

**MINUTES
REGULAR MEETING
LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS
Thursday, October 8, 2015**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 9:00 a.m. on Thursday, October 8, 2015 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 Juarez, County Clerk Andrea Rodriguez, Deputy Clerk JoAnna Zurinsky, Elections Administrator Leslie Nabours, Treasurer Dora Madrid, Chief Deputy Treasurer Gloria Rodriguez, County Assessor Delilah Rojo, Chief Deputy Assessor Barbara Cobos, Captain Kelly Gannaway, Detention Director Matthew Elwell, Lieutenant Richard Cowles, Dispatch Supervisor Lauree Sanchez, Human Resources and Payroll Director Daniel Gonzales, Starmax Facilities Director Ira Pearson, Public Information Officer Matt Robinson, IT Technician Manny Armendariz, IT Technician Michael Lockard, Director Health & Well Being Jessica Moreno

CALL TO ORDER: Chairman Milo called the meeting to order at 9:02 a.m. and Ray Trejo led the Pledge of Allegiance.

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

**Chairman, Joe L. Milo, Jr., District 1
Linda M. Smrkovsky, District 2
R. Javier Diaz, District 3**

ELECTED OFFICIALS REPORTS: County Clerk Andrea Rodriguez reported her department is currently preparing for the 2016 Elections, and asked the Board for their consideration in approving the polling places.

There was no report from the County Assessor.

Captain Kelly Gannaway reported that the Sheriff's Department is preparing 12 units for the public auction block and they are also currently trying to fill a position for a deputy.

County Treasurer Dora Madrid reported that her department will mail out tax bills on October 30th.

ANNOUNCEMENTS: Commissioner Diaz announced that he would like to move items 14 and 15 on today's agenda before the Executive Session.

Commissioner Smrkovsky announced that Chief Deputy Clerk Berenda Mc Wright's daughter Kenzi's pig received *Grand Champion* honors at the County Fair.

Assistant to the County Manager Glory Juarez announced the annual *Shop with a Cop* kickoff is this weekend (Saturday) at 10:00 a.m. at Kmart, and invited the public to attend. The kickoff starts with a bike run. Ms. Juarez also announced there is a job fair at the Mimbres Valley Learning Center on October 14th.

County Manager Charles "Tink" Jackson announced that October is Breast Cancer Awareness and Domestic Violence Awareness Month, and Luna County Employees can wear pink on Wednesdays for Breast Cancer Awareness and wear purple on Fridays for Domestic Violence Awareness to commemorate the events.

PRESENTATIONS: Mario Juarez-Infante of Wilson and Co. gave a power point presentation update on the Land Port of Entry (POE) and Bypass Funding Strategy. Mr. Juarez-Infante's presentation included traffic statistics and transportation flows, estimated growth projections, construction costs and phases, and outlined the purpose and need of the POE and the bypass route.

Detention Director Matthew Elwell conducted a retirement ceremony for Luna County Detention Center Captain Danny Cordova (25 Years).

Detention Director Matthew Elwell conducted a promotion ceremony for Luna County Detention Officers Javier Gallegos to Sergeant, Chris Verduzco to Sergeant, and David Townsend to Lieutenant.

PUBLIC COMMENT: Chairman Milo opened the floor to Public Comment, however there was no public comment forthcoming.

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

- The New Mexico CAP Entity held a special meeting on September 27th to consider adoption of the New Mexico Unit Agreement. The CAP Entity had previously appointed a negotiation team to work with the BOR in an attempt to come to an agreement on language to be included in the NM Unit Agreement. Numerous meetings were held, and an agreement was reached on September 23. The NM CAP Entity unanimously approved the NM Unit Agreement as negotiated by the NM CAP Negotiation Team. The agreement will next be considered by the Interstate Stream Commission on October 16. The deadline for the Secretary of the Interior to approve the Agreement is November 23rd.

- The County will be auctioning surplus vehicles on October 31, 2015. Charles Dickerson will be the auctioneer, and the auction will be held at 1:00 p.m. in the parking lot at the Learning Center.
- Interstate Stream Commission (ISC) Canadian River Application-The County Manager attended the settlement conference on September 26th. The ISC agreed to terms as established by the complainants including: 1) reducing the proposed N/C diversion up to 5 c.f. from the toe of the dam, 2) reducing the place of use to from the toe of the dam to the Logan Gage, 3) including no tributaries, 4) removing Strategic Water Reserve as the authority for making the application, 5) providing a provision not to fence livestock off of the river, and 6) stating that this application could not interfere with future stock pond/tanks, springs or seeps. Once this agreement is approved by the full ISC Commission, the application will be amended to reflect the agreement. The Luna County Commission will need to approve a settlement agreement stating their intent to not object to the amended application.
- Senate Joint Memorial (SJM) 4 Task Force- Work one SJM 4 Task Force has been completed. This task force was established to study and make recommendations for clinically appropriate housing options for individuals with serious mental illness who are in custody in county detention centers.
- State Auditors spent a significant amount of time in Luna County last month. The exit conference will take place on Thursday, October 15. All indications at this point are that the County should have a very good audit report.
- Luna County Detention Director Matt Elwell and the County Manager met with Rachel Pelz in reference to the potential for a Luna County Adult Drug Court. This could have a great utility in taking some of the local burden off of the Luna County Detention Center (LCDC). Work continues to make this a presentation item to the Commission in November, and having it operational in January of 2016.
- The Sierra County Commission toured the LCDC on September 23rd. The inspection was a good opportunity for them to learn about the facility and visit with their inmates. The Sierra County Commission were appreciative of the faculty and the staff.
- Commissioner Smrkovsky and the County Manager attended a meeting at the Mimbres Valley Learning Center with other community leaders and the president of Western New Mexico University to discuss additional educational opportunities for the local area at the learning center. It was a productive meeting, and many solid ideas came of it.
- The County Manager's office conducted interviews for a new Executive Assistant on September 30th. The position will be filled in the next two weeks. Thanks to everyone for all of their patience (and to all of the employees that have pitched in and helped out with duties) over the last few weeks.
- Department Directors and Elected Officials (minus the Commission) met and worked on the necessary changes to be proposed to the Luna County Personnel Ordinance #23. The meetings were productive, and the Ordinance should be ready for consideration and adoption at the next Commission meeting.

- The County Manager received a courtesy call from Pegasus's Bob Brumley this week. The purpose of the call was to inform the County that Pegasus is still working with the FCC in attempting to get a license to operate in Luna County. The call was in response to numerous news articles recently released in the United States and Great Britain about the CITE project, and the proposed ghost city.
- A public forum regarding the draft Social Host Ordinance was held October 7th at 6:00 p.m. in the Commission Chambers. Approximately 40 people attended the meeting. Numerous comments were provided by the public including comments from realtors, property owners, administration, and law enforcement.
- Luna County Dispatch received/sent 12,207 calls for the month of September. The Luna County Sheriff's Office generated 210 calls for service. The Deming Police Department generated 508 calls for service. The Deming Fire Department generated 260 calls for service. The Volunteer Fire Departments generated 4 calls for service. Tipsoft generated 14 calls.
- Community Projects Department: Luna County Community and Economic Development (LCCED) hosted a Manufacturing Days Tour. The tour included Compass Components, Mizkan, and Luna Rossa Winery. A total of 32 Community members and 35 students from Deming Public Schools attended the event. LCCED is partnering with the Chamber of Commerce and Workforce Connections for a job fair on October 14th at the Mimbres Valley Learning Center.
- Keep Luna County Beautiful hosted a Toss No Mas event on Saturday, September 26th. Over 300 participants were in attendance, and 21,000 lbs. of trash were picked up.
- Film Office: Matt Robinson gave a presentation to the Deming Rotary Club on the goals of the Film Office and what is happening around the state. He stressed the importance of registering businesses and talents on the state's databases.
- Luna County Detention Center: For the month of September, the inmate daily average population was 376. The U.S. Marshal's Service daily average population was 206. Local daily inmate population was 170. The average length of stay for inmates was 63 days. The average daily population for Sierra County inmates was 55.
- Implementation of the Visitation Scheduling program has begun and software integration has started for electronic medical records and inmate telephone systems.
- Special Projects: Worked with the State Board of Finance on Property Transfer for Tulip Landfill.
 - Continues to respond to numerous public records requests from Lilly Law Firm and Jacks Law Firm.
 - Coordinated and Worked on Personnel Ordinance Revision.
 - Worked on MOU and Security Guide for District Court.
- The Road Department acknowledges that they are behind schedule with regular road maintenance, and will service roads as soon as possible, but emergency situations must be taken care of as soon as they arise. Areas hit with heavy rain cannot be serviced until the roads dry out enough to support heavy equipment. Because of all of the heavy rain, the road department has both mowers out to

combat new growth and will continue to mow. No State Projects have been started yet, they are pending the outcome of the September 22nd bid award process for materials.

- Starmax has received a total of \$180,037.80 towards the digital reimbursement program through 09/30/2015. Remaining balance on conversion expenses is \$208,623.47. Funds are put back into Fund 416.
- Budget and Procurement continues the fiscal audit process. The fiscal auditors began field work and procedure testing July 27-30, 2015, and returned September 14, 2015. The Audit is due to the Office of the State Auditor on November 1st. Exit conference scheduled for October 15, 2015 at 10:00 a.m.
 - Working with the Treasurer's Office on quarterly reports and final report for accuracy with beginning balances for budget.
- Human Resources and Payroll posted and hired for the following positions: Part Time Healing House Shelter Advocate. Detention Officer and Medical Detention Officer Positions, Parents as Teachers, Parent Educator, Executive Assistant with the County Manger's office, JJCS Literacy Coordinator, CASA Volunteer Coordinator. The following position was advertised: Assessor's Office- County Services Specialist.
- Maintenance Department continues work on the air conditioning units at the Learning Center. A water line was replaced at Courthouse Park and the department worked on a pre-inspection work order for the Emergency Services Director.
- Starmax sales for the month of September \$90,630. Starmax hosted the Special Olympics Bowling Tournament.
- Emergency Services Department: For the month of September, there was 1 tort claim, 0 workers comp claims, and 0 vehicle accidents.
- Community Health and Well-Being: CASA is currently providing services to Luna, Grant, and Hidalgo Counties. Deming has 19 clients, Silver City 22, and Lordsburg has 2.
 - The Parents as Teachers program is providing services to 100 clients. Performed 166 visits for the month of September, and held 2 breastfeeding support groups and 1 group connection. A total of 15 pregnancy tests were administered. A car seat class was completed and 12 car seats were inspected, installed and distributed. A car seat distribution class was held at the fire department.
 - The Healing House received 5 crisis calls, and assisted 22 clients with victim advocacy services and provided emergency shelter to 16 women and 20 children, and continues planning for Domestic Violence awareness month (October).
- Volunteer Fire Departments- Cooke's Peak: Responded to 1 structure fire. 2 false alarms. Sunshine: 2 fire carbon monoxide alarms, both required the replacing of batteries.

CONSIDER MINUTES: Upon motion of Commissioner Diaz, seconded by Commissioner Smrkovsky, the minutes of the September 11, 2015 Regular Meeting were unanimously approved.

CONSENT AGENDA: Upon motion of Commissioner Smrkovsky, seconded by Commissioner Diaz, Accounts Payable Registers totaling \$784,176.80 and Payroll Registers totaling \$1,057,383.20 were unanimously approved.

OLD BUSINESS: County Manager Charles “Tink” Jackson reviewed each item on the Old Business agenda with the commissioners:

- a. **KEEP LUNA COUNTY BEAUTIFUL BOARD APPOINTMENT:** Mr. Jackson recommended the tabling of this item, citing that Community Projects Director Jessica Etcheverry is still seeking interested parties. Commissioner Smrkovsky motioned to table the Keep Luna County Beautiful Board appointment. Commissioner Diaz seconded the motion which carried unanimously.
- b. **FINANCIAL SUPPORT FOR DEMING PUBLIC SCHOOLS PARTICIPATION IN A NATIONALLY TELEVISED PRODUCTION ON 21ST CENTURY:** Mr. Jackson outlined the history of this item, and explained that he has not scheduled a Work Session. Deming Public Schools Assistant Superintendent Ray Trejo stated that the School Board is willing to have a Work Session. A discussion ensued amongst the Board, the County Manager and Mr. Trejo on the importance on making sure that all entities involved have the same intent involving economic development. Commissioner Smrkovsky motioned to table Financial Support for Deming Public Schools Participation in a Nationally Televised Production on 21st Century. Commissioner Diaz seconded the motion which carried unanimously.

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

- a. **RESOLUTION 15-51 BUDGET INCREASES:** Two intra/inter departmental Budget Increases in the amount of \$23,326.35 were proposed. Commissioner Diaz motioned to approve Resolution 15-51 Budget Increases. Commissioner Smrkovsky seconded the motion which carried unanimously following a roll-call vote.
- b. **RESOLUTION 15-52 BUDGET TRANSFERS:** Two inter/intra departmental Budget Transfers in the amount of \$61,804.05 were proposed. Commissioner Smrkovsky motioned to approve Resolution 15-52 Budget Transfers. Commissioner Diaz seconded the motion which carried unanimously following a roll-call vote.
- c. **RESOLUTION 15-53 DESIGNATING THE POLLING PLACES FOR THE 2016 PRIMARY AND GENERAL ELECTIONS:** Mr. Jackson explained the purpose of this Resolution designates the polling places the County will use for the 2016 Primary and General Elections. Commissioner Smrkovsky motioned to approve Resolution 15-53 Designating the Polling Places for the 2016 Primary and General Elections. Commissioner Diaz seconded the motion which carried unanimously following a roll-call vote.

- d. **DISPOSAL OF ASSETS-INFORMATION TECHNOLOGY EQUIPMENT TO BE RECYCLED:** Mr. Jackson stated this item allows for the safe disposal in the way of recycling, of obsolete computer equipment. Commissioner Diaz moved to approve the Disposal of Assets- Information Technology Equipment to be Recycled. Commissioner Smrkovsky seconded the motion which carried unanimously.

- e. **LUNA COUNTY BID FY 104-1 FOR ROAD MATERIALS (RECOMMENDATION: DEMING SAND AND GRAVEL FOR ITEMS A, B, C and HOBBS BROTHERS for ITEM D):** Mr. Jackson stated this item is based on the closed bid process for road materials for the Road Department's state projects, and the recommendations are the lowest bids as reviewed by Budget and Procurement Director Joanne Hethcox and Road Director Marty Miller. Commissioner Smrkovsky moved to approve the Luna County Bid FY 104-1 for Road Materials (Recommendation: Deming Sand and Gravel for Items A, B, C and Hobbs Brothers for Item D. Commissioner Diaz seconded the motion which carried unanimously.

- f. **LUNA COUNTY PROCLAMATION FOR 2015 PRO BONO LEGAL CLINIC:** Mr. Jackson stated this proclamation establishes the week of October 25th-31st, 2015 as Pro Bono Week in Luna County. Commissioner Smrkovsky moved to approve the Luna County Proclamation for 2015 Pro Bono Legal Clinic. Commissioner Diaz seconded the motion which carried unanimously.

APPROVAL OF TRAVEL REQUESTS: There were no Travel Requests submitted, and no action was taken on this item.

INDIGENT CLAIMS REPORT: Upon motion of Commissioner Diaz seconded by Commissioner Smrkovsky, the meeting of the Board of County Commissioners was unanimously recessed and the meeting of the Indigent Hospital Claims Board convened. County Manager "Tink" Jackson recommended approval of zero claims dated October 8, 2015 in the amount of zero dollars and zero denials. The monies received for September 2015 totaled \$61,998.32. The balance in the Indigent Funds Accounts as of September 30, 2015 is \$702,102.37. Commissioner Diaz moved to approve zero claims dated October 8, 2015 in the amount of zero dollars and zero denials. Commissioner Smrkovsky seconded the motion which carried unanimously. Commissioner Diaz moved to recess as claims board and to reconvene as the Board of County Commissioners. Commissioner Smrkovsky seconded the motion which was approved unanimously.

EXECUTIVE SESSION: Chairman Milo entertained a motion to enter into Executive Session to discuss pending litigation matters pursuant to 10-15-1 (H) 7 NMSA 1978 pertaining to Hermanas Grade. Commissioner Diaz so moved and announced no other matters would be discussed. Commissioner Smrkovsky seconded the motion which carried unanimously following a roll call vote.


Commissioner Diaz motioned to return from Executive Session where no other matters were discussed but Pending Litigation Matters. Commissioner Smrkovsky seconded the motion, which carried unanimously. There was no action taken during the Executive Session.

ANNOUNCE NEXT MEETINGS: Chairman Milo announced that the Next Regular Meeting will take place on November 19, 2015 at 9:00 a.m. The meeting date is being changed per the request of the County Manager from November 12, 2015.

ADJOURN: Chairman Milo adjourned the meeting at 11:03 a.m.

ATTEST:

LUNA COUNTY BOARD OF COUNTY COMMISSIONERS



**ANDREA RODRIGUEZ,
LUNA COUNTY CLERK**

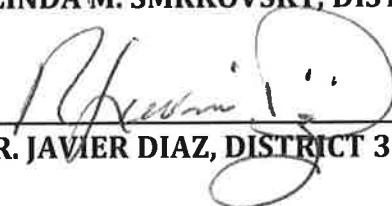


CHAIRMAN, JOE L. MILO, JR., DISTRICT 1

APPROVED: November 20, 2015



LINDA M. SMRKOVSKY, DISTRICT 2



R. JAVIER DIAZ, DISTRICT 3

