

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

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

County Manager Kelly Kuentler, Assistant to the County Manager Glory Johnson, County Clerk Andrea Rodriguez, Elections Specialist Leslie Nabours, Deputy Clerk JoAnna Zurinsky, Treasurer Dora Madrid, Chief Deputy Treasurer Gloria Rodriguez, Assessor Delilah Rojo, Sheriff Raymond Cobos, Sheriff Lieutenant-Dispatch Director Jonathan Mooradian, Sheriff Lieutenant Joy Mullins, Sheriff Sergeant Richard Cowles, Dispatch Supervisor Lauree Sanchez, Special Projects and Facilities Management Director Billy Ruiz, Code Compliance Officer Frankie Tarazon, Planning Technician Benny Ramon, Maintenance Worker Mario Carbajal, Detention Director Matthew Elwell, Detention Officer Mary Helen Allison, Community Projects Director Jessica Etcheverry, Human Resources and Payroll Director Daniel Gonzales, Budget and Procurement Director Joanne Hethcox, Starmax Facilities Director Ira Pearson, IT Technician Manny Armendariz, Emergency Services Director Mark Jasso and Director Health & Well Being Jessica Moreno.

CALL TO ORDER: Chairman Diaz called the meeting to order at 8:57 a.m. and Matthew Elwell 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**

SERVICE AWARDS: Detention Director Matthew Elwell presented a 5-year service award to Detention Officer Mary Helen Allison.

Special Projects and Facilities Management Director Billy Ruiz presented a 5-year service award to Code Compliance Officer Frankie Tarazon and a 10-year service award Maintenance Worker Mario Carbajal.

Lieutenant Jonathan Mooradian presented a 10-year service award to Dispatch Supervisor Lauree Sanchez.

ANNOUNCEMENTS: Commissioner Spivey announced that October is Breast Cancer Awareness Month. Mr. Spivey also announced that it is fair time, and urged the community to go out and participate in the fair activities happening now.

County Manager Kelly Keunstler announced that Luna County and the City of Deming are in a friendly competition to raise funds for Breast Cancer Awareness. There are men's and women's style bracelets and key chains available for sale in the manager's office for \$5.00 each. The County is also selling tickets for a hamburger plate luncheon on October 25th for \$5.00 a plate. All proceeds from the fundraisers will go to the local cancer foundation.

PRESENTATIONS: Starmax General Manager Ira Pearson gave an annual presentation on the Starmax Facility. Mr. Pearson's presentation outlined the past year of the facility's performance, what is expected of Starmax for the present and goals for the future.

Friends of the Healing House Dorian Dodson gave an update on the Healing House Board's activities including non-profit organization status. Ms. Dodson stated that October is Domestic Violence Awareness Month and acknowledged the County's support for the Healing House.

Election Specialist Leslie Nabours gave a presentation regarding Polling Places for the 2014 General Election. Ms. Nabours' power point presentation outlined the plan to switch from Voting Precincts to Voting Convenience Centers (VCC's). The presentation included statistics on 2008-2012 Absentee, Early Voting and Election Day percentages, cost savings to taxpayers and other advantages, criteria for VCC sites, and various resources for voter education.

PUBLIC HEARING FOR WIRELESS PERMIT: Chairman Diaz opened the Public Hearing for Wireless Permit. County Manager Kelly Kuenstler read two letters for the record that were submitted to the Manager's Office from John Elliot and Lourdes Sinistera opposing the wireless permit. Mel Patterson from the Center for Municipal Solutions introduced present Verizon associates and spoke in favor of the wireless permit. Mr. Patterson stated the cell towers were safe. Sean Blaine, Ron Scharf, Larry Caldwell, Commissioner Spivey and Edward Khanbabian spoke in favor of the wireless permit.

WIRELESS PERMIT FOR VERIZON NM-5 NEW TOWER 360 SUNSHINE ROAD SE: Commissioner Spivey moved to approve the Wireless Permit for Verizon NM-5 New Tower 360 Sunshine Road SE with the conditions that are outlined in a letter from the Center for Municipal Solutions (abatement of time-release) dated September 20, 2013. Commissioner Milo seconded the motion which carried unanimously.

ELECTED OFFICIALS REPORTS: County Clerk Andrea Rodriguez announced the Clerk's Office is in the process of getting the Voter Convenience Centers set up.

Treasurer Dora Madrid stated the Treasurer's Office preparing over 57,000 tax bills to be mailed out on October 25th, and the office is now accepting early payment.

Sheriff Raymond Cobos reported that the recent Government Shutdown may affect the COPS Grant. Sheriff Cobos will attend a Border Security conference in Boston hosted by Homeland Security.

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

- Luna County received their 2013 equalization distribution. The distribution provides additional money to counties which generated gross receipts taxes per capita less than the statewide average in a given fiscal year. The distribution is attributable to 1/8% of a county's gross-receipts tax. Two amounts were compared: the fiscal year 2013 state average 2013 gross-receipt tax revenue per capita and each county's fiscal year 2013 gross-receipts tax revenue per capita. Luna County received a check for \$462,984. This is \$62,984 more than the projected amount reflected in the budget.
- President Obama signed a disaster declaration for parts of New Mexico for the July 23-28th storms and flooding. The areas covered by the declaration include: Bernalillo, Colfax, Luna, Sandoval, and Socorro counties. The declaration also includes the Cochiti, Kewa (Santa Domingo), San Felipe, and Sandia pueblos. FEMA has stated the aid is for emergency work and repair and replacement of damaged facilities. It is not immediately clear how much money is involved, however a representative from FEMA will be in the area next week to help create a long term recovery committee for the Village of Columbus.
- The Detention Center had the most improved attendance for the mandatory RAP Classes.
- Architectural floor plans are complete for the new Law Enforcement Complex. Special Projects and Facilities Management Director Billy Ruiz, County Manager Kelly Kuenstler, and representatives from the Sheriff's Office met with the architects locally to review the plans.

PUBLIC COMMENT: Harvilee Moore addressed the Board and thanked them for their support of the After School Programs for the Deming Public Schools.

John Rosalind came before the Board and commented on the volume of traffic and the speed of the vehicles on Dona Ana Rd. Mr. Rosalind inquired as to whether or not the Luna County Sheriff's Office may assist with the safety issues of drivers passing school buses and addressed his concerns with Sheriff Raymond Cobos.

CONSENT AGENDA: Upon motion by Commissioner Spivey and a second by Commissioner Milo, Payroll Registers totaling \$957,600.04 and Accounts Payable Registers totaling \$744,141.97 were unanimously approved.

CONSIDER MINUTES: Upon motion by Commissioner Milo and a second by Chairman Diaz the minutes of the September 11, 2013 Regular Meeting were unanimously approved.

Upon motion by Commissioner Milo and a second by Commissioner Spivey the minutes of the September 16, 2013 Special Meeting were approved.

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

- a. **RESOLUTION 13-47 BUDGET INCREASES:** Ms. Kuenstler recommended approval of two budget increases totaling \$4,412.17. Commissioner Spivey moved to accept Resolution 13-47 Budget Increases. The motion was seconded by Commissioner Milo and carried unanimously following a roll-call vote.
- b. **RESOLUTION 13-48 BUDGET TRANSFERS:** Ms. Kuenstler recommended approval of one budget transfer in the amount of \$4,520.00. Commissioner Spivey moved to accept Resolution 13-48 Budget Transfers. The motion was seconded by Commissioner Milo and carried unanimously following a roll-call vote.
- c. **RESOLUTION 13-49 DESIGNATING POLLING PLACES:** Ms. Kuenstler stated that Resolution 13-49 designates polling locations by consolidating precincts to create Voting Convenience Centers for the 2014 Primary and General Elections and designates Early Voting and Absentee Voting Locations. Commissioner Milo moved to accept Resolution 13-49 Designating Polling Places. The motion was seconded by Commissioner Spivey and carried unanimously following a roll-call vote.
- d. **COUNTY OF LUNA PROCLAMATION -PROCLAIMING OCTOBER 21, 2013 AS PRO BONO DAY:** Ms. Kuenstler explained this proclamation was created for those New Mexicans who greatly need legal assistance but cannot afford to pay for that help. Pro Bono Day will feature recognition events throughout the State of New Mexico honoring lawyers and judges for making a difference in the community. Commissioner Milo moved to approve County of Luna Proclamation-Proclaiming October 21, 2013 as Pro Bono Day. Commissioner Spivey seconded the motion which carried unanimously.
- e. **DISPOSAL OF ASSETS -MOBILE HOME ON 1808 S. LIME STREET:** Ms. Kuenstler stated that this item involves the sale of the real property only (the mobile home) and not the land the mobile home is located on. The sale of the home will be put on the County Internet Auction, and is per the request of Chairman Diaz. Ms. Kuenstler and Billy Ruiz further explained that the home is in a state of disrepair and the County may likely spend more in renovations than the actual value of the home. Commissioner Spivey moved to approve Disposal of Assets- Mobile Home on 1808 S. Lime Street: A 1989 Tiffany High Chaparral 24' x 44' Mobile Home. Commissioner Milo seconded the motion which carried unanimously.
- f. **AUTHORIZE COUNTY MANAGER TO EXECUTE AMENDED LEASE AGREEMENT WITH HELP NM CHILD SERVICES, INC.:** Ms. Kuenstler explained this item authorizes the County Manager to execute an amended lease agreement and is a first step to correct a lease agreement between the County and HELP New Mexico, Inc. The services should have gone out for bid and the lease should have been

first step to correct a lease agreement between the County and HELP New Mexico, Inc. The services should have gone out for bid and the lease should have been approved by the State Board of Finance. This is an attempt to correct the lease by entering into a two or three month agreement for the services. The amendment will allow the County to go through the procurement process for the services, and will also allow the County to present a legally sound lease to the State by January. Commissioner Milo motioned to authorize the County Manager to execute and amended lease agreement with HELP New Mexico Child Services, Inc. Commissioner Spivey seconded the motion which carried unanimously.

- g. LUNA COUNTY DWI RED RIBBON WEEK PROCLAMATION:** Ms. Kuenstler stated that this Proclamation designates October 21-31, 2013 as DWI Red Ribbon Week in Luna County. It encourages citizens to participate in drug prevention activities, not only during the proclamation but all year long. The DWI Program extended the week to 10 days so all schools may have equal access and participation in the program. Commissioner Milo moved to approve Luna County DWI Red Ribbon Week Proclamation. Commissioner Spivey seconded the motion which carried unanimously.

INDIGENT CLAIMS REPORT: Upon motion by 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.

Budget and Procurement Director Joanne Hethcox presented a report on the Indigent Claims and Sole Community Providers. Ms. Hethcox's presentation outlined indigent program facts, the future of the program and possible policy changes due to the Affordable Health Care Act. Ms. Hethcox advised the Board the Indigent Program at this time, does not have the funds to continue to pay claims for other services or for non- sole community provider hospitals.

Ms. Hethcox recommended approval of 36 claims dated October 10, 2013 in the amount of \$93,340.79 and one denial. The monies received for September 2013 totaled \$61,049.98.

Commissioner Spivey moved to approve 36 claims dated October 10, 2013 in the amount of \$93,340.79 and one denial. 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.

CALL FOR REPEAL OF AN ORDINANCE: Ms. Kuenstler explained this item gives the authorization to move forward to repeal Ordinance 85, which is the ordinance that would fund the regional Law Enforcement Complex. Commissioner Spivey motioned to direct the County Manager's office to publish the title and summary of Ordinance Number 85 one time in *The Deming Headlight* at least two weeks prior to the meeting of the Board at which

time at which the ordinance is to be repealed. Commissioner Milo seconded the motion which carried unanimously.

EXECUTIVE SESSION: Commissioner Spivey motioned to enter into Executive Session to discuss limited personnel matters pursuant to 10-15-1 (H)2 NMSA 1978 pertaining to the County Manager's Annual Evaluation and Job Performance. Commissioner Milo seconded the motion which carried unanimously following a roll-call vote. Following the Executive Session, Commissioner Spivey announced that no other matters were discussed but Limited Personnel matters, and motioned to reconvene the meeting. Commissioner Milo seconded the motion. Chairman Diaz announced there were no actions taken on the item.

ANNOUNCE NEXT MEETING: Chairman Diaz announced the next regular meeting will be held on Thursday, November 14, 2013 at 9:00 a.m.

ADJOURN: Chairman Diaz adjourned the meeting at 12:17 p.m.

ATTEST:

LUNA COUNTY BOARD OF COUNTY COMMISSIONERS



ANDREA RODRIGUEZ, CLERK



JOE L. MILO, JR., DISTRICT 1

APPROVED: November 19, 2013



J. JAY SPIVEY, DISTRICT 2



CHAIRMAN R. JAVIER DIAZ, DISTRICT 3

