

**MINUTES
REGULAR MEETING
LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS
Thursday, August 14, 2014**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 9:00 a.m. on Thursday, August 14, 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 Charles ‘Tink’ Jackson, Assistant to the County Manager Glory Johnson, Deputy Clerk JoAnna Zurinsky, Chief Deputy Assessor Barbara Cobos, Treasurer Dora Madrid, Sheriff Raymond Cobos, Special Projects and Facilities Management Director Billy Ruiz, 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 David Townsend, Starmax Facilities Director Ira Pearson, Road Director Marty Miller, IT Technician Manny Armendariz, Volunteer Fire Department Chief Luis Malina, Public Information Officer Matt Robinson, Security Screener Moses Pastran.

CALL TO ORDER: Chairman Spivey called the meeting to order at 9:05 a.m. and Lloyd Valentine led the Pledge of Allegiance and the salute to the flag of the State of New Mexico.

ROLL CALL: Deputy Clerk JoAnna Zurinsky called roll. The following members of the Board constituting a quorum were present:

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

PRESENTATIONS: Cody McDougal with the United States Department of Agriculture presented information the USDA’s Fish and Wildlife Services Program. Mr. McDougal outlined the USDA’s Predator Control Program and efforts to manage nuisance wildlife in the area, and introduced the new District Supervisor. Commissioner Milo asked if there were any issues involving the Mexican Gray Wolf in the Luna County area. Mr. McDougal acknowledged there have been no problems recently, but there have been in the past, and a wolf hybrid was spotted at the Mexico border.

Deming/Luna County Senior Center Director Barbara Rios presented information on the Senior Center. Ms. Rios’s presentation outlined the Commission on Aging efforts in the

community and included information on their bingo games. The bingo games are a vital part of fundraising efforts for the Senior Center. Ms. Rios thanked the County for their funding support.

ANNOUNCEMENTS: Luna County Detention Center Director Matt Elwell announced that Sergeant David Townsend earned his Certified Jail Officer certification. Mr. Elwell stated that out 450,000 corrections officers nationally, only 362 or the top 1 percent, earn this certification. Currently, there are only 8 Certified Jail Officers in the state of New Mexico. Mr. Elwell announced that he hopes to have his 14 managers at the Luna County Detention Center receive this certification by 2015.

ELECTED OFFICIALS REPORT: Deputy Clerk JoAnna Zurinsky announced that Clerk Andrea Rodriguez, Chief Deputy Clerk Berenda McWright, and Elections Specialist Leslie Nabours were attending a week-long class to learn how to use the new voting machines that were received earlier this week. There was no report from the County Assessor. Treasurer Dora Madrid reported that the Department of Taxation and Revenue is currently working on delinquent tax properties, and there should be a tax auction in the near future. Sheriff Raymond Cobos reported that school will be back in session next week, and urged residents to be aware of traffic conditions. Sheriff Cobos stated there will Officers out as often as possible in School Zones, and he hoped for an accident-free school year.

COUNTY MANAGER'S REPORT: County Manager Charles 'Tink' Jackson reported on the following items:

- Fundraising efforts are currently underway for the Luna County Volunteer Fire Departments: Raffle Tickets are being sold for \$2.00 each. The Grand Prize is movie tickets and bowling for four at Starmax. There is also a prize for movie tickets and bowling for two. The Volunteer Fire Trucks will be in the Duck Race Parade, and the Volunteer Fire Departments will host a booth in the park.
- There was a Mexican Wolf Environmental Impact Study Meeting held in Truth or Consequences on August 13, 2014. Over 300 people were in attendance at the meeting. Comments were made by local residents: Scott Chandler, Lauren and Joe Bill Nunn, Ira Pearson and Jim Wood.
- Friends of the Healing House has received their 501 (c) 3 non-profit organization status, however the Victims of Crime Act Grant was not renewed. The grant is \$30,000 a year grant. Health & Well-Being Director Jessica Moreno worked diligently on a new organizational structure to keep the Healing House open and functional without the funding. Senator Smith and Legislative Finance Committee are working on finding out why the funding was not renewed.
- The County Manager's Report will be given on the local radio station. The reports will be given on a bi-weekly basis, alternating with the City Administrator. The reports will give the public an opportunity to hear about key issues happening in the County on a regular basis, adding to the County's commitment to transparency and accuracy.
- The County Manager's Office would like to go on record stating that the recent radio report about the cost of the County Manager attending the Western Interstate

Region Conference in Anchorage, Alaska is highly inaccurate. The actual cost for the Manager to attend the conference was \$2,733.81. The records are available for the public to view in the County Manager's office, as well as all of all of the other records at any time.

- Luna County Central Dispatch received/sent 12,605 phone calls.
 - The Luna County Sheriff's Department generated 189 calls for service.
 - The Deming Police Department generated 610 calls for service.
- Dispatch advertised and filled two vacant positions.
- Community Projects Department attended the CDBG allocation meeting on July 15th. Luna County was awarded \$100,000 for the Community Health and Well-Being Recreation Area. Community Projects also attended the CDBG Implementation Workshop on July 30th.
- Community Projects finished preparing the ICIP Plan. The Public Input meetings were held July 28th at 9:00 a.m., July 29th at 5:00 p.m., and July 30th at Noon. There was a great turnout from the public.
- There are no changes in the Port of Entry project at this time.
- For the month of July, The Luna County Detention Center had 324 inmates incarcerated. The U.S. Marshal's Inmate Daily Average Population was 208 inmates. Local Daily Average Population was 144 inmates. The average length of stay was 17 days.
- DWI conducted Alcohol Awareness Classes in the courthouse every Wednesday. An average of 12 students participated. Alcohol Abuse education classes are given to inmates at the Luna County Detention Center. An average of 7 inmates participated. Total number of offenders being tracked: 133. Total number of offenders screened: 1. Total number of offenders in Outpatient Treatment: 2. Number of offenders that completed outpatient treatment: 1.
- Information Technology successfully completed a Windows 7 upgrade for the Sheriff's Office Notebooks and is now currently working on upgrading the Evidence Server, PDS Server and Dispatch. 3 computers were upgraded at dispatch, 4 computers were upgraded for the Learning Center, 2 for the Detention Center, 1 for DWI and 1 for the Business Office.
- The Luna County Road Department continues regular blading maintenance of County maintained roads, and some Road Department personnel have been utilized as truck drivers to haul fill to Hermanas Grade in preparation for the expected monsoon rains. Road Department Supervisor Les Williams tendered his resignation, and his last day was July 24th. The Road Department has begun construction on State Projects. This will occasionally pull Road Department staff off of regular duties in order to do construction work. The Road Department will continue to make every effort to take care of calls in a timely manner.
- Budget and Procurement: Starmax has received a total of \$99,399.60 towards the digital reimbursement program through 07/31/2014. Remaining balance on the digital conversion expenses is \$289,261.67. The funds are put back into Fund 416. The Final Budget was submitted in both Commission and Department Finance Administration (DFA) formats to DFA Local Government Division for final approval. The final approval is due by September 1st by DFA.

- Human Resources: Advertised for the Healing House Part-Time and Full Time Shelter Advocates.
 - Posted in-house for the Sheriff's Department, 3 Corporal Positions.
 - Scheduled a Flu shot Clinic for County Employees and their Spouses (claim will be submitted to insurance) to be held on Wednesday, September 10, 2014.
 - A part-time Surveillance Officer position for Community Health & Well-Being was advertised and closed July 18, 2014.
 - Posted in-house for a full-time Court Security Officer for the Sheriff's Department this closed July 21, 2014. Angelica Pena was hired for the position.
 - Posted for the Roads Supervisor for the Road Department. This closed July 28, 2014.
 - Advertised for the Detention Facility, Detention Officers and Medical Detention Officers. This closed on July 29, 2014.
 - An in-house posting for the Maintenance Department for a Custodian/Maintenance Worker closed on August 1, 2014.
- Starmax Sales for the month of July were \$152,248. Sales are down \$50,253 from last year and \$17,252 from last month. A new menu will be coming at the end of August. Bowling Leagues start September 8th.
- Emergency Services Department: The County passed the annual Deming Fire Department General Inspection of the Luna County Courthouse. There were no issues found throughout the building. A Certificate of Inspection was received. For the month of July there were 0 tort claims, 0 vehicle accidents, and 1 worker's comp claim.
- Community Health and Well-Being: CASA is moving to a new location in Silver City.
 - The Parents as Teachers Programs is providing services to 116 clients.
 - Partnerships for Success II received a notification of Grant Award, and moved to new location at Courthouse.
 - Healing House assisted 38 clients with victim advocacy services, including orders of protection, safety planning, resource referrals, assisted 2 clients with Immigration Services, provided emergency shelter to 15 women, 1 man, and 10 children, provided weekly women's counseling sessions in English and Spanish through a partnership with WNMU and is currently serving 7 domestic violence offenders in the Project ENOUGH! Healing House Program Director Jayne Ash currently resigned.
- Volunteer Fire Departments: Cooke's Peak- 1 Structure fire on Primrose Ln. Deming F.D. and Sunshine assisted. Florida Mountain- 1 trash fire, 2 vehicle crashes, 2 calls cancelled while enroute. No incident found. Sunshine- 1 false alarm, 1 (structure fire) assist to Cooke's Peak. Savoy – No Calls.

PUBLIC COMMENT: Ron Scharf commented on the improvements on the Public Address system. Mr. Scharf also commented on the USDA's Predator Control Program, and stated although there may not be any issues with wolves recently, he has seen packs of what he believes are feral dogs on his property. Mr. Scharf also inquired about the Hospital Funds and asked the Board to address how the funds went from \$10 million to \$5 million.

Sean Blaine spoke about the policies of the Volunteer Fire Departments.

Arsen Khanbabian urged the Commissioners to work with the City for a solution for Economic Development.

Jolene Nunn thanked the Luna County Road Department, the County Manager and the Commissioners for helping the residents of Hidden Valley Ranch address the road issues they face.

PUBLIC HEARING: Chairman Spivey opened the public hearing to receive testimony regarding Amended Personnel Policy Ordinance Number 23. Mr. Jackson summarized each change: **Section 3.7 B- Probationary Employees:** *A full-time or part-time probationary employee is one who is hired to fill a regular or term position that is subject to a 6 month probationary period and who has not yet completed that period. All Law Enforcement, Dispatch, and Detention Employees serve a 12 month probationary period, which may be extended for good cause (i.e.; to attend DPS certification).* **Section 5- Changes in Employment Status:** *A new hire probationary employee is not eligible for promotion.* **Section 7.3 Pre-Determination Hearings:** The following words were added to the first paragraph: *or his or her designee.* **Section 10.3- Holidays; Subsection E:** This section was cleaned up to reflect the proper name of CID, grammar, and punctuation. **Section 10.4- PTO; Subsection I:** This section was changed to reflect the following changes: *Employees may donate PTO to employees with medical or family hardships who have exhausted all PTO on a dollar for dollar basis. PTO donation must be approved by the department director and the County Manager.* The following change was recommended and made on record: **Section 7.3 Pre-determination Hearings: B. Administrative Leave/Administrative Reassignment:** *An employee may be placed on administrative reassignment for an investigation or pending the outcome of a predetermination hearing. Administrative leave may result in an employee's temporary position reassignment.* Chairman Spivey stated he would like to see all out of state travel approved by the Commission as a policy addressed in a future meeting. Sherriff Cobos addressed the Board and asked how law enforcement duties may be impacted by this, to which Chairman Spivey replied, that the out of state travel pertains to conferences and the like, and not the transport of prisoners. With no other testimony forthcoming, Chairman Spivey closed the public hearing.

ORDINANCES: Commissioner Diaz motioned to amend and approve an Amended Personnel Ordinance Number 23. Commissioner Milo seconded the motion which carried unanimously following a roll-call vote.

CONSIDER MINUTES: Upon motion by Commissioner Milo and a second by Commissioner Diaz the minutes for the Regular Meeting of July 17, 2014 and the minutes for the Special Meeting of July 29, 2014 were approved.

CONSENT AGENDA: Upon a motion by Commissioner Diaz and a second by Commissioner Milo the items of the Consent Agenda were unanimously approved following a roll-call vote.

NEW BUSINESS:

- a. **RESOLUTION 14-40 ESTABLISHING REQUIREMENTS FOR EXPENDITURE FROM FUND 410, THE MIMBRES MEMORIAL HOSPITAL FUND:** Mr. Jackson recommended the tabling of this item, and explained the item is still pending legal opinion and there are still questions that need to be answered as to if it should be passed as a resolution or an ordinance and the issues of permanent funding. Commissioner Diaz moved to table Resolution 14-40 Establishing Requirements for Expenditure from 410, the Mimbres Memorial Hospital Fund. The motion was seconded by Commissioner Milo and carried unanimously.
- b. **RESOLUTION 14-42 LUNA COUNTY VOLUNTEER FIRE DEPARTMENTS AND SUBSTATIONS:** Volunteer Fire Department Chief Luis Malina explained this Resolution stems from a recommendation made by the State Fire Marshal. Upon an inspection of all the Volunteer Fire Departments, the State Fire Marshal has found that both the Savoy and Florida Mountain Fire Departments lack facilities, manpower, equipment, and sufficient distance to other fire departments. The State Fire Marshal's Office therefore recommends that Luna County allow both departments to become substations. Mr. Malina explained that although funding may be lost, the combining of the substations with the two main fire departments will ultimately lower the ISO ratings, and therefore benefit Luna County residents. Commissioner Diaz motioned to approve Resolution 14-42 Luna County Volunteer Fire Departments and Substations. The motion was seconded by Commissioner Milo which carried unanimously following a roll-call vote.
- c. **RESOLUTION 14-49 COURTHOUSE PARK USE AGREEMENT:** Mr. Jackson stated this Resolution proposes changes to the Courthouse Park Use Agreement. Mr. Jackson outlined the changes involving user fees, increases in fee changes and deposits, a policy of no overnight parking or camping was added. Commissioner Milo asked about the keeping vehicles off of the grass, and if it entailed car shows, and stated that it needed clarification. Special Projects and Facilities Management Director Billy Ruiz explained the expenses involved in maintaining the Park, and why it was necessary to raise the deposit especially if renters did not take care of the Park. Commissioner Diaz requested that a clarification be made on historical dates regarding Park use (i.e.; Duck Races, Klobase, 4th of July). Chairman Spivey stated he would like to see a more conservative or community-friendly policy on the deposit. Commissioner Milo motioned to approve an amended Resolution 14-49 Courthouse Park Use Agreement. The motion was seconded by Commissioner Diaz which carried following a majority roll-call vote, with Chairman Spivey voting in the negative.
- d. **RESOLUTION 14-50 SUPPORTING HR4315 PERTAINING TO THE ENDANGERED SPECIES ACT:** Mr. Jackson stated this Resolution requires additional transparency and accounting by Federal and Government Agencies in regards to the Endangered Species Act. Larry Caldwell asked the Board to consider a correction on the language on paragraph 5, lines 4 and 5, Delete: '*and that*' and replace with '*to*'. Commissioner Diaz motioned to amend and approve Resolution 14-50 Supporting HR 4315 Pertaining to

the Endangered Species Act. Commissioner Milo seconded the motion which carried unanimously following a roll-call vote.

- e. **RESOLUTION 14-51 ADOPTING THE INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN:** Community Projects Director Jessica Etcheverry stated this Resolution is the result from three public input meetings. Ms. Etcheverry explained this Capital Improvement Plan is a wish list, and when you ask for federal funding for projects, it needs to be included on a plan. Even if a project is not on a top-5, it can be included in a Capital Improvement Plan if it has support. Much discussion ensued as to feasibility of the ranking of the wish list projects. Ms. Etcheverry stated that the project rankings are what generated the most interest from the public. Commissioner Milo motioned to approve Resolution 14-51 Adopting the Infrastructure Capital Improvement Plan. Commissioner Diaz seconded the motion which carried unanimously following a roll-call vote.
- f. **RESOLUTION 14-52 RATIFYING THE AGREEMENT BETWEEN LUNA COUNTY AND SOUTHWEST NM COUNCIL OF GOVERNMENTS AND APPOINTING A VOTING MEMBER AND ALTERNATE:** Community Projects Director Jessica Etcheverry explained this Resolution sets forth an agreement that is required by New Mexico State Law between the County and the Southwest Council of Governments, and must name a Voting Member and two alternates. Last year, Commissioner Milo and Jessica Etcheverry served as the Voting Member and Alternate 1. Commissioner Diaz motioned to accept Resolution 14-52 Ratifying the Agreement between Luna County and Southwest New Mexico Council of Governments and Appointing Commissioner Milo as a Voting Member, Jessica Etcheverry as an Alternate, and Glory Johnson as Second Alternate. Commissioner Milo seconded the motion which carried unanimously following a roll-call vote.
- g. **LUNA COUNTY DEBT POLICY:** Mr. Jackson introduced Mark Valenzuela to the Board to explain the Luna County Debt Policy. Mr. Valenzuela stated the Securities and Exchange Commission is starting to look very closely at local governments and annual disclosures for bond investors. This policy formalizes the process in the debt management process and the information management policy to investors for the sake of transparency. Commissioner Milo moved to approve the Luna County Debt Policy. Commissioner Diaz seconded the motion which carried unanimously.
- h. **JUVENILE ADJUDICATION FUND GRANT AGREEMENT:** Community Projects Director Jessica Etcheverry stated this grant agreement funds the \$8,000 for the DWI Teen Court Program. Commissioner Milo moved to approve the Juvenile Adjudication Fund Grant Agreement. Commissioner Diaz seconded the motion which carried unanimously.
- i. **APPROVE EXEMPTIONS FROM SPECIAL ASSESSMENT FOR THE PREDATOR CONTROL PROGRAM (NEW MEXICO FEEDING CO. AND NUTT DAIRY LLC.):** Mr. Jackson advised the Board there are two requests received by the County Assessor's

Office for exemptions from the Predator Control Program. Commissioner Diaz moved to approve the exemptions from Special Assessment for the Predator Control Program (New Mexico Feeding Co. and Nutt Dairy, LLC.). Commissioner Milo seconded the motion which carried unanimously.

- j. DISCUSSION OF SOLID WASTE FEES:** Mr. Jackson outlined the history of the 2004 Solid Waste Ordinance and a user fee. Key points of the Solid Waste Fees discussion included work on the Assessor's Office's behalf of which properties are developed, the cost associated of solid waste removal in the County, and costs incurred by the Road Department. Potential solutions of an increasing garbage problem and how to effectively manage growing trash loads by incinerating, compacting, and hauling less loads were discussed amongst the Board and the County Manager. This item was presented as a discussion item only, and no action was taken.
- k. DISCUSSION OF MILEAGE AND PER DIEM RESOLUTION:** Mr. Jackson explained to the Board this discussion was prompted as a result from a request stemming from Resolution 14-25, which is an amendment of Resolution 96-37 the Luna County Mileage and Per Diem Policy. Mr. Jackson reviewed the statutes and the DFA Rules related to per diem travel on overnight travel and meal allowances and rules related to 24 hour days and allowable hourly increments. Mr. Jackson stated he would distribute a memo to clarify the policy, and if there are further questions, they may be addressed with the County Manager's Office. The County vehicle policy and mileage was reiterated: If a County vehicle is available to take for County related business, it must be used otherwise, mileage will not be reimbursed if a personal vehicle is used. This item was presented as a discussion item only, and no action was taken.

INDIGENT CLAIMS REPORT: Upon motion of Commissioner Milo seconded by Commissioner Diaz, 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 five claims dated August 14, 2014 in the amount of \$15,833.13 and zero denials. The monies received for July 2014 totaled \$58,460.42, and the balance in the IHC fund as of July 31, 2014 is \$234,620.83. Commissioner Diaz moved to approve five claims dated August 14, 2014 in the amount of \$15,833.13 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.

ANNOUNCE NEXT REGULARLY SCHEDULED MEETING: Chairman Spivey announced the next regular meeting will be held on Thursday, September 4, 2014. Upon a motion by Commissioner Diaz and a second by Chairman Milo the meeting time was set for 9:00 a.m.

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's Roles and Responsibilities. 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's Roles and Responsibilities. Commissioner Milo seconded the motion which carried unanimously. No action was taken.

JAIL INSPECTION: Chairman Spivey announced that the Board would recess until 2:00 p.m., and a Jail Inspection would follow immediately at the Luna County Detention Center. A Jail Inspection was conducted by the Board and the County Manager.

ADJOURN: Chairman Spivey adjourned the meeting at 2:47p.m.

ATTEST:

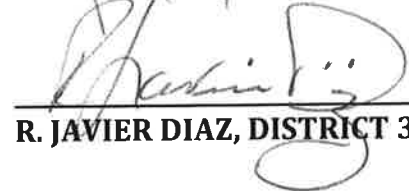

ANDREA RODRIGUEZ, CLERK

**LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS**


JOE L. MILO, JR., DISTRICT 1

APPROVED: 9/4/14


CHAIRMAN, J. JAY SPIVEY, DISTRICT 2


R. JAVIER DIAZ, DISTRICT 3