

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

Thursday, June 14, 2012

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 9:00 a.m. on Thursday, June 14, 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 staff and elected officials were present:

Kelly Kuenstler, County Manager	Marty Miller, Road Department
Glory Johnson, Executive Assistant	Matthew Elwell, Luna County Detention Center
Karen Smyer, Clerk	Joanne Hethcox, Budget & Procurement Director
Natalie Pacheco, Chief Deputy Clerk	Danny Gonzales, Luna County Business Office
JoAnna Z. Zurinsky, Deputy Clerk	Dora Madrid, Treasurer
Maria Rudloff, Deputy Clerk	Gloria Rodriguez, Chief Deputy Treasurer
Gabe Boyle, Planning Department	Mark Jasso, Safety Director
Sheriff Raymond Cobos	

CALL TO ORDER: Chairman Spivey called the meeting to order at 9:12 a.m. and Elizabeth Burr 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 County Clerk Karen Smyer. The following commissioners constituting a quorum were present:

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

Chairman Spivey opened with a moment of silence for the passing of county employee Raymundo Esquivias. Chairman Spivey announced the re-opening of the Columbus Stockyard on June 4th. 1,491 head of cattle have crossed since the reopening, and he thanked all involved.

SERVICE AWARDS: Yolanda Edwards (Luna County Detention Center, 20 years) was absent. Matt Elwell will present her service award during the July regular meeting. Clerk Karen Smyer presented Maria Rudloff (Luna County Clerk's Office, 20 years) with a Luna County 20 year award pin and thanked her for her dedication to the county.

PUBLIC HEARING: Chairman Spivey opened a Public Hearing for Ordinance Number 82 Establishing a Five Percent Luna County Procurement Preference. Chairman Spivey closed the hearing after no testimonies were forthcoming.

PRESENTATIONS:

- a. John Strand presented an update on the Sun Zia project. Highlighted in the presentation were the draft Environmental Impact statement, routing plans, changes and assumptions, explanations of alternative routes, wind and solar energy maps, study areas, milestones, the BLM's timeline and schedule, and economic impacts. Close of public review is August 22. There is a BLM public hearing for Luna County/ Deming residents on July 9.
- b. Comprehensive Plan Steering Committee Chairman Matt Reynolds outlined working goals and vision statement of the committee. A progress report is required every 5 years. October is the deadline to submit the plan to the State.
- c. Natural Resources Committee Chairman Russell Baker was recognized by Chairman Spivey and was asked to give an update on the committee's activities. Mr. Baker asked Russ Howell, committee member, to present the committee's concerns to the Board. Ms. Howell addressed concerns for keeping the county beautiful and a preservation of the Nutt Grasslands as it relates to the Sun Zia project and asked that a transmission corridor be established. They have had 3 meetings.
- d. Traci Burnsed, Southwest Regional Planning Organization Transportation Planner presented an update on the Infrastructure Capital Improvement Plan and discussed recommendations for funding on behalf of the Southwest Regional Planning Organization Project. She went through the transportation planning process and determining factors to improve roads.

ANNOUNCEMENTS: Chairman Spivey applauded the Primary Election results and commended the candidates.

ELECTED OFFICIALS REPORT: Clerk Karen Smyer announced filing day for minor party and independent candidates and write-in candidates for the General Election is June 26. Treasurer Dora Madrid announced the Treasurer's Office sent out delinquent notices and reported as of the end of May that 90% of property taxes had been collected. Sheriff Cobos reported the Sheriff's Office is in the process of upgrading court security equipment and is also conducting an assessment of existing equipment.

COUNTY MANAGER'S REPORT: County Manager Kelly Kuenstler thanked Sheriff Cobos for an excellent job on revamping the court security equipment. Ms. Kuenstler commended the Treasurer's Office for the deposit of 1.8 million dollars in PILT funds, which is more than last year.

Ms. Kuenstler reported that Healthy Start did not receive funding due to cost benefit for each client. They are now working on a transition plan with Ben Archer and the hospital. The county was awarded \$179,000 to aid in transition and is currently urging Senators and Representative Pearce to appeal the declination of the grant.

Ms. Kuenstler reported the IT department is in the process of moving from the basement to the old jail.

She reported Commissioner Diaz held a public forum on May 31 and has requested more lighting in the Columbus Highway 11 and North Boundary. His request is currently being considered by the State Highway Department.

Ms. Kuenstler stated Luna County received a letter from the US Department of the Interior notifying the county there is a 60-day comment period that is available for the Fort Sill Apache gaming facility. The Office of Gaming Management determined that no further restrictions exist on the property and the Bureau of Indian Affairs is prepared to initiate the consultation process required for the facility to proceed. The comment period ends July 15.

Ms. Kuenstler stated Secretary of Economic Development John Barrella announced in mid-May that \$200,000 in equity and debt funding was provided to Preferred Produce. The capital investment will go towards greenhouse expansion, and will add 5 new jobs.

Ms. Kuenstler congratulated the Keep Luna County Beautiful program for efforts on the "Paint the Town" project. The program was featured in the Deming Horizon magazine.

Ms. Kuenstler reported the Starmax digital upgrade equipment price has dropped to \$352,000. The entire conversion will now run between \$368,000 and \$372,000, which is below the original projected price.

PUBLIC COMMENT: Ann Shine-Ring went before the board to discuss the Fort Sill Apache gaming facility. She was concerned with water consumption issues, invasive plants and weeds being introduced to the area during development and she added the Environmental Impact Statement had not been produced.

Joe Moreland stated he thinks the casino project is an asset. Mr. Moreland asked the board to do something about improving sound quality during commission meetings.

Fred Williams agreed the sound system needs improvement. He questioned John Strand about competition between South Line and Sun Zia and transmission lines. Mr. Strand stated Sun Zia does not view South Line as competition.

Steve Westenhofer of Mimbres Memorial Hospital shared information that outlined funding levels and uncompensated care compared to Sole Community Provider payments.

Dave Petersen expressed his concerns regarding the casino project relating to emergency services and what is promised to the county in the way of benefits. He also stated he was worried about the impact of the casino on the water supply.

Joe Bill Nunn commented on the Sun Zia transmission line and that renewable energy has lost its popularity because funding sources have evaporated. He stated the land needs to be protected for aesthetic as well as economic reasons. Chairman Spivey suggested to Mr. Nunn that he should attend the scoping meetings.

Russell Baker requested that the Natural Resource Committee to look into establishing a transmission line corridor.

Fred Williams voiced concern regarding DWI Grant agreements and what can be done to provide DWI offenders with substance abuse treatment.

CONSIDERATION OF MINUTES: Commissioner Milo moved approval of the minutes of the May 10, 2012 Regular Meeting. Commissioner Diaz seconded the motion which carried unanimously. Commissioner Milo moved approval of the minutes of the May 17, 2012 Special Meeting. Commissioner Diaz seconded the motion which carried unanimously.

CONSENT AGENDA: Commissioner Diaz motioned to approve the items of the consent agenda consisting of payroll registers totaling \$914,577.57 and accounts payable totaling \$414,496.75. The motion was seconded by Commissioner Milo which carried unanimously.

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

- a. **RESOLUTION 12-32 PROPOSED INTER/INTRA FUND BUDGET INCREASES:** Budget increases totaling \$74,320.59 were proposed. Commissioner Diaz motioned to accept Resolution 12-32 Budget Increases. The motion was seconded by Commissioner Milo and was approved unanimously following a roll-call vote.
- b. **RESOLUTION 12-33 PROPOSED INTRA DEPARTMENT TRANSFERS:** Eleven transfers in the amount of \$97,470.23 were proposed. Commissioner Diaz motioned to accept Resolution 12-33 Budget Transfers. The motion was seconded by Commissioner Milo and was approved unanimously following a roll-call vote.
- c. **CITY OF DEMING AND LUNA COUNTY MULTI-SERVICES AGREEMENT 2012-2013:** County Manager Keunstler went over changes in the agreement. There was considerable discussion involving the Solid Waste Management provision. Discussion points included were removal of prohibited items, the tonnage estimate and what will happen if the county should go over the estimate. The county will no longer pay a per-ton price, but rather a flat rate. Commissioner Diaz asked for a quarterly weight statement. Ms. Keunstler suggested elimination of the tonnage sentence, and removal of "the prohibited items from the stream" provision. She suggested approval based on the removal of the language in question. The Deming Fire Department will be the first responder on emergencies since volunteer fire

department personnel may not always be available. Commissioner Diaz motioned to accept an amended Multi-Services Agreement with the elimination of references to tonnage limitations and removal of prohibited items from the stream of solid waste. Commissioner Milo seconded the motion which carried unanimously.

- d. **WORK AND FINANCIAL PLAN BETWEEN LUNA COUNTY AND UNITED STATES DEPARTMENT OF AGRICULTURE (APHIS-WS):** Known as the Predator Control Program or Integrated Wildlife Damage Management (IWDM), the county will pay a portion of the cost for the program which aids to protect residents, property, livestock, crops, and natural resources from damage caused by predators and other nuisance wildlife. Upon motion of Commissioner Diaz and seconded by Commissioner Milo, the work and financial plan between Luna County and the United States Department of Agriculture was unanimously approved.
- e. **DWI GRANT AGREEMENT NUMBER 12-D-J-G-17 AMENDMENT #2:** An amendment encompassing a budget change for the DWI grant agreement consisting of an unchanged grant amount, but with budget revisions. Commissioner Milo motioned to accept the DWI Grant Agreement Number 12-D-J-G-17 Amendment #2. Commissioner Diaz seconded the motion which carried unanimously.
- f. **DWI GRANT AGREEMENT NUMBER 13-D-J-G-17:** County Manager Kelly Kuenstler explained that this was a new grant in the amount of \$80,000, and requires a match in the amount of \$18,263.53. Grant components are prevention, a county-wide DWI screening program, and outpatient treatment. Commissioner Milo motioned to accept the DWI Grant Agreement Number 13-D-J-G-17. Commissioner Diaz seconded the motion which carried unanimously.
- g. **PROCLAMATION DECLARING EXTREME OR SEVERE DROUGHT CONDITIONS WITHIN THE UNINCORPORATED PORTIONS OF LUNA COUNTY RESTRICTING THE SALE AND USE OF FIREWORKS WITHIN PORTIONS OF LUNA COUNTY:** Chairman Spivey opened a public hearing to testimony. Dave Petersen testified there should be no fireworks, as the county is in its fourth year of drought. Fred Williams voiced concerns about enforceability of the proclamation. City of Deming Fire Chief Edgar Davalos expressed his opinion that adoption of the proclamation will make City Ordinance 10-60 prohibiting the sale of fireworks within the city limits easier to enforce. Luna County Emergency Services Director Mark Jasso stated the Volunteer Fire Departments are in full support of the proclamation. Chairman Spivey closed the floor after no other citizens came forward with testimony. County Manager Kelly Kuenstler suggested the possibility of rescission if the weather improves prior to the 4th of July. Commissioner Milo motioned to accept the Proclamation Declaring Extreme or Severe Drought Conditions within the Unincorporated Portions of Luna County Restricting the Sale and Use of Fireworks within Portions of Luna County. Commissioner Diaz seconded the motion, which carried unanimously.

- h. BOARD OF COMMISSIONERS PROVIDE ASSURANCE THAT LUNA COUNTY WILL RE-ESTABLISH SOLE COMMUNITY PROVIDER AGREEMENTS WITH GILA REGIONAL MEDICAL CENTER AND MEMORIAL MEDICAL CENTER TO ASSIST LUNA COUNTY'S INDIGENT PATIENTS:** County Manager Kelly Keunstler recommended committing \$5,000 in Sole Community Provider funds to each hospital for next year and asked for authorization to write a letter stating the commitment. Ms. Kuenstler commented that one single non-SCP claim could cost more than the commitment amount. Commissioner Diaz motioned to authorize County Manager Kuenstler to inform each hospital of a \$5,000 commitment. Commissioner Milo seconded the motion which carried unanimously.
- i. APPOINT JOANNE HETHCOX AS THE 2nd ALTERNATE TO REGIONAL TRANSIT DISTRICT BOARD:** The formal appointment will allow Joanne Hethcox voting rights in the meetings. Ms. Hethcox already attends the meetings and was commended by County Manager Kelly Kuenstler for representing Luna County very well. Commissioner Diaz motioned to nominate Joanne Hethcox as the 2nd Alternate to Regional Transit District Board. Commissioner Milo seconded the motion which carried unanimously.
- j. AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT BETWEEN LUNA COUNTY DETENTION CENTER AND PRESBYTERIAN MEDICAL SERVICES:** The amendment will allow Presbyterian Medical Services to provide behavioral health services to inmates as required by the U.S. Marshals Office. County Manager Kelly Kuenstler asked for approval of the amendment based on the provisions of Resolution 10-45. The services will start with a projected target date of July 1. Commissioner Diaz motioned to accept the Amendment to Professional Services Agreement between Luna County Detention Center and Presbyterian Medical Services. Commissioner Milo seconded the motion which carried unanimously.
- k. AGREEMENT TO FACILITATE VIDEO ARRAIGNMENT BETWEEN LUNA COUNTY DETENTION CENTER AND THE ADMINISTRATIVE OFFICE OF THE COURTS:** The agreement allows the facilitation of video arraignment of Luna County Detention Center inmates. The video arraignment saves transportation costs of the inmates to the courts for the Sheriff's Office. This item is for informational purposes only. The agreement is already in place and budgeted for.
- l. APPOINTMENT TO THE LIBRARY BOARD:** County Manager Kelly Kuenstler asked the Board to consider renewing Claudia Jeffrey's appointment on the Library Board in anticipation of a city ordinance that will change Library Board from the city to the county. There is a vacancy on the board, and letters of interest were received by Pat Sherman and Debra French. Chairman Spivey suggested appointment of one applicant, and the 2nd applicant be nominated as an alternative. Commissioner Diaz motioned to renew Claudia Jeffrey's appointment, and appoint

Pat Sherman to the board, and Debra French as an alternate. Commissioner Milo seconded the motion which carried unanimously.

- m. APPOINTMENTS TO THE HEALING HOUSE ADVISORY BOARD:** Ms. Kuenstler advised that an advisory board will aid in transitioning the Healing House into a non-profit organization. There were eight applicants: Nancy Sherman, Olivia Paez, Dr. Francine Jacobs, Joy Mullins, Claudia Pena, Elizabeth Burr, Joanne Miller, and Dorian Dodson. Commissioner Diaz nominated Dave Petersen to the board to bring the total members appointments to nine. Commissioner Milo moved to approve the appointments to the Healing House advisory board. The motion was seconded by Commissioner Diaz and carried unanimously.
- n. APPOINTMENT TO THE DEMING LUNA COUNTY COMMISSION ON AGING:** Upon recommendations of the Chairman of the Board of Directors of the Deming Luna County Commission on Aging as well as its Executive Director, County Manager Kelly Kuenstler recommended the reappointment of Barbara Reedy to a second three-year term. Commissioner Milo moved to appoint Barbara Reedy to a second three-year term on the Deming Luna County Commission on Aging. Commissioner Diaz seconded the motion which carried unanimously.
- o. LETTER OF SUPPORT FOR A CHARTER SCHOOL IN THE VILLAGE OF COLUMBUS:** Philip Skinner asked the board for a letter of support for a charter school in the Village of Columbus. He said the school would provide educational opportunities such as a dual language program. County Manager Kelly Kuenstler advised the board the Deming School Superintendent does not support the Charter School citing redirection of funds from the Deming Public School System on the State and Federal level. Commissioner Diaz motioned to table the Letter of Support pending more information. Commissioner Milo seconded the motion and the item was unanimously tabled.

CONSIDERATION OF ORDINANCE NUMBER 82 ESTABLISHING A FIVE PERCENT LUNA COUNTY PROCUREMENT PREFERENCE: Ordinance Number 82 establishes a five-percent preference to Luna County businesses. A preference certificate will be issued to registered businesses in the county which have been in business for at least one year. Commissioner Milo motioned to approve Ordinance Number 82 Establishing a Five Percent Luna County Procurement Preference. Commissioner Diaz seconded the motion which carried unanimously.

INDIGENT CLAIMS REPORT: Upon motion of Commissioner Diaz, seconded by Commissioner Milo the meeting of the Board of County Commissioners was unanimously recessed and the meeting of the Indigent Hospital Claims Board convened. Joanne Hethcox recommended approval of 14 claims in the amount of \$26,529.02 and one denial in the amount of \$418.04. Commissioner Diaz moved to approve 14 claims in the amount of \$26,529.02 and one denial in the amount of \$418.04 dated June 14, 2012. Commissioner Milo seconded the motion which was approved unanimously. Commissioner Diaz

motioned for recess as Claims Board and to reconvene as the Board of County Commissioners. Commissioner Milo seconded the motion which was approved unanimously.

ANNOUNCE NEXT MEETING: Chairman Spivey announced the next regularly scheduled meeting will be held on **Tuesday**, July 10, 2012 at 9:00 a.m. *Please note this meeting takes place on the 2nd **Tuesday** instead of the 2nd Thursday.

ADJOURN: The meeting was adjourned by Chairman Spivey at 12:02 p.m.

ATTEST:

**LUNA COUNTY BOARD OF
COUNTY COMMISSIONERS**

Karen Smyer, Luna County Clerk

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

Approved: _____

J. Jay Spivey, District 2, Chairman

R. Javier Diaz, District 3