

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

July 31, 2009

BE IT REMEMBERED that the Luna County Board of County Commissioners met in special session at 9:00 a.m. on Friday, July 31, 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 D. Williams, District 1
District 2, Currently Vacant
Chairman R. Javier Diaz, District 3

Also present were the following staff and elected officials: County Manager John Sutherland, Administrative Assistant Glory Johnson, County Clerk Karen Smyer, Human Resources Director Danny Gonzales, Procurement Officer Joanne Hethcox, Road Department Superintendent Marty Miller, Planning Director Frank Almanza, and Assessor Patsy Leyba.

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. He stated a roll call would show the presence of Commissioners Williams and himself.

NEW BUSINESS:

A. Amended Resolutions 08-31A, 08-32A and 08-33A: County Manager Sutherland recommended approval of the amended resolutions in order to include additional projects. Road Superintendent Marty Miller said he would like to put a good seal on the Deming Station Road which is the road to the dump in preparation for the opening of that facility.

In reference to Amended Resolutions 08-32A and 08-33A, Mr. Miller reported that the county committed to recondition a section of road east of the bridge on Highway 377 once the bridge project was complete. Mr. Miller explained that the portion of road between Highway 549 and the bridge is still state maintained and the east side after the bridge is county maintained.

Upon motion of Commissioner Williams, seconded by Chairman Diaz, Amended Resolutions 08-31A, 08-32A and 08-33A were approved.

B. Proposal to Conduct a Position Classification and Salary Plan Study: Mr. Sutherland requested approval of the proposal presented by S Resource, Incorporated. The price is \$22,000 plus gross receipts tax. The purpose of the study is to give the county the opportunity to survey the salaries of its employees and examine how the wage and compensation schedule fits in with other communities within this region. The firm will help

generate position classification descriptions and will help develop a wage scale. An underlying purpose is to make sure that similar work is receiving similar pay. Mr. Sutherland explained two proposals had been received and he believed the proposal of S Resources, Incorporated was the best. The firm offers additional Human Resources consulting services which will be billed at \$125.00 an hour. Mr. Sutherland stated he did not intend to request additional Human Resources consultation so no additional cost will be incurred. The intent is to focus on job descriptions and wage structure. He said it is our responsibility to work on the fringe benefits package which may be addressed later. The fringe benefits are the same within the entire organization and are the same as the state benefits package. All special employment contracts have been eliminated except for the county manager's and the county manager is the only person eligible for severance pay.

Commissioner Williams moved to accept the proposal by S Resource, Incorporated, for conducting a position classification and salary plan study for Luna County. Chairman Diaz seconded the motion which carried.

C. Water Contractor Professional Services Contractor and Work for Hire Agreement between Luna County and Thomas J. Bates: Mr. Sutherland recommended approval of the agreement which clarifies that Mr. Bates is an independent contractor and not a salaried employee of the county for PERA purposes. A debate ensued with members of the audience regarding the most beneficial use of water from the Gila River and whether there is a need to secure our rights to 14,000 acre feet of water or whether the most beneficial use of the water is to leave it in the river. Mr. Sutherland stated the key is to show that we can demonstrate beneficial use for the water and then our rights to the water will be secure. Commissioner Williams suggested that this could be a topic for discussion during a work session.

Commissioner Williams moved to approve the Professional Contract with Mr. Bates for the period January 1, 2009 and ending December 31, 2009. Chairman Diaz seconded the motion which carried.

D. Deming Public Schools After School Program Appropriation: Deming Public Schools Superintendent Harvilee Moore appeared before the Board along with school personnel to discuss the history of the programs as well as the benefits to the community and to the student participants. She stated the programs were initiated by the county. The city later added their support to the programs and the school system provided staff and facilities at no cost to the program. She stated graffiti and gang problems have been greatly reduced since the inception of the programs. The expansion of bus routes has made the program available to all children who wish to participate. \$2.3 million in federal funds have been secured for the purpose of creating and retaining jobs and to raise academic achievement. Mrs. Moore and Javier Milo provided budgetary information regarding Title 1 money and stimulus money. They explained that the school cannot supplant program funding with Title 1 money due to federal requirements. Commissioner Williams asked whether the school has more money this year than they had last year and can it be used for after school programs. Mrs. Moore said they do have more money for specific uses. Since they already had a budget allocation for bussing, they were able to add \$100,000 to increase the routes and enable more

children to take advantage of the programs. She said if they had to start fresh with the after school programs it would not happen because the budget has already been submitted. Commissioner Williams said many programs have need and do not have access to stimulus money and do not have a greater budget this year than they had last year and he is trying to figure out how to best allocate county money. Mrs. Moore anticipated receiving budget cuts once the legislature convenes in special session in the fall. She stated the stimulus money must be very carefully accounted for and used properly or the school stands to have to pay it back or risk losing it next year. Mrs. Moore stated there is no truth to a rumor that the school received \$8.5 million in federal stimulus money. She indicated the school system may begin to hold more public meetings in order to allay such rumors. Javier Milo discussed other budgetary obligations and advised the board that Title 1 money for the after school programs is limited to reading and mathematics and cannot not be used for dance, sports, arts or any programs funded by the city and county. Frank Milo stated he would be unable to support after school programs because any extra money he receives through Title 1 will be used for teaching supplies.

Larry Caldwell voiced opposition to county support because he believed only the elite students were able to participate and students such as those involved in gang activity are not served by the programs. He stated the schools have not shown objective positive outcomes for the community.

Elizabeth Burr stated she has been involved in the community for the past 15 years and was involved when the continuum of services was started in an attempt to address juvenile delinquency problems. She stated the choice to participate is available to all children. She believed the programs have been effective because juvenile crime rates have declined in the years following implementation. She said providing a safe place for healthy activities in the critical hours after school when children are unsupervised is a community benefit. Mrs. Burr stated the programs provide opportunities for participants to excel in various activities in addition to academic achievement. District Judge Gary Jeffreys acknowledged that Mrs. Burr was actually responsible for starting the programs in 1998. He said while the school is not obligated to participate, it has willingly done so and the programs have evolved into a collaborative effort between the schools, county, Sixth Judicial District Court and the city. Judge Jeffreys stated court records would demonstrate that delinquency occurs between the hours of 3:00 p.m. and 5:00 p.m. and that the after school programs have played a key role in bringing down juvenile crime rates. He believed the whole obligation should not be imposed on the school as if it were a school program because it is not. John Sutherland stated the programs are a key element in the continuum of services and that there are actually numbers that demonstrate juvenile detention and incident rates are down as a result of the programs. Judge Jeffreys added that he receives legislative money for the continuum of services. The contract with the county provides that the court will fund certain core programs and any of the left over money can be used for after school programs. He said last year \$23,000 was unspent which could go to reduce the amount the county spends for the programs. Ruben Chavira with the Juvenile Probation and Parole Office rose in support of the programs. He commented he has been a part of the continuum of services and it is his job to keep monthly statistics on delinquency. Since he has begun compiling the statistics,

there have been fewer informal and formal cases coming before them. He said detention rates have gone down resulting in a savings for the county.

Commissioner Williams thanked all participants and said he thought county contributions could be used for other than reading and mathematical works and he supported the allocation. Commissioner Williams moved to support the \$100,000 allocation for after school programs. Chairman Diaz seconded the motion which carried.

ADJOURNMENT: There being no further business before the Board, Commissioner Williams moved for adjournment. Chairman Diaz seconded the motion and the meeting was adjourned at 10:15 a.m.

ATTEST:

LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS


KAREN SMYER, LUNA COUNTY CLERK


FRED D. WILLIAMS, DISTRICT 1

APPROVED: August 12, 2009

DISTRICT 2, CURRENTLY VACANT


R. JAVIER DIAZ, DISTRICT 3, CHAIRMAN