

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

September 10, 2009

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 9:00 a.m. on Thursday, September 10, 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, Jr., Administrative Assistant Glory Johnson, Deputy Clerk Berenda McWright, Treasurer Dora Madrid, Chief Deputy Treasurer Gloria Rodriguez, Sheriff Raymond Cobos, County Clerk Karen Smyer, Chief Deputy Clerk Natalie Pacheco, Assessor Patsy Leyba, Detention Officers, Eddie Mesa, and Andy Gilmore, Procurement Officer Joanne Hethcox, Human Resources Director Danny Gonzales, Special Projects Coordinator Rheganne Vaughn and Road Superintendant Marty Miller.

Chairman Diaz called the meeting to order at 9:05 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 announced the county has succeeded in completing the youth football fields including the concession and the restrooms. He also announced that the county hired an Emergency Response Manager and a Safety Director/Risk Manager. Commissioner Williams added the county will hire an Internet Technology Specialist.

Commissioner Williams reminded everyone present that he is holding office hours open to the public on Tuesdays from 3:30 p.m. until 5:00 p.m. and on Thursdays from 11:00 a.m. until 1:00 p.m.

Commissioner Williams announced that a second town hall meeting will be held on September 17, at 6:00 p.m. at the Ruben Torres Elementary School and all residents of Luna County are invited not just residents from District 1.

Mr. Sutherland announced that District 2 will hold a Public Forum on Tuesday, September 15, 2009 at 6:00 p.m. at the Knights of Columbus.

SERVICE AWARDS:

Sheriff Cobos presented Deputy Rene Gaona with a certificate for graduating from the New Mexico Law Enforcement Academy in Santa Fe and presented him with a badge. Deputy Rene Gaona thanked Sheriff Cobos, Lieutenant Allen Carter and the Sheriff's Department and stated he is honored to serve the citizens of Luna County.

Sheriff Cobos presented a 20-year service award to Captain Marcos Rincon. Sheriff Cobos stated the Sheriff Reserves average 1,200 hours per month of community service that includes transporting prisoners to court and providing traffic control at school crossings.

Captain Rincon presented a 5-year service award to Reserve Lieutenant Leticia Morphew. He commented that Lieutenant Morphew has gone "overboard" to volunteer her services and help train reserves.

Captain Rincon presented a 20-year service award to Reserve Lieutenant Roy Weirnerman and commended him for his service.

Special Projects Coordinator Rheganne Vaughn presented a 5-year service award to Claudia Pena who started as an administrative assistant and has gone from a college graduate to a visionary conscientious program director and has recently been approved as the permanent Healthy Start Director. Claudia Pena thanked the commissioners and Mr. Sutherland and acknowledged those in the audience who helped her to become the professional she is today.

Captain Eddie Mesa presented a 5-year service award to Officer Jessie Sherbutt and a 10-year service award to Officer Miguel Carreon and commended them for their service.

MINUTES: Upon two separate motions of Commissioner Williams, each seconded by Chairman Diaz, the minutes of the following meetings were approved:

- Work Session of August 4, 2009
- Regular Meeting of August 12, 2009

CONSENT AGENDA: Upon motion of Commissioner Williams, seconded by Chairman Diaz, the following items on the Consent Agenda were unanimously approved:

Payroll Register #	Date of Register	Total of Register in Dollars
20090047	August 14, 2009	430,082.95
20090048	August 14, 2009	*24,133.98
20090049	August 14, 2009	429,716.50
20090050	August 14, 2009	21,585.32
*Denotes special payroll reimbursable through grants and/or contractual payments		
Total of Payroll Registers		\$905,518.75

Warrant Register Date	Total of Register in Dollars
August 7, 2009	45,880.83
August 13, 2009	103,407.65
August 20, 2009	351,170.97
August 27, 2009	84,317.06
Total of Warrant Registers	\$584,776.51

NEW BUSINESS:

A. Resolution 09-40 Supporting a Retiree Outreach Committee Through the Deming-Luna County Chamber of Commerce: County Manager John Sutherland recommended approval of the resolution requested by the Chamber of Commerce to support their efforts in recruiting retirees to locate in Luna County. Rheganne Vaughn stated the goal of the committee is not only retiree outreach but also as an economic development tool to utilize the talent and resources of retirees to serve as mentors to small businesses and other areas of the community. Commissioner Williams questioned if any financial support was being requested and proposed to amend the resolution by substituting the word "support" with the word "endorse." Upon motion of Commissioner Williams, seconded by Chairman Diaz, Resolution 09-40 was approved with an amendment made by Commissioner Williams substituting the word "support" with the word "endorse."

B. Memorandum of Understanding Extension between Luna County and Dona Ana Community College: Mr. Sutherland explained the Memorandum of Understanding Extension between Luna County and Dona Ana Community College continues the effort to provide alternative classes to be offered by the Dona Ana Community College. He stated that both parties are looking for continuing success from that effort and recommended approval of the agreement. Dr. John Walker and Dr. Bill Glenn spoke on behalf of the Community College regarding their intentions to continue to expand services in Luna County as needed. Larry Caldwell stated that the higher education committee suggested not replicating vocational programs that are already established in Las Cruces. Commissioner Williams motioned to approve the Memorandum of Understanding Extension between Luna County and Dona Ana Community College. Chairman Diaz seconded the motion which carried.

C. Luna County Information Technology Security and Acceptable Use Policy: Mr. Sutherland stated the county does not currently have a policy regarding regulation of the use of computer resources by the county employees and recommended approval of the proposed policy. Commissioner Williams asked if the agreement included any stipulation that county employees may not delete county correspondence from their computers. Mr. Sutherland explained that the agreement does not specifically include rules regarding deleting or erasing items from the computers, however, it does state that once the records are created on the computer they are public records and should be retained. Commissioner Williams requested an amendment to the agreement to address the issue of deleting items from the computers. Mr. Sutherland stated that record keeping should be addressed as a separate issue and statutory guidelines are in place for that. He also stated the cost of keeping the computer generated records should be considered because the county is currently not technologically advanced and has a limited storage capacity. County Clerk Karen Smyer stated that the clerk's office abides by the state's Archives and Records Retention Schedule. Mrs. Smyer stated that the clerk's and the treasurer's offices have not had a chance to review the policy and requested the commissioners table the item. Commissioner Williams motioned to table the Luna County Information Technology Security and Acceptable Use Policy until the next meeting. Chairman Diaz seconded the motion which carried.

D. Memorandum of Agreement between Luna County and Mimbres Memorial Hospital: Mr. Sutherland recommended approval of the agreement between Mimbres Memorial Hospital and Luna County and stated the agreement is a continuation document providing \$777,500 of financial support from the hospital for a number of community health related issues. Commissioner Williams asked Mr. Quitmeyer, the CEO of Mimbres Memorial Hospital, to explain the necessity for reducing the amount awarded to the county from the previous year's amount of \$1,276,000. Mr. Quitmeyer explained that part of the reason is based on how well the hospital does financially and there have been huge reductions in payments from the Medicaid divisions of the state. He also stated that every effort is being made to contribute the county and maintain services at the hospital during these extraordinary economic times. Commissioner Williams motioned to approve the Memorandum of Agreement between Luna County and Mimbres Memorial Hospital. Chairman Diaz seconded the motion which carried.

E. Memorandum of Agreement between Luna County and Deming Public Schools: Mr. Sutherland stated the agreement between the county and Deming Public Schools implements the decisions of the Commission to award \$100,000 to Deming Public Schools for the continuation of the after school programs. He also stated the agreement contains an additional paragraph to begin establishing mutually agreed upon performance measures and recommended approval of the agreement. Commissioner Williams moved to approve the Memorandum of Agreement between Luna County and Deming Public Schools. Chairman Diaz seconded the motion which carried.

F. Professional Services Agreement between Luna County and Allen Rosenberg: Mr. Sutherland stated that Mr. Rosenberg has served the county for a considerable number of years providing the caretaker services for the Mimbres Valley Learning Center satellite facility in Columbus and recommended approval of the Professional Services Agreement

between Luna County and Allen Rosenberg. Commissioner Williams moved to approve the Professional Services Agreement between Luna County and Allen Rosenberg. Chairman Diaz seconded the motion which carried.

G. 2008-2009 Funding for Southwest New Mexico State Fair: Mr. Sutherland recommended the commission authorize the expenditure of funds to the Southwest New Mexico State Fair Board that were appropriated last year and not spent. Commissioner Williams moved to approve the 2008-2009 Funding for Southwest New Mexico State Fair. Chairman Diaz seconded the motion which carried.

H. Resolution 09-37 Budget Adjustments: Mr. Sutherland stated the resolution authorizes some technical corrections necessary for the budget and requested the commission table line item #1 to give him an opportunity to go back to the JJCS Committee and request funds for two youth in the program at Tierra Blanca. Commissioner Williams moved to table line item #1 of Resolution 09-37 until the next regular meeting and approve the remainder of the Budget Adjustments. Chairman Diaz seconded the motion which carried.

I. Resolution 09-38 Budget Transfer: Mr. Sutherland recommended approval of Resolution 09-38 concerning a proposed intra-departmental transfer. Commissioner Williams moved to approve Budget Resolution 09-38. Chairman Diaz seconded the motion which carried.

J: Luna County Volunteer Fire Departments Bylaws: Mr. Sutherland recommended approval of the bylaws of the Luna County Volunteer Fire Departments. He informed the commission the volunteer fire districts have historically been formed and managed by Luna County; however, they have been operating ad hoc or without a set of rules. He stated that acceptance of the bylaws establishes a formal relationship between the county and the Volunteer Fire Departments and provides for some regulation of behaviors. It also, gives the fire districts the opportunity to provide guidance to their membership.

District Chiefs from Cooks Peak, Florida Volunteer Fire Departments were present. Chief Malina stated that some of the changes they requested are not in the document. Chief Anderson requested the agreement be tabled until the next meeting. Commissioner Williams motioned to approve the bylaws of the Luna County Volunteer Fire Departments with the understanding that the Chiefs would work with the County Manager at adjusting the document to be improved. Chairman Diaz seconded the motion which carried.

K. Certificate of Property Tax Rates- 2009 Year: Mr. Sutherland recommended approval of the Certificate of Property Tax Rates-2009 Year and informed the commission this is a standard annual action required by the state after budget adoption to set tax rates for 2009. Upon motion of Commissioner Williams, seconded by Chairman Diaz, the Certificate of Property Tax Rates-2009 Year was approved.

L. Announce Fair Day as approved in Holiday Schedule- Friday, September 25, 2009: Mr. Sutherland announced that Fair Day Holiday for 2009 is scheduled for Friday, September 25, 2009.

M. Census 2010 Presentation by Jon Swapp of U.S. Department of Commerce, U.S. Census Bureau: Tom Chagolla of the U.S. Department of Commerce, U.S. Census Bureau gave a presentation requesting the commission pass a resolution supporting the 2010 Census. Mr. Chagolla stated that this is a critical census in our nation's history because of the severe recession in our economy. The count determines how many federal dollars the state counties and cities will receive. The last Luna County Census had a return mail response rate of 59% and for every person not counted it cost the county \$500 per person per year for the next 10 years. The census will only be 10 questions long and will be printed in English and in Spanish.

Jon Swapp of the U.S. Department of Commerce, U.S. Census Bureau provided the Commissioners with a packet regarding the 2010 Census and requested their support in finding the citizens that are hard to find and requested the county become a partner with them in completing the Census for the year 2010.

Chairman Diaz stated that he would assist the media by doing a Spanish version commercial on the radio to express to the citizens how important it is for the county for them to respond to the census mailing. The census form will be mailed around the middle of March and the "Census Day" will be April 1, 2009.

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

Joanne Hethcox recommended approval of 31 claims for the month of August totaling \$60,063.87 and denial of two claims totaling \$11,305.21. She reported receipt of \$56,629.08 in the month of August, and a fund balance as of August 31, 2009 of \$120,239.80. Upon motion of Commissioner Williams, seconded by Chairman Diaz, the indigent hospital claims were unanimously approved and denied as recommended.

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

D. Request for Sole Community Hospital Supplemental Provider Payment: Mr. Sutherland recommended the commission approve the request for Sole Community Hospital Supplemental Provider Payment. Upon motion of Commissioner Williams, seconded by Chairman Diaz, the request for Sole Community Hospital Supplemental Provider Payment was approved.

ELECTED OFFICIALS REPORT:

Treasurer: Dora Madrid announced that her department is very excited that tax season is starting and that they look forward to meeting and assisting the taxpayers.

Sheriff: Sheriff Cobos thanked Ms. Hethcox for assisting the Sheriff's Department with the donation of the Tahoe to the Columbus Fire Department and thanked Mr. Sutherland for the recent development of the ongoing maintenance program at the Healing House.

Clerk: County Clerk Karen Smyer introduced Berenda McWright as the new Deputy Clerk. Ms. Smyer stated in addition to taking minutes and keeping records of county commissioner's proceedings, Ms. McWright will also issue marriage licenses and issue business registrations. Ms. Smyer said she was very pleased to have Ms McWright on staff and welcomed her to Luna County.

APPROVE NEXT MEETINGS:

Upon motion of Commissioner Williams, seconded by Chairman Diaz, the next regular meeting was scheduled for Thursday, October 8, 2009, at 9:00 a.m., in the Commission Chambers.

Upon motion of Commissioner Williams, seconded by Chairman Diaz, the next work session was scheduled for Thursday, October 1, 2009 at 6:00 p.m., in the Commission Chambers.

Upon motion of Commissioner Williams, seconded by Chairman Diaz, a special meeting was scheduled for Tuesday, September 15, 2009, at 9:00 a.m. in the Commission Chambers.

ADJOURN:

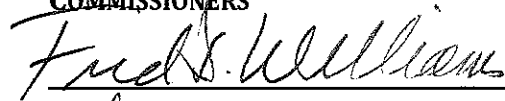
Commissioner Williams moved for adjournment. Chairman Diaz seconded the motion and each voted "aye." The meeting concluded at 11:35 a.m.

ATTEST:


KAREN SMYER, LUNA COUNTY CLERK

APPROVED: 10/8/2009

LUNA COUNTY BOARD OF COUNTY COMMISSIONERS


FRED D. WILLIAMS, DISTRICT 1


DISTRICT 2, CURRENTLY VACANT


R. JAVIER DIAZ, DISTRICT 3, CHAIRMAN

