

**MINUTES
SPECIAL MEETING
LUNA COUNTY BOARD OF COUNTY COMMISSIONERS
Friday, April 19, 2013**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in special session at 9:00 a.m. on Friday, April 19, 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
Dora Madrid, Treasurer	Delilah Rojo, County Assessor
JoAnna Zurinsky, Deputy Clerk	Raymond Cobos, Sheriff
Chad Shannon, Stockyards	Jonathan Mooradian, Sheriff Lt. & Dispatch Dir.
Manny Armendariz, IT Technician	Gloria Rodriguez, Chief Deputy Treasurer
Marty Miller, Road Director	Barbara Cobos, Chief Deputy Assessor
Charles Quarrell, Cartographer	Mark Jasso, Emergency Services
Edith Vasquez, DWI Clerk/Screeners	Rheganne Vaughn, Community Health & Welfare

CALL TO ORDER: Chairman Diaz called the meeting to order at 9:00 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: Commissioner Spivey asked the Board and the public to consider having the Regular Commissioner's Meetings on the second Thursday of each month at 6:00 p.m. instead of at 9:00 a.m. The reasons cited were evenings would allow greater flexibility with the 72-hour rule, and would decrease the frequency of Special Meetings. The evening meetings would give members of the public a greater chance to participate.

Dave Petersen asked if the 72- hour notice rule pertained to Special Meetings and if the items on the agenda constituted the need to hold a Special Meeting. Mr. Petersen stated he would like for the Board to consider evening meetings as well.

Ron Scharf stated that evening meetings may work if the public is given ample chances to attend. Mr. Scharf asked about item 'B' on the agenda being switched from a 'Lease Agreement' to a 'Sale Agreement'. County Manager Kelly Kuenstler affirmed that the county is trying to change the Luna County Stockyards lease agreement to a sale agreement, and the terms would be stated during the New Business.

Fred Williams also asked about the lease agreement versus a sale agreement, and asked for consideration of public input pertaining to this issue during the time of New Business.

NEW BUSINESS:

RESOLUTION 13-03 AMENDED NOTICE OF FEES: Ms. Kuenstler explained the amendment is necessary to state the fees of \$60.00 for a color version of the Luna County Addressing Atlas because the color version costs more to produce. Commissioner Milo moved to approve Resolution 13-03 Amended Notice of Fees. Commissioner Spivey seconded the motion which carried unanimously following a roll-call vote.

LUNA COUNTY STOCKYARDS SALE AGREEMENT: Ms. Kuenstler requested consideration to sell rather than lease the Luna County Stockyards for \$350,000.00, and explained that approval of the sale is required before the agreement goes to the State Board of Finance meeting scheduled in May. Ms. Kuenstler further explained that the appraised value of the property is \$275,000.00. Ms. Kuenstler stated that she requested a report from the Property Tax Division last week, and they previously approved the appraised value for a lease consideration, but the County needs a review of the appraisal approved for a sale. Ms. Kuenstler explained the statute does not require the county to have a competitive sealed bid, and there are other options available either by public auction or negotiation and the County has chosen negotiation. The consideration for negotiation of a sale is facilitated by the request of CattleMex owner J.Z. Smith. Mr. Smith is concerned that a five-year lease agreement will not justify the cost of his own investment in the stockyards. The sales agreement is in the draft process, and Ms. Kuenstler asked the Board for consideration of the sale price. The agreement will be brought before the board when it is complete. Commissioner Spivey asked Mr. Smith his projection of figures, and applauded his efforts in making the import and export of cattle in the stockyards profitable. Mr. Smith stated the community and businesses would benefit from him buying the stockyards. Ms. Kuenstler stated the agreement needs to be submitted to the State Board of Finance before April 23, 2013, the deadline is provided so the Finance Board has ample time to review and revise the agreement before the scheduled meeting in May. Commissioner Milo and Chairman Diaz stated they both were in favor of the stockyard sale. Fred Williams asked if the change of ownership would be reflected in the tax rolls. Chairman Diaz affirmed this. Ron Scharf expressed his support of the sale. Ms. Kuenstler stated that CattleMex is in good standing with the Public Regulation Commission. Commissioner Spivey motioned to allow Ms. Kuenstler to negotiate and sign a sale agreement for \$350,000 between Luna County and CattleMex for Luna County Stockyards. Commissioner Milo seconded the motion which carried unanimously.

CONTINUATION OF RURAL PRIMARY HEALTH CARE ACT GRANT AGREEMENT BETWEEN LUNA COUNTY AND PRESBYTERIAN MEDICAL SERVICES: Ms. Kuenstler stated this grant agreement outlines Presbyterian Medical Services Quality Management and Safety Plan; as well as, level of services for primary health care, staffing, recruitment and retention, hours of operation, after-hour coverage and emergency care, dental services, behavioral health services, ancillary services, referral relationships, integration and coordination with public and private providers, methods for increasing clinic utilization, outreach activities for indigents, and governing board and/or local regional advisory board. Commissioner Milo moved to approve the Continuation of Rural Primary Health Care Act Grant Agreement between Luna County and Presbyterian Medical Services. Commissioner Spivey seconded the motion which carried unanimously.

JOINT POWERS AGREEMENT BETWEEN LUNA COUNTY AND THE VILLAGE OF COLUMBUS PROVIDING FOR LAW ENFORCEMENT SERVICES: Ms. Kuenstler explained this Joint Powers Agreement provides law-enforcement services for the Village of Columbus from the Luna County Sheriff's Office and outlines the obligations that both parties must fulfill. The agreement was executed by the Village of Columbus and made effective on April 10, 2013. Ms. Kuenstler further explained that the agreement also addresses the terms of payment and expenses, liability and indemnification, insurance and agreements on property acquired and assigns the \$20,000 Law-Enforcement Protection (LEP) funds over to the Luna County Sheriff's Office rather than the Village of Columbus. Chairman Diaz stated he had issues with Section 2, item 2.5 and the terms for re-payment of a grant that was misappropriated by the Village of Columbus in the amount of \$18,093.76 and the agreement for the Village to pay \$25.00 annually, until the Village's finances allow for repayment in full. Sheriff Raymond Cobos explained that an amount had to be stated for the Department of Finance Authority in order for the Sheriff's Office to continue receiving grants through the LEP funds. Ms. Keunstler stated the agreement is done on an annual basis, and the re-payment terms can be changed at a later time when the Village can afford to do so. Dave Petersen asked if restitution was ordered for the responsible parties. Ms. Kuenstler stated restitution was ordered through the criminal court, however, it was questionable whether it would be received. Chairman Spivey moved to approve the Joint Powers Agreement between Luna County and the Village of Columbus Providing for Law Enforcement Services. Commissioner Milo seconded the motion which carried unanimously.

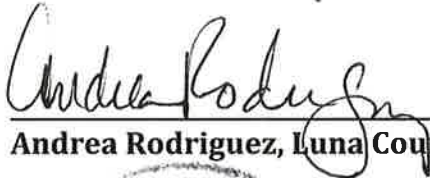
2014 FIRE PROTECTION FUND DISTRIBUTION APPLICATIONS FOR SUNSHINE VFD, FLORIDA VFD, COOKE'S PEAK VFD, and SAVOY VFD: Ms. Kuenstler explained this item is necessary in order to submit applications for funding of fire protection equipment that are due on April 30, 2013. Applications are submitted by each of the Volunteer Fire Departments in Luna County for Fire Protection Fund Distributions in the 2014 fiscal year. The funding received is based on Insurance Service Office (ISO) Classifications. Ron Scharf asked if the Village of Columbus were to dis-incorporate, would the county absorb the responsibilities of the Village of Columbus' Volunteer Fire Department. Ms. Kuenstler stated in the affirmative. Commissioner Milo moved to approve the 2014 Fire Protection Fund Distribution Applications for Sunshine VFD, Florida VFD, Cooke's Peak VFD, and Savoy VFD. Commissioner Spivey seconded the motion which carried unanimously.

PRESENTATION BY MICHAEL QUINTANA OF STATE LAND OFFICE: Michael Quintana of the New Mexico State Land Office gave a presentation outlining statistics on various percentages of types of land use by county and information regarding the various state land offices.


ADJOURN: Chairman Diaz adjourned the meeting at 10:43 a.m.

ATTEST:

**LUNA COUNTY BOARD OF
COUNTY COMMISSIONERS**

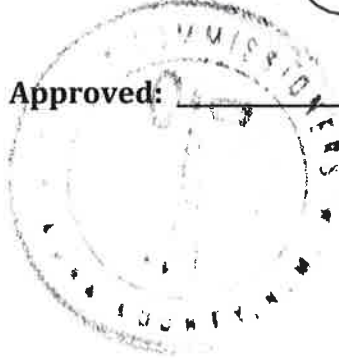


Andrea Rodriguez, Luna County Clerk



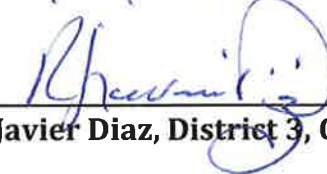
Joe L. "Oleo" Milo, Jr., District 1

Approved: _____





J. Jay Spivey, District 2



R. Javier Diaz, District 3, Chairman