

**MINUTES
REGULAR MEETING
LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS
Tuesday, December 16, 2014**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 6:00 p.m. on Tuesday, December 16, 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, Clerk Andrea Rodriguez, Chief Deputy Clerk Berenda McWright, Assessor Delilah Rojo, Chief Deputy Assessor Barbara Cobos, Treasurer Dora Madrid, Sheriff Raymond Cobos, Special Projects and Facilities Management Director Billy Ruiz, Budget and Procurement Director Joanne Hethcox, Community and Projects Director Jessica Etcheverry, Detention Director Matthew Elwell, Starmax Facilities Director Ira Pearson, Road Director Marty Miller, IT Technician Manny Armendariz, Emergency Services Director Mark Jasso, Health and Wellbeing Director Jessica Moreno .

CALL TO ORDER: Chairman Spivey called the meeting to order at 6:01 p.m. and Brian Davey 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 regarding Luna County Ordinance Number 91. County Manager Charles "Tink" Jackson summarized the ordinance which would require a movement certificate and a tax release prior to moving a manufactured home within or out of the county, and provides penalties and enforcement for failure to comply. With no other testimony forthcoming, Chairman Spivey closed the public hearing.

LUNA COUNTY ORDINANCE NUMBER 91: Commissioner Diaz motioned to approve Luna County Ordinance Number 91 Consideration of Luna County Ordinance Number 91 Requiring Movement Certificate and Tax Release Prior to Moving a Manufactured Home within Luna County and Providing Penalties and Enforcement for Failure to Comply.

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

PRESENTATIONS: County Manager Charles Jackson announced the Employee of the Year is Glory Johnson, and presented Ms. Johnson with an award certificate.

Zalenna Pinon (Luna County Parents as Teachers) presented Anna Barraza with the Promotora of the Year award.

Mr. Jackson presented the Detention Officer Oath of Office to Rosemary Lynch, Estefania Gomez, Griselda Ramos, Daniel Calanchi, Joseph Apodaca, Brent Jasso and Paul Garcia.

Luna County Detention Director Matt Elwell presented Jail Officer Certification on behalf of the American Jail Association and the Jail Manager Certification Commission to Lieutenant Mary Gooding, Sergeant Yolanda Edwards and Sergeant Guadalupe Sandoval.

SERVICE AWARDS: Sheriff Raymond Cobos presented Juan Aguilar with a ten year service award. Mr. Elwell presented Jessie Sherbutt with a ten year service award and Dolores Gonzales with a five year service award.

ELECTED OFFICIALS REPORT: County Clerk Andrea Rodriguez announced the Clerk's Office conducted an Election Recount, and there were no changes. The Clerk's Office is now in the process of preparing for the School Board Election in February.

County Treasurer Dora Madrid announced her office has been busy collecting taxes. Ms. Madrid also thanked the County Manager for acting quickly on getting Ordinance 91 presented and passed.

County Assessor Delilah Rojo reported that her office is busy working on the 2015 Re-Appraisals and she is also in the process of filling a position for an Appraiser.

There was no report from the Sheriff's Office.

COUNTY MANAGER'S REPORT: **(This item was moved out of sequence from the agenda, and was presented after Public Comment.)* County Manager Charles "Tink" Jackson reported on the following items:

- Luna County has been chosen as 1 of 8 Communities of Opportunity nationwide, by the American Farmland Trust. This program is sponsored through the USDA and it is a three-year initial project. A Technical Assistance Grant will begin, and winners will be announced nationally.
- Shop with a Cop hosted a fundraising bowling tournament. Sixteen five person teams participated in the event, which raised approximately \$2000.
- Luna County lead an intervention effort for the Interstate Stream Committee (ISC) Open Meetings Act Lawsuit. Intervention was successful, and the full suit was dropped.

- Intervention efforts allowed the ISC to complete its decision making process on November 24th, and the diversion project was approved by vote of ISC. A letter will be sent notifying the Secretary of the Interior that New Mexico will exercise its' right to build a diversion project, and utilize the additional 14,000 acre-feet of water out of the Gila River.
- Luna County planted Christmas trees in the Courthouse Park, and the electricity will be completed in 2015. The first official Community Christmas Tree lighting ceremony will take place after the electric light parade in 2015.
- Central Dispatch received or sent 12,110 calls for service. Of the calls, the Luna County Sheriff's Department generated 143 calls for service, the Deming Police Department generated 475 calls for service, the Deming Fire Department generated 239 calls for service and the Volunteer Fire Departments had 5 calls for service. There were a total of 6 Tipsoft tips received for the month of November.
- Keep Luna County Beautiful: Hosted a Recycle Art Show at the Deming Art Center during the month of November to celebrate National Recycle Month.
- Economic Development: Luna County partnered with the Deming Workforce Connection, and held a job fair at the Mimbres Valley Learning Center on November 20th. The job fair had over 150 participants. A second advertising campaign for the 55-mile extension has begun at the ports of entry and Mexico.
- Luna County was awarded \$151,023 for the Tulip Landfill Reclamation project.
- The Luna County Detention Center average daily inmate population for the month of November was 306 inmates. U.S. Marshall's daily average population was 175 inmates. The average daily local population was 131 inmates. The average length of stay was 16 days. Sierra County inmates' average daily population for the month of November was 42 inmates. An inaugural flag raising ceremony was held on November 14th, with the assistance of the Deming High School Army JROTC. The Community Detention Policy Advisory Committee and Luna County Staff were in attendance for the event.
- Special Projects continues to respond to records requests, including a request from the U.S. Attorney's office. The department also oversaw a meeting and organized fundraising events for Shop with a Cop. A security revamp plan to include key fobs issuance is currently being worked on.
- DWI Prevention Program: Is tracking 122 misdemeanor DWI offenders. 6 clients were screened for substance abuse. An average of 11 offenders attended Outpatient Treatment.
- The Luna County Road Department worked on State Projects, chip sealing Camino Doce Rd. SE and SW, and chip sealing 8th Street SW. The department is currently working on south Country Club Rd. SE, preparing for chip seal of 1 mile extension for the School Bus Project. Road maintenance of County Roads and handling complaints regarding the road conditions continues.
- Starmax received a total of \$118,996.20 towards the digital reimbursement program through 11/30/2014. Remaining balance on conversion expenses is \$269,665.07.
- Human Resources advertised for Safe Border Grant Field Deputy positions. A part-time CASA Volunteer Coordinator for Grant County was advertised for and filled. A part-time shelter advocate position for the Healing House was posted. The department work on a draft policy for EAP for different types of referrals.

- The Maintenance Department placed a new heater unit at the Healing House and repaired all County buildings for NMAC inspection.
- Starmax sales for the month of November were \$146,780. All 6 theatres now have LED lighting, and were painted and steam cleaning was performed on the seating.
- Emergency Services Department: The NMAC performed an annual building and property inspection. There were about 10 correction items in all Luna County buildings and properties.
- There were 2 tort claims and 0 worker's comp claims for the month of November.
- Community Health and Well Being: CASA is currently providing services to 24 Luna, 21 Grant and 1 Hidalgo County clients. Parents as Teachers (PAT) is providing services to 11 clients, and the Healing House assisted 52 clients with victim advocacy services, and provided emergency shelter to 8 women, 12 children and currently serving 7 domestic violence offenders in the project ENOUGH!
- Volunteer Fire Departments: Cooke's Peak responded to 1 RV fire on Hwy 180, and assisted with 2 vehicle fires and 2 structure fires. Sunshine responded to 2 vehicle fires and 2 structure fires. All stations received a total of 3 new members.

PUBLIC COMMENT: **(This item was presented out of sequence from the agenda, and was presented before the County Manager's report.)*

John Costello inquired about the progress of a junkyard cleanup located near his neighborhood.

Sean Blaine commented about the order of Public Comment before the County Manager's report, and the protocol of the Volunteer Fire Departments.

Larry Caldwell voiced his concerns about Item 14 on the agenda, and whether or not the Executive Session was in accordance with the Open Meetings Act.

Jolene Nunn presented information in regards to a price quote she received for paving the road where Hidden Valley Ranch is located. Ms. Nunn invited the Commissioners and the public out to Hidden Valley Ranch.

Russ Howell thanked Chairman Spivey for his service as a Commissioner, and commended the Board for their efforts for balancing the budget. Ms. Howell also discussed the possibility of Commissioners and the County Manager of submitting a travel report for out of state travel in order to keep citizens informed on what is accomplished or the purpose of taking said trips.

CONSIDER MINUTES: Upon motion by Commissioner Milo and a second by Commissioner Diaz the minutes for the Special Meeting of November 7, 2014 were approved.

Upon motion by Commissioner Diaz and a second by Commissioner Milo the minutes for the November 13, 2014 Regular Meeting 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 14-60 OUT OF STATE TRAVEL POLICY:** Mr. Jackson summarized this Resolution which establishes a policy and requirements for out-of-state travel for the Commissioners or County Manager. The Resolution states: Payment of reimbursement for any and all out of state travel by a Commissioner or the County Manager must be approved by a majority vote of the Commissioners prior to any travel being taken. All action on a request for payment or reimbursement shall be taken under an action item on the agenda. Claims for reimbursement shall include a written report submitted to the Chair of the Commission within thirty days of a trip. The report shall be attached to the travel reimbursement and will be available for public inspection upon request. All reimbursement for any and all out of state travel shall be submitted to the Finance Department within forty-five days of travel and shall include either an agenda, itinerary or memorandum outlining the events attended along with detailed, itemized receipts for the full amount being sought for payment or reimbursement. Reimbursement for out of state travel taken during a fiscal year shall be submitted for reimbursement at least five business days prior to the end of the fiscal year. If not submitted at least five business day prior to the end of the fiscal year, no reimbursement will be made. Commissioner Diaz motioned for the approval of Resolution 14-60 Out of State Travel Policy. The motion was seconded by Commissioner Milo and carried unanimously following a roll-call vote.
- b. **RESOLUTION 14-71 SUPPORTING THE DISPLAY OF THE NATIONAL MOTTO "IN GOD WE TRUST" IN LUNA COUNTY, NEW MEXICO COMMISSION CHAMBERS:** Mr. Jackson stated this Resolution supports the display of the National Motto "In God We Trust" in the Commission Chambers. Citizens Larry Caldwell and Sean Blaine spoke in opposition for this resolution. Commissioner Diaz motioned to approve Resolution 14-71 Supporting the Display of the National Motto "In God We Trust" in Luna County, New Mexico Commission Chambers. The motion was seconded by Commissioner Milo which carried unanimously following a roll-call vote.
- c. **RESOLUTION 14-72 SUPPORTING INTEREST AND FEE CAPS ON NON-BANK LENDING INSTITUTIONS:** Mr. Jackson stated this Resolution is at the request of the City of Deming, and supports interest and fee caps for non-bank lending institutions (i.e.; Pay Day and Title Loans). Mr. Jackson explained that the interest and fees associated with some of these lending institutions can go anywhere from 100% to 700%, and the resolution protects the consumers who resort to these institutions as a lending source. The City is trying to garner statewide support for the resolution. Commissioner Milo motioned for approval of Resolution 14-72 Supporting Interest and Fee Caps on Non-Bank Lending Institutions. The motion was seconded by Commissioner Diaz which carried unanimously following a roll-call vote.

- d. **RESOLUTION 14-73 BUDGET INCREASES:** The approval of six budget increases totaling \$92,668.01 was recommended. Commissioner Diaz motioned to approve Resolution 14-73 Budget Increases. Commissioner Milo seconded the motion which carried unanimously following a roll-call vote.
- e. **RESOLUTION 14-74 BUDGET TRANSFERS:** The approval of sixteen intradepartmental budget transfers totaling \$59,255.84 was recommended. Commissioner Diaz motioned to approve Resolution 14-74 Budget Transfers. Commissioner Milo seconded the motion which carried unanimously following a roll-call vote.
- f. **RESOLUTION 14-75 AUTHORIZING AND APPROVING SUBMISSION OF APPLICATION FOR FINANCIAL ASSISTANCE AND PROJECT APPROVAL TO THE NEW MEXICO FINANCE AUTHORITY FOR COLONIAS INFRASTRUCTURE FUND (ROCKHOUND PHASE II):** Community Projects Director Jessica Etcheverry stated the approval of this Resolution is needed for the New Mexico Finance Authority to approve the applications for completion of the Rockhound (Colonias Infrastructure) Project. The Resolutions are presented in two phases in order to obtain a better chance of financial assistance or funding. The Rockhound Projects consist of drainage and road improvement infrastructures on Country Club and Rockhound Roads. Commissioner Diaz motioned to approve Resolution 14-75 Authorizing and Approving Submission of Application for Financial Assistance and Project Approval to the New Mexico Finance Authority for Colonias Infrastructure Fund (Rockhound Phase II). Commissioner Milo seconded the motion which carried unanimously following a roll-call vote.
- g. **RESOLUTION 14-76 AUTHORIZING AND APPROVING SUBMISSION OF APPLICATION FOR FINANCIAL ASSISTANCE AND PROJECT APPROVAL TO THE NEW MEXICO FINANCE AUTHORITY FOR COLONIAS INFRASTRUCTURE FUND (ROCKHOUND PHASE III):** *Community Projects Director Jessica Etcheverry presented the summary of this item in conjunction with New Business Item 'F'.* Commissioner Milo motioned to approve Resolution 14-76 Authorizing and Approving Submission of Application for Financial Assistance and Project Approval to the New Mexico Finance Authority for Colonias Infrastructure Fund (Rockhound Phase III). Commissioner Diaz seconded the motion which carried unanimously following a roll-call vote.
- h. **DISPOSAL OF ASSETS: DETENTION CENTER PASSENGER BUS MC-9 CRUSADER VIN 1M89CM6A3CP037238 NM LIC# G-81979:** Approval was recommended for Disposal of Assets for a Detention Center passenger bus MC-9 Crusader VIN 1M89CM6A3CP037238 New Mexico License Number G-81979. Commissioner Diaz moved to approve the Disposal of Assets: Detention Center Passenger Bus MC-9 Crusader VIN 1M89CM6A3CP037238 New Mexico License Number G-81979. Commissioner Milo seconded the motion which carried unanimously.
- i. **2015 LUNA COUNTY HOLIDAY SCHEDULE:** Mr. Jackson advised the Board that there were no changes in the Holiday Schedule from 2014, with the exception of adjusting the dates and observations for the 2015 calendar year. Commissioner Diaz moved to

approve the 2015 Luna County Holiday Schedule. Commissioner Milo seconded the motion which carried unanimously.

- j. **MOU FOR GROWING FOOD CONNECTIONS:** Mr. Jackson stated that this Memorandum of Understanding is presented by the American Farmland Trust in conjunction with the Growing Food Connections grant that was awarded to Luna County. Commissioner Milo motioned to approve the Memorandum of Understanding for Growing Food Connections. Commissioner Diaz seconded the motion which carried unanimously.
- k. **MEMORANDUM OF AGREEMENT BETWEEN THE COUNTY OF LUNA, CITY OF DEMING AND DEMING PUBLIC SCHOOLS FOR ECONOMIC DEVELOPMENT:** Mr. Jackson explained to the Board this Memorandum of Agreement (MOA) is presented again this month because the item was tabled. Mr. Jackson stated that he presented a revised MOA to the City that contained provisions that he felt the Commission would be more comfortable with, and the City chose not to consider that MOA. A discussion ensued as to the importance of the MOA. Ann Shine-Ring voiced her concerns how this would affect hiring illegals with work permits, and asked if the County had any policies in place concerning this should the MOA move forward. Keith Harris asked how the MOA would impact the County financially. Chairman Spivey stated that the MOA would not have any impact, as it does not involve money at this time. Larry Caldwell spoke in opposition of the approving the MOA. Linda Smrkovsky spoke in favor of approving the MOA. This item died on the floor due to lack of a motion.

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 one claim dated December 16, 2014 in the amount of \$6,422.57 and zero denials. The monies received for November 2014 totaled \$53,002.77, and the balance in the IHC fund as of November 30, 2014 is \$395,402.68. Ms. Hethcox noted that a second quarterly payment was made this past week. Commissioner Diaz moved to approve one claim dated December 16, 2014 in the amount of \$6,422.57 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 acquisition of real property pursuant to 10-15-1 (H) (8) NMSA 1978. 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 acquisition of real

property. Commissioner Milo seconded the motion which carried unanimously. Commissioner Diaz motioned to authorize the County Manger to negotiate a purchase price on the Harrison and Devaney property located in Luna County, with the amount at appraisal price or below, and to further authorize the County Manager to negotiate and execute a purchase agreement and make any necessary recommendations by the State Board of Finance. Commissioner Milo seconded the motion which carried unanimously.

ANNOUNCE NEXT REGULARLY SCHEDULED MEETING: Chairman Spivey announced the next regular meeting will be held on Thursday, January 8, 2015. Upon a motion by Commissioner Milo and a second by Chairman Diaz the meeting time was set for 9:00 a.m.

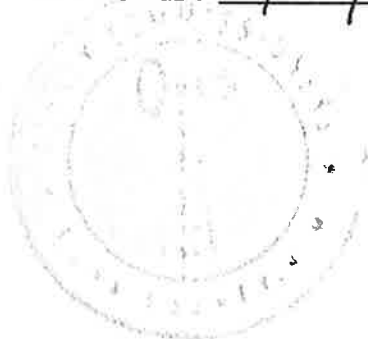
ADJOURN: Chairman Spivey adjourned the meeting at 8:02 p.m.

ATTEST:



ANDREA RODRIGUEZ, CLERK

APPROVED: 01/08/15



LUNA COUNTY BOARD OF COUNTY COMMISSIONERS



JOE L. MILO, JR., DISTRICT 1



LINDA M. SMRKOVSKY, DISTRICT 2



R. JAVIER DIAZ, DISTRICT 3