

**MINUTES  
SPECIAL MEETING  
LUNA COUNTY BOARD OF COUNTY COMMISSIONERS  
  
September 15, 2009**

**BE IT REMEMBERED** that the Luna County Board of County Commissioners met in special session at 2:00 p.m. on Tuesday, September 15, 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  
Commissioner Debra French, District 2  
Chairman R. Javier Diaz, District 3

Also present were the following staff and elected officials: County Manager John Sutherland Jr., Administrative Assistant Glory Johnson, County Clerk Karen Smyer, Chief Deputy Clerk Natalie Pacheco, Deputy Clerk Berenda McWright, Budget/Procurement Director Joanne Hethcox, Human Resources Director Danny Gonzales, Special Projects Coordinator Rheganne Vaughn, Road Superintendent Marty Miller, Legal Secretary Lydia McNulty and Land Use Technician Benny Ramon.

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:** Chairman Diaz introduced the newly appointed District 2 Commissioner Debra French. He announced that Commissioner French would abstain from voting because she has not had an opportunity to review the agenda items.

**NEW BUSINESS:**

**A. Cooperative Project Agreement between Luna County and Department of Transportation pertaining to Columbus Truck Bypass:** County Manager John Sutherland recommended approval of the agreement which is in standard Department of Transportation format and provides the funding and the scope of work necessary to move the truck bypass. Special Projects Coordinator Rheganne Vaughn explained the exact location of the bypass has been determined. Commissioner Williams was concerned that if the state could not meet their promise Luna County would be liable. Ms. Vaughn explained that Luna County would not award any bid that exceeds the budget. Road Superintendent Marty Miller questioned if the county would have an option for quality control to hire an outside engineer. Ms. Vaughn explained that quality control would be handled by the project manager. Mr. Sutherland said that the Department of Transportation would most likely provide the quality control.

Commissioner Williams motioned to approve the Cooperative Project Agreement between Luna County and Department of Transportation pertaining to Columbus Truck Bypass. Chairman Diaz amended the motion that any cost overruns be brought to the commission prior to approval. The motion died for lack of a second. Commissioner Williams asked Ms. Vaughn how cost overruns are approved after a total bid amount has been accepted by all parties. Ms. Vaughn explained that would be done in the form of a change order submitted by the contractor and the engineer. Should a change order be necessary that was in excess of the county's 2.2 mil budget, the county would ask that the state and the federal government cover the cost. Commissioner Williams moved to approve the Cooperative Project Agreement between Luna County and Department of Transportation pertaining to Columbus Truck Bypass. Chairman Diaz seconded the motion and made an amendment that any cost overruns are brought before the commission prior to approval. Commissioner Williams seconded the amendment. Commissioner French abstained from voting and the motion carried.

**B. Luna County Information Technology Security and Acceptable Use Policy:**

Mr. Sutherland requested approval of the Luna County Information Technology Security and Acceptable Use Policy which was tabled at the last regular meeting of the commission. Commissioner Williams proposed a change to the third page of the document replacing the first word "may" in the first paragraph with the word "will" and replacing the second word "may" with the word "could" in order to make the policy more enforceable. Commissioner Williams moved to amend the document with the recommended changes. The motion was seconded by Chairman Diaz. Commissioner French abstained from voting and the motion carried. Commissioner Williams motioned to accept the Luna County Information Technology Security and Acceptable Use Policy as amended. Chairman Diaz seconded the motion. Commissioner French abstained from voting and the motion carried.

**C. Vacation of Subdivision Utility Easement - Sam Rush:** Land Use Technician Benny Ramon stated this is an ordinary vacation of a subdivision utility easement declaring the east five feet of Lot 20, and the west five feet of Lot 21, excepting and reserving therefrom the ten feet along the front of and the five feet along the rear of Lots 20 and 21 in Block 12 are vacated and abandoned. Commissioner Williams moved to approve the Vacation of Subdivision Utility Easement for Sam Rush. Commissioner Diaz seconded the motion. Commissioner French abstained from voting and the motion carried.

**D. Vacation of Subdivision Utility Easement - Barbara L. Dinucci:** Mr. Sutherland stated this proposed vacation of a subdivision utility easement is very similar to the previous one and vacates the easterly five feet of Lot 42 except the north five feet and the south ten feet thereof; the westerly five feet on lot 43 except the north five feet and the south ten feet thereof. Commissioner Williams moved to approve the Vacation Subdivision Utility Easement for the Barbara L. Dinucci. Chairman Diaz seconded the motion. Commissioner French abstained from voting and the motion carried.

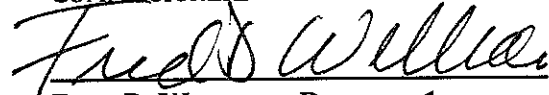
**ADJOURN:** Commissioner Williams moved for adjournment. Chairman Diaz seconded the motion and each voted "aye." The meeting concluded at 2:30 p.m.

ATTEST:

  
KAREN SMYER, LUNA COUNTY CLERK

APPROVED: 10/2/09

LUNA COUNTY BOARD OF COUNTY  
COMMISSIONERS



FRED D. WILLIAMS, DISTRICT 1



DEBRA FRENCH, DISTRICT 2



R. JAVIER DIAZ, DISTRICT 3, CHAIRMAN

