

# **LUNA COUNTY BOARD OF COUNTY COMMISSIONERS**

**Barbara L. Reedy**  
Member

**Linda M. Smrkovsky**  
Chairperson

**John S. Sweetser**  
Member

**Thursday, April 11, 2019  
10:00 a.m.  
Regular Meeting  
Luna County Courthouse**

1. **Call to Order:** Chair Smrkovsky to commence meeting (At this time, please silence your cell phones and any other electronic devices) Pledge of Allegiance, State Pledge.
2. **Roll Call:**
3. **Approval of Agenda:**
4. **Minutes:**
  - a. Special Meeting- March 8, 2019  
**MOTION AND VOTE**
  - b. Work Session- March 14, 2019  
**MOTION AND VOTE**
  - c. Regular Meeting, March 14, 2019  
**MOTION AND VOTE**
5. **Elected Officials Report:**
6. **County Manager's Report:**
7. **Indigent Claims Report:**
  - a. Recess as County Commission, Convene as Claims Board  
**MOTION AND VOTE**
  - b. Presentation of Claims Report by Joanne Hethcox \$3,640.93
  - c. Consider Claims dated April 11, 2019  
**MOTION AND VOTE**
  - d. Recess as Claims Board, Re-Convene as County Commission  
**MOTION AND VOTE**

8. **Public Comment:** The Public has the opportunity to provide comment at this time pertaining to items on the agenda only. Please be advised that this is not a question and answer period. Your comments specific to the agenda items will be limited to three minutes unless the Board of County Commissioners requests more information. The time limit and opportunity to speak is given in an effort to allow public input on business matters of the County to move the agenda forward in a prompt yet efficient manner. Comment will not be allowed on individual agenda items as they are discussed by the Commissioners during new business.

9. **Consent Agenda:**

- a. Accounts Payable: \$1,076,521.81
- b. Payroll: \$1,473,686.30
- c. Resolution 19-18 Budget Increases
- d. Resolution 19-19 Budget Transfers
- e. Resolution 19-20 Correcting Certification for Maintained Roads in Luna County
- f. Give Grandly Proclamation
- g. Fair Housing Proclamation

**MOTION AND ROLL CALL VOTE**

10. **New Business:**

- a. Voting Members for Multi-Line Membership Pool and Worker's Compensation Membership Fund

**MOTION AND VOTE**

11. **Executive Session:**

Executive Session to discuss Limited Personnel Matters pursuant to §10-15-1 (H)(2) NMSA 1978 pertaining to the County Manager's goals and performance objective.

**MOTION AND ROLL CALL VOTE**

12. **Upcoming Meetings (unless otherwise specified):** \_

Special Meeting- April 25, 2019 at 9:00am

Work Session- May 9, 2019 at 9:00 a.m.

Regular Meeting- May 9, 2019 at 10:00 a.m.

13. **Adjourn:**

**NOTE TO THE PUBLIC:** Please use the microphone when addressing the Board. This is necessary for recording purposes. Thank you for your cooperation. Headphones for hearing enhancement are available upon request.

**MINUTES  
SPECIAL MEETING  
LUNA COUNTY BOARD OF COUNTY  
COMMISSIONERS  
Friday, March 8, 2019**

**BE IT REMEMBERED** that the Luna County Board of County Commissioners met in Special Session at 9:00 a.m. on Friday, March 8, 2019 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: Interim County Manager Glory Juarez, Attorney Charles Kretek, Clerk Andrea Rodriguez, Chief Deputy Clerk Berenda McWright, Deputy Clerk Pilar Salcido, Deputy Clerk Rachel Bishop, Captain Mike Brown, Emergency Manager Sonia Arteche and Budget & Procurement Director/Indigent Claims Administrator Joanne Hethcox.

**CALL TO ORDER:** Chair Smrkovsky 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.

**ROLL CALL:** Deputy Clerk Pilar Salcido called roll. The following members of the Board constituting a quorum were present:

**Barbara L. Reedy, District 1  
Linda M. Smrkovsky, Chair, District 2  
John S. Sweetser, District 3**

**PUBLIC INPUT:** Chair Smrkovsky opened the floor for Public Comment. No public comment was forthcoming.

**NEW BUSINESS:**

- a. **Resolution 19-14 Border Security:** Chair Smrkovsky read Resolution 19-14 in its entirety. Be it resolved that the Board of County Commissioners of Luna County, by the authority granted under the Constitution and Laws of the State of New Mexico and people of Luna County, New Mexico, declares its support for National Emergency Declaration along the southern borders of the United States of America. Commissioner Reedy motioned to approve Resolution 19-14 Border Security. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.

- b. Luna County Board of Registration Appointment:** Clerk Andrea Rodriguez explained to the Commission they must appoint 3 members and 2 alternates for the Board of Registration. Chair Smrkovsky motioned to approve Debbie French, Charles Bacon, Keith Harris as the members and Olivia Counce and Paul Hoylen as the alternates. The motion was seconded by Commissioner Reedy and carried unanimously following a roll call vote.

**EXECUTIVE SESSION: to discuss Limited Personnel Matters pursuant to §10-15-1 (H)(2) NMSA 1978 pertaining to the County Manager's Candidates and the Interim County Manager position:** Chair Smrkovsky entertained a motion to go into Executive Session to discuss Limited Personnel Matters pursuant to §10-15-1 (H)(2) NMSA 1978 pertaining to the County Manager's Candidates and the Interim County Manager position. Commissioner Reedy so moved. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote. The Board went into Executive Session at 9:11 a.m. and returned from Executive Session 2:00 p.m.

Chair Smrkovsky motioned to recess from Executive Session where no other matters were discussed but Limited Personnel Matters pursuant to §10-15-1 (H)(2) NMSA 1978 pertaining to the County Manager's Candidates and the Interim County Manager position at 10:55 a.m. and reconvene at 2:00 p.m. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.

Commissioner Reedy motioned to reconvene and return from Executive Session to discuss Limited Personnel Matters pursuant to §10-15-1 (H)(2) NMSA 1978 pertaining to the County Manager's Candidates and the Interim County Manager position. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.

Commissioner Sweetser motioned to appoint David McSherry as the Luna County Manager effective March 25, 2019. The motion was seconded by Chair Smrkovsky and passed with a two to one vote, with Commissioner Reedy voting in the negative. Commissioner Reedy read the following statement for the record "The interview process was developed to ensure balance and impartiality and it is my opinion that the principle of fairness was not used consistently throughout the interview process. It is also my opinion that Mr. McSherry did not meet the qualifications demanded of other candidates. Therefore, I am on record as a NO vote."

Chair Smrkovsky stated the next step is for the County Attorney Charles Kretek to prepare an employment agreement and to obtain Mr. McSherry's signature, to be presented for approval at the next regular meeting on Thursday, March 14, 2019.

**ADJOURN:** Commissioner Sweetser motioned to adjourn. The motion was seconded by Commissioner Reedy and carried unanimously. Chair Smrkovsky adjourned the meeting at 2:03 p.m.

**ATTEST:**

**LUNA COUNTY BOARD OF COUNTY  
COMMISSIONERS**

\_\_\_\_\_  
**ANDREA RODRIGUEZ, CLERK**

\_\_\_\_\_  
**BARBARA L. REEDY, DISTRICT 1**

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

\_\_\_\_\_  
**LINDA M. SMRKOVSKY, DISTRICT 2**

\_\_\_\_\_  
**JOHN S. SWEETSER, DISTRICT 3**

**MINUTES  
WORK SESSION  
LUNA COUNTY BOARD OF COUNTY COMMISSIONERS  
Thursday, March 14, 2019**

**BE IT REMEMBERED** that the Luna County Board of County Commissioners met at 9:00 a.m. on Thursday, March 14, 2019 in the County Commission Chambers of the Luna County Courthouse, Deming, New Mexico, for the purpose of conducting a Work Session.

**CALL TO ORDER:** Chair Smrkovsky called the meeting to order at 9:09 a.m. and led the Pledge of Allegiance and the salute to the flag of New Mexico.

**ROLL CALL:** Deputy Clerk Pilar Salcido called roll. The following Commissioners constituting a quorum were present:

**Barbara L. Reedy, District 1  
Linda M. Smrkovsky, Chair, District 2  
John S. Sweetser, District 3**

**SERVICE AWARDS:** Interim County Manager Chris Brice presented a five year service award to Jessica Jara. Jessica Jara presented a five year service award to Rosa Baeza.

**PUBLIC INPUT:** Chair Smrkovsky opened the floor to Public Comment. No public comment was forthcoming.

**COMMISSIONERS AND STAFF DISCUSSION ON REGULAR MEETING AGENDA ITEMS:** The Luna County Board of County Commissioners presented the Regular Meeting Agenda items for presentation and discussion by attending members of the public. *(\*Note: Items were presented for discussion only and no actions were taken.)\** The following agenda items were discussed:

- a. **Road Maintenance Discussion** – Charles Kretek reported that he has started researching to find the Resolution which initiated the application process for road maintenance. Mr. Kretek has the subdivision rules and regulations which include road specifications. He reported the estimated costs to bring the Dove Meadow Subdivision road up to County specifications are as follows. The first estimation is for pit run, which would cost the County \$12,749. If base course is used, which is the preferred product, it would cost the County \$22,397. Mr. Kretek mentioned the resolution pertaining to the application process needs to be found so that we can know what the standards were at that time and what the process was intended to be. Mr. Kretek indicated that right now our process has been that if the roads are not up to standards, we do not consider accepting them for maintenance. Mr. Kretek stated that if the County brings the roads up to specs, they run foul on the anti-donation clause, by spending money for private benefit and or private persons by bringing the roads up to code where they can be maintained. Mr. Kretek indicated that they need to assess that money or it needs to be paid up front. Pecan Park has an assessment which has been put into effect which is paid back over a

course of time and that is acceptable under the anti-donation clause. The County has never had an instance where we have accepted roads that were not up to standards and had to pay to bring them up. Mr. Kretek responded that in the past we have put money forward on behalf of water association and things like that but we get reimbursed so in that case we are not in violation of the anti-donation clause. Commissioner Sweetser stated that he was told by Mr. Miller that the roads were up to standard and he does not understand how that changed. Mr. Kretek stated that the amount for Dove Meadows project is included in the 2019 Annual Certified County Maintained Mileage just in case the project goes forward. If the project does not move forward, the funds will be removed. Mr. Kretek recommended the County not take action on the Dove Meadows project until the legal issues are figured out. Chair Smrkovsky reiterated that if the funds are not used they will be removed. Commissioner Reedy stated the subdivision ordinance needs to be updated.

- b. **New Mexico Counties Services Presentation** – Susan Mayes, New Mexico Counties Communications Director, gave a presentation regarding the services provided by NMC which includes local and state advocacy. The legislative team promotes the legislative priorities set by the Board of Directors. There are 33 voting members on the Board of Directors which includes one representative from each County. Chair Smrkovsky is the Board Member for Luna County. The team works closely with the Executive Committee. They also have a Policy Committee, which advances legislative initiatives during sessions. The Policy Committees include Economic Development and Infrastructure. Chair Smrkovsky is on the Economic Development Committee. The Policy Committees also include the Health Care, Native American, Public Land, Natural Resources, Public Safety and Tax Committees.

**ADJOURN:** Upon motion made by Commissioner Sweetser and a second made by Commissioner Reedy. Chair Smrkovsky adjourned the meeting at 9:55 a.m.

**ATTEST:**

**LUNA COUNTY BOARD OF  
COUNTY COMMISSIONERS**

\_\_\_\_\_  
**Andrea Rodriguez, Luna County Clerk**

\_\_\_\_\_  
**Barbara L. Reedy, District 1**

**Approved:** \_\_\_\_\_

\_\_\_\_\_  
**Chair, Linda M. Smrkovsky, District 2**

\_\_\_\_\_  
**John S. Sweetser, District 3**

**MINUTES  
REGULAR MEETING  
LUNA COUNTY BOARD OF COUNTY  
COMMISSIONERS  
Thursday, March 14, 2019**

**BE IT REMEMBERED** that the Luna County Board of County Commissioners met in regular session at 10:00 a.m. on Thursday, March 14, 2019 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: Interim County Manager Chris Brice, Attorney Charles C. Kretek, Administrative Assistant Erica Carlos, Clerk Andrea Rodriguez, Chief Deputy Clerk Berenda McWright, Deputy Clerk Pilar Salcido, Assessor Michelle Holguin, Chief Deputy Assessor Isabelle Enciso, Treasurer Gloria Rodriguez, Chief Treasurer Dora Madrid, Sheriff Kelly Gannaway, Captain Mike Brown, Community Health and Welfare Director Jessica Jara, IT Technician Debbie Seats, Probate Judge Diana M Diaz-May and Budget & Procurement Director/Indigent Claims Administrator Joanne Hethcox,

**CALL TO ORDER:** Chair Smrkovsky called the meeting to order at 10:12 a.m., and led the Pledge of Allegiance and the salute to the flag of New Mexico.

**ROLL CALL:** Deputy Clerk Pilar Salcido called roll. The following members of the Board constituting a quorum were present:

**Barbara L. Reedy, District 1  
Linda M. Smrkovsky, Chair, District 2  
John S. Sweetser, District 3**

**APPROVAL OF AGENDA:** Chair Smrkovsky requested approval of agenda. Commissioner Reedy motioned to approve the agenda. Commissioner Sweetser seconded the motion which carried unanimously.

**MINUTES:**

- **Special Meeting – February 4, 2019:** Upon a motion made by Commissioner Reedy and a second by Commissioner Sweetser the Minutes of the February 4, 2019 Special Meeting were unanimously approved.
- **Special Meeting – February 8, 2019:** Upon a motion made by Commissioner Sweetser and a second by Commissioner Reedy the Minutes of the February 8, 2019 Special Meeting were unanimously approved.
- **Work Session – February 14, 2019:** Upon a motion made by Commissioner Reedy and a second by Commissioner Sweetser the Minutes of the February 14, 2019 Work Session were unanimously approved.



- **Regular Meeting – February 14, 2019:** Upon a motion made by Commissioner Sweetser and a second by Commissioner Reedy the Minutes of the February 14, 2019 Regular Meeting were unanimously approved.
- **Special Meeting – February 20, 2019:** Upon a motion made by Commissioner Sweetser and a second by Commissioner Reedy the Minutes of the February 20, 2019 Special Meeting were unanimously approved.
- **Special Meeting – February 22, 2019:** Upon a motion made by Commissioner Reedy and a second by Commissioner Sweetser the Minutes of February 22, 2019 Special Meeting were unanimously approved.
- **Special Meeting – February 28, 2019:** Upon a motion made by Commissioner Reedy and a second by Commissioner Sweetser the Minutes of February 28, 2019 Special Meeting were unanimously approved.

**ELECTED OFFICIALS REPORTS:** Sheriff Gannaway reported on the statistics for the month of February. Mr. Gannaway stated that the overall calls are down, assaults, burglaries, larcenies are down and vehicle thefts are up. Non-Criminal, Civil and accidents are down. The County had their first DWI for this year. Sheriff Gannaway interviewed Deputies yesterday and plans to hire one by sometime next week. He also recognized Stella Ortiz for her 27 years of service in the Luna County Sheriff's Department. Chair Smrkovsky mentioned that we currently only supply pins up to 25 years of service but would like to see pins given every 5 years as long as they are working.

Appraiser Michelle Holguin reported that the Assessor's Office is in full swing and busy with the closing of 2018 tax year and is getting ready to mail out the notice of values for the 2019 tax year. She also mentioned the 2019 values were submitted March 13, 2019 and the Notice of Values will be printed and mailed by April 1, 2019. Ms. Holguin reported the rendering period for all exemptions, limitations and protests, will run through the month of April 2019. The Assessor's Office processed a total of 221 building permits this year. Luna County issued 63 building permits, the City of Deming issued 221 permits and the State of New Mexico issued 12 permits for Luna County. The total new value added this year for Luna County is \$45,432,735. She mentioned the increased values are pertaining to increases and assessments for land improvement and manufactured homes. There was a decrease in values for personal properties and livestock due to livestock values dropping per units and personal property being self-rendering. She included spreadsheets which gave the breakdown on values of residential and non-residential as well as total values for 2018 and 2019 for the Commissioners to review. The appraisal staff is currently working in the field on the 2021 re-appraisals. Ms. Holguin mentioned they are looking to fill two positions, an Appraiser position and a GIS position. Once they are fully staffed, they are looking at having two teams of appraisers in the field at all times and two appraisers in the office working on the market analysis to make sure the County is maintaining a constant updated market. The Assessor's Department is cross training to make sure they are providing the best services for all of the community. Two appraisers are in Albuquerque completing their 4<sup>th</sup> course to become New Mexico Certified Appraisers. The Assessor's Office will have a total of five Certified Appraisers in the office. Ms. Holguin indicated they are getting ready for their yearly evaluation from the Property Tax Division. Ms. Holguin said the employees at

the Assessor's Office are very happy, they are all working together as a team to help one another learn, grow and meet the County's needs.

Commissioner Reedy announced she attended the meeting at the Methodist Church and announced the passing of the Resolution for the Sanctuary.

**COUNTY MANAGER'S REPORT:** Interim County Manager Chris Brice reported on the following items.

- **Dispatch:** A total of 69 warrants were served in the County and 13 warrants were served out of the County. The Dispatch Department had 976 calls for the month of February with four vacancies in that department. The Dispatch Department has interviewed several candidates but none have accepted the job offers. Mr. Brice has reached out to Fort Bliss for advertising in connection with their transition program for exiting Army members. He also mentioned he is hoping to get the job descriptions out to their program for consideration.
- **Detention Center:** A total of 722 individuals were booked, 315 released, over all adult detention population was 398 and the Marshall adult detention population was 283 for the month of February. As of yesterday, there was just over 350 Marshall Inmates. Mr. Brice reported the head of the Marshall's Office in Las Cruces visited and wants to open the South Units again because Hidalgo and Dona Ana are full to capacity. They also mentioned the possibility of funding the repairs for the fire and smoke detection alarm system in the South Unit just so they can house individuals which would put our Marshall inmates at about 500. Chair Smrkovsky asked Mr. Brice if he thought that would be a good idea. Mr. Brice stated that he thought the cost of about \$20,000 to repair the fire system could be made back in a matter of days. If Dona Ana County is willing to compensate for the expense it would definitely be a good idea. The Fire Marshal would need to approve this project first. Mr. Brice also mentioned CYFD inspection provided a temporary approval just waiting for the final results of any finding. Mr. Brice indicated that the Detention Center has been working with NMAC for any County trainings. He also mentioned that the other Counties come to Luna County for their trainings.
- **Road Department:** Mr. Brice mentioned they have been busy with repairing roads including Stetson Road. Many cattle guards have been placed throughout the County. The paperwork has been submitted for the miles report. Carol has retired with 25 years of service recently.
- **Starmax:** Sales are \$101,159 which is down about \$7,000 from last month. They installed a turbo chief oven. Starmax is working on the after prom event.
- **Budget and Procurement Department:** The audit report has been completed and Joanne continues to send information to OpenGov.Com getting ready to do a second run.
- **Risk Management Department:** Mr. Brice mentioned they are working with NMC and New Mexico Edge. Mark Jasso hosted eight or nine of the Detention Center staff who are going through the jail professional certification courses which have just begun with New Mexico Edge. No Tort claims or Workman's Comp claims were reported for the month of February.
- **Community, Health & Wellbeing:** Parents as Teachers had two car seat trainings in the month of February, 21 car seats inspected and 17 more car seats distributed. Mr. Brice indicated that the program seems to be working well. The Healing House was awarded two grants one for \$7,000 through CYFD and one for \$3,000 through FEMA.

**INDIGENT CLAIMS REPORT:** Upon a motion by Commissioner Reedy and a second by Commissioner Sweetser, the meeting of the Board of County Commissioners was unanimously recessed and the meeting of the Indigent Hospital Claims Board convened. Budget and Procurement Director Joanne Hethcox reported that six claims were received for the month of

February, of which three claims were for the Detention Center and three are for Luna County citizens in the amount of \$14,781.78. The GRT collected in February was \$56,697.59. The encumbered amount was \$170,996.37 with a cash balance of \$961,375.58. Ms. Hethcox mentioned they will be sending the third quarter payment this week to the Safety Net Care Pool. Commissioner Sweetser motioned to approve the Indigent Claims Report. Commissioner Reedy seconded the motion which carried unanimously. Commissioner Reedy motioned to recess as a Claims Board and reconvene as a County Commission. Commissioner Sweetser seconded the motion which carried unanimously.

**PUBLIC COMMENT:** Chair Smrkovsky opened the floor to Public Comment. No public comment was forthcoming.

**CONSENT AGENDA:** Upon a motion by Commissioner Sweetser and a second by Commissioner Reedy the following items of the Consent Agenda were unanimously approved following a roll call vote.

- a. Accounts Payable: \$1,303,824.93
- b. Payroll: \$1,027,045.72
- c. Resolution 19-15 Budget Increases
- d. Resolution 19-16 Budget Transfers

**NEW BUSINESS:** Chair Smrkovsky reviewed each item on the New Business agenda with the Commissioners:

- a. **New Mexico Counties TrueConnect Loan Benefit Program Agreement:** - Susan Mayes the Communication Director with New Mexico Counties gave a presentation on the True Connect Loan Benefit Program which is offered to all Counties to no cost to the Counties. This program is endorsed by the NMC Board of Directors as a voluntary benefit for County Members. The program is designed for employees to secure small loans in times of special emergencies that may arise. Loan amounts are from \$1,000 to \$3,000. It is a safe and affordable loan that is done on-line confidentially between the employee and the lender. The County's role in this program is to sign a two page agreement and sets up an implementation conference call with key personnel and provides information to True Connect. County Attorney Charles Kretek mentioned that under the ACH, the employer shall repay the balance of any loans by deducting the sum from any terminated employees last paycheck, which means the whole balance. Mr. Kretek indicated there are laws indicating we cannot legally do that so if this is a requirement the County will not be able to participate. Ms. Mayes indicated the language can be changed to be acceptable for the County, she also mentioned that there is language indicating "what statutes permit". Chair Smrkovsky motioned to table this item until next month. Commissioner Reedy seconded the motion which carried unanimously.
- b. **New Mexico Counties Company Nurse Program:** Kamie Denton NMC Workers Compensation Manager reported they have ten other Counties enrolled in the Company Nurse Program. The program is staffed 24/7/365 days a year nationwide. They provide a medical triage injury hotline service, 24 hour registered nurse hotline. This program is only for injuries while on the job. The Counties are not in an agreement with Company Nurse Program the agreement is with NMC. Commissioner

Reedy motioned to table this item until next month. Commissioner Sweetser seconded the motion which carried unanimously.

- c. **2019 Annual Certified County Maintained Mileage Report:** Chair Smrkovsky indicated that this report does include the Dove Meadows Subdivision application. Commissioner Reedy motioned to approve the 2019 Annual Certified County Maintained Mileage Report. Commissioner Sweetser seconded the motion which carried unanimously.
- d. **Intergovernmental Transfer Agreement:** Chair Smrkovsky suggested the five display cases in the basement that are not being utilized by the County be given to the City, for use by the Luna County Historical Society only until they no longer have the need to use the display cases. They also request that we move them as they don't have the resource to move them. Commissioner Sweetser motioned to approve the Intergovernmental Transfer Agreement. Commissioner Reedy seconded the motion which carried unanimously.
- e. **Resolution 19-17 – Acceptance and Approval of the Fiscal Year 2018 Audit:** Robert Gonzalez CPA and lead partner for Luna County financial audit. One finding was found in 2018 which is a repeat finding the reference is 2018-001 on page 138. Although it is only one finding, there are several bullet points attached to this finding. Joanne has implemented a correction action plan for this finding. Mr. Gonzalez indicated there were also seven resolved findings from the prior year. Ms. Hethcox commented that she feels this was a successful audit. Commissioner Reedy motioned to approve Resolution 19-17 Acceptance and Approval of the Fiscal Year 2018 Audit. Commissioner Sweetser seconded the motion which carried unanimously.

**EXECUTIVE SESSION: to discuss pending litigation matters pursuant to §14-2-1 (H) (7) NMSA 1978 (Livingston, Edwards, Hernandez).** Commissioner Sweetser motioned to go into Executive Session to discuss litigation matters pursuant to §14-2-1 (H)(7) NMSA 1978 NMSA (Livingston, Edwards, Hernandez). The motion was seconded by Commissioner Reedy and carried unanimously following a roll call vote. The Commissioners went into Executive Session at 11:24 a.m. and returned from Executive Session at 11:59 a.m.

Chair Smrkovsky entertained a motion to return from Executive Session. Commissioner Reedy motioned to return from Executive Session where no other matters were discussed other than litigation matters with Livingston, Edwards, and Hernandez where no action was taken. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.

**UPCOMING MEETINGS:** Chair Smrkovsky announced the following upcoming meetings.

Work Session- April 11, 2019 at 9:00a.m.

Regular Meeting- April 11, 2019 at 10:00 a.m.

**ADJOURN:** Upon a motion made by Commissioner Reedy and a second made by Commissioner Sweetser the meeting was adjourned at 12:00 p.m.

**ATTEST:**

**LUNA COUNTY BOARD OF COUNTY  
COMMISSIONERS**

\_\_\_\_\_  
**ANDREA RODRIGUEZ, LUNA COUNTY CLERK**

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**BARBARA L. REEDY, DISTRICT 1**

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

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**LINDA M. SMRKOVSKY, DISTRICT 2**

\_\_\_\_\_  
**JOHN S. SWEETSER, DISTRICT 3**

# Indigent Hospital Claims Office

David X. McSherry, County Manager

IHC Board Meeting April 11, 2019

Month	Number	Amount	Number	Denied
January	23	\$26,055.34	0	\$0.00
Feburary	6	\$14,781.78		
March	5	\$3,640.93		
April	0	\$0.00		
May	0	\$0.00		
June	0	\$0.00		
July	0	\$0.00		
August	0	\$0.00		
September	0	\$0.00		
October	0	\$0.00		
November	0	\$0.00		
December	0	\$0.00		
Total	34	\$44,478.05	0	\$0.00
This Month's Total	Mimbres Memorial Hospital			\$2,601.73
This Month's Total	Gila Regional Medical Center			\$0.00
This Month's Total	Memorial Medical Center			\$0.00
This Month's Total	Deming Fire Dept./EMS			\$0.00
This Month's Total	All Other Services			\$1,039.20
Total				\$3,640.93
Year to Date Total	Mimbres Memorial Hospital			\$36,197.76
Year to Date Total	All Other Hospitals			\$2,949.36
Year to Date Total	Deming Fire Dept./EMS			\$1,000.00
Year to Date Total	All Other Services			\$690.00
Total				\$40,837.12
Care of Prisoners This Month - Not including SNCP Funds				\$972.47
Care of Prisoners Year to Date Indigent - Not including SNCP Funds				\$198,544.17
Care of Prisoners Year to Date Inmate Prescriptions/OTC Meds				\$29,572.10
Care of Prisoners Year to Date Dr. Bills				\$272.47
Total Cost of Care of Prisoners Year to Date				\$228,388.74
Monies Received for March 2019				\$51,048.91
Balance in IHC Fund as of March 31, 2019				\$940,980.39
Encumbrances as of March 31, 2019				\$89,247.54
		Date	Amount Approved	Amount Denied
	Signatures	04/11/19	\$3,640.93	\$0.00
Barbara L. Reedy				
Linda M. Smrkovsky				
John S. Sweetser				

**April 11, 2019**

[illegible]

LCBCC Meeting April 11<sup>th</sup>, 2019  
Accounts Payable

3/1/2019	\$166,304.56
3/1/2019	\$5,983.73
3/1/2019	\$3,061.75
3/8/2019	\$108,786.24
3/8/2019	\$7,183.40
3/8/2019	\$4,276.65
3/8/2019	\$348.17
3/14/2019	\$327.46
3/15/2019	\$298,423.90
3/15/2019	\$13,934.08
3/15/2019	\$3,892.86
3/18/2019	\$9,833.34
3/21/2019	\$214,363.59
3/21/2019	\$27,930.54
3/21/2019	\$7,643.92
3/28/2019	\$67,318.92
3/28/2019	\$7,303.30
3/28/2019	\$5,958.43

P-Cards

February 2019

\$123,646.97

Total    \$1,076,521.81



*Luna County*  
*Board of County Commissioners*

**AGENDA 04/11/2019**

**PAYROLL**

03/01/2019	Register # 20190009	\$427,632.54
03/01/2019	*Register # 20190010	\$14,526.73
03/15/2019	Register # 20190011	\$499,061.11
03/15/2019	*Register # 20190012	\$31,887.53
03/15/2019	*Register # 20190013	\$4,243.94
03/29/2019	Register # 20190014	\$481,985.60
03/29/2019	*Register # 20190015	\$14,348.85

**Total \$ 1,473,686.30**

\* Special

**LUNA COUNTY BOARD OF COUNTY  
COMMISSIONERS**

**RESOLUTION NO. 19-18  
Proposed Inter/Intra Fund Budget Increases**

**WHEREAS**, the Luna County Board of County Commissioners has the statutory authority to approve, modify and amend the County's annual operating budget; and

**WHEREAS**, development of an annual budget includes a considerable amount of professional guessing about events that may occur in the future; and

**WHEREAS**, during the course of the budget year actual events can result in receiving revenues or making expenditures that were not expected at the time the budget was prepared and adopted; and

**WHEREAS**, it is necessary to adjust the County's adopted budget to properly provide for these unexpected events.

**NOW THEREFORE BE IT RESOLVED** that the Luna County Board of County Commissioners hereby adopts the changes to the County's Fiscal Year 107, July 1, 2018 through June 30, 2019 Budget proposed by the County's management staff and attached hereto in spreadsheet form, as amendments to the previously adopted operating budget.

**PASSED, APPROVED AND ADOPTED THIS 11<sup>th</sup> DAY OF APRIL, 2019.**

LUNA COUNTY

\_\_\_\_\_  
Chairperson

ATTEST:

\_\_\_\_\_  
Andrea Rodriguez, Luna County Clerk

Be it remembered that at a Regular meeting of the Luna County Board of County Commissioners in Deming NM on the 11th day of April, 2019, the following budget adjustments are proposed and entered of record.

<div> <div>SCHEDULE OF BUDGET ADJUSTMENTS</div> <div> <b>Budget Resolution Number 19-18</b>  Proposed Inter/Intra FUND Budget Increase </div> </div>									Entity Code DFA Resolution Number	
ITEM NO	Adjustment Type	Fund/ DFA Fund	Dept.	From	Amount	To	Amount	Purpose	Approved Budget Balance	Adjusted Budget Balance
One	Increase	508/29900	SO 1/8th GRT	508/29900	\$ (3,600.00)	508-77-1339 (Revenue) Sale of County Property	\$ (3,600.00)	Auction proceeds from auction on 01/26/2019.	\$ -	\$ (3,600.00)
		401/11000	General Fund - Sheriff's Department	401/11000	\$ (29,835.00)	401-77-1339 (Revenue) Sale of County Property	\$ (29,835.00)	Auction proceeds from auction on 01/26/2019.	\$ -	\$ (29,835.00)
		508/29900	SO 1/8th GRT	508/29900	\$ 3,600.00	508-00-2028 Capital Outlay	\$ 3,600.00	Auction proceeds from auction on 01/26/2019.	\$ 109,000.00	\$ 112,600.00
		401/11000	General Fund - Sheriff's Department	401/11000	\$ 29,835.00	401-08-2028 Capital Outlay	\$ 29,835.00	Auction proceeds from auction on 01/26/2019.	\$ 12,000.00	\$ 41,835.00
Two	Increase	428/21800	CASA Program	428/21800	\$ (246.00)	428-77-1629 (Revenue) Other Revenue Sources	\$ (246.00)	Proceeds from T-Shirt sale fundraiser.	\$ (500.00)	\$ (746.00)
					\$ 246.00	428-54-2020 Supplies	\$ 246.00	To allow for spending of T-Shirt sale fundraiser.	\$ 4,025.00	\$ 4,271.00
						610-77-1339 (Revenue) Sale of County Property				
Three	Increase	610/21800	Drug Investigation	610/21800	\$ (17,756.64)	610-77-1339 (Revenue) Sale of County Property	\$ (17,756.64)	Auction proceeds from auction on 10/31/2015	\$ -	\$ (17,756.64)
					\$ (18,450.00)	610-77-1339 (Revenue) Sale of County Property	\$ (18,450.00)	Auction proceeds from auction on 01/26/2019	\$ (17,756.64)	\$ (36,206.64)
					\$ 36,206.64	610-08-2028 Capital Outlay	\$ 36,206.64	To allow for spending of auction proceeds from auction on 10/31/2015 and 01/26/2019	\$ 66,897.43	\$ 103,104.07
Four	Increase	421/21800	Domestic Violence Shelter	421/21800	\$ (7,000.00)	421-77-1623 (Revenue) CYFD	\$ (7,000.00)	Additional grant award for Grant# 17- 690-20123-3	\$ (195,936.00)	\$ (202,936.00)
					\$ 7,000.00	421-00-2010 Mileage/Per Diem	\$ 7,000.00	To allow for spending of additional grant award for Grant# 17-690-20123- 3	\$ 9,812.00	\$ 16,812.00
						421-77-1623 (Revenue) CYFD				
Five	Increase	421/21800	Domestic Violence Shelter	421/21800	\$ (1,000.00)	421-00-2010 Mileage/Per Diem	\$ (1,000.00)	2Additional grant award for Grant# 17-690-20123-2	\$ (195,936.00)	\$ (196,936.00)
					\$ 1,000.00	610-77-1320 (Revenue)	\$ 1,000.00	To allow for spending of additional grant award for Grant# 17-690-20123- 2	\$ 16,812.00	\$ 17,812.00
						610-77-1320 (Revenue)				
Six	Increase	610/21800	Drug Investigation - HIDTA	610/21800	\$ (22,000.00)	SWNM Task Force HIDTA & DCSI	\$ (22,000.00)	Additional supplemental funding to purchase new undercover unit.	\$ (478,182.36)	\$ (500,182.36)
					\$ 22,000.00	610-43-2028 Capital Outlay	\$ 22,000.00	To allow for spending of additional supplemental funding to purchase new undercover unit.	\$ -	\$ 22,000.00
						610-77-1320 (Revenue)				
Seven	Increase	610/21800	Drug Investigation - HIDTA	610/21800	\$ (5,000.00)	SWNM Task Force HIDTA & DCSI	\$ (5,000.00)	Additional baseline funding for fringe benefits.	\$ (500,182.36)	\$ (505,182.36)

ITEM NO	Adjustment Type	Fund/ DFA Fund	Dept.	From	Amount	To	Amount	Purpose	Approved Budget Balance	Adjusted Budget Balance
					\$ 5,000.00	610-43-2060 Match - Medicare 1.45%	\$ 500.00	To allow for spending of additional baseline funding for fringe benefits.	\$ 1,614.72	\$ 2,114.72
						610-43-2063 Match - PERA 16.42% (LE-22.975%)	\$ 200.00	To allow for spending of additional baseline funding for fringe benefits.	\$ 20,070.96	\$ 20,270.96
						610-43-2064 Match - FICA 6.2%	\$ 150.00	To allow for spending of additional baseline funding for fringe benefits.	\$ 2,063.36	\$ 2,213.36
						610-43-2065 Match - Group Insurance	\$ 4,000.00	To allow for spending of additional baseline funding for fringe benefits.	\$ 20,610.96	\$ 24,610.96
						610-43-2070 Match - RHCA 2.0% (LE-2.5%)	\$ 150.00	To allow for spending of additional baseline funding for fringe benefits.	\$ 2,184.00	\$ 2,334.00
Eight	Increase	401/11000	General Fund - Bureau of Elections	401/11000	\$ (4,517.31)	401-77-1262 (Revenue) Reimbursements to County	\$ (4,517.31)	To account for reimbursement from DPS for School Board Election	\$ (2,345.47)	\$ (6,862.78)
					\$ 4,517.31	401-05-2010 Mileage/Per Diem	\$ 4,517.31	To allow for spending of reimbursement from DPS for School Board Election	\$ 2,965.38	\$ 7,482.69
					\$ -		\$ -		\$ (1,122,783.02)	\$ (1,122,783.02)

*NOW, THEREFORE, it is respectfully requested that the Luna County Commissioners, authorize the above adjustments to the Luna County Budget.*

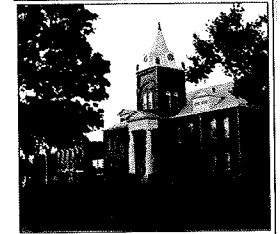
Done at Deming New Mexico this Thursday the 11th day of April, 2019.

LUNA COUNTY BOARD OF COUNTY COMMISSIONERS

Barbara L. Reedy, District 1

Linda M. Smrkovsky, District 2

John S. Sweetser, District 3



ATTEST:

Andrea Rodriguez, Luna County Clerk

Entered By:

Date

Checked By:

Date

**LUNA COUNTY BOARD OF COUNTY  
COMMISSIONERS**

**RESOLUTION NO. 19-19  
Proposed Intra/Inter Department Transfers**

**WHEREAS**, the Luna County Board of County Commissioners has the statutory authority to approve, modify and amend the County's annual operating budget; and

**WHEREAS**, development of an annual budget includes a considerable amount of professional guessing about events that may occur in the future; and

**WHEREAS**, during the course of the budget year actual events can result in receiving revenues or making expenditures that were not expected at the time the budget was prepared and adopted; and

**WHEREAS**, it is necessary to adjust the County's adopted budget to properly provide for these unexpected events.

**NOW THEREFORE BE IT RESOLVED** that the Luna County Board of County Commissioners hereby adopts the changes to the County's Fiscal Year 107, July 1, 2018 through June 30, 2019 Budget proposed by the County's management staff and attached hereto in spreadsheet form, as amendments to the previously adopted operating budget.

**PASSED, APPROVED AND ADOPTED THIS 11<sup>th</sup> DAY OF APRIL, 2019.**

LUNA COUNTY

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Chairperson

ATTEST:

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Andrea Rodriguez, Luna County Clerk

Be it remembered that at a Regular meeting of the Luna County Board of County Commissioners in Deming NM on the 11th day of April, 2019 the following budget adjustments are proposed and entered of record.

## Budget Resolution Number 19-19

Proposed Intra/Inter Department Transfer

ITEM NO	Adjustment Type	Fund/ DFA Fund	Dept.	From	FROM Current Balance	Transfer amount	TO Line Number	Transfer Amount	Purpose
One	Transfer	610/21800	Drug Investigation - Operation Stonegarden (ODD)	610-76-2005 Salaries - Overtime	\$184,622.23	\$80,000.00			For increase to NMSP D4 (Las Cruces) as agreed to by Sheriff Gannaway
				610-76-2060 Match - Medicare 1.45%	\$2,666.15	\$1,160.00			For increase to NMSP D4 (Las Cruces) as agreed to by Sheriff Gannaway
				610-76-2011 Vehicle Expense	\$42,000.00	\$2,840.00	610-76-2038 Stonegarden - NMSP	\$84,000.00	For increase to NMSP D4 (Las Cruces) as agreed to by Sheriff Gannaway
Two	Transfer	415/21800	Parents As Teachers (Luna)	415-52-2007 Telephone	\$4,614.80	\$1,000.00	415-52-2069 Membership Dues/ Subscriptions	\$1,000.00	To clean up negative line item and allow for spending through remainder of fiscal year
Three	Transfer	401/11000	General Fund - Commissioners	401-00-2101 Professional/ Contract Services	\$70,771.82	\$5,000.00	401-00-2010 Mileage/ Per Diem	\$5,000.00	To clean up negative line item and allow for spending through remainder of fiscal year
Four	Transfer	801/59900	Entertainment Complex	801-80-2065 Match - Group Insurance	\$43,457.12	\$4,000.00	801-80-2101 Professional/ Contract Services	\$4,000.00	To clean up negative line item and allow for spending through remainder of fiscal year
Five	Transfer	428/21800	CASA Program	428-54-2008 Printing and Publishing	\$695.00	\$695.00			
				428-54-2006 Postage	\$150.00	\$150.00			
				428-54-2011 Vehicle Expense	\$2,646.73	\$2,000.00	428-54-2020 Supplies	\$2,845.00	To allow for spending through remainder of fiscal year.
Six	Transfer	609/22600	Adult Detention	609-21-2002 Salaries - Full-Time	\$705,253.72	\$5,000.00	609-21-2003 Salaries - Part-Time	\$5,000.00	To allow for spending through remainder of fiscal year.
Seven	Transfer	609/22600	Adult Detention	609-21-2002 Salaries - Full-Time	\$700,253.72	\$60,000.00	609-21-2004 Salaries - Holiday Pay	\$15,000.00	To allow for spending through remainder of fiscal year.
							609-21-2005 Salaries - Overtime	\$15,000.00	To allow for spending through remainder of fiscal year.
							609-21-2084 Safety/Equipment/ Supplies/Training	\$10,000.00	To allow for spending through remainder of fiscal year.
							609-21-2010 Mileage/Per Diem	\$5,000.00	To allow for spending through remainder of fiscal year.
							609-21-2012 Equip/Supplies/ Mtn/Repairs	\$10,000.00	To allow for spending through remainder of fiscal year.
							609-21-2116 Department Uniforms	\$5,000.00	To allow for spending through remainder of fiscal year.

ITEM NO	Adjustment Type	Fund/ DFA Fund	Dept.	From	FROM Current Balance	Transfer amount	TO Line Number	Transfer Amount	Purpose
					\$1,757,131.29	\$161,845.00		\$161,845.00	

NOW, THEREFORE, it is respectfully requested that the Luna County Commissioners, authorize the above adjustments to the Luna County Budget.

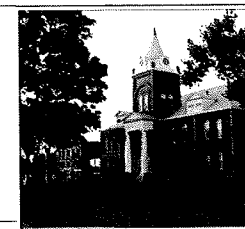
Done at Deming New Mexico this **Thursday the 11th day of April, 2019.**

LUNA COUNTY BOARD OF COUNTY COMMISSIONERS

Barbara L. Reedy, District 1

Linda M. Smrkovsky, District 2

John S. Sweetser, District 3



ATTEST:

Entered By:

Date

Andrea Rodriguez, Luna County Clerk

Checked By:

Date

*Be it remembered that at a regular meeting of the Luna County Board of County Commissioners in Deming New Mexico, on the 11<sup>th</sup> day of April, 2019, the following proceedings were had and entered of record.*

**RESOLUTION #19-20**

**CORRECTING CERTIFICATION OF MAINTAINED ROADS IN LUNA COUNTY**

**WHEREAS**, at the Regular Meeting of the Luna County Board of County Commissioners on February 14, 2019, the Commission unanimously voted to accept the Application to Add the roads within the Dove Meadow Estates Subdivision with the provision that the cost, if any, of bringing the roads up to County Specifications, would be calculated and a determination made as to who would be responsible for those costs.

**WHEREAS**, the roads in Dove Meadows Estates accepted onto the Luna County Road Maintenance System were Dove Lane, SW, Crest Drive, SW, Faith Drive, SW and Crescent Drive, SW.

**WHEREAS**, the New Mexico Department of Transportation has rejected the inclusion of the roads in the Dove Meadows Estates because the Motion, as recited in the meeting minutes states the Application was approved for “next year” and the NMDoT interprets that to mean 2020, when the clear intent of the Commission was to add the roads for the next fiscal year, starting on July 1, 2019.

**WHEREAS**, at the Regular Meeting of the Luna County Board of County Commissioners on March 14, 2019, the Commission voted unanimously to Certify the mileage maintained by the Luna County Road Department for 2019, and, as discussed, in the Work Session preceding the Regular Meeting, were mistakenly assured that the Dove Meadow Estate roads were included in the miles to be certified.

**WHEREAS**, the mileage Certified by the Commissioners on March 14, 2019, inadvertently did not include the roads in the Dove Meadow Estates as intended.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of County Commissioners of Luna County, directs that the Certification of miles for the fiscal year beginning on July 1, 2019, approved on March 14, 2019, be corrected to include the Dove Meadow Estate Roads, namely: Dove Lane, SW, Crest Drive, SW, Faith Drive, SW and Crescent Drive, SW and that the necessary forms and files reflecting this action be immediately prepared and submitted to the New Mexico Department of Transportation.

**BE IT FURTHER RESOLVED** that the Luna County Manager is hereby authorized and directed to take all actions necessary to determine the cost, if any, to bring the aforementioned roads up to County Standards and to assess that cost as required by law.



**Done at Deming, New Mexico this 11<sup>th</sup> day of April, 2019**

**Luna County Board of County Commissioners**

**ATTEST:**

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**Linda M. Smrkovsky, Chairperson  
Commissioner, District 2**

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**Andrea Rodriguez, County Clerk**

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**Barbara L. Reedy,  
Commissioner, District 1**

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**John S. Sweetser,  
Commissioner, District 3**

## **P R O C L A M A T I O N**

**WHEREAS**, The County of Luna is blessed by nonprofit organizations, which provide invaluable services to our community; and

**WHEREAS**, Give Grandly! Give Local Day, May 11, 2019 is the sixth community-wide giving event hosted by the Grant County Community Foundation, online at [www.grantcountycommunityfoundation.org](http://www.grantcountycommunityfoundation.org) and [www.givegrandly.org](http://www.givegrandly.org); and

**WHEREAS**, there are 51 registered participants; and

**WHEREAS**, Give Grandly! Give Local Day shall grow the spirit of giving and raise as much money as possible for the nonprofits in the Grant County area; and

**WHEREAS**, through the Grant County Community Foundation and its partner The Southwest New Mexico Non-Profit Coalition, Give Grandly! Give Local Day shall inspire the public to support our nonprofit organizations on this one day, May 11<sup>th</sup>, 2019;

**NOW, THEREFORE**, I, Linda Smrkovsky, Chairman of the Luna County Commission in Luna County, New Mexico, do hereby proclaim May 11, 2019 as the sixth ever

### **"GIVE GRANDLY! GIVE LOCAL DAY"**

and be it further proclaimed that for all citizens it is the official day of providing financial support for all of the causes that continue to move our County forward.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused this official seal of the Luna County to be affixed this 11<sup>th</sup> day of April, 2019.

(Seal)

\_\_\_\_\_  
Linda Smrkovsky, Commission Chair

Attest:

\_\_\_\_\_  
County Clerk

# Proclamation

**WHEREAS**, fair and equal housing is a right guaranteed to all Americans; and

**WHEREAS**, the principal of fair and equal housing is not only a national law and policy, but a fundamental human entitlement; and

**WHEREAS**, all citizens have the right to live where they choose within their financial means; and

**WHEREAS**, people must not be denied housing because of race, color, religion, sex, national origin, handicap or family status; and

**WHEREAS**, the County of Luna acknowledged the importance of assuring fair and equal treatment to all citizens;

**NOW, THEREFORE**, the Luna County Board of Commissioners do hereby proclaim April 2019 as “Fair Housing Month”.

The Luna County Board of Commissioners urges all citizens to participate in appropriate activities to commemorate this event.

**DONE IN DEMING, NEW MEXICO THIS 11<sup>th</sup> DAY OF APRIL, 2019**  
**LUNA COUNTY BOARD OF COUNTY COMMISSIONERS**

\_\_\_\_\_  
Barbara L. Reedy  
Commissioner, District 1

\_\_\_\_\_  
Linda M. Smrkovsky, Chair  
Commissioner, District 2

\_\_\_\_\_  
John S. Sweetser  
Commissioner, District 3

**ATTEST:**

\_\_\_\_\_  
Andrea Rodriguez, County Clerk