

**MINUTES
REGULAR MEETING
LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS
Thursday, April 10, 2014**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 9:00 a.m. on Thursday, April 10, 2014 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 Kuenstler, Assistant to the County Manager Glory Johnson, County Clerk Andrea Rodriguez, Chief Deputy Clerk Berenda McWright, Deputy Clerk JoAnna Zurinsky, Assessor Delilah Rojo, Chief Deputy Assessor Barbara Cobos, Treasurer Dora Madrid, Chief Deputy Treasurer Gloria Rodriguez, Undersheriff Arturo Baeza, Special Projects and Facilities Management Director Billy Ruiz, Maintenance Worker Felipe Chavez, Human Resources and Payroll Director Danny Gonzales, Budget and Procurement Director Joanne Hethcox, Community and Projects Director Jessica Etcheverry, Detention Director Matthew Elwell, Detention Sergeant Pete Loya, Starmax Facilities Director Ira Pearson, Road Director Marty Miller, Road Supervisor Les Williams, IT Technician Manny Armendariz, Dispatch Supervisor Lauree Sanchez, Emergency Services Director Mark Jasso and Security Screener Moses Pastran.

CALL TO ORDER: Chairman Spivey called the meeting to order at 9:06 a.m. and led the Pledge of Allegiance and the salute to the flag of the State of New Mexico.

MOMENT OF SILENCE: Chairman Spivey requested a moment of silence in remembrance of former Deming Mayor Andres Z. Silva.

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

PUBLIC HEARING: Chairman Spivey opened the public hearing to receive testimony regarding Ordinance Number 86 adopting the Local Economic Development Plan to implement the authority provided by the New Mexico Local Economic Development Act. County Manager Kelly Kuenstler called Community Projects and Development Director Jessica Etcheverry to explain the changes to the Local Economic Development Act (LEDA).

The new ordinance now includes a clause which allows for both local and state governments to recoup any losses of Capital Outlay funds if the applying business should fail. Larry Caldwell inquired if the ordinance was preparatory to granting a LEDA subsidy to the Preferred Produce project. Ms. Etcheverry explained the ordinance with the new revisions must be in place before CCI (Certified Community Initiative) grants or LEDA funds of any type are received, and although a project with Preferred Produce is in the works, an application is not yet finished, and when it is complete, it will then come up for public review. The revised ordinance states that any business receiving community or state funding must provide security collateral. Mr. Caldwell commented the county ordinance copies LEDA almost verbatim with few exceptions. Ms. Etcheverry stated the ordinance presented is constructed as recommended by the state. Ms. Etcheverry also explained the difference of community funding compared to Capital Outlay funding on the state level, and that on the community level, tracking of a business' security collateral would be required, and the revisions of the ordinance provides provisions for that option. With no other testimony forthcoming, Chairman Spivey closed the public hearing.

ORDINANCES:

- a. **Ordinance Number 86 adopting the Local Economic Development Plan to Implement the Authority provided by the New Mexico Local Economic Development Act:** Commissioner Milo motioned to approve Ordinance 86 adopting the Local Economic Development Plan to implement the authority provided by the New Mexico Local Economic Development Act. Commissioner Diaz seconded the motion which carried unanimously following a roll-call vote.

- b. **Call for Ordinance pertaining to Extraterritorial Zone (ETZ) Regulations:** Ms. Kuenstler explained the call for this ordinance stems from the Board's decision to withdraw from the Extraterritorial Zone (ETZ) with the City of Deming, and that the County wants zoning that currently exists in the ETZ to be mirrored at the County level in an effort to ensure all property owners are not deprived of their property rights. The County has hired Legal Counsel Damian Martinez and Casey Fitch to aid in developing the ordinance and to assist in a smooth transition between the City and County. Mr. Martinez came before the Board and gave an overview of the proposed ordinance, he explained that the new ordinance mirrors the current ETZ Ordinance and complies with what the current ETZ requires. The City of Deming still gets to regulate exclusively the 1st mile in the ETZ, from miles 2-3 the County has zoning authority over that area and also has concurrent plating jurisdiction with the City, if a developer came in they would have to deal with both the City and the County. Mr. Martinez explained to the Board the 1-mile statute, and how it pertains to municipalities. Much discussion ensued amongst the Board and Mr. Martinez about the representation of citizens living in the ETZ with issues and how the ordinance addresses permitting. Ms. Kuenstler stated that the only time a person would need to go to both the City and the County for permitting would be for permitting of subdivisions in the end of the 1 mile and the 2-3 mile zone. Mr. Martinez confirmed Ms. Kuenstler's statement and also stated the County will have to educate the ETZ residents and suggested mapping the sleeker ETZ area. Billy

Ruiz inquired if the City will be taking over building permits in the 1-mile zone. Mr. Martinez replied under the new ETZ Ordinance the City would be 'a one-stop shop' for the 1-mile zone, and yes, they would. Chairman Spivey voiced his concerns that the building permits were never an issue however the confusion of mobile home, single-family dwelling or commercial permits and code-enforcement was where the issues were happening. Mr. Martinez stated the new ordinance will clear these issues up. County Assessor Delilah Rojo advised them of recent issues that her office is having with a taxpayer in the north part of the ETZ, and the 'Ping-Pong effect'. Mr. Martinez explained to Ms. Rojo that breaking up or subdividing land is a creature of state statute, and unfortunately if a person is within an ETZ the guidelines must be followed. Mr. Martinez and Ms. Rojo discussed what must happen to stop the 'Ping-Pong effect'. Ms. Kuenstler and Chairman Spivey suggested the Assessor and Planning Director attend a workshop in conjunction with the City of Deming scheduled on April 29th. Aaron Sera with the City of Deming and Larry Carreon with the Luna County Board of Realtors both came before the Board and expressed their desires that the County and City come to an agreement about the issues with the ETZ. Commissioner Diaz motioned to direct the County Manager's office to publish the title and summary of the Ordinance pertaining to Extraterritorial Zone (ETZ) Regulations at least one time in *The Deming Headlight* at least two weeks prior to the meeting of the Board at which the change to 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.

- c. **Call for Ordinance pertaining to 1/12th GRT to the Safety Net Care Pool:** Ms. Kuenstler stated this call for Ordinance pertains to the 1/12 Gross Receipts Tax (GRT) to the Safety Net Care Pool (this used to be known as Indigent Care Funds), Section 16 of Senate Bill 268 requires that each county do an Ordinance to become effective July 1, 2014, dedicating to the Safety Net Care Pool the 1/12th equivalent. Luna County is proposing a template of an ordinance that dedicates the 1/12th GRT to the Safety Net Care Pool. Luna County's version of the ordinance will actually have an addition of a starting date of the first quarterly payment, so there is no confusion as to when quarterly payments are due. Ms. Kuenstler added she would like to see the payments due 15 days after the quarter ends (on October 15th, for the quarter ending September 30th). Larry Caldwell asked if the 1/12th GRT was going to be in addition the 406 Indigent Care Fund. Ms. Kuenstler replied the 406 Indigent Care Fund will eventually go away, and the Safety Net Care Pool or 1/12th GRT will replace it. The last assessment of what the 1/12th GRT will raise is roughly \$600,000 range, which is about the same amount that the 406 Indigent Care Fund collects. Chairman Spivey asked if the Safety Net Care Pool will be a solid fund, that can't be bombarded from other entities. Ms. Kuenstler was not able to predict that, but stated at this time the New Mexico Association of Counties (NMAC) was committed to protecting the funds. A discussion ensued that there may be a need to amend the Ordinance after a period of three years because of the Governor's language contained in the bill, and how the NMAC is currently pursuing a legal solution to this. Commissioner Milo motioned to direct the County Manager's office

to publish the title and summary of the Ordinance for the 1/12th GRT to the Safety Net Care Pool at least one time in *The Deming Headlight* at least two weeks prior to the meeting of the Board at which the change to 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 Diaz seconded the motion which carried unanimously.

ANNOUNCEMENTS: Commissioner Diaz announced the Buzz-Free Prom Party will be held April 26th at Starmax from 11:00 p.m. to 3:00 a.m., and volunteers for the event are needed. Contact Edith Vasquez or Glory Johnson to volunteer.

Jessica Etcheverry announced Keep Luna County Beautiful will be hosting the Great American Cleanup on May 10th at the Courthouse Park pavilion at 8:00 a.m., after the clean-up event there will be a hot dog and hamburger cookout and raffle prize give away for participants. All organizations, volunteer groups and individuals are invited, and a pre-registration for the event earns a free tee shirt.

Commissioner Diaz attended a meeting in Socorro on March 31st pertaining to rural local government's role in conservation and natural resources management under the Endangered Species Act and National Environmental Policy Act. Commissioner Diaz has also been actively working on the Gila-San Francisco water settlement committee.

Commissioner Milo announced the volunteer efforts made by the County Manager, Chairman Spivey and him recently at the Deming Senior Center delivering meals. He encouraged the public to volunteer their time and effort.

Chairman Spivey announced the double-wide mobile home at the Luna County Detention Center that was recently sold at auction is off of the LCDC property. Chairman Spivey acknowledged and thanked Billy Ruiz for his efforts in getting a last-minute and multi-agency construction inspection conducted and also thanked him for his assistance with getting the sound system fixed at the recent *Old-Timer's Reunion* hosted at the Mimbres Valley Learning Center. Chairman Spivey stated he is still working diligently on trying to find funding sources for the Columbus Port-of-Entry Project, and has not given up.

SERVICE AWARDS: Detention Director Matthew Elwell presented Detention Sergeant Pete Loya with a 20-year service award.

Special Projects and Facilities Management Director Billy Ruiz presented Maintenance Worker Felipe Chavez with a 5-year service award.

PRESENTATIONS: Dr. Diana Bell gave a presentation on the Deming Animal Guardians. Dr. Bell's presentation outlined the Deming Animal Guardians history, and how the all-volunteer organization uses county funding and grant awards to help indigent pet owners and educate the community.

ELECTED OFFICIALS REPORTS: County Clerk Andrea Rodriguez reported the Clerk's Office is busy preparing for the upcoming Primary Election Day on Tuesday, June 3rd.

County Assessor Delilah Rojo announced that her office is busy and that approximately 61,000 Notices of Value were mailed out. The protest period is going on now, and the office will be sending two teams out in the field starting Monday. One team will be in the City, and the other team will be assigned to the County. Ms. Rojo thanked the Board for replacing the outdated desks in the office purchased using non-rendition funds.

Treasurer Dora Madrid reported that second-half property taxes are due on or before May 10th.

Undersheriff Arturo Baeza reported for the month of March, the Luna County Sheriff's Office received 195 calls for service; of the 195 calls 21 were turned over to the Criminal Investigative Division (CID). Seven of the 21 CID cases were closed by arrests or recovered property. The Village of Columbus received 21 calls for service and there are currently 3 deputies at academy. Discussion ensued between Undersheriff Baeza and the Board about the Village of Columbus issuing Municipal Citations, and the issue is still pending with the Municipal League.

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

- The Office of the State Engineer and the HELP, NM, Inc. leases were presented to the State Board of Finance, and both leases were approved. The Office of the State Engineer will move into the County Annex building at the end of April. The HELP NM program will continue to operate for services in lieu of payment plus \$300 per month to the County. The service HELP NM will provide is waiving the co-payment from participants who utilize the childcare services for their children while they take higher-education classes at the Learning Center from Western New Mexico University.
- During the March meeting, questions were raised about the Southwest Regional Transit District's meeting notices and whether or not they followed Sunshine Law guidelines. The Southwest Regional Transit District publishes their Open Meetings Resolution once-a-year, and anytime there is a change from what has been published in the resolution, they will post a notice at the bus depots in Deming and Silver City.
- Applicants who apply to Luna County for a particular position are notified even when they are not hired for a position via a letter.
- Per an inquiry from Commissioner Diaz regarding having the Sunshine Volunteer Fire Department wired with internet service so it may one day serve as a Voting Convenience Center: There will be a one-time installation charge of approximately \$49.95, and the internet service will cost \$90.00 a month- with a \$5.95 per month charge for a modem lease. If the County were to forgo the modem lease and purchase one outright, there would be an approximate additional cost of \$100.

- Luna County has filed motions to dismiss on many of the claims pertaining to a civil case that was filed against several members of the Luna County Sheriff's Office involving 4th Amendment right violations. The County prevailed in having 4 out of 6 of their motions to dismiss. The other two motions are pending.
- Community Health and Well-Being is hosting an open house today to unveil their new facility from 11:00 a.m. to 2:00 p.m. at the old Presbyterian Medical Services building. There is a bounce-house and a hotdog cookout. All are invited to attend.
- Barbara Rios from the Deming Senior Center thanked the County Commissioners and Manager for their volunteer efforts during the March for Meals Community Champions.
- The budget process began last month. The Elected Officials and Department Directors have been asked to cooperate by cutting their budgets by five-percent.
- Community Health and Well-Being had a successful move to their new facility. Special Thanks are given to the County Departments, the Luna County Detention Center and the individuals involved in the seamless move.
- The CASA Program has hired a new staff member for the Silver City office.
- Healing House assisted 24 clients with Victim Advocacy Services, 12 clients with Immigration Services and provided emergency shelter for 10 women and 7 children.
- DWI is holding alcohol awareness classes in the courthouse basement. Seven students participated in last month's classes, and two successfully completed the course. Prevention activities were held at Red Mountain Middle School in March. The DWI department is currently tacking 150 offenders: 4 are being screened, and 4 are receiving outpatient treatment. The *'Every Fifteen Minutes'* Program is being held April 26th at Deming High School.
- The IT Department was very involved with the Healthy Start move. The department also upgraded some notebooks for the Sheriff's Office. IT update for GIS Mapping: Over 43,000 parcels were drawn. 6,000 missing parcels were drawn and the shape file for the City Subdivision was created.
- Emergency Services held their final meeting for the Luna County Mitigation Plan on March 26th. A draft copy of the plan was presented, and meetings were held in Columbus, the Luna County Commission Chambers, and for the directors. A meeting was held with the National Guard CST 64th Team in Albuquerque to review a training exercise being held in Deming in September. There were 3 tort claims, 1 workman's comp claim and 1 vehicle accident reported for the month of March.
- Volunteer Fire Departments: Cooke's Peak: is in the process of acquiring vendors for their water tank project; Savoy: is doing final inspections that were held April 3rd; active membership numbers remain low due to availability of hours to accommodate those with full time working hours.
- The average daily population for U.S. Marshal's inmates at the Luna County Detention Center during March was 213, local population was 107 inmates.
- Central Dispatch received 12,548 calls for the month of March, 1 new hire, and 10 Tipsoft calls -one call resulting in an arrest.
- Human Resources advertised for the County Manager's position. There were 15 applicants. Parents as Teachers hired a new position. Patricia Rodriguez has accepted the Planning Administrative Assistant position.

- Starmax saw revenues of \$153,700 for the month of March. Painting of the Starmax walls and bathrooms has begun.
- Community Projects: On March 8th there were 41 volunteers for a litter pickup: The Girl Scouts, The Deming High Psychology and Spanish Club participated and collectively picked up and disposed of 3,200 pounds of litter. Keep Luna County Beautiful hosted a Community Garage Sale on March 15th. There were 55 tables, and over 5,000 community members attended.
- The Colonias Application was submitted on March 14th. Two projects were applied for: Rain and Drainage Improvements for the Rockhound Colonia and the Tulip Landfill Remediation.
- The County is still in the process of trying to acquire land for the Port of Entry Expansion Project in Columbus.
- CDBG is preparing a planning grant that will help with the Asset Management System. They are also applying for a grant for playground construction equipment for the Community Health and Well-being Complex.
- Budget & Procurement: The RFP for Software closed on March 20th. There was one bid from Triadic. The bid for the Law-Enforcement Complex opened on March 20th. There were no local bidders. The low-bidder was Weil Construction from Albuquerque. Starmax has received \$71,704 towards the digital reimbursement program. There is \$316,000 left to pay on the project. It is expected that this will be paid before the five-year timeline.
- Chairman Spivey commended Ms. Kuenstler's effort in getting the childcare lease approved.

PUBLIC COMMENT: Fred Williams came before the Board and commented on the Special Meetings held by the Commission for State Board of Finance for approval on purchases, sales and leases. Ms. Kuenstler stated that she felt the requests for Special Meetings would probably be reduced and the County is learning to work with the requirements and particularity with the State Board of Finance.

Sean Blaine commented on the staffing and policies of the Volunteer Fire Departments, and stated he felt the Chief or at least the Director of Volunteer Fire Departments should give the Volunteer Fire Department reports. Mr. Blaine also suggested that the Board should consider including written instructions as allowing residents to ask questions in the Public Comment section of the meetings.

Ray Krejci commented on forming a Citizen's Oversight Committee and how the passage of the Luna County Code of Ethics may inhibit the formation of such a committee.

Ira Pearson gave information the *Every Fifteen Minutes* alcohol awareness program. Mr. Pearson encouraged the public to get involved in the program and the Buzz Free Prom Party.

Special Projects and Facilities Management Director Billy Ruiz apologized to the public for the inconvenience of parking due to the reseal of the courthouse parking lot. Mr. Ruiz thanked the Luna County Road Department for their efforts in getting the job done quickly.

CONSENT AGENDA: Commissioner Diaz motioned to accept the payroll in the amount of \$953,070.51 and accounts payable in the amount of \$675,554.47. The motion was seconded by Commissioner Milo and carried unanimously.

CONSIDER MINUTES: Upon motion by Commissioner Diaz the minutes for the Regular Meeting of March 13, 2014 were approved with an amendment which included changing a name from Joe Wood to Jim Wood. Commissioner Milo seconded the motion which carried unanimously.

OLD BUSINESS:

- a. **ROAD APPLICATION FOR APPLICANT ZANE AND JOLENE NUNN:** Ms. Kuenstler gave a brief history of the application, and stated that the last time that the application was presented, it was for a full road and not for a partial paving that the applicants really asked for. Ms. Kuenstler introduced Road Director Marty Miller to the Board to answer questions. Ms. Kuenstler noted she has met with the applicant, Ms. Jolene Nunn, and offered a few suggestions. Ms. Kuenstler introduced Ms. Nunn to Community and Projects Director Jessica Etcheverry and Assistant to the County Manager Glory Johnson in an effort to acquaint Ms. Nunn with “who is responsible for what” in the County. Chairman Spivey reported that he went out to Hidden Valley Ranch and met with the residents to hear their concerns. Mr. Miller stated that he and Ms. Etcheverry are investigating the possibility of a Keeler Farm/Colonias Grant for funding the paving. Mr. Miller said that a school bus route was not possible because a school bus does not go up that far, and the road does not meet the school’s criteria. Much discussion ensued amongst the Board about other alternatives, including having private land and/ or property owners absorb a percentage of paving costs based on front footage which is not feasible. Commissioner Diaz brought up the idea of using a special oil based coating as a lower cost alternative to asphalt paving. Mr. Miller showed the Board samples of the oil-based material and projected climate and cost figures. Chairman Spivey expressed his hope that Mr. Miller would continue to work with the Nunn’s for a paving solution. There was a discussion pertaining to speed-limits and the possibility of passing a County Ordinance to set cautionary safe speed-limits on county roads. Jolene Nunn came before the Board and thanked Chairman Spivey and Ms. Kuenstler for their efforts, Ms. Nunn also mentioned that because of the road, meals on wheels will only deliver one meal per day. Ms. Nunn inquired about the possibility of a postal route which was not a feasible option due to the U.S. Postal service’s financial constraints, and private contracting. The possibility of using millings with a 2-3% oil solution was presented as a viable option to help reduce the cost of the paving project. Ms. Nunn rectified collected tax figures to the County to the Board, she asked about the possibility of doing a manual traffic count. Mr. Miller stated this was not possible, as it needed to be done with an actual traffic counting device. Ms. Kuenstler verified she has requested this through the state. Mr. Miller told Ms.

Nunn it costs approximately \$200 to blade the 1.5 mile section of road and also explained the road grading procedures used on the road. Much discussion ensued about the problems that the residents faced and what solutions there are out there in regards to climate and budget challenges. Chairman Diaz reluctantly moved to deny the Road Application for Applicant Zane and Jolene Nunn until a better way is found to address the paving issues, and asked the County Manager and Road Department to continue helping the Applicants with a solution. Commissioner Milo seconded the motion. The motion carried with a majority vote. Chairman Spivey abstained from voting.

- b. **LUNA COUNTY CODE OF CONDUCT:** Ms. Kuenstler explained to the Board this item is on the Old Business portion of the Agenda from last month, and was tabled to give the Board more time to review the policy. The Luna County Code of Conduct Policy is presented to supplement the laws that are already in effect and attempts to restate the Governmental Conduct Act and other applicable laws that encompass similar subject matter, but in terms that are specific to Luna County and establishes guidelines for ethical standards of conduct for all Luna County employees. There was a discussion pertaining to language in Section 5.3.1, specifically the 3rd sentence, and removing that particular sentence. Commissioner Diaz motioned to approve an amended Luna County Code of Conduct with the removal of the third sentence in Section 5.3.1. Commissioner Milo seconded the motion which carried unanimously.

NEW BUSINESS:

- a. **AUTHORIZE COUNTY MANAGER TO EXECUTE THE DONATION AGREEMENT, DEED AND REQUIRED DOCUMENTATION BETWEEN LUNA COUNTY AND DEMING PUBLIC SCHOOLS OUTLINING THE DETAILS OF RESOLUTION 14-26 APPROVED BY THE LUNA COUNTY BOARD OF COMMISSIONERS:** Ms. Kuenstler explained this item authorizes her to sign any documents in the future pertaining to the donation of the Lime Street property to the Deming Public Schools. It expedites the process with the State Board of Finance, and is done in the interest of finalizing the transaction before the new County Manager is hired. Commissioner Diaz moved to authorize the County Manager to execute the agreement, deed, and required documentation between Luna County and Deming Public Schools outlining the details of Resolution 14-26 approved by the Luna County Board of County Commissioners. Commissioner Milo seconded the motion which carried unanimously.
- b. **RESOLUTION 14-27 BUDGET INCREASES:** Ms. Kuenstler recommended approval of the six budget increases totaling \$270,812.02. Commissioner Milo motioned to accept Resolution 14-27 Budget Increases. The motion was seconded by Commissioner Diaz and approved unanimously following a roll-call vote.
- c. **RESOLUTION 14-28 BUDGET TRANSFERS:** Ms. Kuenstler recommended approval of one budget transfer totaling \$3,000.00. Commissioner Milo motioned to accept Resolution 14-28 Budget Transfers. The motion was seconded by Commissioner Diaz and approved unanimously following a roll-call vote.

- d. **APPOINT NEW MEMBER TO ENDANGERED SPECIES COMMITTEE:** Ms. Kuenstler stated this item stems from a letter received from Mike Walsh resigning from the Endangered Species Committee. Mr. Walsh's letter recommended appointing Jim Wood who is also with the Deming Soil and Water Conservation District, in his place. Ms. Kuenstler expressed her interests in continuing to have a representative from the Deming Soil and Water participates in the committee. Commissioner Diaz moved to approve the appointment of Jim Wood as a new member to Endangered Species Committee. Commissioner Milo seconded the motion which carried unanimously.
- e. **FAIR HOUSING PROCLAMATION:** Ms. Kuenstler explained this item proclaims April as Fair Housing Month and encourages citizens to participate in activities that commemorate this event during the month. Commissioner Milo moved to approve the Fair Housing Proclamation. Commissioner Diaz seconded the motion which carried unanimously.
- f. **AWARD BID #102-03 FOR THE LUNA COUNTY SHERIFF'S OFFICE LAW ENFORCEMENT COMPLEX TO WEIL CONSTRUCTION, INC. AS RECOMMENDED:** Ms. Kuenstler stated this item is a letter to the Board from Budget and Procurement Director Joanne Hethcox in regards to Bid #102-03 that was opened on March 20th, and is for the Luna County Sheriff's Office Complex. The successful bid applicant is Weil Construction from Albuquerque. There were no local bidders for the project. Bid tabulation sheets are available for public viewing online at: www.lunacountynm.us. A discussion ensued amongst the Board and Billy Ruiz about the feasibility of not including any change orders as a requisite for accepting the bid. Commissioner Milo moved to approve Award Bid #102-03 for the Luna County Sheriff's Office Law Enforcement Complex to Weil Construction, Inc. as Recommended. Chairman Spivey seconded the motion which carried unanimously.
- g. **AWARD RFP #31-02-04 FOR OPERATIONS SOFTWARE, EQUIPMENT, TRAINING AND MAINTENANCE SERVICES TO TRIADIC ENTERPRISES, INC. AS RECOMMENDED:** Ms. Kuenstler explained this item is based on a letter from Budget and Procurement Director Joanne Hethcox noting that the evaluations for RFP #102-04 took place and is recommending RFP #31-02-04 for Operations, Software, Equipment, Training and Maintenance to Triadic Enterprises, Inc. The committee has requested that contract negotiations begin between Luna County and Triadic. Ms. Kuenstler expressed her desire to get the project approved and done quickly, so it may be completed before her successor is placed into office. Ms. Kuenstler also encouraged the Board to consider eventually purchasing rather than leasing the necessary equipment. A discussion ensued between the County Manager and the Board about the option of developing a software program through the County, and what that may entail. Commissioner Diaz moved to approve the Award RFP #31-02-04 for Operations Software, Equipment, Training and Maintenance Services to Triadic Enterprises, Inc. as Recommended. Commissioner Milo seconded the motion which carried unanimously.

- h. FIRE PROTECTION FUND APPLICATIONS FOR COOKE'S PEAK, SAVOY, FLORIDA MOUNTAIN AND SUNSHINE VOLUNTEER FIRE DEPARTMENT:** Ms. Kuenstler stated this item is the New Mexico State Fire Marshall's Fiscal Year 2015 County Fire Protection Fund Distributions. The applications contain a projected minimum amount that each station will receive from the fund in addition to the individual station's Insurance Service Office (ISO) classification rating. All stations have an ISO rating of 9, with the exception of Savoy, which has an ISO rating of 10. New Mexico state law requires the County to obtain signatures and submit them no later than April 30th of each year. Ms. Kuenstler noted that the State Fire Marshall is encouraging the County to convert both Savoy and the Florida Mountain Volunteer Fire Departments to substations, but to proceed as if both stations will remain stand-alone stations. Commissioner Diaz moved to approve the Fire Protection Fund Applications for Cooke's Peak, Savoy, Florida Mountain and Sunshine Volunteer Fire Departments. Commissioner Milo seconded the motion which carried unanimously.
- i. AMENDMENT TO LUNA COUNTY RESOLUTION 13-28 LUNA COUNTY INDIGENT HEALTH CARE PROGRAM POLICY:** Ms. Kuenstler advised the Board the entire policy pertaining to this item needs to be amended due to changes in the Affordable Health Care Act (AHCA), the New Mexico Healthcare Exchange, and Senate Bill 268. These changes will impact the way indigent patients are handled, and the policy will undergo a major revision. The hospital wants the Commission to consider amending the current policy to reflect that all patients who apply for indigent funds must first participate in the application process in the New Mexico Healthcare Exchange, and any patient who refuses to participate in the application process will not be eligible for Luna County Indigent Funds. Larry Caldwell came before the Board and expressed his opposition to the amendment and concerns that the policy protected the hospital and not the patient. Ms. Kuenstler stated that the application process has to be done regardless if it were for Indigent Funding or the AHCA and instead of applying for Indigent Funds, which will no longer exist; the amendment will have patients apply for the AHCA. The amendment ensures that the hospital will get reimbursed for services rendered to patients (that would normally be on Indigent Funds) through the AHCA, which is now the law. Commissioner Diaz moved to approve the Amendment to Luna County Indigent Health Care Program Policy. The motion was seconded by Commissioner Milo which carried unanimously following a roll-call vote.
- j. WORK AND FINANCIAL PLAN BETWEEN LUNA COUNTY AND USDA WILDLIFE SERVICES:** Ms. Kuenstler explained to the Board this item is a two-part agreement, each part requiring a signature, with the USDA and APHS. The first part of the agreement is a work and financial plan which defines objectives, outlines a plan of action, resources and budgets for the maintenance of an Integrated Wildlife Damage Management Plan. The program is intended to protect residents, property, livestock, crops and natural resources from damage caused by predators and nuisance wildlife, and will be conducted from July 1, 2014 through June 30, 2015. The second part of the agreement is a Cooperative Services Agreement which conducts wildlife damage management activities to control damage caused by predators and various nuisance

species in Luna County. The agreement designates responsibilities, and is effective October 1, 2014 and continues for a period not to exceed five years. Larry Caldwell came before the Board and stated his opposition to the plan because he felt it was an 'Extermination Program'. Commissioner Diaz moved to approve the Work and Financial Plan between Luna County and USDA Wildlife Services. Commissioner Milo seconded the motion, which was approved unanimously.

- k. FUTURE OF SOLID WASTE WITH LUNA COUNTY:** Chairman Spivey explained this item is presented on the agenda per his request, and a discussion was needed to address the issues presented with a growing solid waste volume and rising costs of disposal since there is no burning allowed in Luna County and certain criteria must be met in order to properly dispose of items, and residents must now use a transfer station. Commissioner Diaz expressed his concerns regarding fees charged by the City to independent haulers in conjunction with a fee paid to the City by the County from the tax base of \$140,000. Ms. Kuentler pointed out the costs that the Road Department must incur out of their own budget in order to haul the solid waste in addition to the \$140,000 fee. Road Director Marty Miller asked if the \$140,000 paid included additional cost of \$25 per ton for dumping, or if it was included in the Memorandum of Understanding (MOA). Chairman Spivey commented on the costs associated with hauling 500 pounds of trash from Akela, and stated the County is locked in to make a service to the community on a fixed budget when (the costs of) everything else is rising. Chairman Spivey asked Mr. Miller for an itemized budget report to get a better view of the percentage of costs associated with the Road Department hauling solid waste. The Board discussed ways to potentially cut down costs of solid waste collection in the budget which included a projection of an annual cost on per-citizen basis and reducing tire waste collected by the Road Department. This item was presented as a discussion item only, and no action was taken.

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.

Budget and Procurement Director Joanne Hethcox recommended approval of 3 claims dated April 10, 2014 in the amount of \$6,900.00 and zero denials. The monies received for March 2014 totaled \$51,000.45, and the balance in the IHC fund as of March 31, 2014 is \$134,818.68. Commissioner Diaz moved to approve 3 claims dated April 10, 2014 in the amount of \$6,900.00 and zero denials. Commissioner Milo seconded the motion which carried unanimously.

Commissioner Diaz moved to recess as claims board and to reconvene as the Board of County Commissioners. Commissioner Milo seconded the motion which was approved unanimously.

EXECUTIVE SESSION: Chairman Spivey entertained a motion to enter into Executive Session to discuss limited personnel matters pursuant to 10-15-1 (H) 2 NMSA 1978 pertaining to the County Manager Applications, Interview, and Hiring Process. Commissioner Diaz so moved

and Commissioner Milo seconded the motion which carried unanimously following a roll-call vote.

Following the Executive Session, Commissioner Diaz motioned to reconvene the meeting and announced that no other matters were discussed but matters pertaining to the County Manager Applications, Interview, and Hiring Process. Commissioner Milo seconded the motion which carried unanimously. Chairman Spivey announced the candidates for the County Manager Interview Pool are: Chester Jourdan, Jr., Alan Grindstaff, Anthony Gutierrez, Charles 'Tink' Jackson, and David Burkett.


ANNOUNCE NEXT MEETING: Chairman Spivey announced the next regular meeting will be held on Thursday, May 8, 2014. Chairman Spivey preferred to have the meeting at 6:00 p.m. and Commissioner Milo preferred 9:00 a.m. Upon a motion by Commissioner Milo and a second by Chairman Diaz the meeting time was set for 9:00 a.m.

ADJOURN: Chairman Spivey adjourned the meeting at 1:24 p.m.

ATTEST:



ANDREA RODRIGUEZ, CLERK

LUNA COUNTY BOARD OF COUNTY COMMISSIONERS


JOE L. MILO, JR., DISTRICT 1

APPROVED: 05/08/14


CHAIRMAN, J. JAY SPIVEY, DISTRICT 2


R. JAVIER DIAZ, DISTRICT 3

