

**MINUTES
REGULAR MEETING
LUNA COUNTY BOARD OF COUNTY COMMISSIONERS
Thursday, August 8, 2013**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 9:00 a.m. on Thursday, July 8, 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, Manager; Glory Johnson, Assistant to the County Manager; Marty Miller, Road Director; Andrea Rodriguez, Clerk; Berenda McWright, Chief Deputy Clerk; JoAnna Z. Zurinsky, Deputy Clerk; Dora Madrid, Treasurer; Delilah Rojo, Assessor; Barbara Cobos, Chief Deputy Assessor; Raymond Cobos, Sheriff; Danny Gonzales, Human Resources and Payroll Director; Joanne Hethcox, Budget and Procurement Director; Jessica Moreno, Director Health & Well Being; Lt. Jonathan Mooradian, Dispatch Director; Billy Ruiz, Special Projects and Facilities Management Director; Matthew Elwell, Detention Director; Mark Jasso, Emergency Services Director; Ira Pearson, Starmax Facilities Director; Charles Turner, Manager's Office (Intern).

CALL TO ORDER: Chairman Diaz called the meeting to order at 9:01 a.m. and JoAnna Zurinsky 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

SERVICE AWARDS: Special Projects and Facilities Management Director Billy Ruiz thanked Frank Chavez, who was not present, for 10 years of service. Detention Director Matt Elwell presented Michael Lockard with a 10 year service pin, and thanked him for his dedication and service.

ANNOUNCEMENTS: There were no announcements made on behalf of the Board.

PRESENTATIONS: John Strand, SunZia Representative, gave a presentation on the SunZia Southwest Transmission Project. Mr. Strand reported that the Bureau of Land Management

has released the Final Environmental Impact Statement and Proposed Resource Management Plan. His power point presentation included maps of the preferred routes for the transmission line project. He estimated the operation date to be the year 2016.

ELECTED OFFICIALS REPORTS: County Assessor Delilah Rojo reported that during the week of July 15-19, Appraiser Associates Phillip Anderson and Carlo Martellaro attended classes, and are in the process of becoming Certified Appraisers. The Assessor's Office will hold protest hearings on August 20-22nd, and fifteen hearings are scheduled.

County Treasurer Dora Madrid reported the department will host the Treasurer's Affiliate Meetings starting on Tuesday, and 20 out of 33 counties will be in attendance for the meetings. The Treasurer's Office is also preparing for the upcoming tax sale August 27-29th.

Sheriff Raymond Cobos reported there are currently four officers involved in SWAT Training in Grant County.

COUNTY MANAGER'S REPORT:

- Ms. Kuenstler commended County Treasurer Dora Madrid for her work in successfully hosting the Treasurer's Affiliate Meeting next week.
- Ms. Kuenstler reported she is currently working on documenting Luna County's previous leaders. A conversation ensued as to whether plaques with individual name plates and dates of service or actual photos of previous County Commissioners would be a better historical choice.
- A service agreement has been signed between the Luna County Detention Center and the City of Deming for inmate services. The City of Deming will now begin city clean up by utilizing inmate labor, and reimburse the County for the officer escorts required while the inmates are out on clean up.
- Next month's agenda will include a presentation from some of the Luna County Detention Center officers regarding a request to change the PERA plan to a Municipal Plan, which will allow newer officers to retire earlier. The plan is also believed to assist with retention.
- Starmax has completely paid off their debt to the County ahead of schedule.
- Starmax hosted a new menu tasting on August 7th. Some of the new items featured were: wraps, pretzel bun hamburgers and brats.
- The County is currently handling its own vector control. In regards to concerns with recent rains, in ponded areas staff is immersing areas with Bactimos briquettes made by Arrow-Magnolia. The product kills larvae and mosquitos. The County does not take care of private property. The Road Department has been given a supply of the briquettes, so that if citizens have particular ponding issues, they may contact the Road Department.
- Representatives of the Luna County Sheriff's Office, the Emergency Management Team and Luna County Road Department met in Columbus and went over the preparedness and action plan regarding issues during the recent rains and floods. Road Director Marty

Miller delivered 400 sand bags to Columbus. The roads and parking lot at the Port were cleared off by the Luna County Road Department. The highways were cleared by the New Mexico Department of Transportation. An Emergency Management shelter trailer was deployed rapidly, and contains 40 cots and bedding. Assistant to the Emergency Services Director, Sonia Arteché filed a situation report to the New Mexico Emergency Operations Center. It was confirmed through weather authorities that it was a micro-burst that caused the damages in Columbus, and not a tornado.

- The Red Cross did a damage assessment in Columbus and estimated the following:
 - Destroyed single family homes: 4
 - Destroyed mobile homes: 10
 - Major single family: 4
 - Major mobile: 11
 - Minor single family: 8
 - Minor mobile: 17
 - Affected single families: 5
 - Affected mobile families: 2
- On July 23, 2013 the County received a Certificate of Inspection from the Deming Fire Department. A follow-up was conducted with minor findings from the inspection, and everything was corrected. The Certificate of Inspection is available for view on the County website. The County is in compliance with the adopted provision of the fire code.
- A special 'Thank You' to Charlie Dickerson and Dickerson's Auction for placing two quarter-page advertisements in the Rundschau Publication which is a German-based newspaper published by Casa Siemens for the Mennonite population from South and Central America to Mexico. In addition to the quarter-page ads, they also have a billboard between Cuauhtémoc and towards Rubio (in the commercial corridor) with information on the 55-mile change and saying that Mexican citizens may now travel to Las Cruces and Deming.
- Luis Malina is attending the New Mexico Fire Academy in Socorro for his New Mexico State Fire Fighter's Certification this week and next week. During this time, Cooke's Peak Assistant Chief Kevin Kelly and Sunshine Chief Randy Brokaw will oversee daily operations of all four volunteer fire departments.
- GIS Coordinator/IT Technician Judit Ortiz will assist Hidalgo County with their Road Atlas. Hidalgo County requested Ms. Ortiz's assistance due to her expertise in GIS and was instrumental in helping construct Luna County's new atlas.
- There is probably going to be a slight change of plans for the Walgreens project. The County is in the process of getting appraisals for the land, and planning to sell their half of the land to the City of Deming and dropping out of the Joint-Powers Agreement with the City. Ms. Kuentler proposed that the County remain in The Joint Economic Development Project with the City and sell the land. The reasons cited were to simplify and streamline the process for Bencor and Walgreen's.
- A public hearing must be held to repeal the Extra Territorial Zone (ETZ) per Ms. Kuentler's legal research. After much discussion amongst the Board, it was decided

that the Manager's Office will move forward with Public Hearings and the steps necessary to repeal the ETZ.

PUBLIC COMMENT: *(Items 9 and 10 in the agenda were moved ahead of this item):* Ann Shine-Ring came before the board and thanked Road Director Marty Miller and the Luna County Road Department for their prompt response in getting the Solo Ranch Subdivision road repaired during recent flood and rain damage. Ms. Shine-Ring also stated her concerns about Resolution 13-39 Support of the SunZia Transmission Line, specifically in regards to paragraphs 4 and 5, the actual final agreed upon transmission line and the possibility of those transmission lines going through Akela.

Fred Williams expressed his concerns to the board in regards to Walgreen's and posed the question to County Manager Kelly Kuentler as to why the Joint Powers Agreement must change. Ms. Kuentler explained the history as to why the State Board of Finance must be involved. The County (or any government) must take any lease or purchase of property to the State Board of Finance, per statute and that the Bencor lease is not actually with a government agency, but rather with a Joint Economic Development Project. Ms. Kuentler further explained in the interest of simplicity and to remain sensitive to Bencor and Walgreen's timeline, it would be best to sell the property to the City of Deming, provided it is sold above appraisal value. The County will still receive revenue on property taxes and gross-receipts tax.

Ron Scharf commended Starmax Facilities Director, Ira Pearson and acknowledged that Starmax is an important part of the community. Mr. Scharf also commented that it may behoove the County to find benefactors like the Historical Society to help pay for the Luna County previous leaders project.

Lauren Nunn spoke to the Board in regards to their support of the SunZia project. She expressed concerns on the heights of the poles, and whether or not taxes could be collected on the costs of the substations. Ms. Nunn also questioned who the true investors of the SunZia project actually are and how the project will affect water and corrals.

CONSENT AGENDA: *(This item was moved ahead of item 8 in the agenda):* Upon motion of Commissioner Spivey and seconded by Commissioner Milo, Payroll Registers totaling \$964,862.03 and Accounts Payable Registers totaling \$590,649.34 were unanimously approved.

CONSIDER MINUTES: *(This item was moved ahead of item 8 in the agenda):* Upon motion of Commissioner Milo and seconded by Commissioner Spivey, the minutes of the July 11, 2013 Regular Meeting were amended and unanimously approved.

Upon motion of Commissioner Spivey and seconded by Commissioner Milo, the minutes from the July 25, 2013 Special Meeting were unanimously approved.

NEW BUSINESS:

- a. AGREEMENT BETWEEN LUNA COUNTY, CITY OF DEMING, AND ELITE MEDICAL TRANSPORT, LLC.:** Ms. Kuenstler stated this is a 1-year agreement between the City of Deming, Luna County and Elite Medical Transport to assure medical transportation services in Luna County. Elite Medical Services is the current provider for medical transportation, and according to financial statements, they continue to lose money by remaining in Luna County. This is both the County and the City of Deming's efforts to keep medical transportation services available in the County by compensating Elite in the amount of \$1,250.00 per month or \$15,000.00 per year. Under the agreement, Elite will agree to provide two ambulances in the County, minimum personnel staff of one paramedic and one EMS technician, a response time of 30 minutes or less to initial requests, provide a computerized accounts receivable record separating government from third-party to first-party payments, quarterly financial reports and minimum insurance requirements. The hospital will have a separate agreement. Fred Williams asked if this agreement violated any anti-donation laws. Ms. Kuenstler explained because of the small monetary amount and because Elite Medical Transport is the only provider in Luna County, it does not violate anti-donation laws. Commissioner Milo moved to approve the Agreement between Luna County, City of Deming and Elite Medical Transport, LLC. Commissioner Spivey seconded the motion which carried unanimously.

- b. AGREEMENT BETWEEN LUNA COUNTY AND SOUTHWEST REGIONAL TRANSIT DISTRICT:** Ms. Kuenstler stated this item is an agreement between Luna County and the Southwest Regional Transit District and is in the amount of \$55,000.00. Ms. Kuenstler provided copies of Corre Caminos ridership, routes and services available and stated this information is also available on the County website. The Southwest Regional Transit District must submit quarterly reports and invoices to Community Projects Director Jessica Etcheverry, who is also now representing Luna County on the Transit Board. The agreement is for the 2013-2014 Fiscal Year, and the County still does not have an agreement or an invoice from the Southwest Regional Transit District from last year, nor has the County received any reimbursement on an insurance payment that is owed. Ms. Kuenstler stated she would like to work with the Southwest Regional Transit District specifically for the 2013-2014 Fiscal Year and that she and Budget and Procurement Director Joanne Hethcox will work on billing and reimbursement issues from the past. Commissioner Milo moved to approve the Agreement between Luna County and the Southwest Regional Transit District. Commissioner Spivey seconded the motion which carried unanimously.

- c. AGREEMENT BETWEEN LUNA COUNTY AND DEMING ART COUNCIL:** Ms. Kuenstler explained this agreement is between Luna County and the Deming Art Council and originally came from a proposal made in July. The proposal is now submitted in the form of a contract drafted by Community Projects Director, Jessica Etcheverry. The agreement is in the requested amount of \$3,000.00 and the Deming Art Council must

submit quarterly statistical reports which include the number of both resident and non-resident visitors, number of youths participating and number of events held. Commissioner Milo moved to approve the Agreement between Luna County and Deming Art Council. Commissioner Spivey seconded the motion which carried unanimously.

- d. DISPOSAL OF ASSETS FROM THE LUNA COUNTY ROAD DEPARTMENT:** Ms. Kuenstler stated this item is a request from Budget and Procurement Director Joanne Hethcox to dispose of Road Department assets. Commissioner Milo moved to approve Disposal of assets from the Luna County Road Department. Commissioner Spivey seconded the motion which carried unanimously.
- e. RESOLUTION 13-39 SUPPORT OF THE SUNZIA TRANSMISSION LINE:** Ms. Keunstler stated this is the resolution that supports the SunZia Transmission Line as proposed by SunZia. Per Commissioner Diaz's request, languages in paragraph 2 were changed: In paragraph 2, languages changed to reflect the word 'are' instead of 'is', and removing parentheses with the contents of (New Mexico State University Economic Impact Study). Deleting paragraphs 4 and 6. Including a recommendation from the Natural Resources committee regarding a utility corridor, and Ms. Kuenstler's recommendation to place in the resolution language that states: 'Whereas, Luna County supports the concept of a utility corridor so that present and future proposed projects are directed through the same location.' A discussion ensued between the Board and John Strand about the tax bases on lines, assessment values and the transmission lines, and Mr. Strand stated the land that the transmission lines and substations will be located on will be taxed just like any other piece of land. Commissioner Spivey moved to approve Resolution 13-39 Support of the SunZia Transmission Line as amended (*as noted: In paragraph 2, changing the word 'is' to 'are', removing the parentheses with the contents of (New Mexico State University Economic Impact Study), deleting paragraphs 4 and 6, and adding language: 'Whereas, Luna County supports the concept of a utility corridor so that present and future proposed projects are directed through the same location.'*) Commissioner Milo seconded the motion which carried unanimously following a roll-call vote.
- f. CORRE CAMINOS RIDERSHIP INFORMATION:** This particular item in the agenda was a discussion item only. The information contained in this item was rider statistics in Luna County for Corre Caminos and was presented in conjunction with agenda item 'B'. This item was presented for information purposes only, and no action was taken on this item.
- g. EXEMPTION OF LEVY TAX 77-15-11 FOR NUTT DAIRY LLC. AND NM FEEDING CO.:** Ms. Kuenstler stated this item is the exemption of Levy Tax 77-15-11 for Nutt Dairy LLC. and NM Feeding Co. The request to both the Assessor and the County Manager is that the cattle be excluded from the predator control special tax assessment due to the nature of the confined feeding. The exemptions are done on an annual basis.

Commissioner Milo moved to approve the Exemption of Levy Tax 77-15-11 for Nutt Dairy LLC. and New Mexico Feeding Co. Commissioner Spivey seconded the motion which carried unanimously.

INDIGENT CLAIMS REPORT: Upon motion of 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. Joanne Hethcox recommended approval of 27 claims dated August 8, 2013 in the amount of \$45,505.50 and zero denials. The monies received for July 2013, totaled \$58,692.75. Commissioner Spivey moved to approve 27 claims dated August 8, 2013 in the amount of \$45,505.50 and zero denials. Commissioner Milo seconded the motion which carried unanimously. Commissioner Spivey moved to recess as the Indigent Hospital Claims Board and reconvene as the Board of County Commissioners. Commissioner Milo seconded the motion which was approved unanimously.

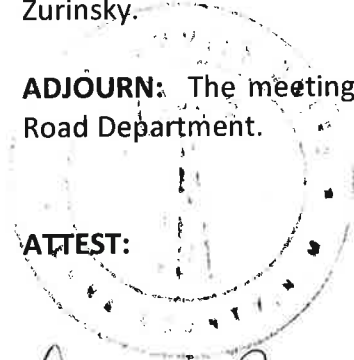
ANNOUNCE NEXT MEETING: Commissioner Diaz announced the next regular meeting will be held on Thursday, September 12, 2013.


RECESS: The meeting was recessed at 10:45 a.m.

ROAD DEPARTMENT INSPECTION: An inspection of the Luna County Road Department was conducted by the Luna County Board of County Commissioners and given by Road Director Marty Miller at the Luna County Road Department. Also in attendance during the inspection were Manager Kelly Kuenstler, Chief Deputy Clerk Berenda McWright and Deputy Clerk JoAnna Zurinsky.

ADJOURN: The meeting was adjourned by Chairman Diaz at 11:57 a.m. at the Luna County Road Department.

ATTEST:




ANDREA RODRIGUEZ, LUNA COUNTY CLERK

LUNA COUNTY BOARD OF COUNTY COMMISSIONERS


JOE L. MILO, JR., DISTRICT 1

APPROVED: _____

ABSENT
J. JAY SPIVEY, DISTRICT 2


CHAIRMAN R. JAVIER DIAZ, DISTRICT 3