

**MINUTES
REGULAR MEETING
LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS
Thursday, June 11, 2015**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 9:00 a.m. on Thursday, June 11, 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 Sheriff John Mooradian, Captain Kelly Gannaway, Lieutenant Richard Cowles, Detention Director Matthew Elwell, Public Information Officer Matt Robinson, Human Resources and Payroll Director Daniel Gonzales, Budget and Procurement Director Joanne Hethcox, Starmax Facilities Director Ira Pearson, Dispatch Supervisor Lauree Sanchez, IT Director Elizabeth El Bizri, IT Technician Judit Ortiz, IT Technician Michael Lockard, 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 IT Technician Manny Armendariz 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: There were no reports from the County Clerk, Treasurer or Assessor's Offices.

Sheriff John Mooradian thanked those who attended the Sheriff's Complex Open House. Sheriff Mooradian also announced the hiring of 2 new deputies and the possibility of a 3rd. The department is currently working with the New Mexico Association of Counties to update department policy. Sheriff Mooradian also presented the IT Department with an appreciation plaque for their work in getting the computer systems up and running in the Sheriff's Complex.

SERVICE AWARDS: Detention Director Matt Elwell presented Jorge Solano and Chris Verduzco with 5 year service awards.

ANNOUNCEMENTS: There were no announcements made by members of the Board.

PUBLIC COMMENT: Ann Shine-Ring came before the Board and addressed her concerns with the 50 million dollar revenue bond payments and Resolution 15-36.

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

- Researchers and coordinators for the Growing Food Connections (GFC) Program were here June 1st – 3rd. Luna County Staff met with the GFC Program workers, and provided tours of local businesses, information and networking opportunities during the three day visit. The GFC group also met with the local GFC Steering Committee twice, ending with two very productive sessions. (Thank You to the local people that are participating on the Steering Committee.) The visit ended with a public meeting held at the Mimbres Valley Learning Center that approximately 25 people attended to provide local feedback. Luna County will receive a report from the GFC team in the near future with their analysis of local opportunities and additional resource guides that GFC will provide to help the County move forward.
- The County Manager and Commissioner Diaz will attend a meeting of the Interstate Stream Commission (ISC) on Tuesday in Albuquerque. The ISC approved a final version of a Joint Powers Agreement (JPA) that is required for the formation of the New Mexico CAP Entity. Local governments now have less than 30 days to choose to participate in the entity. Staff will request that a special meeting of the Board of County Commissioners be scheduled prior to the end of June to consider a resolution to sign the JPA. Staff will also set up another community forum the week of June 22-26 for the public to ask questions related to the JPA.
- The County Manager Jackson and Commissioner Diaz attended the Western Interstate Region annual meeting on May 20-22. Mr. Jackson and Mr. Diaz both serve on the National Public Lands Committee, which met numerous times during the conference. While the primary focus of this conference centered on mainstay issues that affect western counties (ESA, PILT, SRS, and Water), much time was spent discussing county coalitions that are taking the offensive in organizing and challenging the federal government in their respective states.
- The Arizona Department of Game and Fish has filed a lawsuit against the U.S. Fish and Wildlife Service (USFWS) on the management plan for the Mexican Grey Wolf. It is expected for New Mexico to follow suit in the near future, and it is suggested that Luna County make this a topic of conversation at the State meetings next week.
- Luna County Film Liaison Matt Robinson announced that the movie *Trans Pecos* is currently filming in Luna County, and will continue throughout most of the month.

There are 30-40 film crew members utilizing local businesses, and filming is expected to finish up at the end of June. Most of the film locations are in rural areas, and will affect rural roads. (The list of the times and roads that are impacted is on the county website: www.lunacountynm.us)

- Last month the local newspaper reported there was an incident at the Luna County Detention Center involving some unruly inmates. On May 27th, a Critical Incident Review was held with LCDC Staff, the local media, the ACLU, and the County Manager. The information reported in the newspaper was shown to be untrue. The Luna County Detention Center has been shown a few minor things that they could improve on, and the policies have been upgraded in accordance with those items. The ACLU attended the meeting, and toured the Detention Center afterwards.
- The County Manager attended a court ordered mediation on May 29th to settle a case in relation to access on Rifle Range Road. As part of the settlement, Rifle Range Road will be closed to public access just past the intersection with Winchester Road. That land is State Trust Land, and the permit holder has the right to close it to public access under state law.
- Luna County Dispatch received/sent 12,856 calls for the month of May. The Luna County Sheriff's Office generated 177 calls for service. The Deming Police Department generated 555 calls for service. The Deming Fire Department generated 313 calls for service. The Volunteer Fire Departments generated 13 calls for service. There were 9 tips received through Tipsoft.
- Community Projects: Keep Luna County Beautiful – Hosted the Great American Cleanup on May 9th. 250 people participated in the cleanup, and picked up and disposed of 35,440 pounds of litter.
- Economic Development: A Job Fair was held on June 4th with Workforce Connections. Over 400 people attended, and 36 businesses participated in the Job Fair. The Community and Economic Development Committee is hosting an Economic Workforce Jobs Assessment on Thursday, June 11 from 10 a.m. to 4 pm. And on Friday, June 12th from 8:30 a.m. to 1 p.m.
- Luna County Detention Center: For the month of May, the inmate daily average population was 375. The U.S. Marshal's Service daily average population was 186. Local daily inmate population was 189. The average length of stay for inmates was 40 days. The average daily population for Sierra County inmates was 53.
- There were two Luna County Detention Center facility inspections from the ACLU and the U.S. Marshals Service.
- The Luna County Detention Center staff is joining other law enforcement agencies participating in the state-wide Special Olympics Torch Run.
- Special Projects department: Assisted with training and transition of new phone system VoIP (Voiceover Internet Protocol). Special Projects finalized and closed the purchase of property on Country Club Road. The department also continues to respond to numerous public records requests primarily pertaining to Luna County Detention Center.
- The DWI Program is currently tracking 159 DWI offenders.

- The Road Department has been preparing resolutions for the 2016 CAP, COOP and SB State Projects, which will be presented at today's Commission Meeting. The Road Department hired 3 new Truck Drivers in mid-May.
- The Luna County Road Department is blading the main roads and installing several culverts in preparation for this year's State Projects, prior to the monsoon season.
- Starmax has received a total of \$155,875.50 towards the digital reimbursement program through 05/15/2015. Remaining balance on conversion expenses is \$232,785.77. Funds are put back into Fund 416.
- Budget and Procurement prepared and submitted two formats of the preliminary budget for the Commission and the Department of Finance Administration (DFA). Budget sent to DFA on May 30, 2015.
- Human Resources and Payroll posted and hired for the following positions: Detention Officer and Medical Detention Officer (2). Truck Driver positions for the Road Department (3). Appraiser Associates (2), County Services Specialist (1) for the Assessor's Office. Human Resources and Payroll posted for the following positions: Parents as Teachers Program: A full-time Promotora position, and a part-time receptionist. Detention Center: Detention Officer Positions, and Detention Medical Secretary. Dispatch: Dispatcher Position. Starmax: Concession, Wait Staff, Bartender, Bowling Lane Attendant Positions.
- A total of 68 time slots were afforded to Luna County employees for Catapult Health Employee Screenings in conjunction with the Governor's initiative.
- Maintenance Department placed a new A/C unit for the Sheriff's evidence room. Maintenance also ran all new conduits for fiber for IT from new Sheriff's building to evidence room. The Maintenance Department cut weeds at the Luna County annex and depot buildings and aerated the grass at the Luna County Courthouse Park.
- Starmax sales for the month of May 2015 were \$159,770. Sales last May were \$153,000. This is an increase of \$6,770. Starmax Summer hours have started, and the complex is open at 12:00 p.m. everyday. *Jurassic World* opens on June 12th.
- Emergency Services Department: For the month of May, there were 0 tort claims, 0 workers comp claims, and 0 vehicle accidents.
- Community Health and Well-Being: CASA is providing services to 29 children in Luna County, 30 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. 333 visits were performed for the month of May.
 - The Healing House assisted 20 clients with victim advocacy services and 22 return clients. They provided emergency shelter to 8 adults and 4 children.
- Volunteer Fire Departments- Cooke's Peak responded to 10 fire calls and Sunshine responded to 3 fire calls.

CONSIDER MINUTES: Upon motion of Commissioner Smrkovsky, seconded by Commissioner Diaz, the minutes of the May 15, 2015 Work Session, the May 26, 2015 Special Meeting and the May 14, 2015 Regular Meeting were unanimously approved.

CONSENT AGENDA: Upon motion of Commissioner Diaz, seconded by Commissioner Smrkovsky, Accounts Payable Registers totaling \$681,659.42 and Payroll Registers totaling \$1,387,700.39 were unanimously approved.

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

- a. **15-33 CALL FOR SOLID WASTE ORDINANCE:** Mr. Jackson explained this item is the call for a resolution that will allow for, or approve an appropriation from the General Fund in the amount of \$148,000 payable to the City of Deming for County Resident access to the Deming City Landfill. Mr. Jackson further stated that the County contributes in excess of \$150,000 into the Road Department’s Budget from the General Fund for the purpose of operating a solid waste program for the County, and the previous Commission had attempted to adopt a similar ordinance with a fee schedule. Commissioner Diaz motioned to approve Resolution 15-33 Call for Solid Waste Ordinance. Commissioner Smrkovsky seconded the motion which carried unanimously following a roll-call vote.
- b. **15-34 BUDGET INCREASES:** Six inter/intra departmental Budget Increases in the amount of \$210,227.24 were proposed. Commissioner Smrkovsky motioned to approve Resolution 15-34 Budget Increases. Commissioner Diaz seconded the motion which carried unanimously following a roll-call vote.
- c. **15-35 BUDGET TRANSFERS:** Twenty-one inter/intra departmental Budget Transfers in the amount of \$430,248.37 were proposed. Mr. Jackson stated that on line item eighteen, that there is a typographical error in the **From** column, on both *Utilities* and *Equipment Rental*, they should read 408 instead of 4085, and the resolution will need to be amended. Commissioner Diaz motioned to amend and approve Resolution 15-35 Budget Transfers. Commissioner Smrkovsky seconded the motion which carried unanimously following a roll-call vote.
- d. **15-36 INDUCEMENT RESOLUTION FOR ALTA LUNA SOLAR PROJECT:** Mr. Jackson introduced Jared Schoch to the Board to provide a synopsis of the resolution and to answer questions from the public. Mr. Schoch thanked the community for their support. Mr. Schoch summarized the benefits of the project and outlined the chain of events that have transpired concerning the Gross Receipts Tax and the IRB since his presentation in May. Mr. Schoch indicated that the intent of the project would be underway by the 4th quarter of 2016, and stated that there is no out of pocket expenses or cost to the taxpayer. A discussion ensued amongst the Board, Mr. Jackson and Mr. Schoch about what the County and School must do in regards to the bond and ordinance requirements. Ann Shine-Ring came before the Board and asked Mr. Schoch about bond reimbursement from the revenue from the project. Ms. Shine-Ring asked when will revenue occur and who pays the bill for the project between that time? Mr. Schoch responded that there are no payments on the project until 2017, which is when the project will have revenues. Mr. Schoch reiterated that there is no cost for the project to Luna County. Assistant to the

County Manager Glory Johnson stated that there are some amendments to the Resolution. The changes are grammatical, and do not change the substance of the Resolution: **On page 1, Opening paragraph:** *Strike the word 'and', and change the word 'proposals' to 'proposal'.* **On page 3, Section 2, Sentence A):** *Omit the word 'up'.* **Page 4:** *Capitalize the word: 'Statutes' after the word Constitution.* **Page 5:** *Change 'City' to 'County' (twice).* Commissioner Diaz motioned to amend and approve Resolution 15-36 Inducement Resolution for Alta Luna Solar Project. Commissioner Smrkovsky seconded the motion which carried unanimously following a roll-call vote.

- e. **15-37 LGRF PROGRAM FOR CAP PROJECT:** Mr. Jackson stated this Resolution is a road project, and is three-phase project. This project is a joint coordinated effort between Luna County and the New Mexico Department of Transportation. The total cost of the project will be \$368,653.00. The New Mexico Department of Transportation's share shall be 75% or \$276,490.00 and Luna County's share shall be 25% or \$92,163.00. The project is along a school bus route, and is from the intersection of Hermanas Grade Road SW and Bisbee Road SW, POB south 4 miles to EOP, from intersection of Hwy 418 SW and Hermanas Road SW. Commissioner Smrkovsky motioned to approve Resolution 15-37 LGRF Program for CAP Project. Commissioner Diaz seconded the motion which carried unanimously following a roll-call vote.
- f. **15-38 LGRF PROGRAM FOR SB PROJECT:** Mr. Jackson stated this Resolution is a road project to upgrade road maintenance to a chip seal road and is also a school bus route. The total cost of the project is \$160,971.00, to be funded in proportional share as follows: New Mexico Department of Transportation's share shall be 75% or \$120,728.00. Luna County's proportional matching share shall be 25% of \$40,243.00. The project is from Rockhound Rd. SW- from intersection of Hermanas Rd. SW east 2 miles to Lucca Rd. SE. Commissioner Diaz motioned to approve Resolution 15-38 LGRF Program for SB Project. Commissioner Smrkovsky seconded the motion which carried unanimously following a roll-call vote.
- g. **15-39 LGRF PROGRAM FOR SB PROJECT:** Mr. Jackson stated this Resolution is a road project to upgrade road maintenance to a chip seal road and is also a school bus route, and explained the monies for these projects were approved by the Commissioners in the Budget. The total cost of the project is \$205,785.00, to be funded in proportional share as follows: New Mexico Department of Transportation's share shall be 75% or \$159,339.00. Luna County's proportional matching share shall be 25% of \$51,446.00. The project consists of chip or sand seal, design and fill cracks/potholes to improve skid resistance, conform shoulders back to original condition, improve drainage and apply safety striping and signage on Hood Dr. SE, from State Highway 11, to Little Rd. SE; Dodson Dr. SE, Herrington Dr. SE, Sherman Dr. SE south ½ mile to Green Dr. SE, Puentes Dr. SE, Perez Dr., from intersection of Horseshoe Rd. NW and Belgian Rd. NW and 2nd St. South. Commissioner Smrkovsky motioned to approve resolution 15-39 LGRF Program for

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

- h. DWI GRANT AGREEMENTS PROJECT NO. 16-D-J-G-17:** Glory Johnson explained this is an annual grant agreement between Luna County and the Department of Finance and Administration, and awards \$69,366.00 to support programs to reduce driving while intoxicated, alcoholism, and alcohol abuse. The amount originally asked for was \$62,000.00, and the additional funding was made available to the DWI program because of their efforts in the community. The Luna County DWI Program agrees to comply with the terms of the grant agreement in exchange for receiving grant monies. Commissioner Diaz moved to approve the DWI Grant Agreements Project No. 16-D-J-G-17. Commissioner Smrkovsky seconded the motion which carried unanimously.

- i. 15-40 LUNA COUNTY INDIGENT HEALTH CARE PROGRAM POLICY AND PROCEDURE MANUAL:** Mr. Jackson explained Resolution 15-40 replaces Resolution 13-28, and the changes are necessary in order to provide and pay for health care services for the Detention Center out of the Indigent Health Care fund. The purpose of this is to be able take the GRT and put it back into the General Fund, and then use those monies to fund other services at appropriate levels. Mr. Jackson and Detention Director Matt Elwell outlined the proposed changes in the Resolution. A discussion ensued amongst the Board and the Mr. Jackson regarding Medicaid and Medicare patients and payments, the differences of Indigent Patients that are residents and Detention Center Inmates and the responsibility of the Board. Mr. Jackson recommended tabling this item so another option regarding the policy could be explored. Commissioner Diaz motioned to table this item. Commissioner Smrkovsky seconded the motion, which carried unanimously.

- j. 15-01 AMENDED OPEN MEETINGS RESOLUTION:** Mr. Jackson stated this amended Open Meetings Resolution deletes paragraph number three from the Resolution, making the Work Sessions held on the Tuesday prior to the Regular Meetings at 3:00 p.m. obsolete. Commissioner Diaz motioned to approve Resolution 15-01 Amended Open Meetings Resolution. Commissioner Smrkovsky seconded the motion which carried unanimously following a roll-call vote.

- k. AUTHORIZE JOANNE HETHCOX TO MAKE NECESSARY BUDGET ADJUSTMENTS TO CLEAN UP LINE ITEMS BEFORE END OF FISCAL YEAR:** Mr. Jackson explained this item authorizes Budget and Procurement Director Joanne Hethcox to make any minor budget adjustments and clean up line items before the end of the fiscal year. This ensures there are no negative line items in the budget. Commissioner Diaz motioned to approve to Authorize Joanne Hethcox to Make Necessary Budget

Adjustments to Clean up Line Items before the End of the Fiscal Year. Commissioner Smrkovsky seconded the motion which carried unanimously.

APPROVAL OF TRAVEL REQUESTS: County Manager Charles "Tink" Jackson submitted one travel request to Charlotte, NC to represent New Mexico for the Public Lands Committee during the NACo Conference July 10-13th. Commissioner Diaz motioned to approve Travel Requests. Commissioner Smrkovsky seconded the motion which carried unanimously.

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 zero claims dated June 11, 2015 in the amount of \$0 and zero denials. The monies received for May 2015 totaled \$64,369.42. The balance in the Indigent Funds Accounts as of May 31, 2015 is \$635,676.85. Commissioner Diaz moved to approve three claims dated June 11, 2015 in the amount of \$0 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 that a Community Forum meeting regarding the JPA will be held on June 24, 2015 from 6:00 p.m. to 7:30 p.m., and a Special Meeting will take place immediately at 7:30 p.m. after the Community Forum. Commissioner Diaz will preside over the Community Forum. The Regular Meeting will take place on Thursday, July 9, 2015 at 9:00 a.m.

ADJOURN: Chairman Milo adjourned the meeting at 11:29 a.m.

ATTEST:

LUNA COUNTY BOARD OF COUNTY COMMISSIONERS

Andrea Rodriguez
ANDREA RODRIGUEZ, LUNA COUNTY CLERK
by Maria Rudloff
APPROVED: July 9, 2015

Joe Milo
CHAIRMAN, JOE E. MILO, JR., DISTRICT 1
Linda M. Smrkovsky
LINDA M. SMRKOVSKY, DISTRICT 2
R. Javier Diaz
R. JAVIER DIAZ, DISTRICT 3

