

**MINUTES  
REGULAR MEETING  
LUNA COUNTY BOARD OF COUNTY COMMISSIONERS**

**Thursday, November 12, 2009**

**BE IT REMEMBERED** that the Luna County Board of County Commissioners met in regular session at 9:00 a.m. on Thursday, November 12, 2009, 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 members of the Board were present:

Commissioner Fred Williams, District 1  
Commissioner Debra French, District 2  
Chairman R. Javier Diaz, District 3

Also present were the following staff and elected officials: County Manager John Sutherland, Executive Assistant Glory Johnson, County Clerk Karen Smyer, Chief Deputy Clerk Natalie Pacheco, Deputy Clerk Berenda McWright, Special Projects Coordinator Rheganne Vaughn, Sheriff Raymond Cobos, Budget/Procurement Director Joanne Hethcox, Human Resource Director Danny Gonzales, Chief Deputy Assessor Delilah Rojo, Director of Detention Center John Krehbiel, Joint Communications Center Director Mirna Grado, UnderSheriff Allen Carter, County Assessor Patsy Leyba, County Treasurer Dora Madrid, County Deputy Treasurer Gloria Rodriguez, Land Use Technician Billy Ruiz and Land Use Director Frank Almanza.

Chairman Diaz called the meeting to order at 9:00 a.m. and led the Pledge of Allegiance and the salute to the flag of the State of New Mexico.

**ANNOUNCEMENTS:** County Manager John Sutherland made the following announcements:

The detention center hired Lionel Lozano for the position of captain. Mr. Lozano has been an employee of the detention center for 17 years and will be directly responsible for operations.

The compensation study is nearing completion and appointments are scheduled for department heads tomorrow.

The county is enrolled in, SAMBA FleetWatch service, a program which gives the Human Resource Department the ability to do background checks on prospective employees and obtain driving records.

The county is working with state lobbyists to keep legislative funding for projects, the most important of which is the remodel of the central dispatch. Governor Richardson has said the funding will be unavailable.

Since the tax bills went out, there have been some concerns identified by the public regarding the road tax.

**SERVICE AWARDS:** No service awards were given.

**MINUTES:** Upon a motion by Commissioner French and a second by Commissioner Williams, the minutes of the regular meeting held on **October 8, 2009** were unanimously approved.

Upon a motion by Commissioner French and a second by Commissioner Williams, the minutes of the special meeting held on **October 15, 2009** were unanimously approved.

Upon a motion by Commissioner Williams and a second by Commissioner French, the minutes of the work session held on **October 15, 2009** were unanimously approved.

Upon a motion by Commissioner French and a second by Commissioner Williams, the minutes of the special meeting held on **October 30, 2009**, were unanimously approved.

**CONSENT AGENDA:** Upon motion of Commissioner Williams and a second by Commissioner French, the following items on the Consent Agenda were unanimously approved:

<b>Payroll Register #</b>	<b>Date of Register</b>	<b>Total of Register in Dollars</b>
20090055	October 9, 2009	446,417.66
20090056	October 9, 2009	*23,301.69
20090057	October 23, 2009	441,081.37
20090058	October 22, 2009	*4,487.84
*Denotes special payroll reimbursable through grants and/or contractual payments		
Total of Payroll Registers		\$915,288.56

<b>Warrant Register Date</b>	<b>Total of Register in Dollars</b>
October 10, 2009	\$34,262.13
October 8, 2009	\$75,342.30
October 13, 2009	\$124,613.80
October 15, 2009	\$1,500.00
October 23, 2009	\$173,577.13
October 30, 2009	\$120,833.75
Total of Warrant Registers	\$530,129.11

**NEW BUSINESS:**

**A. Resolution 09-47 Budget Adjustment:** Mr. Sutherland stated the budget adjustment provides for the expenditure of capital outlay dollars for the StoneGarden Grant that was acquired by the Sheriff's Office. Also, it provides for the distribution of funds to the Columbus Police Department and the New Mexico State Police as called for in the grant documents. An adjustment has also been made to this year's budget for the carryover expenses from a line item for capital outlay for the road department. This was for an

expenditure that was expected to have been made last year. Commissioner French moved to accept Resolution 09-47 Budget Adjustment. The motion was seconded by Commissioner Williams and was approved unanimously.

**B. E-911 Project 06-E-16 State of New Mexico, DFA Grant Agreement Amendment:** Mr. Sutherland stated this is a continuation agreement providing for an upgrade of the recording system at the dispatch center. Commissioner French motioned to approve the E-911 Project 06-E-16 State of New Mexico, DFA Grant Agreement Amendment. The motion was seconded by Commissioner Williams and approved unanimously.

**C. Supporting the Creation of a New Volunteer Fire Department, Savoy Volunteer Fire Department:** Mr. Sutherland recommended the commission support the creation of the Savoy Volunteer Fire Department. He reported that an onsite visit was conducted by the State Fire Marshal and the boundaries have been agreed upon with the other fire departments. The State Fire Marshal is willing to accept an arrangement where the county would lease a building for a nominal fee of one dollar in order to meet the requirement that the volunteer fire department be located on county owned property. The Savoy Travel Center has already provided an enclosed building, fire truck, fire hydrants etc. coinciding with the regulations imposed by the State Fire Marshal's Office of New Mexico. In addition, they have 15 volunteers to start, sponsorship from multiple sources and a full array of resources to make this possible for the further increase in emergency response for the residents and visitors of Luna County. State Fire Marshal requires at least 50 structures to create a new district and there are 98 structures in the area. Commissioner Williams motioned to approve supporting the creation of the Savoy Volunteer Fire Department. The motion was seconded by Commissioner French and was approved unanimously.

**D. Approval of Full-Time Employment for Information Technology Technician:** Mr. Sutherland requested the permission of the Board to change the position of the IT- Tech from part-time to full-time. Commissioner French motioned to approve full-time employment for the Information Technology Technician. The motion was seconded by Commissioner Williams and was approved unanimously.

**E. Resolution 09-48 Supporting a Complete Count Committee for the 2010 Census:** Mr. Sutherland recommended supporting a Complete Count Committee for the 2010 Census because it is critical that the community is aware of the importance of a complete count. Commissioner Williams motioned to adopt Resolution 09-48 Supporting a Complete Count Committee for the 2010 Census. The motion was seconded by Commissioner French and was approved unanimously.

**F. Resolution 09-49 Supporting SunZia Southwest Transmission Project:** Mr. Sutherland informed the Board that the City of Deming has given their support for the SunZia Project and recommended their consideration of the resolution. Jerry Owens, a concerned citizen, spoke against the project stating that SunZia is deceiving the public regarding a specific route. Mr. Owens was also concerned about the potential impact to property values and the creation of health issues due to the 500,000 volt electrostatic field.

Larry Caldwell urged the commission to change the "Environmental Impact Statement" into a "Programmatic Environmental Impact Statement" so we will know the cumulative effect of these lines. John Strand, a representative of SunZia, explained the company is considering all of the possible routes. He commented that he is a resident in that area and if that was where they were going to put the line he would be concerned himself and that the power corridor is designated by the federal government, not Sun Zia. It is undecided whether the line will go on the west side of White Sands or east side of White Sands. The Luna Substation is vital to the project to provide an on ramp and off ramp for other utility companies to be able to use the renewable energy. According to Mr. Strand, the project will create a tax base and provide jobs for Luna County. The substation that will be built will be a 30 or 40 million dollar project and will bring spin off benefits to Luna County. The largest solar generator is proposed to be built in Hidalgo County and will create many construction jobs. Commissioner French was not comfortable supporting the resolution without a definite route. Mr. Strand suggested they pass the resolution with the stipulation that SunZia use a route north of town. Commissioner Williams stated that he didn't think Luna County should pass a resolution supporting power lines that are designed to primarily benefit a private company. Chairman Diaz said he could support the project if the lines ran north of Deming. It was his perception the county was being asked to endorse the project, not SunZia. Chairman Diaz motioned to approve the resolution with the stipulation the lines are to be located north of Deming and with the stipulation that the EIS be changed to a "programmatic Environmental Impact Statement." Commissioner French reiterated her statement that she could not endorse the project until the specific location of the lines was made known. She commented that she believed in the project. Chairman Diaz rescinded his motion. Mr. Strand was asked to provide more information as to how Luna County would directly benefit from the project. He suggested that the State Land Commissioner Patrick Lyons be consulted about the benefits of the project. He also suggested that the commissioners read the Sun News article that mentioned the benefits. Upon motion of Chairman Diaz, seconded by Commissioner French Resolution 09-49 was unanimously tabled.

**G. Resolution 09-29 Amending the Luna County ICIP:** Mr. Sutherland recommended approval of the resolution amending the Infrastructure Capital Improvement Plan to include the Luna County County-wide Drainage Master Plan and the renovation of the Armijo building as a retail business incubator. Mr. Sutherland believed economic development money may be available for these projects if they are included in the ICIP. Mario Juarez-Infante of Wilson & Company, Inc., E&A, gave a presentation to the Board. Wilson and Company has been awarded the Village of Columbus and Port of Entry Master Drainage Plan Project by the New Mexico Department of Transportation. Mr. Juarez-Infante stated that the master plan identifies flood control planning and infrastructure requirements for mitigation within the Village and the Port of Entry. Commissioner French motioned to approve Resolution 09-29 Amending the Luna County Infrastructure Capital Improvement Plan. The motion was seconded by Commissioner Williams and was approved unanimously.

**H. Endorsing and Accepting the 2010 Report of the Comprehensive Economic Development Strategy 2011-2015:** Mr. Sutherland stated the Southwest Council of

Governments provided support of the comprehensive economic development strategy. Commissioner Williams stated that according to the report Luna County is the only county gaining in population. Special Projects Coordinator Rheganne Vaughn stated that Luna County is on the cusp of being a non-rural county. Commissioner French motioned to endorse and accept the 2010 Report of the Comprehensive Economic Development Strategy 2011-2015. The motion was seconded by Commissioner Williams and was approved unanimously.

**I. Approval of Submitting a NM Finance Authority Local Government Planning Fund Application for Water/Wastewater Master Plan:** Mr. Sutherland presented the Local Government Planning Fund Application from the New Mexico Finance Authority and recommended Board approval. Chairman Diaz moved to approve the submission of a NM Finance Authority Local Government Planning Fund Application for Water/Wastewater Master Plan. The motion was seconded by Commissioner French and was approved unanimously.

**J. Professional Services Agreement between Luna County and Winborn Wellness and Counseling:** Mr. Sutherland recommended approval of the Professional Services Agreement with Winborn Wellness and Counseling which provides services for the Teen Court Youth Program. Ms. Vaughn advised the Board there was no requirement to go through the bid process because it qualifies as a small purchase and that there were no conflicts of interest in the selection process. The cost of the services is \$17,000. Commissioner French motioned to approve the Professional Services Agreement between Luna County and Winborn Wellness and Counseling. The motion was seconded by Commissioner Williams and was approved unanimously.

**K. Approval of the Final Report-Comprehensive Transportation Study for the City of Deming/Luna County:** Mr. Sutherland recommended approval of the Final Report-Comprehensive Transportation Study for the City of Deming/Luna County in which an alternate truck route is proposed that does not use Country Club Road. Mr. Caldwell expressed his concern that there is already a truck route and there is no need to build another one. City of Deming Administrator Richard McInturff stated the study includes various alternate truck routes and that additional public input will be accepted when a funding source is determined and the preliminary engineering report is complete. Commissioner Williams motioned to approve the Final Report-Comprehensive Transportation Study for the City of Deming/Luna County. The motion was seconded by Commissioner French and was approved unanimously.

**L. Appointment of Deputy Sheriff Daniela Barraza:** Mr. Sutherland recommended approval of the oath of office of Daniela Barraza as Deputy Sheriff. Commissioner Williams motioned to approve the appointment of Daniela Barraza for Deputy Sheriff. Commissioner French seconded the motion and the motion was approved unanimously.

**M. Presentation by Ed Apodaca-Miscellaneous Items:** Ed Apodaca congratulated Mr. Sutherland and the commissioners for doing a good job. He expressed his opinion that

performance pay should not have been granted in the past and should not be granted now. Mr. Apodaca advocated for a 20-year retirement plan for employees of the detention center and volunteered to serve on a review committee for the purpose of readdressing Ordinance 37. He said he is an opponent of the ordinance which he characterized as heavy handed.

**N. Resolution 09-50 NM Entering in Agreement with the Environment Department to Plan, Design and Construct a Community Landfill:** Mr. Sutherland stated the legislative funding originally specified for a law enforcement facility had been re-appropriated by the legislature for the landfill. Mr. McInturff stated the reason the funds were re-appropriated was due to the fact there was not enough funding available to complete the law enforcement facility. Mr. McInturff informed the board that the multi-services agreement between the city and the county states that any costs incurred that are not covered by the legislative funding will be split between the city and the county 35% and 65% in excess of \$600,000. Commissioner Williams moved to approve Resolution 09-50 NM Entering in Agreement with the Environment Department to Plan, Design and construct a Community Landfill. The motion was seconded by Commissioner French and was approved unanimously.

**BIDS AND RFP'S:**

**A. RFP # 98-02- Inmate Phone System:** Detention Center Director John Krehbiel requested Board approval of the proposal from Digital Solutions/Inmate Telephone, Inc. for an inmate phone system at the detention center. Mr. Krehbiel informed the board the system cannot be revenue generating, however the company can provide technology benefiting inmates. The system provided by DSI includes a free booking system that will benefit the detention center and inmates. Commissioner Williams requested that all future RFP evaluations include each evaluator's individual recommendations in addition to the cumulative score. Ms. Hethcox stated there were three votes for DSI, two votes for Secures Technologies, Inc. and one vote for Global Tel\*Link. Commissioner French motioned to accept the proposal from Digital Solutions/Inmate Telephone, Inc. The motion was seconded by Commissioner Williams and was approved unanimously.

**INDIGENT CLAIMS REPORT:** Upon motion of Commissioner French, seconded by Commissioner Williams, the Luna County Board of County Commissioners was recessed and the meeting of the Indigent Claims Board convened.

Upon motion of Commissioner Williams and a second by Commissioner French, the indigent hospital claims were unanimously approved and denied as follows: A total of 15 claims were approved for the month of October totaling \$34,124.83 and 0 claims were denied.

Upon motion of Commissioner French, seconded by Commissioner Williams, the meeting of the Indigent Claims Board was unanimously recessed and the meeting of the Luna County Board of County Commissioners reconvened.

**ELECTED OFFICIALS REPORT:**

County Clerk Karen Smyer reported that the next Municipal Election will be held on March 2<sup>nd</sup> and the county clerk's office is obligated to provide the voting machines and will assist in training the poll workers. She stated the election will be held for the mayoral position and the two council positions currently held by David Sanchez and Bill Shattuck.

Commissioner Williams commended Chief Appraiser Michelle Holguin from the assessor's office for attending his public forum and answering question from the public about tax issues.

Chairman Diaz announced he will be attending a luncheon in Albuquerque on Monday to meet with Vice-President Biden.

Rex Gardner took the opportunity to honor our veterans for Veteran's Day.

Larry Caldwell expressed his concern that the county is exposed to risk regarding the liquor license because the lease between the county and Starmax had not been signed. He believed Starmax should assume some of the risk.

Mr. Sutherland stated that all of the proceeds from liquor sales at the Starmax Entertainment Center are being held in a separate account controlled by the county.

**ANNOUNCE NEXT MEETING:** Chairman Diaz announced the next regular meeting will be December 10, 2009, at 9:00 a.m. The meeting was recessed for lunch at 11:34 p.m.

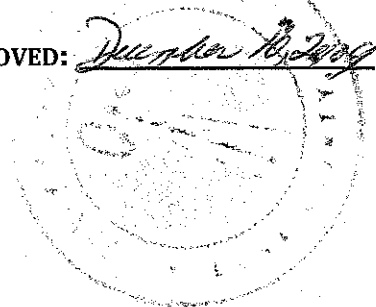
**JAIL INSPECTION:** The meeting was to be continued and a jail inspection conducted at 1:00p.m.

**ADJOURNMENT:** Following the jail inspection, Chairman Diaz moved to adjourn, seconded by Commissioner French and approved unanimously. The meeting was adjourned at 2:18 p.m. from the Luna County Detention Facility.


**ATTEST:**

  
KAREN SMYER, LUNA COUNTY CLERK

APPROVED: 



**LUNA COUNTY BOARD OF COUNTY COMMISSIONERS**

  
FRED D. WILLIAMS, DISTRICT 1

  
DEBRA FRENCH, DISTRICT 2

  
R. JAVIER DIAZ, DISTRICT 3, CHAIRMAN