

**MINUTES
REGULAR MEETING
LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS
Thursday, February 11, 2016**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 10:00 a.m. on Thursday, January 14, 2016 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, Undersheriff Kelly Gannaway, Special Projects and Facilities Management Director Billy Ruiz, Detention Director Matthew Elwell, Dispatch Supervisor Lauree Sanchez, Community Projects Director Jessica Etcheverry, Road Director Marty Miller, Budget and Procurement Director Joanne Hethcox, Human Resources Director Danny Gonzales, Starmax Facilities Director Ira Pearson, Partnerships for Success Director Jessica Jara, IT Technician Manny Armendariz, Grant and Compliance Officer Palmira Valentine, Emergency Services Director Mark Jasso, Luna County Detention Lieutenant Carl Sanner, Luna County Detention Sergeant Miguel Carreon, Security Screener Moses Pastran.

CALL TO ORDER: Chairman Diaz called the meeting to order at 10:07 a.m.

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
Linda M. Smrkovsky, District 2
R. Javier Diaz, District 3

APPROVAL OF AGENDA: The Agenda for today's Regular Meeting was presented to the Board for approval. Commissioner Smrkovsky motioned to amend and approve the Consent Agenda, removing *Items H and J* pending further discussion amongst the Board. Commissioner Milo seconded the motion which carried unanimously.

ELECTED OFFICIALS REPORTS: There were no reports from the County Clerk or the County Assessor.

County Treasurer Dora Madrid stated that on March 8th, there will be a tax sale for delinquent properties.

Sheriff Jonathan Mooradian reported that his department is still trying to compile end of year statistics, and should have those for the Board soon. Sheriff Mooradian also reported that Law Enforcement Protection Funds (LEPF) and the proceeds from the public auction will be used to

purchase new vehicles for the department. Sheriff Mooradian stated the LEPF monies will be used to purchase vehicles specifically for use in the Village of Columbus.

ANNOUNCEMENTS: Commissioner Smrkovsky gave an update on the meetings that she attended, which included the New Mexico Association of Counties (NMAC) meeting in January, The Silver Spikes meeting and the Economic Development and Infrastructure Committee with NMAC. Commissioner Smrkovsky stated the meetings dealt with legislative issues, various bills, specifically House Bill 233 (Hold Harmless Bill), various issues in regard to taxing Co-Ops, and phasing out the 3/8th percent tax (also the Hold Harmless Bill).

Chairman Diaz gave an update on the NM CAP Entity: Chairman Diaz announced there was a meeting last week, and a new director was elected. The NM CAP Entity Board is still proceeding cautiously, and fighting to keep water in this part of the state. Chairman Diaz stated he will keep the public abreast of further developments.

Commissioner Smrkovsky also announced that on Thursday, March 24th there will be a Legislative Update in Hidalgo County from 10:00 a.m. to 2:00 p.m.

SERVICE AWARDS: Sheriff John Mooradian presented Daniel Acosta with a five-year service award. Luna County Detention Director Matt Elwell presented five-year service awards to Michael Milo and Karen Vazquez, and ten-year service awards to Michael Munoz and Steve Holguin.

PRESENTATIONS: County Manager Charles "Tink" Jackson and Luna County Detention Director Matt Elwell administered the Luna County Detention Center Oath of Office to eleven Luna County Detention Officers: Rami Allen, Otoneil Aldana, Alex Snyder, Estafania Gomez, April Mitchell, Ryan Robinson, Gabriel Pena, Brooklyn Posento, Richard Casillas and Jesus Baeza.

Luna County Detention Director Matt Elwell presented Certified Jail Officer recognitions to Lieutenant Carl Sanner and Sergeant Miguel Carreon.

Matt Elwell introduced Rachel Phelps to the Board to present information on the Adult Drug Court. Ms. Phelps' presentation included information on what the Adult Drug Court hopes to accomplish. The possible outcomes for this pilot project are lower recidivism rates, drop in detention center populations, and increased community involvement for substance abuse, housing, counseling and mental health services for participants.

County Manager "Tink" Jackson presented the findings of the Fiscal Year 2015 Fiscal Audit.

PUBLIC COMMENT: Chairman Diaz opened the floor to Public Comment, however there was none forthcoming.

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

- Hermanas Grade- The studies required under the settlement agreement with the Bureau of Land Management (BLM) are complete. The report will be finalized this month. The BLM posted the notice of action in *The Deming Headlight*. Anyone wishing to comment on the action can contact the BLM. If there is an abnormal amount of comments, the BLM will host a public meeting here in Luna County to discuss the proposed action.
- Tulip Landfill- Staff Members and representatives of Luna County presented the Tulip Landfill Proposal to the State Board of Finance (SBF) on January 20th in Santa Fe. The transfer was approved with a contingency that a letter be submitted to the SBF for the EPA stating the

plan for the landfill was approved by them. That letter has been secured and delivered to the SBF making the transfer fully approved.

- Silver Spikes- Staff members and Commissioners attended the annual Silver Spikes during the legislative session in January. Staff members met with agency officials presented concerns to the Governor's office, and attended the Luna County reception where the Luna County booth was the showpiece once again. The staff members that help set up and operate the booth did an amazing job (Jessica Etcheverry, Matt Robinson, Edith Vasquez, Jecca Jara, and Matt Elwell).
- NMAC Awards- Luna County received two awards at the New Mexico Association of Counties Conference last month in Santa Fe. Luna County received the 2015 Risk Awareness Program (RAP) Award for successfully completing year 5 of the NMAC RAP and reducing multi-line claims by 86% and auto claims by 16%. Luna County also received a Safety Award in Division III for achieving a positive claim trend, and lowering the frequency of Worker's Compensation claims for 2015.
- Luna County Outstanding Staff Recognition- Jecca Jara, who is known from her efforts with the Social Host Ordinance, was recently selected to panel member for a proposal submitted to AP17 entitled: "*Alcohol Policy Advocacy in the U.S.- Mexico Border Region: building Capacity to Support Local and State Level Policy Work*". The purpose of AP17 is to translate alcohol policy research into public health practice. The conference will be held in April in Arlington, Virginia.
- Numerous bills have been introduced at the legislative session that could have severe impacts on Luna County. HB233, related to the Hold Harmless Tax has been dropped at this time. HB248, relating to the Arizona Water Settlement Act could impact the NM CAP Entity. A Special Session is inevitable, and that session will see the attacks on the Indigent Funds and County taxing authority.
- Columbus Law Enforcement- Sheriff Mooradian and the County Manager continue to discuss the costs of Law enforcement for the Village of Columbus, and recently took the issue up with Mayor Skinner. Sheriff Mooradian and Mr. Jackson will attend the next Village Council meeting to discuss a phased-in plan for the Village to begin reimbursing Luna County for the costs associated with the Luna County Sheriff's Office providing required law enforcement protection within the Village of Columbus limits.
- Staff Members participated in the City of Deming Master Plan update meeting last week. The City will be holding numerous public meetings as the update of the City Master Plan is completed.
- The County received a protest to the selection of Wilson and Company through the Cooperative Education Services (CES) program to begin the expansion process of the Luna County Detention Center. The process that Luna County used meets all criteria for public procurement. A letter has been sent to this individual notifying them that our selection cannot be appealed under the standard allowance for procurement. The project is still scheduled to break ground by the end of 2016.
- Luna County Detention Center Walk-off: On Tuesday an inmate walked off from a work detail crew of the LCDC. The individual is still at large.
- Central Dispatch received and sent 11,074 phone calls for the month of January. The Luna County Sheriff's Department generated 195 calls for service. The Deming Police Department generated 454 calls for service. The Deming Fire Department had 281 calls for service and the Volunteer Fire Departments had 5 calls for service.
- There were 7 Tipsoft tips for the month of January.
- Business Expo (LCCED) - Will be on February 19th and 20th from 10:00 a.m. to 4:00 p.m. each day. Trainings on Social Media, QuickBooks, Leadership, Taxes, OSHA, Credit, Workman's Comp, and more will be offered at the event.

- Keep Luna County Beautiful- Traveled to Orlando, FL for Keep America Beautiful Conference to receive the 2015 National Award for Litter Prevention.
- Port of Entry- Putterman has agreed to sell the properties, and has paid the liens on the property, and it has been filed with the County Clerk. The County is waiting on the title company to close on the properties.
- Luna County Detention Center: For the month of January, the inmate daily average population was 342. The U.S. Marshal's Service daily average population was 184. Local daily inmate population was 158. The average length of stay for inmates was 52 days. The average daily population for Sierra County inmates was 37.
 - Director Elwell received his New Mexico Certified Public Official Certification from New Mexico State University's Cooperative Extension Service and the NM EDGE.
 - Sergeants Miguel Carreon, Lucio Caballero, Pete Loya and Lieutenant Carl Sanner received their National Certified Jail Officer Certification from the Jail Manager Certification Commission and the American Jail Association. This brings the total number of certified supervisors and managers to eleven for Luna County.
- Special Projects finalized the State Board of Finance request and the Property Transfer for Tulip Landfill was approved.
 - Continues to respond to numerous records requests.
- The Road Department has had a very busy month, and has been working hard to catch up on roads that are in need of blading and repair. Most of the complaints were from up in the Gap area. The Road Department has been out repairing potholes, and will continue to monitor and repair, however as long as there is rain or snow potholes will continue to appear or grow, and there is nothing that can be done to prevent them. Please be aware and drive with caution, and the pothole repairs will be made as soon as possible.
- Starmax has received a total of \$194,406.30 towards the digital reimbursement program through 1/31/2016. Remaining balance on conversion expenses is \$194,254.97. Funds are put back into Fund 416.
- Finalized Cooperative Educational Services agreement and purchase order to begin Detention Center Addition.
- Human Resources and Payroll: Advertised and hired for Safe Border Grant Field Deputy position for the Sheriff's Department (closed 12/4/15). Posted in-house and hired for Court Security Officers for the Sheriff's Department (closed 12/31/15). Posted in-house for two Equipment Operators for the Road Department (closed 1/15/16). A part-time Shelter Advocate for the Healing House was posted on the website. (closes 2/2/16)
 - W-2's were disbursed to all active employees. On January 29, 2016, Inactive Employees had their W-2 forms mailed out.
- Maintenance Department installed a new A/C and Heater unit at the Road Department. Replaced filters in A/C and heater units at the Courthouse and built a new restroom wall and sheetrock in gym at Park Plaza.
- Mimbres Valley Special Events Center: Main Hall and conference rooms were utilized for two events for the month of January. Included in these were a Baby Shower and the Chamber of Commerce Gala.
- Zoning and Planning issued seven building permits and one Certificate of Occupancy.
- Starmax sales for the month of December were \$136,330. Outside LED light assessment is under way, and the Restrooms are undergoing deep cleaning.
- Emergency Services Department: Emergency Services Director Mark Jasso received his Professional Risk Management Certification from the NM EDGE program.
- For the month of January, there were 0 tort claims, 0 workers comp claims, and 0 vehicle accidents.

- Community Health and Well-Being: CASA currently has 21 volunteers, and is currently providing services to Luna, Grant, and Hidalgo Counties. Deming has 21 clients, Silver City 33, and Lordsburg 2.
 - The Parents as Teachers program is providing services to 108 clients. Performed 215 visits for the month of January. Held 2 breastfeeding support groups and 1 group connection. Parents as Teachers administered 21 pregnancy tests. 2 successful car seat classes were completed, and 17 car seats were distributed and installed and 87 were inspected.
- Volunteer Fire Departments: Responded to 2 vehicle fires. There were several cancelled calls. No new members, and monthly trainings are conducted on a regular basis.

CONSIDER MINUTES: Upon motion of Commissioner Milo, seconded by Commissioner Smrkovsky, the minutes of the January 14, 2016 Regular Meeting were unanimously approved

CONSENT AGENDA: Upon motion of Commissioner Smrkovsky, seconded by Commissioner Milo the following items on the Consent Agenda were unanimously approved following a roll call vote.

- a. **Accounts Payable:** Accounts Payable Registers totaling \$1,082,128.65.
- b. **Payroll Registers:** Payroll Registers totaling \$1,051,443.72.
- c. **Resolution 16-14 Budget Increases**
- d. **Resolution 16-15 Budget Transfers**
- e. **Resolution 16-16 Authorizing Luna County to Submit Application for DWI Grant and Distribution Fund FY17**
- f. **Memorandum of Understanding between New Mexico DFA and Luna County DWI**
- g. **Statement of Assurances- Local DWI Grant Distribution Program**
- h. This item was pulled from the Consent Agenda.
- i. **CASA Mission Statement**
- j. This item was pulled from the Consent Agenda.

NEW BUSINESS: County Manager Charles "Tink" Jackson reviewed the items taken from the Consent Agenda (*Items H and J*) on the New Business agenda with the commissioners:

- h. **RESOLUTION 16-17 NEW MEXICO ASSOCIATION OF COUNTIES HEALTHCARE POLICY COMMITTEE- RESOLUTION ON COUNTY INDIGENT FUNDING:** Mr. Jackson stated this resolution pays for indigent hospital care. Mr. Jackson explained that the Sole Community Provider program has been replaced by the Safety Net Care Pool (SNCP). He also stated that the counties' roles have been significantly diminished, and that the SNCP no longer has any relationship to the funds disseminated by the Human Services Department. The resolution allows for the opposition of further legislation that will impose a further financial obligation to fund the SNCP and hospitals. The resolution also endorses and supports legislation which protects the counties' autonomy and discretion over the use of County imposed Indigent Health Care gross receipts tax revenues. Commissioner Smrkovsky motioned to approve Resolution 16-17 New Mexico Association of Counties Healthcare Policy Committee- Resolution on County Indigent Funding. Commissioner Milo seconded the motion, which carried unanimously following a roll-call vote.
- j. **SETTLEMENT AGREEMENT AMONG THE NM INTERSTATE STREAM COMMISSION, LUNA COUNTY, AND SURROUNDING COUNTIES:** Mr. Jackson stated this item is the draft settlement agreement, and is not published as of yet because it is still a confidential settlement agreement and as of yet, has not been approved by all involved parties. Mr. Jackson further outlined the settlement agreement and the concerns addressed during the settlement meetings, and suggested approval with a caveat that includes minor verbiage changes that does not change the

body of the agreement. Commissioner Smrkovsky motioned to amend and approve the Settlement Agreement among the NM Interstate Stream Commission, Luna County, and Surrounding Counties (authorizing the Chairman to approve minor verbiage changes that does not change the body of the agreement). Commissioner Milo seconded the motion which carried unanimously following a roll-call vote.

ORDINANCES: Call for Ordinance Amending Ordinance Providing for Animal Regulation and Control for Luna County New Mexico. Mr. Jackson summarized the amendment and stated the changes to the Ordinance were per a request from the Humane Society, and after a brief discussion amongst the Board it was determined that this is the first step of the process in amending and establishing changes in the Animal Control Ordinance. Commissioner Smrkovsky motioned to direct the County Manager's Office to publish the title and summary of Ordinance 52 as amended one time in *The Deming Headlight* at least two weeks prior to the meeting of the Board at which the ordinance is proposed for final passage. The publication shall also include the date and time at which the ordinance is to be considered. Commissioner Milo seconded the motion which carried unanimously.

APPROVAL OF TRAVEL REQUESTS: Commissioner Smrkovsky submitted a request for travel to Washington, D.C. for the NACo (National Association of Counties) Conference later in February. Commissioner Milo moved to approve Commissioner Smrkovsky's travel request. Chairman Diaz seconded the motion which carried unanimously.

INDIGENT CLAIMS REPORT: Upon motion of Commissioner Milo 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. Joanne Hethcox recommended approval of two claims dated February 11, 2016 in the amount of \$946.69 dollars and zero denials. The monies received for January 2016 totaled \$44,371.98. The balance in the Indigent Funds Accounts as of January 31, 2016 is \$761,024.55. Ms. Hethcox advised the Board that this balance does not reflect an encumbered balance, and therefore the encumbrances need to be considered. Chairman Diaz requested that the encumbered balance be included in each Indigent Claims Report from this point forward. Commissioner Milo moved to amend and approve two claims dated February 11, 2016 in the amount \$949.69 and zero denials, and for the Indigent Claims report to include encumbered balances. Commissioner Smrkovsky seconded the motion which carried unanimously. Commissioner Milo 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 Diaz entertained a motion to enter into Executive Session to discuss Limited Personnel Matters pursuant to 10-15-1 (H) 2 NMSA 1978 pertaining to the Commissioners' and County Manager's Roles and Responsibilities. Commissioner Smrkovsky so moved and announced no other matters would be discussed. Commissioner Milo seconded the motion which carried unanimously following a roll call vote.

Commissioner Milo motioned to return from Executive Session where no other matters were discussed but Limited Personnel Matters. Commissioner Smrkovsky seconded the motion which carried unanimously.

No action was taken during the Executive Session.

ANNOUNCE NEXT MEETING: Chairman Diaz announced the next regular meeting will be held on Thursday, March 10, 2016 at 10:00 a.m. A Work Session will be conducted on March 10, 2016 at 9:00 a.m.

A Work Session (Budget Review and Director's Meeting) will be conducted on March 3, 2016 at 9:00 a.m. Commissioner Smrkovsky motioned to approve the meeting time for the March 3, 2016 Work Session. Commissioner Milo seconded the motion which carried unanimously.

REQUESTS FOR FUTURE AGENDA ITEMS: There were no requests submitted.

ADJOURN: Chairman Diaz adjourned the meeting at 1:58 p.m.

ATTEST:

LUNA COUNTY BOARD OF COUNTY COMMISSIONERS


ANDREA RODRIGUEZ, LUNA COUNTY CLERK


JOE L. MILO, JR., DISTRICT 1

APPROVED: March 10, 2016


LINDA M. SMRKOVSKY, DISTRICT 2


CHAIRMAN, R. JAVIER DIAZ, DISTRICT 3

