

**MINUTES
REGULAR MEETING
LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS
Thursday, January 14, 2016**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 9:00 a.m. on Thursday, January 14, 2016 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 Juarez, County Clerk Andrea Rodriguez, Chief Deputy Clerk Berenda McWright, Deputy Clerk JoAnna Zurinsky, Treasurer Dora Madrid, Chief Deputy Treasurer Gloria Rodriguez, Sheriff Jonathan Mooradian, Undersheriff Kelly Gannaway, Administrative Assistant Estella Ortiz, Special Projects and Facilities Management Director Billy Ruiz, Detention Director Matthew Elwell, Dispatch Supervisor Lauree Sanchez, Community Projects Director Jessica Etcheverry, Road Director Marty Miller, Budget and Procurement Director Joanne Hethcox, Public Information Officer Matt Robinson, Starmax Facilities Director Ira Pearson, Health and Well Being Director Jessica Moreno, Partnerships for Success Director Jessica Jara, IT Technician Manny Armendariz, Grant and Compliance Officer Palmira Valentine, Emergency Services Director Mark Jasso, Security Screener Moses Pastran.

CALL TO ORDER: Chairman Milo called the meeting to order at 9:05 a.m., and Glory Juarez 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
Linda M. Smrkovsky, District 2
R. Javier Diaz, District 3

ELECT CHAIRMAN OF 2016: Chairman Milo motioned to elect R. Javier Diaz as 2016 Chairman. The motion was seconded by Commissioner Smrkovsky, and carried unanimously.

ELECTED OFFICIALS REPORTS: There were no reports from the County Clerk or the County Assessor.

County Treasurer Dora Madrid stated that 57.09 percent of taxes have been collected.

Sheriff Jonathan Mooradian reported that his department is still trying to compile end of year statistics, and should have those for the Board soon. Sheriff Mooradian also reported that Law Enforcement Protection Funds (LEPF) and the proceeds from the public auction will be used to purchase new vehicles for the department. Sheriff Mooradian stated the LEPF monies will be used to purchase vehicles specifically for use in the Village of Columbus.

ANNOUNCEMENTS:

a. Employee of the Year (Presented by County Manager Charles “Tink” Jackson): Mr. Jackson announced the Nominees for County Employee for the Year were: Moses Pastran, Jessica Jara, Ira Pearson, Billy Ruiz, and Estella Ortiz. Congratulations to Luna County Employee of the Year Estella Ortiz!

b. Miscellaneous Announcements by Manager, Elected Officials, or Staff: Chairman Diaz announced that he attended a Regional Water Plan meeting in Silver City on January 13th. Chairman Diaz also stated that the efforts on the Arizona Water Settlement Act were coming along, but too slowly in his opinion.

PUBLIC HEARING ON PERSONNEL ORDINANCE NUMBER 23 AS AMENDED: Chairman Diaz opened the floor to receive public testimony regarding Personnel Ordinance Number 23 as Amended. Mr. Jackson summarized and reviewed the changes on the Personnel Ordinance, and stood for questions from the Board. The following changes were reviewed: personnel hearings, Part-Time Employee definition and benefit levels, and donation of personal time, provisions for merit pay increases versus cost of living increases, and updates regarding the County’s Conceal Carry policy for County Employees. There were also changes made in sections of the Ordinance to clarify and correct language for consistency. With no other testimony forthcoming, Chairman Diaz closed the public hearing.

PERSONNEL ORDINANCE NUMBER 23 AS AMENDED: A discussion ensued amongst the Board and the County Manager pertaining to the changes regarding the provisions of pay increases becoming effective July 1, 2016. Other discussion points included were but not limited to: comp time, at will employees, grant and temporary employees, demotions and salary decreases, and conceal/carry liabilities. Assistant to the County Manager Glory Juarez advised the Board the following changes needed to be made: **8.2 Informal Grievance Procedure Step II** (*Added the Roman Numeral II after Step in the last sentence to provide clarification*). **9.2 In Range Merit Pay Adjustment (Effective July 1, 2016):** Change sentence wording for consistency to: *The County Manager will appoint a review board to make a selection from all nominations.* **10.3 Holidays (D.)** removed: *“for the hours worked”* from the last sentence. **10.7 Injury Leave Pay: (A.)** replacement: *Shall* was replaced for *May*. Commissioner Smrkovsky motioned to approve Personnel Ordinance Number 23 as Amended with the necessary changes as discussed and including sections 11.10, 11.11, and 11. 12 as presented by the County Manager. Commissioner Milo seconded the amended motion which carried unanimously following a roll-call vote.

PUBLIC COMMENT: Sean Blaine expressed his concerns with Resolution 16-01, specifically the meeting time, and suggested an afternoon time. Mr. Blaine also addressed his concerns with *Consent Agenda item J: 16-09*, and suggested the possibility of including bilingual (Spanish) notifications and materials.

COUNTY MANAGER’S REPORT: County Manager Charles “Tink” Jackson reported on the following items:

- The County Manager and Commissioner Diaz attended a settlement conference last month in the U.S. District Court in Las Cruces in reference to Luna County suing the United States Bureau of Land Management (BLM). The settlement included that the BLM would issue a temporary 3 year right-of-way for completion of Phase II prior to December 31, 2015, and would require Luna County to complete a cultural, archeological, biological and paleontological study for the entire length of the Hermanas Grade prior to beginning Phase

IV this year. The Manager's Office issued a request for proposal for each of these studies, and hired Rocky Mountain Ecological to complete the studies and the final Environmental Assessment. Staff met with the BLM and our contractor this Tuesday and Wednesday to kick off the process. The current timeline has the final Environmental Assessment completed prior to July 1, 2016. Funding for Phase IV has already been approved, and will be received by Luna County in April.

- Adult Drug Court- Planning continues for implementation of a Luna County Adult Drug Court. The first cases are now targeted for late February 2016, and we hope to have a full presentation on this program at the February Commission meeting. The hoped for outcomes for this pilot project are lower recidivism rates, drop in detention center populations, and increased community involvement for substance abuse, housing, counseling and mental health services for participants.
- Luna County Detention Center- Staff members met with Wilson and Company to begin the process of planning and designing the remodel and expansion of the Luna County Detention Center. Wilson and Company was selected through Cooperative Educational Services program for this task. This selection ended the delays caused by our attempt to utilize New Horizons to complete this process. The current schedule will have ground broke prior to December 31st of this year.
- Capital Outlay- The County has completed their requests and given them to Representative Irwin and Senator Smith. City of Deming Administrator Aaron Sera and County Manager Tink Jackson met with Representative Irwin and reviewed the requests. The top proposal is a joint request for funding of the Corridor Study necessary to begin planning and attempting to acquire funding for a bypass road around Deming for the new Port of Entry.
- Insurance- the County received notification this month that insurance for 2016 increased substantially. There was a 44% increase in the Law Enforcement Policy (from \$155,624 to \$229,784) and a 13% increase in the Multi-Line Policy (from \$334,719 to \$384,882). The County was also notified that the deductibles were increased from \$1,000 per claim to \$5,000 per claim under the Multi-Line Policy, and from \$10,000 per claim to \$25,000 per claim under the Law Enforcement Policy. The total increase amounts to \$129,855. This was previously discussed at last month's Commission meeting. The money for the increases comes from the General Fund, and there has not been a General Funds revenues increase in recent years. The County will have to make some tough choices because the County cannot operate without insurance.
- State Land Office- the County received a settlement resolution from the State Land Office (SLO) for roads on State Trust lands that do not have a current right-of-way and are considered in trespass. According to SLO calculations, Luna County has 169.34 miles included in 143 roads that fall in this category. The SLO is offering an amnesty program for these roads under which the regular rate of \$20/rod would be reduced to \$1.16/rod (1 rod=16.5 feet). The total cost to acquire the right-of-way for all of the roads would be \$62,860.33. If Luna County remains in non-compliance, and a new road would need to be constructed across State Land, the cost to come into compliance would be \$1,083,800 after the amnesty offer expires.
- Keep Luna County Beautiful (KLCB) was awarded 1st Place in the National Awards for Litter Prevention. KLCB will receive the award in February in Orlando, FL.
- Central Dispatch received and sent 11,555 phone calls for the month of December. The Luna County Sheriff's Department generated 263 calls for service. The Deming Police Department generated 376 calls for service. The Deming Fire Department had 259 calls for service and the Volunteer Fire Departments had 5 calls for service.
- There were 6 Tipsoft tips for the month of December.

- Community Projects: Free “Green” Build and Energy Efficiency training was held on December 18th from 8:00 a.m. to 3:00 p.m. at the Mimbres Valley Learning Center. Contractors and local governments from around the region were in attendance.
- Business Expo (LCCED) - Will be on February 19th and 20th from 10:00 a.m. to 4:00 p.m. each day. Trainings on Social Media, QuickBooks, Leadership, Taxes, OSHA, Credit, Workman’s Comp, and more will be offered at the event.
- Colonias FY16 Grant- Finished and submitted the FY16 Colonias Grant application for Phase II of the Rockhound Colonia Road Improvements.
- Luna County Detention Center: For the month of December, the inmate daily average population was 381. The U.S. Marshal’s Service daily average population was 204. Local daily inmate population was 177. The average length of stay for inmates was 47 days. The average daily population for Sierra County inmates was 35.
 - Children’s Youth and Family Department (CYFD) Correctional Division inspected the facility as part of yearly recertification. Luna County Detention Center was successfully recertified.
 - For the year 2015, there were 3,619 (3,008 males and 611 females) individuals booked into Luna County Detention Center and 3,592 individuals (2,997 males and 595 females) released from custody. Average daily population was 375 and length of stay was 45 days. USMS average daily population for 2015 was 198 inmates.
- Special Projects worked with the State Board of Finance on Property Transfer for Tulip Landfill.
 - Continues to respond to numerous records requests.
 - Coordinated and worked on Personnel Ordinance revision.
- The Road Department has worked hard to complete their State Projects. They have finished the Carzalia Road SW and Hermanas Road (4 miles) Project (CAP) and Uvas Valley Project of Stetson Road NE (SB) and Uvas Valley Road NE (COOP).
 - January will be a very busy month. The Luna County Road Department will be catching up on blading and repair work that had to be put on the back burner while the State Projects were completed.
 - With current weather conditions, potholes will continue to appear or grow. Until the weather dries up, there is nothing that can be done to prevent or repair them. Please be aware and drive with caution and the department will repair them as soon as possible.
- Starmax has received a total of \$190,167.30 towards the digital reimbursement program through 12/31/2015. Remaining balance on conversion expenses is \$198,493.97. Funds are put back into Fund 416.
- Begin review of Cooperative Educational Services contract with engineers for Detention Center Addition.
- Human Resources and Payroll reposted for Detention Officer and Medical Detention Officer Positions (closed 12/4/15). Advertised for Safe Border Grant Field Deputy position for the Sheriff’s Department (closed 12/31/15). Posted in-house for Court Security Officers for the Sheriff’s Department (closed 12/31/15).
 - The department is currently working with Triadic and Erisa Administrative Services to be able to complete the ACA reporting requirements this year (Form 1095) that employees will need in order to be able to file.
 - The payroll year was closed out on December 31, 2015, and had Triadic perform a back-up. Changed Federal and state tax tables for 2016.
- Mimbres Valley Special Events Center: Main Hall and conference rooms were utilized for 4 events for the month of December. Included in these were 2 Christmas parties, Green Kind Task Force Meeting, and a New Year’s Eve Party.

- Zoning and Planning issued 8 building permits.
- Starmax sales for the month of December were \$155,507. *Star Wars* kept the staff busy.
- Emergency Services Department: All items found during the NMAC building and property inspection were corrected. The correction list has been submitted to NMAC.
- For the month of December, there was 1 tort claim, 0 workers comp claims, and 0 vehicle accidents.
- Community Health and Well-Being: CASA currently has 21 volunteers, and is currently providing services to Luna, Grant, and Hidalgo Counties. Deming has 22 clients, Silver City 39, and Lordsburg 2.
 - The Parents as Teachers program is providing services to 107 clients, and held 2 breastfeeding support groups and 1 group connection. 15 pregnancy tests were administered. 2 successful car seat classes were completed, and 15 car seats were distributed, installed and inspected.
 - The Healing House assisted 15 clients with victim advocacy services and provided emergency shelter to 18 women and children. Christmas gifts were distributed for 10 families outside of the shelter, and 3 community presentations were conducted.
- Volunteer Fire Departments: Responded to 9 fire calls. State Fire Marshal's Office consolidation and restructure almost complete. Waiting on final approval from John Standerfer, SFM.

CONSIDER MINUTES: Upon motion of Commissioner Smrkovsky, seconded by Commissioner Milo, the minutes of the December 10, 2015 Regular Meeting were unanimously approved

CONSENT AGENDA: Mr. Jackson explained to the Board these Resolutions are required on a yearly basis and remain unchanged from 2015, with very few exceptions, and outlined the changes:

- a. **Accounts Payable:** Accounts Payable Registers totaling \$761,991.97.
- b. **Payroll Registers:** Payroll Registers totaling \$1,080,902.98.
- c. **Resolution 16-02 Timely Payments**
- d. **Resolution 16-03 Notice of Fees**
- e. **Resolution 16-04 Depositories, Board of Finance, and Media Designation:** This item was amended to remove *Comcast* as a Media Designation, and *Western Heritage Bank* was removed as a bank (Depositories).
- f. **Resolution 16-05 Designating Treasurer to Require Collateralization**
- g. **Resolution 16-06 Luna County Section 3 Plan**
- h. **Resolution 16-07 ADA Grievance Procedures**
- i. **Resolution 16-08 Residential Anti-Displacement**
- j. **Resolution 16-09 CDBG Citizen Participation Plan:** This item was pulled from the Consent Agenda, pending further discussion from the Board.
- k. **Resolution 16-12 Notice of Right to Inspect Public Records Designating Custodian of Public Records:** This item was amended to change the designation of Custodian of Public Records' last name from *Glory Johnson* to *Glory Juarez*.

Upon motion of Commissioner Milo, seconded by Commissioner Smrkovsky, the following items on the Consent Agenda (items A-I, and Item K) were amended and unanimously approved following a roll-call vote:

CONSENT AGENDA ITEM J: Resolution 16-09 CDBG Citizen Participation Plan: There was a discussion amongst the Board and Community Projects Director Jessica Etcheverry pertaining to this Resolution in regards to both English and Spanish notices. Ms. Etcheverry explained to the Board that a Spanish-speaking translator and translation equipment is available at the CDBG Meetings upon

request. Commissioner Smrkovsky motioned to amend and approve Resolution 16-09 CDBG Citizen Participation Plan as presented with the addition of 'Both English and Spanish' (Objective B1, and Item F3). Commissioner Milo seconded the amended motion which carried unanimously following a roll-call vote.

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

- a. **RESOLUTION 16-01 NOTICE OF MEETINGS:** Mr. Jackson recommended approval of the resolution which provides for notice of meetings. Mr. Jackson presented two proposals of this Resolution. *Proposal A:* Meetings would be at 9:00 a.m. on the second Thursday of every month. *Proposal B:* Meetings would be conducted at 10:00 a.m. on the second Thursday of every month, with an open forum for the public at 9:00 a.m. to 10:00 a.m. The hour will be for the public to address Commissioners and Elected Officials for any agenda items and interact and a question and answer session. Sean Blaine, Russ Howell, Ann Shine-Ring, Ira Pearson, and Jessica Etcheverry came before the Board and expressed their concerns and support for the open forum. Commissioner Smrkovsky motioned to approve Resolution 16-01 Notice of Meetings: and motioned Proposal B for meetings to be held the second Thursday of each month at 10:00 a.m. following an open forum at 9:00 a.m. Commissioner Milo seconded the motion, which carried unanimously following a roll-call vote.
- b. **RESOLUTION 16-10 BUDGET INCREASES:** Three inter/intra department budget fund increases and two decreases totaling \$169,024.20 were proposed. Commissioner Smrkovsky motioned to approve Resolution 16-10 Budget Increases. Commissioner Milo seconded the motion which carried unanimously following a roll-call vote.
- c. **RESOLUTION 16-11 BUDGET TRANSFERS:** Five inter/intra department budget fund transfers totaling \$67,110.57 were proposed. Commissioner Smrkovsky motioned to approve Resolution 16-11 Budget Transfers. Commissioner Milo seconded the motion which carried unanimously following a roll-call vote.
- d. **LUNA COUNTY DETENTION CENTER 2016 POLICY AND PROCEDURE MANUAL:** Mr. Jackson had Luna County Detention Director Matt Elwell come before the Board to present this item. Mr. Elwell stated this item is an updated Policy and Procedure manual for the Luna County Detention Center, and includes a Firearms Policy (training and DOJ guidelines) and Special Management (restrictive housing policy) for 2016. Commissioner Milo moved to approve the Luna County Detention Center 2016 Policy and Procedure Manual. Commissioner Smrkovsky seconded the motion which carried unanimously.
- e. **MEMORANDUM OF UNDERSTANDING WORKING TOGETHER THROUGHOUT THE PROMISE ZONE TERM:** Mr. Jackson had Community Projects Director Jessica Etcheverry present this item to the Board. Ms. Etcheverry explained the Memorandum of Understanding (MOU) is presented in Draft form to allow for flexibility of partners, and the body of the MOU will not change. Ms. Etcheverry explained how the grant operates, and what Luna County must do in order to have the grant approved or awarded. Ms. Etcheverry asked the Board for their consideration for approval of the MOU with the understanding that the partners can change. Matt Robinson asked that County please consider including Deming Public Schools. Commissioner Smrkovsky motioned to amend and approve the Memorandum of Understanding Working Together throughout the Promise Zone Term to include with the addition of Southwest Regional Housing Authority, other partners, and

Deming Public Schools. Commissioner Milo seconded the amended motion which carried unanimously.

- f. **CAPITAL ASSETS AND CAPITALIZATION POLICY:** Mr. Jackson had Budget and Procurement Director Joanne Hethcox come before the Board to present this item. Ms. Hethcox reviewed this policy and explained this is from a direct response from a Department of Justice audit from the 2013 Fiscal Year, and requires a written policy that construction in progress, capitalization and assets get accounted for properly, and allows for continued DOJ funding (which the Sheriff's Department benefits the most from). Commissioner Smrkovsky moved to approve the Capital Assets and Capitalization Policy. Commissioner Milo seconded the motion which carried unanimously.
- g. **RESOLUTION 16-13 DONATIVE CONVEYANCE OF PROPERTY FROM LUNA COUNTY TO CITY OF DEMING (REPLACING RESOLUTION 15-50):** Mr. Jackson explained this is a replacement of Resolution 15-50, and had Community Projects Director Jessica Etcheverry come before the Board to explain this item. Ms. Etcheverry stated there is a correction per the Authority State Board of Finance for clarification of both the Ordinance and the Resolution. Commissioner Smrkovsky motioned to amend and approve Resolution 16-13 Donative Conveyance of Property from Luna County to City of Deming (Replacing Resolution 15-50). Commissioner Milo seconded the amended motion which carried unanimously following a roll-call vote.

APPROVAL OF TRAVEL REQUESTS: There were no Travel Requests submitted, and therefore no action was taken on this item.

INDIGENT CLAIMS REPORT: Upon motion of Commissioner Milo 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 four claims dated January 14, 2016 in the amount of \$14,741.82 dollars and zero denials. The monies received for December 2015 totaled \$46,812.61. The balance in the Indigent Funds Accounts as of December 31, 2015 is \$745,868.46. Commissioner Smrkovsky moved to approve four claims dated January 14, 2016 in the amount of \$14,741.82 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 Smrkovsky seconded the motion which was approved unanimously.

EXECUTIVE SESSION: Chairman Diaz entertained a motion to enter into Executive Session to discuss Limited Personnel Matters pursuant to 10-15-1 (H) 2 NMSA 1978 pertaining to the Commissioners' and County Manager's Roles and Responsibilities. Commissioner Milo so moved and announced no other matters would be discussed. Commissioner Smrkovsky seconded the motion which carried unanimously following a roll call vote.

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

No action was taken during the Executive Session.

ANNOUNCE NEXT MEETING: Chairman Diaz announced the next regular meeting will be held on Thursday, February 11, 2016 at 10:00 a.m.

A Work Session (Director's Meeting) will be conducted on January 28, 2016 at 9:00 a.m.

A Work Session (Budget Review) will be conducted on February 4, 2016 at 9:00 a.m.

Commissioner Smrkovsky motioned to approve the meeting times. Commissioner Milo seconded the motion which carried unanimously.

ADJOURN: Chairman Diaz adjourned the meeting at 1:01 p.m.

ATTEST:



ANDREA RODRIGUEZ, LUNA COUNTY CLERK

APPROVED: February 11, 2016

**LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS**



JOE L. MILO, JR., DISTRICT 1



LINDA M. SMRKOVSKY, DISTRICT 2



CHAIRMAN, R. JAVIER DIAZ, DISTRICT 3

