

**MINUTES  
REGULAR MEETING  
LUNA COUNTY BOARD OF COUNTY  
COMMISSIONERS  
Friday, November 20, 2015**

**BE IT REMEMBERED** that the Luna County Board of County Commissioners met in regular session at 9:00 a.m. on Friday, November 20, 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, Chief Deputy Clerk Berenda McWright, Deputy Clerk JoAnna Zurinsky, Treasurer Dora Madrid, Chief Deputy Treasurer Gloria Rodriguez, Sheriff Jonathan Mooradian, Captain Kelly Gannaway, Lieutenant Richard Cowles, Sergeant Luis Malina, Investigator Mike Brown, Investigator David Holguin, Detention Director Matthew Elwell, Dispatch Supervisor Lauree Sanchez, Human Resources and Payroll Director Daniel Gonzales, Budget and Procurement Director Joanne Hethcox, Starmax Facilities Director Ira Pearson, Public Information Officer Matt Robinson, IT Technician Manny Armendariz, Community Projects Director Jessica Etcheverry, Director Health & Well Being Jessica Moreno, Facilities and Planning Director Billy Ruiz, Maintenance Cesar Moreno, Grant and Compliance Coordinator Palmira Valentine, Emergency Services Director Mark Jasso

**CALL TO ORDER:** Chairman Milo called the meeting to order at 9:02 a.m. and Glory Juarez 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:** There were no reports from the County Clerk or County Assessor.

County Treasurer Dora Madrid reported that her department is busy collecting property taxes.

Sheriff John Mooradian reported on crime statistics in the county: Burglaries remain the same. There were 6 stolen vehicles recovered at the port of entry and 8 motor vehicle

crashes in the month of October. There were very good results from last month's auction. 15 vehicles were sold, and the department will purchase new flags and a new vehicle with the proceeds. Sheriff Mooradian also extended his sincere thanks to Keep Luna County Beautiful for a landscaping grant that was awarded for the department. Phase I is now completed. The Sheriff also announced that 1 Deputy is graduating from the academy, and there is 1 position open.

**ANNOUNCEMENTS:** Commissioner Smrkovsky gave a report on the New Mexico Association of Counties (NMAC) Meeting and announced that NMAC Executive Director Steve Kopelman will be here next month.

Assistant to the County Manager Glory Juarez announced that the annual County/City Christmas Party will be held at the Mimbres Valley Learning Center on December 4, 2015 from 6:30 p.m. to 12:00 a.m. Tickets are available for purchase at the County Manager's Office or through the City of Deming, and to please RSVP no later than November 25th.

Ms. Juarez also announced that the annual Shop with a Cop Shopping Event will be held on December 5<sup>th</sup> at Kmart, and thanked all of those who were involved with the fundraising efforts.

**SERVICE AWARDS:** Sheriff John Mooradian presented Investigator David Holguin with a five-year service award.

County Manager Charles "Tink" Jackson presented Community Projects Director Jessica Etcheverry with a five-year service award.

Facilities and Planning Director Billy Ruiz presented Maintenance Worker Cesar Moreno with a ten-year service award.

**PRESENTATIONS:** County Manager Charles "Tink" Jackson and Detention Director Matt Elwell presented the Oath of Office to Luna County Detention Officers Chris Davalos, Horacio Fraere, and Jose M. Granillo.

Luna County Community and Economic Development (LCCED) Chairperson Lori Coleman and LCCED Director Jessica gave a presentation on what has been accomplished the last six months. Outlined in the presentation were the organization's goals and objectives and 10 year plan.

Mimbres Memorial Hospital and Nursing Home CEO Steve Westenhofer gave a presentation on the Health Care Organization's standards of care, safety and service. Mr. Westenhofer's presentation included statistics on patient encounters, ER statistics, surgeries and deliveries, and also included community benefits.

**PUBLIC COMMENT:** Chairman Milo opened the floor to Public Comment pertaining to items on the agenda:

James Paltza, Jr. came before the Board and offered a donation of a line of a credit from the United Arab Emirates, so quote: "The government can do its job."

Evan Osmond stated that he spoke with the County Manager recently in regards to an issue with taxes on ungraded roads, and that the issue has been resolved. He thanked everyone, and wished the Board a Happy Thanksgiving.

Ann Shine-Ring commented on her support for the Economic Development presentation, and stressed how important basic and fundamental education tools were to Economic Development.

James Reedy came before the Board and inquired about a 2001 property agreement that he had regarding signs and an easement.

Christine Logan with New Mexico Economic Development Department came before the Board and congratulated the efforts of the LCCED and offered technical support for state resources pertaining to the Economic Development program efforts.

Jessica Etcheverry commented that she met with the Small Business Administration earlier this week, and they will be helping with the Business Expo.

Mary Galbraith provided information on this year's Toys for Tots campaign. Ms. Galbraith stated that Thom Berry of PC Concepts and Dick Houser are spearheading the campaign, and Liz Ballinas of Red Mountain school is screening applicants for toy recipients. For more information, Thom Berry may be reached at (575)546-6112.

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

- The New Mexico CAP Entity-The New Mexico Interstate Stream Commission approved the NM Unit Agreement as negotiated by the NM Cap Negotiation Team. The agreement is now being considered by the Secretary of the Interior. The deadline for the Secretary of the Interior to approve the agreement is November 23<sup>rd</sup>.
- The County auction of surplus vehicles was on October 31, 2015. Charles Dickerson was the auctioneer, and the auction grossed \$55,000.
- Interstate Stream Commission (ISC) Canadian River Application-The protesting parties are still waiting for a copy of the settlement agreement to be sent to us by the Office of the State Engineer for Consideration.
- Annual Audit: The Audit is complete and pending approval by the State Auditor. The County Manager and Commissioner Diaz attended the exit conference with the auditors on Thursday, October 15<sup>th</sup>. The audit results will be available for public inspection in January.
- Ordinance #23: Department Directors and elected officials (minus the Commission) met once again and worked on necessary changes to be proposed to Luna County Personnel Ordinance #23. The meeting was very productive, and the

proposed changes to the Ordinance will be ready for consideration and adoption at the next Commission Meeting.

- Pegasus: Plenty of buzz in the news this month about Pegasus. The County knows nothing more at this point, other than what has already been told to the public. Mr. Brumley continues to state that he hopes to break ground before the end of the year.
- Staff Members met to establish protocols and ensure availability of necessary equipment and staff for the emergency warming shelter. Current weather projections for this winter suggest a high potential for the need for the warming center.
- Last month, there were many County activities. October was both Domestic Violence Awareness and Breast Cancer Awareness month, for which staff members both planned and participated in numerous activities. Red Ribbon Week (Drug and Alcohol Prevention) was also included. Thank You to the staff and community for their participation in all of these events.
- The Luna County Detention Center (LCDC) completed its second inspection through NMAC under the Special Management Policy. The audit was exceptional, and Director Elwell and his staff were marked so highly, that the NMAC staff suggested that the LCDC apply for accreditation now, in front of the necessary replacement of the south unit and expansion of the facility.
- Staff members met with representatives of the Realtor's Association in regards to the proposed Social Host Ordinance. The meeting was a productive meeting, and the realtors will be offering additional proposed changes to the draft ordinance in the immediate future.
- Staff are currently working on the outdoor lighting issues at both Starmax and the Learning Center.
- The County Manager attended the County Manager's Affiliate meeting in Albuquerque, where numerous topics of high concern were presented including:
  - Increasing deductibles and insurance premiums for the County.
  - There are no GRT bills either to fix the tax problem or to amend Hold Harmless.
  - Capital Outlay unexpended funds.
  - Indigent Funds: Legislature looking to tap the funds for their Medicaid bill
- Luna County Dispatch received/sent 12,915 calls for the month of October. The Luna County Sheriff's Office generated 235 calls for service. The Deming Police Department generated 515 calls for service. The Deming Fire Department generated 249 calls for service. The Volunteer Fire Departments generated 2 calls for service. Tipsoft generated 11 calls.
- Community Projects Department: Luna County Community and Economic Development (LCCED) partnered with the Chamber of Commerce and workforce connections for a job fair on October 14<sup>th</sup> at the Mimbres Valley Learning Center. Over 300 people attended, and 30 businesses participated in the event.
- Keep Luna County Beautiful: hosted a Community Yard Sale on October 24<sup>th</sup>. The Yard Sale had over 35 booths, and about 600 participants.

- Port of Entry: Putterman has agreed to sell the properties, and has paid the lien on the properties. The County is waiting for it to be filed before proceeding further.
- Luna County Detention Center: For the month of October, the inmate daily average population was 359. The U.S. Marshal's Service daily average population was 211. Local daily inmate population was 148. The average length of stay for inmates was 46 days. The average daily population for Sierra County inmates was 37. Staff attended the NMAC Detention Affiliate Administrator Meeting.
- Special Projects: Worked with the State Board of Finance on Property Transfer for Tulip Landfill, and continues to respond to numerous public records requests: Detention Center, Personnel Request, Land Parcels and Data, and Sheriff Reports.
  - Coordinated and Worked on Personnel Ordinance Revision.
  - Participated in Social Host Ordinance Initiative.
- Road Department: Material bids are in, and requisitions for the materials are finally approved. The department hopes to begin work on the state projects by the week of November 2<sup>nd</sup>. In the next few weeks, the Luna County Road Department will be busy working on the State Road projects, so regular road maintenance will suffer.
- Human Resources and Payroll advertised and hired for the following positions: A County Services Specialist for the Assessor's Office, a GIS/Cartographer for the Assessor's Office. The following positions were advertised for: Detention Officer, Detention Maintenance Technician, and Detention Center Health Services Administrator. Central Dispatch: A Dispatcher position. On the website, a part-time position for Partnerships for Success II, Data and Records Specialist was posted.
- Maintenance Department worked on weeds at the Mimbres Valley Learning Center, Luna Annex Building and Parents as Teachers Building. The department also textured and painted the inside of new CASA building, and worked on pre-inspection work orders for the Emergency Services Director.
- Mimbres Valley Special Events Center: The Main Hall and Conference Rooms were utilized for 10 events during the month of September. Included in these were the 2 day Law Enforcement Training, 3 Quinceras, Black Range Art Show, Job Fair, USDA, Cancer Support's *"I Hope You Dance"* Ball, Illegal Dumping Conference, and the WNMU Master Fair.
- Starmax sales for the month of October were \$112,449. Starmax hosted the Bowling Tournament for Cancer Awareness on October 17<sup>th</sup>, and the Shop with a Cop Bowling Tournament is November 14<sup>th</sup>. Starmax is preparing for the release of *Star Wars* in mid-December.
- Emergency Services Department: For the month of October, there were 3 tort claims, 0 workers comp claims, and 2 vehicle accidents.
- Community Health and Well-Being: CASA is currently providing services to Luna, Grant, and Hidalgo Counties. Deming has 20 clients, Silver City has 35, and Lordsburg has 2.
  - The Parents as Teachers program is providing services to 105 clients. Performed 266 visits for the month of October, and held 2 breastfeeding support groups and

1 group connection. 20 pregnancy tests were administered. A car seat class was completed and 11 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 27 clients with victim advocacy services and provided emergency shelter to 15 women and 14 children.
- Carried out 3 community presentations and held 2 education sessions at the Detention Center with the cooperation of Director Elwell and Lt. Sanner.
- Carried out the #YouAreNotAlone Campaign, and held the Fun in the Park event and Candlelight Vigil.
- Volunteer Fire Departments- Cooke's Peak: Assisted Sunshine with gas leaks. Sunshine: 1 natural gas leak, residential. 1 natural gas leak, farm, vehicle ran over the meter line.
- All stations: 1 member left due to new opportunities. 2 new members pending.

**CONSIDER MINUTES:** Upon motion of Commissioner Diaz, seconded by Commissioner Smrkovsky, the minutes of the October 7, 2015 Community Forum were unanimously approved.

Upon motion of Commissioner Smrkovsky, seconded by Commissioner Diaz, the minutes of the October 8, 2015 Regular Meeting and the minutes of the November 2, 2015 Work Session were unanimously approved.

**CONSENT AGENDA:** Upon motion of Commissioner Diaz, seconded by Commissioner Smrkovsky, Accounts Payable Registers totaling \$560,541.54 and Payroll Registers totaling \$1,467,062.92 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- Edith Vasquez and Ray Trejo:** Mr. Jackson and Community Projects Director Jessica Etcheverry recommended the appointments of Edith Vasquez and Ray Trejo as Keep Luna County Beautiful Board Members. Commissioner Smrkovsky motioned to approve Edith Vasquez and Ray Trejo as Keep Luna County Beautiful Board appointments. Commissioner Diaz seconded the motion which carried unanimously.
- b. **FINANCIAL SUPPORT FOR DEMING PUBLIC SCHOOLS PARTICIPATION IN A NATIONALLY TELEVISED PRODUCTION ON 21<sup>ST</sup> CENTURY:** Mr. Jackson outlined the history of this item, and stated there was a Work Session held. A discussion ensued amongst the Board, the County Manager and School Board Member Matt Robinson about the importance of a Steering Committee and Commissioner Smrkovsky motioned to amend and approve Financial Support Deming Public Schools Participation in a Nationally Televised Production on 21<sup>st</sup> Century, making the amendment of County Manager Charles Jackson and alternate Glory Juarez as members of the Steering Committee and making the

County donation of \$8,966.67. Commissioner Diaz seconded the amended motion which carried unanimously.

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

- a. **RESOLUTION 15-54 BUDGET INCREASES:** Four intra/inter departmental Budget Increases in the amount of \$69,171.01 were proposed. Commissioner Diaz motioned to approve Resolution 15-54 Budget Increases. Commissioner Smrkovsky seconded the motion which carried unanimously following a roll-call vote.
- b. **RESOLUTION 15-55 AUTHORIZING AND APPROVING SUBMISSION OF APPLICATION FOR FINANCIAL ASSISTANCE AND PROJECT APPROVAL TO THE NEW MEXICO FINANCE AUTHORITY FOR COLONIAS INFRASTRUCTURE FUND:** Community Projects Director Jessica Etcheverry explained this Resolution is a requirement for the grant application for Colonias funding, and it is used for several different projects, of which the County will apply in mainly road improvement. Commissioner Diaz motioned to approve Resolution 15-55 Authorizing and Approving Submission of Application for Financial Assistance and Project Approval to the New Mexico Finance Authority for Colonias Infrastructure Fund. Commissioner Smrkovsky seconded the motion which carried unanimously following a roll-call vote.
- c. **RESOLUTION 15-56 SUPPORTING THE 2016 LEGISLATIVE PRIORITIES OF THE NEW MEXICO ASSOCIATION OF COUNTIES:** Mr. Jackson explained the purpose of this Resolution outlines the 2016 legislative priorities that the County will support in conjunction the New Mexico Association of Counties which are as follows: 1) Restore Detention Center Funding. 2) Statewide Emergency Medical Assessment or EMS (E911) Funding. 3) 3-D Elevation GIS (Light Art) program. 4) GRT (Gross Receipts Tax) reform. Commissioner Smrkovsky motioned to approve Resolution 15-56 supporting the 2016 Legislative Priorities of the New Mexico Association of Counties. Commissioner Diaz seconded the motion which carried unanimously following a roll-call vote.
- d. **RESOLUTION 15-57 DISSOLVING SAVOY FIRE DISTRICT AND CONSOLIDATING THE FLORIDA MOUNTAIN DISTRICT AND SUNSHINE DISTRICT:** Mr. Jackson stated that it is necessary for the restructuring or consolidation of the Volunteer Fire Departments, and had Lieutenant Luis Malina come before the Board to stand for questions. Under the Resolution, the Savoy station would be dissolved and the equipment and funding reincorporated into the Cooke’s Peak station. The Florida and Sunshine stations would be consolidated. Commissioner Smrkovsky moved to amend and approve Resolution 15-57 Dissolving Savoy Fire District and Consolidating the Florida Mountain District and Sunshine District, amending the *Whereas #7 and Whereas #8 (adding existing*

*fun*ds) in the paragraphs of the Resolution. Commissioner Diaz seconded the amended motion which carried unanimously following a roll-call vote.

- e. COMMUNITY DEVELOPMENT BLOCK GRANT FISCAL AGREEMENT:** Community Projects Director Jessica Etcheverry explained the history of this item, and stated that there was a typographical error in the paperwork, and the motion will need to be amended. Ms. Etcheverry stated the fiscal agent was necessary per the Department of Finance Administration, even though the audit finding stated otherwise. The Block Grant is part of the CDBG Funding, and is an important part of Community Health and Well Being. Commissioner Diaz motioned to amend and approve the Community Development Block Grant Fiscal Agreement, (amending C-1: the word four percent in parenthesis from one percent to match the number 1% on the second page, 1<sup>st</sup> paragraph). Commissioner Smrkovsky seconded the amended motion which carried unanimously.

**APPROVAL OF TRAVEL REQUESTS:** County Manager Jackson submitted one travel request for the 2016 National Association of Counties Conference in Washington, D.C. for the dates of February 19-24<sup>th</sup>. Commissioner Smrkovsky motioned to approve the request. Commissioner Diaz seconded the motion, which carried unanimously.

**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. Budget and Procurement Director Joanne Hethcox recommended approval of eight claims dated November 20, 2015 in the amount of \$20,328.49 and zero denials. The monies received for October 2015 totaled \$62,704.44. The balance in the Indigent Funds Accounts as of October 31, 2015 is \$729,366.52. Commissioner Smrkovsky moved to approve eight claims dated November 20, 2015 in the amount of \$20,328.49 and zero denials. Commissioner Diaz 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.

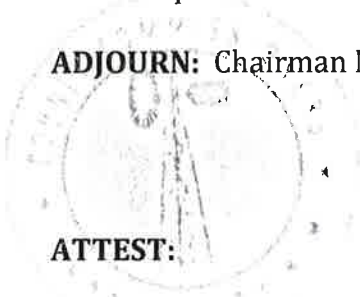
**EXECUTIVE SESSION:** Chairman Milo entertained a motion to enter into Executive Session to discuss pending litigation matters pursuant to 10-15-1 (H) 7 NMSA 1978 pertaining to Hermanas Grade and Limited Personnel Matters pursuant to 10-15-1 (H)2 NMSA 1978 pertaining to the Commissioners' and County Manager's Roles and Responsibilities. 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 and Limited Personnel Matters. Commissioner Smrkovsky seconded the motion, which carried unanimously following a roll-call vote. Commissioner Smrkovsky motioned to not increase the County Manager's salary, and reevaluate the County Manager in a period of six months in May of 2016. The motion was seconded by Commissioner Diaz and carried unanimously.




**ANNOUNCE NEXT MEETINGS:** Chairman Milo announced that the Next Regular Meeting will take place on December 10, 2015 at 9:00 a.m.

**ADJOURN:** Chairman Milo adjourned the meeting at 3:15 p.m.



**ATTEST:**

**LUNA COUNTY BOARD OF COUNTY COMMISSIONERS**

  
ANDREA RODRIGUEZ  
LUNA COUNTY CLERK

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

APPROVED: December 10, 2015

  
LINDA M. SMRKOVSKY, DISTRICT 2

  
R. JAVIER DIAZ, DISTRICT 3