

**MINUTES
REGULAR MEETING
LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS
Thursday, September 4, 2014**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 9:00 a.m. on Thursday, September 4, 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, County Clerk Andrea Rodriguez, Chief Deputy Clerk Berenda McWright, Deputy Clerk JoAnna Zurinsky, Treasurer Dora Madrid, Chief Deputy Treasurer Gloria Rodriguez, Chief Deputy Assessor Barbara Cobos, Sheriff Raymond Cobos, Lieutenant Jonathan Mooradian, Special Projects and Facilities Management Director Billy Ruiz, Detention Director Matthew Elwell, Road Director Marty Miller, Human Resources and Payroll Director Daniel Gonzales, Budget and Procurement Director Joanne Hethcox, Starmax Facilities Director Ira Pearson, IT Technician Manny Armendariz, Volunteer Fire Department Chief Luis Malina, Emergency Services Director Mark Jasso, Public Information Officer Matt Robinson, Security Screener Moses Pastran.

CALL TO ORDER: Chairman Spivey called the meeting to order at 9:09 a.m. and 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**

ANNOUNCEMENTS: Chairman Spivey announced the Commissioners and the County Manager will be accepting the Ice Bucket Challenge to raise funds for ALS (Amyotrophic Lateral Sclerosis) awareness following today's meeting.

ELECTED OFFICIALS REPORTS: County Clerk Andrea Rodriguez reported the Secretary of State's Office is providing new voting tabulators to be used in the General Election. The Clerk's Office is advertising the Voting Convenience Centers as a Public Service Announcement at Starmax and has also put inserts in the City Utility Bills. Early Voting starts October 7th.

Sheriff Raymond Cobos reported that the Luna County Sheriff's Department will be assisting the Village of Columbus with the Columbus-Palomas Fiesta on September 13th. There will be a 5k race, food and craft vendors and mariachi.

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

- Mr. Jackson reported that Health and Well-Being Director Jessica Moreno and he recently attended a VOCA (Victims of Crime Act) Funding Appeals Hearing in Albuquerque last Thursday.
 - The Crime Victims Reparation Commission had denied Luna County funding.
 - Luna County appealed.
 - Final determination was 75% funding for six months, with additional reporting requirements.
- Mr. Jackson gave an updated status on the Transfer Stations and how they work:
 - The Transfer Stations are open Tuesday through Saturday from 8:00 a.m. to 4:00 p.m.
 - If a Transfer Station is full before 4:00 p.m., then it is closed. (No trash thrown around them)
 - If the landfill is closed, the County has no choice but to close full stations.
 - The landfill is open Monday through Friday from 7:00 a.m. to 1:30 p.m.
 - County Changes: The County has monitored weights for the last two months.
 - a) Akela and Perrin stations will only be dumped bi-weekly for now.
 - b) Cost to County is \$2.10 per mile to run trash routes (fuel, wages, and dump-fee).
 - c) Does not include oil, tires, wear on equipment or depreciation.
 - The County continues to look for more cost-effective ways to run our system, which includes looking at a new recycling contract that may also save resources.
 - Looking at right-of-way restrictions on additional signage.
- The Luna County Volunteer Fire Department Fund Raiser and Signup:
 - Raffle Ticket sales raised over \$700.
 - Starmax dance raised \$120.
 - The Duck Races VFD Booth generated 8 new applicants and other additional interest.
- County Staff have been working on a new resolution to bring an existing resolution in line with and clarify rules and regulations in regards to Mileage and Per Diem. The new resolution will be presented at next month's meeting.
- The County is waiting on clarification on what can be done with Hospital Funds as far as protecting them.
- The Interstate Stream Commission's (ISC) deadline to make a decision on the Arizona Water Settlements Act is December 31st.
 - The next ISC meeting is September 17th, and this will be the final meeting before Election Day.
 - A decision may be made as early as the November ISC meeting.
 - The ISC has already spent \$10 million of the federal funds attached to the Act.

- County Staff met with People's Water Co-Op on September 3rd. Commissioner Diaz was called when the water system was down in July. There was a vote to increase rates and a schedule was set to collect back due monies. The County will continue to assist the Co-Op including disconnecting users for non-payment.
- Central Dispatch received/sent 12,530 calls for the month of August. The Luna County Sheriff's Office generated 195 calls for service. The Deming Police Department generated 591 calls for service, the Deming Fire Department had 236 calls for service, and the Volunteer Fire Departments had 5 calls for service. There were 12 Tipsoft calls in August.
- Community Projects: The New Mexico Economic Development Department has set aside \$135,000 for the Preferred Produce LEDA Project. The County is awaiting approval from the State on an agreement before proceeding with the project. The Toss No Mas Cleanup will be held on Saturday, September 27th. Participants will meet at 8:00 a.m. at the pavilion in Courthouse Park. Keep Luna County Beautiful was awarded the Gold Achievement Award for outstanding achievement during the FY13 Grant Year.
- Luna County Detention Center: August Daily Average Population was 334. U.S. Marshal Service Inmate Population: 192, Local Inmate Population 142. Average length of stay was 17 days. A U.S. Marshal annual compliance inspection was conducted, and the detention center was found 100 percent compliant.
- DWI held Alcohol Awareness classes every Wednesday in the Courthouse basement, 9 youths participated, and 2 completed the six-week program. Alcohol Abuse education classes were given to inmates at the Luna County Detention Center. There were 4 groups for juveniles with 3 participants, and 3 female groups with 5 participants. Luna County DWI had an information booth at the Duck Races. Materials on drug and alcohol use, underage drinking, and DWI were handed out to the public. The total number of DWI offenders being tracked is 143, DWI offenders being screened is 9 and DWI offenders in outpatient treatment is 7.
- Information Technology Department restored and upgraded the Evidence Server for the Sheriff's Office. The ArcGIS Server Workgroup Basic was installed for the Assessor's GIS Server/Planning and configured successfully, now multiple users can edit at the same time and tracking is enabled.
- The Road Department continues regular maintenance and blading, mainly on school bus routes and roads that have been washed out by recent rains. Les Williams' position still has not been filled. After careful consideration, the Road Department will hold off for a couple of months to evaluate current crew members. 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. The public should be cautioned; it is expected that during heavy rainfalls water will pond, and arroyos will run swiftly, and that water will run in low-lying areas. Please drive carefully and alert.
- Budget and Procurement: Starmax has received a total of \$105,431.40 towards the digital reimbursement program through August 31st. Remaining balance on conversion expenses is \$283,229.87. Funds are put back into Fund 416. Approval

was received from the Department of Finance Administration of the Final Budget on August 29th. A review is beginning of People's Water Co-Op Financials.

- Human Resources: Advertised for both full and part-time Shelter Advocates for the Healing House. There was an in-house posting for three Corporal Positions, in the Sheriff's Department. A part-time surveillance officer was hired for the Community Health and Well-Being Department. There was an in-house posting for the Maintenance Department for a Custodian/Maintenance Worker. There were three annual training sessions conducted on the elements of Laws, Discrimination, Workplace Harassment, Sexual Harassment, Workplace Violence and Code of Conduct. An Investigator position was posted for the Sheriff's Department. A position for the HIDTA Task Force was advertised. Positions for the Safe Border Grant Field Deputy were advertised.
- Maintenance placed new A/C units in the Information Technology Building, replaced two A/C compressors at Starmax and District Court. VCT Tiles were replaced at the Mimbres Rehab Center.
- Starmax Sales for the month of August were \$149,893.00. This is a \$32,550 increase from last August. Winter Hours- Open at 3:00 p.m. Monday through Friday. Bowling Leagues start September 8th. A two-year report will be given in October.
- Emergency Services Department: A fire inspection was conducted at the Healing House with the Deming Fire Department, which is required per the grant funding. Minor issues were found, and corrected that day. A Certificate of Inspection was received the same day. A planning meeting was held with local agencies for the Shooting Exercise that is scheduled for October 20th -24th. There was one Tort Claim and one Worker's Comp Claim submitted for the month of August.
- Community Health and Well Being: CASA has completed their move into the new Silver City office location. Parents as Teachers is providing services to 115 clients. Partners for Success II hired 1 new staff member and has moved to its new location at the Courthouse. Healing House assisted 29 clients with victim advocacy services, 1 client with immigration services, provided emergency shelter to 9 women, 1 man, and 9 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 and the program is reorganizing.
- Volunteer Fire Departments: Cooke's Peak responded to a small vehicle fire on US-180 and re-opened the grant for the Water Tank. Tony Aldana graduated the Fire Fighter I Academy in Socorro. There were no calls for Savoy, Florida Mountain, or Sunshine. For all stations, 2014-2015 State Fire Marshal's Grant are being applied for. Routine maintenance and monthly trainings are being conducted.

PUBLIC COMMENT: Ed Khanbabian commented on the Commissioner's ALS Ice Bucket Challenge. Mr. Khanbabian also inquired about the County's DWI Policy and public safety concerns with drinking and driving with local establishments that serve alcohol and the prosecution of impaired drivers in City Limits.

Frederick Sherman commented on the County and City of Deming working together on Economic Development and the importance of receiving a diverse array of public input for a successful local economy.

Sean Blaine commented on the time of this month's Regular Meeting, and made the suggestion that evening meetings were more beneficial to members of the public.

Fred Williams commented on the efforts on improving the PA system. Mr. Williams also addressed his concerns with New Business Item 'B' (Resolution 14-56).

Larry Caldwell stated that Luna County should ban high-speed chases in the interest of Public Safety.

Ron Scharf commented on the PA system, and stated he was having difficulty understanding the County Manager, and asked if anything could be done. Mr. Scharf addressed his concerns with New Business Item 'A' (Resolution 14-53).

Russ Howell commented on the effectiveness of an Economic Development Board, and stressed the importance of the upkeep on vacant buildings.

Matt Elwell expressed his support of Resolution 14-53 and Resolution 14-57, and explained the approval of both items are beneficial to the County.

CONSENT AGENDA: Upon a motion by Commissioner Diaz and a second by Commissioner Milo, the items of the Consent Agenda including Payroll, Accounts Payable, and Resolution 14-55 Budget Transfers, and Resolution 14-54 Budget Increases were unanimously approved following a roll-call vote. Resolution 14-54 Budget Increases was amended to reflect the following change in item 4- first row of page 3 which was inadvertently left off, and has been corrected.

CONSIDER MINUTES: Upon motion of Commissioner Milo, seconded by Commissioner Diaz, the minutes of the August 14, 2014 Regular Meeting were unanimously approved.

NEW BUSINESS: County Manager Charles 'Tink' Jackson reviewed each item on the New Business agenda with the commissioners.

a. RESOLUTION 14-53 OPPOSING THE LEGALIZATION OF MARIJUANA FOR RECREATIONAL USE WITHIN THE STATE OF NEW MEXICO OR LUNA COUNTY:

Mr. Jackson explained this resolution opposes the legalization of marijuana for recreational use, and that the Luna County Commission wishes to make a clear statement that Luna County does not support any effort or future legislation that would legalize marijuana for recreational purposes by the state of New Mexico, and that any bill that authorizes such use would be opposed. Commissioner Diaz moved to approve Resolution 14-53 Opposing the Legalization of Marijuana for Recreational Use within the State of New Mexico or Luna County. Commissioner Milo seconded the motion which carried unanimously following a roll-call vote.

b. RESOLUTION 14-56 SUPPORTING PROPOSED AMENDMENTS TO THE DAIRY

RULE: Mr. Jackson stated that this resolution supports proposed amendments to the Dairy Rule. The amendments came through the New Mexico Association of Counties, in support of the local dairies to help ensure the facilitation of operations in regards to the Dairy Rule. Commissioner Milo moved to approve Resolution 14-56 Supporting Proposed Amendments to the Dairy Rule. Commissioner Diaz seconded the motion which carried unanimously following a roll-call vote.

c. RESOLUTION 14-57 Supporting NMAC Legislative Priorities: Mr. Jackson stated that this item supports the New Mexico Association of Counties (NMAC) legislative priorities, and adopts a resolution supporting the NMAC's legislative priorities at the county level. The eight priorities for 2015 are as follows:

- Safety Net Care Pool
- Keep Southwest Chief/Amtrak Service
- Tax Roll Corrections
- Delinquent Property Tax Payments
- Increase Detention Facilities Funding
- Job Creation and IRB Act Improvement
- Public Lands Task Force (Memorial)
- Inmate Options (Memorial)

Larry Caldwell spoke in opposition of supporting the Resolution. Commissioner Diaz moved to approve Resolution 14-57 Supporting NMAC Legislative Priorities. Commissioner Milo seconded the motion, which carried unanimously following a roll-call vote.

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 zero claims dated September 4, 2014 in the amount of zero dollars and zero denials. The monies received for August 2014 totaled \$59,726.85, and the balance in the IHC Funds is approximately \$297,347.68. Commissioner Diaz moved to approve zero claims dated September 4, 2014 in the amount of zero dollars 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 MEETING: Chairman Spivey announced the next regular meeting will be held on Thursday, October 9, 2014. Upon a motion from Commissioner Diaz and a second from Commissioner Milo, the time for the October meeting was unanimously approved for 6:00 p.m.

EXECUTIVE SESSION: Chairman Spivey entertained a motion to enter into Executive Session to discuss Pending Litigation Matters pursuant to 10-15-1 (H) 7 NMSA 1978 pertaining to the Gila National Forest and Limited Personnel Matters pursuant to 10-15-1 (H) 2 NMSA 1978

pertaining to the Luna County Sheriff's Department. 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 Pending Litigation Matters pertaining to the Gila National Forest and Limited Personnel Matters pertaining to the Luna County Sheriff's Department. Commissioner Milo seconded the motion which carried unanimously. No action was taken.

ADJOURN: Chairman Spivey adjourned the meeting at 11:15 a.m.

ATTEST:

LUNA COUNTY BOARD OF COUNTY COMMISSIONERS

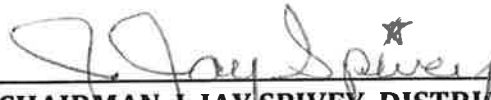


ANDREA RODRIGUEZ, CLERK



JOE L. MILO, JR., DISTRICT 1

APPROVED: 10/9/14



CHAIRMAN, J. JAY SPIVEY, DISTRICT 2



R. JAVIER DIAZ, DISTRICT 3

