

**MINUTES  
REGULAR MEETING  
LUNA COUNTY BOARD OF COUNTY COMMISSIONERS  
Thursday, October 11, 2012**

**BE IT**

**REMEMBERED**

that the Luna County Board of County Commissioners met in regular session at 9:00 a.m. on Thursday, October 11, 2012, 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:

Kelly Kuentler, County Manager	Rheganne Vaughn, Community Health & Welfare Director
Glory Johnson, County Manager's Office	Gabriel Boyle, Planning & Community Development
Andrea Rodriguez, Clerk's Office	Frankie Tarazon, Planning & Community Development
JoAnna Z. Zurinsky, Clerk's Office	Marty Miller, Road Department
Dora Madrid, Treasurer	John Mooradian, Dispatch Director
Gloria Rodriguez, Chief Deputy Treasurer	Lauree Sanchez, Dispatch Supervisor
Delilah Rojo, Assessor	Matthew Elwell, Detention Director
Barbara Cobos, Chief Deputy Assessor	Edith Vasquez, DWI
Raymond Cobos, Sheriff	Jessica Moreno, DWI
Manny Armendariz, Information Technology	
Danny Gonzales, Business Office	
Joanne Hethcox, Business Office	

**CALL TO ORDER:** Chairman Spivey called the meeting to order at 9:04 a.m. Diana Diaz led the Pledge of Allegiance and the salute to the flag of the State of New Mexico.

**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  
Chairman J. Jay Spivey, District 2  
R. Javier Diaz, District 3

**PRESENTATIONS:**

- a. County Manager Kelly Kuentler and Detention Director Matt Elwell administered the oath of office to Luna County Detention Center officers.

- b. Presentation of Oath of Office by Kelly Kuenstler to Sean Blaine, Chief of the Florida Mountain Volunteer Fire Department: This item was not addressed.
- c. Dispatch Director Lieutenant John Mooradian gave a presentation on the restructuring and reorganization of Central Dispatch. Outlined in his presentation were plans to update the Crime Stoppers Program and implementing Tip Soft software technology within the next 30-45 days. Tip Soft allows a tipster to submit an anonymous text or e-mail in addition to calling in tips via smart phone. Central Dispatch is in the process of assessing the indoor and outdoor cameras and the alarm security systems for the dispatch building. Lt. Mooradian commended Dispatch Supervisor Lauree Sanchez for her efforts in the restructuring of the department.
- d. Sande Foster of the Humane Society presented information on Humane Society financials, donations, intake and adoptions. She discussed items including the volunteer program, the 'bark-park' and kennel renovations. Janean Garney presented information on the Junior Humane Society and fund-raising efforts on their behalf.
- e. Steve Westenhofer of Mimbres Memorial Hospital gave a Power Point presentation on services provided by the hospital. The hospital is currently working on several projects including development of a medical office building, helicopter transport and an accredited chest-pain center. Mr. Westenhofer stated as of Monday the emergency department was staffed completely with local people. He also presented updates on financials and community benefits and economic and charitable impacts. He discussed long and short term goals the hospital organization would like to reach.

**ANNOUNCEMENTS:** Community Health & Welfare Director Rheganne Vaughn announced the Healing House is holding activities in recognition of National Domestic Violence Awareness Month. She said October 26<sup>th</sup> is the planned date for the 'Hope Floats' balloon release. She introduced Dave Petersen as the Healing House Advisory Board Chairman. Ms. Vaughn also announced the Luna County Animal Shelter has agreed to board pets of domestic violence victims at no charge. Chairman Spivey announced the county fair will be held this weekend.

**ELECTED OFFICIALS REPORTS:** Deputy Clerk JoAnna Zurinsky reported since early voting began on October 9<sup>th</sup> 358 people have voted. She provided information on early voting hours. Assessor Delilah Rojo reported on overtime hours in the Assessor's Office. Ms. Rojo stated the conversion is coming along nicely and is almost complete. Six appraisers are working diligently on the reappraisal of 2013. Ms. Rojo thanked the board for the allowance of the overtime hours needed to complete the projects. Treasurer Dora Madrid reported the goal of the Treasurer's office is to have tax bills mailed out by October 19, 2012. Sheriff Cobos thanked County Manager Kelly Kuenstler and Billy Ruiz for their assistance with preparations in getting the Columbus substation renovated. The Sheriff's Office is in the process of screening employment pool candidates for Columbus deputies.

**RECESS:** Chairman Spivey declared a five-minute recess at 10:18 a.m.

**COUNTY MANAGER'S REPORT:** County Manager Kelly Kuenstler reported on the following items:

- Luna County received a warrant in the amount of \$407,012.00 in September for the equalization distribution from the state Tax and Revenue Department. The distribution is in addition to the regular gross receipts tax distribution designed to provide additional funds to the counties with per capita gross equalization distribution payments. The payment this year was about \$11,000 less than last year's payment.
- Luna County received an inspection in July by the New Mexico Environment Department, OSHA Division. The county was subject to a \$675 penalty for not having a notification program in place for the Hepatitis B vaccine for employees who have occupational exposure. This finding is considered serious by OSHA. The monetary penalty may be waived upon compliance. The second finding was to establish and implement a written respiratory protection plan for employees. There is no penalty associated with this finding. The county is in the process of complying and getting these policies in place by October 26<sup>th</sup>.
- Ms. Kuenstler has been appointed to a national committee on labor and employment by the New Mexico Association of Counties.
- Detention Director Matt Elwell has been appointed to a statewide committee by the New Mexico Association of Counties to revamp detention center policies. The medical unit in the Luna County Detention Center will be finished next week.
- Frankie Tarazon was awarded the official designation of 'Certified Zoning Official' from the New Mexico League of Zoning Officials in September.
- Starmax's digital upgrade equipment was delivered this week. The installation will begin October 22<sup>nd</sup>.
- Luna County's annual pilot payment from Macho Springs Wind Farm in the amount of \$92,550.00 is due in November.
- Community leaders met with Dr. Sheppard from WNMU. A 13.7% growth rate in a single year was reported and in the next five years projected growth of WNMU campuses will be 3,000 students. Starting January 2013 there is a goal of sharing campuses with Vo-Tech and Career Tech.
- Ms. Kuenstler appointed Chief Luis Malina as interim Chief for Savoy Volunteer Fire Department. He is now serving as both the Chief for Cook's Peak and Savoy Volunteer Fire Departments.

**PUBLIC HEARING AND CONSIDERATION OF THE PERSONNEL POLICY ORDINANCE AS AMENDED:** Ms. Kuenstler thanked the committee involved in amending the personnel policy. The proposed amended policy has been submitted to Grace Phillips of the New Mexico Association of Counties for review as to legal sufficiency. Ms. Kuenstler requested that this item be postponed pending receipt of the legal opinion.

**PUBLIC COMMENT:** Fred Williams asked that the proposed revisions to the personnel policy be published prior to holding a public hearing on the ordinance. Ms. Kuenstler stated she plans on publishing the proposed ordinance after it is reviewed for legal sufficiency. Mr. Williams urged transparency regarding items "J," "L," and "M" on the New Business Agenda. Ann Shine-Ring complimented the county on having an overview of the agenda published in *The Deming Headlight*.

James Palza, Jr. commented on a pending investigation involving the county regarding serious deficiencies in the court systems. Larry Caldwell commented that he hoped there was a solution for the sound system soon. Merlin Norenberg commended Lt. John Mooradian on his efforts in Central Dispatch to keep caller's anonymity. He also commented on the number of domestic violence calls to dispatch involving teenagers. Ms. Kuenstler acknowledged Mr. Norenberg's efforts on the Luna County Detention Center Committee. Carol Moreland commented on the acoustics in the meeting room, the chairs not being fastened down, and the manner in which the meetings were run. Manny Armendariz commended new management for changes made at the Starmax facility to make it a more pleasant family atmosphere.

**CONSENT AGENDA:** Upon motion of Commissioner Diaz, seconded by Commissioner Milo, Payroll Registers totaling \$918,090.18 and Accounts Payable Registers totaling \$469,846.65 were unanimously approved.

**CONSIDER MINUTES:** Upon motion of Commissioner Milo, seconded by Commissioner Diaz, the minutes of the September 13, 2012 Regular Meeting were unanimously approved.

**NEW BUSINESS:** County Manager Kelly Kuenstler reviewed each item on the New Business agenda with the commissioners.

- a. **RESOLUTION 12-44 BUDGET INCREASES:** Five budget increases in the amount of \$98,062.42 were proposed. Commissioner Diaz moved to accept Resolution 12-44 Budget Increases. The motion was seconded by Commissioner Milo which carried unanimously following a roll-call vote.
- b. **RESOLUTION 12-45 BUDGET TRANSFERS:** Four budget transfers in the amount of \$33,700.00 were proposed. Commissioner Diaz moved to accept Resolution 12-45 Budget Transfers. The motion was seconded by Commissioner Milo which carried unanimously following a roll-call vote.
- c. **RESOLUTION 12-46 INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN (ICIP):** Ms. Kuenstler explained to the board this plan is a changeable, working document. It is intended as the first step in improving rational and responsible long-range capital planning and budgeting for improving Luna County's infrastructure. Ms. Kuenstler thanked Rheganne Vaughn for her preparation of the ICIP. Commissioner Diaz moved to approve Resolution 12-46 Infrastructure Capital Improvement Plan. The motion was seconded by Commissioner Milo which carried unanimously following a roll-call vote.
- d. **RESOLUTION 12-47 SUPPORTING 2013 THE LEGISLATIVE PRIORITIES OF THE NEW MEXICO ASSOCIATION OF COUNTIES:** Ms. Kuenstler explained this Resolution provides support for the 2013 legislative priorities of the New Mexico Association of Counties. The priorities include: disclosure of sales data for all real property, authorizing local government royalties for

database access, decriminalization of minor traffic offenses, mandating sales of delinquent properties and expanding the list of fireworks restricted by local governments. Commissioner Milo moved to approve Resolution 12-47 supporting the 2013 Legislative Priorities of the New Mexico Association of Counties. The motion was seconded by Commissioner Diaz which carried unanimously following a roll-call vote.

- e. **RESOLUTION 12-48 URGING THE STATE LEGISLATURE TO PASS A BUDGET FOR INTERSTATE STREAM COMMISSION TO UPDATE THE FOUR REGIONAL WATER PLANS EACH YEAR:** Ms. Kuentler explained to the board this Resolution urges the state legislature to pass a recurring budget of \$400,000 for regional water planning in New Mexico. Commissioner Diaz emphasized the need to address the water situation and he moved to approve Resolution 12-48 Urging the State Legislature to Pass a Budget for Interstate Stream Commission to Update the Four Regional Water Plans Each Year. The motion was seconded by Commissioner Milo which carried unanimously following a roll-call vote.
  
- f. **DEMING AMATEUR RADIO CLUB FUNDING REQUEST:** Ms. Kuentler explained the Deming Amateur Radio Club has requested \$400.00. Luna County usually budgets for this but the organization has not requested any funds since 2008. Joanne Hethcox answered questions raised regarding procurement code compliance. Ms. Hethcox stated the organization provides routine or emergency radio communications throughout Luna County. Commissioner Diaz moved to approve the Deming Amateur Radio Club's funding request in the amount of \$400.00. Commissioner Milo seconded the motion which carried unanimously.
  
- g. **LUNA COUNTY PROCLAMATION RECOGNIZING OCTOBER AS DIGNITY AND RESPECT MONTH IN LUNA COUNTY:** Ms. Kuentler stated the Dignity and Respect Campaign was initially established as a community-based initiative to promote and foster a genuine appreciation and acceptance of all people. This proclamation recognizes October as 'Dignity & Respect Month' in Luna County with the intent to support and uphold the campaign's goals in the workplace, schools, community, and government agencies in the county. Commissioner Diaz moved for approval of the Proclamation Recognizing October as Dignity and Respect Month in Luna County. Commissioner Milo seconded the motion which carried unanimously.
  
- h. **LUNA COUNTY PROCLAMATION DECLARING OCTOBER 22-OCTOBER 26, 2012 AS RED RIBBON WEEK IN LUNA COUNTY:** Ms. Kuentler recognized Jessica Moreno and Edith Vasquez of the Luna County DWI Program. Ms. Moreno described collaborative efforts with various law enforcement agencies on the Red Ribbon Campaign which was established to promote and encourage a drug-free life-style. The proclamation makes a visible statement that Luna County is strongly committed to a drug free County, not only during Red Ribbon Week but all year long. Commissioner Milo moved for approval of Luna County Proclamation Declaring October 22-October 26, 2012 as Red Ribbon Week in Luna County. Commissioner Diaz seconded the motion which carried unanimously.

- i. **APPOINT STARMAX ADVISORY COMMITTEE:** Ms. Kuenstler explained to the board that there were 12 applicants interested in serving on the Starmax Advisory Committee which is constructed to advise the Starmax manager. The meetings of the advisory committee will be open to the public. The applicants were: Dr. George Williams, Sam Baca, Nancy Holt, Karen Lively, Timothy McAndrews, Barbara Agte, Tony Cruz, Ron Scharf, Albert Montes, Dave Petersen, Lance Maxwell, and Joyce Erickson. Commissioner Diaz expressed his preference that a high school student serves on the committee. Ira Pearson, Starmax Manager, stated the committee would serve as a community liaison and felt that a wide variety of members would be preferable. Mr. Pearson believed that all twelve interested applicants should be appointed in order to be representative of the community. Commissioner Diaz moved for appointing the Starmax Advisory Committee with a direct invitation to the student council to attend. Commissioner Milo seconded the motion which carried unanimously.
  
- j. **DEMOLITION OF 110 N. GOLD PROPERTY:** Ms. Kuenstler proposed demolition of the 110 N. Gold properties. She spoke of a joint powers agreement between the city and county for the pieces of land within that block. She explained that the agreement will be a lease between Walgreens, the city and the county. The lease is under legal review currently and will be made available during a November meeting. Discussion ensued between members of the audience, the board and the county manager regarding whether or not demolition of the building is beneficial to the community. Ms. Kuenstler stated the entity that will be created will own the property (the county and city in combination). Assessor Delilah Rojo explained if Walgreens owns the building they will be assessed personal property taxes on the building and equipment. The city and county will not be assessed property taxes on the land underneath the building. Chairman Spivey commented on the potential value of items such as windows, doors and trusses. Ms. Kuenstler discussed the possibility of holding a public auction for salvageable items. Ms. Kuenstler stated there is an agreement to move forward, but not actually a lease with Walgreens. Commissioner Diaz suggested tabling the item. Commissioner Milo moved to table action on demolition of the property located at 110 N. Gold. Commissioner Diaz seconded the motion which carried unanimously.
  
- k. **SOLE COMMUNITY PROVIDER SUPPLEMENTAL FUNDING FOR MIMBRES MEMORIAL HOSPITAL:** Commissioner Diaz moved to remove this item from the agenda. Commissioner Milo seconded the motion which carried unanimously.
  
- I. **RECOMMENDATION BY THE NATURAL RESOURCES COMMITTEE TO PROMOTE A UTILITY CORRIDOR IN LUNA COUNTY:** Ms. Kuenstler notified the board of Totsie Slover's resignation from the committee. Gabe Boyle advised the board that the Natural Resources Committee wrote a letter requesting the county commission to direct staff to hold public meetings on the location of potential utility corridors. Commissioner Diaz questioned the need for a designated corridor since there are already existing utility lines. Mr. Boyle stated the goal is to minimize the visual damage to the natural landscape and scenery. He said it is a development technique used in large communities. Ms. Kuenstler commented to the effect that such a corridor were it to be established would have to match up with utilities in other counties. Russ

Howell emphasized the Natural Resources Committee's point-of-view that a protocol must be established to both preserve the landscape and keep up with technological advances. Following discussion between members of the audience and the commissioners, Commissioner Diaz moved to allow the committee to promote utility corridors if need be taking into consideration all existing utilities in place now. Commissioner Milo seconded the motion which carried unanimously.

- m. QUITCLAIM DEED FOR TRANSFER OF SUNSHINE SCHOOL PROPERTY:** Ms. Kuenstler explained to the board that Deming Public Schools is interested in taking back the Sunshine School property which had previously been quit claimed to Luna County for use by Victory Outreach. Ms. Kuenstler stated the schools have some ideas for what they might do with the building but have not informed her of their plans. Commissioner Diaz moved to approve the Quitclaim Deed for transfer of Sunshine School property to Deming Public Schools. Commissioner Milo seconded the motion which carried unanimously.
- n. CITY/COUNTY ANNUAL CHRISTMAS PARTY CONTRIBUTION:** Glory Johnson explained to the board that in the past the Commissioners have voted to purchase employee meals for the annual Christmas party. Ms. Johnson stated there are 230 employees and approximately 150 employees go to the Christmas party. Commissioner Diaz moved to approve payment of up to \$20 for each employee's meal at the City/County Annual Christmas Party. Commissioner Milo seconded the motion which carried unanimously.

**INDIGENT CLAIMS REPORT:** Upon motion of Commissioner Diaz seconded by Commissioner Milo, 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 21 claims dated October 11, 2012 in the amount of \$53,354.12 and zero denials. The monies received for September 2012, totaled \$62,096.50. Commissioner Milo moved to approve 21 claims dated October 11, 2012 in the amount of \$53,354.12. Commissioner Diaz seconded the motion which carried unanimously. Commissioner Diaz moved to recess as claims board and to reconvene as the Board of County Commissioners. Commissioner Milo seconded the motion which was approved unanimously.

**EXECUTIVE SESSION:** Chairman Spivey entertained a motion to enter into Executive Session to discuss limited personnel matters pursuant to 10-12-1(H)2 NMSA 1978 pertaining to the Luna County Manager's performance evaluation. Commissioner Diaz moved for executive session to discuss the Luna County Manager's performance evaluation and stated no other matters would be discussed. Commissioner Milo seconded the motion which carried unanimously following a roll-call vote. Upon return from executive session, Commissioner Diaz moved to reconvene and stated no matters other than limited personnel matters pertaining to the Luna County Manager's performance evaluation were discussed. Commissioner Diaz moved to continue Ms. Kuenstler's contract with an amendment on page 2 changing line 4, removing "as outlined in the Luna County Personnel Ordinance" and adding "at a rate of 25 days per year." Commissioner Milo seconded the motion, which carried unanimously.

**ANNOUNCE NEXT MEETING:** Chairman Spivey announced the next regular meeting will be held on Thursday, November 8, 2012.

**ADJOURN:** Chairman Spivey adjourned the meeting at 1:20 p.m.

**ATTEST:**

**LUNA COUNTY BOARD OF COUNTY  
COMMISSIONERS**

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**KAREN SMYER, LUNA COUNTY CLERK**

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**JOE L. MILO, JR., DISTRICT 1**

**APPROVED:** \_\_\_\_\_

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**CHAIRMAN J. JAY SPIVEY, DISTRICT 2**

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**R. JAVIER DIAZ, DISTRICT 3**