

**MINUTES
REGULAR MEETING
LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS
Thursday, May 14, 2015**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 9:00 a.m. on Thursday, May 14, 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, County Assessor Delilah Rojo, Chief Deputy Assessor Barbara Cobos, Sheriff John Mooradian, Captain Kelly Gannaway, Lieutenant Richard Cowles, Detention Director Matthew Elwell, Community Projects Director Jessica Etcheverry, Road Director Marty Miller, Human Resources and Payroll Director Daniel Gonzales, Budget and Procurement Director Joanne Hethcox, Starmax Facilities Director Ira Pearson, Dispatch Supervisor Lauree Sanchez, Special Projects and Facilities Management Director Billy Ruiz, Maintenance Technician Eric Bencomo, Maintenance Worker Felipe Chavez, Maintenance Worker Roy Rios, IT Technician Manny Armendariz, Emergency Services Director Mark Jasso, Planning and Zoning Administrative Assistant Patsy Rodriguez, Security Screener Moses Pastran.

CALL TO ORDER: Chairman Milo called the meeting to order at 9:04 a.m. and Chief Deputy Clerk Berenda McWright 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:

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

ELECTED OFFICIALS REPORTS: County Treasurer Dora Madrid reported that her department is busy collecting second-half taxes, and a 93 percent collection rate is expected on property taxes by the time delinquent notices are mailed. There will be a tax-sale on June 8th and 9th.

There was no report from the County Clerk.

Assessor Delilah Rojo reported that 62,000 Notices of Value were mailed out on March 30, and that the Protest Period ended on April 30. There were 89 protests filed.

Sheriff John Mooradian reported the Sheriff's Department will host an Open House from 1:00-4:00 p.m. today to showcase the new Sheriff's Complex. Sheriff Mooradian also presented recognition plaques to the Luna County Maintenance Department and the Luna County Road Department for their work in getting the Sheriff's Complex construction complete.

ANNOUNCEMENTS: Commissioner Smrkovsky encouraged members of the community to attend today's Open House at the new Sheriff's Complex from 1:00 p.m. to 4:00 p.m.

Commissioner Diaz announced that he attended a New Mexico Association of Counties Land Use meeting, involving the potential seizure of 2.9 million acres of land under the Wilderness Act. Commissioner Diaz urged concerned members of the public to address both Republican and Democratic representatives on State and Federal levels.

Commissioner Diaz also announced he attended a multi-line meeting, and he was concerned about issues that were happening in other counties through the Sheriff's Departments and Detention Centers. Commissioner Diaz further stated that the facts published in a recent *The Deming Headlight* newspaper article involving an incident at the Luna County Detention Center were distorted and not accurate.

County Manager Charles 'Tink' Jackson announced that he is still working with Congressman Pearce's office in getting the Wilderness Study areas pulled from the bill that is being introduced. Mr. Jackson commended Director Elwell and the Detention Staff for the way they handled the recent incident at the Detention Center.

Commissioner Smrkovsky apologized to the public and staff for not being able to show at Tuesday's scheduled Work Session.

Glory Johnson thanked those who participated in the Buzz Free Prom Party.

Chairman Milo stated he was proud of the community for their efforts and involvement in the Buzz Free Prom Party.

PUBLIC COMMENT: Chairman Milo opened the floor to Public Comment, however there was none forthcoming.

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

- Mr. Jackson attended the Growing Food Connections Workshop in Seattle, Washington on April 17th- 19th. The workshop was the first required meeting for the eight Communities of Opportunity (COO's). The purpose of the workshop was to gather additional information about each of the COO's, and to set a plan

for the grant team's visit to each location. The Growing Food Connections grant team and principal researchers will be in Luna County June 1-3. This visit will consist of interviews with local producers, consumers, decision makers and interested individuals. A press release will be released in the near future informing local residents of these activities.

- A Community Roundtable was held on April 20th at La Fonda Restaurant. The concept of the Community Roundtable was formed by Community Project Director Jessica Etcheverry. The majority of the work putting together the event was done by Jessica, and Mary Galbraith with the Chamber of Commerce. The event had a large turnout, and was a big success.
- Work continues within the Gila-San Francisco Water Commission to transition to the New Mexico CAP Entity. This is the next step in having the ability to utilize the water and money available to the southwest four counties under the 2004 Arizona Water Settlement Act. Attorneys for the Gila San Francisco Water Commission and Interstate Stream Commission (ISC) continue to work on the details of a Joint Powers Agreement (JPA) that will need to be ratified for the New Mexico CAP Entity to begin its work. Once a JPA is approved by the ISC, it will be sent to all entities for them to consider whether they will participate. This JPA should be on the next agenda.
- Pegasus: The FCC hearing that was discussed at the last Regular Meeting during Travel Requests, was held on April 15-16, in Washington, D.C. After continued discussions and an agreement with Pegasus, it was decided Mr. Jackson would not attend the hearing. Mr. Brumley with Pegasus will be in touch soon to discuss the next steps.
- The Luna County Detention Center (LCDC) completed a Special Management Audit with auditors from the New Mexico Association of Counties last month. The auditors are former Detention Center professionals, and will look at things and offer suggestions. Overall the LCDC did very well on the audit and the auditors expressed a lot of positive comments about the detention center.
- The detention center also had a Prison Rape Elimination Act (PREA) Audit last month. Overall, another good audit. The findings and report for this audit will be received in the near future.
- Luna County Film Liaison Matt Robinson has landed his first film for Luna County. While the details cannot be released, as of yet, it can be said that film crews will be here during the month of June. There will be at least 30 crew members, and they will buy everything they can locally, will use local advisors and will lodge locally. Matt will give a full report on this at the June Meeting.
- Assistant to the County Manager Glory Johnson and Community Projects Director Jessica Etcheverry completed and Graduated from the Southwestern New Mexico Leadership Training Program last month. The program covered numerous topics over a four month period.
- Staff members and Commissioners participated in the Celebration of Life Cancer Walk on May 2nd, at Pit Park.
- The DWI program sponsored and conducted the 2015 After Prom Buzz Free Party at Starmax on May 2nd. Students who attended the prom could come to

Starmax for movies, food, and bowling from 10:30 p.m. until 3:00 a.m. The event was a huge success with 172 students attending. A big 'Thank You' to all of those who volunteered.

- The draft budget is complete. A budget workshop will be held next Friday at 9:00 a.m. in the Commission Chambers.
- Luna County Dispatch received/sent 11,738 calls for the month of April. The Luna County Sheriff's Office generated 167 calls for service. The Deming Police Department generated 528 calls for service. The Deming Fire Department generated 242 calls for service. The Volunteer Fire Departments generated 4 calls for service. There were 8 tips received through Tipsoft.
- Keep Luna County Beautiful held the Community Yard Sale and Recycle Fair on April 25th. The event had 75 vendors, and over 6,000 people attended the event.
- Mizkan America's Job Fair was held on April 23rd at the Learning Center. Over 200 people attended. 5 new salary positions were advertised, and 3 were filled.
- A template has been created to report all grant research completed. This template includes information such as: grant name, due date, eligibility, fund amount, description, the county's department of interest, and project focus.
- Special Projects department has responded to numerous Public Records requests from Jack Jacks.
- The DWI Program is currently tracking 144 DWI offenders. 8 new clients were screened for substance abuse.
- The IT Department has set up several systems in the new Sheriff's Complex and a new phone system for the County.
- Luna County Detention Center: For the month of April, the inmate daily average population was 387. The U.S. Marshal's Service daily average population was 197. Local daily inmate population was 190. The average length of stay for inmates was 47 days. The average daily population for Sierra County inmates was 52.
- The Road Department has received tentative offers for the 2016 State Projects applications and the letters required were filed with the NMDOT on April 8th.
- The Luna County Road Department is blading the main roads and trying to prepare roads for this year's State Projects. The department is also currently running an ad in the paper for 3 truck driver positions and have received several applications.
- Starmax has received a total of \$153,049.50 towards the digital reimbursement program through 04/30/2015. Remaining balance on conversion expenses is \$235,611.77. Funds are put back into Fund 416.
- Budget and Procurement has begun two formats of budget preparation for the Commission and the Department Finance Administration.
- Human Resources and Payroll posted for the following positions: Starmax positions: concession, wait staff, bartender, and bowling lane attendant. Detention Center: Detention Officer and Medical Detention Officer. Road Department: Truck Driver positions. Assessor's Office: Appraiser Associate. In-House positions: Detention Facility Superintendent. Classification Specialist for the Detention Facility for the Special Management Unit.

- Maintenance Department worked on A/C units at the Healing House. The department is currently working on weed control on County buildings, and continues to work on everyday work orders.
- Starmax sales for the month of April \$159,157. Sales last April were \$133,930. This is an increase of \$25,227. Starmax Summer hours start May 25th, the complex will open at 12:00 p.m. everyday.
- Emergency Services Department: Held a training exercise for all local law enforcement, Central Dispatch, Fire, EMS and Border Patrol. The scenario involved the Mizkan Facility and a chemical spill, and was a live play exercise held in the Emergency Services office. For the month of April, there was 1 tort claim, 2 workers comp claims, and 0 vehicle accidents.
- Community Health and Well-Being: CASA is providing services to 29 children in Luna County, 223 in Grant County, and 1 in Hidalgo County. The CASA Program is currently looking for volunteers. The Parents as Teachers program is providing services to 115 clients. A total of 333 visits were performed for the month of April.
 - The Healing House assisted 21 clients with victim advocacy services and provided emergency shelter to 3 women and 1 child. There are currently 12 domestic violence offenders in the ENOUGH! Project. The shelter was full for the month of April.
- Volunteer Fire Departments- Total of 10 calls for the month of April. Cooke's Peak: 2 brush fires, 1 vehicle fire, 2 cancelled calls, 1 trash fire. Sunshine: 2 fire alarms, no fire. 2 controlled burns. 12 members have received Wildland Training S130 and S190. 5 members completed Wildland Red Card Certification. Certification is required to assist State and Federal Wildland Fire Agencies.

CONSIDER MINUTES: Upon motion of Commissioner Smrkovsky, seconded by Commissioner Diaz, the minutes of the April 7, 2015 Work Session and April 9, 2015 Regular Meeting were unanimously approved.

CONSENT AGENDA: Upon motion of Commissioner Diaz, seconded by Commissioner Smrkovsky, Accounts Payable Registers totaling \$736,390.10 and Payroll Registers totaling \$1,006,709.97 were unanimously approved.

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

- a. **RESOLUTION 15-26 COLONIAS INFRASTRUCTURE FUND AND SUPPORTING DOCUMENTATION AS REFERENCED IN RESOLUTION:** Community Projects Director Jessica Etcheverry explained that this Resolution is a requirement for the grant agreement. The Colonias Infrastructure Grant is a three-phase project that entails road and drainage improvements along Colonias areas that are school bus routes. Commissioner Smrkovsky motioned to approve Resolution 15-26 Colonias Infrastructure Fund and Supporting Documentation as Referenced in Resolution.

Commissioner Diaz seconded the motion which carried unanimously following a roll-call vote.

- b. RESOLUTION 15-27 MULTI SERVICES AGREEMENT BETWEEN LUNA COUNTY AND THE VILLAGE OF COLUMBUS:** Mr. Jackson stated this Resolution is an annual Multi Services Agreement between Luna County and the Village of Columbus. Mr. Jackson stated the wording as far as service requirements remains unchanged, but the dollar amounts has changed, or has been reduced by 20 percent from last year. Mr. Jackson and Mayor Skinner are in agreement with the Multi Services Agreement, and Law Enforcement Services are on a separate agreement. Commissioner Diaz motioned to approve Resolution 15-27 Multi Services Agreement between Luna County and The Village of Columbus. Commissioner Smrkovsky seconded the motion which carried unanimously following a roll-call vote.
- c. RESOLUTION 15-28 BUDGET INCREASES:** Mr. Jackson recommended approval of two inter/intra departmental Budget Increases in the amount of \$147,820.88. Commissioner Diaz motioned to approve Resolution 15-28 Budget Increases. Commissioner Smrkovsky seconded the motion which carried unanimously following a roll-call vote.
- d. RESOLUTION 15-29 BUDGET TRANSFERS:** Mr. Jackson recommended approval of seven inter/intra departmental Budget Transfers in the amount of \$305,491.33. Commissioner Smrkovsky motioned to approve Resolution 15-29 Budget Transfers. Commissioner Diaz seconded the motion which carried unanimously following a roll-call vote.
- e. ALTA LUNA SOLAR PROJECT IRB TERM SHEET:** Mr. Jackson introduced Jared Schoch with Turning Point Energy. Mr. Schoch's presentation outlined the company's business model, project histories, project location area, and explained the proposed terms of the IRB, which included abatement, property tax values, and term length. Mr. Schoch stated that the term sheet is not legally binding. The System Impact Study is complete, and is plus or minus 20 percent of final numbers of the stated revenue values. A final study called a Facility Study was started last week. Once this study is finished, a formal assessment by the state can be done. Commissioner Diaz moved to approve the Alta Luna Solar Project IRB Term Sheet. Commissioner Smrkovsky seconded the motion which carried unanimously.
- f. GROWING FOOD CONNECTIONS STEERING COMMITTEE:** Mr. Jackson stated the steering committee is a list of 14 local individuals that are a part of the Growing Food Connections grant. The individuals on the steering committee are as listed: Jack Blandford, Joe Padilla, Reggie Price, Ben Etcheverry, Lori Coleman, Matthew Stong, Zach Penn, Matt Robinson, Charles "Tink" Jackson, Clair Phillips, Ken Leupold, Ben Rasmussen, Mark Shultz, and Leedrue Hyatt. Commissioner Diaz moved to approve the Growing Food Connections Steering Committee. Commissioner Smrkovsky seconded the motion which carried unanimously.

- g. LETTER OF OPPOSITION PERTAINING TO SAFEGUARD AMERICAN FOOD EXPORTS:** Mr. Jackson outlined the history of why the item presented to the Board, and stated the item is being presented today as Resolution 15-31 instead of a letter of opposition, in order to present it to other counties. A lengthy discussion ensued amongst the Board on the specifics and possible implications of the Bill. Mr. Jackson, also proposed the following changes: In the first Whereas, change *Michelle Lujan Grisham* to *Michelle Lujan-Grisham*, and change *sponsored* to *co-sponsored*, completely delete the 6th Whereas, on the 7th Whereas (becoming the 6th Whereas), change *American* to *America*. In the final Whereas, strike *Luna County* and change to: *Our Country, Our State, and Our County* In the final resolve, change *Congresswoman Lujan Grisham* to *Congresswoman Lujan-Grisham*. Commissioner Diaz motioned to amend and approve Resolution 15-31 A Letter of Opposition Pertaining to Safeguard American Food Exports (SAFE) Act, with corrections as stated by the County Manager. Commissioner Smrkovsky seconded the motion which carried unanimously following a roll-call vote.

APPROVAL OF TRAVEL REQUESTS: There were no Travel Requests submitted.

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 three claims dated May 14, 2015 in the amount of \$3,644.36 and zero denials. The monies received for April 2015 totaled \$59,285.86. The balance in the Indigent Funds Accounts as of April 30, 2015 is \$571,307.43. Commissioner Diaz moved to approve three claims dated May 14, 2015 in the amount of \$3,644.36 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.

EXECUTIVE SESSION: Chairman Milo entertained a motion to enter into Executive Session to discuss limited personnel matters pursuant to 10-15-1 (H) (2) NMSA 1978 and Pending Litigation Matters pursuant to 10-15-1 (H) (7) NMSA 1978 pertaining to Sheriff's Department, Luna County Detention Center and Safety Net Care Pool. Commissioner Diaz so moved and announced no other matters would be discussed. Commissioner Smrkovsky seconded the motion which carried unanimously following a roll call vote.

Commissioner Diaz motioned to return from Executive Session where no other matters were discussed but Limited Personnel Matters and Pending Litigation Matters. Commissioner Smrkovsky seconded the motion, which carried unanimously.

Commissioner Diaz motioned to authorize the County Manager to enter into an agreement with other counties for potential litigation concerning the line-item veto of the Safety Net

Care Pool. The motion was seconded by Commissioner Smrkovsky which carried unanimously following a roll-call vote.

ANNOUNCE NEXT MEETINGS: Chairman Milo announced that a budget work session will be held on May 15, 2015 at 9:00 a.m.; a Budget Special Meeting will be held on May 27, 2015 at 9:00 a.m.; a Work Session will be held on June 9, 2015 at 2:00 p.m., and the Regular Meeting will be held Thursday June 11, 2015 at 9:00 a.m.

ADJOURN: Chairman Milo adjourned the meeting at 12:45 p.m.

ATTEST:

LUNA COUNTY BOARD OF COUNTY COMMISSIONERS



ANDREA RODRIGUEZ, LUNA COUNTY CLERK



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

APPROVED: 



LINDA M. SMRKOVSKY, DISTRICT 2



R. JAVIER DIAZ, DISTRICT 3

