

MINUTES
REGULAR MEETING
LUNA COUNTY BOARD OF COUNTY COMMISSIONERS
Thursday, August 9, 2012

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 9:00 a.m. on Tuesday, August 9, 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 properly before the Board.

The following staff and elected officials were present:

Kelly Kuenstler, County Manager	Barbara Cobos, Chief Deputy Assessor
Glory Johnson, County Manager's Office	Raymond Cobos, Sheriff
Rheganne Vaughn, County Manager's Office	Marty Miller, Road Department
Natalie Pacheco, Chief Deputy County Clerk	Les Williams, Road Department
Andrea Rodriguez, Clerk's Office	Mike Wilson, Road Department
JoAnna Z. Zurinsky, Clerk's Office	Danny Gonzales, Business Office
Dora Madrid, Treasurer	Matthew Elwell, Detention Director

CALL TO ORDER: Chairman Spivey called the meeting to order at 9:07 a.m. and Sandra Foster 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
Chairman J. Jay Spivey, District 2
R. Javier Diaz, District 3

SERVICE AWARDS: Road Superintendent Marty Miller presented Mike Wilson (5 years) with a Luna County service award. Detention Director Matthew Elwell presented detention center employees Nathan Ortberg (5 years), and Lionel Lozano (20 years) with their Luna County service awards.

PRESENTATIONS: Tom Bates went before the Board and presented information on the Arizona Water Settlement Act. Mr. Bates represents Luna County on the Gila/San Francisco Water Commission. The Arizona Water Settlement Act provides provisions on resources from the Gila and San Francisco rivers. Outlined in the presentation were projects the commission is currently working on. Chairman Spivey asked about the equality of the division amongst the four counties participating in the project. Commissioner Diaz expressed his concerns that not enough emphasis is being placed on the fact that

many would rather have the much needed lasting benefits of water rights rather than money which is only spent once.

ANNOUNCEMENTS: Commissioner Diaz announced that he is planning two community forums: one for the Village of Columbus and one for Deming. Commissioner Milo reported County Clerk Karen Smyer is recuperating nicely from a recent procedure.

ELECTED OFFICIALS REPORT: There were no reports from any of the elected official offices.

COUNTY MANAGER'S REPORT: County Manager Kelly Kuentler congratulated and commended Chairman Spivey and the commissioners for the expansion of the border-crossings to 55 miles. Ms. Kuentler reported Lieutenant John Mooradian has taken over Dispatch, and is doing a wonderful job. Operation Aztec was a collaborative exercise organized in part by Luna County Emergency Management Services it involved the military and various state and local law-enforcement and was successful. She also stated that 90 percent of the county cars have Luna County government logo decals, and all but three take home cars have been eliminated. County Manager Kuentler attended a meet-and-greet in the Village of Columbus. The Detention Center received 100 percent compliance with federal detention standards during a recent follow-up inspection from the U.S. Marshal's office. Ms. Kuentler and Chairman Spivey recently attended a Border Trade Alliance Meeting in Mexico City, and Luna County received recognition because of efforts in re-opening of the cattle crossing.

PUBLIC COMMENT: Ann Shine-Ring came before the board and voiced her concerns about how each grant dollar received by agencies on contracts is spent and whether the public is being adequately informed.

CONSIDER MINUTES: Upon motion of Commissioner Milo, seconded by Commissioner Diaz, the minutes of the July 10, 2012 Regular Meeting were unanimously approved. Commissioner Diaz moved to approve the minutes of the July 26, 2012 Special Meeting. Commissioner Milo seconded the motion which carried unanimously.

CONSENT AGENDA: Upon motion of Commissioner Diaz, seconded by Commissioner Milo, Payroll Registers totaling \$939,297.79 and Accounts Payable Registers totaling \$578,878.25 were unanimously approved.

NEW BUSINESS: County Manager Kelly Kuentler reviewed each item on the New Business agenda with the commissioners. Ms. Kuentler prefaced the New Business items by addressing the Board and stated that the County agencies are submitting performance measures and quarterly reports. Ms. Kuentler advised the Board that accurate agendas are provided 48 hours before the meetings. This is within the 24 hour time period as required by law.

- a. **Agreement between Luna County and Luna County Historical Society:** Luna County agrees to pay the Luna County Historical Society \$15,000.00 to help defray operating costs of the museum. In exchange, the museum is available for use with no admission fee to all residents and visitors of Luna County. The \$15,000.00 is to be used strictly for museum maintenance. The museum will provide quarterly reports to Rheganne Vaughn, Director, Community Health and Welfare Department. County Manager Kelly Kuentler will make those quarterly reports

available to the public. Commissioner Diaz commended the Luna County Historical Society on the museum curriculum, and moved to approve the Agreement between Luna County and Luna County Historical Society. Commissioner Milo seconded the motion, which carried unanimously. County Manager Kelly Kuenstler then invited Luna County Historical Society representative Bayne Anderson to speak on behalf of the museum, and he invited the audience to come to the museum to see the recent remodeling and expansion efforts.

- b. Agreement between Luna County and The Deming Public Schools:** Luna County will pay Deming Public Schools \$80,000.00 to operate after school programs for a twenty-six week period, and after school activities will end no earlier than 4:30 p.m. The goal of the after school program is to measure improvements in the following areas: academic support and enrichment, socialization skills and youth development, physical health and recreational activities, family and community involvement. Student participation in after school activities will be monitored and measured. The funds appropriated will be used for supplies and salaries necessary to effectively operate the program. Mary Lou Cameron and Dana Irby came before the board to answer questions. Chairman Spivey asked about early release days every week instead of every other week. It was conveyed by both Ms. Cameron and Ms. Irby early release days are fully educational days and not recreational days. Ms. Kuenstler advised the board and both Ms. Cameron and Ms. Irby that when after school programs were cancelled, it is an issue with families, and something needs to be done so there is an alternative for the students. Much discussion ensued about Deming Public School protocol, after-school programs and the opportunities available that will enrich students. The Board encouraged attendance of Deming Public Schools Board meetings. Commissioner Milo moved to approve the Agreement between Luna County and the Deming Public Schools. Commissioner Diaz seconded the motion, which carried unanimously.
- c. Agreement between Luna County and Deming Animal Guardians:** Luna County will pay Deming Animal Guardians \$10,000.00 for the purpose of a low-cost spaying and neutering program. This is primarily for providing coupons for low-cost spaying and neutering of dogs and cats owned by low-income residents. The funds are used for the care of the animals. Quarterly reports will be submitted to Rheganne Vaughn, Director, Community Health and Welfare Department. Commissioner Diaz moved to approve the Agreement between Luna County and Deming Animal Guardians. Commissioner Milo seconded the motion, which carried unanimously.
- d. Agreement between Luna County and Deming-Luna County Commission on Aging:** Luna County will pay \$100,000.00 to defray operating costs of the Deming Senior Center. The funds are received from gross receipts tax revenue. Barbara Borden, Executive Director Deming Senior Center went before the Board, and explained the reports are submitted monthly, and not quarterly. Ms. Borden thanked the Board and the County for their support. Chairman Spivey and both Commissioners commended Ms. Borden for her work. The reports are being submitted by the Deming Senior Center monthly to the county. Commissioner Diaz moved to approve the Agreement between Luna County and Deming-Luna County Commission on Aging with the amendment of monthly instead of quarterly reports. The motion was seconded by Commissioner Milo which carried unanimously.

- e. **Agreement between Luna County and Rio Mimbres Golf Course:** Luna County will contribute \$20,000.00 for the maintenance of the Rio Mimbres Golf Course. This is done for the benefit and interests of the public. This agreement states that the \$20,000.00 fund will be used strictly for golf-course maintenance and improvements (particularly, Hole 8). Quarterly reports will be submitted outlining the number of residents, non-residents, members and non-members using the course during the previous quarter. The number and description of events held also will be reported. James Williams of the Rio Mimbres Golf Course came before the Board to answer questions. Ann Shine-Ring asked based on the quarterly report, why Hole 8 was so important. Mr. Williams explained Hole 8 was specifically named because the water system was outdated and improvements were needed to conserve water. Chairman Spivey suggested a private meeting with Mr. Williams to further discuss the quarterly numbers on the golf course reporting. Commissioner Diaz moved to approve the Agreement between Luna County and Rio Mimbres Golf Course. The motion was seconded by Commissioner Milo which carried unanimously.
- f. **Agreement between Luna County and Southwestern New Mexico State Fair Association, Inc.:** Luna County will pay the Southwestern New Mexico State Fair Association, Inc. \$15,000.00 for the actual operation of the fair. In return the SNMSFA agrees to have the fair in Luna County in September, October, or November. The funds may not be used for trophies, prizes, or ribbons and the like. Quarterly reports must be submitted outlining fair attendance, number of youth and adult entries, number of livestock/animal entries, and financials. Chairman Spivey applauded the Southwestern New Mexico State Fair Association for their diligent efforts and hard work. Sandra Gunter came before the Board and thanked the County for their support and invited everyone to come out. County Manager Kelly Kuenstler asked Ms. Gunter about Fair Days. Ms. Gunter reported Fair Days are October 10th-14th. Commissioner Milo moved to approve the Agreement between Luna County and the Southwestern New Mexico State Fair Association, Inc. Commissioner Diaz seconded the motion which carried unanimously.
- g. **Memorandum of Agreement between Luna County and Deming-Luna County Humane Society:** Luna County will pay the Deming-Luna County Humane Society \$100,000.00. In exchange, the Humane Society will operate a shelter in accordance with local, state and federal regulations for companion animals. Suspect animals will be segregated for the safety and protection of other animals in the shelter. Society shall make every reasonable effort to locate owners of animals believed to be lost, strayed or stolen. Society will respond to calls in the county and outside incorporated areas. Society will maintain complete records on all animals received at the shelter and investigate all reports of animal cruelty. Suitable hours will be maintained for receiving and releasing animals at the shelter. The shelter must be kept in good repair. Sandra Foster of the Deming-Luna County Humane Society stated to the Board the Village of Columbus' stray problem is alleviated, and the society is trying to make the funds received by the county for the Village of Columbus last as long as they can. Chairman Spivey commended the Village of Columbus and the Humane Society for working together to solve the stray animal issue. Commissioner Diaz moved to approve the Memorandum of Agreement between Luna County and Deming-Luna County Humane Society. Commissioner Milo seconded the motion which carried unanimously.

- h. Joint Powers Agreement creating the Southwest County Commission Alliance:** This Joint Powers Agreement creates the Southwest County Commission Alliance (SWCCA), and is made between the counties of: Grant, Catron, Hidalgo, Luna, Sierra, Socorro, and Otero. The purpose of the agreement is to bring together Southwest New Mexico counties to address local issues with federal, state and local resource agencies in planning and management regarding resource issues and opportunities in order to secure and protect the health, safety and welfare of citizens within the SWCCA authority. Upon recommendation of County Manager Kelly Kuenstler, it is in the county's best interest to participate. Chairman Spivey agreed and said that participation gives the county a more active voice. Commissioner Milo moved to approve the Joint Powers Agreement creating the Southwest County Commission Alliance. Commissioner Diaz seconded the motion which carried unanimously.
- i. Resolution 12-40 Ratifying a Certain Agreement between Luna County and Southwest New Mexico Council of Governments:** County Manager Kelly Kuenstler explained to the Board that Items 'I' and 'J' are together, but the ratification is presented as Resolution 12-40 to state the county's desires to obtain the services of the Southwest New Mexico Council of Governments, and an agreement is necessary to do this. The resolution also states the county will pay annual dues. Commissioner Diaz stated the annual dues are \$4,500.00 and moved to approve Resolution 12-40 Resolution Ratifying a Certain Agreement between Luna County and Southwest New Mexico Council of Governments. The motion was seconded by Commissioner Milo and carried unanimously following a roll-call vote.
- j. Agreement between Luna County and Southwest New Mexico Council of Governments and Appointment of Member (Elected Official) and Alternate 1 and 2:** County Manager Kelly Kuenstler explained to the board this agreement outlines that for Luna County's payment of annual dues, the Southwest New Mexico Council of Government will provide sixteen services. To remain a voting member of the council and to participate in its policy development and administration, Luna County will designate an elected official and two alternates. Commissioner Milo was appointed as the Elected Official and Rheganne Vaughan as alternate 1 and County Manager Kelly Kuenstler as alternate 2. Commissioner Diaz moved to approve the Agreement between Luna County and Southwest New Mexico Council of Governments and Appointment of Member Commissioner Milo as the Elected Official and Rheganne Vaughan as alternate 1, and County Manager Kelly Kuenstler as alternate 2. Commissioner Milo seconded the motion which carried unanimously.
- k. Multi Services Agreement between Luna County and the Village of Columbus:** County Manager Kelly Kuenstler recommended the approval of three language modifications to the addendum in the Multi-Services Agreement. The language in number 2 of the agreement was changed to the extent: *Landfill* was changed to *Transfer Station*. *Number of residents that use landfill* was changed to *number of residents that are charged to use the transfer station*, and the last revision of the amendment involves recreation. County funds went to the maintenance of the pool, and the language in the agreement was changed to reflect that. Commissioner Diaz moved to approve the Multi-Services Agreement between Luna County and the Village of Columbus as amended. Commissioner Milo seconded the motion which carried unanimously.

INDIGENT CLAIMS REPORT: Upon motion of Commissioner Milo seconded by Commissioner Diaz, the meeting of the Board of County Commissioners was unanimously recessed and the meeting of the Indigent Hospital Claims Board convened. County Manager Kelly Kuenstler recommended approval of 31 claims dated August 9, 2012 in the amount of \$61,794.83 and three denials in the amount \$144,304.84. Commissioner Diaz motioned to approve 31 claims dated August 9, 2012 in the amount \$61,794.83. Commissioner Milo seconded the motion which carried unanimously. Commissioner Milo moved to recess as Claims Board and to reconvene as the Board of County Commissioners. Commissioner Diaz seconded the motion which was approved unanimously.

ORDINANCE: Rescind Ordinance 46 Establishing a County Security Force, Granting Police Powers to Those Officers Appointed by the Luna County Board of Commissioners. County Manager Kelly Kuenstler requested approval to publish intent and notice to rescind Ordinance 46 Establishing a County Security Force, Granting Police Powers to Those Officers by the Luna County Board of Commissioners. Detention Director Matthew Elwell explained to the Board why this Ordinance was no longer necessary, as the officers that fell under this ordinance are now retired, and the Luna County Detention Center staff encompasses their security needs effectively. Commissioner Diaz moved approval for notice to Rescind Ordinance 46 Establishing a County Security Force, Granting Police Powers to Those Officers Appointed by the Luna County Board of Commissioners at least two weeks prior to the next scheduled meeting. Commissioner Milo seconded the motion which carried unanimously.

ANNOUNCE NEXT MEETING: Chairman Spivey announced the Regular Meeting on Thursday, September 13, 2012.

ADJOURN: Chairman Spivey adjourned the meeting at 11:00 a.m.

ATTEST:

**LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS**

KAREN SMYER, LUNA COUNTY CLERK

JOE L. MILO, JR., DISTRICT 1

APPROVED: _____

CHAIRMAN J. JAY SPIVEY, DISTRICT 2

R. JAVIER DIAZ, DISTRICT 3