

**MINUTES  
REGULAR MEETING  
LUNA COUNTY BOARD OF COUNTY  
COMMISSIONERS  
Thursday, February 12, 2015**

**BE IT REMEMBERED** that the Luna County Board of County Commissioners met in regular session at 9:00 a.m. on Thursday, February 12, 2015 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, Sheriff Johnathan Mooradian, Special Projects and Facilities Management Director Billy Ruiz, Detention Director Matthew Elwell, Sheriff Corporal Paul Sanchez, Dispatch Supervisor Lauree Sanchez, Community Projects Director Jessica Etcheverry, Road Department Director Marty Miller, Human Resources and Payroll Director Daniel Gonzales, Budget and Procurement Director Joanne Hethcox, Starmax Facilities Director Ira Pearson, IT Director Elizabeth El Bizri, IT Technician Manny Armendariz, Emergency Services Director Mark Jasso, DWI Director Edith Vazquez, Grant/Audit Compliance Officer Palmira Valentine, Security Screener Moses Pastran.

**CALL TO ORDER:** Chairman Milo called the meeting to order at 9:06 a.m. and County Clerk Andrea Rodriguez led the Pledge of Allegiance.

**ROLL CALL:** Deputy Clerk JoAnna Zurinsky called roll. The following members of the Board constituting a quorum were present:

**Chairman, Joe L. Milo, Jr., District 1  
Linda M. Smrkovsky, District 2  
R. Javier Diaz, District 3**

**SERVICE AWARDS:** Assistant to the County Manager Glory Johnson presented IT Director Elizabeth El Bizri with a five-year service award.

**PRESENTATIONS:** County Manager Charles "Tink" Jackson administered the Volunteer Fire Department Chief Oath of Office to Cal Wenzel.

**ELECTED OFFICIALS REPORTS:** There were no Elected Officials Reports from County Clerk Andrea Rodriguez or County Assessor Delilah Rojo.

County Treasurer Dora Madrid reported that as of December 30, fifty-five percent of land taxes had been collected, and on March 9, 2015 there will be a tax-auction.

Sheriff Johnathan Mooradian reported that his department is transitioning smoothly, and the department has held a lot of staff meetings. The department is currently making plans to move into the new Sheriff's Complex.

**PUBLIC HEARING:** Chairman Milo opened a public hearing to receive testimony regarding Ordinance Number 88 Local Economic Development Project for Secured Financial Assistance Proposed by Preferred Produce, Inc. County Manager Charles "Tink" Jackson introduced Community Projects Director Jessica Etcheverry to give a summary pertaining to the ordinance. Ms. Etcheverry stated: The Ordinance will secure funding through the State Capital Outlay for Economic Development in the amount of \$135,000 for greenhouse expansion and heating and cooling. The project will not be started until funding is secured and once funding is obtained, the money will need to be spent by June 2015. The County has been assured by Preferred Produce that the project can be done by the allocated time, and this Ordinance pertains to value added projects only. Ann Shine-Ring stated that she gave contact information to Commissioner Smrkovsky in regards to a professor at New Mexico State University who offered to help Preferred Produce obtain USDA Certified Organic status. With no other testimony forthcoming, Chairman Milo closed the public hearing.

**ORDINANCE:** Commissioner Smrkovsky motioned to approve Ordinance Number 88 Local Economic Development for Secured Financial Assistance Proposed by Preferred Produce, Inc. Commissioner Diaz seconded the motion which carried unanimously following a roll-call vote.

**PUBLIC COMMENT:** Chairman Milo thanked the public for the support of his family during their time of loss from his mother's recent passing.

Ann Shine Ring thanked the Sheriff's Office for their prompt and courteous response regarding a 911 call that she recently placed.

Jolene Nunn shared information and previous correspondence from past Commission Boards with the Commissioners and County Manager pertaining to a road paving request.

Jay Spivey implored the Commission to give more consideration to the 3/8<sup>th</sup> tax increase before passing a vote on the item. Mr. Spivey stated that the '*Public Comment*' format of the meetings was not conducive to public interest.

Commissioner Linda Smrkovsky suggested that a Work Session be implemented two days before a Regular Meeting in order to give the public a better foundation on Business Items on the agendas.

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

- Central Dispatch received and sent 11,504 calls. The Luna County Sheriff's Office generated 150 calls for service. The Deming Police Department generated 499 calls for service. The Deming Fire Department had 251 calls for service, and the Volunteer Fire Departments had 2 calls for service.

- Community Projects: Keep Luna County Beautiful was recently awarded two second place prizes by Keep America Beautiful. The program stood out as second among thousands of other communities across the nation. Luna County and Tularosa were the only two out of 24 New Mexico affiliates honored by the organization. A request has been submitted for reimbursement for the grant.
- The Port of Entry in Columbus was 85.6 million dollars for construction in the federal FY16 budget.
- Luna County Detention Center: For the month of January, the inmate daily average population was 355. The U.S. Marshal's Service daily average population was 191. Local daily inmate population was 164. The average length of stay for inmates was 29 days. The average daily population for Sierra County inmates was 49.
  - Several Detention legislative bills have been submitted by the House and Senate that may affect detention operations. HB2 (Detention Facility Reimbursement), SB42 (Medicaid Suspension vs. Termination), SB363 (Incarcerated Women: The Expectant and Postpartum Prisoners Act, and HB\_ (Not Numbered Yet): (The Inmate Support Program in Luna, Grant, and Hidalgo Counties).
- The DWI Program is currently tracking 139 misdemeanor DWI offenders. Five new clients were screened for substance abuse. 13 offenders attended outpatient treatment.
  - The department collected the following fees:
    - Screening Fees: \$375.00
    - Treatment Fees: \$600.00
    - Compliance/Probation Fees: \$1,575.00
- The Road Department has completed all of the paperwork for the State Projects for 2014, and is now working on the 2016 State Project application which is due by March 15, 2015.
  - The Road Crews are back on regular schedule, and the blade men are blading materials from the ditches up on the road to build them back up. During the preparation to form a crown, sometimes during a rain the middle of the road will be very wet. This is a part of the rebuilding process, and the department is working hard to make the inconvenience as short as possible.
- Starmax has received a total of \$130,724.10 towards the digital reimbursement program through 1/31/2015. Remaining balance on conversion expenses is \$257,937.17. Funds are put back into Fund 416.
  - Starmax has created a budget to put in Triadic System.
  - Completed FY2014 Survey of Local Government Finances as required.
- Human Resources and Payroll posted and hired for the following positions: Grant/Audit Compliance Officer, Case Manager for the Healing House, two County Service Specialists for the Assessor's Office. The following positions were posted: an in house Corporal position for the Sheriff's Department, Starmax positions: concession, wait staff, bartender, and bowling lane attendant, DWI part-time administrative assistant.
  - The department conducted a session of mandatory training (Laws, Sexual Harassment, Discrimination and FMLA) for Starmax employees.

- Disbursed the Employment Disclosure Forms for 2015 per the Governmental Conduct Act and Luna County Code of Conduct Policy.
- Attended the NMAC Mid-Winter Conference as the Human Resources Affiliate Treasurer.
- Maintenance Department placed sheet rock and duct work for the evidence room for the new Sheriff's Complex.
- Starmax sales for the month of January \$151,369.
- Emergency Services Department: For the month of January, there were 0 tort claims, 1 workers comp claims, and 0 vehicle accidents.
- Community Health and Well-Being: CASA is busy recruiting volunteers for Silver City and Deming, and is currently providing services to Luna, Grant, and Hidalgo Counties. Deming has 25 clients, Silver City 18, and Lordsburg 3.
  - The Parents as Teachers program is providing services to 112 clients, and held 3 successful car seat classes. Two breastfeeding support classes were held with a total of 18 participants.
  - The Healing House assisted 26 clients with victim advocacy services and provided emergency shelter to 11 women and 8 children. There are currently 7 domestic violence offenders in the ENOUGH! Project. The shelter was full for the month of January.
- Volunteer Fire Departments- Cooke's Peak: Responded to 1 vehicle fire, 1 grass fire and 1 natural gas leak. Sunshine: There were 2 cancelled calls while in route, 2 vehicle fires and 1 controlled burn. All stations: 4 new members, and routine maintenance being conducted.
- Mr. Jackson outlined and clarified several points on the Gross Receipts Tax which will be considered during a Special Meeting on February 17, 2015. Mr. Jackson discussed with the Commissioners scenarios that could happen if the GRT is passed, if the GRT is not passed and the Hold Harmless Law is changed and if the GRT is not passed and the Hold Harmless Law is not changed. Mr. Jackson also made key points that were not limited to:
  - The vote is not about Hold Harmless or the \$250k that the County receives today from Hold Harmless. The vote is about addressing specific issues that have Luna County open to significant liability claims in the near future.
  - Hold Harmless is not only about a food tax. Hold Harmless also applies to unfunded mandates passed to the County in recent years.
  - The GRT allows the County to share the burden of fixing the detention center with people that pass through the community and spend money here.
  - 1/3 of New Mexico Counties have adopted this tax to meet their unfunded mandates.
  - Grant, Dona Ana, and Sierra Counties have imposed the tax.
  - Hidalgo County has begun discussions on the tax.

**CONSIDER MINUTES:** Upon motion of Commissioner Diaz, seconded by Commissioner Smrkovsky, the minutes of the January 8, 2015 Regular Meeting were unanimously approved.

Upon motion of Commissioner Diaz, seconded by Commissioner Smrkovsky, the minutes of the January 14, 2015 Special Meeting were unanimously approved.

**CONSENT AGENDA:** Upon motion of Commissioner Diaz, seconded by Commissioner Smrkovsky, Accounts Payable Registers totaling \$1,326,929.58 and Payroll Registers totaling \$976,512.40 were unanimously approved.

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

- a. **PROJECT PARTICIPATION AGREEMENT BETWEEN LUNA COUNTY AND PREFERRED PRODUCE:** Community Projects Director Jessica Etcheverry explained this agreement states that Preferred Produce will produce ten new jobs within a period of three years. Commissioner Smrkovsky moved to approve the Project Participation Agreement between Luna County and Preferred Produce. Commissioner Diaz seconded the motion which carried unanimously.
- b. **LOCAL ECONOMIC DEVELOPMENT ACT- CAPITAL OUTLAY PROJECT APPLICATION:** Ms. Etcheverry stated this item is the application for the funding that was submitted to the State for the project and if Preferred Produce does not meet the requirements of the project, then Preferred Produce land in the amount of \$135,000 is used as collateral for the State to be used as Capital Outlay Projects for Economic Development Projects in Luna County. Commissioner Diaz moved to approve Local Economic Development Act- Capital Outlay Project Application. Commissioner Smrkovsky seconded the motion which carried unanimously.
- c. **RESOLUTION 15-15 AUTHORIZING THE COUNTY TO SUBMIT AN APPLICATION TO THE DFA, LOCAL GOVERNMENT DIVISION TO PARTICIPATE IN THE LOCAL DWI GRANT AND DISTRIBUTION PROGRAM:** Mr. Jackson introduced DWI Grant Program Director Glory Johnson to summarize the Resolution. Ms. Johnson stated this item and items D, E and F are presented in conjunction together, as part of the grant application. The grant amount remains unchanged from last year, and contains an extra component as a result of House Bill 16. Commissioner Smrkovsky motioned to approve Resolution 15-15 Authorizing the County to Submit an Application to the DFA, Local Government Division to Participate in the Local DWI Grant and Distribution Program. Commissioner Diaz seconded the motion which carried unanimously following a roll-call vote.
- d. **STATEMENT OF ASSURANCES- LOCAL DWI GRANT AND DISTRIBUTION PROGRAM:** Ms. Johnson recommended approval of this item which assures and certifies compliance with statutes, rules and guidelines associated with the acceptance and use of DWI grant funds. Commissioner Smrkovsky moved to approve Statement of Assurances- Local DWI Grant and Distribution Program. Commissioner Diaz seconded the motion which carried unanimously.

- e. **DOH ASSURANCES AND COOPERATIVE AGREEMENT BETWEEN LUNA COUNTY AND NM DEPARTMENT OF HEALTH:** Ms. Johnson stated this item applies to Luna County DWI compliance of client confidentiality. Commissioner Smrkovsky moved to approve DOH Assurances and Cooperative Agreement between Luna County and NM Department of Health. Commissioner Diaz seconded the motion which carried unanimously.
- f. **MEMORANDUM OF UNDERSTANDING BETWEEN LUNA COUNTY DWI PREVENTION PROGRAM AND NM DEPARTMENT OF FINANCE AND ADMINISTRATION:** Ms. Johnson stated this item specifies that the Luna County DWI Prevention Program is in full compliance with HIPAA and HITECH Act guidelines. Commissioner Smrkovsky moved to approve the Memorandum of Understanding between Luna County DWI Prevention Program and NM Department of Finance and Administration. Commissioner Diaz seconded the motion which carried unanimously.
- g. **RESOLUTION 15-16 BUDGET INCREASES:** Five inter/intra departmental budget increases in the amount of \$301,383.80 were proposed. Commissioner Diaz motioned to approve Resolution 15-16 Budget Increases. Commissioner Smrkovsky seconded the motion which carried unanimously following a roll-call vote.
- h. **RESOLUTION 15-17 BUDGET TRANSFERS:** Four inter/intra departmental budget transfers in the amount of \$669,317.22 were proposed. Commissioner Diaz moved to approve Resolution 15-17 Budget Transfers. Commissioner Smrkovsky seconded the motion which carried unanimously following a roll-call vote.
- i. **RESOLUTION 15-18 AUTHORIZING PUBLICATION OF NOTICE OF INTENT TO ADOPT A GROSS RECEIPTS REVENUE BOND ORDINANCE:** Mr. Jackson stated the authorization of this Resolution notifies the public of the Commission's intent to hold a Public Hearing on March 3, 2015 to consider a Gross Receipts Revenue Bond Ordinance. Mr. Jackson introduced Mark Valenzuela of George K. Baum Associates to outline the structure of the Bond Ordinance. Luna County Detention Director Matt Elwell reviewed historical detention center revenues and projected revenue figures with and without the bond passage. Mr. Jackson stated that this Resolution is giving the staff the authorization to let the public know that there will be a meeting held in two weeks. Commissioner Diaz motioned to approve Resolution 15-18 Authorizing Publication of Notice of Intent to Adopt a Gross Receipts Revenue Bond Ordinance. Commissioner Smrkovsky seconded the motion which carried unanimously following a roll-call vote.
- j. **AMEND OPEN MEETINGS RESOLUTION NUMBER 15-01 TO INCLUDE ROUTINE WORK SESSIONS PRIOR TO REGULAR MEETINGS:** Mr. Jackson stated this Resolution is amended per Commissioner Smrkovsky's request to include routine Work Sessions prior to Regular Meetings. Commissioner Smrkovsky motioned to amend and approve Resolution Number 15-01 to include Routine Work Sessions

Prior to Regular Meetings the Tuesday before a Regular Meeting in the Commission Chambers, unless otherwise specified, at 3:00 p.m. Commissioner Diaz seconded the motion which carried unanimously following a roll-call vote.

- k. FOR RECORDING PURPOSES ASSIGN RESOLUTION NUMBER 15-14 TO THE PREVIOUSLY ADOPTED NOTICE OF RIGHT TO INSPECT PUBLIC RECORDS (INCORRECTLY ADOPTED AS 15-13):** Mr. Jackson stated this item simply corrects an incorrect Resolution number which was inadvertently used twice. Commissioner Diaz motioned to approve Assign Resolution Number 15-14 to the Previously Adopted Notice of Right to Inspect Public Records (Incorrectly Adopted as 15-13). Commissioner Smrkovsky seconded the motion which carried unanimously following a roll-call vote.
- l. APPOINTMENT OF COUNTY SHOOTING RANGE EXPLORATION COMMITTEE:** Mr. Jackson explained this item stems from the recommendation from the Commissioner's suggestion of a County Shooting Range to meet the needs of citizens and local law enforcement agencies. The BLM is willing to donate a small tract of land and other organizations have expressed interest in funding and grant options for the shooting range. Mr. Jackson included a letter with potential Board Members: Kevin Speer, Shawn Reynolds, Ben Etcheverry, Keith Wiley, Gerry Harrington, Brandon Gigante, and Kelly Gannaway. Commissioner Smrkovsky stated that she would like to see Jack Blandford included and explore other opportunities by generating letters of interest. Commissioner Diaz stated he would like to see Richard Mejia from the Department of Transportation nominated on the Committee and perhaps a bow hunting course. Commissioner Smrkovsky moved to appoint the members on the list as well as Jack Blandford and Richard Mejia to the County Shooting Range Exploration Committee and advertise for the public to submit letters of interest. Commissioner Diaz seconded the motion which carried unanimously.
- m. APPOINTMENT OF BOARD OF REGISTRATION:** County Clerk Andrea Rodriguez explained to the Board that per New Mexico State Statute 1-4-33, the Commissioners are obligated to appoint a Board of Registration (BOR). The purpose of the BOR is to review a list of inactive voters who are eligible to be purged from the voter rolls, and the BOR subsequently authorizes the purge. The Commission is required to appoint the BOR at their first Regular Meeting in February. The BOR shall appoint three voters, two of whom shall be of opposite political parties. The appointments must be made in the order of preference specified by the party chairmen. The same criteria shall also apply for appointment of two alternates. The Commissioners appointed the following members to the Board of Registration: Keith Harris, Martha Benner, and Leslie Bronken. Alternate Members are Tommy Perez and Roger Charlet. Commissioner Smrkovsky moved to approve the Appointment of Board of Registration. Commissioner Diaz seconded the motion which carried unanimously.

- n. APPOINTMENT OF 2015 STARMAX ADVISORY COMMITTEE MEMBERS:** Mr. Jackson suggested the tabling of this item and explained: There is no formal recommendation for Committee Members, and as the Committee was made up previously, there are members that are no longer in the area, or that have passed away. Commissioner Diaz motioned to table this item. Commissioner Smrkovsky seconded the motion which carried unanimously.
- o. APPOINTMENT OF LIBRARY BOARD MEMBER:** Mr. Jackson explained the Library Board Membership is a three-year appointment, and stated Pat Sherman is resigning. One person needs to be assigned as her designated replacement. The people that have submitted letters of interest are as follows: Mary Lou Cameron, Nancy R. Hawthorne, and Jim Olson. Commissioner Diaz moved to approve the Appointment of Jim Olson as Library Board Member. Commissioner Smrkovsky seconded the motion which carried unanimously.
- p. 2015 ANNUAL CERTIFICATION OF ROAD MILEAGE:** Road Superintendent Marty Miller stated to the Board there were no changes (additions or deletions) in the Certification of Road Mileage. Of the 1,886.75 miles of County road, 204 miles of road are paved. Commissioner Diaz moved to approve the 2015 Annual Certification of Road Mileage. Commissioner Smrkovsky seconded the motion which carried unanimously.
- q. MEMORANDUM OF UNDERSTANDING LUNA COUNTY COOPERATIVE WEED MANAGEMENT AREA:** Mr. Jackson explained to the Board this item is between numerous agencies and Luna County to establish a study area to eradicate the noxious weed *African Rue*. This study is a government project, and will be of no cost to the County. Commissioner Diaz moved to approve the Memorandum of Understanding Luna County Cooperative Weed Management Area. Commissioner Smrkovsky seconded the motion which carried unanimously.
- r. LCDC POLICY AND PROCEDURES MANUAL:** Luna County Detention Center Director Matt Elwell stated the Policy and Procedures Manual is presented for 2015, and has very minimal changes from last year. Commissioner Smrkovsky moved to approve LCDC Policy and Procedures Manual. Commissioner Diaz seconded the motion which carried unanimously.

**APPROVAL OF TRAVEL REQUESTS:** Mr. Jackson stated there were no travel requests to be submitted at this time, and therefore no action was taken on this item.

**INDIGENT CLAIMS REPORT:** Upon motion of Commissioner Diaz seconded by Commissioner Smrkovsky, 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 eleven claims dated February 12, 2015 in the amount of \$29,086.83 and zero denials. The monies received for January 2015 totaled \$53,633.99. The balance in the Indigent Funds Accounts as of January 31, 2015 is \$450,220.58. Commissioner Diaz moved to approve eleven claims dated February 12, 2015




in the amount of \$29,086.83 dollars and zero denials. Commissioner Smrkovsky seconded the motion which carried unanimously. Commissioner Diaz moved to recess as claims board and to reconvene as the Board of County Commissioners. Commissioner Smrkovsky seconded the motion which was approved unanimously.

**ANNOUNCE NEXT MEETINGS:** Chairman Milo announced a Special Meeting will be held on Tuesday, February 17, 2015 at 9:00 a.m., a Special Meeting will be held on Tuesday, March 3, 2015 at 9:00 a.m. a workshop will be held on March 10, 2015 at 3:00 p.m., and the Regular Meeting will be held Thursday, March 12, 2015 at 9:00 a.m.

**ADJOURN:** Chairman Milo adjourned the meeting at 11:15 a.m.

**ATTEST:**

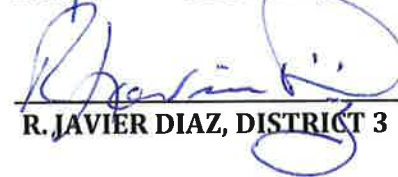
**LUNA COUNTY BOARD OF COUNTY COMMISSIONERS**

  
ANDREA RODRIGUEZ, LUNA COUNTY CLERK

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

APPROVED: 03/12/15

  
LINDA M. SMRKOVSKY, DISTRICT 2

  
R. JAVIER DIAZ, DISTRICT 3

