

**MINUTES
REGULAR MEETING
LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS
Thursday, November 13, 2014**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 9:00 a.m. on Thursday, November 13, 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, County Assessor Delilah Rojo, Chief Deputy Assessor Barbara Cobos, Chief Appraiser Michelle Holguin, Certified Appraiser Carlo Martellaro, Sheriff Raymond Cobos, Lieutenant Jonathan Mooradian, Detention Director Matthew Elwell, Road Director Marty Miller, Human Resources and Payroll Director Daniel Gonzales, Starmax Facilities Director Ira Pearson, IT Technician Manny Armendariz, Community Projects Director Jessica Etcheverry, Director Health and Well Being Jessica Moreno, Emergency Services Director Mark Jasso, Assistant to Emergency Services Director Sonia Arteche, Dispatch Supervisor Lauree Sanchez, Security Screener Moses Pastran.

CALL TO ORDER: Chairman Spivey called the meeting to order at 9:10 a.m. and Lt. Jonathan Mooradian 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**

PUBLIC HEARING: Chairman Spivey opened the public hearing to receive testimony pertaining to Luna County Ordinance Number 90 authorizing the issuance and sale of the Luna County Capital Outlay Gross Receipts Tax Refunding Revenue Bonds. County Manager Charles "Tink" Jackson introduced Mark Valenzuela from GK Baum to give an overview of the purpose of the Ordinance. Mr. Valenzuela explained the differences between Taxable Bonds and Tax Exempt (or Tax-Free) Bonds, and stated that the structure of the Ordinance contemplated does not change anything except the taxable nature of the Bonds. The funds can be used for Capital Improvements at Starmax, and then after that is paid for, the money can go into the General Fund. The Bonds would be at a fixed interest rate. Mr. Valenzuela then introduced David Buckholtz to summarize the legal documents and to answer questions

about the Bond. Mr. Buckholtz stated that the Ordinance remains substantially unchanged from the original 2006 Ordinance. Commissioner Diaz asked Mr. Buckholtz to summarize the Ordinance document in its entirety, which Mr. Buckholtz obliged. Mr. Buckholtz explained how the escrow account for the Bonds would work, and stated the Ordinance is very similar to how a re-finance operates on a homeowner's mortgage for a lower interest rate. Mr. Buckholtz also explained that the transaction is subject to the Department of Finance Administration's approval, and explained what must happen to obtain that approval. A timeline of how the Bond Transaction will transpire was also summarized for the Board. Mr. Buckholtz stated that the Bond Document serves as an agreement between the bond holder and the government, provisions and fees involved in the document were briefly outlined. Mr. Buckholtz explained approval of the Ordinance by the Board is necessary to expedite the refinance. Mr. Valenzuela reiterated and clarified the Bond Ordinance procedure. Mr. Jackson explained how the existing Bond is exempt from the current 1/12% Safety Care Net Pool requirement and that the fees can be part of the transaction. Starmax Facilities Director Ira Pearson stressed the importance of keeping the facility open and in running order in which to pay back the Bond. Linda Smrkovsky asked about where the funds from Starmax profits are placed. Chairman Spivey stated that it is placed back into the LLC. Ms. Smrkovsky also inquired about monies earned during the last seven years being used for this specific project. Fred Williams came before the Board and commented that some effort should be put towards other outstanding bonds, unless there was a difference between the Judicial Complex and Detention Center Bonds. Mr. Williams also questioned the margin of profit of the professional services provided by the companies executing the refinancing. Ed Khanbabian expressed his concerns about the fee schedule and inquired if other companies had been considered for the Bond Project. Mr. Khanbabian and Ms. Smrkovsky also asked about Starmax payroll and its role with the LLC. Larry Caldwell asked how the LLC was structured, and inquired if lowering interest on the bonds could really save the County money. Mr. Caldwell asked if the LLC was qualified to issue tax-exempt bonds, and suggested that the County approach the Bond Project with caution. Russ Howell asked how much money the refinance would represent. Mr. Valenzuela explained to the public how banks are regulated and GK Baum's regulatory record.

LUNA COUNTY ORDINANCE NUMBER 90: Upon motion from Commissioner Diaz, seconded by Commissioner Milo, Luna County Ordinance Number 90 authorizing the issuance and sale of the Luna County Capital Outlay Gross Receipts Tax Refunding Revenue Bonds was unanimously approved upon a roll call vote.

PRESENTATIONS: Pat Guthrie came before the Board and presented information on the Deming Arts Council. Ms. Guthrie's presentation included an introduction to the Board of past President, Jane Fricano and facts about the artwork and exhibits at the Art Council.

SERVICE AWARDS: Assessor Delilah Rojo presented Michelle Holguin with a 20-year service award. Ms. Rojo also presented Carlo Martellaro with a 5-year service award. Sheriff Raymond Cobos presented both Alvaro Granillo and Joshua Elford with 5-year service awards. Matt Elwell presented Jim Heinzman with a 10-year service award, and Mark Jasso presented Sonia Arteché with a 5-year service award.

ELECTED OFFICIALS REPORTS: There was no report from the County Clerk's office. County Assessor Delilah Rojo thanked the taxpayers for her re-election, and reported her department is busy and in the process of conducting re-appraisals for the 2015 Tax Year. County Treasurer Dora Madrid reported her department is in full swing for the Tax Season. Sheriff Cobos reported that his department is busy transitioning the newly elected Sheriff. Sheriff Elect Jonathan Mooradian expressed his gratitude to the community, and stated he was looking forward to the next four years.

ANNOUNCEMENTS: Commissioner Diaz announced the Shop with a Cop Campaign is currently going on, and there is a bowling tournament this Saturday to support it, and encouraged members of the public to attend. Chairman Spivey congratulated the winners of the past election and thanked all of the candidates for running.

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

- Luna County, the Office of the State Engineer, and the City of Deming raised over \$4,100 for Breast Cancer Awareness Month, and proceeds were given to Cancer Support of Deming and Luna County.
- Activities for Domestic Violence Awareness Month included a candlelight vigil at Courthouse Park, a balloon release during halftime at a Deming Wildcats football game, and County Staff wearing purple on Fridays.
- Luna County participated in an interview for the Growing Food Connections grant. The interviews were conducted in Lexington, Kentucky the week of October 20th and 14 counties participated.
- The County held a Zombie Walk at Courthouse Park on Halloween, and the event was a huge success.
- The audit for Luna County was conducted, and it appears there will be no material findings. However, some deficiencies in some areas were pointed out, which will need to be improved during the year.
- The County Manager attended the New Mexico Infrastructure Finance Conference in Santa Fe during October 28th-30th.
- Luna, Catron, and Hidalgo Counties, along with the City of Deming, the Village of Columbus and the Gila San Francisco Water Commission filed a motion to intervene in a lawsuit between the Interstate Stream Commission and Norm Gaume. The effect of the lawsuit was to shut down the ongoing process related to the Arizona Water Settlement Act.
- Central Dispatch received or sent a total of 13,769 calls for the month of October. The Luna County Sheriff's Department generated 184 calls for service. The Deming Police Department 495, Deming Fire Department 231, and Volunteer Fire Departments 5 calls for service. A total of 4 Tipsoft tips were received in October.
- Community Projects: Keep Luna County Beautiful has the entries from the Recycle Art Show on display at the Deming Arts Center.
 - There were over 2,000 participants in the Halloween Zombie Walk and Carnival

- New Mexico Economic Development has set aside \$135,000 for the preferred Produce LEDA project. The project is awaiting approval on agreement before it proceeds further.
- Luna County Detention Center incarcerated 352 inmates for the month of October. Daily average population: 197 U.S. Marshals inmates. 133 Local inmates.
 - Luna County Detention Center Director Matt Elwell attended the Southwest ACLU annual meeting in Silver City and presented on state and local policies and initiatives for detention centers.
 - Luna County signed a Memorandum of Understanding with the New Mexico Department of Corrections (DOC) to participate in a pilot program. The program, which started October 15, allows newly sentenced inmates to the DOC to be transported to the DOC Southern Correctional facility instead of the DOC Los Lunas facility. This will save Luna County in the transportation costs of sentenced prisoners.
 - Luna County entered into an agreement with Sierra County to house all of their inmates while their new administration develops new policies, trains new staff, and remodels their detention center.
- Luna County attended a meeting with the State Board of Finance and received approval of the Hospital Lease Agreement.
- DWI is currently tracking 147 misdemeanor offenders.
 - The DWI Grant Council approved the Distribution Reversion application. The DWI Program will receive an additional \$10,092 in grant funding.
 - The DWI Program presented classes to all area schools for the Red Ribbon Week campaign. Over 4,000 students attended.
- The Information Technology Department temporarily set up a computer with a VPN to the state to obtain CJIS access. The router for the T1 on dispatch went down, and prevented CAD or CJIS access.
- The Luna County Road Department has been working on the Hermanas Grade project. The project involves preparing 4 miles of road for chip-seal, and is part of the CAP State Project. Expected completion is the first week of November.
 - The Road Department remains short two men.
 - Road maintenance and repair on County Roads continues.
- Starmax has received a total of \$115,463.70 towards the digital reimbursement program through October 31, 2014. The remaining balance on conversion expenses is \$273,197.57. The funds are put back into Fund 416.
- Budget and Procurement worked with auditors to complete the fiscal audit. The audit is due to the New Mexico Office of the State Auditor by November 15, 2014.
- Human Resources advertised for the following positions:
 - Safe Border Grant Field Deputy.
 - Dispatchers for Central Dispatch.
 - A part-time CASA Volunteer Coordinator for the Grant County Office.
 - Parents as Teachers- Family Child Care Promotora.
 - Detention Officers.
 - A GIS/Cartographer for the Assessor's Office.
 - Part-Time positions for the Healing House.

- Part-Time Court Security Officers.
- The Maintenance Department re-keyed the locks for the Courthouse and Maintenance Shop.
- Starmax sales for the month of October totaled \$131,480.
 - New LED lighting was installed in Theatre 6, and as lighting is installed, steam cleaning of the theatres will be done.
 - Starmax is open 365 days a year.
- Emergency Services Department hosted and ran a shooting/hostage training exercise for Local Law Enforcement, Dispatch, Fire and EMS, and the Mimbres Memorial Hospital. The exercise was performed in real time to simulate a realistic event occurring at the Luna County Courthouse. The Silver City Police Department also assisted with the exercise.
 - For the month of October: There were zero tort claims and vehicle accidents. There was 1 Worker's Comp claim.
- Community Health and Well Being is providing services for 25 Deming clients, 23 Silver City clients, and 1 Lordsburg client.
 - Parents as Teachers is providing services to 126 clients.
 - Healing House assisted 26 clients with victim advocacy services, assisted 1 client with Immigration Services, provided emergency shelter to 5 women and 6 children, provided weekly women's counseling sessions, and is currently serving 7 domestic violence offenders.
 - Successful audits were performed from CYFD and MFA.
 - 3 mini grants were written and received from the Bi-National Health Council. The grants will provide \$873.43 each for: emergency diaper packages for mothers, a Health Improvement Plan for Parents as Teachers, and Healing House Domestic Violence Awareness Month.
 - A Memorandum of Understanding with DOH was received for the Healthy Kids Contract for \$25,000.
- There was no Volunteer Fire Department report.

PUBLIC COMMENT: Fred Williams complimented the new Luna County flag located in the Commission Chambers. Mr. Williams also commented on the PA system and asked about the extent of the County's involvement with People's Water Co-Op.

Ann Shine-Ring addressed her concerns with New Business Item 'H'. Ms. Shine-Ring beseeched the Board to review the Memorandum of Agreement before making a decision on the item.

Ed Khanbabian commented on the Indigent Funds tax. Mr. Khanbabian asked if the Indigent Funds Tax would go away, and what would happen to the funds. Both Chairman Spivey and County Manager Jackson explained the tax is necessary, and indigent care would not go away, but rather than the County dispersing funds, the state of New Mexico will. Mr. Khanbabian also commented on the future of Corre Caminos and the state of disrepair the bus stops are in.

Rita Salan came spoke in opposition of the proposed ordinance to ban plastic bags. Ms. Salan urged more participation on behalf of the officials in regards to meetings and issues that affect the southern part of the County.

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.

Manny Armendariz spoke in favor of having the meetings in the morning.

John Costello inquired on the progress of cleaning up a junkyard in his neighborhood.

Russ Howell spoke in regards to the Board's three largest concerns that the County faces in the year or foreseeable future. The concerns that were addressed by the Commissioners were Water Conservation issues, Economic Development, tourism, keeping PILT funds in the county, diligence in regards to the Endangered Species Act, and Land Management issues.

Linda Smrkovsky spoke in favor of the Board's approval of New Business Item 'H'.

Jolene Nunn commented on a road technology, and asked the Board's consideration of the feasibility of the available technology.

CONSIDER MINUTES: Upon motion of Commissioner Milo and a second by Commissioner Diaz, the minutes of the October 9, 2014 Executive Session were unanimously approved. Upon a motion by Commissioner Diaz and a second by Commissioner Milo the minutes of the October 9, 2014 Regular Meeting were unanimously approved.

CONSENT AGENDA: Upon a motion by Commissioner Diaz and a second by Commissioner Milo, Accounts Payable registers in the amount \$1,160,805.07 and Payroll Registers in the amount of \$1,336,259.15 were unanimously approved.

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

- a. **RESOLUTION 14-66 BUDGET INCREASES:** *(Note: Items 'F' and 'G' were moved ahead of this particular item in the New Business part of the Agenda.)* Mr. Jackson recommended the approval of four budget increases totaling \$200,000. Commissioner Diaz moved to approve Resolution 14-66 Budget Increases. Chairman Spivey seconded the motion which carried unanimously following a roll-call vote.
- b. **RESOLUTION 14-67 BUDGET TRANSFERS:** Mr. Jackson recommended approval of four budget transfers totaling \$17,427.62. Commissioner Diaz moved to approve Resolution 14-67 Budget Transfers. Commissioner Milo seconded the motion which carried unanimously following a roll-call vote.

- c. RESOLUTION 14-68 ARIZONA WATER SETTLEMENT ACT FINANCIAL OPTION:** Mr. Jackson stated that this resolution supports GK Baum's developed plan because there is a higher potential to grow the body of the allocated funds under the Arizona Water Settlement Act, and finance more projects than the current Interstate Stream Commission plan. Mr. Jackson introduced Mark Valenzuela to the Board to explain the plan's projections and summarize the prospectus. Commissioner Diaz moved to approve Resolution 14-68 Arizona Water Settlement Act Financial Option. Commissioner Milo seconded the motion, which carried unanimously following a roll-call vote.
- d. RESOLUTION 14-69 INDUCEMENT RESOLUTION FOR MOBILE HOME ORDINANCE:** Mr. Jackson explained this resolution is proposing an Ordinance which requires a movement certificate and tax release prior to moving a manufactured home within Luna County, and stems from a result of the Luna County Treasurer's reports of losing revenue from uncollected taxes due to manufactured homes being moved out of the County without a tax release being required prior to movement. Numerous New Mexico counties have ordinances already in place, which require a Movement Certificate and Tax Release prior to the movement of any manufactured homes within their counties. County Assessor Delilah Rojo stood for questions, and County Treasurer Dora Madrid explained how the Ordinance will benefit Luna County, and increase tax collection percentages. Commissioner Milo moved to approve Resolution 14-69 Inducement Resolution for Mobile Home Ordinance. Commissioner Diaz seconded the motion which carried unanimously following a roll-call vote.
- e. RESOLUTION 14-70 APPROVING LUNA COUNTY, CITY OF DEMING, VILLAGE OF COLUMBUS HAZARD MITIGATION PLAN:** Mr. Jackson stated this resolution is the result of a cooperative effort on behalf of Luna County, City of Deming and the Village of Columbus. The resolution is required, and is an updated Hazard Mitigation Plan, and will replace all previously adopted plans approved by the Board. Commissioner Diaz moved to approve Resolution 14-70 Approving Luna County, City of Deming, Village of Columbus Hazard Mitigation Plan. Commissioner Milo seconded the motion which carried unanimously following a roll-call vote.
- f. APPOINTMENT OF ASHLEIGH STRONG AS COURT SECURITY OFFICER:** *(Note: Due to time constraints on the Agenda, this item was moved ahead of Item 'A' on the Agenda.)* Commissioner Diaz motioned to approve the Appointment of Ashleigh Strong as Court Security Officer. Commissioner Milo seconded the motion which carried unanimously.
- g. APPOINTMENT OF NICK RENTERIA AS COURT SECURITY OFFICER:** *(Note: Due to time constraints on the Agenda, this item was moved ahead of Item 'A' on the Agenda.)* Commissioner Milo motioned to approve the Appointment of Nick Renteria as Court Security Officer. Commissioner Diaz seconded the motion which carried unanimously.

- h. MEMORANDUM OF AGREEMENT BETWEEN THE COUNTY OF LUNA, CITY OF DEMING AND DEMING PUBLIC SCHOOLS:** Mr. Jackson stated this item is a Memorandum of Agreement (MOA) submitted to the County by the City of Deming, and requests for the County Commission to vote on the agreement. The Memorandum of Agreement contains five points which relate to Economic Development and also contains the Economic Development Board's 501 (c) 3 status, and a financial report. Mr. Jackson stated the MOA was received right before the Agenda publishing deadline, and he has not had a chance to review the MOA, and offer input for comments, suggestions for changes or modifications before it was distributed to other entities. Chairman Spivey explained the MOA does not include any requests for money at this time, but merely states that the parties involved wish to cooperate. Mr. Jackson voiced his concerns with the MOA and stated what he felt were inconsistencies and misunderstandings. Mr. Jackson further stated that he could not in good faith, at this time recommend approval of the MOA. Much discussion ensued involving individual reservations and concerns amongst the Board, and there was emphasis on the County's (Commissioners) roles and authority involving financials. Linda Smrkovsky came before the Board and expressed her support for the MOA. Larry Caldwell stated that if organizations did not want to work together or get along, a MOA would not change this. Commissioner Diaz motioned to table the Memorandum of Agreement between the County of Luna, City of Deming, and Deming Public Schools. Commissioner Milo seconded the motion, which carried with a majority vote and Chairman Spivey voting in the Negative.
- i. CHRISTMAS HOLIDAY SCHEDULE (CONSIDERATION OF EXCHANGING DECEMBER 24, 2014 FOR DECEMBER 26, 2014 TO PROVIDE FOR A FOUR-DAY HOLIDAY WEEKEND):** Mr. Jackson explained to the Board the premise of this item stemmed from a few County Employee requests that Wednesday, December 24, 2014 be exchanged for Friday, December 25, 2014 in order to provide a four-day weekend for the Christmas Holiday. Commissioner Milo motioned to approve Christmas Holiday Schedule (Consideration of Exchanging December 24, 2014 for December 26, 2014 to Provide for a Four-Day Holiday Weekend. Commissioner Diaz seconded the motion which carried unanimously.

INDIGENT CLAIMS REPORT: Upon motion of Commissioner Diaz seconded by Commissioner Milo, the meeting of the Board of County Commissioners was unanimously recessed and the meeting of the Indigent Hospital Claims Board convened. County Manager Charles "Tink" Jackson recommended approval of zero claims dated November 13, 2014 in the amount of zero dollars and zero denials. The monies received for October 2014 totaled \$58,742.64 and the balance in the IHC Funds is approximately \$342,249.59. Commissioner Milo moved to approve zero claims dated November 13, 2014 in the amount of zero dollars and zero denials. Commissioner Diaz seconded the motion which carried unanimously. Commissioner Milo moved to recess as Claims Board and to reconvene as the Board of County Commissioners. Commissioner Diaz 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) 7 NMSA 1978 pertaining to the County Manager's Evaluation and Pending Litigation Matters pursuant to 10-15-1 (H) 2 NMSA 1978 pertaining to the ETZ. 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 Limited Personnel Matters and Litigation Matters. The motion was seconded by Commissioner Milo and approved unanimously. Commissioner Diaz motioned that the County Manager Charles "Tink" Jackson, in lieu of a severance package, receive \$115,000 a year for a two-year period, and shall receive performance evaluations twice a year. Commissioner Milo seconded the motion which carried unanimously.

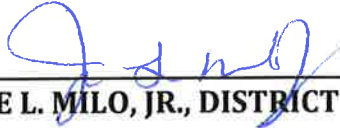
ANNOUNCE NEXT MEETING: Chairman Spivey announced the next regular meeting will be held on Tuesday, December 16, 2014. Upon a motion from Commissioner Diaz and a second from Commissioner Milo, the time for the December meeting was unanimously approved for 6:00 p.m.

ADJOURN: Chairman Spivey adjourned the meeting at 1:46 p.m.

ATTEST:

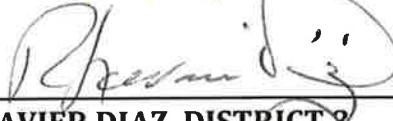
LUNA COUNTY BOARD OF COUNTY COMMISSIONERS


ANDREA RODRIGUEZ, CLERK


JOE L. MILO, JR., DISTRICT 1

APPROVED: 12/16/14


CHAIRMAN, J. JAY SPIVEY, DISTRICT 2


R. JAVIER DIAZ, DISTRICT 3

