

**MINUTES  
REGULAR MEETING  
LUNA COUNTY BOARD OF COUNTY COMMISSIONERS  
Thursday, March 8, 2012**

**BE IT REMEMBERED** that the Luna County Board of County Commissioners met in regular session at 9:00 a.m. on Thursday, March 8, 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:

Chairman J. Jay Spivey, District 2  
Commissioner R. Javier Diaz, District 3

Commissioner Joe L. Milo, Jr., District 1 was absent.

Also present were the following staff and elected officials:

Kelly Kuentler, County Manager	Glory Johnson, County Manager's Office
Karen Smyer, County Clerk	Rheganne Vaughn, County Manager's Office
Natalie Pacheco, Chief Deputy Clerk	Danny Gonzales, County Manager's Office
Dora Madrid, Treasurer	Joanne Hethcox, County Manager's Office
Gloria Rodriguez, Chief Deputy Treasurer	Billy Ruiz, County Manager's Office
Delilah Rojo, Assessor	Katherine L. Smyer, DWI Program
Barbara Cobos, Chief Deputy Assessor	Raymond Cobos, Sheriff
Marty Miller, Road Superintendent	Mark Jasso, County Manager's Office
Luis Malina, Sheriff's Office	Olin Lynch, Sheriff's Office
John Mooradian, Sheriff's Office	Estella Ortiz, Sheriff's Office
Marty Miller, Road Department	Francisco Duran, Luna County Road Department
Rosendo Solis, Road Department	Les Williams, Luna County Road Department
Matthew Elwell, Detention Center	

**CALL TO ORDER:** Chairman Spivey called the meeting to order at 9:00 a.m. and led the Pledge of Allegiance and the salute to the flag of the State of New Mexico.

**ROLL CALL:** County Clerk Karen Smyer called roll. Commissioners Spivey and Diaz were present; Commissioner Milo was absent. Chairman Spivey called for a moment of silence in remembrance of the passing of Javier Milo.

**PRESENTATIONS: Barbara Borden, Executive Director of Deming Luna County Senior Center:** Ms. Borden gave a Powerpoint presentation which included historical information about the center which opened in 1977 and is a 501(C) (3) charitable organization. She stated that a group of ladies began delivering home cooked meals to individuals in need prior to the opening of the center. Ms. Borden reported the service area of the center covers 2965 square miles. Homemaker services encompass areas up to thirty miles from the center. Services are provided to the Village of Columbus one day a week. Ms. Borden stated 800 meals are delivered per month and up to 165 congregate meals are served at the center daily. Among the services offered by the center are transportation via wheelchair accessible van, homemaker services, adult day care, informational seminars and a multitude of activities. Ms. Borden reported a large sum of money was received from the Beckett estate which enabled the center to open an exercise facility. Ms. Borden stated the center may not charge for services, however they do accept

donations. She acknowledged the City of Deming as well as the County of Luna for supporting the center throughout the years.

**SERVICE AWARDS:** Service awards were presented by Road Superintendent Marty Miller to Rosendo Solis and Francisco Duran of the Road Department for their five and ten years of service respectively. Sheriff Cobos presented service awards to Olin Lynch, Manny Armendariz and Luis Malina for five years of service and to Estella Ortiz for twenty years of service.

**ANNOUNCEMENTS:** Chairman Spivey announced the annual Cabalgata will be held in Columbus and invited and encouraged everyone to support the event.

**ELECTED OFFICIALS REPORT:** County Clerk Karen Smyer informed the board and the members of the community that Primary Election early voting will take place at the Mimbres Valley Learning Center Tuesdays through Fridays beginning May 19 from 11:00 a.m. to 7:00 p.m. and on Saturdays from 9:00 a.m. to 5:00 p.m. She reported the Learning Center will be closed for voting on Sundays and Mondays. Early voting in the county clerk's office will begin 28 days prior to the election during regular hours and days of business. Filing of declarations of candidacy for multi county district offices will be on March 20 in the Office of the Secretary of State. Declarations of candidacy for local offices will be filed on March 20 in the county clerk's office between 9:00 a.m. and 5:00 p.m. Ms. Smyer also reported that the lawsuit regarding redistricting of the state house of representatives has been resolved with State House District 32 being comprised of most of Hidalgo County, one precinct in Grant County and all of Luna County.

County Assessor Delilah Rojo reported 61,000 Notices of Value are being prepared for mailing by April 1 and she urged residential property owners to read the insert included with the notice advising of the various exemptions for which they may be eligible and of deadlines. Ms. Rojo urged all property owners with questions to come to the assessor's office where one of six appraisers will provide assistance.

Treasurer Dora Madrid reported 62.5% of property taxes have been collected and second half payments will be due by May 10.

Sheriff Cobos reminded the public to exercise caution while driving during the windy season. He advised that the sheriff's department assists the New Mexico Department of Transportation in road closures but his department does not have authority to shut down highways.

**COUNTY MANAGER'S REPORT:** County Manager Kelly Kuentler thanked Barbara Borden for educating everyone on the services of the Senior Citizen's Center. Ms. Kuentler recognized Jessica Johnson, the Chamber of Commerce and the Deming Arts Council for the successful centennial event and acknowledged Chairman Spivey's participation in the silver spike ceremony. She announced a work session will be held at the Columbus Community Center on April 17 at 5:00 p.m. Ms. Kuentler also acknowledged the members of the committee working on revision of the personnel policy. Training on governance will be provided to the commissioners on April 10 and various mandatory training sessions for all county personnel will be held in April. The selection process is underway for a new chief of Sunshine Volunteer Fire Department since Rod Byrne has resigned.

Ms. Kuentler reported that House Bill 91 passed and has been signed and will provide funds for improvements to the detention center, a new roof and flooring in the domestic violence shelter and for a build-out for the sheriff's substation in Columbus. She said the bill also provided funding for the City of Deming for improvements to the wastewater treatment plant and she thanked Senator John Arthur Smith and Representative Dona Irwin for their support of the bill.

Ms. Kuenstler reported that on February 17 the State Board of Finance approved a six million dollar private activity bond for New Mexico Wines. The bond will assist St. Clair Winery to increase shipment of its products outside the state. St. Clair's five-year goal is to ship 700,000 annually, up from 130,000 currently. Ms. Kuenstler said this is a significant achievement in that it will bring more money into Luna County and New Mexico.

"AED's" will be placed in the commission chambers and at Starmax and Ms. Kuenstler thanked the City of Deming Fire Department and specifically Jesse Magana for providing CPR training.

Ms. Kuenstler acknowledged the sheriff, the emergency management office and the road department for assisting with the road closure yesterday afternoon on State Road 11, U.S. 180 and parts of I-10 due to high winds.

Congratulations were extended to newly elected officials in the Village of Columbus (Martha Skinner and Jeane Canfield) and City of Deming (Linda Enis, Butter Milo and Frank Van Gundy).

Ms. Kuenstler announced the closing of the Columbus cattle crossing and urged everyone to express concern to our legislative delegation. She said she has met with the New Mexico Border Authority and Senators Udall and Bingaman have written letters of support. The county will continue fighting vigorously to have it reopened. She said the original reason for the shut-down was security alerts in the State of Chihuahua. Commissioner Diaz said the Village of Columbus used to receive a portion of the money from the cattle crossing and it had been his intention to reinstate funding to the Village prior to the closure. He said he was looking into exporting horses which would increase profitability of the crossing. Chairman Spivey said he will continue to work diligently to reopen the port. He said the shut-down has cost seventeen jobs on both sides of the border and will affect profitability of area gas stations and stores.

**PUBLIC COMMENT:** Chairman Spivey opened the floor to public comment regarding items on the New Business Agenda. Ann Shine-Ring and Fred Tiedge commended the county for posting the agenda packet on the county website allowing citizens to become better informed and prepared to discuss the issues. In response to a question from Jeane Canfield, newly elected Columbus Trustee, Chairman Spivey stated the closing of the cattle crossing will not prevent the Cabalgata event from going on as planned. Chairman Spivey inquired of Fred Tiedge whether the PNM solar field on Highway 11 had increased the dust during the recent windstorm. Mr. Tiedge stated it had not been any worse in that area than others.

Nicole Lawson, Village of Columbus Mayor, volunteer firefighter and EMT, appeared before the Board to discuss the multi-services agreement for emergency services in the village. She provided information regarding licensure for emergency services and commented whether or not the county contributes to their operational costs, the village continues to be responsible for providing service in all the areas covered by their licensure. Mayor Lawson advised the Board that without the financial resources, and without an agreement in place, the departments cannot legally respond to calls outside the municipality. She encouraged the Board not to do anything immediately that would nullify the existing contract. Ken Riley, Columbus Fire Chief and EMS Coordinator, advised the Board of the financial hardship facing the village fire department and EMS services due to a large sum of money having been misappropriated or is otherwise missing. Mr. Riley stated the fire chief's salary has been reduced in an effort to fix the situation and the number of EMT's has been reduced which may result in the village having to rely on Elite ambulance service and Deming Fire Department. Chairman Spivey stated that everyone must work together to resolve problems and avoid cutting services.

Russ Howell posed questions regarding Ordinance 81 and inquired as to availability of flood plain maps. Gabriel Boyle, Planning Director, responded to questions and advised there are two flood plain zones within the county. Mr. Boyle advised that Benny Ramon (Planning Technician in the Planning Department)

is a certified flood plain manager for Luna County. He further stated flood plain maps are available in the Planning Department.

**BREAK:** Chairman Spivey called for a break at 11:15 a.m. and reconvened the meeting shortly thereafter.

**CONSIDER MINUTES: Regular Meeting – Thursday, February 9, 2012:** Commissioner Diaz moved to approve the minutes of the Regular Meeting of February 9, 2012. Chairman Spivey seconded the motion and the motion carried.

**CONSENT AGENDA:**

- a. Payroll - \$915,399.60.
- b. Accounts Payable - \$589,912.57.

Upon motion of Commissioner Diaz, seconded by Chairman Spivey, payroll registers in the amount of \$915,399.60 and accounts payable registers in the amount of \$589,912.57 were approved provided all procedures and policies have been followed.

**NEW BUSINESS:**

- i. **Amendment of Resolution No. 11-36 – Luna County and Village of Columbus Multi-Service Agreement:** (This item was moved to the top of the New Business agenda at the request of the county manager.) Manager Kuentler advised the Board she and City Administrator Rick McInturff met with Fire Chief Ken Riley and his secretary. During the meeting it became clear there is no operational plan beyond the next four months. She said Mr. Riley indicated they may rely on either a bail out from DFA in the form of a loan for the village to pay back all the missing money or that they would rely on grants. Ms. Kuentler said the two departments have lost grants amounting to \$100,000. She said they anticipated revenue to be between \$50,000 and \$75,000 for next year. Ms. Kuentler stated she became concerned when it became evident that expenses far exceed revenue. She said it was not her intention to reduce the amount of the appropriation from \$95,000. She advocated amending the current year's agreement to the extent that that the fire and ambulance departments not be able to pay on a per-run basis for the remainder of this fiscal year and to consider making the same provisions applicable in next year's agreement as well. The Amended Resolution also calls for the Village to submit Fire Department and EMS "run reports" to the county by the 15<sup>th</sup> of each month. Commissioner Diaz asked Mayor Lawson whether the majority of calls were inside or outside the village. Mayor Lawson replied the majority of the fire calls are out in the county and the majority of the EMS calls are within the village. Mayor Lawson stated the firefighters are strictly volunteers apart from the fire chief who is contracted. Mayor Lawson said the majority of county money is used for fire response within the county's district. Mayor Lawson stated the village has enough funds to operate on until the end of the fiscal year because they have received Small City's Assistance funds, however, they may not have enough money to operate EMS. Mayor Lawson stated in order to maintain its incorporation as a village they must supply all essential services. Ms. Kuentler pointed out that both the mayor and the fire chief have said they will not be able to sustain themselves past the end of this fiscal year. City of Deming Administrator Rick McInturff stated it is paramount that Columbus fire and EMT services survive. He believed it would be prudent for the village to prepare a budget in order to use it as a planning tool. Mr. McInturff supported the amendment to the multi-services agreement. Discussion ensued regarding the cost effectiveness of paying for services per run as well as discussion regarding the financial impact to the local hospital for transporting patients who do not pay for services.

Mayor Lawson believed paying per run was more affordable than paying salaries and also that cutting payment to workers will not correct the problem of the overwhelming number of runs made where patients do not pay. Commissioner Diaz moved to approve the Amendment of Resolution No. 11-36 for Multi-Services with the Village of Columbus. Chairman Spivey seconded the motion which unanimously carried following a roll call vote.

- a. **Resolution 12-18 Budget Increase:** Commissioner Diaz moved to approve budget increases documented in Resolution 12-18. Chairman Spivey seconded the motion which carried following a roll call vote.
- b. **Resolution 12-19 Budget Transfers:** Commissioner Diaz moved to approve the budget transfers documented in Resolution 12-19. Chairman Spivey seconded the motion which carried following a roll call vote.
- c. **Resolution 12-20 - Establishing the Luna County Road Department Policy for Sign Maintenance:** Ms. Kuentler advised the Board this policy is required by the federal highway administration for implementation, maintenance and upgrades for signage to sustain minimum retro-reflectivity standards. Road Superintendent Marty Miller stated the department has already upgraded to high intensity on all new projects. Upon motion of Commissioner Diaz, seconded by Chairman Spivey, Resolution 12-20 was adopted following a roll call vote.
- d. **Resolution 12-21 - Statement of Ethics:** Ms. Kuentler presented a Statement of Ethics which she said has been amended. She said the statement emphasizes ethics and high standards, allows exchange of ideas with input from citizens and insures that county government is conducted openly. Commissioner Diaz asked that the document be reintroduced when Commissioner Milo is present. Upon motion of Commissioner Diaz, seconded by Chairman Spivey, Resolution 12-21 was tabled.
- e. **Appoint Members to Natural Resource Planning Commission (Public Lands Advisory Committee):** Commissioner Diaz moved to appoint Joe Bill Nunn, Totsie Slover, Dianne Cook, Montie Speir, Tom Roy Perez, Russell Baker, Russ Howell, Henry Parra and Kevin Speer to the Natural Resource Planning Commission (Public Lands Advisory Committee). Chairman Spivey seconded the motion and the motion carried.
- f. **Appoint Members to Comprehensive Plan Steering Committee:** Commissioner Diaz moved to appoint Ricardo Molina, Joel Chinkes, Dudley Counce, Matthew McReynolds, Merlin Noremberg, Nancy Sherman, Dave Petersen, Ann Shine-Ring, Rick Holdridge, Andrea Williams, Robert Pastran, Karl "Danny" King, Bill Duncan and Fred Tiedge to the Comprehensive Plan Steering Committee. Chairman Spivey seconded the motion and the motion carried.
- g. **2012 Annual Certified County Maintained Mileage Report:** Ms. Kuentler advised the Board that the number of miles of maintained roads in Luna County must be reported annually to the Department of Transportation and stated the number of miles maintained as of April 1, 2012 is 1,886.44. Commissioner Diaz moved to approve the certification of 1,886.44 miles. Chairman Spivey seconded the motion and the motion carried.
- h. **Proposal from Ballet Folklorico Korimi:** Ms. Kuentler advised the Board that Ballet Folklorico Korimi has requested the sum of \$17,000 for performances by the group. She believed the state's anti-donation clause would prevent the county from contributing to the group. Ms. Kuentler advised them to seek funding from the Keep Luna County Beautiful grant program in which the group may sign up for assistance with trash pick-up projects and earn

money. She also advised the group to see about tapping into the after school programs as a resource for funds. Upon motion of Commissioner Diaz, seconded by Chairman Spivey, funding for Ballet Folklorico Korimi was denied.

- i. **Resolution 11-36 – Village of Columbus Multi-Services Agreement:** (see above)
- j. **Luna County Organizational Chart:** Ms. Kuentler presented a new organizational chart under which Glory Johnson, Assistant to the County Manager and Special Programs Supervisor, receives responsibility for supervising special programs, working with the contractor on the webpage, Information Technology and the DWI Program. Marlene Lerma (Receptionist and Grants Assistant) will be under the supervision of Glory Johnson. Ms. Lerma will be doing grant filing and administrative items and assisting with community health and welfare duties. Planning and Community Development will encompass planning and economic development as well as the Keep Luna County Beautiful program. Ms Kuentler advised that the Planning Department will be relocated to the courthouse to enable coordination of efforts. Billy Ruiz has been appointed Facilities and Special Projects Director and will handle facilities and grounds maintenance, and building permits. Joanne Hethcox, Budget Analyst, will be handling indigent claims. Community Health and Welfare Director Rheganne Vaughn will no longer supervise the DWI program or Keep Luna County Beautiful. Ms. Vaughn's position will become a grants clearinghouse so she can coordinate grant applications based on need. Emergency Services is under Mark Jasso and includes dispatch, risk management, volunteer fire departments and emergency management. Commissioner Diaz stated the county is becoming more effective and efficient and moved to approve the Luna County Organizational Chart. Chairman Spivey seconded the motion and the new chart was adopted.
- k. **Luna County Safety Program:** Ms. Kuentler presented a safety program manual revised by Mark Jasso. Upon approval it will be sent digitally to all county employees so they can acknowledge receipt of and review the manual. Commissioner Diaz moved to approve the revised Luna County Safety Program manual. Chairman Spivey seconded the motion and the motion carried.
- l. **Request to Revisit the Luna County Planning Commission per Ordinance 29:** Ms. Kuentler stated Phillip Butz previously requested that the Planning Commission be reestablished pursuant to Ordinance 29. Ms. Kuentler suggested that the reestablishment of the committee may create duplication of efforts of the newly appointed Comprehensive Plan Committee. She said one option would be to repeal Ordinance 29. She recommended awaiting a recommendation from the Comprehensive Planning Committee. Mr. Butz believed the Planning Commission would be a valuable resource and tool to the commission and manager and to the citizens of Luna County. Planning Director Gabe Boyle advocated getting the comprehensive plan done and awaiting recommendations of the Comprehensive Plan Committee. Commissioner Diaz moved to wait for the completion of the Comprehensive Plan and then to allow the Comprehensive Plan Committee to establish the planning committee if they deem it appropriate. Chairman Spivey seconded the motion and the motion carried.

**INDIGENT CLAIMS:** Upon motion of Commissioner Diaz, seconded by Chairman Spivey, the regular meeting of the Luna County Board of County Commissioners was recessed and the Indigent Hospital Claims Board convened. Joanne Hethcox recommended approval of 15 claims dated March 8, 2012 in the amount of \$48,952.22. Ms. Hethcox reported there were no denials and further reported monies received in January and February total \$146,334.84. She reported the balance as of February 29, 2012 is \$209,839.57. Commissioner Diaz moved to approve the claims in the amount of \$48,952.22. Chairman Spivey seconded the motion. Upon motion of Commissioner Diaz, seconded by Chairman Spivey, the Indigent Hospital

Claims Board was recessed and the regular meeting of the Luna County Board of County Commissioners reconvened.

**ANNOUNCE NEXT MEETING:** April 12, 2012, at 9:00 a.m.

**ADJOURN:** There being no further business before the Board, Chairman Spivey adjourned the meeting at 11:31 a.m.

**ATTEST:**

**LUNA COUNTY BOARD OF  
COUNTY COMMISSIONERS**

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**KAREN SMYER, LUNA COUNTY CLERK**

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**JOE L. MILO, JR., DISTRICT 1**

**APPROVED:** \_\_\_\_\_

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**CHAIRMAN J. JAY SPIVEY, DISTRICT 2**

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**R. JAVIER DIAZ, DISTRICT 3**

Subject to Approval