

**MINUTES
REGULAR MEETING
LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS
Thursday, May 9, 2013**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 9:00 a.m. on Thursday, May 9, 2013 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:

- | | |
|--------------------------------------|---|
| Kelly Kuenstler, County Manager | Glory Johnson, Assistant to the County Manager |
| Andrea Rodriguez, County Clerk | Danny Gonzales, Human Resources & Payroll Dir. |
| Berenda McWright, Chief Deputy Clerk | Gabriel Boyle, Community Development & Planning Dir. |
| JoAnna Z. Zurinsky, Deputy Clerk | Rheganne Vaughn, Community Health & Welfare Dir. |
| Leslie Nabours, Elections Specialist | Joanne Hethcox, Budget and Procurement Director |
| Barbara Cobos, Chief Deputy Assessor | Jessica Etcheverry, Community Program Administrator |
| Raymond Cobos, Sheriff | Jessica Moreno, Healthy Start Program Administrator |
| Dora Madrid, Treasurer | Sonia Arteché, Assistant to Emergency Services Director |
| Luis Malina, Sheriff Corporal | Gloria Rodriguez, Chief Deputy Treasurer |
| Lauree Sanchez, Dispatch Supervisor | Mark Jasso, Emergency Services Director |
| Matthew Elwell, Detention Director | Ira Pearson, Starmax Facilities Director |
| Marty Miller, Road Director | |

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: Deputy Clerk JoAnna Zurinsky called roll. The following members of the Board constituting a quorum were present:

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

PRESENTATIONS: Senator John Arthur Smith presented information on the Capital Outlay Report. Senator Smith's presentation outlined the background and uses of the Capital Outlay funds, the process of projects and ways to fund them, the criteria and types of bonds available, and the results of projects made possible by the Capital Outlay funds.

SERVICE AWARDS: Healing House Director Jayne Ash presented 5-year service award pins to Pat Anchieta, Judy Baker, and Kathleen Sayre. Ms. Ash also acknowledged Gumersindo Estevez, who was not present, for 5 years of service.

County Clerk Andrea Rodriguez presented Elections Specialist Leslie Nabours with a 5-year service award pin.

County Manager Kelly Kuentler presented Assistant to the County Manager Glory Johnson with a 10-year service award pin.

ANNOUNCEMENTS: Jessica Johnson Etcheverry, Community Program Administrator for Keep Luna County Beautiful, announced the Great American Cleanup on Saturday, May 11, 2013 from 8:00 a.m. to 12:00 p.m. at the Luna County Courthouse Pavilion.

Commissioner Spivey announced the passing of G.X. McSherry, and requested the public to keep the family in their thoughts and prayers.

Chairman Diaz announced a work-session for the fiscal year 2014 budget will be held on May, 20, 2013 at 2:00 p.m., Chairman Diaz also stated a special meeting for the preliminary budget will be held on May 28, 2013 at 9:00 a.m.

ELECTED OFFICIALS REPORTS: Sheriff Cobos announced the grand opening of the Columbus Substation.

COUNTY MANAGER'S REPORT: County Manager Kelly Kuentler reported on the following items:

- Luis Malina is the new Interim Fire Department Director. He will be evaluated after a six month period to determine if he can permanently absorb the duties.
- Community Health and Welfare Director Rheganne Vaughn is resigning and her position which will be split between Jessica Moreno who will become the Director of Community Health and Welfare and Jessica Johnson who will be the Director of Community Projects Program.
- The First Solar Project's PPA is being considered by the Public Regulation Commission and they are anticipating it will be approved in the near future. The construction side of the project is in the engineering and procurement stage. The only work that has taken place so far is a geo surveying and a pile test. The only trade awarded was a fencing award to a company out of Albuquerque. First Solar personnel are supposed to start at the site in July and a career fair will be held in June for the 200-300 temporary jobs that will be available.
- Starmax has reimbursed the County another \$3,600 and the balanced owed is \$20,000. In seven months, a third of the debt has been paid.
- The County is attempting to collect the money they were forced to inject into the Starmax fund in September of last year. To date, the County has spent \$2,313 in attorney's fees while attempting to collect the funds from Mr. Kellen. The County needs to make a decision as to continue using tax payer dollars for this expense or not.
- Emergency Management held their quarterly EMPG meeting with Lorenzo Espinoza and an LEPC meeting was held in the month of April. The department also assisted with a multi-agency shooting scenario exercise on April 20th which took place at the

Municipal Court Building and in the First New Mexico Bank and tested officer's response and decision making skills. They organized another Hazardous Waste cleanup with the Road Department. The cleanup was successful and ended up with 1200 pounds of trash removed and saved the County a significant amount of money.

- The Planning Department is continuing their regular duties. They have conducted a pre-application meeting for the Verizon Tower. The business surveys for the county are being done. A Natural Resource Committee meeting was held last month and they went to the City of Sun meeting in Columbus. They are still doing the Deming High School recycling meetings. They participated in the Earth Day Celebration in Columbus.
- The Maintenance Department repaired the garage door and finished the electrical plugs and lights at the Knights of Columbus building which was damaged during a windstorm. They installed new exhaust at the Mimbres Valley Learning Daycare and new mini split air conditioning units at the Mimbres Valley Learning Center. They also installed two new air conditioning units at the Sheriff's Office and replaced filters on 23 air conditioning units at Starmax. They are also working on the benches in Courthouse Park.
- Human Resources and Payroll Department has advertised for three positions. One of the positions was for the Safe Border Grant for the Sheriff's Office. One position was the Community Health and Welfare Department Partnerships for Success Program Coordinator which Matt Robinson was selected for. They have also been meeting with employees and collecting forms and supporting documentation during this Open/Enrollment period that ends Friday May 10th.
- The Budget and Procurement Office has been busy compiling information for the upcoming FY 2014 budget. Grisel is continuing the fiscal inventory of fixed assets. They recouped \$15,684 to date on the digital conversion project. They did the review process for the hazardous mitigation plan revision. They have also been drafting new indigent policies.
- The Road Department is still doing partial maintenance of all county roads. The blades scheduled to be sold are ready to be placed on the auction list, as soon as the Business Office get approval from DFA. The update of the computer and software on the chip box spreader is also underway.
- The number of inmates incarcerated at the Detention Center last month was 566. The number of inmates released was 563 and the daily average population was 357. The daily US Marshall population in April was 206.
- Dispatch had 7,164 incoming calls and 4,069 outgoing calls. A total of 10 tips were received for the month of April from Tipsoft. The Tipsoft program has a public alert system that allows law enforcement and emergency management agencies to send out alerts regarding a variety of incidents including weather and missing persons. On April 17, 2013, this system was put to the test as Deming and Luna County experienced an extreme wind/dust event. The alert system worked great.
- Installation of the new 911 equipment has begun and two of the dispatch stations have the new equipment installed. Once training is conducted, dispatchers will convert to the new system.
- Community Health and Welfare Department Healthy Start has a current case load of 60 families, conducted 176 home visits and 16 free pregnancy tests. Healing House

provided emergency shelter to four women and five children and assisted 47 clients with victim advocacy services. They are currently serving six domestic violence offenders in the Project Enough Domestic Violence Offender Treatment Intervention Program. Dorian Dodson was elected as vice-chair to the Healing House Advisory Board.

- Luna Health Council facilitated a Community Health Fair at the Mimbres Valley Special Events Center and the Community Action Teams are focusing on two initiatives, underage drinking and prescription drug abuse and the early childhood health and education program.
- Juvenile Justice Continuum of Services are working with Behavioral Interventions, Inc. to negotiate a contract for electronic monitoring services that will serve as an alternative to detention for adjudicated youths. They are also accepting proposals for prevention funding for summer youth program.
- Starmax reported sales in April of \$118,490, which was down from sales last month of \$142,005. A teen dance was held in April. The prom after party will be held at Starmax in coordination with Luna County DWI Program, the County Manager's Office, Deming High School, New Mexico State Police, Deming Police Department, and the Luna County Sheriff's Office. The graduation party will be held on May 24th at 9:00 p.m. The outside activities will include mechanical bull riding, an obstacle course, a gyro sphere and music.
- County Manager's Office set up the District 5 New Mexico Association of Counties Meeting in Luna County in April. They are in the process of developing a Facebook page for Luna County which will go live when the new website goes live.
- The DWI Program had 12 prevention activities, 132 offenders being tracked, 3 screenings, and 5 offenders in outpatient treatment. The Luna County DWI Grant for Fiscal Year 2014 has been approved by the New Mexico Department of Finance and Administration. Luna County Teen Court will hold a Bike Rodeo at Starmax on May 29 at 11:00 a.m.
- Information Technology Department is busy attaching the Assessor's Office to Sophos. They have fully networked the Columbus Substation and added a printer.

PUBLIC COMMENT: Fred Williams inquired about the progress on the Columbus Stockyards sale, and whether if the sale went before the Department of Finance Administration. County Manager Kelly Kuenstler explained the sale agreement will be presented to the Department of Finance Administration during a May 22, 2013 meeting.

Sean Blaine questioned the qualifications of Luis Malina to serve as the fire chief for the Volunteer Fire Departments. Ms. Kuenstler stated that Mr. Malina did meet the qualifications.

CONSENT AGENDA: Upon motion by Commissioner Spivey and a second by Commissioner Milo, Payroll Registers totaling \$931,033.05 and Accounts Payable Registers totaling \$967,654.21 were unanimously approved.

CONSIDER MINUTES: Upon motion by Commissioner Milo and a second by Commissioner Spivey the minutes of the April 11, 2013 Regular Meeting were unanimously approved.

Upon motion by Commissioner Milo and a second by Commissioner Spivey the minutes of the April 19, 2013 Special Meeting were unanimously approved.

NEW BUSINESS: County Manager Kelly Kuenstler reviewed each item on the New Business agenda with the commissioners:

- a. **RESOLUTION 13-26 BUDGET INCREASES:** Ms. Kuenstler recommended approval of four budget increases totaling \$56,170.94. The first increase is to allow for spending of the Drug Investigation Border Security Grant. The second increase is from the Department of Justice Assistance to Rural Law Enforcement Grant, which was initially only to pay for wages through September. The department was awarded an extension to spend remainder of grant for wages through December. The third increase is for Keep Luna County Beautiful Program to use grant funds received for the Cigarette Litter Prevention Program. The last increase is for the Planning Department to pay a bill from CMS on Verizon Wireless application. Commissioner Spivey moved to accept Resolution 13-26 Budget Increases. The motion was seconded by Commissioner Milo and carried unanimously following a roll-call vote.
- b. **RESOLUTION 13-27 BUDGET TRANSFERS:** Ms. Kuenstler recommended approval of three budget transfers in the amount of \$16,214.49. The first transfer is from the Healing House in the amount of \$3,700 to allow for a line item adjustment. The second transfer is from the Sheriff's Department in the amount of \$10,000 to ensure sufficient funds in telephone and uniform line items for the remainder of the fiscal year. The last transfer is for Healthy Start in the amount of \$2,514.49 to zero out the budget. Commissioner Milo moved to accept Resolution 13-27 Budget Transfers. The motion was seconded by Commissioner Spivey and carried unanimously following a roll-call vote.
- c. **DISCUSSION OF ORDINANCE 41 AND ORDINANCE 72 BY GABRIEL BOYLE, PLANNING DEPARTMENT DIRECTOR AND LUIS MALINA, INTERIM DIRECTOR OF VOLUNTEER FIRE DEPARTMENTS:** Gabriel Boyle and Luis Malina came before the Board and explained this item is up for discussion because both ordinances declaring an emergency and establishing a moratorium on all open and controlled burning in Luna County are outdated, and because of the moratorium clauses contained in the ordinances, it renders them only temporary, and therefore obsolete. Mr. Boyle and Mr. Malina suggested another proclamation as a temporary solution and rewriting of the ordinances for a permanent solution. County Manager Kelly Kuenstler further explained the Board needs to consider the process of making a permanent ordinance, and asked the Board for direction. After consideration, it was the consensus of the board, to forgo any temporary proclamations and to draft new ordinances as feasible for permanent solutions. This item was presented as a discussion item only, and no motion was taken.

- d. RESOLUTION 13-28 LUNA COUNTY INDIGENT HEALTH CARE PROGRAM POLICY & PROCEDURES MANUAL:** Ms. Kuenstler explained Resolution 12-38 is a new Policy and Procedures Manual for the Indigent Health Care Program. The manual outlines applicant and application requirements, qualifying factors to be considered an indigent patient, liabilities, other assistance program options, residency qualifications, and definitions of assets, income guidelines, limitations of payments, patient/applicant responsibilities, and rights and duties of providers. The manual also provides guidelines for indigent health care staff and explains the appeals process. Commissioner Spivey moved to accept Resolution 12-38 Luna County Indigent Health Care Program Policy & Procedures Manual. The motion was seconded by Commissioner Milo and carried unanimously following a roll-call vote.
- e. EVALUATION COMMITTEE FOR RFP #101-04 FOR CONSULTING SERVICES FOR LUNA COUNTY/CITY OF DEMING HAZARD MITIGATION PLAN REVISION AND UPDATE:** Ms. Kuenstler reported the evaluation committee consisting of Joanne Hethcox, Sonia Arteché, Mark Jasso, and Edgar Davalos reviewed the proposals for consulting services for Luna County/City of Deming Hazard Mitigation Plan revision and update and recommended the contract be awarded to URS Corporation out of Albuquerque. Commissioner Spivey motioned to approve the evaluation committee's recommendation for RFP #101-04 for consulting services for Luna County/City of Deming Hazard Mitigation Plan revision and update. The motion was seconded by Commissioner Milo and carried unanimously.

INDIGENT CLAIMS REPORT: Upon motion by Commissioner Spivey and a second by Commissioner Milo, 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 recommended approval of 22 claims dated May 9, 2013 in the amount of \$40,668.91 and zero denials. The monies received for April 2013 totaled \$57,690.41. Commissioner Spivey moved to approve 22 claims dated May 9, 2013 in the amount of \$40,668.91 and zero denials. Commissioner Milo seconded the motion, which carried unanimously.

Commissioner Spivey moved to recess as an Indigent Hospital Claims Board and to reconvene as the Luna County Board of County Commissioners. Commissioner Milo seconded the motion, which was approved unanimously.

ANNOUNCE NEXT MEETING: Chairman Diaz announced the next regular meeting will be held on Thursday, June 13, 2013 at 9:00 a.m.

Chairman Diaz also announced the Preliminary Budget work session on Wednesday, May 20, 2013 at 2:00 p.m.

ADJOURN: Chairman Diaz adjourned the meeting at 10:37 a.m.

ATTEST:

**LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS**

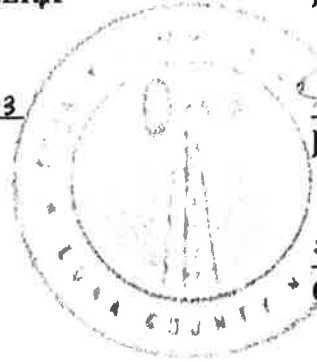


ANDREA RODRIGUEZ, CLERK



JOE L. MILO, JR., DISTRICT 1

APPROVED: June 13, 2013





J. JAY SPIVEY, DISTRICT 2



CHAIRMAN R. JAVIER DIAZ, DISTRICT 3