

**MINUTES
SPECIAL MEETING
LUNA COUNTY BOARD OF COUNTY COMMISSIONERS
Wednesday, February 27, 2013**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in special session at 8:30 a.m. on Wednesday, February 27, 2013 in the County Commission Chambers of the Luna County Courthouse in 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:

Kelly Kuenstler, County Manager	Glory Johnson, Assistant to the County Manager
Andrea Rodriguez, County Clerk	Berenda McWright, Chief Deputy Clerk
Delilah Rojo, County Assessor	Barbara Cobos, Chief Deputy Assessor
JoAnna Zurinsky, Deputy Clerk	Danny Gonzales, Human Resources & Payroll Dir.
Mark Jasso, Emergency Services	Joanne Hethcox, Budget and Procurement Director
Chad Shannon, Stockyards	Matthew Elwell, Detention Director

CALL TO ORDER: Chairman Diaz called the meeting to order at 8:32 a.m. and led the Pledge of Allegiance and the salute to the flag of the State of New Mexico.

ROLL CALL: The roll call was conducted by Deputy Clerk JoAnna Zurinsky. The following Commissioners constituting a quorum were present:

Joe L. Milo, Jr., District 1
J. Jay Spivey, District 2
R. Javier Diaz, Chairman, District 3

COUNTY MANAGER'S REPORT: County Manager Kelly Kuenstler stated she had nothing to report.

PUBLIC COMMENT: Dudley Counce requested the signage regarding the metal detector be posted at the first floor of the courthouse entrances, and not just near the commission chambers.

Fred Williams expressed objections to the resolution concerning the Open Meetings Act on the agenda, and expressed his support for the resolution for House Bill 21.

Dave Petersen expressed support for the resolution regarding the Southwest New Mexico Regional Water Supply Project. Mr. Peterson also expressed support for the resolution concerning changes to the Open Meetings Act.

Ron Scharf expressed support for House Bill 21. He commented he did not know why there had to be so many special meetings, and there needs to be more consideration in keeping those items on a regular meeting format.

Fred Tiedge commented on the resolution regarding the Southwest New Mexico Regional Water Supply Project and questioned the level of public involvement. Chairman Diaz stated there were numerous meetings that had been going on in regards to the Arizona Water Settlement Act for approximately 10 years. Chairman Diaz stated that due to the way the initial committee was set up, it was difficult to get a consensus vote and possibly set up to fail. Mr. Diaz stated this resolution is necessary to show cohesiveness between the four counties and to get water to stay in this part of the state. County Manager Kuenstler added that the public has been given adequate notice to participate in the meetings which were announced in accordance with the Open Meetings Act and the public has participated. Charles "Tink" Jackson outlined the history of the Arizona Water Settlement Act. He stated that both Luna County and the City of Deming have been represented in the meetings in the entire process.

Ms. Kuenstler informed the audience that Special Meetings are sometimes necessary to meet deadlines. She defended the County employees and administrative team in their efforts to accommodate the public's special requests and stated she was neutral to HB21.

NEW BUSINESS:

RESOLUTION 13-16 SUPPORTING THE SOUTHWEST NEW MEXICO REGIONAL WATER SUPPLY PROJECT, ARIZONA WATER SETTLEMENT ACT PROPOSAL SUBMITTED TO THE NEW MEXICO INTERSTATE STREAM COMMISSION: Ms. Kuenstler provided an amended resolution and explained the changes. She deferred any questions about the resolution to Charles "Tink" Jackson of the State Engineer's Office. There were no questions. Commissioner Milo moved to approve Resolution 13-16 Supporting the Southwest New Mexico Regional Water Supply Project, Arizona Water Settlement Act Proposal Submitted to the New Mexico Interstate Stream Commission. Commissioner Spivey seconded the motion which carried unanimously following a roll-call vote.

RESOLUTION 13-17 SUPPORTING HOUSE BILL 521 PROPERTY TAX EQUITY: Ms. Kuenstler recommended approval of the resolution supporting House Bill 521 and recommended a few changes due to the recent amendments of the bill by the Legislative Committee. Ms. Kuenstler reviewed language changes, and deferred questions to Delilah Rojo, County Assessor. Ms. Kuenstler further stated the New Mexico Association of Counties Lobbyists are working hard to support this bill, and it is moving along. Commissioner Spivey agreed, and reported that it passed the body of 33 counties unanimously. Ms. Rojo recommended the removal of the word "income" in paragraph six of the resolution. Commissioner Spivey moved to approve Resolution 13-17 Supporting House Bill 521 Property Tax Equity, with the recommended changes. Commissioner Milo seconded the motion which carried unanimously following a roll-call vote.

RESOLUTION 13-18 CONCERNING CHANGES TO THE OPEN MEETINGS ACT PROPOSED BY HOUSE BILL 21: Ms. Kuenstler stated House Bill 21 proposes changes to the Open Meetings Act and explained Commissioner Spivey has been well briefed on the bill due to his position with the board of the New Mexico Association of Counties. Commissioner Spivey stated that bill was carried through the house by a 59-0 vote and he felt that was due to the absence of a representative who was ill. Commissioner Spivey stated that the


requirement being proposed in the bill to have agendas available 72 hours in advance of a meeting will only allow for inadequacies of the agenda and facilitate the need for more Special Meetings. He also explained that Emergency Meetings are reserved for disasters. Commissioner Spivey stated that all 33 counties voted unanimously against the bill in the New Mexico Association of Counties meeting. Ms. Kuenstler explained this resolution mirrors Dona Ana County's Resolution and similar resolutions are in other counties. Commissioner Spivey moved to approve Resolution 13-18 Concerning Changes to the Open Meetings Act Proposed by House Bill 21. Commissioner Milo seconded the motion which carried unanimously following a roll-call vote.

RESOLUTION 13-19 APPROVING THE LEASE AGREEMENT BETWEEN LUNA COUNTY AND CATTLEMEX CONTINGENT UPON NM STATE BOARD OF FINANCE APPROVAL: Ms. Kuenstler stated this resolution is necessary to continue with the process of leasing the Luna County Stockyards to CattleMEX. She explained the resolution states that the County is interested in keeping the stockyards open for business and the County no longer has the means to operate with the declining number of crossing cattle and that CattleMEX has options available to them that a government entity does not, and therefore has the ability to operate the stockyards at full capacity, whereas the county does not. The resolution also resolves that the board accepts the lease agreement upon approval from the New Mexico State Board of Finance. Ms. Kuenstler advised a written legal opinion has been obtained and now a resolution must be passed in order for the lease agreement to get on the New Mexico State Board of Finance's agenda. Ms. Kuenstler noted there is an addendum stating that the County knows that the lease is contingent on the Board of Finance's approval. Ms. Kuenstler and Commissioner Spivey thanked J.Z. Smith for his generosity with the citizens of Columbus, and his patience with the government processes. Commissioner Milo and Chairman Diaz thanked Commissioner Spivey for his ongoing efforts with the stockyards. Commissioner Spivey moved to approve Resolution 13-19 approving the Lease Agreement between Luna County and CattleMEX Contingent upon New Mexico State Board of Finance Approval. Commissioner Milo seconded the motion which carried unanimously following a roll-call vote.

ADJOURN: Chairman Diaz adjourned the meeting at 9:20 a.m.

ATTEST:


Andrea Rodriguez, Luna County Clerk

LUNA COUNTY BOARD OF COUNTY COMMISSIONERS


Joe L. "Oleo" Milo, Jr., District 1

Approved: March 14, 2013



J. Jay Spivey, District 2



R. Javier Diaz, District 3, Chairman

