

**MINUTES
REGULAR MEETING
LUNA COUNTY BOARD OF COUNTY COMMISSIONERS**

Thursday, May 10, 2012

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 9:00 a.m. on May 10, 2012, in the County Commission Chambers of the Luna County Courthouse, Deming, New Mexico, for the purpose of conducting any and all business to come before the board.

The following staff and elected officials were present: County Manager Kelly Kuentler, Assistant to the County Manager Glory Johnson, Clerk Karen Smyer, Deputy Clerk JoAnna Zurinsky, Assessor Delilah Rojo, Chief Deputy Assessor Barbara Cobos, Human Resources Director Daniel Gonzales, Budget & Procurement Director Joanne Hethcox, Detention Director Matthew Elwell, Community Program Manager Katherine Smyer, Sheriff Raymond Cobos, County of Luna Director of Planning Gabe Boyle, Luna County Head Start Jessica Moreno, and Keep Luna County Beautiful Program Manager Jessica Johnson .

CALL TO ORDER: Chairman Spivey called the meeting to order at 9:13 a.m., and led the Pledge of Allegiance and the salute to the flag of the State of New Mexico.

ROLL CALL: County Clerk Karen Smyer called roll. The following members of the Board constituting a quorum were present:

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

PRESENTATIONS: Jack Blandford, NMSU Cooperative Extension Agent, addressed the board and presented information on the African Rue, a noxious weed in Luna County, not indigenous to the area. Outlined in the presentation, but not limited to, were eradication goals, tips on treatment, the life cycle of the weed, roots, bloom and seed, and effective herbicide application(s). A slide presentation was also given in conjunction with the lecture with various pictures identifying the weed in various locations around Deming.

SERVICE AWARDS: Detention Director Matthew Elwell presented an award for ten years of service to Detention Officer David Townsend.

ANNOUNCEMENTS: Chairman Jay Spivey acknowledged and expressed sympathy in the passing of Luna County employee Bob Orosco. He also expressed gratitude and appreciation to the workers for the Cinco De Mayo Celebration. Commissioner Diaz

requested to County Manager Kelly Keunstler that the county work in conjunction with the New Mexico Department of Transportation to have lighting installed at the corner of North Boundary and Highway 11. He suggested writing a letter to Mr. Frank Guzman. Commissioner Milo thanked Ms. Kuenstler and Pepper's Supermarket for their participation in New Mexico Safe Routes, which is every Wednesday. The Safe Route for May 9, 2012 was from Blake's to Ruben Torres Elementary School. Chairman Spivey reiterated his diligence in the opening of the cattle crossing and acknowledged the economic impact of the closing. Jessica Johnson of Keep Luna County Beautiful announced The Great American Cleanup on Saturday, May 12, 2012 at 8:00 a.m. Ms. Johnson asked for volunteers for the event and said lunch and door prizes will be provided.

ELECTED OFFICIALS REPORT: County Clerk Karen Smyer reported voter registration closed Tuesday, May 8th and early voting started. To date, the Clerk's Office has issued 41 absentee ballots. There have been 39 early voters since Tuesday. Early voting continues in the Clerk's Office during normal business hours, Monday through Friday, from 8:00 a.m. to 5:00 p.m. Early voting begins at Mimbres Valley Learning Center on May 19, 2012. Ballots may be cast Tuesdays through Fridays, from 11:00 a.m. to 7:00 p.m. and on Saturdays from 9:00 a.m. to 5:00 p.m. The last day to vote early is June 2. The clerk's office will begin certifying voter registration rolls immediately. Voting machines will be tested and certified on May 22. Sunshine Volunteer Fire Department (Precinct 13) and Mimbres Valley Learning Center (Precinct 3) are new polling places.

County Assessor Delilah Rojo reported there is a lot of work being done in the Assessor's Office, even though 2012 is not a reappraisal year. 61,000 Notices of Value were sent out to citizens and landowners. Fliers were included in the mailing outlining services provided by the Assessor's Office. April 30th was the deadline for any valuation protests. This was also the first year Limitation on Increase in Value of Property documents were sent out to taxpayers aged 65 and over and landowners with disabilities. The flier explained how to apply for any exemptions that may be available through the State of New Mexico. The Assessor's Office is working closely with Department of Finance in regards to revenue loss due to exemptions. The Assessor's Office is working toward a May 15th deadline to get the necessary information submitted to DFA.

County Sheriff Raymond Cobos reported service calls in Columbus are down by 50%. He also addressed LCSO's ongoing commitment to border security programs. Sheriff Cobos also touched base on these key points: the transferring of a generator to the court complex for emergency management purposes and enhancing security features of the alarm system at the court complex. The Sheriff's Office also received approval of hiring an agent for HIDTA Task Force.

NATIONAL CORRECTIONAL OFFICERS AND EMPLOYEES WEEK MAY 6-12, 2012 AND REAFFIRMATION OF THE DETENTION CENTER OATH: Detention Director Matthew Elwell commended officers and employees of the correctional system, and County Manager Kelly Kuenstler administered the oath to the officers. Chairman Spivey thanked the Detention Officers for a job well done.

COUNTY MANAGER'S REPORT: County Manager Kelly Kuenstler addressed the recent closing of Proper Foods. Ms. Kuenstler commended the City of Deming, the Commissioners and Chairman Spivey for trying to get a buyer for the plant, which provides over 130 jobs in Deming. Ms. Keunstler discussed the formation of a Detention Center Citizen's Advisory Committee. Citizens appointed were Richard Huffman, Ray Krecji, and Merlin Norenberg. Each member has over 25 years experience, individually in corrections. They have met four times, and the committee advises strictly on policy and procedure. She provided information on running background checks of volunteers in the detention facilities. Of 21 volunteers, only 7 were asked to leave. The background checks were done per the recommendation of the Advisory Committee. For the first time in Luna County history, Detention Director Matthew Elwell had an eight hour training session for the Detention Center volunteers on the protocols of the "Do's and Don'ts" of the Detention Facility. An annual inspection was conducted by the state food and environmental department. The jail passed this inspection with zero findings. Also, a recommendation was received by the U.S. Marshal and it will be reviewed during the next meeting. The Public Advisory Land Usage Committee met on April 25, 2012. Russell Baker was elected as Chairman, Montie Speir, Vice Chairman; and Totsie Slover, Secretary. Russ Howell was recognized as a member of the committee. They will meet again on May 30, 2012. StarMax will spend just under \$400,000 for digital upgrades and a 3-D feature. The cattle crossing remains closed despite the ongoing effort of many. The Legislative Finance Committee toured the crossing and voted to write a letter of support encouraging the advent of solutions for re-opening. Secretary Bill Stack, Janet Napolitano, and Hillary Clinton will receive copies of said letter. Senators Udall and Bingaman continue efforts on the Washington, D.C. level on the reopening and the Governor also sent a support letter. There was a letter of support received from the State of Chihuahua expressing support in the reopening of the cattle crossing. 33 Counties will forward letters of support. Chairman Spivey pledged his diligence in economic development and employment for Deming.

PUBLIC COMMENT: Fred Williams addressed his concerns regarding the property located at 110 N. Gold. He urged the commissioners to consider the condition of the building during executive session while they discuss the offer to purchase the property.

Mr. Costello voiced his concerns about the quality of the language and entertainment in one of the movies shown at StarMax and found it disgraceful. Mary Galbraith, Executive Director of the Chamber of Commerce, thanked the County for their help and support of the Cinco de Mayo celebration. Ms. Galbraith thanked Julie Mendez, Kelly Kuenstler, and Glory Johnson individually for their effort and participation. Ray Krecji stated to the Commissioners that the jail is the only money making facility in the county and it has the potential to bring in \$3.72 million in revenue. He iterated concerns over the physical condition of the jail. Chairman Spivey stated that work is being done to rectify the condition of the jail and to bring it to a higher standard.

CONSIDER MINUTES: Commissioner Diaz motioned to approve the minutes of the Governance Training Workshop held on April 10, 2012. The motion was seconded by Commissioner Milo and was approved unanimously.

Commissioner Milo motioned to approve the minutes of the Regular Meeting held on April 12, 2012. The motion was seconded by Commissioner Diaz and was approved unanimously.

Commissioner Milo motioned to approve the minutes of the Work Session held on April 17, 2012. The motion was seconded by Commissioner Diaz and was approved unanimously.

Commissioner Milo motioned to approve the minutes of the Special Meeting held April 23, 2012. The motion was seconded by Commissioner Diaz and was approved unanimously.

CONSENT AGENDA:

Payroll Register #	Date of Register	Total of Register in Dollars
20120020	April 06, 2012	\$429,640.36
20120021	April 06, 2012	\$20,310.03*
20120022	April 06, 2012	\$3,407.87*
20120023	April 20, 2012	\$440,216.59
20120024	April 20, 2012	\$20,381.70*
Total of Payroll Registers		\$913,956.55
*Special Payroll that is reimbursable through Grants and/or Contractual Payments.		
Warrant Register Date		Total of Register in Dollars
April 05, 2012		\$187,184.94
April 05,2012		\$5,221.58
April 13, 2012		\$314,696.73
April 20, 2012		\$75,073.44
April 27, 2012		\$86,229.57
Total of Warrant Registers		\$668,406.26

Commissioner Diaz motioned to approve the items of the consent agenda consisting of payroll registers totaling \$913,956.55 and accounts payable registers totaling \$668,406.26. The motion was seconded by Commissioner Milo and was approved unanimously.

NEW BUSINESS: County Manager Kelly Kuenstler described each item on the New Business agenda.

- A. RESOLUTION 12-27 PROPOSED INTER/INTRA FUND BUDGET INCREASES:** Five budget adjustments were proposed in the total amount of \$319,705.14. Commissioner Diaz motioned to accept Resolution 12-27 Budget Increases. The motion was seconded by Commissioner Milo and was approved unanimously following a roll call vote.

- B. RESOLUTION 12-28 PROPOSED INTRA DEPARTMENT TRANSFERS:** Twelve Intra Department Budget Transfers were proposed in the total amount of \$148,111.49. Commissioner Diaz motioned to accept Resolution 12-28 Intra Department Transfers.

The motion was seconded by Commissioner Milo and was approved unanimously following a roll call vote.

- C. RESOLUTION 12-29 INDUCEMENT RESOLUTION RELATING TO THE PROPOSED INDUSTRIAL REVENUE BONDS TO BE ENTITLED LUNA COUNTY, NEW MEXICO TAXABLE INDUSTRIAL REVENUE BONDS FOR MACHO SPRINGS SOLAR PROJECT:** County Manager Kelly Kuenstler amended 12-29 Inducement Resolution, correcting an error on Page 6, Section 7, Item C. Correctly stated as, "A one-time payment in the amount of \$462,500." Previous Item C on the agenda is moved to Item D, Item D becomes Item E, and Item E then becomes Item F. Amended copies were made available during the meeting. Questions were deferred to John Knight, however none were forthcoming. Commissioner Diaz motioned to accept Resolution 12-29 as amended as stated by the county manager. The motion was seconded by Commissioner Milo and was approved unanimously following a roll call vote.
- D. RESOLUTION 12-30 TAXABLE FRINGE BENEFITS:** County Manager Kuenstler advised amending Resolution 06-43, assigning the new number 12-30. Resolution 06-43 contained outdated Taxable Fringe Benefits information. She also stated the vehicle portion was amended and now complies with IRS rules and regulations. Cellular phone language was taken out of the resolution as the County has moved forward in implementing an in-house cellular phone policy. Commissioner Milo motioned to approve Resolution 12-30 Taxable Fringe Benefits. The motion was seconded by Commissioner Diaz and was approved unanimously following a roll call vote.
- E. CONTRACT RENEWAL BETWEEN LUNA COUNTY AND UNITED ASSOCIATES FOR SERVICES AT HEALTHY START:** Ms. Keunstler explained United Associates provides data management services which support federal reporting requirements, assists in document revision and database management, preparation of annual reports and grant application. The contractor will attend all mandatory meetings necessary for Healthy Start. Commissioner Diaz motioned to accept the contract renewal between Luna County and United Associates. The motion was seconded by Commissioner Milo and was approved unanimously.
- F. CONTRACT RENEWAL BETWEEN LUNA COUNTY AND CHALLENGER SOFT FOR SERVICES AT HEALTHY START:** County Manager Kuenstler advised that Challenger Soft provides software to collect, track and analyze Healthy Start program data. The contract is from June 1, 2012 to May 31, 2013. Commissioner Milo motioned to accept the contract renewal between Luna County and Challenger Soft. The motion was seconded by Commissioner Diaz and was approved unanimously.
- G. AMEND ORGANIZATIONAL CHART TO MOVE JUDICIAL COMPLEX SECURITY UNDER THE SHERIFF'S DEPARTMENT:** Ms. Kuenstler stated security at the Sixth Judicial District Court was transferred from the county manager's office to the Sheriff's Office. A non-commissioned security guard will be stationed at the Luna County Courthouse. Ms. Keunstler stated there will be three Sheriff's Department personnel assigned to the judicial complex. Commissioner Diaz motioned to approve the

amended organizational chart. The motion was seconded by Commissioner Milo and was approved unanimously.

- H. APPOINT MEMBER TO THE LIBRARY BOARD:** Ms. Kuentler suggested re-advertising the position on the Library Board because response was poor. Commissioner Diaz motioned to table the appointment to the Library Board. The motion was seconded by Commissioner Milo and was approved unanimously.

COUNTY MANAGER'S REPORT--ADDITIONAL INFORMATION: Ms. Kuentler recommended appointment of an Advisory Board for the Healing House to aid in the eventual transition into a 501(c)(3) or a Private/Non-Profit Organization. It was the consensus of the board the County Manager may publish a public service announcement seeking potential members.

- I. PUBLIC HEARING FOR PLANNING DEPARTMENT VARIANCE 01-12 SUBMITTED BY APPLICANT CHARITY CHEUNG:** Chairman Spivey opened public hearing, and County Manager Kelly Keunstler swore in Gabe Boyle, Director of Planning, and Charity Cheung, a Deming resident requesting a variance. Mr. Boyle presented staff findings; provided a legal description of the land and facts pertaining to the request. Ms. Cheung requests that she be permitted to move her mother's mobile home onto her property due to her mother's medical condition. The variance is requested for a specified period of three years. The variance request is opposed by neighbor Susan Harris Cogburn, who went before the board after being sworn in and expressed her concerns due to property line and potential value/resale issues. Ms. Cheung was asked if she would work together with her neighbor involving the pertinent concerns. Ms. Cheung said she would keep Ms. Harris-Cogburn involved and fully abreast of information and developments. Commissioner Diaz motioned to approve the variance based on the Planning Department's findings. The motion was seconded by Commissioner Milo and was approved unanimously.

INDIGENT CLAIMS REPORT: Upon motion of Commissioner Diaz, seconded 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 34 claims in the amount of \$94,063.84, and 2 denials. Commissioner Diaz moved to approve 34 claims in the amount of \$94,063.84 dated May 10, 2012. Commissioner Milo seconded the motion which was approved unanimously. Commissioner Diaz motioned for recess as Claims Board and to reconvene as the Board of County Commissioners. Commissioner Milo seconded the motion, which was approved unanimously.

CALL FOR ORDINANCE 82 ESTABLISHING A FIVE PERCENT LUNA COUNTY PROCUREMENT PREFERENCE: County Manager Kelly Kuentler requested approval to publish title and summary of Ordinance 82 in accordance with legal requirements. Ms. Kuentler stated the purpose of the proposed ordinance is to establish a Luna County 5% procurement preference and requires a Luna County preference certificate for establishing eligibility for preference for a Luna County business. Commissioner Diaz commended Ms.

Keunstler for her work. Commissioner Diaz motioned to approve the call for establishing Ordinance 82. The motion was seconded by Commissioner Milo and was approved unanimously.

ANNOUNCE NEXT REGULARLY SCHEDULED MEETING: Chairman Spivey announced the next regularly scheduled meeting will be held on June 14, 2012 at 9:00 a.m.

EXECUTIVE SESSION: Chairman Spivey entertained a motion to enter into Executive Session to discuss Disposal of Real Property pursuant to Section 10-15-1 (H)(8) NMSA1978 pertaining to 110 N. Gold and Limited Personnel Matters pursuant to Sections 10-15-1(H)(2) NMSA 1978 pertaining to the Luna County Detention Center. Commissioner Diaz moved for Executive Session for the purpose stated by Chairman Spivey, and further stated no other matters would be discussed. Commissioner Milo seconded the motion which unanimously carried following a roll call vote. Upon return from Executive Session, Commissioner Diaz moved to reconvene and he further stated no matters other than the Disposal of Real Property pertaining to 110 N. Gold and Limited Personnel Matters pertaining to the Luna County Detention Center were discussed. Commissioner Milo seconded the motion. Commissioner Diaz moved to reject the offer pertaining to Disposal of Real Property located at 110 N. Gold. Commissioner Milo seconded the motion which carried unanimously. No action was taken in regards to Limited Personnel Matters pertaining to Luna County Detention Center.

ADJOURN: The meeting was adjourned by Chairman Spivey at 11:33 a.m.

ATTEST:

**LUNA COUNTY BOARD OF
COUNTY COMMISSIONERS**

Karen Smyer, Luna County Clerk

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

Approved: _____

J. Jay Spivey, District 2, Chairman

R. Javier Diaz, District 3