the additional funding, along with what was already obtained, would allow for the 2,044 people that were identified in the Finely Engineering Feasibility Report to be connected. Ms. Harvey stated that in a recent meeting with Western New Mexico Telecom, it was stated that the BLM approval for their environmental study has been delayed. Ms. Harvey stated that the first phase letter of interest was submitted for the Department of Energy Grant Application by County Grant Writer Heather Lutz. The letter was approved and now she is working on the complete application in collaboration with Strategies 360. The grant will allow \$2,000,000 to build the Luna County Film Studio Project. There is another meeting scheduled for an update with Strategies 360 to discuss the progress on this project. Ms. Harvey stated that the FCC Affordable Connectivity Program (ACP) that was authorized in January of 2022 for 3.2 billion, and provided a \$30.00 a month stipend for most people and as much as \$75.00 for people living in Pueblos is nearing exhausted and will be discontinued next month pending legislation. Ms. Harvey stated that the Council along with three other non-profits is also waiting on word on this issue. Ms. Harvey stated that the Border Authority will hold their next meeting in Santa Teresa on March 21, 2024 at 11:00am. The Columbus Gabalgata was held last week, but there is news that Norma Gomez who has been responsible for this event over the last 25 years has issued notice that she no longer wants to handle this event going forward.

Elected Officials' Report:

- **Assessor:** Assessor Michelle Holguin gave a report for the month of March. Ms. Holguin stated that the rendering period for livestock, personal property, and manufactured homes ended on February 29, 2024 and all those who did not render will be assessed a 5% penalty. Ms. Holguin stated that even if you have not rendered, please continue to send in your personal property and livestock reports through April 30, 2024. The Rendering Period for signing up for exemptions and limitations is still open through the end of April, and those needing to sign up for the following exemptions and limitation freezes include, family/head of household, your standard veteran's exemption, 100% disabled exemption, widowed exemption, 65 and older exemption or disabled limitation. Ms. Holguin stated that the Notice of Values will be mailed out March 29, 2024. Ms. Holguin asked the public to please look at their Notice of Values to see the estimate of what the taxes might look like for the coming year. This is only an estimate because the new tax rates are not obtained until September. Ms. Holguin stated that there are only 30 days from the time the Notice of Values are received to protest your value ending on April 30, 2024. There is also an option to sign-up online to receive the Notice of Values via email and when you sign up to do so you will also receive your tax bill online as well. Ms. Holguin stated that two appraisers, Jaqueline Tarazon and Renee' Rivera who have completed and passed their fourth IAAO course and are now Designated Certified Appraisers. Petra Stevenson completed and passed IAAO course 102 Income Approach to Value making her Appraiser 2, and in February took a second course 201 Evaluation of Land also passing this course and now making her designation as an Appraiser 2. Ms. Holguin stated that the Assessor's Office now has a new Appraiser Associate, Chelsea Evans, and welcomed her to their working family. Ms. Holguin stated that her office is currently working on the budget for the upcoming year as well as the yearly evaluation with Property Tax Division.
- **Clerk:** Chief Deputy Leslie Nabours stated that Candidate Filing Day was successful on Tuesday, March 12, 2024. Ms. Nabours stated that the Clerk's Office is now accepting passport applications and the Clerk's Office has submitted about ten applications at this time. Commissioner Trejo asked what prompted the Clerk's Office to start this service. Ms. Nabours stated that this was a service needed in the community being that the Post Office no longer offers the passport service.

- **Probate Judge:** Probate Judge Diana Diaz stated that in 2023 there were a total of 161 probates, of which 88 were foreign and entailed 26 different states. Ms. Diaz stated that one of the probates was from the Netherlands and translating that probate to see if the criteria is the same as here was very time consuming. Ms. Diaz stated that there were 32 marriages at the end of 2023, and currently there are 24 open probates and one marriage. Ms. Diaz stated that a recap of the 2024 Legislative Session will be held on March 27, 2024 in Sierra County, and at this time they will also be taking requests for legislation that will benefit all 33 counties.
- **Treasurer:** There was no report from the Treasurer's Office forthcoming.
- **Sheriff:** Captain Michael Brown reported that for the month of February there were a total of 770 calls for service. A total of 684 of these calls were noncriminal/civil, 14 were criminal calls, and nine were motor vehicle accidents. Captain Brown reported 6 assaults, 1 rape, 2 burglaries, 3 larcenies, 1 larceny in Columbus, and one motor vehicle theft. Captain Brown stated that the LCSO has one Sergeant and one Corporal position that have been posted internally. There have been four vehicles ordered. Purchase Orders have been submitted for equipment and as soon as those vehicles are equipped the vehicles will be put into service. Captain Brown stated that there has been a requested quote for two more vehicles to put on the street and all of the newly ordered vehicles are trucks. Captain Brown stated that a couple of years ago the State started providing Law Enforcement retention bonuses for the purpose of keeping officers in the agencies which are measured at five, ten, and fifteen years of service. This year's recipients are as follows: Dylan Graves and Chris Seats with five years of service, Valerie Tyler and Marty Crumley with ten years of service, and Captain Brown with fifteen years of service.
- **Commissioners:** There were no reports from the Commissioners.

County Manager's Report:

- **Miscellaneous:** County Manager Chris Brice thanked everyone that put in time to get everything that was needed by the State to complete the Audit. Mr. Brice stated that the audit process takes a year to complete. The Business Office has implemented a plan for cross-training for the purpose of being prepared in case of an emergency, etc. Mr. Brice stated that Ms. Alberta Morgan was in a car accident, she is doing well and at home. Mr. Brice stated that he was able to visit with her and that her son is now here caring for her. Mr. Brice stated that a really good meeting was held with the person in charge of the Aduana in Palomas. Mr. Brice, Pablo Montoya, Christie Ann Harvey, Jenifer Jones, Columbus Mayor Skinner and one of the Columbus Trustees were in attendance to discuss Border issues, trade, and how to speed up transit between their side and ours.
- **Emergency Management:** Mr. Brice stated that Emergency Management Director Phillip Rodriguez was sent out to look at the county repeater sites for the radios. Mr. Brice stated that the county received Capital Outlay in the amount of \$260,000 to upgrade all of the repeaters. Mr. Brice stated that the County is getting quotes to move forward with the Drone Program, which would be very helpful in locating lost and stranded individuals in the mountains.
- **Safety/Risk Management:** Mr. Brice stated that Joann Moorman will be leaving the County in July. MR. Brice stated that in April her position will be open for anyone who would like to apply. Mr. Brice stated that there were no Multi-Line Insurance Claims or Tort Claims, and only one Workers Compensation Claim to report.

- **Planning Department:** Mr. Brice stated that the Planning Department has been sending codes out to look at RV Parks that should be paying the County Lodgers Taxes, also looking at businesses that are out in the County that nobody knows exist to be sure that those businesses are registered with the County. Mr. Brice stated that Planning will be doing training with Triadic for the business registrations here soon. Mr. Brice stated that the County has taken over the People's Water Co-op because of the necessary testing and maintenance that needs to be done on this project. Mr. Brice stated that Road Department Director David Bailey is now certified to test the water for the People's Co-Op which is necessary to take care of our citizens.
- **Budget and Procurement:** Mr. Brice stated that this department had a good audit, which was in part due to the setting up of a bi-monthly meeting. After the results from the audit were received, the Treasurer and everyone who was involved would meet to go over any issue and plan on how the issue would be resolved.
- **HR:** Mr. Brice stated that the following positions are open: Detention Officers, Road Truck Driver, Dispatcher and Camera Monitor. The Camera Monitor is a new position that was started at the Detention Center, which is a job for someone who does not like inmate contact. Mr. Brice stated that the person who chooses to do this job will be watching the cameras and taking notes and logging things as they happen. Mr. Brice stated that there are openings for Field Deputies, which are also always needed, and for the month of February there was a total of five people who left and four who were hired.
- **GIS:** Mr. Brice stated that this department has done some good things with the mapping that has been very useful for both the County and the public.
- **LCDC:** Mr. Brice reiterated that the walk-through with the Commissioners went very well. Mr. Brice reported that 238 of the population are Marshall Inmates with the average length of stay is about 17 days. Mr. Brice stated that he and Commissioner Trejo were talking about the trash in the community and how bad it looks on the interstate. Mr. Brice stated that in the past the County was able to put inmates to work on an outside work detail with low level offenses to clean up. Mr. Brice stated that this is not an option anymore due to the fact that anyone with low level offenses do not stay in jail very long, if they go to jail at all. Mr. Brice stated that he had spoken to the District One Engineer about the trash in a meeting that took place not long ago. It was also discussed when the Department of Corrections used to do clean up, but the State is not doing this anymore either. Mr. Brice stated that this is definitely an issue and he does not feel like there is anything happening to fix the problem fast enough. Mr. Brice stated that Keep Luna County Beautiful is doing everything they can but there is more participation needed.
- **Central Dispatch:** Mr. Brice reported there was a total of 5,634 calls received, 709 of the calls were for the Sheriff's Office, 1,556 for Deming PD, 270 for Deming Fire Department, and 14 for the Volunteer Fire Department. Mr. Brice stated that all of the new equipment for Central Dispatch is working and there are no issues to report.
- **DWI/Teen Court:** Mr. Brice wanted to show his appreciation to Program Manager Edith Vazquez and her team for putting together the first ever substance use prevention conference with about 125 people in attendance. Mr. Brice stated that the County will be getting a DWI simulator to let people see what it looks like to drive after drinking.
- **Road Department:** Mr. Brice stated that the Road Department has four open positions, an Equipment Operator and three Truck Drivers. Mr. Brice stated that there had been two drivers hired that left within 30 days. Mr. Brice stated that the Road Department's tire shredder is still down. Mr. Brice stated that he and the Grants Director Bryan Reedy are looking into how to fund the second two stages of the tire shredder. Mr. Brice stated that the tire shredder cuts the tires into big chunks, but there are other processes. The second stage would be where the wire is pulled out of the tires and third stage is where the machine grinds

the tires into a finer piece of rubber that can be used in playgrounds and asphalt. Mr. Brice stated that the County is trying to obtain a grant that would help pay for all three phases of tire shredding. Mr. Brice stated that there was a total of 186 miles of road that were bladed, 922 tires were collected.

- **IT:** Mr. Brice stated that the department has been working hard on updating a lot of the County's processes and looking at the contracts and trying to see where money can be saved. Mr. Brice stated that the IT Department does have one job opening.
- **In Progress:** Mr. Brice stated that a lot of the County vehicles have been equipped with GPS tracking. Mr. Brice stated that there was a little pushback from some on having the GPS tracker in their vehicles, he explained that the is not for someone to sit there and watch what everyone is doing, it is only to monitor when there is a call from the community comes in and the concern can be looked into.
- **Adult Treatment Court:** Mr. Brice stated that there are currently 21 clients and seven newly admitted clients.
- **Community Liaison:** This department held three food distributions and 14 new JPO referrals as stated by Mr. Brice.
- **CASA:** Mr. Brice reported that there are 50 kids in Luna/Hidalgo/Grant Counties with 13 volunteers.
- **PAT:** Mr. Brice stated that there was a total of 14 car seats distributed last month along with a class teaching parents how to correctly install the seats.
- **Grants:** Mr. Brice stated that the Grants Department has been very busy distributing funds for projects to be completed, such as the Starmax expansion and recreation and the Port of Entry BERM Project.

Upcoming Meetings/Events (unless otherwise specified):

- Citizen's College: Luna County Parents as Teachers: March 28, 2024 at 5:30 p.m.
- Luna County Offices Closed; Good Friday: March 29, 2024
- Special Meeting: April 1, 2024 at 10:00 a.m.
- Work Session: April 11, 2024 9:30 a.m.- 10:00 a.m.
- Regular Meeting: April 11, 2024 at 10:00 a.m.

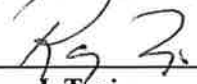
ADJOURN: Chair Chandler adjourned the meeting 11:41 a.m.

ATTEST:




 Berenda McWright, Luna County Clerk

LUNA COUNTY BOARD OF COUNTY COMMISSIONERS




 Ray J. Trejo,
 Commissioner, District 1

Approved: 4-18-24



 Colette M. Chandler, Chairperson
 Commissioner, District 2



 John S. Sweetser
 Commissioner, District 3

