

**MINUTES
REGULAR MEETING
LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS
Tuesday, November 19, 2013**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 9:00 a.m. on Tuesday, November 19, 2013 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 Kelly Kuenstler, Assistant to the County Manager Glory Johnson, County Clerk Andrea Rodriguez, Deputy Clerk JoAnna Zurinsky, Treasurer Dora Madrid, Chief Deputy Treasurer Gloria Rodriguez, Assessor Delilah Rojo, Sheriff Raymond Cobos, Special Projects and Facilities Management Director Billy Ruiz, Detention Director Matthew Elwell, Detention Officer Rick McNutt, Detention Officer Mary Gooding, Detention Officer Guadalupe Sandoval, Community Projects Director Jessica Etcheverry, Budget and Procurement Director Joanne Hethcox, Starmax Facilities Director Ira Pearson, IT Technician Manny Armendariz.

CALL TO ORDER: Chairman Diaz called the meeting to order at 9:00 a.m. and Rick McNutt 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

ANNOUNCEMENTS: Commissioner Spivey announced *El Diario* published a 1/3 page ad promoting the 55-mile extension. Mr. Spivey also congratulated County Manager Kelly Kuenstler for her recent appointment from the New Mexico Supreme Court to the Judicial Performance Evaluation Commission.

PUBLIC HEARING: Chairman Diaz opened the public hearing to receive testimony regarding a Temporary Variance requested by Dennis and Patricia Garrett to allow for a second dwelling on their property. Ms. Kuenstler explained the temporary variance would allow for the applicants to provide care for an elderly father. Ms. Kuenstler recommended a time-period of three years for the temporary variance based on staff recommendations. With no other testimony forthcoming, Chairman Diaz closed the public hearing.

CONSIDERATION OF TEMPORARY VARIANCE: Commissioner Spivey moved to approve the Consideration of Temporary Variance requested by Dennis and Patricia Garrett. Commissioner Milo seconded the motion which carried unanimously.

PRESENTATIONS: Special Projects and Facilities Management Director Billy Ruiz presented an update on the Law Enforcement Complex. Mr. Ruiz's outlined in his presentation draft floor plans, drainage, ponding and parking layouts, logistics on traffic flow pertaining to the planned entrances and exits, security of the facility, and a construction/bid process timeline. Sheriff Raymond Cobos discussed the plans and benefits of an on-site impound and storage yard at the facility, security and traffic-flow issues. Chairman Diaz requested a traffic study of the area.

Detention Director Matthew Elwell presented retiring Detention Captain Rick McNutt a belt buckle to commemorate his years with the Luna County Detention Center during an official retirement of badge ceremony.

Detention Director Matthew Elwell and Lieutenant Carl Sanner conducted a promotional ceremony of Sergeant Mary Gooding to Lieutenant and Detention Officer Guadalupe Sandoval to Sergeant.

ELECTED OFFICIALS REPORTS: There were no reports given by the Elected Officials.

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

- Ms. Kuenstler asked the members of the public and those in attendance at the meeting to participate in the Hazard Mitigation Survey. The survey is available on-line on the County website: www.lunacountynm.us
- FEMA Tech Team and FEMA Representatives have been working in Luna County on the damage assessments for the Columbus area. They have set up a temporary office in the Emergency Management Office from November 5th to December 4th in order to do the required work and evaluation for the Columbus damage which received a federal disaster declaration.
- On November 1st, there was a short meeting requesting to send a number of vehicles up to the State Auditor's OFC for removal from County inventory. Commissioner Spivey requested an effort be made to see if other County departments could utilize the vehicles. An e-mail was sent out that same day by the County Manger's Office, and no other departments were in need of the vehicles that are going up for auction.
- Cooke's Peak Volunteer Fire Department has been awarded a State Fire Marshall's grant for \$100,000 to fund a 40,000 gallon water storage tank that is required by ISO. This grant has been applied for during the past six years with no results. The completion of the project will allow Cooke's Peak to lower their ISO rating to an eight.
- Joanne Hethcox and Danny Gonzales successfully completed their Certified Public Supervisor (CPS) Course through NM Edge. They will be awarded their CPS in January at the Legislative Conference of the NMAC.

- 22,500 55-mile visa extension campaign cards will be distributed at the border crossings from November 30th to December 14th.
- For the month of October, DWI held 21 prevention activities, tracked 133 offenders and conducted 5 screenings.
- The IT Department worked on hardware and software upgrades in the Treasurer's Office, Detention Center, District Court, Manager's Office and Planning Department.
- Community Health and Well Being has received the new Parents as Teachers Program contracts for expansion of services to 115 families. There are currently 85 families enrolled in the program.
- The Healing House hosted an open house on October 9th. A candlelight vigil was held the following week in Courthouse Park for Domestic Violence Awareness Month.
- Healthy Start conducted 274 home visits, 18 pregnancy tests, 4 car seat classes and distributed 4 car seats.
- Healing House saw 68 clients.
- There were 2 tort claims filed for the month of October.
- State Auditors finished field work for an audit in the Budget and Procurement Department that ends June 30th. An audit exit interview was attended by County Manager Kelly Kuenstler and Chairman Diaz. Results from the audit will be made public via Commission Meeting and posted on the website as soon as they are available.
- RFP's are being prepared for a long-term lease for the day care facility next to the Learning Center and for a software contract.
- Starmax has received \$52,525 towards the digital reimbursement program. The remaining balance on conversion is \$336,000. Starmax saw \$104,000 in revenues for the month of October, and continues to do well with reserve funds despite the slow fall season.
- The Luna County Detention Center average daily population is 172 Federal Inmates and 145 Local Inmates. Detention Director Matthew Elwell received appointment to the New Mexico Adult Detention Professional Standards Council.
- Central Dispatch call volume was 12,017 (received and sent) calls. 6 Tipsoft alerts were received.

PUBLIC COMMENT: Dave Petersen discussed his concerns regarding the Extra Territorial Zoning (ETZ) area. Mr. Petersen expressed his support in abolishing the ETZ. Mr. Petersen inquired about the logistics involving emergency lights for traffic control for the Sheriff's Complex.

Sean Blaine stated he felt that evening meetings were more democratic, and spoke in favor of changing the time to 6:00 p.m. Mr. Blaine asked why the Volunteer Fire Departments were not required to give a monthly chief's report. Both the Board and Ms. Keunstler stated the Volunteer Fire Chiefs submit reports which are included in the Manager's Report. Mr. Blaine also inquired about the number of the volunteer fire fighters that do not live within a 15-mile vicinity of the Florida Volunteer Fire Department.

CONSENT AGENDA: Upon motion by Commissioner Spivey and a second by Commissioner Milo, Payroll Registers totaling \$950,044.49 and Accounts Payable Registers totaling \$612,178.28 were unanimously approved.

CONSIDER MINUTES: Upon motion by Commissioner Milo and a second by Commissioner Spivey, the minutes of the October 10, 2013 Regular Meeting were unanimously approved. Upon motion by Commissioner Milo and a second by Commissioner Spivey, the minutes of the October 18, 2013 Special Meeting were unanimously approved. Upon motion by Commissioner Milo and a second by Commissioner Spivey, the minutes of the November 1, 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 13-50 BUDGET INCREASES:** *(New Business Item 'E' was moved ahead of this item.)* Ms. Kuenstler recommended approval of five budget increases totaling \$39,384.66. Commissioner Spivey moved to accept Resolution 13-50 Budget Increases. The motion was seconded by Commissioner Milo and carried unanimously following a roll-call vote.
- b. **RESOLUTION 13-51 BUDGET TRANSFERS:** Ms. Kuenstler recommended approval of four budget transfers in the amount of \$744,919.11. Commissioner Milo moved to accept Resolution 13-51 Budget Transfers. The motion was seconded by Commissioner Spivey and carried unanimously following a roll-call vote.
- c. **RESOLUTION 13-52 APPROVING THE SUBMITTAL OF AN APPLICATION TO USDA FOR PROMISE ZONE DESIGNATION:** Ms. Kuenstler explained Resolution 13-52 authorizes the County to apply for the Promise Zone Designation to the USDA and to be the fiscal agent for the grant for the southwest region. A Memorandum of Understanding has been signed by Catron, Grant and Hidalgo Counties and municipal governments of Deming, Columbus, Silver City, Hurley, Bayard, Santa Clara, Reserve and Lordsburg to work together on economic development and renewable energy as a region. The region is also working on a broadband implementation. Commissioner Milo moved to accept Resolution 13-52 approving the Submittal of an Application to USDA for Promise Zone Designation. The motion was seconded by Commissioner Spivey and carried unanimously following a roll-call vote.
- d. **DISCUSSION OF O'KELLY ROAD AND OTHER COUNTY ROADS TO INCLUDE THE ROAD BETWEEN 549 AND 377:** Ms. Kuenstler requested the tabling of this item on the agenda due to the absence of Road Superintendent Marty Miller. Commissioner Spivey motioned to table the Discussion of O'Kelly Road and other County Roads to include the road between 549 and 377. Commissioner Milo seconded the motion which carried unanimously.

- e. **APPROVE DISTRIBUTION OF PROCEEDS OF THE SALE OF 110 N. GOLD AND SURROUNDING PROPERTY TO A FUND TO SUPPORT THE LAW ENFORCEMENT COMPLEX:** *(This item was moved ahead of item 'A' on the New Business)* Ms. Kuenstler stated that this allows for the transfer of funds from the Manager's Office in the amount of \$720,000 to the local ICIP Fund to pay in part for the build out of the Law Enforcement Complex. The \$720,000 was generated from the sale of the property on Gold and Pine. Commissioner Spivey moved to approve distribution of proceeds of the sale of 110 N. Gold and surrounding property to a fund to support the Law Enforcement Complex. Commissioner Milo seconded the motion which carried unanimously.

- f. **JOINT POWERS AGREEMENT BETWEEN LUNA COUNTY AND THE VILLAGE OF COLUMBUS FOR LAW ENFORCEMENT SERVICES:** Ms. Kuenstler requested the tabling of this item pending approval from the Department of Finance Administration. Commissioner Spivey motioned to table the Joint Powers Agreement between Luna County and the Village of Columbus for Law Enforcement Services. Commissioner Milo seconded the motion which carried unanimously.

- g. **APPOINTMENT OF DEPUTY SHERIFF FOR ALONZO MUNOZ AND MARTY CRUMLEY:** Commissioner Spivey moved to approve the Appointment of Deputy Sheriff for Alonzo Munoz and Marty Crumley. Commissioner Milo seconded the motion which carried unanimously.

- h. **INSTALLATION OF RAISED PAVEMENT MARKERS AT THE INTERSECTION OF DONA ANA AND HERMANAS GRADE AS A SAFETY MEASURE:** Ms. Kuenstler asked the Board for their consideration to install raised pavement markers at the intersection of Dona Ana and Hermanas Grade as a safety measure. The request comes from a memo by Road Superintendent Marty Miller, and is the result of concerns raised by Mr. John Ralston during a previous Board meeting. Commissioner Spivey moved to approve the installation of raised pavement markers at the intersection of Dona Ana and Hermanas Grade as a safety measure. Commissioner Milo seconded the motion which carried unanimously.

- i. **DISPOSAL OF ASSETS- APPROVAL TO REMOVE CERTAIN VEHICLES FROM LUNA COUNTY INVENTORY BY PUBLIC AUCTION LUNA COUNTY VEHICLES:** Ms. Kuenstler stated this item is a request to begin the process of disposing of five vehicles from the Detention Center. The County will attempt to have the State Auditor's Office approve these with a previous list of vehicles. If the State Auditor's Office approves, the vehicles will go for auction on December 14th, if not the assets will have to be auctioned separately. Commissioner Milo moved to approve the Disposal of Assets- Approval to Remove Certain Vehicles from Luna County Inventory by Public Auction Luna County Vehicles. Commissioner Spivey seconded the motion which carried unanimously.

- j. SUPPORT THE RESOLUTION ON PREEMPTION OF LOCAL AUTHORIZATION APPROVED BY NMAC BOARD OF DIRECTORS:** Ms. Kuenstler explained this resolution was previously passed by the NMAC's Board of Directors. The resolution involves the gross receipts tax increment of 1/8th of one percent which is used to support indigent patients who are residents of that county. The second 1/8th increment is used by counties to provide a local match to the State for purposes of drawing down a match of federal Medicaid dollars for local hospitals that qualify for sole community provider funds. The Commission would provide a letter to NMAC supporting the passed resolution. The resolution opposes any proposal or legislation that would preempt local government authority by taking a portion of this gross receipts tax from the County and allocating it to the State. Commissioner Milo moved to approve the Support of the Resolution on Preemption of Local Authorization Approved by the NMAC Board of Directors. Commissioner Spivey seconded the motion which carried unanimously.
- k. ANNUAL EMPLOYEE CITY/COUNTY CHRISTMAS PARTY:** Ms. Kuenstler requested approval for the Board to pay for the County Employee and County Committee meals for the annual Christmas Party. The amount for each person will be about \$20.00, which includes meal, drink, gratuity and tax for the number of employees and committee members that RSVP. Spouses and significant others are welcome, but will have to pay separately. Commissioner Spivey moved to approve the Annual Employee City/County Christmas Party. Commissioner Milo seconded the motion which carried unanimously.
- l. RENAMING OF THE MIMBRES VALLEY LEARNING CENTER AND SPECIAL EVENTS CENTER:** Ms. Kuenstler requested consideration of renaming the Mimbres Valley Learning Center to the John Arthur Smith Mimbres Valley Learning Center and the Special Events Center to be renamed the Dona Irwin Special Events Center. Much discussion ensued as to the feasibility of the requested name change. Larry Caldwell, Dave Petersen, and Ron Scharf voiced their concerns pertaining to the name change, with Mr. Petersen and Mr. Scharf requesting a public hearing for the proposed change. Commissioner Spivey suggested a plaque dedicated to both Senator Smith and Representative Irwin recognizing their service would be more appropriate. Commissioner Milo stated he felt the name change was a good idea. Commissioner Spivey moved to not rename the Mimbres Valley Learning Center and Special Events Center, but to honor Senator Smith and Representative Irwin with plaques. Chairman Diaz seconded the motion. The motion carried by a two to one vote with Commissioner Milo voting in the negative.

INDIGENT CLAIMS REPORT: Upon motion by Commissioner Milo and a second by Commissioner Spivey, 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 84 claims dated November 14, 2013 in the amount of \$156,706.15 and one denial. The monies

received for October totaled \$59,464.83. Commissioner Spivey moved to approve 84 claims dated November 14, 2013 in the amount of \$156,706.15 and one denial. 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, December 12, 2013 at 6:00 p.m.

COLUMBUS STOCKYARDS AND BORDER TOUR: A tour of the Columbus Stockyards and Border was conducted. Present were Chairman Diaz, Commissioner Milo, County Manager Kelly Kuenstler, Deputy Clerk JoAnna Zurinsky and Elena Ruiz from *The Deming Headlight*. (Commissioner Jay Spivey was absent from the tour portion of the meeting only.) Members of the Luna County Sheriff's Office were present during the Border Tour.

ADJOURN: Chairman Diaz adjourned the meeting at 6:00 p.m.

ATTEST:

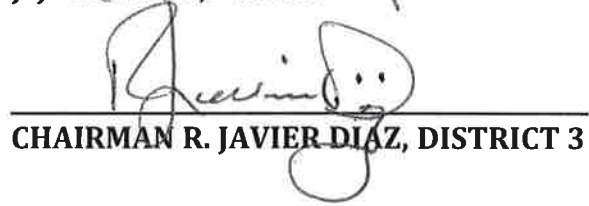

ANDREA RODRIGUEZ, CLERK

LUNA COUNTY BOARD OF COUNTY COMMISSIONERS


JOE L. MILO, JR., DISTRICT 1

APPROVED: 12-12-13


J. JAY SPIVEY, DISTRICT 2


CHAIRMAN R. JAVIER DIAZ, DISTRICT 3

