

**MINUTES  
SPECIAL MEETING  
LUNA COUNTY BOARD OF COUNTY COMMISSIONERS  
Thursday, July 25, 2013**

**BE IT REMEMBERED** that the Luna County Board of County Commissioners met in special session at 9:00 a.m. on Thursday, July 25, 2013 in the County Commission Chambers of the Luna County Courthouse in 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 Kuenstler, County Manager	Glory Johnson, Assistant to the County Manager
Raymond Cobos, Sheriff	Joanne Hethcox, Budget and Procurement Director
Andrea Rodriguez, County Clerk	Matthew Elwell, Detention Director
Berenda McWright, Chief Deputy Clerk	Billy Ruiz, Special Projects & Facilities Director
JoAnna Zurinsky, Deputy Clerk	Marty Miller, Road Director
Dora Madrid, Treasurer	Mark Jasso, Emergency Services Director
Gloria Rodriguez, Chief Deputy Treasurer	Charles Turner, Intern (Manager's Office)
Delilah Rojo, Assessor	Jessica Etcheverry, Community Projects Director
Barbara Cobos, Chief Deputy Assessor	

**CALL TO ORDER:** Chairman Diaz called the meeting to order at 9:05 a.m. and Paul Gutierrez led the Pledge of Allegiance and the salute to the flag of the State of New Mexico.

**ROLL CALL:** The roll call was conducted by Deputy Clerk JoAnna Zurinsky. The following Commissioners constituting a quorum were present:

Joe L. Milo, Jr., District 1  
J. Jay Spivey, District 2  
R. Javier Diaz, Chairman, District 3

**PUBLIC COMMENT:** Chairman Diaz announced that there was damage to a couple of properties in Columbus due to recent wind and storms, and there was a request for the County to rebuild a levy on private property. Chairman Diaz stated he did not think there was a way to rebuild a levy on private land using County resources legally or ethically. He also thanked those employees involved in the recovery efforts.

Dave Petersen came before the board and addressed his concerns that were unresolved during the last Commission Meeting. Mr. Petersen stated he felt the proposal that County Manager Kelly Kuenstler made regarding donating certain County properties to Deming Public Schools or Habitat for Humanity was a good idea, and would give Luna County a positive image. Mr. Petersen expressed his opinion that the mandatory security scans were still in the best interest to the public and should not be stopped at this time. Mr. Petersen

Petersen commented on the recent editorial published in *The Deming Headlight* written by a member of the Natural Resources Advisory Committee. Ms. Kuenstler requested that the recurring issues surrounding the Natural Resources Advisory Committee be addressed during the next Regular Meeting on August 8<sup>th</sup>.

#### **NEW BUSINESS:**

**RESOLUTION 13-38 APPROVING THE 2013-2014 FINAL BUDGET:** Ms. Kuenstler requested approval of Resolution 13-38 The 2013-2014 Final Budget, and provided an overview of the changes. Ms. Kuenstler stated the revenue on the Detention Fund was adjusted. The General Fund (Fund 401) was still short in the amount of \$860,522.82 this amount was originally \$2.4 Million. The Road Department is still over-expended by \$184,191.30. The reserve requirements on the 1/12 and 3/12 are clearly being met and are actually being exceeded. Ms. Kuenstler explained the 98 Revenue Bond Tax was moved back into the Detention Fund, where it was originally intended, and it fixes the deficit problem along with the successful negotiation of the Federal Marshal contract. Money is being put into the Hospital Indigent Fund, and the County is still negotiating with the sole community provider lawsuit, so the budget continues to supplement this fund. In the Preliminary Budget, \$287,000.00 was being transferred from the General Fund to various places, including \$161,000.00 to the Detention Center. Ms. Kuenstler also explained a significant change was made down to \$53,142.00 in transfers out of the General Fund. There were not a lot of revenue changes. The Solar Project changed from \$350,000.00 to \$175,000.00 because the first payment that was negotiated came before June 30, 2013, and was included in last year's budget. The Solar Project Payments of \$175,000.00 (years 2-10) will be consistent. The Property Tax Collection rate is still at around 91 percent. Ms. Kuenstler stated it was important not to continue to rely on PILT payments as a recurring budget, as they continue to decrease, and it is important not to have them as part of the revenues. Ms. Kuenstler expressed her concern that the General Budget had an \$860,552.82 shortfall, and thanked the Elected Officials, Joanne Hethcox and Danny Gonzales for 'shaving down the deficit'. Ms. Kuenstler suggested solutions for the General Fund revenue problems, which included: cutting the percentage the County pays in insurance benefits for the employees, cutting the cost of living or annual merit increases, and also cutting some positions. Ms. Kuenstler acknowledged the suggestions were not pretty or popular, but would serve as a permanent solution, rather than to end up in the same position next year with the General Fund, and stated she was not necessarily advocating it, but there was a responsibility to the tax-payer. Commissioner Spivey stated that he would like to explore all other options including wasted costs, inefficiencies and unused assets before employee benefits are cut. Commissioner Spivey moved to approve Resolution 13-38 Approving the 2013-2014 Final Budget. Commissioner Milo seconded the motion which carried unanimously following a roll-call vote.

**AMEND THE NAME OF WOLF ADVISORY COMMITTEE TO THE ENDANGERED SPECIES ADVISORY COMMITTEE:** Ms. Kuenstler recommended consideration of the amended name change as discussed in the last regular meeting, per the committee's request, so they may encompass and serve the public's needs better as an *Endangered Species Committee* and not just a *Wolf Advisory Committee*. Commissioner Milo moved to approve the

amendment of the name of Wolf Advisory Committee to the Endangered Species Advisory Committee. Commissioner Spivey seconded the motion which carried unanimously.

**JOINT POWER AGREEMENT BETWEEN LUNA COUNTY AND THE CITY OF DEMING FOR THE EXTRA TERRITORIAL ZONE AND SUBDIVISIONS:** Ms. Kuenstler explained this item is a Joint Power Agreement between Luna County and the City of Deming for citizens in subdivisions and the Extra Territorial Zone. The purpose of the Joint Powers Agreement is to provide a process for zoning, zoning code-enforcement, and to review and approve certain provisions and exemptions in these areas. This agreement is a result of a meeting that was held with the County's Zoning and Planning Department, Ms. Kuenstler and the City of Deming. Ms. Kuenstler stated the JPA is a first step in refining the process and making it a little more user-friendly for citizens. She requested an amendment be made to the JPA, omitting the item on Page 1, under 'Process and Procedure', item Number 1: (removing) sentence number 3. Ms. Kuenstler stated this was a process, and will need to be re-visited in the spring. There was much discussion amongst the Commissioners and Ms. Kuenstler regarding the problems that the citizens living in the ETZ face, and the importance of the citizens having representation. Ms. Kuenstler explained that abolishing the ETZ is a decision that the Board will need to make, and the JPA is an attempt to try to rectify some of the issues. Chairman Diaz requested that Ms. Kuenstler begin researching the process of abolishing the ETZ. Commissioner Spivey moved to approve an amended Joint Power Agreement between Luna County and the City of Deming for the ETZ and Subdivisions, with the amendment suggested. Commissioner Milo seconded the motion which carried unanimously.

#### **ORDINANCES:**

**CALL FOR ORDINANCE TO AMEND THE WIRELESS TELECOMMUNICATIONS ORDINANCE NUMBER 53:** Ms. Kuenstler explained that although a public hearing was held for Ordinance Number 53, no one from the public was in attendance. The purpose of the ordinance is to improve the ranges of telecommunications for Luna County. Sheriff Cobos stated that the Sheriff's Office utilizes the County tower, and the revenues that will be generated by the amended ordinance should be considered. Commissioner Spivey motioned to direct the County Manager's Office to publish the title and summary of a Wireless Telecommunications Ordinance one time in *The Deming Headlight* at least two-weeks prior to the meeting of the Board at which the ordinance is proposed for final passage. The publication shall also include the date and time at which the ordinance is to be considered. Commissioner Milo seconded the motion which carried unanimously.

**CALL FOR ORDINANCE TO AMEND LUNA COUNTY GENERAL ORDINANCE NUMBER 69:** Ms. Kuenstler stated the County Manager's Office is seeking approval to publish title and summary of Amended General Ordinance Number 69. Commissioner Milo motioned to direct the County Manager's Office to publish the title and summary of a Luna County General Ordinance as Amended one time in *The Deming Headlight* at least two-weeks prior to the meeting of the Board at which the ordinance is proposed for final passage. The publication shall also include the date and time at which the ordinance is to be considered. Commissioner Spivey seconded the motion which carried unanimously.


**CALL TO AMEND LUNA COUNTY WOLF-HUMAN ORDINANCE NUMBER 70:** Ms. Kuenstler stated the County Manager's Office is seeking approval to publish title and summary of Amended Luna County Wolf-Human Ordinance Number 70. Ms. Kuenstler explained that this ordinance, like Ordinance Number 69 is in conjunction to the projects that the Endangered Species Committee is currently working on. Commissioner Milo motioned to direct the County Manager's Office to publish the title and summary of a Luna County Wolf-Human Ordinance as Amended one time in *The Deming Headlight* at least two-weeks prior to the meeting of the Board at which the ordinance is proposed for final passage. The publication shall also include the date and time at which the ordinance is to be considered. Commissioner Spivey seconded the motion which carried unanimously.


**ANNOUNCE NEXT REGULARLY SCHEDULED MEETING:** Chairman Diaz announced the next Regular Meeting will be held Thursday, August 8, 2013 at 9:00 a.m.

**ADJOURN:** Chairman Diaz adjourned the meeting at 10:01 a.m.

**ATTEST:**

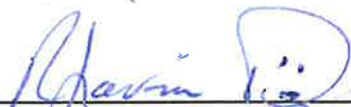
**LUNA COUNTY BOARD OF  
COUNTY COMMISSIONERS**

  
\_\_\_\_\_  
Andrea Rodriguez, Luna County Clerk

  
\_\_\_\_\_  
Joe L. "Oleo" Milo, Jr., District 1

Approved: August 8, 2013

  
\_\_\_\_\_  
J. Jay Spivey, District 2

  
\_\_\_\_\_  
R. Javier Diaz, District 3, Chairman

