

**MINUTES
REGULAR MEETING
LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS
Thursday, March 13, 2014**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 9:00 a.m. on Thursday, March 13, 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 Kuenstler, County Clerk Andrea Rodriguez, Chief Deputy Clerk Berenda McWright, Deputy Clerk JoAnna Zurinsky, Assessor Delilah Rojo, Chief Deputy Assessor Barbara Cobos, Sheriff Raymond Cobos, Special Projects and Facilities Management Director Billy Ruiz, Detention Director Matthew Elwell, Starmax Facilities Director Ira Pearson, Road Department Administrative Assistant Carole Smith, IT Technician Manny Armendariz, Dispatch Director John Mooradian, Security Screener Moses Pastran.

CALL TO ORDER: Chairman Spivey called the meeting to order at 9:08 a.m. and Matt Elwell 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**

ANNOUNCEMENTS: County Manager Kelly Kuenstler thanked and acknowledged the County Employees that were involved with the Federal Civil Rights Violation Lawsuit. The County and the Employees were fully exonerated of all charges. Ms. Kuenstler stated the individuals involved in the lawsuit were professional, truthful and remained calm during some very serious allegations, and she was proud that they were one of the reasons the Luna County prevailed on the lawsuit. Ms. Kuenstler introduced and thanked the present members of the Community that comprised the Mock Jury and recognized their important role in the success of ensuring a favorable outcome in the lawsuit.

Chairman Spivey also acknowledged the efforts of all involved. Eddy County is considering a similar concept of a Mock Jury for pending litigation.

Commissioner Diaz announced he was absent from last month's meeting to testify in Santa Fe before the Natural Resources Committee on the Arizona Water Settlement Act (Senate Bill 89). Commissioner Diaz spoke in favor of keeping more water in this area of New Mexico.

Commissioner Milo thanked all of those who filed their Declaration of Candidacy, and urged those who were not registered to vote to do so.

Chairman Spivey congratulated newly elected Village of Columbus Mayor Philip Skinner and Trustee Bruce Salas, and offered support.

PRESENTATIONS: County Manager Kelly Keunstler and Detention Director Matt Elwell administered the Oath of Office to Luna County Detention Officers: Javier Gallegos, Veronica Arias, Robert Apodaca, Eugene Hardin, and Jeffrey Montes.

Southwest Regional Transit District Director Kim Dominguez gave a presentation on Luna County and Corre Caminos partnership. Ms. Dominguez's presentation outlined Corre Caminos and Corre Cantinas services, routes and route times, ridership, and funding demographics.

Larry Caldwell voiced his opinion that the Southwest Regional Transit District's lack of advertising and inadequate notice of their Board Meetings was a violation of the Sunshine Law.

Commissioner Spivey announced The Border Authority is having their public meeting for March in Deming on Friday the 14th in the Commission Chambers at 11:00 a.m.

PUBLIC HEARING: Chairman Spivey opened the public hearing to receive testimony regarding Ordinance Number 23 as Amended. County Manager Kelly Kuenstler explained the two amendments incorporate the code of conduct policy and change the overtime language to meet the needs for a grant for the Sheriff's Office in regards to Criminal Investigative Division overtime, and makes sure the County is compliant with the Fair Labor Standards Act. With no other testimony forthcoming, Chairman Spivey closed the public hearing.

ELECTED OFFICIALS REPORTS: County Clerk Andrea Rodriguez reported the Clerk's Office assisted the City of Deming with their Municipal Election which took place on March 4th. Candidate Filing Day was March 11th and declarations of candidacies included— County Sheriff: 10 candidates, County Commissioner District 1: 2 candidates, County Commissioner District 2: 3 candidates, Magistrate Judge: 2 candidates, the contests of County Assessor and Probate Judge are running unopposed.

County Assessor Delilah Rojo thanked County Manager Kelly Kuenstler and the Commissioners for their work with the Assessor's Office and reported that per the State of New Mexico recommendation, appraisals are now reported by square footage, rather than front footage and from now on, Notice of Values will now have the quantities assessed in square footage. Notices of Values are in the process of being mailed.

Sheriff Cobos commended the Commissioners and Ms. Kuenstler for standing behind the County Employees during the recent litigation. Sheriff Cobos reported both drinking water wells had broken down in the Village of Columbus, but due to a quick response team, the water systems are now functioning. Sheriff Cobos met with newly elected Village of Columbus officials, and pledged communication and cooperation in regarding procurement to Law Enforcement Protection funds. Sheriff Cobos stated his department was hopeful in working with newly elected Municipal Judge Mona Shannon and assisting with the citations issued in Columbus, and also helping with background checks on hired employees for Columbus.

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

- Bid opening for the Sheriff's Complex is March 20th at 2:30 p.m.
- The reauthorization of PILT in the Farm Bill was discussed at last month's meeting, and now the Farm Bill has a \$35 million dollar increase for PILT funds over Fiscal Year 2013 funding. This will mean an increase for Luna County, but the exact increase in funding is not known at this time. The County has worked with several members of the appropriations committee in Washington, D.C. educating them on the importance of PILT to counties.
- On March 31st, a work session is being conducted in Socorro on a rural local government's role in conservation and natural resources management under the Endangered Species Act (ESA) and National Environmental Policy Act (NEPA). Commissioner Diaz will participate in the meeting, and has been invited to give the opening statement and outline the goals of the meeting.
- Planning and Zoning Administrative Assistant Sylvia Carlos is retiring on May 30th, and the County is advertising to fill her position. Economic Development and Marketing Director Linda Smrkovsky is retiring at the end of March, and the Economic Development Board has been put on notice that the County no longer wishes to fund the position in its entirety, but will participate in the cost sharing of the position which serves much more than just the County. The County Manager position has also been posted both statewide and nationally and closes on March 31st.
- The County has begun weekly meetings with the U.S. General Services Administration regarding the site acquisition process for the port expansion at Columbus. The project has taken on momentum since the announcement of the seven million-dollar award for the planning and design phase of the expansion. The GSA has a sense of urgency to complete this particular phase this year, as monies for construction are in the pipelines for Fiscal Year 2015.

- The County is in the process of revising their indigent policy. A new policy will be presented to the Board in April, and there is a particular item that the hospital administrator and County Management would like to have put in the policy: There needs to be language in the policy that disallows an indigent application if the applicant has not applied through the health information exchange network.
- The Luna County Health & Well Being Complex will be open for business on Monday, March 17th. There will be an Open House for the community immediately following the April commission meeting.
- Capital Outlay Awards: \$300,000 for Village of Columbus (drainage of parking lot), \$450,000 for the Sheriff's Complex, \$40,000 for the Columbus Park project. As of February 12, 2014 the funding for none of these projects were vetoed.
- At NACO, March is their program called 'March for Meals Community Champions'. Counties around the nation are delivering meals to seniors during the month of March to increase awareness of the program. Barbara Rios, the Executive Director of the Senior Center has challenged the Commissioners and the County Manager to donate at least one lunch hour to deliver meals for at least one delivery for the senior center.
- The County has received several nice letters commending County Employees this past month: Guadalupe Ramirez with the Keep Luna County Beautiful Program was complimented on a clean-up they did on Sundance Rd. Mr. and Mrs. Hampton wrote a letter to the County commending Marty Miller and Les Williams with the Road Department, Mark Jasso, and Frankie Tarazon for their efforts in addressing some concerns out at the Solo Ranches subdivision in Akela.
- The 2014 30-day Session ended in February. Senate Bill 313 passed: This is a compromise bill which arose out of House Bill 2 and it includes 17.5 million dollars in new money for the Public Education Department for merit pay for teachers and principals. Senate Bill 347 passed: It calls for using alcohol excise tax money, as well as general fund appropriations for 2 years to shore up lottery scholarships. Senate Bill 19 passed: This prohibits texting while driving. Senate Bill 268 passed: This authorizes counties to raise gross-receipts taxes and set aside state money for hospitals to service the indigent population; however, the New Mexico Association of Counties (NMAC) received word that this bill contained an Executive Message and it contains line-item vetoes in it. One of which outlines the counties' authority to impose an additional 1/16th or 1/12th gross-receipts tax increment expires June 30, 2017. This provision was inserted into the bill to coincide with the three-year sunset clause for the counties' obligation to fund the safety net care pool. NMAC is researching the legality of the sunset clause, so there is likely to be more issues on this particular bill. Senate Bill 75 passed: This allows public schools to stock and provide emergency medications such as Epi-pens. Senate Bill 122 passed: This allows schools to decide which classes involving physical activity can be subscribed to meet the State's requirement for one credit of physical education. Senate Bill 9 passed: This establishes a one-stop portal to allow businesses to take care of all licenses, permits, and other state requirements. Senate Bill 164 passed which will allow certain pueblos to lease their water rights up to 99 years. Current law only allows 10 years. House Bill 24 passed: It eliminates the tax on sales of commercial

airplanes with more than 10,000 pounds of landing weight. Senate Bill 119 passed: This expedites the applications of nurses from other states. A few joint memorials passed calling for various studies to be done.

- Volunteer Fire Departments: Cooke's Peak: 4 automatic aids; Savoy: no calls; Florida Mountain: 1 vehicle fire, 2 small grass fires; Sunshine: 1 vehicle fire, 4 grass fire, 1 trash fire, and 1 confined space rescue.
- Healing House assisted 31 clients with Victim Advocacy Services and provided emergency shelter for 4 women and 6 children.
- Emergency Services: 1 tort claim and 1 vehicle accident were reported for the month of February. The Emergency Services Department is currently meeting with Mr. Ed Kemp in regards to coordinating a volunteer effort to assist with residences that were affected by the microburst in the Village of Columbus, as FEMA did not cover the homes that were damaged.
- Starmax saw revenues of \$113,728 for the month of February. The carpet in arcade and theatre hallway has been installed. Special Olympics bowling league returns March 11th.
- Maintenance built new walls and ran CAT-6 wire and started painting the old Presbyterian Medical Services Building to get ready for the Health & Well Being Open House in April. They continue the remodel of the old jail which has been converted to the Information Technology building.
- Human Resources advertised for 3 dispatch positions, 1 DWI screener, 1 truck driver for the Road Department, 1 part-time CASA volunteer supervisor, and 1 parents as teachers position.
- Budget & Procurement: The RFP for Software is out and will close at 5:00 p.m. on March 20, 2014. The bid for the Law-Enforcement Complex is out, and the sealed bids will be opened on March 20th at 2:30 p.m. The Budget Office has received \$69,589 toward the digital reimbursement for the Starmax conversion. A total of \$319,000 is still owed.
- Detention Center: The daily average inmate population was 334. The daily average U.S. Marshall inmate population was 212.
- Community Projects: Economic Development was a co-sponsor of the March 6th Career Fair. Keep Luna County Beautiful (KLCB) is having a Community Wide Yard Sale at Courthouse Park on March 16th from 8:00 a.m. to Noon. KLCB is in the process of coordinating the Great American Clean-up which will take place on May 10th.
- Central Dispatch received 11,415 calls for the month of February and 8 Tipsoft calls.

PUBLIC COMMENT: Amy Norenberg came before the Board and thanked County Manger Kelly Kuenstler for her dedicated service to Luna County and wished her success in her future endeavors. Ms. Norenberg also commented and expressed her disappointment in the recent jobs fair in the declining number of prospective employers in attendance.

Ray Krejci thanked County Manger Kelly Kuenstler as well, and inquired if the Board planned on using public input to find a new County Manager when she retires, and what type if any, input they planned on receiving from Ms. Kuenstler. Mr. Krejci suggested a

workshop may be helpful with public input regarding the hiring process of a new County Manager.

Merlin Norenberg commented on New Business item 'E' pertaining to the Code of Conduct and regarding the possibility of creating a professional review board stemming from pending litigations across the state of New Mexico. Mr. Norenberg expressed his opinion that it was better to 'create a system from the ground-up' and not have Santa Fe dictate legislation on what is better for a local government. Ms. Kuenstler stated she was in support of citizen watch groups and committees that can look into matters that the County needs extra help with, and there would be extra items on the agendas in the upcoming months that address these ideas.

Fred Williams spoke about his concerns with New Business item 'E', and addressed his concerns with the language pertaining specifically to Section 5.3.1, in regards to employees communicating with commissioners. Mr. Williams stated he was uncomfortable with that particular restriction, the negative tense the policy was written in, it was prohibitive, and the policy did not convey trust or professionalism. He urged the Board to reconsider approving the item until it could be further reviewed. Mr. Williams also inquired about the Starmax income reports, and why the figures reported did not include expenditures. Ms. Kuenstler stated the language in the Code of Conduct Policy is not optional, and follows the Governmental Conduct Act. Ms. Kuenstler further stated she would not be opposed to striking that sentence out, because the chain of command policy is addressed earlier. Starmax financial records are made public record, and are available in the County Manager's office.

Village of Columbus Mayor Philip Skinner thanked the Board, County Manager Kelly Kuenstler, and Sheriff Raymond Cobos for their support and stated that the Village goal was to make everyone proud of Columbus.

CONSENT AGENDA: Commissioner Milo motioned to accept the payroll in the amount of \$940,419.90 and accounts payable in the amount of \$1,253,039.59. The motion was seconded by Commissioner Diaz and carried unanimously.

CONSIDER MINUTES: Upon motion by Commissioner Milo and a second by Commissioner Diaz, the minutes of the February 13, 2014 Regular Meeting were unanimously approved. Upon motion by Commissioner Milo and a second by Commissioner Diaz, the minutes of the February 24, 2014 Special Meeting were unanimously approved.

NEW BUSINESS:

- a. **RECONSIDERATION OF ROAD APPLICATION FOR APPLICANT ZANE AND JOLENE NUNN:** Ms. Kuenstler explained to the Board this item is a revisit of a road application for applicants Zane and Jolene Nunn. The original review of the application was in February, but the applicants claimed they received incorrect notice from the County about the date of the Commission meeting, and Chairman Spivey wanted to ensure the

Nunns had an opportunity to be heard, and make certain that they or the public was not deprived of this right in any way. Commissioner Diaz stated that he was not present at the last meeting and he researched the application prior to this meeting, but the money for the paving request was simply not there. Applicant Jolene Nunn approached the Board and inquired what type of money was Commissioner Diaz speaking of. Ms. Nunn stated that at the last meeting the project addressed an entire seven miles, and that was not what was applied for. The actual request was for 1.2 miles. Ms. Nunn stated there was a lot of incorrect information given at the last meeting, and thanked Board and the County Road Department for the reconsideration of the application. Ms. Nunn provided statistics on full-time Hidden Valley Ranch residents and the Hidden Valley Ranch resort. Ms. Nunn also addressed her concerns with the Board about a statement during the last meeting that was made in regards to multiple families living at one address. There was much discussion amongst the Board and the County Manager and both Mr. and Ms. Nunn in regards to the tax base of the area and the estimates given by the Road Department and the actual length of the road request. Zane Nunn expressed his dismay about the discrepancies regarding the length and costs associated with the paving project from this year to last year (\$1.9 million for 7 miles last year, and \$2.1million for 1.2 miles this year) and asked if the Road Department even looked at this year's submitted application. Mr. Nunn stated that Jim Wood does not own Hidden Valley Ranch, they do. Chairman Spivey acknowledged that the application needed to be reviewed and there needed to be a new estimate, and the need for a new road was understood. Ms. Kuentler suggested investigating school bus routes, and Chairman Spivey also stated because mail was delivered there, the U.S. Postal Service may be a feasible funding venue. Commissioner Diaz stated he would encourage the County Manager's office and the Road Department to apply for the School Bus Routes. County Manager Kelly Kuentler will direct Road Director Marty Miller to meet with the Nunns to examine the request area in question, and send an e-mail to Marty Miller and Road Department Administrative Assistant Carole Smith to apply for the School Bus Route for Hidden Valley Road and also a mail route. Commissioner Diaz motioned to table the Road Application for Applicant Zane and Jolene Nunn for more information. The motion was seconded by Commissioner Milo and carried unanimously.

- b. **RESOLUTION 14-23 BUDGET TRANSFERS:** Eleven budget transfers totaling \$32,385.26 were proposed. Commissioner Milo motioned to accept Resolution 14-23 Budget Transfers. The motion was seconded by Commissioner Diaz and approved unanimously following a roll-call vote.
- c. **RESOLUTION 14-24 BUDGET INCREASES:** Two budget increases totaling \$5,754.20 were proposed. Commissioner Diaz motioned to accept Resolution 14-24 Budget Increases. The motion was seconded by Commissioner Milo and approved unanimously following a roll-call vote.
- d. **RESOLUTION 14-25 MILEAGE AND PER DIEM POLICY:** Ms. Kuentler explained this Resolution amends the original Resolution 96-37 Mileage and Per Diem Policy, and specifically outlines Sections: 1.0 (reimbursement for actual expenses), 1.1 (overnight

travel limits), 1.2 (meal limits), 1.3 (mileage limits), and Section 2.0 authorizing Section 2.42.28 outlines partial day per diem rates. Commissioner Diaz motioned to accept Resolution 14-25 Mileage and Per Diem Policy. The motion was seconded by Commissioner Milo and approved unanimously following a roll-call vote.

- e. **LUNA COUNTY CODE OF CONDUCT POLICY:** Ms. Kuenstler stated this item restates the Governmental Conduct Act, and she wished to adopt this policy specific to Luna County. She also stated the Luna County Code of Conduct Policy would discuss how the County will implement and train personnel on this. The policy is also now referenced in the revision of Ordinance 23 that was approved earlier. There was much discussion in regards to Section 5.3.1 and the Chain of Command, and what is appropriate communication with employees and Commissioners. Debra French approached the Board and shared what a chain of command sequence entails on the boards she participates on. Commissioner Diaz stated he did not like the section at all, and not just that particular sentence, and would like it removed. Larry Caldwell commented on the redundancy of 20 pages of the Luna County Code of Conduct Policy as opposed to a 6 page State Law, and urged the Board to reconsider approval of the item until a later time. Commissioner Diaz stated he would like more time to read the policy and wished to table the item, and motioned to do so. Commissioner Milo seconded the motion which carried unanimously.
- f. **CERTIFICATION OF LUNA COUNTY FINANCIAL HARDSHIP TO REQUEST EQUIPMENT FROM THE NEW MEXICO DEPARTMENT OF TRANSPORTATION HARDSHIP AUCTION:** Ms. Kuenstler explained a certification of financial hardship submitted by Luna County to the New Mexico Department of Transportation will allow the Road Department to participate in a hardship auction if the Department of Finance Administration determines that the County qualifies under their terms of a financial hardship. Up to a \$25,000 credit towards equipment can be applied at this auction. The Road Department is attempting to acquire a salt spreader through these means at the auction. Commissioner Diaz moved to approve Certification of Luna County Financial Hardship to Request Equipment from the New Mexico Department of Transportation Hardship Auction. Commissioner Milo seconded the motion which carried unanimously.
- g. **ELECTED OFFICIALS FIFTEEN PERCENT PAY INCREASE TO TAKE EFFECT JANUARY 2015 PURSUANT TO NEW MEXICO HOUSE BILL 334:** Ms. Kuenstler stated this item proposes a fifteen percent pay increase for newly elected county official's salaries, and would take effect January 2015. The pay increase is made possible by the passage of House Bill 334, but for only upcoming officials and therefore does not apply to anyone's current term. House Bill 334 does not make the salary adjustment mandatory, each pay increase may be done on a sliding scale, and leaves the decision up to each county commission. A copy of the signed piece of legislation is available on the county's website: www.lunacountynm.us. Commissioner Diaz moved to approve the Elected Officials Fifteen Percent Pay Increase to Take Effect January 2015 Pursuant to New Mexico House Bill 334. Commissioner Milo seconded the motion which carried with a majority vote with Chairman Spivey voting in the negative.

- h. INTERGOVERNMENTAL TRANSFER OF PROPERTY FROM LUNA COUNTY TO DEMING PUBLIC SCHOOLS FOR PROPERTY AT 1808 S. LIME STREET AND 1810 S. LIME STREET TO INCLUDE LAND, BUILDING, AND MOBILE HOME FOR THE BENEFIT OF HIGH SCHOOL BUILDING TRADES CLASS:** Ms. Kuenstler stated this item is the proposed transfer of the 1808 and 1810 Lime Street properties to the Deming Public Schools. The transfer of the properties has been discussed at two prior meetings, and Superintendent Harvilee Moore and Mr. George Wertz presented information about the Building Program at one of these meetings that the properties would benefit. The school passed a resolution agreeing to accept the properties for the intended purpose. The building program will refurbish the properties, and the proceeds of the sales of the properties will go back to the benefit of the building program and not to the Deming Public Schools General Fund. Commissioner Diaz moved to approve an amended Intergovernmental Transfer of Property from Luna County to Deming Public Schools for Property at 1808 S. Lime Street and 1810 S. Lime Street to Include Land, Building, and Mobile Home for the Benefit of High School Building Trades Class, and any funds from the sales of the properties will go to benefit only the Building Trades Class and not into the Deming Public Schools General Fund. Commissioner Milo seconded the motion which carried unanimously.
- i. APPOINTMENT OF MICHAEL D. BARRAGREE AND GLENN L. TOLHURTS AS FILM LIAISONS FOR LUNA COUNTY:** Ms. Kuenstler explained this item is a result from a presentation at a Luna County Economic Development Committee Meeting this February. Mr. Barragree and Mr. Tolhurts are willing to act as liaisons on behalf of Luna, Hidalgo, and Grant Counties. They are attempting to get more film companies involved with filming in the southwest corner of the state, and there is no fee for their liaison services. The New Mexico Film Office needs a letter of appointment for two fiscal years, per their guidelines, but the letter may be revoked if necessary. Commissioner Milo moved to approve the Appointment of Michael D. Barragree and Glenn L. Tolhurts as Liaisons for Luna County. The motion was seconded by Commissioner Diaz which carried unanimously.
- j. 2014 ANNUAL CERTIFIED COUNTY MAINTAINED MILEAGE REPORT:** Ms. Kuenstler stated the New Mexico Department of Transportation needs the total number of miles of maintained roads in Luna County each year, and this is that certification. The mileage has not changed since May 2013. The mileage report is due on or before April 1st of each year. Commissioner Diaz moved to approve the 2014 Annual Certified County Maintained Mileage Report. Commissioner Milo seconded the motion, which was approved unanimously.
- k. LUNA COUNTY DETENTION CENTER POLICY MANUAL:** Ms. Kuenstler thanked Detention Director Matthew Elwell and the three member citizen group that was appointed in the execution of the Luna County Detention Center Policy Manual. A copy of the manual is available for public viewing in the Luna County Manager's Office.

Commissioner Milo moved to approve the Luna County Detention Center Policy Manual. Commissioner Diaz seconded the motion which carried unanimously.

- I. RESOLUTION 14-22 PORT OF ENTRY FLOOD CONTROL IMPROVEMENT PROJECT:** Ms. Kuentler explained the re-visit of this Resolution from the last month's meeting which died from lack of a motion is a Memorandum of Understanding (MOU) between the Village of Columbus and Luna County for the Port of Entry Flood Control Improvements Project. Chairman Spivey has had further discussions with the Village of Columbus and the Wilson & Company engineers. Chairman Spivey reviewed with the Board the points of the discussions for a long-term plan for flood control at the Port of Entry and he stated that it was important to address the flooding issues that the Port encounters during the rainy season. Much discussion ensued about the feasibility of Capital Improvement Projects and match funds, which is not possible, and the grant funding of the flood plain areas and which areas they specifically encompassed. Ms. Kuentler reiterated that if the Board approved the Resolution, the County does not know what amount the grant match is, and the County must commit to the project. She also stated that county money would be spent on this project when it could be funded in its entirety from federal funds that have already been allocated. Chairman Spivey voiced his concerns that other areas would not be protected and just the federal areas would be protected. Larry Caldwell agreed the project was needed but voiced his concerns again about the fiscal responsibilities and burdens the project would place on the County. Ms. Kuentler stated the project is based on grant funding, and requires matches. The match must come from Luna County, and the Village of Columbus must apply for the grant. The match must come from General Fund monies because it is a hard match. Commissioner Milo expressed his concerns about the match coming out of the General Fund. The Board speculated many ways to make the program fiscally possible responsible from an administrative and financial standpoint, and comments were made as to solutions and fixes for the flooding and the private property owner's levy breach. Ms. Kuentler stated she would ask for more detail on the flood plain issues at the meetings. Chairman Spivey announced Resolution 14-22 died due to lack of a motion.

ORDINANCES:

- a. PERSONNEL ORDINANCE NUMBER 23 AS AMENDED:** Commissioner Diaz motioned approve Personnel Ordinance Number 23 as Amended, with the following amendments: approving only the amended portion of the ordinance pertaining to overtime, and tabling Section 6.8 (A) Governmental Conduct Act. Commissioner Milo seconded the amended motion which carried unanimously following a roll-call vote.
- b. CALL FOR ORDINANCE ADOPTING THE LOCAL ECONOMIC DEVELOPMENT PLAN TO IMPLEMENT THE AUTHORITY PROVIDED BY THE NEW MEXICO LOCAL ECONOMIC DEVELOPMENT ACT:** Commissioner Diaz moved to approve the Call for Ordinance Adopting the Local Economic Development Plan to Implement the Authority Provided by the New Mexico Local Economic Development Act and directed the County Manager's office to publish the title and summary one time in *The Deming Headlight* at

least two-weeks prior to the meeting of the Board at which time the ordinance is proposed for final passage. The publication shall also include the date and time at which the ordinance is to be considered. Commissioner Milo seconded the motion which carried unanimously.

- c. **CALL FOR ORDINANCE APPROVING THE LOCAL ECONOMIC DEVELOPMENT PROJECT- PREFERRED PRODUCE PROJECT APPLICATION:** Commissioner Milo moved to approve the Call for Ordinance Approving the Local Economic Development Project- Preferred Produce Project Application and directed the County Manager's office to publish the title and summary one time in *The Deming Headlight* at least two-weeks prior to the meeting of the Board at which time the change to the ordinance is proposed for final passage. The publication shall also include the date and time at which the ordinance is to be considered. Commissioner Diaz seconded the motion which carried unanimously.

INDIGENT CLAIMS REPORT: Upon motion of Commissioner Diaz 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. County Manager Kelly Kuenstler recommended approval of 9 claims dated March 13, 2014 in the amount of \$13,632.67 and zero denials. The monies received for February 2014 totaled \$59,289.22, and the balance in the IHC fund as of February 28, 2014 is \$84,418.23. Commissioner Diaz moved to approve 9 claims dated March 13, 2014 in the amount of \$13,632.67 and zero denials. Commissioner Milo seconded the motion which carried unanimously. Commissioner Diaz moved to recess as claims board and to reconvene as the Board of County Commissioners. Commissioner Milo seconded the motion which was approved unanimously.

EXECUTIVE SESSION: Chairman Spivey entertained a motion to enter into Executive Session to discuss limited personnel matters pursuant to 10-15-1 (H) 2 NMSA 1978 pertaining to the County Manager's Roles and Responsibilities. Commissioner Milo so moved and Commissioner Diaz seconded the motion which carried unanimously following a roll-call vote.

Following the Executive Session, Commissioner Diaz announced that no other matters were discussed but limited personnel matters and motioned to reconvene the meeting. Commissioner Milo seconded the motion which carried unanimously.

ANNOUNCE NEXT MEETING: Chairman Spivey announced the next regular meeting will be held on Thursday, April 10, 2014. Chairman Spivey preferred to have the meeting at 6:00 p.m. and Commissioner Diaz preferred 9:00 a.m. Upon a motion by Commissioner Diaz and a second by Chairman Milo the meeting time was set for 9:00 a.m.

ADJOURN: Chairman Spivey adjourned the meeting at 1:32 p.m.


ATTEST:


ANDREA RODRIGUEZ, CLERK

APPROVED: 4/10/14



LUNA COUNTY BOARD OF COUNTY COMMISSIONERS


JOE L. MILO, JR., DISTRICT 1


CHAIRMAN, J. JAY SPIVEY, DISTRICT 2


R. JAVIER DIAZ, DISTRICT 3