

MINUTES
REGULAR MEETING
LUNA COUNTY BOARD OF COUNTY COMMISSIONERS
Thursday, January 10, 2013

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 9:00 a.m. on Thursday, January 10, 2013 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:

Kelly Kuentler, County Manager	Gabriel Boyle, Planning & Community Development
Glory Johnson, County Manager's Office	Rheganne Vaughn, Community Health and Welfare Director
Andrea Rodriguez, County Clerk	Billy Ruiz, Special Projects and Facilities Management Director
Berenda McWright, Chief Deputy Clerk	Lt. John Mooradian, Dispatch Director
JoAnna Z. Zurinsky, Clerk's Office	Matthew Elwell, Detention Director
Dora Madrid, Treasurer	Mark Jasso, Emergency Services Director
Gloria Rodriguez, Chief Deputy Treasurer	Ira Pearson, Starmax Facilities Director
Delilah Rojo, Assessor	Elizabeth El Bizri, Information Technology
Barbara Cobos, Chief Deputy Assessor	Manny Armendariz, Information Technology
Raymond Cobos, Sheriff	
Danny Gonzales, Business Office	
Joanne Hethcox, Business Office	
Katherine Smyer, DWI	

CALL TO ORDER: Chairman Spivey called the meeting to order at 9:10 a.m. and Charles 'Tink' Jackson 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

ELECT CHAIRMAN OF 2013: Motion to re-elect Chairman Spivey as Chair for 2013 died due to a lack of a second. Commissioner Milo motioned to elect Commissioner Diaz as 2013 Chair. The motion was seconded by Commissioner Diaz and carried. Both Commissioners thanked Chairman Spivey for his work, and Commissioner Diaz stated that he would continue the job.

PRESENTATIONS: County Manager Kelly Kuentler presented 2012 Luna County Employee of the Year Awards to Lieutenant John Mooradian and Elizabeth El Bizri.

SERVICE AWARDS: County Manager Kelly Kuenstler explained to the board that the service awards for Raymundo Chavira (5 years) and Saul Munoz (5 years) will be presented at the Stockyards.

ANNOUNCEMENTS: Chairman Diaz congratulated the recent graduates of the New Mexico Association of Counties College. Joanne Hethcox, Grisel Melendez and Glory Johnson received Certified Public Officials titles.

ELECTED OFFICIALS REPORTS: County Clerk Andrea Rodriguez reported the Clerk's office is busy preparing for the upcoming School Board Election on February 5th. Assessor Delilah Rojo reported her office is in the final stages of the 2013 reappraisal. She stated that reappraisals happen every two years, and everything is running very smoothly. Ms. Rojo thanked the Information Technology department for their assistance. Sheriff Cobos reported the Columbus substation remodel continues, and thanked the maintenance department and Billy Ruiz for their efforts. Commissioner Spivey thanked Community Health and Welfare Director Rheganne Vaughn for the acquisition of Constitutional artwork for the commission chambers.

COUNTY MANAGER'S REPORT: County Manager Kelly Kuenstler reported on the following items:

- The Dona Ana County Commissioners voted unanimously to support Luna County's efforts with continuation of the Pegasus project.
- The Downtown Deming Historic District was approved for listing in the State Register at the Cultural Properties Review Committee. The committee also approved the forwarding of the nomination at the National Register for listing of the district at the federal level.
- The Deming Public Schools are receiving funding from a grant award that the Rio Grande Education Collaborative obtained. The grant supplements the After-School Program, and this funding will allow the After School Program to operate in all of the schools five days a week.
- Executive Assistant Glory Johnson and DWI Program Director Katherine Smyer were congratulated for their program efforts and collaboration with Corre Caminos on New Year's Eve. A total of 83 safe rides were provided for Luna County residents, and it was one of the largest turns-outs for rides in Luna County history.
- The entities receiving funds from Luna County will now have their annual reports posted on the county's website. The first report from 2012 has been received from the Humane Society, and is posted on the website.
- The Starmax Advisory Board has met a total of three times.
- All new hires are receiving pre-employment drug screening, per the new Personnel Ordinance.
- Central Dispatch received 11,022 calls for the month of December. Two new dispatch employees were hired. Tipsoft Software is now being implemented. New policies and

procedures are in place outlining the minimum information needed for successful warrant entry into the NCIC System. A letter of acceptance was received in December from the New Mexico Department of Finance stating Luna County Central Dispatch will receive new 911 equipment (valued at about \$400,000).

- Community Health and Welfare had a final review of the sales agreement for the Columbus Industrial Park Area. The County is waiting on the executed contract from the NMFA for the \$173,000.00 Infrastructure grant. The grant clearinghouse centralization efforts continue. Healing House is currently working on estimates for a roof, weatherization, and a security system. Healthy Start was awarded \$448,000 to continue provide home-visiting services for at-risk families in Luna County. The Healthy Start Program continues its transition, and most services are still provided.
- Healing House will interview a prospective program manager in the upcoming week. They are working with a Master's Level Intern that is facilitating a women's support group for Healing House clients. A domestic violence offender treatment intervention program received state approval, and the county is in the process of scheduling meetings with the appropriate legal advisors for this program. There is a Healing House Advisory Board meeting today.
- Luna County Detention Center: Daily average population- adult 288, juvenile 7, federal inmates 158. Throughout the month of December, inmates were given the opportunity to participate in various religious, holiday and Christmas programs. Sergeant Mary Gooding and Sergeant Yolanda Edwards attended the New Mexico Association of Counties training program for Correction and Detention Facility Staff for Instructors. New officers attended a mandatory defensive tactics training class. The New Mexico Association of Counties inspected the detention center on December 5th. There were three minor findings that are corrected.
- Human Resources/Personnel are in the process of gathering Employee Disclosure Statements for 2013 to submit to the Secretary of State's office. This is required by law.
- The Information Technology Department continues developing the new website. Internet access installation is complete on the 3rd floor, the configuration process is taking place, and they are currently working on installing a line in the basement chambers.
- The DWI Program held alcohol awareness classes at the annex, and had two graduates in December. There are currently eight students enrolled. Teen court referrals are participating in Starmax maintenance for community service hours. Juvenile inmates at Luna County Detention Center are now receiving DWI Prevention classes. The DWI coordinator is working on a grant for the 2014 fiscal year.
- A major update is scheduled for the Sheriff's server and the Columbus Substation.
- The Road Department is still conducting partial maintenance on county roads. Carlotta Rd. SE, Keeler Rd. NW, and Hondale Rd. SW are current projects. Two blades have been sent to get GPS locators installed. This installation allows for the precise hours and location of blade operation via smartphone.
- Budget and Procurement continues to work on requests for proposals for medical services and Starmax's arcade facility. Requisitions and purchase orders are now

processed a minimum of twice a week. The current indigent policy is in the process of review, and a new indigent claim policy is being drafted. The Courthouse Park agreement is also in the process of review. Two separate agreements are being drafted, one for commercial use and one for private use.

- Personnel Ordinance 23 and Workplace Harassment Policy have been distributed to all County Employees. The county advertised for personnel for Healing House, Healthy Start, and the Sheriff's Department (COPS Grant) positions.
- The Maintenance Department continues work on the Columbus Substation, which is almost complete. They are also working on renovating the courthouse basement and the Planning and Zoning office. Most work orders as required by NAMC yearly inspection have been completed. The asbestos abatement is being worked on and the demolition of the 110 N. Gold property is postponed until the asbestos is taken care of.
- The Planning Department has been working on County Recreation marketing strategies. The department is working on a grid for the county road atlas as well as a clean-up plan for illegal dump sites. They are still working on the AutoCAD to GIS conversion. The department has met with solar company representatives about a potential opportunity in Luna County. Walk-ins continue to be served for code enforcement, mobile home permits, rural addresses, and flood plans. The department is working with the County Manager on creating county property inventories.
- There were no tort claims, no workman's comp claims and one vehicle accident in the month of December. A proposal is being submitted for improvements for Sunshine Volunteer Fire Department. Paperwork is being finalized for the purchase of a generator for Cooke's Peak Volunteer Fire Department, and plans are being made to purchase a sand/salt spreader so the county will not have to rely on the DOT for icy road conditions. A safety review meeting was conducted for the month of December.
- Starmax is considering a ride program in collaboration with Corre Caminos on Friday and Saturday nights. Starmax November revenues were \$132,667.00, expenses \$131,503.00. December revenues \$100,000.00, expenses were \$114,000.00. The loss was attributed to catching up on unpaid invoices, improvements and costs associated with the digital upgrade.

Chairman Diaz asked Commissioner Spivey to present a 5-year service award to Saul Munoz. Both Chairman Diaz and Commissioner Spivey thanked Mr. Munoz for his work at the Columbus Stockyards.

PUBLIC COMMENT: James Palza, Jr. came before the board and inquired about the Deming Public School bond issue being on the agenda, and commented that he hoped the presentation would be better for voter support. Charles 'Tink' Jackson came before the board and requested to speak on behalf of item 'T' on the agenda. Joe Moreland asked about the mileage amendment and the order of the budget items on the agenda. Ms. Kuenstler explained the budget increases were not ready until the last minute when the agenda was being drafted, and Ms. Kuenstler further explained the mileage and per-diem changes were per IRS guidelines and in very rare cases are employees allowed to collect mileage because county employees are required to use county vehicles. Ron Scharf commented that Dona Ana County approved a

letter of support for the Akela Flats (Apache Homelands) Casino, and is looking forward to what 2013 holds in store for Luna County. Ann Shine-Ring inquired about item 'Q' on the agenda: Obsolete Voting Machines. She asked what the definition of obsolete was, and if it had anything to do with the transport of the voting machines during the last election. Larry Caldwell commented on the courthouse's policy on weapons.

CONSENT AGENDA: Upon motion of Commissioner Milo, seconded by Commissioner Spivey, Payroll Registers totaling \$921,286.82 and Accounts Payable Registers totaling \$323,282.23 were unanimously approved.

CONSIDER MINUTES: Upon motion of Commissioner Milo, seconded by Commissioner Spivey, the minutes of the October 22, 2012 and December 6, 2012 Special Meetings were approved. Upon motion of Commissioner Spivey, seconded by Commissioner Milo the minutes of the December 5, 2012 Special Meeting and December 13, 2012 Regular Meeting were approved.

NEW BUSINESS: County Manager Kelly Kuenstler reviewed each item on the New Business agenda with the commissioners.

- a. **RESOLUTION 96-37 AS AMENDED MILEAGE AND PER-DIEM POLICY:** Ms. Kuenstler explained this is an amended resolution in which the standard mileage rate changed from 51 cents to 55.5 cents per mile, and per-diem lodging language changed to include overnight travel and the resolution complies with current IRS guidelines. Commissioner Spivey moved to approve Resolution 96-37 as Amended Mileage and Per-Diem Policy. Commissioner Milo seconded the motion, which carried unanimously following a roll-call vote.
- b. **RESOLUTION 13-01 NOTICE OF MEETINGS:** Ms. Kuenstler recommended approval of the resolution which provides for notice of meetings and remains unchanged from last year. Commissioner Spivey motioned to approve Resolution 13-01 Notice of Meetings. Commissioner Milo seconded the motion, which carried unanimously following a roll-call vote.
- c. **RESOLUTION 13-02 TIMELY PAYMENTS:** Ms. Kuenstler recommended approval of the resolution regarding timely payments which remains unchanged from last year. Commissioner Milo moved to approve Resolution 13-02. Commissioner Spivey seconded the motion, which carried unanimously following a roll-call vote.
- d. **RESOLUTION 13-03 NOTICE OF FEES:** Ms. Kuenstler recommended approval of the resolution for notice of fees which remains unchanged. Commissioner Milo moved to approve Resolution 13-03 Notice of Fees. Commissioner Spivey seconded the motion which carried unanimously following a roll-call vote.
- e. **RESOLUTION 13-04 DEPOSITORIES, BOARD OF FINANCE AND MEDIA DESIGNATION:** Ms. Kuenstler recommended approval of the resolution for depositories, board of finance and media designations which have not changed from 2012. Commissioner Milo motioned to approve Resolution 13-04 Depositories, Board of Finance and Media Designation. Commissioner Spivey seconded the motion which carried unanimously following a roll-call vote.

- f. **RESOLUTION 13-05 DESIGNATING TREASURER TO REQUIRE COLLATERALIZATION:** Ms. Kuenstler recommended approval of the resolution designating the Treasurer to require collateralization. Commissioner Milo moved to approve Resolution 13-05 Designating Treasurer to Require Collateralization. Commissioner Spivey seconded the motion, which carried unanimously following a roll-call vote.
- g. **RESOLUTION 13-06 LUNA COUNTY SECTION 3 PLAN:** Ms. Kuenstler recommended approval of the resolution which appoints Danny Gonzales as the Section 3 Coordinator, and sets forth the requirements for hiring, contracting, and CDBG contracts with regards to the use of small businesses and the hiring of low-income residents. There was discussion about the language pursuant to Ordinance 23 and making amendments to item 1a), and item b). County Manager Kuenstler reiterated the changes, to coincide with Ordinance 23. Commissioner Spivey moved to approve Resolution 13-06 Luna County Section 3 Plan with the recommended amendments. Commissioner Milo seconded the motion which carried unanimously following a roll-call vote.
- h. **RESOLUTION 13-07 ADA GRIEVANCE PROCEDURES:** Ms. Kuenstler recommended approval of the resolution concerning ADA grievance procedures which remains unchanged from last year. Commissioner Spivey moved to approve Resolution 13-07 ADA Grievance Procedures. Commissioner Milo seconded the motion which carried unanimously following a roll-call vote.
- i. **RESOLUTION 13-08 RESIDENTIAL ANTI-DISPLACEMENT:** Ms. Kuenstler recommended approval of the resolution which is required by the Housing and Community Development Act of 1974 and remains unchanged from 2012. Commissioner Milo moved to approve Resolution 13-08 Residential Anti-Displacement. Commissioner Spivey seconded the motion which carried unanimously following a roll-call vote.
- j. **RESOLUTION 13-09 CDBG CITIZEN PARTICIPATION PLAN:** Ms. Kuenstler recommended approval of the resolution regarding CDBG citizen participation. She explained the minimum public hearings requirement changed from seven to five. Also, the public hearings held for program objectives changed from six to four. These changes were made to keep citizen participation in CDBG Plan from dwindling. Commissioner Spivey moved to approve Resolution 13-09 CDBG Citizen Participation Plan. Commissioner Milo seconded the motion which carried unanimously following a roll-call vote.
- k. **RESOLUTION 13-10 DWI GRANT FY-2014:** Ms. Kuenstler recommended approval of the resolution which authorizes the county to submit an application to the Department of Finance and Administration, Local Government Division to participate in the local DWI grant and distribution program, and remains unchanged from 2012. Commissioner Milo moved to approve Resolution 13-10 DWI Grant FY-2014. Commissioner Spivey seconded the motion which carried unanimously following a roll-call vote.
- l. **RESOLUTION 13-11 BUDGET INCREASE:** Ms. Kuenstler recommended approval of the resolution for budget increases in which five inter/intra department budget fund increases totaling \$1,900.00 were proposed. Commissioner Milo moved to approve

- Resolution 13-11 Budget Increases. Commissioner Spivey seconded the motion which carried unanimously following a roll-call vote.
- m. **MEMORANDUM OF UNDERSTANDING BETWEEN LUNA COUNTY DWI PROGRAM AND NM DEPARTMENT OF FINANCE:** Ms. Kuentler recommended approval of the Memorandum of Understanding between the Luna County DWI Program and the New Mexico Department of Finance, Local Government Division which remains unchanged from last year. Commissioner Milo motioned to approve Memorandum of Understanding between Luna County DWI Program and New Mexico Department of Finance. Commissioner Spivey seconded the motion which carried unanimously.
 - n. **DOH ASSURANCES AND COOPERATIVE AGREEMENT BETWEEN LUNA COUNTY DWI PROGRAM AND NM DEPARTMENT OF HEALTH:** Ms. Kuentler explained this is a cooperative agreement between the Department of Health and the Luna County DWI Program and remains unchanged from last year. Commissioner Milo moved to approve DOH Assurances and Cooperative Agreement between Luna County DWI Program and New Mexico Department of Health. Commissioner Spivey seconded the motion which carried unanimously.
 - o. **STATEMENT OF ASSURANCES LOCAL DWI GRANT AND DISTRIBUTION PROGRAM:** Ms. Kuentler explained the agreement certifies and assures compliance with New Mexico local DWI Grant and Distribution Program Act guidelines and remains unchanged from last year. Commissioner Milo moved to approve the Statement of Assurances Local DWI Grant and Distribution Program. Commissioner Spivey seconded the motion which carried unanimously.
 - p. **MEMORANDUM OF AGREEMENT BETWEEN NM DEPARTMENT OF HEALTH AND LUNA COUNTY:** Ms. Kuentler explained this is a new Memorandum of Agreement between the New Mexico Department of Health and Luna County which provides support to expand opportunities for healthy eating and active living for children in Luna County. It makes Luna County the fiscal agent for the community transformation grant, this award is for \$30,500.00. Ms. Kuentler stated even though the period on the deliverables was back-dated from October 2012, and only gave a time frame of 9 months; it was still a project that she felt needed to be done. Commissioner Spivey moved to approve Memorandum of Agreement between New Mexico Department of Health and Luna County. Commissioner Milo seconded the motion which carried unanimously.
 - q. **APPROVAL TO REMOVE CERTAIN OBSOLETE EQUIPMENT FROM LUNA COUNTY INVENTORY (VOTING MACHINES):** County Clerk Andrea Rodriguez explained to board there are sixteen voting machines in the county inventory that are obsolete and have not been used for years, and need to be disposed of. Some discussion ensued as to how the machines were to be disposed of, and it must be done in a manner prescribed by the procurement code. Commissioner Spivey motion to grant approval to remove certain obsolete equipment from Luna County Inventory (Voting Machines). Commissioner Milo seconded the motion which carried unanimously.
 - r. **LETTER OF ENDORSEMENT FOR NEW MEXICO PARTNERSHIPS FOR SUCCESS II:** Ms. Kuentler asked the board for their consideration in supporting the LUNA Health Council in their efforts required to meet New Mexico Partnerships for Success II goals

and to address underage drinking and prescription drug abuse prevention in Luna County. Commissioner Milo moved to approve a Letter of Endorsement for New Mexico Partnerships for Success II. Commissioner Spivey seconded the motion which carried unanimously.

- s. **LUNA COUNTY DRUG AND ALCOHOL POLICY:** Discussion ensued about the changes regarding the drug and alcohol policy. Questions arose about the percentages of each employee pool, all-inclusive testing of administrators and employees drug and alcohol testing, definitions and exceptions of 'zero-tolerance'. Ms. Kuenstler requested that the item be tabled pending further counsel with Grace Phillips of the New Mexico Association of Counties. Commissioner Spivey motioned to table the Luna County Drug and Alcohol Policy for 30 days. Commissioner Milo seconded the motion to table, which carried unanimously.
- t. **LETTER FROM THE UNITED STATES DEPARTMENT OF THE INTERIOR REQUESTING COMMENT ON PRELIMINARY DRAFT ENVIRONMENTAL ASSESSMENT FOR THE IMPLEMENTATION OF A SOUTHWESTERN GRAY WOLF MANAGEMENT PLAN:** Ms. Kuenstler explained to the board this item is based on a letter she received from the U.S. Department of the Interior requesting input from Luna County on the preliminary draft environmental assessment for the implementation of a Southwestern Gray Wolf Management Plan prior to February 1, 2013. Ms. Kuenstler stated the county can provide a response to the letter, not comment at all, or choose to remain on the mailing list to stay informed. Ms. Kuenstler requested the board designate an advisory committee to assist the county in responding to the Department of the Interior. Much discussion ensued regarding this item, and the board recommended nine appointees for an advisory committee. The appointees nominated included: Charles 'Tink' Jackson, Fred Williams, Michael Quintana, Russ Howell, Adam Polley, Joe Jackson, Brian Stevenson, Gary May, Ira Pearson and Avery Hurt. The Commissioners suggested that Gabe Boyle serve as a non-voting member. This item was a discussion item only, and no motion was taken.
- u. **RESOLUTION 13-12 BUDGET TRANSFER:** Ms. Kuenstler recommended approval of the resolution for two inter/intra department budget fund transfers in the amount of \$12,000.00 were proposed. Commissioner Milo moved to approve Resolution 13-12 Budget Transfers. Commissioner Spivey seconded the motion which carried unanimously following a roll-call vote.
- v. **LETTER OF SUPPORT TO DEMING PUBLIC SCHOOLS PERTAINING TO THE NEW HIGH SCHOOL BOND ISSUE:** Ms. Kuenstler explained that the Deming Public Schools requested the County submit a letter of support pertaining to the general obligation bond issue for renovation of the high school and to replace the Deming Intermediate School. Ms. Kuenstler verified the project is number three on the State's Capital Outlay priority list. Chairman Diaz stated the letter of support requested by the Deming Public Schools pertains to a "proposed" new high school bond issue and it was his opinion that offering a letter of support was premature. Several members of the community expressed opposition. The consensus was there is not enough information pertaining to the Deming Public School's request for a letter of support, and the request at this time was premature. Commissioner Spivey motioned to deny the

Letter of Support Public Schools pertaining to the new high school bond issue pending more information. Commissioner Milo seconded the motion which carried unanimously.


INDIGENT CLAIMS REPORT: Upon motion of Commissioner Spivey 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 23 claims dated January 10, 2013 in the amount of \$53,545.99 and zero denials. The monies received for December 2012, totaled \$51,425.91. Commissioner Spivey moved to approve 23 claims dated January 10, 2013 in the amount of \$53,545.99 and zero denials. Commissioner Milo seconded the motion which carried unanimously. Commissioner Spivey moved to recess as claims board and to reconvene as the Board of County Commissioners. Commissioner Milo seconded the motion which was approved unanimously.

ANNOUNCE NEXT MEETING: Commissioner Diaz announced the next regular meeting will be held on Thursday, February 14, 2013.

ADJOURN: Chairman Diaz adjourned the meeting at 11:16 a.m.

ATTEST:

LUNA COUNTY BOARD OF COUNTY COMMISSIONERS



ANDREA RODRIGUEZ, LUNA COUNTY CLERK

ABSENT

JOE L. MILO, JR., DISTRICT 1

APPROVED: February 14, 2013



J. JAY SPIVEY, DISTRICT 2



CHAIRMAN R. JAVIER DIAZ, DISTRICT 3

