

**MINUTES
REGULAR MEETING
LUNA COUNTY BOARD OF COUNTY COMMISSIONERS
Thursday, January 9, 2014**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 6:00 p.m. on Thursday, January 9, 2014 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:

County Manager Kelly Kuentler, Assistant to the County Manager Glory Johnson, County Clerk Andrea Rodriguez, Chief Deputy Clerk Berenda McWright, Deputy Clerk JoAnna Zurinsky, Treasurer Dora Madrid, Chief Deputy Treasurer Gloria Rodriguez, Assessor Delilah Rojo, Chief Deputy Assessor Barbara Cobos, Sheriff Raymond Cobos, Special Projects and Facilities Management Director Billy Ruiz, Detention Director Matthew Elwell, Sheriff Corporal Luis Malina, Community Projects Director Jessica Etcheverry, Director Health & Well Being Jessica Moreno, Road Director Marty Miller, Human Resources and Payroll Director Daniel Gonzales, Budget and Procurement Director Joanne Hethcox, Starmax Facilities Director Ira Pearson, IT Technician Manny Armendariz, Emergency Services Director Mark Jasso, Security Screener Moses Pastran.

CALL TO ORDER: Chairman Diaz called the meeting to order at 6:04 p.m. and Don Hill 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

ELECT CHAIRMAN OF 2014: Chairman Diaz motioned to elect Joe L. 'Oleo' Milo, Jr. as 2014 Chairman. Commissioner Milo declined Chairman Diaz's motion, and moved to elect J. Jay Spivey as 2014 Chairman. The motion was seconded by Chairman Diaz, and carried unanimously.

ANNOUNCEMENTS: Commissioner Diaz announced the NMAC Legislative Meeting will be held in Santa Fe the week of January 21, 2014. Commissioner Diaz stated the Commissioners will work diligently for Luna County at this meeting. Chairman Spivey thanked the Road

Department, Mike Wilson and Moses Pastran for their continuing efforts and hard work in conjunction with the City of Deming involving covering the Deming Landfill by the December 31st deadline.

PRESENTATIONS: Joanna Costilla, Patient Advocate for Luna County Cancer Support gave a presentation on her organization. Ms. Costilla's presentation outlined her organization's services, 2014 goals, and included yearly budget projections. Luna County Cancer Support CFO Ray Trejo accompanied Ms. Costilla. Ms. Costilla and Mr. Trejo thanked the community and the Board for their continued support for the Celebration of Life fundraising efforts and Luna County Cancer Support. Ms. Costilla announced 'The Celebration of Life 2014 Cancer Walk' will be held the weekend of April 26, 2014.

ELECTED OFFICIALS REPORTS: County Assessor Delilah Rojo thanked the Commissioners and the County Manager for their help and support for 2013. Ms. Rojo stated that January and February is the time to apply for head of household, family and veteran's exemptions. Mobile Homes need to be rendered in January of every year, and stickers need to be picked up at this time. Ms. Rojo added that her department mailed out almost 2,000 personal property and livestock reports. The reports must be returned by February 28th. *The Deming Headlight* will run information from the Assessor's Office for one day every week in January to inform homeowners which exemptions they may qualify for.

Sheriff Raymond Cobos announced the 2013 Holiday Season was a quiet one. No injury or accident incidents were reported, and there were a few complaints about the noise from fireworks and firearm discharges.

Chairman Spivey acknowledged the candidates for the upcoming Municipal Elections, and wished the candidates luck during their campaign.

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

- The New Mexico Association of Counties conducted an annual safety inspection. Overall, the results of the inspection were outstanding, with very few minor issues found. Copies of the annual safety inspection are available to the public.
- Letters on behalf of Luna County were sent to both Senators and Congressman Pearce encouraging them to support the continued funding of PILT (Payment in Lieu of Taxes). A resolution supporting PILT funds is item 'N' in the New Business section of this month's agenda.
- The draft EIS and Draft Resource Management Plan Amendment for the Southline Transmission Line Project is scheduled to be available for public review in February. The proposed transmission line would consist of two segments. There are copies of the proposed transmission line map available to the public. The Manager's Office has requested a copy of both drafts from the BLM (Bureau of Land Management), and will keep the public apprised of any progress. Once the document is published, it will be available to the public on the BLM's website. The website is: www.blm.gov/nm/southline

- Luna County saw proceeds in the amount of \$84,071.69 at its Public Auction on December 14th. County vehicles and a mobile home were sold.
- Traffic counters will be placed on Country Club Road and J Street the early part of the week of January 13th for a period of one week.
- There were no calls for the Cooke's Peak or Savoy Volunteer Fire Departments. Florida Volunteer Fire Department received one false alarm. Sunshine Volunteer Fire Department saw three calls for service that were false alarms and a call for a gas leak. The funds awarded to Cooke's Peak for the Fire Marshall Grant have been received. No new members for the Volunteer Fire Departments. All departments attended live fire training in the month of December.
- Community Health and Well Being has begun writing the grant for HRSA Funds (Healthy Start Grant). The grant is a five-year grant in the amount of \$3.75M.
- The County has taken over the management of the CASA Program, and has sent out a letter of intent for the Healthy Start Program.
- There was one workman's comp claim submitted for the month of December.
- Human Resources are working on the year-end closeout and are preparing W-2 statements to be ready by the end of January. Two webinars were held for the Flex New Mexico Program.
- Budget and Procurement is in the process of preparing a RFP for the software contract, which ends in June 30th.
- The Road Department is in the process of pulling up the material from the bar ditches, in order to bring the roads back to their original condition.
- Special Projects continue to plan for the NMAC conference in June 2014 and continues working on the GIS conversion.
- DWI is currently tracking 135 offenders. The program offered free rides through Corre Caminos for New Year's Eve. There were no findings for the DWI Audit conducted in December.
- The Detention Center housed an average of 161 federal prisoners and 132 local inmates for the month of December. A high school graduation was held for a juvenile at the Detention Facility.
- Starmax December revenues were \$128,500. The facility is in the process of building a new canopy so patrons may enjoy outside dining. The County was successful in obtaining the full amount of judgment against the previous Starmax management.
- Central Dispatch received 11,524 calls. 131 calls were false triggers from the City's alarm system. The County is currently working with the City of Deming for solutions to this problem. There were 7 Tipsoft tips received.
- Code Enforcement received 5 new cases, 3 abated cases, 3 complaints and 1 recreational vehicle permit for the month of December.
- Maintenance Department is currently installing wood-laminate flooring in the Special Events Center. The utility poles in the south end of the courthouse and the Learning Center parking lot have been fixed.
- Community Projects hosted a graffiti clean-up with the Shorin-ryu Mixed Martial Arts club, and abated 12 graffiti sites.

PUBLIC COMMENT: Herb Borden and Larry VonTress came before the Board and requested to distribute information on the upcoming School Bond Election, and thanked the Board for their consideration.

Sean Blaine commented on the County's installation of the automated electronic defibrillators throughout the Courthouse, and felt they were placed in static locations prior to the Volunteer Fire Departments. Mr. Blaine also stated the Volunteer Fire Department chiefs should be required to give their individual monthly department report, instead of the County Manager.

Pete Zumwalt came before the Board and asked if Indigent Hospital funds were being used to install ignition interlock devices for DUI/DWI offenders. Mr. Zumwalt also inquired about agricultural dumping issues he has encountered living in the ETZ zone.

CONSENT AGENDA: Upon motion of Commissioner Diaz, seconded by Commissioner Milo, Payroll Registers totaling \$946,361.05 and Accounts Payable Registers totaling \$813,022.88 were unanimously approved.

CONSIDER MINUTES: Upon motion of Commissioner Milo, seconded by Commissioner Diaz, the minutes of the December 12, 2013 Regular Meeting were approved.

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

- a. **ROAD DEPARTMENT WORK WEEK AND HOLIDAY PAY (PRESENTATION BY LUNA COUNTY ROAD DEPARTMENT STAFF):** Road Department Equipment Operator John Blandford came before the Board on behalf of members of the Luna County Road Department and requested the Road Department schedule be changed back to its original schedule of four 10-hour days. Mr. Blandford's presentation included the statistics and benefits of making the work week and holiday pay change. The Road Department Employees voluntarily agreed to use two hours of paid-time off (PTO) on the approved holidays. Commissioner Diaz moved to approve Road Department Work Week and Holiday Pay. Commissioner Milo seconded the motion, which carried unanimously.
- b. **RESOLUTION 14-01 NOTICE OF MEETINGS:** Ms. Kuenstler recommended approval of the resolution which provides for notice of meetings, and stated the Notice of Meetings has changed from 2103. The 24-hour notice was changed to 72-hours, per state statute. Emergency Meeting notice was changed from 4-hours to 24- hours, unless the threat of personal injury or property damage requires less notice. Reporting to the New Mexico Attorney General's Office 10 days following an Emergency Meeting was added to reflect change in the State Statute. Chairman Spivey stated he would like to hold the meetings the second Thursday of each month. A discussion ensued amongst the Board and members of the public in regards to whether the meetings shall be held during the day or in the evening. The time is to be determined pending seasonal weather and Inspection Meetings. Commissioner Diaz

moved to approve Resolution 14-01 Notice of Meetings, and motioned for meetings to be held the second Thursday of each month. Commissioner Milo seconded the motion, which carried unanimously following a roll-call vote.

- c. **RESOLUTION 14-02 TIMELY PAYMENTS:** Ms. Kuenstler recommended approval of the resolution regarding timely payments which remains unchanged from last year, and designates the Manager or her designee to approve vouchers and issue warrants as necessary for signature by the Chairman when the Board is not in session. Commissioner Milo moved to approve Resolution 13-02 Timely Payments. Commissioner Diaz seconded the motion, which carried unanimously following a roll-call vote.
- d. **RESOLUTION 14-03 NOTICE OF FEES:** Ms. Kuenstler recommended approval of the resolution for notice of fees which now includes the costs of the Atlas USB Flash Drive was added, and additional data layer cost was added to the fee schedule. The charges for both items are in the copy fee section. Ms. Kuenstler stated there were no other changes from 2013 in regards to fees. Commissioner Diaz moved to approve Resolution 13-03 Notice of Fees. Commissioner Milo seconded the motion which carried unanimously following a roll-call vote.
- e. **RESOLUTION 14-04 DEPOSITORIES, BOARD OF FINANCE AND MEDIA DESIGNATION:** Ms. Kuenstler recommended approval of the resolution for depositories, board of finance and media designations. This resolution designates or appoints the depositories, establish the Board of Finance and establish a media designation. Ms. Kuenstler explained a change from last year under official depositories of County Funds. New Mexico State Investment Council was removed, and Western Heritage Bank was added. Commissioner Milo motioned to approve Resolution 13-04 Depositories, Board of Finance and Media Designation. Commissioner Diaz seconded the motion which carried unanimously following a roll-call vote.
- f. **RESOLUTION 14-05 DESIGNATING TREASURER TO REQUIRE COLLATERALIZATION:** Ms. Kuenstler recommended approval of this resolution which designates the Luna County Treasurer to require collateralization. Per the Luna County Treasurer, the following change was made from 2103: Luna County official depositories are to adjust their collateral securities from 103 percent to 100 percent. Commissioner Milo moved to approve Resolution 13-05 Designating Treasurer to Require Collateralization. Commissioner Diaz seconded the motion, which carried unanimously following a roll-call vote.
- g. **RESOLUTION 14-06 LUNA COUNTY SECTION 3 PLAN:** Ms. Kuenstler recommended approval of the resolution which states the County will comply with the Housing and Urban Development Act, and it also appoints Danny Gonzales as the Section 3 Coordinator, and sets forth the requirements for hiring, contracting, and CDBG contracts with regards to the use of small businesses and the hiring of low-income

residents. Commissioner Diaz moved to approve Resolution 13-06 Luna County Section 3 Plan with the recommended amendments. Commissioner Milo seconded the motion which carried unanimously following a roll-call vote.

- h. RESOLUTION 14-07 ADA GRIEVANCE PROCEDURES:** Ms. Kuenstler recommended approval of this resolution which outlines ADA grievance procedures and designates Mark Jasso as Risk Manager. Commissioner Milo moved to approve Resolution 13-07 ADA Grievance Procedures. Commissioner Diaz seconded the motion which carried unanimously following a roll-call vote.
- i. RESOLUTION 14-08 RESIDENTIAL ANTI-DISPLACEMENT:** Ms. Kuenstler recommended approval of the resolution which is required under Section 509 of the Housing and Community Development Act of 1987, and remains unchanged from 2013. The resolution outlines and certifies the Residential Anti-Displacement and Relocation Assistance Plan, and includes steps to minimize or prevent displacement, actions to assist displaced persons and actions to mitigate the effects of displacement. Commissioner Diaz moved to approve Resolution 14-08 Residential Anti-Displacement. Commissioner Milo seconded the motion which carried unanimously following a roll-call vote.
- j. RESOLUTION 14-09 CDBG CITIZEN PARTICIPATION PLAN:** Ms. Kuenstler recommended approval of the resolution regarding CDBG citizen participation, and works in accordance with the Housing and Community Development Act. The resolution encourages citizen participation in the CDBG program by identifying the six objectives outlines. Ms. Kuenstler stated the resolution remains unchanged from 2013. Commissioner Milo moved to approve Resolution 14-09 CDBG Citizen Participation Plan. Commissioner Diaz seconded the motion which carried unanimously following a roll-call vote.
- k. RESOLUTION 14-10 STATEMENT OF ETHICS:** Ms. Kuenstler recommended approval of the resolution which outlines the ethics the Board is expected to uphold. Ms. Kuenstler also stated she intended to introduce a comprehensive Ethics Policy during February's Regular Meeting, and felt it was important for the County to have a said statement of ethics, and continue the trend of accountability. Larry Caldwell came before the Board, and stated he felt the resolution lacked consequences to violators, and further stated he felt the resolution was unnecessary because there is an existing state law that addresses the ethics issues that public officials are expected to follow. Commissioner Diaz moved to approve Resolution 13-10 Statement of Ethics. Commissioner Milo seconded the motion which carried unanimously following a roll-call vote.
- l. RESOLUTION 14-11 BUDGET INCREASES:** Ms. Kuenstler recommended approval of the resolution for budget increases in which five inter/intra department budget fund increases totaling \$17.20 were proposed. Commissioner Diaz moved to approve

Resolution 13-11 Budget Increases. Commissioner Milo seconded the motion which carried unanimously following a roll-call vote.

- m. **RESOLUTION 14-12 BUDGET TRANSFERS:** Ms. Kuentler recommended approval of the resolution for budget transfers in which six inter/intra department budget transfers totaling \$44,143.45 were proposed. Commissioner Diaz moved to approve Resolution 14-12 Budget Transfers. Commissioner Milo seconded the motion which carried unanimously following a roll-call vote.

- n. **RESOLUTION 14-13 SUPPORTING FULL FUNDING OF PAYMENT IN LIEU OF TAXES FROM THE FEDERAL GOVERNMENT:** Ms. Kuentler explained this resolution supports full PILT funding, and is similar to what a few other New Mexico counties are doing. Ms. Kuentler has been in contact with our Senators and our Representative and the National Association of Counties on a regular basis in regards to the funding. Ms. Kuentler stated the redirection of, or elimination of PILT funds will devastate Luna County. PILT funding is intended to compensate counties in western states that do not produce revenues off of federal land. Ms. Kuentler further explained that about 1/3 of Luna County is federal land, which is land that the County could be potentially collecting property taxes on, and Resolution 14-13 encourages full multi-year funding for PILT. Commissioner Diaz encouraged support of the American Land Council. Russ Howell expressed her support for the American Lands Council, and suggested it would be a way to not rely on PILT payments. Larry Caldwell stated he was opposed to the Government Transfer of State Land. Commissioner Diaz moved to approve Resolution 14-13 Supporting Full Funding in Lieu of Taxes from the Federal Government. Commissioner Milo seconded the motion which carried unanimously following a roll-call vote.

- o. **RESOLUTION 14-14 RELATED TO THE EXTRA TERRITORIAL ZONE:** Ms. Kuentler explained this resolution relates to the Extra Territorial Zoning (ETZ), and asked for upon approval, changes in the language of the resolution and to make the addition: 'Effective June 14, 2014, Luna County will no longer participate in the Municipal-County Zoning Authority as established by various Joint Powers Agreements between Luna County and the City of Deming'. Ms. Kuentler stated the reason for the extension is there is language in a previous JPA agreement signed in 2002, and although it is believed the agreement can be rescinded now, she wished for the County to act in the very best faith possible, which is why the revision was necessary. A discussion ensued amongst the Board members as to whether or not the ETZ should actually be abolished and what changes must be made in order to keep the agreement intact. Commissioner Diaz motioned to table Resolution 14-14, stating he wished to obtain more information. Chairman Spivey seconded the motion which passed with a majority roll-call vote. Commissioner Milo voted in the negative.

- p. **RESOLUTION 14-15 NOTICE OF RIGHT TO INSPECT PUBLIC RECORDS:** Ms. Kuentler explained this resolution states to the public that the County will comply with

Inspection of Public Records Act in good faith and appoints Glory Johnson as the Custodian of Records. Commissioner Milo moved to approve Resolution 14-15 Notice of Right to Inspect Public Records. Commissioner Diaz seconded the motion which carried unanimously following a roll-call vote.

- q. **RFP #102-02 LEASE OF CHILD CARE FACILITY AWARD:** Ms. Kuenstler stated this item is regarding the RFP the County sent out for the lease of the child-care facility (the building just west of the Mimbres Valley Learning Center). Committee members Joanne Hethcox and Jessica Moreno recommended the RFP to be awarded to HELP, New Mexico, but a condition be added that says financial negotiations have to begin taking place with the County Manager. Ms. Kuenstler stated the negotiations will be a part of the new lease she is in the process of constructing with HELP. Commissioner Milo moved to approve RFP #102-02 Lease of Child Care Facility Award. Commissioner Diaz seconded the motion which carried unanimously.
- r. **AUTHORIZE THE COUNTY MANAGER TO NEGOTIATE LEASE AGREEMENT WITH HELP, NM INC.:** Ms. Kuenstler explained this item allows for the County Manger to negotiate the lease agreement with HELP, NM and to execute the lease agreement with them as well. The County is required to review the lease with the State Board of Finance, and the state will have drafts, changes and amendments throughout the negotiation and presentation process. A market lease analysis has been done on the building to be leased, and Ms. Kuenstler stated she will be working from that and a lease she has drafted. Commissioner Milo moved to Authorize the County Manager to Negotiate Lease Agreement with HELP, NM Inc. Commissioner Diaz seconded the motion which carried unanimously.
- s. **APPLICATION FOR ADDITION TO COUNTY ROAD MAITENANCE SYSTEM- APPLICANT LARRY ALBA:** *Item 'T' on the agenda was presented in conjunction with this item, for brevity.* Ms. Kuenstler explained to the Board the Road Applications require no action at this time, and Road Director Marty Miller presented the applications to the Board. The Board will physically review the areas for application, and vote on them during the February meeting. This item was a discussion item only, and no motion was taken.
- t. **APPLICATION FOR ADDITION TO COUNTY ROAD MAINTENANCE SYSTEM- JOLENE NUNN:** *This item in the agenda was presented with New Business item 'S'.* This item was a discussion item only, and no motion was taken.

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 25 claims dated January 9, 2014 in the amount of \$40,036.34 and zero denials. The monies received for December 2013 totaled \$54,374.82. Commissioner Diaz moved to approve 25 claims dated January 9, 2014 in the amount of \$53,545.99 and zero denials. 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.

ANNOUNCE NEXT MEETING: Chairman Spivey announced the next regular meeting will be held on Thursday, February 13, 2014 at 9:00 a.m.

ADJOURN: Chairman Spivey adjourned the meeting at 8:04 p.m.

ATTEST:



Andrea Rodriguez
ANDREA RODRIGUEZ, LUNA COUNTY CLERK

APPROVED: 2-13-14

LUNA COUNTY BOARD OF COUNTY COMMISSIONERS

Joe L. Milo, Jr.
JOE L. MILO, JR., DISTRICT 1

J. Jay Spivey
CHAIRMAN J. JAY SPIVEY, DISTRICT 2

ABSENT
R. JAVIER DIAZ, DISTRICT 3