

**MINUTES  
REGULAR MEETING  
LUNA COUNTY BOARD OF COUNTY  
COMMISSIONERS  
Thursday, May 9, 2024**

**BE IT REMEMBERED** that the Luna County Board of County Commissioners met in regular session at 10:00 a.m. on Thursday, May 9, 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, Director of Public Safety, HR/Legal Malarie Carlos, Grisel Taylor, Probate Judge Diana Diaz, Administrative Assistant Senior Toni Esparza, Chief Deputy Assessor Isabelle Enciso, Appraiser Jacquelyn Tarazon, Grants Deputy Director Yossie Nieblas, Grant Writer Heather Lutz, Road Department Director David Bailey, Road Department Executive Assistant Nancy White, Road Department Fleet Manager Matthew Berry, Equipment Operator Arturo Dominguez, Truck Driver Jose Prieto, Under Sheriff Jimmy Garcia, LCSO Captain Michael Brown, LCDC Deputy Warden Robert Apodaca, LCDC Deputy Warden Justin Porter, LCDC Administrative Assistant Aundrea Pena, Starmax Director Chad Troyer, Starmax Assistant Manager Brigitte Vega, IT Tech Nathan Ortberg, IT Tech Hannah Crouch.

**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 Sweetser motioned to approve the minutes for the Work Session and Regular Meeting of April 18, 2024. The motion was seconded by Commissioner Trejo and was unanimously approved.

**SERVICE AWARDS:**

- Road Department Director David Bailey presented Road Department Executive Assistant Nancy White with her pin for five-years of service.

**PRESENTATIONS:**

- **Swearing in of Luna County Detention Center Staff by Edgar Davalos:** Kelly Gannaway performed the swearing in of ten new LCDC Detention officers in place of Municipal Judge Davalos. Training Sgt. Fabian Chayrez presented these ten newly sworn in officers with their certificates of completion.
- **Capital Outlay by Senator Siah Correa Hemphill:** Lieutenant Governor Howie Morales reported the Capital Outlay update in place of Senator Siah Correa Hemphill. Mr. Morales

gave an update on what happened at this year's Legislative Session. Mr. Morales stated that this is the largest budget in the States history of \$10.2 billion dollars, which was about a six percent increase from the past budget. Mr. Morales stated that there was a point where the State was at a zero percent reserve. Mr. Morales stated with the recent recession it has taken many years to recover. Mr. Morales stated that now with different revenue opportunities the economy has been diversified and the state is at 32% reserves. Mr. Morales stated that when you look at that, even that does not give the full picture, because when looked at the amount of reserves that the state does have there are a lot of trust funds and a lot of other areas where money has been put away. Mr. Morales stated that the State is heavily reliant on oil and gas causing the prices per barrel to be higher, but at some point, the price will go down, and New Mexico is well positioned and will continue to have a healthy budget and continue to provide the public service across New Mexico. Mr. Morales stated that Luna County had a really good session and this was due to the true advocacy that was done by our Legislators, County Commission, and even by the region. Mr. Morales stated that Luna County received money from the Capital Outlay. Mr. Morales stated that \$260,000 of the funds received was for park improvements, \$2,000,000 for the Learning Center Day Care Extension, \$200,000 for the Magistrate Security System, and \$230,000 for Public Safety Improvements. Mr. Morales stated that he cannot stress enough the importance of recognizing the work that needs to be done as a region. Mr. Morales stated that he would like to hear the priorities in order to help advocate. Commissioner Trejo stated that he would like to see more funding in terms of outdoor recreation such as creating more outdoor space (green spaces). Mr. Trejo stated that making this a priority would be for all the underprivileged to have somewhere to go. Mr. Morales stated that this is something that is being looked into especially the way it connects with education. Mr. Morales stated that there has been a lot of funding invested into education. Mr. Morales stated that he knows that it is never enough but he knows that there has been a real focus on Literacy and After School Programs that ties into the outdoor recreation aspect. Mr. Morales stated that he believes that there was \$92,000,000 that was allocated specifically for that, so there are some funds within our agencies that can be explored. Mr. Morales took the time to thank all First Responders. Mr. Morales stated that there have also been some funds for more recruiting, retainment, compensation increases for first responders as well as educators. Chair Chandler stated that one of the things that is really important to Luna County is crime. Ms. Chandler stated it is important to be able to give the tools needed to judges and those that are in law enforcement to help stop some of the crime issues. County Manager Chris Brice thanked Mr. Morales and the Governor for the \$2,000,000 to use on the expansion of the Learning Center Daycare Center. Mr. Brice stated that not only is the daycare for our employees but also for our First Responders who work 24-hour, Detention Officers, law enforcement, single parents that cannot find daycare for overnight. Mr. Brice stated that one of the most important things at this time is the DA's Office to house all our community justice programs like CASA, JJCS, DWI Program in one building.

- **Luna County Detention Center walkthrough report by William Hudson:** William Hudson was not present to report on the walk through of the Luna County Detention Center.
- **Affordable Highspeed Broadband Project update by WNMU Engineers: Wayne Baxter and Kory Webb:** WNMU Engineers Wayne Baxter and Kory Webb reported. Mr. Baxter stated that the Reconnect Three Grant was rewarded about 20 months ago for about \$25,000,000 which includes about 13,000 of fiber optic work for the customers South of Deming in the Sunshine Area. This also included some fiber optic work from Deming to Silver City as well as covering the Rest Area and from Deming to Lordsburg. Mr. Baxter stated that this project has taken some time due to having to get clearance needed for the project to move forward. Mr. Baxter said that they have been lucky enough to phase out these projects into

three different phases. Senior Engineer Kory Webb stated that there were four different grants awarded one of which impacted Luna County as a whole. Mr. Webb stated that the grant awarded covers a total of 1,380 locations within Luna County and gives Western New Mexico Communications the ability to build wireless applications outside and off of that fiber. Mr. Webb stated that the project will begin here at Florida and will go down Hwy 11 to Rockhound State Park with a pricing schedule that will start at about \$39.99 a month.

**CONSENT AGENDA:**

- Accounts Payable: \$2,110,748.01
- Payroll: \$1,443,789.20
- Resolution 24-36: Budget Increases
- Resolution 24-37: Budget Transfers
- Resolution 24-38: Disposal of Personal Property

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

**ELECTED OFFICIALS' REPORT:**

- **Assessor:** Chief Deputy Isabelle Enciso stated that the Assessor's Office had nothing to report.
- **Clerk:** No report given.
- **Probate Judge:** Probate Judge Diana Diaz stated that about 18 months ago with job changes and responsibilities the Deputy Probate Clerk was downstairs and she is now upstairs. Ms. Diaz stated that the Deputy Probate Clerk fields a lot of phone calls and a lot of face to face contacts and showed her appreciation for the job she does. Ms. Diaz stated that she attended the most recent NMC meeting in Silver City which was mostly internal business, housekeeping, audits, financial reports. Ms. Diaz stated that the dues will go up about 10% for Luna County to about \$2,000 per year to be a member of NMC. Ms. Diaz stated that in addition there will be a fee increase of \$50 for attending the conferences. Ms. Diaz stated that on the other side of finance all the different counties were awarded grants during Covid from the New Mexico Department of Health and there were balances. Ms. Diaz stated that if the balances have been used and if there are things related to health there is still money to apply for but it has to be done quickly. Ms. Diaz stated that there was also discussion in the beginning of July about the return to work for Public Safety, for firefighters, and law enforcement that would have retired prior to December 31, 2023. Ms. Diaz stated that there are about 13 different positions to apply for in law enforcement and public safety. Ms. Diaz stated that there is a Criteria that will need to be met and the jobs will be entry level. Ms. Diaz stated that NACO commissioned with an AI company to write a book on the duties of all of the different departments in County Government. Ms. Diaz stated that the Detention reimbursement for Detention was funded at \$5,000,000. Ms. Diaz stated that NMC had proposed a \$7,000,000 increase, but may go up to \$10,000,000 during the next Legislative Session.
- **Treasurer:** No report given.
- **Sheriff:** LCSO Captain Michael Brown reported that in the month of April there were 10 motor vehicle crashes, 13 burglaries, 15 assaults, eight larcenies, two motor vehicle thefts, and one DWI which is up from this time last year. Captain Brown stated that there were 800 non-criminal civil calls for service. Captain Brown stated that the Sheriff's Department is

filling one deputy's spot with the hiring of Robert Cortez who is a certified officer and his employment begins on May 13, 2024. Captain Brown stated that there are more applicants going through the process including another certified officer who is from Farmington.

- **Commissioners:** Chair Chandler stated that she attended the Commissioner Affiliate last week on Monday and Tuesday and that it was the first time the County had just the Commissioners together. Ms. Chandler stated that there are two meetings per year, but this was the first time in 20 years that just the County Commissioners got together. Ms. Chandler thanked all of the personnel that participated in the community trash pick up last Friday, May 3, 2024.

#### NEW BUSINESS:

- **Second Amended Resolution 24:24: An Application for Financial Assistance from the New Mexico Colonias Infrastructure Board (People's Water Coop):** Road Department Director David Bailey stated that this Resolution is for funding reduction from \$2.9 million down to the Coop itself not the City of Deming, with the total being \$694,000. Mr. Bailey stated that the Colonias meeting for the funding recommendations will be here in Deming next Thursday, May 16, 2024 at 10:00 am at City Hall. Mr. Bailey stated that the County is fully compliant, the violations from the previous coop membership have all been cleared. Commissioner Trejo motioned to approve Second 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 Commissioner Sweetser and was unanimously approved following a roll call vote.
- **Bid Award Approval for International Industrial Park Gateway Project:** Mr. Bailey stated that there were three contractors that applied for the bid and this process happened last week at the Bid opening. Mr. Bailey stated that Bid was awarded to DEI out of Deming coming in at about \$4.6 million. Mr. Bailey stated that once this is approved, construction will be set to begin sometime in July. Commissioner Sweetser motioned to approve Bid award approval for International Industrial Park Gateway Project. The motion was seconded by Commissioner 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.

County Manager Chris Brice reported the Indigent Claims for the month of March consisted of four claims totaling \$10,000.00. Mr. Brice stated that so far through the calendar year there is a total of \$73,001.23 in GRT, and the fund balance as of April 30, 2024 is \$2,378,621.05. Commissioner Trejo motioned to approve the claims as presented. 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:** Executive Director of Deming Mainstreet Rebecca Hughes stated that there are several events planned this year. Ms. Hughes stated that there will be a block party this weekend here at the Courthouse Park with three Mainstreet markets. Ms. Hughes stated that she has submitted for funding hopefully to get some murals here at the courthouse. Ms. Hughes stated that she has spoken with some engineers to come down and help with plans to do a pavilion and food

truck court park. Ms. Hughes stated that the Salsa Fest will take place September 14, 2024. Commissioner Trejo asked Ms. Hughes where the plans for the food truck court were set. Ms. Hughes stated that the proposed spot for this project is across from the museum where the old Department of Health Building is located. Mr. Brice stated that the idea had been discussed last summer in Farmington where there is a really nice food truck court. Mr. Brice stated that the old Department of Health building is to the point where it needs to be torn down and thought that this would be a great location for this project.

Executive Director of the Council Christie Ann Harvey stated that there was a Film Con held at the Learning Center. Ms. Harvey stated that it was a great opportunity for people to get exposed to film and everything that goes on behind the scenes. PCR Productions Troy Stout and our Film Commissioner were very affective in demonstrating the latest technology equipment to students. Ms. Harvey stated that K-Fox TV was there and gave the opportunity for people to be interviewed live and then see it on the monitor as a result of that. Ms. Harvey stated that as a result of that there was also a commercial produced which was sent to Ms. Harvey this morning and she has not had a chance to look through and approve it. Ms. Harvey stated that the Deming High School Media Club was also in attendance and showed a loop of their many award-winning productions and short films. Ms. Harvey stated that one of the main things that came out of this was that everyone in attendance agreed to begin meeting periodically and showing films and working on generating increased interest in the film industry. Ms. Harvey stated that these meetings would be taking place in theater number six at Starmax. Ms. Harvey stated that the Western New Mexico Engineers mentioned they are one of several principal ISPs and others will follow to explain about the progress that being made in Broadband connectivity. Ms. Harvey stated that the FCC Affordable Connectivity Program's last day will be tomorrow. Ms. Harvey stated that in 2021, the Biden Administration and the Congress passed the Bipartisan Infrastructure Law that appropriated 14.2 billion for the Affordable Connectivity Plan. Ms. Harvey stated that this program enabled over 23,000,000 households in the US to sign-up for a discounted Broadband internet program. Ms. Harvey stated that in Luna County alone there is an excess of a little over 3,600 people that utilize this program. Ms. Harvey stated that there is pending Legislation currently before Congress to reauthorize this program with no luck in getting the reauthorization passed. Ms. Harvey stated that this program is important because people here in Luna County utilize this for work, school, and healthcare. Ms. Harvey stated that the Border Authority last month interviewed the seven finalists for the new Executive Director position were a consensus was reached. Ms. Harvey stated that the Border Authority hiring committee will be making recommendations to the Board next week at the regularly scheduled meeting. Ms. Harvey stated that this meeting will be held in Playas and if anyone wishes to attend Ms. Harvey will send out an invitation for anyone interested to do so. Ms. Harvey stated that lunch will be catered and asked that as soon as the requested invitation is received to let her know in order to make sure that there is enough food to accommodate everyone in attendance. Ms. Harvey stated that the Continental Trail Divide is first priority in the Strategic Plan. Grants Director Bryan Reedy hosted a meeting with the Community Outreach Program Manager where conversation took place about how best to reach out and build trails and programs here that would be beneficial to Luna County. Ms. Harvey stated that the Lemonade Day Luna Best Lemonade Stand Contest will take place this Saturday, with most of the event taking place here at Courthouse Park. Ms. Harvey stated that this program teaches students kindergarten through fifth grade to learn how to start, and operate their own business. Ms. Harvey stated that the Workforce Cabinet Secretary Sarita Nayer was quoted with saying that right now there is an enormous demand for technical professionals across the County. Ms. Harvey stated that there are over 2,000,000 opportunities across the County to connect today's youth with rewarding skilled technical education and careers. Ms. Harvey stated that she is working with WNMU President Dr. Joe Shepard to bring technical education programs to Luna County. Ms. Harvey stated that so far there has been success in bringing welding, drywall, and framing, and next semester there will be a hands-

on class in electrical technology. Ms. Harvey stated that there are also diesel mechanics, plumbing, and other construction trade programs in the works at this time.

**County Manager's Report:**

- **Miscellaneous:** County Manager Chris Brice gave the following report. The Kingdom of the Sun Awards will be taking place at Lescombes Winery. The County is working with a company called Snyder Electric. The company goes through and does a complete energy audit on all major County buildings, and then submits plans through the State of New Mexico and their engineers to make sure they are sound and what cost savings predictions will be. Once this is done the County will then enter into a contract with Snyder Electric to make the necessary upgrades to the buildings and the savings are guaranteed for the next five to ten years depending on the project. Part of this project is solar, and the County is looking at an entire solar field to support the Luna County Detention Center. The County has submitted all of the Congressionally Directed Spending. A total of \$500,000 was awarded for a mobile command unit and a couple of other smaller projects. The major county projects taking place at this time include Starmax, which is the expansion of the dining area, the restrooms, the remodeling of the bar, and expansion of the kitchen. The outdoor recreation part which includes the skate park, the basketball courts, the pickleball courts, and the batting cages is all on track. The metal building that was used for maintenance storage will become bathrooms and concession stand for the outdoor recreation portion of the project. The New Mexico Counties Conference is coming up. The New Mexico Counties Insurance Pool did an audit a few months back, and essentially a period of ten years, New Mexico Counties also does a catastrophic year calculation if there are a massive amount of claims which will calculate how much money is to be kept on reserves. The County is not there yet and lacking about \$648,000. The Industrial Parks Roads Program was finally awarded and is set to begin and the BERM Project is very close to starting. All of the plans and designs are done for the Plaza Building and the project is set to begin late this year. The Armory renovation is coming along as planned at this time the roof is being finished once this is complete the rest of the renovations will continue, and Dispatch will be moved into the new location. Mr. Brice stated that Audit season will begin again soon.

**Upcoming Meetings/Events (unless otherwise specified):**

- Work Session: May 16, 2024 at 2:00 p.m.
- Citizen's College: Starmax: May 23, 2024 at 5:30 p.m.
- Luna County Offices Closed: Memorial Day: May 27, 2024
- Special Meeting: May 30, 2024 at 2:00 p.m.

**ADJOURN:** Chair Chandler adjourned the meeting at 11:05 a.m.

ATTEST:

LUNA COUNTY BOARD OF  
COUNTY COMMISSIONERS

Berenda McWright  
Berenda McWright, Luna County Clerk

Ray J. Trejo  
Ray J. Trejo,  
Commissioner, District 1

Approved: 6-10-24

Colette M. Chandler  
Colette M. Chandler, Chairperson  
Commissioner, District 2

John S. Sweetser  
John S. Sweetser  
Commissioner, District 3

