

**MINUTES  
REGULAR MEETING  
LUNA COUNTY BOARD OF COUNTY COMMISSIONERS**

**Thursday, January 12, 2012**

**BE IT REMEMBERED** that the Luna County Board of County Commissioners met in regular session at 9:00 a.m. on January 12, 2012, 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 members of the Board were present:

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

Also present were the following staff and elected officials: County Manager Kelly Kuentler, Assistant to the County Manager Glory Johnson, Clerk Karen Smyer, Deputy Clerk Berenda McWright, Chief Deputy Clerk Natalie Pacheco, Treasurer Dora Madrid, Chief Deputy Treasurer Gloria Rodriguez, Assessor Delilah Rojo, Chief Deputy Assessor Barbara Cobos, Human Resources Director Daniel Gonzales, Budget & Procurement Director Joanne Hethcox, Planning Technician Benny Ramon, Road Superintendant Marty Miller, Community Health and Welfare Director Rheganne Vaughn, Detention Director Matthew Elwell, Community Program Manager Katherine Smyer, Sheriff Raymond Cobos, Healthy Start Program Administrator Jessica Moreno, Healthy Start Program Educator Olga Neave, Healthy Start Program Educator Ramon Rodriguez, Healthy Start Community Outreach Coordinator Jessica Contreras, Healthy Start Administrative Assistant Zalena Villanueva, Healthy Start Program Educator Gabriela Burke, Healthy Start Program Educator Gloria Palacios, Healthy Start Program Educator Anna Barraza, Healthy Start Program Educator Angela Varnum, Detention Officer Donald Murphy, Detention Sergeant Zoila Sapien, Detention Lieutenant Sammy Griego and Detention Lieutenant Danny Cordova.

**CALL TO ORDER:** Chairman Diaz called the meeting to order at 9:07 a.m.

**ROLL CALL:** The roll call was conducted by Deputy Clerk Berenda McWright and all commissioners were present.

**ELECT CHAIRMAN OF 2012:** Commissioner Milo nominated Commissioner Spivey as Chairman of the Luna County Board of County Commissioners. The nomination was seconded by Commissioner Diaz and was approved unanimously.

**PRESENTATIONS:** A presentation was given by Joe Beginski, Manager of Engineering for the PNM regarding the solar facility that was recently constructed in Luna County.

**SERVICE AWARDS:** Detention Director Matthew Elwell presented an award for five years of service to Detention Officer Donald Murphy, an award for ten years of service to Detention Sergeant Zoila Sapien, an award for ten years of service to Detention Lieutenant Sammy Griego and an award for twenty years of service to Detention Captain Danny Cordova.

Maintenance Technician Erik Bencomo and Certified Dispatcher Lynn Mesa were not present to receive their awards for five years of service.

**ANNOUNCEMENTS:** Community Health and Welfare Director Rheganne Vaughn presented two awards received from the New Mexico Community Health Workers Association to the staff of the Healthy Start Program. One award was a lifetime achievement award for Healthy Start Case Management Supervisor Anna Barraza for over ten years of service and the other award was a model program award for the Luna County Healthy Start Program.

Budget and Procurement Director Joanne Hethcox announced that the Fiscal Audit Report for June 30, 2011 was approved and is available to the public for inspection.

Commissioner Diaz announced that a surgeon was hired at the Mimbres Memorial Hospital.

Chairman Spivey congratulated the Sheriff's Department for a successful rescue of two people that were hunting in the area near Cook's Peak.

**ELECTED OFFICIALS REPORT:** County Clerk Karen Smyer reported that a legislative decision was made which created two house districts in Luna County, Districts 32 and 39. She also reported there are 5,822 Democrat and 3,659 Republican registered voters in Luna County as of today. The Primary Election is only open to registered Democrat and Republican voters. Filing day for candidacy in the Primary Election is March 20, 2012 and there are three county offices up for election, Clerk, Treasurer and District 3 Commissioner.

County Assessor Delilah Rojo reminded the public to apply for exemptions if they are qualified and render their manufactured homes before the last day of February.

Sheriff Cobos praised central dispatch for their assistance in regards to a recent rescue mission.

**COUNTY MANAGER'S REPORT:** Assistant to the County Manager Glory Johnson gave a brief update regarding the Computer Aided Dispatch "CAD" Project which is being paid for by a grant received by the Sheriff's Department from FEMA for upgrading the CAD system. The upgrade will be performed by Motorola and the total cost of the project will be \$134,928.

County Manager Kelly Kuenstler reported the county received a refund from PNM in the amount of \$25,058.10 for an overpayment of gross receipts taxes.

Ms. Kuentler reported that county employees are now required to file financial disclosures regarding outside employment with the Secretary of State's Office.

Ms. Kuentler provided an overview of each of the items of new business on the agenda in order to educate the public before the public comment period.

**CONSIDER MINUTES:** Commissioner Diaz motioned to approve the minutes of the regular meeting held on December 8, 2012. The motion was seconded by Commissioner Milo and was approved unanimously.

**CONSENT AGENDA:**

<b>Payroll Register #</b>	<b>Date of Register</b>	<b>Total of Register in Dollars</b>
20110105	December 2, 2011	\$469,352.02
20110106	December 2, 2011	*\$22,600.06
20110107	December 7, 2011	\$502.55
20110108	December 16, 2011	\$443,172.85
20110109	December 16, 2011	*\$25,432.97
20110110	December 30, 2011	\$442,739.04
20110111	December 30, 2011	*\$20,334.40
*Denotes special payroll reimbursable through grants and/or contractual payments		
<b>Total of Payroll Registers</b>		<b>\$1,424,133.89</b>
<b>Warrant Register Date</b>		<b>Total of Register in Dollars</b>
December 2, 2011		\$304,389.77
December 12, 2011		\$116,084.92
December 15, 2011		\$136,392.86
December 22, 2011		\$261,472.60
December 29, 2011		\$144,938.83
<b>Total of Warrant Registers</b>		<b>\$963,278.98</b>

Commissioner Milo motioned to approve the items of the consent agenda including payroll totaling \$1,424,133.89 and accounts payable totaling \$963,278.98. The motion was seconded by Commissioner Diaz and was approved unanimously.

**PUBLIC COMMENT:** The public was given the opportunity to comment on new business items on the agenda and others areas of concern. Members of the audience offered comment regarding the physical and financial condition of the Starmax Entertainment Center; acoustics in the Commission Chambers; online content of Deming Headlight and desire for more community forums. Additional comments were made regarding items under the new business agenda.

**RESOLUTION 96-37 AS AMENDED MILEAGE AND PER DIEM POLICY:** Commissioner Milo motioned to approve Resolution 96-37 as amended Mileage and Per Diem Policy. The motion was seconded by Commissioner Diaz and was approved unanimously by a roll call vote.

**RESOLUTION 12-01 NOTICE OF MEETINGS:** Commissioner Milo motioned to accept Resolution 12-01 Notice of Meetings. The motion was seconded by Commissioner Diaz and was approved unanimously by a roll call vote.

**RESOLUTION 12-02 TIMELY PAYMENTS:** Commissioner Diaz motioned to approve Resolution 12-02 Timely Payments as amended replacing the word “such” with “a summary of these vouchers”. The motion was seconded by Commissioner Milo and was approved unanimously by a roll call vote.

**RESOLUTION 12-03 NOTICE OF FEES:** Commissioner Milo motioned to approve Resolution 12-03 Notice of Fees. The motion was seconded by Commissioner Diaz and was approved unanimously by a roll call vote.

**RESOLUTION 12-04 DEPOSITORIES, BOARD OF FINANCE, AND MEDIA DESIGNATION:** Commissioner Diaz motioned to accept Resolution 12-04 Depositories, Board of Finance, and Media Designation. The motion was seconded by Commissioner Milo and was approved unanimously by a roll call vote.

**RESOLUTION 12-05 DESIGNATING TREASURER TO REQUIRE COLLATERALIZATION:** Commissioner Milo motioned to accept Resolution 12-05 Designating Treasurer to Require Collateralization. The motion was seconded by Commissioner Diaz and was approved unanimously by a roll call vote.

**RESOLUTION 12-06 LUNA COUNTY SECTION 3 PLAN:** Commissioner Diaz motioned to accept Resolution 12-06 Luna County Section 3 Plan with amendments which included changing the date from “2009-2010” to “2012-2013” and attaching the FY12 Income Limits document. The motion was seconded by Commissioner Milo and was approved unanimously by a roll call vote.

**RESOLUTION 12-07 ADA GRIEVANCE PROCEDURES:** Commissioner Diaz motioned to accept Resolution 12-07 ADA Grievance Procedures. The motion was seconded by Commissioner Milo and was approved unanimously by a roll call vote.

**RESOLUTION 12-08 RESIDENTIAL ANTI-DISPLACEMENT:** Commissioner Diaz motioned to accept Resolution 12-08 Residential Anti-Displacement. The motion was seconded by Commissioner Milo and was approved unanimously by a roll call vote.

**RESOLUTION 12-09 CDBG CITIZEN PARTICIPATION PLAN:** Commissioner Milo motioned to accept Resolution 12-09 CDBG Citizen Participation Plan. The motion was seconded by Commissioner Diaz and was approved unanimously by a roll call vote.

**RESOLUTION 12-10 BUDGET TRANSFERS:** Commissioner Diaz motioned to accept Resolution 12-10 Budget Transfers. The motion was seconded by Commissioner Milo and was approved unanimously by a roll call vote.

**RESOLUTION 12-11 BUDGET INCREASE:** Commissioner Diaz motioned to accept Resolution 12-11 Budget Increase. The motion was seconded by Commissioner Milo and was approved unanimously by a roll call vote.

**RESOLUTION 12-12 APPROVAL TO SUBMIT APPLICATION FOR DWI GRANT:** Commissioner Milo motioned to accept Resolution 12-12 Approval to Submit Application for DWI Grant. The motion was seconded by Commissioner Diaz and was approved unanimously by a roll call vote.

**RESOLUTION 12-13 DECLARING AN EMERGENCY AND DISASTER:** Commissioner Diaz motioned to accept Resolution 12-13 Declaring an Emergency and Disaster. The motion was seconded by Commissioner Milo and was approved unanimously by a roll call vote.

**LETTER OF SUPPORT FOR MEMORANDUM OF UNDERSTANDING BETWEEN DEMING MAINSTREET AND NEW MEXICO ECONOMIC DEVELOPMENT DEPARTMENT:** Commissioner Milo motioned to accept the letter of support for the Memorandum of Understanding between Deming Mainstreet and New Mexico Economic Development Department. The motion was seconded by Commissioner Diaz and was approved unanimously.

**MEMORANDUM OF UNDERSTANDING BETWEEN LUNA COUNTY DWI AND DEPARTMENT OF FINANCE AND ADMINISTRATION:** Commissioner Diaz motioned to accept the Memorandum of Understanding between Luna County DWI and Department of Finance and Administration. The motion was seconded by Commissioner Milo and was approved unanimously.

**STATEMENT OF ASSURANCES LOCAL DWI GRANT AND DISTRIBUTION PROGRAM:** Commissioner Diaz motioned to accept the Statement of Assurances Local DWI Grant and Distribution Program. The motion was seconded by Commissioner Milo and was approved unanimously.

**MUTUAL AID AGREEMENT BETWEEN LUNA COUNTY AND DONA ANA COUNTY FOR FIRE PROTECTION SERVICES:** Commissioner Milo motioned to accept the Mutual Aid Agreement between Luna County and Dona Ana County for Fire Protection Services. The motion was seconded by Commissioner Diaz and was approved unanimously.

**QUIT CLAIM DEED BETWEEN LUNA COUNTY AND DEPARTMENT OF TRANSPORTATION (KEELER ROAD):** Road Superintendant Marty Miller explained the Quit Claim Deed is for the 20 feet of right-of-way needed by the New Mexico Department of Transportation for the expansion of Highway 180. Commissioner Diaz motioned to accept the Quit Claim Deed between Luna County and Department of Transportation for Keeler Farm Road. The motion was seconded by Commissioner Milo and was approved unanimously.

**APPLICATION FOR ADDITION TO THE COUNTY ROAD MAINTENANCE SYSTEM:** Commissioner Diaz motioned to table the application for addition to the county road

maintenance system until the next regular meeting. The motion was seconded by Commissioner Milo and was approved unanimously.

**APPOINTMENT TO THE EMPLOYEE RELATIONS COMMITTEE:** Ms. Kuentler advised that the Elected Officials collectively appointed Berenda McWright to the Employee Relations Committee and the Board of County Commissioners is required to appoint the second appointee which must be a county employee. Commissioner Diaz motioned to appoint Danny Gonzales to the Employee Relations Committee. The motion was seconded by Commissioner Milo and was approved unanimously.

**RESOLUTION 12-14 INDUCEMENT RESOLUTION SUPPORTING NEW MEXICO WINE, INC. INDUSTRIAL REVENUE BOND:** Mark Valenzuela from George K. Baun and Company was present to represent St. Clair Winery regarding their pursuit of private activity bonds which are a special type of Industrial Revenue Bonds that allow private companies to issue tax exempt debt. Brandon Young, CFO of the St. Clair Winery was also present representing New Mexico Wines Inc. which produces wines locally and distributes across the United States. The request for the bonds is for the expansion of the St. Clair's production facility. Commissioner Diaz motioned to accept Resolution 12-14 Inducement Resolution Supporting New Mexico Wine Inc. Industrial Revenue Bond. The motion was seconded by Commissioner Milo and was approved unanimously by a roll call vote.

**LETTER OF SUPPORT FOR ECONOMIC GROWTH IN LUNA COUNTY BY FORT SILL APACHE TRIBE:** Gary Meyers spoke on behalf of the Fort Sill Apache Tribe's proposed Casino Project on their newly recognized thirty acre reservation at Akela in Luna County. Commissioner Diaz recommended changing the letter of support to address the "governor" instead of addressing the letter "To Whom It May Concern". Commissioner Milo motioned to accept the letter of support for economic growth in Luna County by Fort Sill Apache Tribe with the suggested amendment. The motion was seconded by Commissioner Diaz and was approved unanimously.

**CALL FOR FLOOD DAMAGE PREVENTION ORDINANCE:** Mr. Miller explained the ordinance will prevent property owners from diverting water which may cause damage to surrounding property owners and is required by "FEMA" Federal Emergency Management Agency. Commissioner Diaz motioned to direct the County Manager's Office to publish the title and summary of the Flood Damage Prevention Ordinance in the Deming Headlight one time at least two weeks prior to the meeting of the Board at which the ordinance is proposed for passage. The motion was seconded by Commissioner Milo and was passed by a two to one vote with Chairman Spivey voting in the negative.

**ANNOUNCE NEXT REGULARLY SCHEDULED MEETING:** Chairman Spivey announced the next regularly scheduled meeting would be held on February 9, 2012 at 9:00 a.m.

**ADJOURN:** The meeting was adjourned by Chairman Spivey at 11:42 p.m.

**ATTEST:**

**LUNA COUNTY BOARD OF  
COUNTY COMMISSIONERS**

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**Karen Smyer, Luna County Clerk**

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**Joe L. "Oleo" Milo, Jr., District 1**

**Approved:** \_\_\_\_\_

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**J. Jay Spivey, District 2, Chairman**

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**R. Javier Diaz, District 3**

Subject to Approval