

**MINUTES
REGULAR MEETING
LUNA COUNTY BOARD OF COUNTY COMMISSIONERS
Thursday, March 14, 2013**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 9:00 a.m. on Thursday, March 14, 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	Rheganne Vaughn, Community Health and Welfare Director
Glory Johnson, Assistant to the County Manager	Billy Ruiz, Special Projects and Facilities Management Director
Andrea Rodriguez, County Clerk	John Mooradian, Sheriff Lieutenant-Dispatch Director
Berenda McWright, Chief Deputy Clerk	Manny Armendariz, Information Technology
JoAnna Z. Zurinsky, Deputy Clerk	Mark Jasso, Emergency Services Director
Delilah Rojo, Assessor	Matthew Elwell, Detention Director
Barbara Cobos, Chief Deputy Assessor	Ira Pearson, Starmax Facilities Director
Raymond Cobos, Sheriff	Marty Miller, Road Director
Arturo Baeza, Sheriff Captain	John Blandford, Luna County Road Department
Danny Gonzales, Human Resources and Payroll Director	
Gabriel Boyle, Community Development and Planning Director	

CALL TO ORDER: Chairman Diaz called the meeting to order at 9:00 a.m. and Justin Allen 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
J. Jay Spivey, District 2
Chairman R. Javier Diaz, District 3

PRESENTATIONS: Detention Director Matthew Elwell presented information on the Luna County Detention Center. The presentation included statistics on inmate population and budget projections. During the presentation, County Manager Kelly Kuentler provided suggestions on how to deal with the Detention Center's budgetary shortfalls. Suggestions included: Cutting back on expenditures and renegotiating contracts with other entities.

Bobby Smrkovsky and Justin Allen gave a presentation regarding the Rio Mimbres Golf Course. The power point presentation outlined information on the Hole #8 renovation.

SERVICE AWARDS: Detention Director Matt Elwell presented Margaret Zamora with a 10-year service award. Road Director Marty Miller presented John Blandford with a 10-year service award.

ANNOUNCEMENTS: Chairman Diaz congratulated Commissioner Spivey on his efforts in getting the U.S./Mexico Border of County Coalitions to hold their annual meeting in Deming.

Community Planning and Development Director Gabriel Boyle announced the Great American Cleanup Meet & Greet will be held at St. Clair's Winery on March 14th from 5:30 to 7 p.m., and the City of Deming will hold their downtown master plan this afternoon at Morgan Hall between 4 to 7 p.m.

ELECTED OFFICIALS REPORTS: County Assessor Delilah Rojo reported the assessor's records project is complete and thanked County Manager Kelly Kuentler for allowing overtime hours to get the project completed on a timely basis. The office is now making preparations to print the notice of values, and they will be mailed by April 1st. Ms. Rojo stated the office is in the process of filling a provisional position, and thanked Estela Chavez for temporally assisting with the position. Ms. Rojo also reported that House Bill 521 died.

Undersheriff Arturo Baeza reported that Sheriff Cobos is in Columbus, meeting with Mayor Lawson to discuss the Law Enforcement Protection Fund budget and expenditures in regards to the substation, which should be open by April 1, 2013. Mr. Baeza also reported that statistics were down for the month of February.

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

- Further research and legal opinion found that House Bill 21 does apply to County Governments, and it appears that House Bill 21 will die.
- The U.S. Marshall's office conducted an unannounced annual inspection of the Luna County Detention Center on February 27th. The detention center was found compliant with all federal standards.
- Starmax paid Luna County \$2,500.00 last month, which now brings the total of monies repaid to \$4,500.00.
- Ms. Kuentler thanked the Luna County Road Department, Emergency Services Director Mark Jasso and all of the employees involved for their assistance in getting an illegal/hazardous dumpsite cleaned up.
- According to Secretary Salazar, there will be a 5.1 percent reduction in PILT funds. This will result in a reduction of 2013 payments.

- The 2012 Luna County audit is complete. There were four unqualified findings in the audit. The findings were deficiencies and not material weaknesses. The audit is available for the public on the county website and in the manager's office for review.
- Community Health and Welfare is implementing its plan to transition from Healthy Start to Parents as Teachers.
- The Healing House has submitted four grants, and had an advisory board meeting on February 21st. The Healing House has also started a women's support group in conjunction with Western New Mexico University.
- The Luna Health Council's Resource Directory is completely revised and now available. The community health and senior health survey drafts are complete, and being submitted for approval. The Health Council is sponsoring a Community Health Fair on April 6th at the Luna County Special Events Center from 10 a.m. to 2 p.m.
- Juvenile Justice is working on a funding application for an incentive-based summer youth reading program.
- The Department of Finance Administration has awarded Luna County \$164,000 to complete the Keeler Farm Rd. /Colonias Road and drainage improvement project.
- There were two tort claims filed in January.
- The construction on the Sunshine Volunteer Fire Department was completed February 22nd, and the department held a meeting for a shooting scenario tabletop exercise.
- Starmax had an increase in revenues for the month of February of \$114,000. January figures were \$104,000. New electrical drops were installed in the restaurant. Starmax management is currently researching ways to decrease expenses.
- The Planning Department is working on a marketing strategy for a county recreation map. They are writing grants for cigarette litter prevention programs and for recycling bins. They are also working on PNM parcel data from the CAD to GIS conversion. The department advertised and held a public meeting for the Colonias grant. They are currently working on a solar energy pamphlet for the public.
- Keep Luna County Beautiful received two awards for the month of February from Keep New Mexico Beautiful (1st Place) and Keep America Beautiful (President's Circle Award).
- Maintenance is working on the holding cage for the Columbus substation and basement renovation. The department assisted in the Western Furniture building demolition and helped with installation of security lights at the Mimbres Valley Learning Center.
- Human Resources has distributed the revised Drug and Alcohol policy to all employees, and they have posted nine county positions for the month of February.
- Budget and Procurement negotiated the medical and mental health services RFP and completed the Starmax Arcade RFP.
- The Road Department continues partial maintenance of all county roads, and maintenance is being done on the most highly used roads. The department is finishing the last of the Western Furniture building demolition and they are now using the computer road atlas map. The department is also doing tree work at the courthouse.
- DWI held alcohol awareness classes at the annex, and had two graduates in the month of February. Teen court referrals community service was performed at Starmax. DWI is

currently tracking 132 offenders and screening 5. A total of 213 students participated in the 'Buzz-Free Prom Party' and Ms. Kuenstler acknowledged the volunteers for the event.

- Information Technology is now keeping a work-order log. The department recently installed a firewall/firmware upgrade and connected the Columbus substation with the Sheriff's Office.
- The average daily inmate population for Federal Prisoners for the month of February in the Luna County Detention Center was 183.
- Central Dispatch received 10,813 calls for the month of February 2013. Tipsoft generated 9 tips. New recording equipment was installed February 11th and the department held a kick-off meeting on March 5th for the new 911 equipment. The department had a FBI audit on February 28th.

PUBLIC COMMENT: Billy Ruiz thanked Marty Miller and the Road Department for their efforts in saving the county money by doing the recent demolition and tree work.

James Paltza asked County Manager Kelly Kuenstler questions about the Pegasus Holdings project. Ms. Kuenstler referred Mr. Paltza to the Pegasus Global website for the information.

Matt Robinson of *The Deming Headlight* thanked the board for the openness and access of county information.

Fred Williams commented on the PA system, and the litigation concerning Global Housing West. Mr. Williams questioned how many responses were received for the RFP for Starmax.

Sean Blaine suggested reports from the Volunteer Fire Department Chiefs be included on the '*Elected Officials Reports*'.

Hal Keeler commented on the PA system and addressed his concerns on water usage and management for Luna County. Mr. Keeler suggested the Board implement an ordinance prohibiting the exportation of water from Luna County and also made suggestions on how the County may access more water.

CONSENT AGENDA: Upon motion of Commissioner Spivey, seconded by Commissioner Milo, Payroll Registers totaling \$937,013.95 and Accounts Payable Registers totaling \$890,464.51 were unanimously approved.

CONSIDER MINUTES: Upon motion of Commissioner Spivey, seconded by Commissioner Milo, the minutes of the February 14, 2013 Regular Meeting were unanimously approved. Upon motion of Commissioner Milo, seconded by Commissioner Spivey the minutes of the February 27, 2013 Special Meeting were unanimously approved.

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

- a. **RESOLUTION 13-20 BUDGET INCREASES:** *Item '1' on the agenda was moved ahead of this item.* Ms. Kuenstler recommended approval of four budget increases in the amount of \$69,300.00. Commissioner Milo moved to accept Resolution 13-20 Budget Increases. The motion was seconded by Commissioner Spivey and carried unanimously following a roll-call vote.
- b. **RESOLUTION 13-21 BUDGET TRANSFERS:** Ms. Kuenstler recommended approval of five budget transfers in the amount of \$156,359.50. Commissioner Milo moved to accept Resolution 13-21 Budget Transfers. The motion was seconded by Commissioner Spivey and carried unanimously following a roll-call vote.
- c. **APPOINTMENT OF BOARD OF REGISTRATION:** County Clerk Andrea Rodriguez explained a Board of Registration must be appointed to review the list of inactive voters. Both the Republican and Democrat Party Chairmen have submitted names in order of their preference for the appointments. The Board must appoint three members and two alternates in the order of preference specified by the party chairmen. Commissioner Spivey moved to approve the appointments of Fred Williams, Leslie Bronken and Debra French as members and Keith Harris and Fred Tiedge and alternates to the Board of Registration. The motion was seconded by Commissioner Milo and carried unanimously.
- d. **APPOINTMENT OF NATURAL RESOURCES COMMITTEE AS REVISED:** Ms. Kuenstler explained the appointment of two replacements to the Natural Resources Committee is necessary due to the resignation of one member and lack of participation from another. Ms. Kuenstler recommended the appointment of Brian Stevenson and David Baeza because they expressed interest in the appointment. Commissioner Milo moved to appoint David Baeza and Brian Stevenson to Natural Resources Committee. Commissioner Spivey seconded the motion, which carried unanimously.
- e. **2013 ANNUAL CERTIFICATION OF MAINTAINED MILEAGE:** Ms. Kuenstler advised the Board the certification of maintained mileage is due April 1, 2013. Commissioner Spivey moved to approve the 2013 Annual Certification of Maintained Mileage of 1,886.44 miles. Commissioner Milo seconded the motion, which carried unanimously.
- f. **LUNA COUNTY ROAD ATLAS:** Ms. Kuenstler requested approval from the Board on this item citing a few minor changes from the draft the Board previously received. Commissioner Milo moved to approve the Luna County Road Atlas. Commissioner Spivey seconded the motion, which carried unanimously.

- g. 2013 ROAD APPLICATION- ALBA:** Ms. Kuenstler stated this item was tabled during last month's meeting and explained she has since met with Mr. Alba the State Land Office regarding Mr. Alba's road application. Ms. Kuenstler reported that it would cost Mr. Alba and the St. Cloud Mining company approximately \$13,000 to obtain the right of way from the State Land Office. Whereas, if the County were to accept the road as a County maintained road it would only cost the County \$371. Ms. Kuenstler recommended that the application process be re-started in December for next year's applications and re-applied for the road as a county maintained road. No action was taken on this item.
- h. RFP AWARD FOR STARMAX ARCADE:** Starmax Facilities Director Ira Pearson presented financial reports regarding Starmax's labor and operating costs associated with running the arcade. Mr. Pearson explained the arcade is necessary and discussed the costs associated with maintaining the arcade. Ms. Kuenstler stated the RFP negotiations are important in order to make the arcade profitable. Ms. Kuenstler advised, per the committee's recommendation, to waive the irregularities that were found in the RFP and to allow negotiations with Deming Arcade, LLC. Sam Baca spoke on behalf of Deming Arcade, LLC and requested the Board endorse the committee's recommendations. Commissioner Milo moved to approve the RFP Award for Starmax Arcade to Deming Arcade, LLC. Commissioner Spivey seconded the motion, which carried unanimously.
- i. RESOLUTION 13-22 APPROVING SUBMISSION OF THE TULIP LANDFILL GRANT:** *This item was moved to the top of the agenda.* Ms. Kuenstler recommended approval of the submission of the Tulip Landfill Grant. Commissioner Spivey moved to accept Resolution 13-22 Approving Submission of the Tulip Landfill Grant. Commissioner Milo seconded the motion, which carried unanimously following a roll-call vote.
- j. PROFESSIONAL SERVICES AGREEMENT BETWEEN LUNA COUNTY DETENTION CENTER AND PRESBYTERIAN MEDICAL SERVICES:** Ms. Kuenstler recommended approval of the agreement with Presbyterian Medical Services which provides for mental health services at the detention center for \$8,625.56 per month. Commissioner Spivey moved to approve the Professional Services Agreement between Luna County Detention Center and Presbyterian Medical Services. Commissioner Milo seconded the motion, which carried unanimously.
- k. RESOLUTION 13-23 AUTHORIZING THE EXECUTION OF A LOCAL GOVERNMENT PLANNING GRANT AGREEMENT BETWEEN LUNA COUNTY AND NMFA (WASTEWATER MASTER PLAN):** Ms. Kuenstler explained this resolution authorizes Luna County to execute a local government planning grant agreement with the New Mexico Finance Authority for the wastewater master plan in the amount of \$50,000.00 and the grant includes a county match of \$5,000.00. Community Health and Welfare Director Rheganne Vaughn further explained the grant has been awarded

and the resolution is necessary to receive reimbursement. Commissioner Milo moved to approve Resolution 13-23 Authorizing the Execution of a Local Government Planning Grant Agreement between Luna County and NMFA. Commissioner Spivey seconded the motion, which carried unanimously following a roll-call vote.

- I. **LEASE AGREEMENT BETWEEN CATTLEMEX AND LUNA COUNTY AS AMENDED:** Ms. Kuenstler explained the amendments on this previously discussed resolution (13-19) were made per the request of the State Board of Finance. Ms. Kuenstler reviewed each change on the lease agreement and clauses. She stated the final draft of the lease agreement will be presented at the State Board of Finance Meeting on Tuesday. Commissioner Spivey moved to approve the amended Resolution and Lease Agreement between Cattlemex and Luna County as amended. Commissioner Milo seconded the motion, which carried unanimously following a roll-call vote.

INDIGENT CLAIMS REPORT: Upon motion of Commissioner Spivey and a second by Commissioner Milo, the meeting of the Board of County Commissioners was unanimously recessed and the meeting of the Indigent Hospital Claims Board convened.


County Manager Kelly Kuenstler recommended approval of zero claims dated March 14, 2013 in the amount of \$0.00 and zero denials. The monies received for February 2013 totaled \$53,119.85. Commissioner Spivey moved to approve zero claims dated February 14, 2013 in the amount of \$0.00 and zero denials. Commissioner Milo seconded the motion, which carried unanimously.

Commissioner Spivey moved to recess as an Indigent Hospital Claims Board and to reconvene as the Luna County Board of County Commissioners. Commissioner Milo seconded the motion, which was approved unanimously.

ANNOUNCE NEXT MEETING: Chairman Diaz announced the next regular meeting will be held on Thursday, April 11, 2013 at 9:00 a.m.

ADJOURN: Chairman Diaz adjourned the meeting at 11:39 a.m.

ATTEST:



ANDREA RODRIGUEZ, LUNA COUNTY CLERK

APPROVED: April 11, 2013

LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS



JOE L. MILO, JR., DISTRICT 1



J. JAY SPIVEY, DISTRICT-2



CHAIRMAN R. JAVIER DIAZ, DISTRICT 3

