

# **LUNA COUNTY BOARD OF COUNTY COMMISSIONERS**

**Barbara L. Reedy**  
Member

**John S. Sweetser**  
Chairperson  
**Thursday, April 9, 2020**  
**10:00 a.m.**  
**Agenda**  
**Regular Meeting**  
**Luna County Courthouse**

**Linda M. Smrkovsky**  
Member

**To attend the meeting visually or telephonically, please go to the Luna County's website homepage [www.lunacountynm.us](http://www.lunacountynm.us) to find the information ID on the day of the meeting.**

1. **Call to Order:** Chair Sweetser 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:**
  - Regular Meeting March 12, 2020.
5. **Service Awards:**
  - Retirement for David Ronnko 11/29/2001- 4/9/2020
6. **Presentations:**
  - Restrictive Housing Report – LCDC
  - Deming Animal Guardians Update by Pat Danser
  - Humane Society Update by Sandra Foster
  - Deming Soil & Water by Katherine Turner
  - Cancer Support by Joanna Costilla and Jarod Hofacket
7. **Elected Officials Report:**
8. **County Manager's Report:**

9. **Indigent Claims Report:**

- a. Recess as County Commission, Convene as Claims Board

**MOTION AND VOTE**

- b. Presentation of Claims Report by Joanne Hethcox

- c. Consider Claims dated April 9, 2020 \$0.00

**MOTION AND VOTE**

- d. Recess as Claims Board, Re-Convene as County Commission

**MOTION AND VOTE**

10. **Public Comment Electronically :** The Public has the opportunity to provide comment electronically 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.

11. **Consent Agenda:**

- a. Accounts Payable: \$1,181,727.43

- b. Payroll: \$1,056,335.55

- c. Resolution 20-28 Budget Increases

- d. Appointment of Court Security Officer – Denise Garay

**MOTION AND ROLL CALL VOTE**

12. **Old Business:**

- a. Luna County Information Technology and Security Policy

**MOTION AND ROLL CALL VOTE**

- b. Elected Officials and Salary Increases Survey

**MOTION AND ROLL CALL VOTE**

13. **New Business:**

- a. Resolution 20-26 : Acceptance and Approval of the FY19 Audit

**MOTION AND ROLL CALL VOTE**

- b. Resolution 20-27: Procurement Policy Amendment

**MOTION AND ROLL CALL VOTE**

- c. BID FY 108-01 Award – Luna County Road Material

**MOTION AND ROLL CALL VOTE**

- d. RFP FY 108-02 Recommendation for Fiscal Audit Services

**MOTION AND ROLL CALL VOTE**

14. **Executive Session:**

Executive Session pursuant to Section 10-15-1H(2) NMSA 1978 limited personnel matter.

**MOTION AND ROLL CALL VOTE**

15. **Upcoming Meetings (unless otherwise specified):**

- Regular Commission meeting May 14, 2020 at 10:00 a.m.
- Complete Count Committee April 21, 2020 at 4:00 p.m.

16. **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  
REGULAR MEETING  
LUNA COUNTY BOARD OF COUNTY  
COMMISSIONERS  
Thursday, March 12, 2020**

**BE IT REMEMBERED** that the Luna County Board of County Commissioners met in regular session at 10:00 a.m. on Thursday, March 12, 2020 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:** County Manager Chris Brice, Executive Assistant Yossie Nieblas, County Attorney Charles Kretek, Clerk Andrea Rodriguez, Chief Deputy Clerk Berenda McWright, Deputy Clerk Pilar Salcido, Probate Judge Diana May-Diaz, Treasurer Gloria Rodriguez, Chief Deputy Treasurer Dora Madrid, Assessor Michelle Holguin, Chief Deputy Assessor Isabelle Enciso, Planning Director Premal Patel, Administrative Assistant Patricia Rodriguez, Community Projects Coordinator Joe Padilla, Safety & Risk Director Tyler Massey, Human Resources Director Rosa Porras, Detention Center Deputy Director Pablo Montoya, Sheriff Kelly Gannaway, Captain Michael Brown, IT Technician James Ozment, Road Department Director Marty Miller, Dispatch Director Lauree Sanchez, Maintenance Supervisor Ricardo Hidalgo, Community Health & Well Being Director Jessica Jara, Emergency Management Director Phillip Rodriguez, Program Manager Edith Vazquez, Payroll/Indigent Grisel Taylor and Budget & Procurement Director/Indigent Claims Administrator Joanne Hethcox.

**CALL TO ORDER:** Chair Sweetser called the meeting to order at 10:01 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, District 2  
John S. Sweetser, Chair District 3**

**APPROVAL OF AGENDA:** Chair Sweetser entertained a motion to approve the agenda. Commissioner Smrkovsky moved to approve the agenda as submitted. Commissioner Reedy seconded the motion which carried unanimously.

**MINUTES:**

- **Work Session - February 13, 2020:** Upon a motion made by Commissioner Smrkovsky and a second by Commissioner Reedy the Minutes of the February 13, 2020 Work Session were unanimously approved.
- **Regular Meeting - February 13, 2020:** Upon a motion made by Commissioner Reedy and a second by Commissioner Smrkovsky the Minutes of the February 13, 2020 Regular Meeting were unanimously approved.

## **SERVICE AWARDS:**

- Budget & Procurement Director/Indigent Claims Administrator Joanne Hethcox presented a twenty-year service award to Human Resource Director Rosa Porras.
- Court Security Officer Mateo Renteria was not in attendance to receive his five-year service award.
- Maintenance Supervisor Ricardo Hidalgo presented to Roberto Jimenez his five-year service award.
- Detention Officer Patricia Armendariz and Guadalupe Sandoval were not in attendance to receive their twenty-year service award.
- Sheriff Kelly Gannaway recognized Deputy Adrian Flores for his service and wished him well in his retirement and future endeavors.

## **PRESENTATIONS:**

- **Presentation update on Luna County Historical Society:** Presenter cancelled.
- **Presentation update on Deming – Luna County Commission on Aging:** Julie Bolton from Deming Senior Center gave an extensive presentation explaining their responsibilities as a non-profit organization. Ms. Bolton stated they provide critical services for older adults in Luna County including the Village of Columbus and explained their mission is to promote independence, preservation of dignity, and to enhance life's quality for the diverse adults and individuals with disabilities. She thanked the Board for their support.

**ELECTED OFFICIALS REPORTS:** Assessor Michelle Holguin reported the Assessor's Office is busy with the rendering period and now is the time for the public to sign up for exemptions which include Head of Household/Family, Veterans, Sixty-five and older or Disabled limitations and other governmental exemptions. She also stated that rendering period for Manufactured home stickers has ended. Ms. Holguin also reported once Notice of Values are mailed out property owners have thirty days from mail date to protest their values and Ms. Holguin is grateful for the Boards consideration of Elected Officials salary increase.

Clerk Andrea Rodriguez reported that Tuesday was Candidate Filing day for Major Parties. Berenda McWright filed for Clerk, Kristy Hobbs, Grisel Taylor and Lisa Pastran filed for Treasurer, for Commissioner District 3, John Sweetser, Javier Diaz and Christy Ann Harvey filed, for State Representative Candie Sweetser and Scott Chandler filed, for Senator John Arthur Smith filed and for District Attorney Mike Renteria filed in her office. Ms. Rodriguez also stated the filing date for write-ins is March 17<sup>th</sup> and the filing date for Independent and Minor Parties is June 25<sup>th</sup>. She invited the Board to visit her office with any questions.

Treasurer Gloria Rodriguez reported the Treasurer's Office is doing well and the financial report was balanced and distributed to all departments. Ms. Rodriguez also stated they are ready and excited for the second part of taxes to be received. Collections for 2019 is 60% at this time and

95% for prior years. Ms. Rodriguez announced she will not be running for a second term and congratulates all who have decided to do so.

Probate Judge Diana May-Diaz reported twenty-six probates have been filed this year, of those twenty-six, seventeen probates have been submitted without wills. Ms. May-Diaz stated that on March 17<sup>th</sup> she will be speaking to the Board of Realtors as part of their monthly meeting as there are many questions pertaining to selling properties and probates. She will also be going the Legislative Recap meeting on March 19<sup>th</sup> in Las Cruces because Probate Judges continue to be targeted. Ms. Diaz stated in January she also performed seven marriages, five in Spanish and thanked the Board for her signing table.

Sheriff Kelly Gannaway reported criminal calls for the month of February are down. The civil and non-criminal are all up and he believes it attributes to a lot of the paper service for the Month of February, 211 verses 180 from last month. Accidents are high and no DWI to report for the month. Deputy Solano has been deployed this month and will probably be gone for over a year. Sheriff Gannaway stated they are in the hiring process to onboard two new Deputies and to promote a Sergeant.

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

- Detention Center has seven Detention Officer openings and one in maintenance.
- Stonegarden is up to date, Laura has gotten us to where we need to be and are on track to bill properly from now on.
- Tyler Massey was hired as the new Safety and Risk Management, Renee Rivera was hired in the Assessor's Office, David Townsend was hired as Court Security Officer, and Ana Kelly was hired in Dispatch.
- Starmax is reorganizing how they will be doing business and Mr. Brice believes good things are to come.
- Emergency Management hired Philip Rodriguez which was good timing for us in our current situation.
- Luna County Fire Department is struggling but on the right track with Chief Montoya.
- Corona Virus issue contact CDC web-site for medical information on the virus. Secretary for New Mexico Department of Health Kathyleen Kunkel has put out a directive that suspends all mass gatherings of 100 people or more throughout the State. If any events have been planned with more than 100 people, you are no longer having that event at least for short term. Risk Manager Tyler Massey has prepared a press release for the County. LCDC is looking to suspend all outside visitation temporarily. If you are exhibiting any of the symptoms or signs of a cold or flu stay home take PTO and if you test positive for Corona Virus the County will reimburse PTO. There has not been any restrictions on traveling at the time for County employees.

**INDIGENT CLAIMS REPORT:** Upon a motion by Commissioner Reedy and a second by Chair 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 four claims for the month of February in the amount of \$20,700.21. The gross receipts collections totaled \$91,550.65 and the balance for the Indigent Claims Fund totaled \$1,373,995.39 of that \$466,182.08 is encumbered. Ms. Hethcox stated the County will be paying the third part of the payment for the Safety Net Care Pool probably this week or next. Commissioner Smrkovsky motioned to approve the Indigent Claims Report as submitted. Commissioner Reedy seconded the motion which carried unanimously. Commissioner Reedy motioned to recess as a Claims Board and reconvene as a County Commission. Chair Sweetser seconded the motion which carried unanimously.

**PUBLIC COMMENT:** Chair Sweetser opened the floor to public comment: Executive Director of Deming Luna County Chamber of Commerce John Richmond gave updates from the Chamber's Office.

Executive Director of Deming/Luna County Main Street Program Christy Ann Harvey commented on updates with the Main Street Program.

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

- a. Accounts Payable: \$1,535,059.18
- b. Payroll: \$1,077,478.45
- c. Resolution 20-21 Budget Increases
- d. Appointment of Court Security Officer – David

**OLD BUSINESS:**

- a. **Luna County Information Technology and Security Policy:** County Manager Chris Brice explained that Risk and Safety Manager Tyler Massey has come on board and he would like to take a look at the policy before approval. Commissioner Reedy moved to table Luna County Information Technology and Security Policy. The motion was seconded by Commissioner Smrkovsky which carried unanimously following a roll call vote.
- b. **Elected Officials Salary Increases Survey:** County Manager Chris Brice explained a spreadsheet has been provided to the Board for percentage increases for Elected Officials including salaries for Dona Ana and Bernalillo Counties for reference. Mr. Brice would like to schedule a work session to discuss salary increases so that all involved are on the same page. The work session would also include the Chief Deputy salaries going forward. Commissioner Reedy motioned to table Elected Officials and Salary Increases until a work session could be scheduled and a second from Commissioner Smrkovsky which carried unanimously following a roll call vote.

**NEW BUSINESS:** Chair Sweetser reviewed each item on the New Business Agenda with the Commissioners:

- a. **Proclamation 20-02 - Child Abuse Awareness Proclamation for the Month of April:** Commissioner Reedy moved to approve Proclamation 20-02 Child Abuse Awareness for the Month of April. Commissioner Smrkovsky seconded the motion which carried unanimously following a roll call vote.

- b. **Resolution 20-19 - Authorizing the Submission of CDBG Application to DFA/Local Government Division:** County Manager Chris Brice explained the process for CDBG applications and grants. A meeting is scheduled for March 13<sup>th</sup> to give the public information on the selected project to help refurbish a building for the Health Department. Commissioner Reedy moved to approve Resolution 20-19 Authorizing the Submission of CDBG Application to DFA/Local Government Division and to authorize the County Manager Chris Brice the phase dollar amount based on the probable cost estimate. Commissioner Smrkovsky seconded the motion which carried unanimously following a roll call vote.
- c. **Resolution 20-20 - Approving Protest Board Members:** Commissioner Reedy moved to approve Resolution 20-20 Approving Protest Board Members including Member David Baeza, Alternate Totsie Seybert, Member Kevin Zachek, and Alternate Eva Luna all terms are expiring January 1, 2022. Commissioner Smrkovsky seconded the motion which carried unanimously following a roll call vote.
- d. **Resolution 20-22- Volunteer Fire Department Bylaws:** County Manager Chris Brice explained the issues pertaining to the volunteer fire department bylaws. Commissioner Reedy motioned to table Resolution 20-22 VFD Bylaws. Commissioner Smrkovsky seconded the motion which carried unanimously following a roll call vote.
- e. **2020 Annual Certified County Maintained Mileage Report:** Road Department Director Marty Miller explained the mileage report of 1,856 miles that consisted of no changes from the last year. Commissioner Reedy motioned to approve the 2020 Annual Certified County Maintained Mileage Report. Commissioner Smrkovsky seconded the motion which carried unanimously following a roll call vote.
- f. **Resolution 20-23 - Luna County Juvenile Adjudication Fund Resolution:** County Manager Chris Brice explained that this resolution is a juvenile justice alternative program which we apply for every year. Commissioner Smrkovsky motioned to approve Resolution 20-23 Luna County Juvenile Adjudication Fund. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote.
- g. **Resolution 20-24 - Disposition of Personal Property:** County Manager Chris Brice explained how the County was in desperate need of new vehicles and disposal of the old ones. Commissioner Smrkovsky motioned to approve Resolution 20-24 Disposition of Personal Property. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote.

**EXECUTIVE SESSION: to discuss limited personnel matters pursuant to 10-15-1(H)(7) NMSA 1978 Subject to Attorney/Client Privilege Pertaining to Threatened or Pending Litigation in which the Commission is or may become a participant (Thomas, Najera, Hollister, Aguirre, McSherry):** Commissioner Smrkovsky motioned to go into Executive Session pursuant to 10-15-1(H)(7) NMSA 1978 Subject to Attorney/Client Privilege for Threatened or Pending Litigation in which the Commission is or may become a participant (Thomas, Najera, Hollister, Aguirre, McSherry). The motion was seconded by Commissioner Reedy and carried unanimously following a roll call vote.



The Commissioners went into Executive Session at 11:21 a.m. and returned from Executive Session at 12:21 p.m.

Commissioner Reedy motioned to return from Executive Session where no other matters were discussed other than Attorney/Client Privilege for Pending Litigation. The motion was seconded by Commissioner Smrkovsky and carried unanimously following a roll call vote.

Chair Sweetser stated no action was taken.

**UPCOMING MEETINGS:** Chair Sweetser announced the following upcoming meetings:

Complete Count Committee Meeting – March 24, 2020 @ 4:00 p.m.  
Regular Commission Meeting – April 9, 2020 @ 10 a.m.

Commissioner Smrkovsky asked if a work session is going to be scheduled to discuss policies, she would like to have it scheduled the day before the Regular Meeting.

**ADJOURN:** The meeting was adjourned by Chair Sweetser at 12:22 a.m.

**ATTEST:**

**LUNA COUNTY BOARD OF COUNTY  
COMMISSIONERS**

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

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

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

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

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



## Luna County Detention Center

1700 E. 4<sup>th</sup> St

Deming, New Mexico 88030

Phone (575) 543-6706

01 April, 2020

From: Pablo Montoya, Deputy Director

To: Luna County Board of County Commissioners

Subj: RHU Quarterly report IAW HB 364 (New Mexico's Restricted Housing Act)

This report is being submitted in accordance with HB 364, New Mexico's Restricted Housing Act's reporting requirements.

During the period of January 1, 2020 thru 31 March 2020, the Luna County Detention Center had no inmates who met the reporting requirements under this act. Please see attached report.

Luna County Detention Center currently has no one on restricted housing.

A copy of this report will be submitted electronically to the legislative council service library IAW HB 364.

Very Respectfully,

  
Pablo Montoya, Deputy Director

Indigent Hospital Claims Office				
Chris A. Brice, County Manager				
IHC Board Meeting April 9, 2020				
Month	Number	Amount	Number	Denied
January	9	\$20,649.49	0	\$0.00
Feburary	4	\$20,700.21	0	\$0.00
March	0	\$0.00		
April		\$0.00		
May		\$0.00		
June		\$0.00		
July		\$0.00		
August		\$0.00		
September		\$0.00		
October		\$0.00		
November		\$0.00		
December		\$0.00		
Total	13	\$41,349.70	0	\$0.00
This Month's Total	Mimbres Memorial Hospital			\$0.00
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			\$0.00
Total				\$0.00
Year to Date Total	Mimbres Memorial Hospital			\$34,485.76
Year to Date Total	All Other Hospitals			\$0.00
Year to Date Total	Deming Fire Dept./EMS			\$500.00
Year to Date Total	All Other Services			\$6,363.94
Total				\$41,349.70
Care of Prisoners This Month - Not including SNCP Funds				\$241,848.30
Care of Prisoners Year to Date Indigent - Not including SNCP Funds				\$334,818.74
Care of Prisoners Year to Date Inmate Prescriptions/OTC Meds				\$26,207.46
Care of Prisoners Year to Date Dr. Bills				\$0.00
Total Cost of Care of Prisoners Year to Date				\$361,026.20
Monies Received for March, 2020				\$63,498.90
Balance in IHC Fund as of March 31, 2020				\$1,240,198.51
Encumbrances as of March 31, 2020				\$286,447.70
		Date	Amount Approved	Amount Denied
	Signatures	4/9/2020	\$0.00	\$0.00
Barbara L. Reedy				
Linda M. Smrkovsky				
John S. Sweetser				

LCBCC Meeting April 9<sup>th</sup>, 2020  
Accounts Payable

3/5/2020	\$288,142.88
3/5/2020	\$7,193.29
3/5/2020	\$4,061.13
3/12/2020	\$346,960.07
3/12/2020	\$12,842.47
3/12/2020	\$4,096.93
3/19/2020	\$48,584.88
3/19/2020	\$8,135.63
3/19/2020	\$4,139.37
3/26/2020	\$345,801.22

P-Cards

February 2020	\$111,769.56
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Total    \$1,181,727.43

*Luna County*  
*Board of County Commissioners*

**AGENDA 04/09/2020**

**PAYROLL**

03/13/2020	Register # 20200013	\$ 518,665.47
03/10/2020	*Register # 20200014	\$ 2,577.59
03/13/2020	*Register # 20200015	\$15,594.14
03/27/2020	Register # 20200016	\$ 511,534.86
03/27/2020	*Register # 20200017	\$ 7,963.49

**Total \$ 1,056,335.55**

\* Special

**LUNA COUNTY BOARD OF COUNTY  
COMMISSIONERS**

**RESOLUTION NO. 20-28  
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 108, July 1, 2019 through June 30, 2020 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 9<sup>th</sup> DAY OF APRIL, 2020.**

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 9th day of April, 2020, the following budget adjustments are proposed and entered of record.

## Budget Resolution Number 20-28

Proposed Inter/Intra FUND Budget Increase

SCHEDULE OF BUDGET  
ADJUSTMENTS

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	401/1 1000	General Fund - Commission	401/1 1000	\$ 50,000.00	401-00-2086 COVID-19 Expenditures	\$ 50,000.00	To fund separate line item for expenditures directly related to COVID-19 pandemic.	\$ -	\$ 50,000.00
Two	Increase	411/21800	Community Improvements	411/21800	\$ (23,171.77)	411-77-1476 (Revenue) 2020 Census Outreach Grant	\$ (23,171.77)	To account for additional revenue awarded for the 2020 Census Outreach Grant per grant amendment	\$ (23,171.77)	\$ (46,343.54)
						411-00-2476 2020 Census Outreach Grant	\$ 23,171.77	To allow for expenditure of additional grant award for the 2020 Census Outreach Grant per grant amendment	\$ 23,171.77	\$ 46,343.54
					\$ 26,828.23		\$ 50,000.00		\$ -	\$ 50,000.00

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 9th day of April, 2020.

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

# APPOINTMENT OF Court Security Officer

STATE OF NEW MEXICO )  
COUNTY OF LUNA ) ss

This is to certify that I have on this 9th day of March, 2020 A.D. appointed Denise Garay as my COURT SECURITY OFFICER in and for the County of Luna, State of New Mexico, hereby authorizing Denise Garay to discharge all duties of said appointment of COURT SECURITY OFFICER, according to the law.

WITNESS MY HAND THIS 9th DAY OF March, 2020 A.D.

  
SHERIFF, LUNA COUNTY, NEW MEXICO

## OATH OF OFFICE

STATE OF NEW MEXICO )  
COUNTY OF LUNA ) ss

I, Denise Garay, having received the above appointment as COURT SECURITY OFFICER in and for the County of Luna, State of New Mexico, do solemnly swear that I will support the Constitution of the United States, and also the Constitution of the State of New Mexico, and that I will faithfully, impartially, and to the best of my ability discharge all the duties of said office and appointment.

  
SIGNATURE OF APPOINTEE

STATE OF NEW MEXICO  
COUNTY OF LUNA

Subscribed and sworn before me by Kelly Gannaway,  
Sheriff and Denise Garay appointee.  
This 9th day of March, 2020.

  
NOTARY

My Commission Expires 08-03-2023

Approved this \_\_\_\_\_ day of \_\_\_\_\_ 2020 A.D., by the Board of County Commissioners, Luna County, New Mexico.

\_\_\_\_\_  
CHAIRMAN, BOARD OF LUNA COUNTY COMMISSIONERS

**DRAFT**

Luna County Information Technology and Security Policy  
Effective Date: February 13, 2020



## **Luna County Information Technology and Security Policy**

Effective Date: February 13, 2020

### **Purpose**

To establish a Countywide Information Technology and Security program supported by a countywide policy in order to assure appropriate and authorized access, usage and the integrity of County information and information technology assets by County employees, contractors, sub-contractors, volunteers and other governmental and private agency staff.

### **Policy**

Information and the systems, networks, and software necessary for processing are essential County assets that must be appropriately protected against all forms of unauthorized access, use, disclosure, modification, or damaging of equipment, data, and software. Security and controls for County information and associated information technology (IT) assets which are owned, managed, operated, maintained, or in the custody or proprietorship of the County or non-County entities must be implemented to help ensure:

- Privacy and confidentiality
- Data integrity
- Availability
- Accountability
- Appropriate use
- Safety protocols
- Minimize legal liabilities

The County Technology and Security policy will establish the minimum standard to which all departments must adhere. Departments may, at their discretion, enhance the minimum standard based on their unique requirements.

### **Ownership**

Computer hardware and application software systems purchased by Luna County are the property of the County, not individual departments, and may be subject to reallocation as the needs of the County change. The reallocation of these resources requires the approval the Information Technology

Luna County Information Technology and Security Policy

Effective Date: February 13, 2020

In order to comply with 18 USC §2702 federal law, NIST 800-122, HIPAA (Health Insurance Portability Accountability Act) 1996 and the FOIA (Freedom of Information Act) all outgoing e-mail messages shall contain a breach of confidentiality and accidental breach of confidentiality disclaimer.

Only official County email addresses shall be used to conduct official County business. Official County email addresses shall be listed on the official County website. Official County email addresses shall not be used for personal use (i.e., advertisements, newsletters, personal billing, etc).

County emails will be issued only to full time employees (exclusion of Starmax, Dispatch, and Detention Center, as this will be done according to Department Directors instructions). Intern and volunteers will not be given a county email.

In order to comply with 18 USC §2701 federal law, official County email account passwords will not be given to the department directors, or employees. County employees are prohibited from accessing other currently employed County employees' emails.

Communications or records intended or required by law to be retained shall be saved to designated electronic files or other media as required by departmental or agency procedures. All departments shall adhere to their legal record retention requirements.

Prohibited Uses of Email and IM

Employees shall not create, send or store messages that may reasonably be regarded as offensive, obscene, disruptive, illegal, fraudulent, profane, embarrassing or libelous. These include information that may be construed as harassment or disparagement of others based on their race, national origin, sex, sexual orientation, age, disability, religious or political beliefs. Users encountering or receiving such material should immediately report the incident to their supervisor.

Employees shall not send unsolicited email messages, including the sending of "junk mail" or other advertising material to individuals who did not specifically request such material. Employees shall not transmit any PII (Personally Identifiable Information), as per PII, HIPAA, PCI (Payment Compliance Industry) standards. Personally Identifiable Information (PII): Protected Information which can be used to distinguish or trace an individual's identity, such as their full name, social security number, biometric records, driver's license number, national identification number, insurance details, medical information criminal record etc. alone, or when combined with other personal or identifying information which is linked or linkable to a specific individual, such as date and place of birth, mother's maiden name, etc.

Internet

Global network of computers used to communicate and provide information.

When accessing the Internet, employees are representing Luna County, therefore all rules of conduct and law that apply in the regular workplace also apply on the Internet.

The County maintains the right to utilize software that makes it possible to identify and/or block access to Internet sites containing sexually explicit or other material deemed inappropriate and/or illegal for the workplace and log any and all aspects of its computer systems and network.

**Prohibited Uses of Internet**

Employees shall not view, download, or create Internet content that may reasonably be regarded as offensive, obscene, disruptive, illegal, fraudulent, profane, embarrassing or libelous. Users encountering such material should immediately report the incident to the Information Technology department.

Employees shall not use system resources by streaming video or audio.

~~Employees shall not use system resources for gaming, gambling, social media, and/or storing unrelated County business documentation that is not County related.~~

**Intranet/Network**

The private network that serves the employees of Luna County. Network connections (wired or wireless) and infrastructure, including jacks, wiring, switches, patch panels, hubs, routers, firewalls, etc.

Department Directors can have the Information Technology Department lockout any user account belonging to department employees with County Manager notification.

Employees shall keep passwords secure and shall not share accounts. Authorized users are responsible for the security of their passwords and accounts.

Department Directors shall provide, to the Information Technology Department, a list of vendors needing access to their software to install upgrades, enhancements and to provide County personnel software application support.

As per CJIS (Criminal Justice Information System) security policy any vendor performing the duties not limited to an IT technician, network administrator, cyber security officer, software specialist without the supervision of a County employed IT employee shall have to provide accreditation of being CJIS certified, HIPAA certified, and according to the type of technical service they will be providing they must provide Comptia A+, Network+, Server +, Cloud +, Security + etc. certification prior to the signing of any contractual agreements of service. No vendor shall access County Information Technology resources without prior notification to the Information Technology Department.

**Prohibited Uses**

Employees shall not use Information Technology resources without proper authorization or attempt to obtain privileges for which one is not authorized.

Employees shall not attempt to monitor, intercept, plug into jacks, switches, patch panels, hubs routers, and/or analyze or modify network traffic or transactions not specifically addressed to their computer. As per 18 USC §1030 federal law.

Employees shall not attempt to alter or reconfigure any Luna County Information Technology resources. As per 18 USC §1030 federal law.

As per 18 USC §1030 federal law, employees shall not use software that attempts to discover properties about the public network or computing resources connected to that network.

As per 18 USC §1030 federal law, employees shall not attempt to access, modify and/or delete another user's files, configuration or software.

Employees shall not attempt to permanently delete any records (data) on county equipment.

As per 18 USC §2701 & §1030 federal laws, employees shall not attempt to learn another user's password(s) or personal information. Authorized users should not allow another user to access the Internet or profile using their authorized account.

Employees shall not intentionally or through negligence damage, interfere with the operations of, or prevent authorized access to County Information technology resources (example virus, Trojans, malware, spyware, macros, java scripts, etc..).

In order to comply with NIST 800-53 AC-22 & 1A-2 non-employees are expressly forbidden from using any workstation (except the public access workstations) without proper authorization. Should an elected official or department head have a need for a non-employee to access data other than through the public access workstations, he/she may request authorization through the Information Technology Department.

#### Wireless Networking

Wireless networking refers to hardware and software combinations that enable two or more applications to share data with each other without direct cable connections. Wireless networking includes cell and satellite phones, pagers, two-way radios, wireless LANs, modems, etc.

#### Prohibited Uses

In order to comply with NIST 800-53 AC-18 employees shall not install or use any wireless networking devices without the approval of the Information Technology Department.

#### Individual Workstations

An electronic computing device, or laptop or desktop computer, or any other device that performs similar functions and electronic media stored in its immediate environment.

#### Prohibited Uses

In order to comply with NIST 800-53 CM10 & CM11 employees shall not copy, install, or use any software or data files in violation of applicable copyrights or license agreements. Employees should contact the Information Technology Department if unsure about the copyright or license agreement that applies to the software in question.

In order to comply with NIST 800-53 IA-1 employees shall not download or install programs. The Information Technology Department will not support unauthorized software and has authority to remove such software from any system.



Employees shall not add or install internal or external hardware and peripherals unless approved by the Information Technology Department. Any unauthorized hardware and peripherals will be removed from the system. Example: USB flash drives, phone cords, cell phones, etc. As per NIST FIPS (Federal Information Processing Standards) 140-2, USB storage peripherals, CD/DVD/Blu-Ray writers/burners will be disabled to comply with PII, PCI, and HIPAA regulations. If a department needs such storage arrangements can be made with the Information Technology Department.

Employees shall not use County owned information technology resources including computer hardware, software, printers, plotters, cameras, Internet, etc., connections for personal use or gain.

County computers will lock after ten (10) minutes of inactivity.

Computers that connect to the County network will need to have up to date software security patches, service packs and critical software updates installed on a regular basis. County departments that are not a 24/7 facility shall power off all workstations, and peripherals (monitors, printers, copiers, plotters) at the end of the business day. This is to minimize breaches, cut power usage consumptions, and allow updates to install.

#### Mobile Devices

Mobile devices are defined as but not limited to, laptops, cell phones, tablets, etc. These devices may either be County issued or personal, if used for County business.

Wireless transmission should not be considered secure. County issued devices with VPN capabilities should activate the agency VPN technology when transmitting protected information. Users requesting access will need to have the Department Director submit the work order.

All mobile devices that are connecting to County email system must have a passcode or password to lock the device. In the event that a mobile device that has been approved for connecting to County email systems is lost or stolen the employee must notify the Information Technology Department immediately. The Information Technology Department will take appropriate action to protect against unauthorized access to County data.

Non-exempt or hourly employees will not be expected to utilize their mobile devices for business purposes outside of business hours, unless otherwise stated in their job responsibilities, directed by County Manager, or if the employee is "on call".

#### **COUNTY ISSUED DEVICES**

The County reserves the right to monitor use of all County-issued mobile devices. Misuse of a County-issued mobile device may result in revocation of the device and disciplinary action against the employee.

#### **PERSONAL DEVICES USAGE**

Personal devices used to perform County business using the County email system shall only be permitted after the completion of a work order submitted by the Department Director. Such devices using the County email system will have a security suite installed by the Information Technology Department. The user will sign the County Acceptable Use Acknowledgement Form.

County business-related calls or data on an employee's personal mobile device can be subject of an inquiry under the New Mexico Open Records Act.

#### **Social Networking**

County employees' and contractors' use of social networking sites such as, but not limited to Facebook, Twitter, Instagram and similar services:

The County will have one social networking presence which will be managed by authorized individuals as authorized by the County Manager. Use of social networking sites shall be consistent with applicable federal and state laws, regulations, and policies including ethics, privacy, disclosure of protected information, and all Information Technology security and data privacy policies. Employees authorized by the County Manager to connect to, and exchange information with only those sites that are part of County approved social networking presence. Social networking communications is for official use only.

Social networking is not a substitute for inter- or intra-County communications. Such information should be transmitted within normal County communication channels (e.g., in person, via email, intranet), not via a social networking site.

Social networking accounts shall comply with the password requirements, shall use a minimum of eight (8) characters using a number, a special character, a capital letter, and changed accordingly at least every six (6) months. The Information Technology Department shall retain a secured repository of all externally hosted social media accounts. The repository shall contain the names of County staff members responsible for the account, user identifiers, and current authenticators. When a County staff member that manages a social networking, account leaves the County or changes job duties, the account becomes the responsibility of the Department Director.

#### **Hardware/Network Problems**

When hardware problems occur, the problem and its effect on the hardware should be provided to the Information Technology Department for assistance through form of a work order. A link for the work order will be provided via County's website and intranet.

#### **Software Problems**

Employees should become familiar with the software applications they use. If a problem arises the Information Technology Department should be contacted through form of a work order. A link for the work order will be provided via County's website and intranet. Before contacting the Information Technology Department for assistance, the employee should:

- Write down the details of what happened.
- Make a list of what corrective measures were tried.
- Relay this information to the Information Technology Department.

#### **Telephone – Fax**

Telephones are provided as a tool to conduct County business. Non-County business related calls are permitted provided such use is brief, does not interfere with work, does not subject the County to any additional costs or liability, and is otherwise consistent with requirements set forth in this Policy.

#### **Prohibited Uses**

Personal telephone use that increases costs or liability to Luna County are prohibited.

Employees shall not accept collect calls.

Employees shall not use telephones or fax machines to deliver conversations or messages regarded as offensive, obscene, disruptive, illegal, fraudulent, profane, embarrassing or libelous. These include information that may be construed as harassment or disparagement of others based on their race, national origin, sex, sexual orientation, age, disability, religious or political beliefs.

#### **Television - Video Resources**

Luna County recognizes the value of using video resources such as broadcast television, cable television, videotapes, and DVDs, for training purposes and to stay informed of local events such as weather and emergencies.

Employees shall only use these resources for work related activities.

#### **Closed Circuit Television Cameras (CCTV)**

The primary purpose of CCTV at Luna County is for the safety and security of employees and visitors. Only sworn law enforcement officers and the Information Technology Department personnel may retrieve CCTV recordings, and then only for the purpose of investigating possible criminal activity or misconduct.

CCTV will be configured to prevent camera operators from tampering with or duplicating recorded information. Law Enforcement will have the ability to duplicate recorded information for investigative purposes.

Recorded video will be stored a minimum of 15 days, unless retained as part of a criminal investigation or court proceedings (criminal or civil).

All recordings will be stored in a secure location with access by the Information Technology Department.

#### **Off Duty Personal Use**

Use of the County's computer system for personal purposes during off duty hours is prohibited.

County owned software shall not be removed from County property for personal use or installed on a personal computer.

#### **Loaning Of Equipment**

Hardware or software (including laptops, projectors, cameras, and other portable equipment) shall not be loaned to non-County personnel except for other government agencies with the approval of the Information Technology Department, or County Manager. All requests for loaner equipment shall be submitted via a work order, with a seventy-two (72) hour notice. Equipment will be picked up at the Information Technology Department and returned to the Information Technology Department within a twenty-four (24) hour period after completion of use. If setup is required of the equipment, the Information Technology Department will deliver, setup, and remove equipment as long as the setup information is conveyed via the work order.

### **Confidentiality**

Unless expressly authorized by department management or policy; sending, disclosing, or otherwise disseminating confidential data, protected information, or other confidential information of the County is strictly prohibited. This includes information that is protected under HIPPA, PII, PCI or any other privacy legislation. Additionally, when such confidential or restricted information is transmitted over the Internet, it must be sent in an encrypted form. Exceptional care is to be taken to insure confidential materials are not mistakenly transmitted to unauthorized recipients.

### **Information Technology Equipment Acquisition**

In order to comply with NIST 800-53 SA-3, CM110, & CM11 the Information Technology Department will strategically plan for the information technology needs including but not limited to:

1. The lease, purchase or rental of equipment and software.
2. Compatible model/version of equipment and software to be acquired.
3. Compatible model/version of peripheral equipment including personal data assistants and digital cameras.
4. Purchase of maintenance contracts.
5. Requests for new software or hardware.

Hardware and peripheral devices that are replaced will be turned into the Information Technology Department. Hard Drives will be kept indefinitely in a secure location within the Information Technology Department.

### **Company Lockouts**

All changes in regard to contracted services can only be made by the Information Technology Department Director (or designee).

### **Access to Restricted IT Areas**

In order to comply with NIST 800-123 all access to Restricted Information Technology Department areas including data centers, server rooms, computer rooms, telephone closets, network router and hub rooms, voicemail system rooms, and similar areas containing IT resources are restricted to IT staff and county employees unless otherwise authorized by the IT Director (and/or designee). The IT Director shall maintain an approved list of uniquely identified staff which are allowed unescorted access to the County Data/Server/Comm Closets rooms. Access requires pre-approval by the IT Director and/or designee and records shall be reviewed and updated at least annually. Such granted access whether temporary or permanent shall be documented under maintenance work order system.

### **Information Technology Equipment Disposal**

The Information Technology Department will dispose of retired Information technology resources, by submitting a request to the County Manager with the following information:

- Service Tag/Serial #
- Date of retirement
- Express Service Code if available
- County Tag if available
- Department it last resided in
- Type of item being retired

- Any pertinent information for the device

After approval, assets will be marked as retired in the inventory system for the Information Technology Department, and all hard drives will be kept indefinitely in a secure location within the Information Technology Department. Disposal of the rest of the electronic equipment may be done on a yearly basis, and shall be shredded or crushed, prior to disposing of.

#### LUNA COUNTY ACCEPTABLE USE POLICY

##### **COUNTY EMPLOYEES POLICY STATEMENT**

It is the policy of Luna County to provide access to computers with Internet access, to its employees, and interns as necessary for business purposes. The use of Luna County computer resources and networks are for authorized use only. These resources are to be used in an appropriate, lawful, and ethical manner. All activity may be monitored and reported at any time. It is the responsibility of each person accessing the Internet, and Luna County data to use sound judgment.

-----  
---By using these resources, I agree to comply with Luna County Acceptable Use Policy, as stated in the Information Technology Use Policy. I understand that violators are subject to administrative disciplinary action, and/or criminal prosecution.

-----  
---By clicking on the OK button below, I am signing that I have read, understand, and agree to comply with the Luna County Acceptable Use Policy.

##### **MIMBRES LEARNING CENTER POLICY STATEMENT**

It is the policy of Luna County to provide access to the Internet to its employees, interns, and Mimbres Learning Center students as necessary for business and school purposes. The use of Luna County computer resources and networks are for authorized use only. These resources are to be used in an appropriate, lawful, and ethical manner. All activity may be monitored and reported at any time. It is the responsibility of each person accessing the Internet to use sound judgment.

-----  
---By using these resources, I agree to comply with Luna County Acceptable Use Policy, as stated in the Information Technology Use Policy. I understand that violators are subject to administrative disciplinary action, and/or criminal prosecution.

-----  
---By clicking on the OK button below, I am signing that I have read, understand, and agree to comply with the Luna County Acceptable Use Policy.

##### **HEALING HOUSE POLICY STATEMENT**

It is the policy of Luna County to provide access to computers with Internet access, to its employees, interns, and Healing House temporary residents as necessary for business, case, and job seeking purposes. The use of Luna County computer resources and networks are for authorized use only. These resources are to be used in an appropriate, lawful, and ethical manner. All activity may be monitored and reported at any time. It is the responsibility of each person accessing the Internet, and Luna County data to use sound judgment.

-----  
---By using these resources, I agree to comply with Luna County Acceptable Use Policy, as stated in the Information Technology Use Policy. I understand that violators are subject to administrative disciplinary action, and/or criminal prosecution.  
-----

---By clicking on the OK button below, I am signing that I have read, understand, and agree to comply with the Luna County Acceptable Use Policy.

#### **PUBLIC ACCESS COMPUTER POLICY STATEMENT**

It is the policy of Luna County to provide access to computers with Internet access, to its employees, interns, and public as necessary for business, and research purposes. The use of Luna County computer resources and networks are for authorized use only. These resources are to be used in an appropriate, lawful, and ethical manner. All activity may be monitored and reported at any time. It is the responsibility of each person accessing the Internet, and Luna County data to use sound judgment.

-----  
---By using these resources, I agree to comply with Luna County Acceptable Use Policy, as stated in the Information Technology Use Policy. I understand that violators are subject to administrative disciplinary action, and/or criminal prosecution.  
-----

---By clicking on the OK button below, I am signing that I have read, understand, and agree to comply with the Luna County Acceptable Use Policy.

#### **Security Awareness and Data Security & Privacy Training Policy**

Security and data compliance starts with awareness that every employee plays a role in security.

All County technology users will be provided Security Awareness and Data Security & Privacy Training(s) and the Information Technology Department will track participation.

All employees are required to complete Security Awareness and Data Security & Privacy Training within ten days of their start date and, minimally, on an annual basis thereafter.

Newly hired employees will receive copies of the most current IT Security Policies and IT Handbook in either digital or print format during the issuing of their County electronic devices, and training. This shall be done within five days of hire, and the Luna County Acceptable Use Acknowledgement form will be completed. The Information Technology Department will thence place the form in employee's computer file and the original will be given to Human Resources Department. The form acknowledges that Luna County Security Policies and Data Security & Privacy Training were received and were completed, as well as acceptance of the hardware and information technology resources.

Attendance of the trainings shall be tracked with successful completion to be documented and retained in accordance to County data retention schedule.

The Security Awareness and Data Security & Privacy Training program must include any requirements unique to the County. All materials shall be reviewed and, where required, updated annually.



Security Awareness and Data Security & Privacy Training shall address the following topics at a minimum:

- Passwords including creation, changing, aging and confidentiality
- Privacy and proper handling of sensitive information
- Physical security
- Social engineering
- Identity theft avoidance and action
- Email usage
- Internet usage
- Malware, Trojans, Virus, Ransomware, etc.
- Software usage, copyrights and file sharing
- Portable devices
- Proper use of encryption devices
- Reporting of suspicious activity and abuse
- Social media usage
- Criminal Justice Information System (CJIS)

**Data Governance Program Standard System Configuration & Application Protection Policy**

This policy ensures a consistent and standardized security process is maintained for both the infrastructure and application development processes across all of the County's assets. This will apply to all employees or contractors hired by the County and impacts all information systems that process or transmit County data.

**SYSTEM CONFIGURATION**

The Information Technology department shall build information systems from a standard configuration baseline document which is reviewed to ensure that the baseline is synchronized with the Default Security Plan. The configuration baseline shall include the component specifications along with their corresponding security controls.

Before being deployed to the production systems, there must be confirmation that the system meets the applicable configuration standards. Systems must also comply with the asset inventory management requirements.

The default security plan shall include a requirement in which all collaborative infrastructure devices, such as video and teleconferencing, be configured to prohibit remote activation.

**APPLICATION PROTECTION**

The Information Technology Director and/or designee shall create an application standard that outlines the specific principles and procedures that application developers must follow. The Information Technology Director and/or designee shall establish an application lifecycle methodology that includes security considerations within all identified stages. An application testing and evaluation plan shall be developed for each application and include multiple levels of security testing.

All County applications shall separate user functionality by assigning elevated privileges to Administrative accounts, and limiting functionality to lesser privileged accounts. With this in place, the interface presented to lesser privileged accounts cannot access the administrative components.

All County information systems shall display a system notification prior to accessing their account. The notification will indicate: the user is accessing a Luna County Information system; that system usage is monitored, logged and subject to audit; that unauthorized use is prohibited and subject to punitive action;

and that use of the information system implies consent to these controls. The notification is displayed until the user acknowledges it prior to completing authenticated system access.

The County shall specify and provide the acceptable methods for establishing remote sessions. County users must be approved before being granted access to utilize a remote session. Any unauthorized means of remote access will be subject to disciplinary action.

Remote sessions shall be encrypted and accessed only through County hardware. All County hardware must be configured to capture session information in a manner which can be audited.

Consoles of computer systems shall be locked after a period of no more than ten (10) minutes of inactivity.

Remote sessions are terminated after a period of no more than thirty (30) minutes of inactivity. Both Console and Remote locked out sessions will require re-authentication before returning to an active session. Remote access to information systems shall be strictly controlled requiring unique user accounts. Non-County remote devices requiring network connectivity must conform to County security requirements.

All work done (including maintenance) by Information Technology staff shall be documented through the work order system in place. Any Information Technology staff that does not document their work through the work order system may be subject to disciplinary action.

#### Exception to Prohibited Use

Law enforcement personnel and Information Technology Department personnel may engage in use that is listed above as prohibited when such use is necessary to perform their law enforcement, legal, and information technology administration duties and he/she has received advance approval from his/her supervisor. It is recommended that supervisors and Department Directors provide the Information Technology Department with notice of authorized use.

#### Violation of Policy

Any employee found to be in violation of any provision of this Policy may be subject to disciplinary action up to and including dismissal, civil and criminal liability. Non-employees including contractors will be subject to termination of contractual agreements, denial of access and/or penalties both criminal and civil.

#### Reporting Violations

Employees shall report violations of this policy to their supervisor or Department Directors, or the Information Technology Department. To the extent possible reports shall be handled with confidentiality.

#### Right to Appeal

Any employee who feels that he or she has not been treated fairly with regard to an application of this Policy may file a complaint with the County Manager's office.

#### Effective Date

All provisions of this policy shall be effective upon the approval of the County Commission.

Revision History

January 16, 2020 –Final Draft

**Approval**

**ADOPTED BY THE COUNTY COMMISSIONERS OF LUNA COUNTY, NEW MEXICO, THIS \_\_\_\_  
DAY OF \_\_\_\_\_ 2020.**

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

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

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

\_\_\_\_\_  
**ATTEST: ANDREA RODRIGUEZ  
COUNTY CLERK**

Be it remembered that at a Regular Meeting of the Luna County Board of County Commissioners in Deming New Mexico, on the 8<sup>th</sup> day of May, 2019, the following proceedings were had and entered of record.

**LUNA COUNTY**

**RESOLUTION 19-26**

**ESTABLISHING SALARIES FOR ELECTED OFFICIALS**

**WHEREAS**, Article X, Section 1 of the Constitution of the State of New Mexico authorizes the Legislature to establish county classifications and fix salaries of all county officers; and

**WHEREAS**, Section 4-44-1, NMSA 1978 establishes classification of counties for the purpose of fixing salaries of public officer on a biennial basis, pursuant to Section 4-44-2, NMSA 1978; and

**WHEREAS**, Luna County is classified as a B-Over County and as such, the Luna County Board of Commissioners shall establish annual salaries not to exceed salaries set by the Legislature, Section 4-44-4.1, NMSA 1978, as follows:

Assessor	\$75,733;
Clerk	\$75,733;
Commissioner	\$30,196;
Probate Judge	\$26,482;
Sheriff	\$78,952;
Treasurer	\$75,733; and

**WHEREAS**, the New Mexico Constitution, Article IV, Section 27, prohibits changing the salary of any elected official during the term of office in which the change is made; and

**WHEREAS**, the salaries for eligible elected officials were implemented for Fiscal Year 2019, effective January 1, 2019, as follows:

Assessor	\$61,559.94;
Clerk	\$61,559.94;
Commissioner	\$24,544.26;
Probate Judge	\$21,525.66;
Sheriff	\$64,175.98;
Treasurer	\$61,559.94; and

**WHEREAS**, on December 13, 2018, the Luna County Board of County Commissioners approved additional salary of \$1,000 per year for the Assessor pursuant to Section 4-39-4D, NMSA, 1978; and

Be it remembered that at a Regular Meeting of the Luna County Board of County Commissioners in Deming New Mexico, on the 8<sup>th</sup> day of May, 2019, the following proceedings were had and entered of record.

**LUNA COUNTY**

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Clerk	\$61,559.94;
Commissioner	\$24,544.26;
Probate Judge	\$21,525.66;
Sheriff	\$64,175.98;
Treasurer	\$61,559.94; and

**WHEREAS**, on December 13, 2018, the Luna County Board of County Commissioners approved additional salary of \$1,000 per year for the Assessor pursuant to Section 4-39-4D, NMSA, 1978; and

**NOW THEREFORE BE IT RESOLVED** that the Luna County Board of Commissioners approves the following salaries for eligible elected officials for the fiscal year 2020, beginning on July 1, 2019, as follows:

Assessor	\$61,559.94;
Clerk	\$61,559.94;
Commissioner	\$24,544.26;
Probate Judge	\$21,525.66;
Sheriff	\$64,175.98;
Treasurer	\$61,559.94;

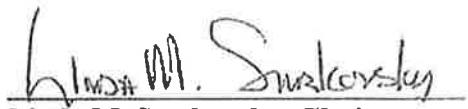
Plus an additional \$1,000 per year to Assessor Michelle Holguin for holding an Appraiser 4 certificate.

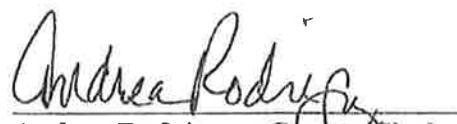
**BE IT FURTHER RESOLVED** that the County Manager is directed to prepare a survey of the salaries of other elected officials in New Mexico counties by April 1, 2020, for review by the Commission in consideration of the next annual elected officials' salary resolution in May, 2020.

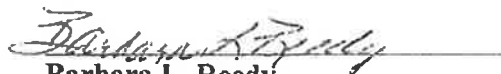
**Done at Deming, New Mexico this 8<sup>th</sup> day of May, 2019.**


**LUNA COUNTY BOARD OF COMMISSIONERS**

**ATTEST:**

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

  
**Andrea Rodriguez, County Clerk**

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

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





<u>Position</u>	<u>Luna</u>	<u>5% Δ</u>		<u>7.5% Δ</u>		<u>10.00% Δ</u>		<u>Max</u>	<u>Δ</u>
Commissioner	\$24,544.26	\$25,771.46	\$1,227.20	\$26,385.08	\$1,840.82	\$26,998.69	\$2,454.43	\$30,196.00	\$5,561.74 (23%)
Treasurer	\$61,559.94	\$64,637.94	\$3,078.00	\$66,177.00	\$4,617.00	\$67,715.94	\$6,156.00	\$75,733.00	\$14,173.06 (23%)
Assessor	\$61,559.94	\$64,637.94	\$3,078.00	\$66,177.00	\$4,617.00	\$67,715.94	\$6,156.00	\$75,733.00	\$14,173.06 (23%)
Sheriff	\$64,175.98	\$67,384.78	\$3,208.80	\$68,989.18	\$4,813.20	\$74,123.26	\$6,738.48	\$78,952.00	\$14,776.02 (23%)
Clerk	\$61,559.94	\$64,637.94	\$3,078.00	\$66,177.00	\$4,617.00	\$67,715.94	\$6,156.00	\$75,733.00	\$14,173.06 (23%)
Probate Judge	\$21,525.66	\$22,601.94	\$1,076.28	\$23,140.08	\$1,614.42	\$23,678.23	\$2,152.57	\$26,482.00	\$4,956.34 (23%)

*Be it remembered that at a Regular Meeting of the Luna County Board of County Commissioners in Deming New Mexico, on the 9<sup>th</sup> day of April 2020, the following proceedings were had and entered of record.*

**RESOLUTION 20-26**

**ACCEPTANCE AND APPROVAL OF THE FY19 AUDIT**

**WHEREAS**, the County of Luna is required by §12-6-3 NMSA 1978 to contract with an independent auditor to perform the required annual audit or agreed upon procedures for Fiscal Year 2019; and,

**WHEREAS**, the Luna County Board of County Commissioners has directed the accomplishment of the audit for FY2019 be completed; and,

**WHEREAS**, this audit has been completed and presented to the Luna County Board of County Commissioners at the Regular Meeting of February 12, 2020 as allowed per the January 23, 2020 Letter from the Statue Auditor authorizing release of the FY2019 audit; and

**WHEREAS**, NMAC 2.2.2.10 (M) (4) provides in pertinent part that "Once the audit report is officially released to the agency by the state auditor (by a release letter) and the required waiting period of five calendar days has passed, unless waived by the agency in writing, the audit report shall be presented by the IPA, to a quorum of the governing authority of the agency at a meeting held in accordance with the Open Meetings Act, if applicable;" and,

**NOW THEREFORE, BE IT RESOLVED**, that the Luna County Board of County Commissioners does hereby accept and approve the completed audit report and findings as presented.

**Done at Deming, New Mexico this 9<sup>th</sup> day of April 2020.**

**BOARD OF COUNTY COMMISSIONERS OF LUNA COUNTY**

**ATTEST:**

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

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

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

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

*Be it remembered that at the Regular Meeting of the Board of County Commissioners of Luna County in Deming New Mexico, on the 9<sup>th</sup> day of April 2020, the following proceedings were had and entered of record.*

**RESOLUTION 20-27**

**PROCUREMENT POLICY AMENDMENT**

**WHEREAS**, the Board of County Commissioners of Luna County enacted the Luna County Procurement Policy on June 8, 2017, to establish appropriate purchasing procedures;

**WHEREAS**, the Board of County Commissioners of Luna County insists on maintaining the integrity of all Luna County purchases and expenditures but recognizes that the Luna County Procurement Policy needs to be amended, within the confines of the New Mexico Procurement Code, Section 13-1-28 through 13-1-199, NMSA 1978, and

**WHEREAS**, the Luna County Procurement Policy, as amended herein, will continue to apply to all purchasing and procurement activities of all Luna County Elected Officials, Department Directors and employees.

**NOW, THEREFORE, BE IT RESOLVED** that the following subsections shall be substituted as follows, with all other provisions of the Policy remaining in full force and effect:

**Section 2.7A \$3,500.00 or less.** Purchases may be processed without quotations. Award can be made without securing competition if the user determines that the price received is reasonable. The user is not precluded from obtaining quotes from more than one vendor if the user suspects that the price is not reasonable or determines that it is in the best interests of Luna County.

**Section 2.7B \$3,500.01 0 \$5,000.00.** Purchases may be processed without written quotations however documentation stating attempts to obtain a minimum of three (3) quotes must be submitted.

**Done at Deming, New Mexico this 9<sup>th</sup> day of April 2020**

**Luna County Board of County Commissioners**

**ATTEST:**

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

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**Andrea Rodriguez, County Clerk**

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

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

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**2.7 Competitive Purchases.** Authorized users shall ensure that all purchases are made at the best possible prices. Purchases shall be made in accordance with the following provisions:

- A. ~~\$1,500.00 or less.~~** Purchases may be processed without quotations. Award can be made without securing competition if the user determines that the price received is reasonable. The user is not precluded from obtaining quotes from more than one vendor if the user suspects that the price is not reasonable or determines that it is in the best interests of Luna County.
- B. ~~\$1,500.01-\$5,000.00.~~** Purchases may be processed without written quotations however documentation stating attempts to obtain a minimum of three (3) quotes must be submitted.
- C. \$5,000.01 to \$59,999.99.** A minimum of three (3) bona fide written quotes must be obtained on the offering vendor's official letterhead, quote form, or email, and submitted for approval to the Finance Office. The Finance Office reserves the right to seek additional confirmation or information regarding any quote and may request additional quotes be obtained. All users are required to consult with the Chief Procurement Officer prior to moving forward with any purchases anticipated to be over Five Thousand Dollars (\$5,000.00).
- D. \$60,000.00 and Above.** All purchases exceeding Sixty Thousand Dollars (\$60,000.00) require formal bid or request for proposal procedures as specified by State regulations and shall be processed and executed by the Finance Office. Such purchases must be approved in the current budget, and purchases not approved in the current budget require approval by the LCBCC prior to obtaining formal solicitation. Formal responses may be rejected by the Finance Office or County Manager in the event that they are in excess of budgetary limits, are non-responsive to specifications, or due to irregularities in the bids specifications.
- E. Written Quote Exceptions.** In the event there are not three (3) known vendors which have materials, good or services available, the purchaser must consult with the Finance Office.
- F. State or Federal Purchasing Contracts and Cooperative Purchasing Exceptions.** Quotations or bids are not required for purchases under this section. Purchases may be made providing that the vendor has a Statewide Price Agreement (SPA) or Federal Purchasing Contract or a qualified, documented procurement done by another State or local government agency. Any such utilization of such purchases must include appropriate written authorization for Luna County's use either in the original solicitation or in writing by both the original procuring agency and the vendor. The Finance Office shall keep copies of all federal, state or other such contracts for a period of seven years.

Federal and/or State contract numbers must be identified on the requisition and/or p-