

**MINUTES  
REGULAR MEETING  
LUNA COUNTY BOARD OF COUNTY  
COMMISSIONERS  
Thursday, October 9, 2014**

**BE IT REMEMBERED** that the Luna County Board of County Commissioners met in regular session at 6:00 p.m. on Thursday, October 9, 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, Deputy Clerk JoAnna Zurinsky, Assessor Delilah Rojo, 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, Public Information Officer Matt Robinson, Emergency Services Director Mark Jasso, Security Screener Moses Pastran.

**CALL TO ORDER:** Chairman Spivey called the meeting to order at 6:12 p.m. and Commissioner Milo 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 recognized members of the audience that are running for Elected Offices and wished them luck in the upcoming General Election. Mr. Spivey also acknowledged City of Deming Mayor Benny Jasso.

**PRESENTATIONS:** Starmax Facilities Manager Ira Pearson gave a presentation on the progress of the facility's business operations. Mr. Pearson's presentation outlined business performance and history from 2011 to 2013. Mr. Pearson explained the percentages of profits spent on budget items such as utilities, salaries and Gross Receipts Taxes, and what Starmax is doing to streamline costs associated with operating expenses. He also explained what percentages of profit from movie sales must go to the studios on a weekly basis. Mr. Pearson also presented how Starmax is involved with the community, and presented figures from profits received on mini-golf and bowling.

Lyn Orona made a presentation on behalf of the Black Range Artists, Inc. Ms. Orona's presentation included information on a juried art show that the Black Range and Plein Artists are hosting. Each participating artist has agreed to donate 30% of their sales to the Wounded Warrior Project. The show will run October 11<sup>th</sup> -13<sup>th</sup> at the Mimbres Valley Event Center. For more information, visit [www.blackrangeart.com](http://www.blackrangeart.com)

**PUBLIC COMMENT:** Ann Shine-Ring asked the Board for a clarification on New Business Item 'G'. Ms. Shine-Ring voiced her concerns about fund selections, and law firm selection associated with the revenue bonds.

Larry Caldwell suggested the Deming-Luna County LLC, which Starmax operates under, have an objective audit performed. Chairman Spivey stated that regular audits of the LLC are performed and available in the County Manager's office.

John Costello voiced his concerns about a junkyard located in the County. Mr. Costello urged the Board and County Manager to take action regarding the property.

Russ Howell requested that she be able to address her concerns with the agenda items as each item was presented. Ms. Howell commented on the exceptional community and customer service from Pepper's Supermarket.

Fred Williams commented on New Business Items 'G' and 'K'. Mr. Williams voiced his concerns about the ambiguity of item 'K', which is a lobbying proposal.

**CONSIDER MINUTES:** Upon motion of Commissioner Diaz, seconded by Commissioner Milo, the minutes of the September 4, 2014 were amended with a typographical error for Starmax figures corrected on record, and approved.

Upon motion of Commissioner Milo, seconded by Chairman Spivey, the minutes of the September 9, 2014 Special Meeting were unanimously approved.

Upon motion of Commissioner Milo, seconded by Commissioner Diaz, the minutes of the September 17, 2014 Special Meeting were unanimously approved.

**COUNTY MANAGER'S REPORT:** *(Due to an inadvertent omission on the agenda, this item as well as the Elected Officials Report was presented out of sequence.)* County Manager Charles 'Tink' Jackson reported on the following items:

- The Volunteer Fire Departments raised a total of \$750 during a recent fund raising event. The Volunteer Fire Departments purchased \$10 gift cards for gas or groceries, and Pepper's Supermarket matched the money raised for a total of \$1,500 in gift cards.
- Luna County has been selected as a finalist to be a Community of Opportunity by the American Farmland Trust. Fifteen finalists will compete for eight open slots.

- County Employees are scheduled to attend a mandatory Alcohol Awareness Class. There are seven 1-hour class options scheduled for the month of November. The DWI department will conduct the classes, and every County Employee is required to attend.
- October is Breast Cancer Awareness Month, and Luna County, the Office of the State Engineer, and the City of Deming are having a Government Challenge. Fundraisers will be happening all month, and there are raffle tickets, hamburger fry tickets, and bracelets for sale in all departments. Wednesdays are 'Pink Wednesdays', and there are shirts available for sale and specials at Starmax.
- October is Domestic Violence Awareness month. The Healing House is hosting a 'Fun in the Park and Candlelight Vigil' on October 15<sup>th</sup> from 6:00 p.m. to 8:30 p.m. A balloon release is scheduled at halftime of the football game on October 24<sup>th</sup>. Jessica Moreno can be contacted for details on other activities scheduled.
- The County continues to work on the Wilderness Study Areas Bill. The bill will be dropped by Congressman Steve Pearce right after the Election. The Manager's Office has a draft of the bill for the public to view. All of the Luna County study areas are listed in the bill to be dropped.
- Central Dispatch received and sent a total 11,873 call for the month of September.
  - Luna County Sheriff's Department generated 202 calls for service.
  - Deming Police Department generated 538 calls for service.
  - The Deming Fire Department and Volunteer Fire Departments had 6 calls for service.
- Two dispatchers completed a communications training course, which qualifies them to provide training to dispatchers.
- A total of 2 Tipsoft tips were received for the month of September.
- Community Projects held a Manufacturing Day on October 2<sup>nd</sup> and 3<sup>rd</sup>. There were 60 attendees from the community that toured such facilities as: St. Clair and Luna Rossa Wineries, Compass, Solitaire Homes, and Mizkan Foods. The purpose of the Manufacturing Days were to give the community an opportunity to see plant operations, ask about career opportunities and see what it is like to work in manufacturing.
- As part of the Growing Food Connections Grant, Luna County has been chosen as one of the 15 finalists. The grant will give the winning community technical assistance and guidance on how to develop tools and policies that support local farms and improve food security. Mr. Jackson will be attending the American Farmland Trust National Conference October 19<sup>th</sup> – 22<sup>nd</sup>, and participate in an interview to see if Luna County will be one of the 8 communities selected.
- Keep Luna County Beautiful hosted the 'Toss No Mas' fall cleanup on September 27<sup>th</sup>. Approximately 200 community members collected and properly disposed of 18,080 pounds of litter.
- The Community Projects Department will host the Halloween Zombie and Carnival. Community organizations will hand out candy, fun carnival games, and a zombie walk. The zombie walk will gather at 3:30 pm at Wells Fargo and walk to the park at 4:00. The carnival starts at approximately 4:30 pm.

- Luna County Detention Center (LCDC) Inmate Daily Average Population for the month of September was 335. The U.S. Marshals Service Daily Population was 201, and the Local Inmate Daily population was 134.
- LCDC staff in coordination with Aramark cooked for and fed all of the Keep Luna County Beautiful 'Toss No Mas' cleanup.
- LCDC staff provided CPR and First Aid training to County Departments during the month of September.
- LCDC staff attended U.S. Marshal's Service Health Administrator Training in Albuquerque.
- The County Manager's Office continues to work with the State Board of Finance and Mimbres Memorial Hospital on a lease agreement. The closing documents for the Lime Street property have been finalized.
- DWI held Alcohol Awareness classes at the Luna County Detention Center: There were 2 groups for juveniles with 4 participants, 4 groups for females with 8 participants, and 3 groups for males with 16 participants.
- DWI hosted a Community Health Fair Booth on September 13<sup>th</sup>, and a Homecoming Tailgate Party on September 26<sup>th</sup>. The department is currently planning events for Red Ribbon Week.
  - Total number of offenders being tracked: 113.
  - Total number of offenders being screened: 69.
  - Total number of offenders in outpatient treatment: 9.
  - Total Number of outpatient treatment completions: 0.
- The Luna County Road Department had blading equipment out, and is trying to repair washed out roads from the recent rains. Because of the multiple storms we have had this month, even 2-3 weeks after the rains, there are still roads in in disrepair, and residents have not been able to drive out from their homes, as the roads have been washed out by running arroyos. The department spent a day and a half filling sandbags for emergency use for County residents. The department truck drivers continue working on Hermanas Grade Road, which is part of the CAP Project Construction. The Road Department continues to make every effort to handle road maintenance requests in a timely manner, and reminds residents to drive carefully in low-lying areas during the rainy season.
- Budget and Procurement Department: Starmax has received a total of \$110,518.20 towards the digital reimbursement program. The remaining balance on conversion expenses is \$278,143. 07. The funds are put back into Fund 416. The Budget Department continues to prepare letters and account sheets for People's Water Co-Op. The first quarter Safety Net Care Pool with required certification of public funds in the amount of \$66,657.38 was sent.
- Human Resources and Payroll Department: The department scheduled a flu-shot clinic for County Employees on September 10. A total of 35 shots were given. The department conducted 4 training sessions that included the elements of: Laws, Discrimination, Workplace Harassment, Sexual Harassment, Workplace Violence, and Code of Conduct. The department posted for positions in the following areas: Sheriff's Department and HIDTA Task Force, Safe Border Grant Field Deputy, Part-

Time CASA Volunteer Coordinator for Grant County, Parents as Teachers-Family Child Care Promoter.

- Catapult Health will be in Luna County conducting Health Screenings for County Employees on October 2<sup>nd</sup> and 3<sup>rd</sup> and November 6<sup>th</sup> and 7<sup>th</sup>. Participants will receive a \$25 Visa gift card.
- Maintenance Department placed a new blower motor on the air conditioner at the Columbus Mimbres Valley Learning Center. The department also redid all the electrical on the east side of Courthouse Park. The department placed new lights and ballast at the daycare as well.
- Starmax sales for the month of September were \$89,800. The upcoming Movie Season is looking good- new movies are coming out every 2-3 weeks. Starmax is hosting a Special Olympics Bowling Tournament on October 11<sup>th</sup> from 9 am to 4 pm, and athletes from Southern New Mexico are expected to attend.
- Emergency Services Department: The Department completed the SHSPG Grant Application and will submit it to Homeland Security for review and approval. The Department hosted and attended the Preparedness Area 6 Quarterly meeting for Homeland Security for the region. The Luna County Mitigation Plan was sent for final review to FEMA. For the month of September, there were 0 tort claims and vehicle accidents and 2 worker's comp claims.
- Community Health and Well-Being Department: CASA is recruiting new volunteers for Silver City, and is providing services to Luna, Grant and Hidalgo Counties. Deming has 25 clients, Silver City has 23, and Lordsburg has 1. Parents as Teachers is providing services to 114 clients. Healing House assisted 15 clients with victim advocacy services including orders of protection, safety planning, and resource referrals. They also assisted 1 client with Immigration Services, provided emergency shelter to 3 women and 7 children, and continue to provide weekly women's counseling sessions in English and Spanish. The Healing House hired new Director, Irene Trejo.
- Volunteer Fire Departments: There were no calls for Cooke's Peak. Sunshine Volunteer Fire Department received 7 calls. Membership received 2 new members.

**ELECTED OFFICIALS REPORTS:** There were no Elected Officials reports.

**CONSENT AGENDA:** Upon motion of Commissioner Milo, and seconded by Commissioner Diaz, Accounts Payable Registers totaling \$1,044,115.18 and Payroll Registers totaling \$958,111.81 were unanimously approved.

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

- a. **RESOLUTION 14-59 AWSA SUPPORT:** Mr. Jackson summarized this resolution in regards to the Arizona Water Settlement Act. The Interstate Stream Commission is approaching a deadline to make a decision and this resolution states that the County wishes to move forward with the diversion project to provide for this part of the state. Larry Caldwell spoke in opposition to the resolution. Russ Howell spoke in

favor of the resolution, and urged Commissioner Diaz to continue his diligence at the meetings. Commissioner Diaz moved to approve Resolution 14-59 AWSA Support. Commissioner Milo seconded the motion which carried unanimously following a roll-call vote.

- b. RESOLUTION 14-40 HOSPITAL FUND RESOLUTION:** Mr. Jackson explained this resolution would establish requirements for expenditures of Fund 410, which is the Mimbres Memorial Hospital Fund. Only unappropriated general fund surplus that is in excess of fifty percent of the prior fiscal year's budget of the County can be placed into the fund. Fund 410 shall not be drawn below \$5,000,000 for any reason unless the following requirements have been met: A minimum of 3 public meetings have been held to discuss the unavoidable reason(s) for drawing the fund below the minimum balance, a repayment plan has been considered and explained to the public, and a vote of the County Commissioners has been conducted authorizing specific uses of monies from 410 and addressing any potential repayment revenue source. Commissioner Diaz moved to approve Resolution 14-40 Hospital Fund Resolution. Commissioner Milo seconded the motion which carried unanimously following a roll-call vote.
- c. RESOLUTION 14-61 WATERS OF THE U.S.:** Mr. Jackson stated that this resolution opposes additional regulations proposed by the Environmental Protection Agency and the U.S. Army Corps of Engineers by extending the definition of 'navigable waters' in the Clean Water Act. The proposed rule change would subject almost all physical areas connected to a downstream navigable water, including ditches, natural or man-made ponds, flood plains and roadway drainages, to the jurisdiction of the Clean Waters Act, and will cause significant harm to farmers, businesses, and take control of land use for sustainable food production. Residents Russ Howell and Keith Harris spoke in favor of supporting the resolution. There was a typographical error on Resolution 14-61 that was amended and corrected on record. Commissioner Diaz moved to amend and approve Resolution 14-61 Waters of the U.S. Commissioner Milo seconded the motion, which carried unanimously following a roll-call vote.
- d. RESOLUTION 14-62 PILT FUNDING:** Mr. Jackson explained this resolution supports full PILT funding for Fiscal Year 2015, and encourages Congress to develop a sustainable long-term approach for funding. Commissioner Diaz moved to approve Resolution 14-62 PILT Funding. Commissioner Milo seconded the motion which carried unanimously following a roll-call vote.
- e. RESOLUTION 14-63 BUDGET TRANSFERS:** Mr. Jackson recommended the approval three inter/intra departmental budget transfers. Commissioner Diaz moved to approve Resolution 14-63 Budget Transfers. Commissioner Milo seconded the motion which carried unanimously following a roll-call vote.

- f. **RESOLUTION 14-64 BUDGET INCREASES:** Mr. Jackson recommended the approval of Resolution 14-64 Budget Increases. Commissioner Milo moved to approve Resolution 14-64 Budget Increases. Commissioner Diaz seconded the motion, which carried unanimously following a roll-call vote.
- g. **RESOLUTION 14-65 DECLARING THE INTENT TO CONSIDER THE ADOPTION OF AN ORDINANCE AUTHORIZING THE ISSANCE OF ITS TAX FREE REFUNDING CAPITAL OUTLAY GROSS RECEIPTS TAX REVENUE BONDS:** Mr. Jackson explained to the Board this item is the result of a request from Commissioner Milo. When the original bonding was obtained for the Starmax facility, it was a publicly owned and privately run organization, and therefore the bonds had to be sold as taxable bonds. Now that the County is running Starmax, which is public, the taxable bonds are not necessary. Refunding the bonds as a tax-exempt revenue bond will reduce the interest rate. Luis Ramos from George K. Baum & Co. came before the board, presented information on the current bond rates and historical figures, further explained market conditions and bond projections, and stood for questions. A typographical error on the resolution was amended and corrected on record. Commissioner Milo moved to amend and approve Resolution 14-65 declaring the Intent to Consider the Adoption of an Ordinance Authorizing the Issuance of Its Tax Free Refunding Capital Outlay Gross Receipts Tax Revenue Bonds. Commissioner Diaz seconded the motion which carried unanimously following a roll-call vote.
- h. **APPOINTMENT OF DEPUTY SHERIFF LUKE DE LA GARZA:** Mr. Jackson recommended approval of the Appointment of Deputy Sheriff Luke De La Garza. Commissioner Milo moved to approve the Appointment of Deputy Sheriff Luke De La Garza. Commissioner Diaz seconded the motion which carried unanimously.
- i. **RESOLUTION 14-37 AMENDED MULTISERVICES AGREEMENT BETWEEN LUNA COUNTY AND VILLAGE OF COLUMBUS:** Mr. Jackson stated this amended resolution between Luna County and the Village of Columbus is an agreement for public transportation services through Corre de Caminos and provides an additional \$10,000 in funding for transportation services in the Village. The Village of Columbus will reimburse the County to cover the additional cost. Commissioner Milo moved to approve Resolution 14-37 Amended Multi Services Agreement between Luna County and Village of Columbus. Commissioner Diaz seconded the motion which carried unanimously following a roll-call vote.
- j. **PRO BONO WEEK PROCLAMATION:** Mr. Jackson explained this proclamation recognizes those in the legal profession in Luna County, and proclaims the week of October 20<sup>th</sup>-24<sup>th</sup> as 'Pro Bono Week', and provides free legal services to those in need. Commissioner Diaz motioned to approve the Pro Bono Week Proclamation. Commissioner Milo seconded the motion which carried unanimously.
- k. **LOBBYING PROPOSAL BY JNC AND ASSOCIATES:** Chairman Spivey stated he had not seen the proposal material and this discussion item was tabled.

**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 October 9, 2014 in the amount of zero dollars and zero denials. The monies received for September 2014 totaled \$55,599.63. Commissioner Diaz moved to approve zero claims dated October 9, 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, November 13, 2014. Upon a motion from Commissioner Diaz and Commissioner Milo, and a second from Chairman Spivey, the time for the November meeting was unanimously approved for 9:00 a.m.

**ADJOURN:** Chairman Spivey adjourned the meeting at 8:05 p.m.

**ATTEST:**

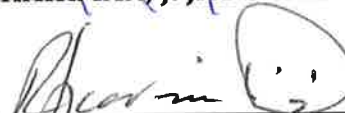
**LUNA COUNTY BOARD OF COUNTY COMMISSIONERS**

  
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**ANDREA RODRIGUEZ, CLERK**

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

**APPROVED:** 11/13/14

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

  
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**R. JAVIER DIAZ, DISTRICT 3**

