

**MINUTES
REGULAR MEETING
LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS
Thursday, May 8, 2014**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 9:00 a.m. on Thursday, May 8, 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, Assistant to County Manger Glory Johnson, County Clerk Andrea Rodriguez, Chief Deputy Clerk Berenda McWright, Deputy Clerk JoAnna Zurinsky, Treasurer Dora Madrid, Chief Deputy Treasurer Gloria Rodriguez, Sheriff Raymond Cobos, Sergeant Luis Malina, Detention Director Matthew Elwell, Community Projects Director Jessica Etcheverry, Starmax Facilities Director Ira Pearson, Human Resources and Payroll Director Danny Gonzales, Budget and Procurement Director Joanne Hethcox, IT Technician Manny Armendariz, Dispatch Supervisor Lauree Sanchez, Director Health and Well Being Jessica Moreno, Emergency Services Director Mark Jasso and Security Screener Moses Pastran.

CALL TO ORDER: Chairman Spivey called the meeting to order at 9:11 a.m. and 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**

PUBLIC HEARING: Chairman Spivey opened the public hearing to receive testimony regarding Ordinance Number 87 Extraterritorial Zone (ETZ) Ordinance. With no public testimony forthcoming, Chairman Spivey closed the public hearing.

ORDINANCES: Ordinance Number 87 Extraterritorial Zone (ETZ) Ordinance Regulations. County Manager Kelly Kuenstler stated the County is still in the process of working out the logistics of this Ordinance with the City of Deming and recommended tabling this item. Commissioner Diaz motioned to table Ordinance Number 87 Extraterritorial Zone (ETZ) Ordinance Regulations. Commissioner Milo seconded the motion which carried unanimously.

ANNOUNCEMENTS: Commissioner Diaz announced he is still attending and representing the County in the water meetings and the Natural Resource meetings diligently, but it is a slow process, that seems to be progressing in the resident's best interests.

County Manager Kelly Kuenstler wished Commissioner Milo and Mrs. Milo a Happy 33rd Wedding Anniversary.

Community Projects Director Jessica Etcheverry announced that the Great American Clean Up is happening this Saturday at 8:00 a.m., and there is still time to sign up.

Commissioner Milo announced that he attended the Southline Transmission Project meeting held at the Mimbres Valley Learning Center. He stated there were not many objections from the public regarding the project and the project will go ahead as planned, using existing transmission lines.

Chairman Spivey thanked both Commissioners Diaz and Milo for their work in representing the County. Mr. Spivey also announced he is still working diligently on the Economic Development for the Columbus area and working with the Border Authority and the drainage project.

Charles 'Tink' Jackson announced that he received a copy of a draft bill from Senator Udall's office for a Drought Contingency Bill. The bill proposes funding for a non-governmental organization to be in charge of water banking in the State of New Mexico to protect rivers and streams in times of drought. It sets up a Nature Conservancy type organization funded by the Federal Government to buy all Agricultural Rights in the State of New Mexico to protect rivers and streams. Both Mr. Jackson and Commissioner Diaz urged keeping a close eye on developments of this and opposing said Bill.

PRESENTATIONS: Friends of the Healing House Board Director Dorian Dodson gave an update on the Board's activities and tax-exempt status with the Internal Revenue Service. Ms. Dodson's presentation addressed the group's fund-raising efforts, the uniqueness of the program and each board member's contribution to the Friends of the Healing House organization.

County Manager Kelly Keunstler and Detention Director Matt Elwell administered the Oath of Office to Luna County Detention Officer Jose Hernandez.

ELECTED OFFICIALS REPORTS: County Clerk Andrea Rodriguez reported the Clerk's Office started Early and Absentee Voting for the Primary Election which will continue through May 31st. Early Voting will begin at the Mimbres Valley Learning Center on May 17th and go through the 31st.

There were no reports from the Assessor's or Treasurer's Offices or from the Sheriff.

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

- The website for the 78th New Mexico Association of Counties (NMAC) Conference is now up and ready for on-line registration. The motto for the conference being held in Luna County this year from June 16-19th is: *'Many Cultures, One Community.'* The website links can be easily found on the NMAC website at: www.nmcountries.org
- Keep Luna County Beautiful is making plans to have a recycled tile mural mosaic put up at the Courthouse Park Pavilion.
- Contract negotiations have begun with Triadic Enterprises, and they have agreed to have an updated proposal by mid-May.
- Local Extension Agent Jack Blandford asked for permission for the Garden Club to plant a tree in honor of Barbara Brokaw's memory and her contribution to Luna County next to the Extension Building.
- Main Street will place a 16"x 22" plaque on the far east side of the Courthouse. The plaque highlights the architectural features of the Courthouse and Historical facts.
- The road count on Hidden Valley Road was conducted within a few weeks of the request.
- Road Director Marty Miller and County Manager Kelly Kuenstler had a first meeting with representatives from the Kimley and Horn engineering firm from Tucson. The firm has been hired by the Border Environment Corporation (BEC), a bi-national group whose interests lies in the first 60-miles on either side of the border. BEC is working on a dust abatement/ alternative paving project, and wanted to originally look at Hermanas Grade. Mr. Miller has convinced BEC to look at New Frontier as well. This project will possibly open up future funding for pavement on one or both of these roads.
- The Buzz-Free Prom Party was held after Prom on April 26th at Starmax from 11:00 p.m. to 3:30 a.m.
- Luna County raised over \$4,000 for the Celebration of Life Fundraiser held on April 26th. According to the last figures, Luna County was the top fundraiser for this event.
- Natural Resources Committee Member Bryan Stevenson, City of Deming Employee Aaron Sera and County Manager Kelly Kuenstler attended a hearing and an agency only meeting for the Southline Transmission Project in Las Cruces. The project is about two-thirds of the way through the NEPA process, and there is not much resistance. Ms. Kuenstler has asked Mr. Stevenson to set up a meeting with the Natural Resources Committee in early June or at the end of May.
- The County is looking at scheduling the Budget Workshop on May 16th at 1:00 p.m. and the preliminary Budget Hearing on May 27th, also at 1:00p.m. This date is set in an effort to meet a Department of Finance Administration deadline.
- The County has four properties left to acquire for the Port Expansion on the border. The County is looking to close on the Village of Columbus property on May 16th. Jessica Etcheverry is meeting weekly with the GSA to update them on the County's progress.
- Starmax sales for the month of April were \$133,930. They are currently working on electrical, box-office and patio improvements, and LED theatre hallway lighting.
- Maintenance remodeled some rooms at the annex building, installed and replaced carpeting. New windows were installed at the Healing House.

- Zoning and Planning received 3 single family dwelling permits, 1 residential addition permit, 7 new code enforcement cases, 6 abated cases, 1 recreational vehicle permit, 3 mobile home permits, and 8 '911' address requests.
- Budget and Procurement still continues to prepare the FY 2015 Budget.
- The County has received \$76,666 towards the Starmax Digital Reimbursement Program. They have just over \$300,000 to pay on the debt.
- Human Resources advertised and hired for: the County Manager position, a part-time Data and Records Specialist, a Maintenance Worker, a Keep Luna County Beautiful Code Compliance Officer, and two truck drivers for the Road Department.
- Road Department: Regular maintenance of county roads, sealing of two parking lots- (The Leaning Center and the Courthouse), pruning and trimming wind damaged trees in the County Parks, monitoring the mud and water situation of the East Boundary road, the department is also coordinating a ROADEO for the NMAC Conference in June.
- DWI held the 'Every Fifteen Minutes' program and the Buzz-Free after Prom Party in April. Eight students participated in Alcohol Awareness classes last month.
- Information Technology: 20 notebooks were upgraded to Windows 7 and re-authenticated with DPS and reattached to the Sheriff's and Dispatch resources. GIS received five data requests that were processed through the Inspection of Public Records Act. The IT department is now logging their Work Orders and the response time.
- Detention Center: April's Local inmate daily average population was 122. U.S. Marshall average inmate population was 202. An Environmental Health Inspection was held in April, which went well.
- Community Projects: Keep Luna County Beautiful (KLCB) had a clean-up on April 5th, in which there were 50 participants from the Girl Scouts and the Little League. Community Projects prepared and submitted a regional marketing grant for the 55-mile border extension. A grant like this was awarded last year, and the County is trying to get another one this year in order to target the Mexican Community to come to the Southwest region to see what shopping and dining attractions this area offers.
- Volunteer Fire Departments: Cooke's Peak: assisted Savoy with a brush fire. Savoy: responded to a brush fire on Interstate 10 at the 62 mile marker. No calls to Florida. Sunshine: 4 small brush fires, 1 trash fire and also assisted Savoy with the brush fire. Cooke's Peak is still in the process of acquiring vendors for the water tank project.
- Community Health and Well Being is in the process of writing a CDBG grant for playground equipment. Parents as Teachers is providing services to 97 clients.
- Healing House: 21 clients for victim advocacy, 8 clients for immigration services, 13 women and 9 children were provided emergency shelter. There are current 9 domestic violence offenders in the program.
- Central Dispatch received 12,403 calls for the month of April and 10 Tipsoft calls. Crime stoppers paid out five rewards in April for a total of \$1,200. There was a successful public alert system activated on April 26th for road closures due to high winds.

PUBLIC COMMENT: Ann Shine-Ring came before the Board and thanked County Manager Kelly Kuenstler for her work, and wished her the best.

Ron Scharf reiterated the recent Supreme Court decision regarding the Apache Homeland Indian tribe. He stated his opinion that he felt it was a step in the right direction. Mr. Scharf also commented on the quality of the PA system in the Commission Chambers.

Russ Howell commented on an item from last month's meeting, in regards to Chairman Spivey's discussion on garbage. Ms. Howell suggested that perhaps a Garbage Committee or a Recycling Education Program for the community would be beneficial for the citizens of Luna County. Ms. Howell also inquired about the item regarding the Fifteen Percent Pay Increase for Elected Officials, and where the funds were going to come from.

Sean Blaine commented on the policies of the Volunteer Fire Departments, and stated he felt the Chief of the Volunteer Fire Departments should give the Volunteer Fire Department report. Mr. Blaine also suggested that the Board consider changing policy to allow residents to question or offer suggestions in the Public Comment section of the meetings.

CONSENT AGENDA: Commissioner Diaz motioned to accept the payroll in the amount of \$948,533.10 and accounts payable in the amount of \$397,388.15. The motion was seconded by Commissioner Milo and carried unanimously.

CONSIDER MINUTES: Upon motion by Commissioner Diaz and a second by Commissioner Milo, the minutes of the April 10, 2014 Regular Meeting were unanimously approved.

NEW BUSINESS:

- a. **EMPLOYMENT AGREEMENT BETWEEN LUNA COUNTY AND CHARLES 'TINK' JACKSON:** Chairman Spivey introduced Charles 'Tink' Jackson to the public, and gave a brief history of the interview process. Chairman Spivey stated of all the candidates in the pool, Mr. Jackson interviewed the best and was qualified for the job. Commissioner Diaz moved to approve the Employment Agreement between Luna County and Charles 'Tink' Jackson. The motion was seconded by Commissioner Milo and carried unanimously.
- b. **MEMORANDUM OF AGREEMENT BETWEEN LUNA COUNTY AND NM DEPARTMENT OF HEALTH FOR PRIMARY HEALTH CARE SERVICES THROUGH THE RPHCA GRANT:** Ms. Kuenstler explained the purpose of the Memorandum of Agreement between Luna County and the New Mexico Department of Health for Primary Health Care Services through the PRHCA Grant is to provide primary health care services in underserved areas of New Mexico. The agreement gives the County \$71,600 to deliver baseline reports, produce health outcome measures, and deliver monthly services that adhere to the scope of work that is outlined in the agreement. The agreement runs from July 1, 2014 through June 30, 2015. Presbyterian Medical Services (PMS) will apply for this grant as a primary health care service directly to the Department of Health. The Department of Health will then award the grant to the County, to pass through PMS.

Kathryn Ritterbusch outlined the scope of services that PMS offers the community through the Deming Health Center clinic. Commissioner Diaz moved to approve the Memorandum of Agreement between Luna County and New Mexico Department of Health for Primary Health Care Services through the RPHCA Grant. Commissioner Milo seconded the motion which carried unanimously.

- c. **PROFESSIONAL SERVICES AGREEMENT BETWEEN LUNA COUNTY AND PRESBYTERIAN MEDICAL SERVICES:** Ms. Kuenstler stated this item is the Professional Services Agreement the County would enter into with Presbyterian Medical Services which outlines their scope of work in operating the clinic, and the duties of the County. The agreement must be in place in accordance with the New Mexico Department of Health Memorandum of Agreement. Commissioner Milo moved to approve the Professional Services Agreement between Luna County and Presbyterian Medical Services. The motion was seconded by Commissioner Diaz which carried unanimously.
- d. **DISPOSAL OF ASSETS- APPROVAL TO REMOVE CERTAIN VEHICLES FROM LUNA COUNTY INVENTORY BY PUBLIC AUCTION (COUNTY UNIT #981184; 983116; 2728):** Ms. Kuenstler explained this item is from a memo by Sheriff Lieutenant Gary Leyba requesting permission to sell three vehicles at public auction. Ms. Kuenstler stated there were errors in the memo that she would like corrected on record as follows: Vehicle 1: Unit and VIN # correct, mileage 150,840. Vehicle 2: Corrected Unit # of 980852, VIN# correct, mileage 172,603. Vehicle 3: Corrected Unit # of 960660, VIN# correct, mileage of 137,976. Commissioner Diaz moved to amend and approve the Disposal of Assets- Approval to remove certain vehicles from Luna County Inventory by Public Auction. The motion was seconded by Commissioner Milo which carried unanimously.
- e. **RESOLUTION 14-29 BUDGET INCREASES:** Ms. Kuenstler recommended the approval of six budget increases totaling \$132,328.28. Commissioner Diaz motioned to approve Resolution 14-29 Budget Increases. Commissioner Milo seconded the motion which carried unanimously following a roll call vote.
- f. **RESOLUTION 14-30 BUDGET TRANSFERS:** Ms. Kuenstler recommended the approval of twenty budget transfers totaling \$50,880.02. Commissioner Diaz motioned to approve Resolution 14-30 Budget Transfers. Commissioner Milo seconded the motion which carried unanimously following a roll call vote.
- g. **RESOLUTION 14-31 AUTHORIZATION TO SUBMIT COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION:** Ms. Kuenstler explained the resolution requests authorization to submit a Community Development Block Grant (CDBG) Program application. The application's resolutions state the County has held the required public hearings and that there is a need to undertake as a project, The Community Health and Well Being Complex (to add a recreation area to the complex). It states that this complex meets the CDBG requirements and it authorizes the County to prepare a CDBG grant application to the Department of Finance Administration's Local

Government Division for this purpose. It designates the Commission Chair as the Chief Executive Officer, and it states the County will request \$100,000 of grant funds to build the recreation area, and the County will commit \$5,000 from the General Fund for a match towards the construction and equipment activities of the project. Commissioner Milo motioned to approve Resolution 14-31 authorization to submit Community Development Block Grant Program Application. Commissioner Diaz seconded the motion which carried unanimously following a roll call vote.

- h. DESIGNATION OF RESIDENT AGENT FOR STARMAX LIQUOR LICENSE:** Ms. Kuenstler stated this item designates a resident agent for the Starmax liquor license, and the County Manager is the current resident agent. Because Ms. Kuenstler's term ends in May, a new resident agent must be designated. The recommendation of Starmax General Manager Ira Pearson was made by Ms. Kuenstler because Mr. Pearson is the employee on sight, and has the responsibility for Starmax. Commissioner Diaz moved to approve the Designation of Ira Pearson as Resident Agent for Starmax Liquor License. Commissioner Milo seconded the motion which carried unanimously.
- i. REPAYMENT PLAN FOR LUNA COUNTY LAW ENFORCEMENT COMPLEX:** Ms. Kuenstler explained to the Board this Debt Repayment Agreement for the Sheriff's Office to start paying the leftover debt for the Law Enforcement Complex. The agreement obligates the Sheriff to give the County \$70,000 of the Gross-Receipts tax (GRT) it has collected, and is in the account right now this fiscal year. It obligates fifty percent of the GRT collected for the next fiscal year, and the equivalent of seventy percent of the GRT collected after that, until the debt is paid in full. After reviewing the percentages and the interest rate, it is believed this is feasible with the current Sheriff's Department budget. The department is only obligating fifty percent next fiscal year, in order to furnish the new complex. In the event the upcoming new administration finds a renegotiation of the repayment plan necessary, it may be requested at that time. Commissioner Milo moved to approve the Repayment Plan for Luna County Law Enforcement Complex. The motion was seconded by Commissioner Diaz which carried 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. Budget and Procurement Director Joanne Hethcox recommended approval of 22 claims dated May 8, 2014 in the amount of \$24,567.83 and zero denials. The monies received for April 2014 totaled \$52,076.28, and the balance in the IHC fund as of April 30, 2014 is \$187,066.10. Commissioner Diaz moved to approve 22 claims dated May 8, 2014 in the amount of \$24,567.83 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, June 12, 2014. Upon a motion by Commissioner Diaz and a second by Chairman Milo the meeting time was unanimously approved for 6:00 p.m.

ADJOURN: Chairman Spivey adjourned the meeting at 11:20 a.m.

ATTEST:

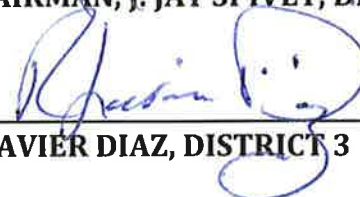
LUNA COUNTY BOARD OF COUNTY COMMISSIONERS


ANDREA RODRIGUEZ, CLERK


JOE L. MILO, JR., DISTRICT 1

APPROVED: 06/12/2014


CHAIRMAN, J. JAY SPIVEY, DISTRICT 2


R. JAVIER DIAZ, DISTRICT 3

