

**MINUTES  
REGULAR MEETING  
LUNA COUNTY BOARD OF COUNTY  
COMMISSIONERS  
Thursday, July 17, 2014**

**BE IT REMEMBERED** that the Luna County Board of County Commissioners met in regular session at 6:00 p.m. on Thursday, July 17, 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 Charles 'Tink' Jackson, 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, Lieutenant Jonathan Mooradian, Special Projects and Facilities Management Director Billy Ruiz, Detention Director Matthew Elwell, 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 Spivey called the meeting to order at 6:05 p.m. and Deming Mayor Benny Jasso 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

**PRESENTATIONS:** Wade Worrell gave a presentation on behalf of the Luna County Humane Society. Mr. Worrell's presentation included animal population statistics, how the Humane Society uses the money allocated to them by the County, and employment averages. Mr. Worrell thanked the Commission for Humane Society funding.

**ANNOUNCEMENTS:** Chairman Spivey commended the efforts of everyone involved during the New Mexico Association of Counties Conference recently hosted by Luna County. Mr. Spivey stated that he has received several letters from other counties recognizing the event as a success, and he thanked everyone for doing a nice job.

**ELECTED OFFICIALS REPORTS:** There were no Elected Officials reports.

**COUNTY MANAGER'S REPORT:** County Manager Charles 'Tink' Jackson reported on the following items:

- Mr. Jackson recognized the County Staff that participated in helping the County prepare for the NMAC Conference, and thanked everyone for their hard work. The County has received many compliments from those that attended the conference.
- Mr. Jackson reported that he has met with most of the County departments and has spoken with the Elected Officials and employees. In doing so, he has received input and ideas on how to improve various operations throughout the County. Mr. Jackson stated he felt that every employee has at least one good idea, and it was important to him to hear them.
- Mr. Jackson and Commissioner Diaz recently attended the NaCO Conference, and attended several meetings involving Public Lands Steering Committee and PILT Funding.
- Five Endangered Species Act Bills recently passed in the House, but the Senate refused to take them. Mr. Jackson urged the public to contact their Senators to get the Bills on the floor of the Senate.
- New seat cushions have been provided for the public's comfort while attending the Commission meetings.
- The sound system is proprietary- it will take a complete new system to improve the sound; however the County continues to work on cost-effective solutions.
- The County's Fourth of July Parade float won 1<sup>st</sup> Place.
- The DWI Program held Alcohol Awareness Classes every Wednesday in the Courthouse basement. An average of six students participated. Alcohol Abuse education classes were given to inmates at the Luna County Detention Center. Currently, 138 offenders are being tracked and 9 are being screened. There are 3 offenders in Outpatient Treatment and 52 offenders on Supervised Probation.
- Central Dispatch received 12,621 calls for the month of June. The Luna County Sheriff's Department generated 166 calls for service, and the Deming Police Department generated 596 calls for service.
- Community Projects- Port of Entry: The Herman Property contract has been signed, and the closing for the property will be in July. The County is currently working with Jarrod Hofacket for the acquisition of the Ortega Property. The Infrastructure Capital Improvement Plan is being prepared. The public input meetings will be: July 28<sup>th</sup> at 9:00 a.m., July 29<sup>th</sup> at 5:00 p.m., and July 30<sup>th</sup> at noon. This is a time for the public to comment on current projects and to bring new projects to the County.
- A Regional Transportation District Meeting was attended on June 25<sup>th</sup> in Silver City. The meeting covered possible new contributions from the communities. The Board is looking at the Joint Powers Agreement, contract, or a Memorandum of Agreement to see which will be the best way to run Corre Caminos.
- Community Health and Well Being: The CDBG Hearing was attended on June 30<sup>th</sup>, and the County will receive funding for the Health and Wellbeing Complex Recreation Area.

- Luna County was awarded \$151,023 for the Tulip Landfill Reclamation and \$424,386 for the Rockhound Colonia road drainage improvements. The County is awaiting grant agreements before proceeding with the projects.
- The Luna County Detention Center for the month of June had an Inmate Daily Average Population of 295. U.S. Marshals Daily Average Population was 195, Local Inmates Population was 100. Average length of stay was 17 days.
- Luna County Road Department has been busy placing culverts on Hermanas Grade in preparation for the upcoming monsoon season. The culverts will alleviate further damage to the Hermanas Grade Road south of the Aerostat site. The Road Department wishes to remind the public they are beginning construction on State Projects, and the staff will be pulled off of regular duties occasionally to do construction work. Your patience and understanding is greatly appreciated, and the Road Department will make every effort to take care of calls in a timely manner.
- Starmax received a total of \$90,628.10 towards the digital reimbursement program through June 30, 2014. Remaining balance on conversion is \$297,033.17. June revenue for Starmax was \$169,500.00. The projectors warranty expires in October, and management continues to try to secure an extended warranty program for each projector.
- Human Resources advertised for two positions in the Parents as Teachers programs, and filled those positions. A posting for the Sheriff's Department Field Deputy Safe Border Grant position was posted on the County website and Department of Workforce Solutions. The posting closed on June 20<sup>th</sup>. Part-Time and Full-Time Shelter Advocates for the Healing House were advertised and the posting closed on June 27<sup>th</sup>.
- Maintenance conducted fence repairs for the NMAC conference in the Courthouse Park and also helped with various projects during the event. The department cut weeds at most of the County facilities and also fixed the air-conditioning unit at Starmax.
- Emergency Services Department: On Saturday, June 28<sup>th</sup> at 10:59 p.m. a 5.2 magnitude earthquake hit 30 miles northwest of Lordsburg. An inspection of Luna County buildings, properties and areas were checked for any visible signs of damage or issues before the start of business on Monday. No concerns were found.
- Community Health and Well-Being Department submitted for the CASA Program: VOCA and AOC grants. Healing House: VOCA, MFA, CYFD grants were submitted. The Parents as Teachers Program is providing services to 115 clients. Healing House assisted 47 clients.

**PUBLIC COMMENT:** Ann Shine-Ring addressed her concerns with New Business item 'A', in regards to operational guidelines and she also addressed the nine proposals for funding in the agenda. Amongst Ms. Shine-Ring's concerns with the nine proposals for funding in the agenda, which agencies provided proper budgeting documentation in order to receive taxpayer's money. Ms. Shine-Ring was especially concerned with item 'O' in regards to the proposals for funding.

Sean Blaine commented on New Business item 'D', and urged the Board to reconsider the idea of structuring the Volunteer Fire Departments into substations, and to look into seeing if there were grants or other means available to enhance the Volunteer Fire Departments as they existed, rather than breaking them down into substations, as he felt the quality of services to Luna County residents would decline. Mr. Blaine suggested that the Emergency Services Manager should demand the Sheriff's Department supply at least five deputies for fire-department training for back up man power in the event it was needed.

Jolene Nunn inquired if any progress had been made on the paving request for Hidden Valley Ranch Road, and if it was included in this evening's Road Fund Project items.

Ed Khanbabian made several inquiries before the Board in regards to: The possibility of having the Commission Meetings televised. Mr. Khanbabian requested that the County Manager 'slow down' when reiterating items contained in the County Manager's Report. Mr. Khanbabian asked what the benefit of the Commissioners and the County Manager's attendance at the NaCO conference was and what was the cost to the taxpayer, and specifics to the County's Drug and Alcohol Policy.

Fred Williams commented on the Public Address system in the Chambers, and offered his services to improve the quality of the sound system.

**CONSENT AGENDA:** Upon motion of Commissioner Diaz, seconded by Commissioner Milo, Payroll Registers totaling \$983,763.02 and Accounts Payable Registers totaling \$1,275,664.13 were unanimously approved.

**CONSIDER MINUTES:** Upon motion of Commissioner Diaz, seconded by Commissioner Milo, the minutes of the June 6, 2014 Special Meeting were unanimously approved.

Upon motion of Commissioner Milo, seconded by Commissioner Diaz, the minutes of the June 12, 2014 Regular Meeting were unanimously approved.

Upon motion of Commissioner Diaz, seconded by Commissioner Milo, the minutes of the June 26, 2014 Special Meeting were unanimously approved.

**NEW BUSINESS:** County Manager Charles 'Tink' Jackson reviewed each item on the New Business agenda with the commissioners.

- a. **RESOLUTION 14-39 CREATING THE LUNA COUNTY COMMUNITY AND ECONOMIC ADVISORY COMMITTEE:** Mr. Jackson explained this resolution creates a seven member board appointed by the Luna County Board of County Commissioners to include a representative from each Commission District, the City of Deming, the Village of Columbus, the Deming Luna County Chamber of Commerce and Deming Luna County Mainstreet. The purpose of the Committee is to advise the Board on matters related to business, industry, community and economic development and initiatives including agricultural development, agri-business, infrastructure development, renewable energy development, recreation,

tourism, arts and culture. A discussion ensued amongst the Board as to if an Advisory Committee was necessary. Commissioner Diaz motioned to approve Resolution 14-39 Creating the Luna County Community and Economic Advisory Committee. Commissioner Milo seconded the motion, which passed with a majority roll-call vote. Chairman Spivey voted in the negative.

- b. RESOLUTION 14-40 LUNA COUNTY PERMANENT FUND POLICY:** Mr. Jackson recommended the tabling this Resolution which creates a permanent fund for the balance of the Hospital Fund. Mr. Jackson cited that State Statute will not allow this Resolution as written. State Statute requires that funds must be over one-half of the balance of the reserves of the General Funds expenditures. Commissioner Diaz motioned to table item Luna County Permanent Fund Policy. Commissioner Milo seconded the motion which carried unanimously.
- c. RESOLUTION 14-41 DECLARING NEW MEXICO HUNGER WEEK:** Mr. Jackson stated that this Resolution designates the week of July 14-18<sup>th</sup>, 2014 as 'New Mexico Hunger Week'. New Mexico has one of the highest rates of food insecurity of all residents, including children, veterans, the homeless and senior citizens. Forty thousand New Mexicans seek food assistance each week, and statistics have ranked New Mexico the most food insecure state for children. Commissioner Milo moved to approve Resolution 14-41 Declaring New Mexico Hunger Week. Commissioner Diaz seconded the motion, which carried unanimously following a roll-call vote.
- d. RESOLUTION 14-42 VOLUNTEER FIRE DEPARTMENTS SUBSTATIONS.** Mr. Jackson recommended the tabling of this item, citing that Chief Luis Malina was not available to discuss the Resolution with the Board. Commissioner Diaz motioned to table Resolution 14-42 Volunteer Fire Departments Substations. Commissioner Milo seconded the motion which carried unanimously.
- e. RESOLUTION 14-43 LOCAL GOVERNMENT ROAD FUND PROGRAM FOR COUNTY ARTERIAL PROJECT:** Road Director Marty Miller explained Resolutions 14-43, 44 and 45 are Road Fund Programs that are joint projects with the New Mexico Department of Transportation (NMDOT) and the County. The NMDOT will pay 75% of each project cost, and the County will match 25%. Resolution 14-43 Local Government Road Fund Program for County Arterial Project total cost will be \$420,205. The NMDOT's share shall be \$315,154, and the County's matching share shall be \$105,051. The project is from the intersection of State Highway 9 and Carzalia Loop Road SW south, and then west on Carzalia Road SW for 6.5 miles; from intersection of State Highway 9 and Hermanas Grade road SW 4 miles to POB, then north 3 miles to EOP, within the control of Luna County in Deming/Luna County, New Mexico. The NMDOT's share shall be \$315,154 and the County's matching share shall be \$105,051. Commissioner Diaz motioned to approve Resolution 14-43 Local Government Road Fund Program for County Arterial Project. Commissioner Milo seconded the motion which carried unanimously following a roll-call vote.

- f. RESOLUTION 14-44 LOCAL GOVERNMENT ROAD FUND PROJECT FOR SCHOOL BUS ROUTE PROJECT:** Mr. Jackson recommended approval of Resolution 14-44 Local Government Road Fund Project for School Bus Route Project for a total cost of \$160,691. The NMDOT's share shall be \$120,518, and the County's matching share shall be \$40,173. The project is from Stetson Road NE 1.5 miles east from intersection of Uvas Valley Road NE to EOP, within the control of Luna County in Deming/Luna County, New Mexico. Commissioner Milo moved to approve Resolution 14-44 Local Government Road Fund Project for School Bus Route Project. Commissioner Diaz seconded the motion, which carried unanimously following a roll-call vote.
- g. RESOLUTION 14-45 LOCAL GOVERNMENT ROAD FUND PROJECT FOR COOPERATIVE PROJECT:** Mr. Miller recommended approval of Resolution 14-45 Local Government Road Fund Project for Cooperative Project for a total cost of \$225,603. The NMDOT's share shall be \$169,202, and the County's matching share shall be \$56,401. The project is from Uvas Valley Road NE -from intersection of NM State Highway 26 and Uvas Valley Road NE, south on Uvas Valley Road NE 7.5 miles to EOP, within the control of Luna County in Deming/Luna County, New Mexico. Commissioner Diaz moved to approve Resolution 14-45 Local Government Road Fund Project for Cooperative Project. Commissioner Milo seconded the motion which carried unanimously following a roll-call vote.
- h. APPOINTMENT OF DEPUTY SHERIFF ALVIN E. BENCOMO:** Mr. Jackson recommended approval of the Appointment of Deputy Sheriff Alvin E. Bencomo. Commissioner Diaz moved to approve the Appointment of Deputy Sheriff Alvin E. Bencomo. Commissioner Milo seconded the motion which carried unanimously.
- i. AGREEMENT BETWEEN LUNA COUNTY AND DEMING PUBLIC SCHOOLS:** Mr. Jackson stated this agreement between Luna County and Deming Public Schools (DPS), allots \$76,000 during the fiscal year to help defray the costs of after school programs for a twenty-six week period while school is in session. Commissioner Diaz moved to approve the Agreement between Luna County and Deming Public Schools. Commissioner Milo seconded the motion which carried unanimously.
- j. AGREEMENT BETWEEN LUNA COUNTY AND DEMING ANIMAL GUARDIANS:** Mr. Jackson explained this agreement between Luna County and Deming Animal Guardians provides the organization with \$9,500 during the fiscal year to help defray the cost of an indigent spay/neuter program for companion pets of low-income residents. Commissioner Milo moved to approve the Agreement between Luna County and Deming Animal Guardians. Commissioner Diaz seconded the motion which carried unanimously following a roll-call vote.
- k. AGREEMENT BETWEEN LUNA COUNTY AND DEMING-LUNA COUNTY COMMISSION ON AGING:** Mr. Jackson explained the agreement between Luna

County and Deming-Luna County Commission on Aging provides the Deming-Luna County Commission on Aging funds in the amount of \$95,000 during the fiscal year to help defray the costs associated with operating the senior center. Commissioner Diaz moved to approve the Agreement between Luna County and Deming-Luna County Commission on Aging. Commissioner Milo seconded the motion which carried unanimously.

- l. AGREEMENT BETWEEN LUNA COUNTY AND DEMING ARTS COUNCIL:** Mr. Jackson stated the agreement between Luna County and the Deming Arts Council provides \$2,850 during the fiscal year to help defray the costs of operating the art center. Commissioner Diaz moved to approve the Agreement between Luna County and Deming Arts Council. Commissioner Milo seconded the motion which carried unanimously.
- m. AGREEMENT BETWEEN LUNA COUNTY AND DEMING/LUNA COUNTY MAINSTREET PROGRAM:** Mr. Jackson stated this agreement between Luna County and Deming/Luna County Mainstreet Program appropriates \$14,250 during the fiscal year to help defray the expenses of conducting the Mainstreet Program. Commissioner Milo moved to approve the Agreement between Luna County and Deming/Luna County Mainstreet Program. Commissioner Diaz seconded the motion which carried unanimously.
- n. AGREEMENT BETWEEN LUNA COUNTY AND LUNA COUNTY HISTORICAL SOCIETY:** Mr. Jackson explained this agreement between Luna County and the Luna County Historical Society appropriates \$14,250 during the fiscal year to help defray the operating costs of the Deming-Luna-Mimbres Museum. Commissioner Diaz moved to approve Agreement between Luna County and Luna County Historical Society. Commissioner Milo seconded the motion which carried unanimously.
- o. AGREEMENT BETWEEN LUNA COUNTY AND RIO MIMBRES GOLF COURSE:** Mr. Jackson stated this agreement between Luna County and the Rio Mimbres Golf Course allots \$19,000 during the fiscal year to help defray the cost of operating the golf course. The golf course is to remain open to the public, and the payment is to be used strictly for golf course maintenance and improvements. Commissioner Diaz stated he would like to see more accountability and invoices from the golf course that the county funding is being used for the intended purposes. Commissioner Diaz moved to approve the Agreement between Luna County and Rio Mimbres Golf Course. Commissioner Milo seconded the motion which carried unanimously.
- p. AGREEMENT BETWEEN LUNA COUNTY AND SOUTHWESTERN NEW MEXICO STATE FAIR ASSOCIATION, INC.:** Mr. Jackson explained this agreement between the County and the Southwestern New Mexico State Fair Association, Inc. which appropriates the sum of \$14,250 to help defray the expense of conducting the fair. The monies must be used for the actual operation of the fair. Commissioner Diaz

moved to approve the Agreement between Luna County and Southwestern New Mexico State Fair Association, Inc. Commissioner Milo seconded the motion which carried unanimously.

- q. MEMORANDUM OF AGREEMENT BETWEEN LUNA COUNTY AND DEMING-LUNA COUNTY HUMANE SOCIETY:** Mr. Jackson explained this Memorandum of Agreement between Luna County and Deming-Luna County Humane Society provides \$95,000 from the County to the Humane Society for a fiscal year to help manage the operational costs and expenses incurred at the Animal Shelter. Commissioner Milo moved to approve the Memorandum of Agreement between Luna County and Deming-Luna County Humane Society. Chairman Spivey seconded the motion which carried unanimously.
- r. JOINT POWERS AGREEMENT BETWEEN LUNA COUNTY AND VILLAGE OF COLUMBUS FOR LAW ENFORCEMENT SERVICES:** Luna County Sheriff Lieutenant Jonathan Mooradian explained this Joint Powers Agreement provides the Village of Columbus with limited law enforcement services by the Luna County Sheriff's Office. The Village of Columbus will seek \$20,000 in State of New Mexico Law Enforcement Protection fund monies for the purchase of qualified law enforcement property and equipment for exclusive use of Luna County Sheriff deputies in exchange for the provision of County law enforcement services. Commissioner Diaz moved to approve the Joint Powers Agreement between Luna County and Village of Columbus for Law Enforcement Services. Commissioner Milo seconded the motion which carried unanimously.

**CALL FOR ORDINANCE:** Plastic Bag Ordinance- Mr. Jackson summarized this ordinance will ban the distribution of plastic bags (grocery type sacks) within Luna County, and by doing so, will hopefully decrease on the amounts of plastic waste litter found along Luna County highways, of which plastic grocery sacks account for a large percentage of. Other counties have passed similar ordinances and the amount of plastic waste has decreased substantially. Commissioner Diaz motioned to direct the County Manager's office to publish the title and summary of the Ordinance pertaining to the Plastic Bag Ordinance at least one time in *The Deming Headlight* at least two weeks prior to the meeting of the Board at which 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 Milo seconded the motion 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. Joanne Hethcox recommended approval of zero claims dated July 17, 2014 in the amount of zero dollars and zero denials. The monies received for June 2014 totaled \$55,566.22. Commissioner Diaz moved to approve zero claims dated July 17, 2014 in the amount of zero dollars 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, August 14, 2014. Upon a motion from Commissioner Diaz and a second from Commissioner Milo, the time for the August meeting was unanimously approved for 9:00 a.m.

**ADJOURN:** Chairman Spivey adjourned the meeting at 7:45 p.m.

**ATTEST:**

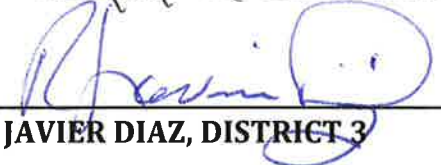
  
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**ANDREA RODRIGUEZ, CLERK**

**LUNA COUNTY BOARD OF COUNTY  
COMMISSIONERS**

  
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**JOE L. MILO, JR., DISTRICT 1**

**APPROVED:** 08/14/14

  
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**CHAIRMAN, J. JAY SPIVEY, DISTRICT 2**

  
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**R. JAVIER DIAZ, DISTRICT 3**

