

# **LUNA COUNTY BOARD OF COUNTY COMMISSIONERS**

**Linda M. Smrkovsky**  
Member

**R. Javier Diaz**  
Chairman

**Joe L. Milo, Jr.**  
Member

**Thursday, April 7, 2016  
10:00 a.m.**

**Regular Meeting  
Luna County Courthouse**

1. **Call to Order:** Chairman Diaz 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. **Elected Officials Report:**

5. **Announcements:**

6. **Service Awards:**

Jesus Aude	Detention	5
Paul Sanchez	Sheriff	5

7. **Presentations:**

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. **County Manager's Report:**

**10. Minutes:**

- a. Work Session-March 10, 2016  
**MOTION AND VOTE**
- b. Regular Meeting-March 10, 2016  
**MOTION AND VOTE**

**11. Consent Agenda:**

- a. Accounts Payable: \$ 944,441.96
- b. Payroll:\$ 1,051,109.58
- c. Resolution 16-21 Budget Increases
- d. Resolution 16-22 Budget Transfers
- e. Resolution 16-23 Opposing Luna County Road Surveys by BLM
- f. Resolution 16-24 Fair Housing Policy
- g. Fair Housing Proclamation
- h. 2017 County Fire Protection Fund Distribution Application-Cook's Peak
- i. 2017 County Fire Protection Fund Distribution Application-Sunshine  
**MOTION AND VOTE**

**12. New Business:**

- a. Assign Resolution Number 16-20 to the NMAC Healthcare Policy Committee  
(Previously approved as Resolution 16-17)  
**MOTION AND VOTE**
- b. Appointment of Luna County Animal Control Ordinance Advisory Committee  
**MOTION AND VOTE**

**13. Approval of Travel Requests:**

- a. Bond Rating Trip to Dallas TX (April 13-14, 2016)  
**MOTION AND VOTE**
- b. NACO Conference (July 22-25 Los Angeles County-Long Beach, CA)  
**MOTION AND VOTE**

**14. 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 7, 2016 in the amount of \$365.52  
**MOTION AND VOTE**
- d. Recess as Claims Board, Re-Convene as County Commission  
**MOTION AND VOTE**

15. **Call for Ordinance:** Call for Ordinance Adopting Special County Hospital Tax (Ordinance to Re-Impose the Special County Hospital Tax dedicated to Ambulance Service by Special Election)

**MOTION AND VOTE**

16. **Executive Session:** Executive Session to discuss Limited Personnel Matters pursuant to §10-15-1 (H)(2) NMSA 1978 pertaining to the County Manager's Position

**MOTION AND VOTE**

17. **Upcoming Meetings:**

Work Session-May12, 2016 at 9:00 a.m.

Regular Meeting- May 12, 2016 at 10:00 a.m.

18. **Requests for Future Agenda Items:**

19. **Jail Inspection:**

20. **Adjourn:**

*STATE PLEDGE: I salute the flag of the State of New Mexico and the Zia symbol of perfect friendship among united cultures.*

**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  
WORK SESSION  
LUNA COUNTY BOARD OF COUNTY COMMISSIONERS  
Thursday, March 10, 2016**

**BE IT REMEMBERED** that the Luna County Board of County Commissioners met in work session at 9:00 a.m. on Thursday, March 10, 2016 in the County Commission Chambers of the Luna County Courthouse, Deming, New Mexico, for the purpose of discussing Regular meeting agenda items and other necessary items.

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

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

**Joe L. Milo, Jr., District 1  
Linda M. Smrkovsky, District 2  
R. Javier Diaz, Chairman, District 3**

**COMMISSIONERS AND STAFF DISCUSSIONS ON REGULAR MEETING AGENDA ITEMS:**  
The Luna County Board of County Commissioners presented the Regular Meeting Agenda items for discussion.

*(\*Note: Items were presented for discussion only and no actions were taken.)*

**PUBLIC INPUT:** Russ Howell came before the Board and announced that there is a meeting in Animas tonight at the Animas High School Auditorium at 6:00 p.m. The New Mexico and Arizona Cattle Grower's Associations are co-sponsoring the event. Congressman Steve Pearce will be attending the public meeting, which will address the concerns ranchers and citizens face living in border communities and dealing with drug and human trafficking.

Starmax Facilities Director Ira Pearson came before the Board and members of the public and announced that Starmax will host a bowling tournament fundraiser for Cancer Support on Saturday, March 12, at 9:00 a.m.

Laurie Finley with Deming/Luna County Main Street announced that they will be hosting a Winter Visitor Event tonight at the Deming Senior Center from 5:00-7:00 p.m., and the public is invited to attend. There will be food, a mariachi band, and Folklorico ballet.

Vivian Solis came before the Board and urged them to consider *Consent Agenda Item 'F': Child Abuse Awareness Month Proclamation*. Ms. Solis provided national and local statistics, and reported on the work that her agency is doing to help prevent child abuse.

**ADJOURN:** Chairman Diaz adjourned the meeting at 10:05 a.m.

**ATTEST:**

**LUNA COUNTY BOARD OF  
COUNTY COMMISSIONERS**

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

\_\_\_\_\_  
**Joe L. Milo, Jr., District 1**

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

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

\_\_\_\_\_  
**R. Javier Diaz, District 3, Chairman**

**MINUTES  
REGULAR MEETING  
LUNA COUNTY BOARD OF COUNTY  
COMMISSIONERS  
Thursday, March 10, 2016**

**BE IT REMEMBERED** that the Luna County Board of County Commissioners met in regular session at 10:00 a.m. on Thursday, March 10, 2016 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 Charles "Tink" Jackson, Assistant to the County Manager Glory Juarez, County Clerk Andrea Rodriguez, Chief Deputy Clerk Berenda McWright, Deputy Clerk JoAnna Zurinsky, Treasurer Dora Madrid, Chief Deputy Treasurer Gloria Rodriguez, Sheriff Jonathan Mooradian, Undersheriff Kelly Gannaway, Special Projects and Facilities Management Director Billy Ruiz, Detention Director Matthew Elwell, Dispatch Supervisor Lauree Sanchez, Community Projects Director Jessica Etcheverry, Road Director Marty Miller, Budget and Procurement Director Joanne Hethcox, Human Resources Director Danny Gonzales, Starmax Facilities Director Ira Pearson, Partnerships for Success Director Jessica Jara, IT Technician Manny Armendariz, Grant and Compliance Officer Palmira Valentine, Emergency Services Director Mark Jasso, Luna County Detention Lieutenant Carl Sanner, Luna County Detention Sergeant Miguel Carreon, Security Screener Moses Pastran.

**CALL TO ORDER:** Chairman Diaz called the meeting to order at 10:01 a.m.

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

Joe L. Milo, Jr., District 1  
Linda M. Smrkovsky, District 2  
R. Javier Diaz, Chairman, District 3

**APPROVAL OF AGENDA:** The Agenda for today's Regular Meeting was presented to the Board for approval. Commissioner Smrkovsky motioned to approve the Agenda. Commissioner Milo seconded the motion which carried unanimously.

**ELECTED OFFICIALS REPORTS:** County Treasurer Dora Madrid reported that on March 8<sup>th</sup>, there was a successful tax auction held.

County Clerk Andrea Rodriguez reported that on Tuesday, March 8<sup>th</sup>, there were 11 local candidates that filed for Candidacy of Office for the upcoming Primary Election in June.

Captain Kelly Gannaway reported on crime statistics, and noted that burglaries and mail thefts were up and reported information about a telephone scam.

**ANNOUNCEMENTS:** Commissioner Smrkovsky announced that she attended the National Association of Counties' Legislative Conference, and outlined details of the meetings she attended.

Chairman Diaz announced that he has attended a couple of meetings pertaining to the Arizona Water Settlement Act, and there is a new Executive Director. Progress continues to be slow, but is being made. Chairman Diaz also reported on the Multi-Line Claims Board that he serves on.

**SERVICE AWARDS:** Luna County Detention Director Matt Elwell presented a ten year service award to Ruben Almanza.

**PRESENTATIONS:** There were no presentations given.

**PUBLIC COMMENT:** Chairman Diaz opened the floor to Public Comment, however there was none forthcoming.

**COUNTY MANAGER'S REPORT:** County Manager Charles "Tink" Jackson reported on the following items:

- The format of the County Manager's Report has changed, (for brevity) and a copy of the Department Reports is available online or in the Manager's Office for interested members of the public.
- Hermanas Grade- The process to get final approval for the Hermanas Grade project continues. The County is just a few days away from the draft Environmental Assessment being finalized. At this point, the majority of the public comments submitted are in favor of the project.
- National Association of Counties (NACo) Legislative Conference-The County Manager and Commissioner Smrkovsky attended the NACo Legislative Conference in Washington, D.C. last month. There were important issues addressed for Luna County during the conference, and numerous discussions were held with our Congressional delegation and staff regarding the need for a bypass road. This is the second year the County has taken these concerns to D.C., and still have no movement on these issues. An additional topic, a bill in Congress relating to RS2477 roads would be a big benefit for Luna County was also addressed.
- Alta Luna- Commissioners and staff met with contractors selected to construct the Alta Luna Solar Project. Staff continues to assist the contractor with local information for vendors, hotels, etc. to be used during the construction phase of the project. Initial steps in the construction phase should begin prior to the end of this month. The county also met with the schools to discuss the solar educational pilot project and its construction.
- Ordinance 52 Amended- The first public forum was held to discuss potential changes to the Animal Control Ordinance. There was a good turnout for the meeting, and the public provided some good ideas and helpful feedback. Once all of the comments from the first meeting are organized, a second meeting will be hosted, and the focus will be on workgroups to help move the process forward.
- Chairman Diaz, Sheriff Mooradian and the County Manager attended the Columbus Village Council meeting last month. The Sheriff attended to discuss some minor issues with the new vehicles with the Village. After a few 'unfriendly' comments were made towards the Sheriff, the County Manager reminded the Council how much Luna County contributes towards law enforcement for the Village, and discussed the need for the Village to begin to pay some portion of that cost. The Village collects taxes for the purpose of providing law enforcement, and those monies should be paying for the officers to be present in the Village.
- The County Manager met with a representative of El Paso Electric regarding the County's standing franchise agreement with them. The current agreement is valid for another year, however El Paso Electric wanted to get an early start: Franchise agreements are important for public utilities in that they allow them to utilize the County's right-of-ways to provide service.



- Last week, a budget review and director's workshop was held with the Commission. This was a very productive meeting, and will help streamline meeting and processes in the future.
- There have been a significant amount of public comments this week about the County Manager and the supposed demands he has made of the Commission to remain here as the Luna County Manager. While anyone in this position has to understand that there will always be people who will actively attempt to undermine a positive thing that is done, the blatant untruth that small-minded people so freely spread in this community is amazing. So for the record: (1) I (The County Manager) have not received a salary increase in over a year, and in November of last year, a salary increase was refused. (2) The salary I am making right now is the original salary I negotiated almost two years ago (despite what a former Commissioner, who agreed to that salary, is telling people). (3) I voluntarily surrendered my original severance package in November 2014 when my negotiated salary was implemented. (4) I have not asked for a severance package since that day.

**CONSIDER MINUTES:** Upon motion of Commissioner Milo, seconded by Commissioner Smrkovsky, the minutes of the February 11, 2016 Work Session were unanimously approved.

Commissioner Smrkovsky stated that in the minutes for the February 11, 2016 Regular Meeting *Announcements* section, in regards to the Legislative Update by the NMAC Meeting in Hidalgo County that she announced: She thought that it would probably be at the Community Center, and that it wasn't really known at the time she was announcing it, but the meeting will actually be held at the Hidalgo County Commission Chambers. She requested the minutes changed with this clarification. Commissioner Smrkovsky motioned to approve the minutes of the February 11, 2016 Regular meeting with the requested change. The motion was seconded by Commissioner Milo and approved unanimously.

Commissioner Smrkovsky motioned to approve the minutes of the March 3, 2016 Work Session. The motion was seconded by Commissioner Milo and was unanimously approved.

**CONSENT AGENDA:** Upon motion of Commissioner Smrkovsky, seconded by Commissioner Milo the following items on the Consent Agenda were unanimously approved following a roll call vote.

- a. **Accounts Payable:** Accounts Payable Registers totaling \$1,373,676.21.
- b. **Payroll Registers:** Payroll Registers totaling \$1,040,592.93.
- c. **Resolution 16-17 Budget Increases**
- d. **Resolution 16-18 Budget Transfers**
- e. **Resolution 16-19 Authorizing the Application for the Juvenile Adjudication Program Grant**
- f. **Child Abuse Awareness Month Proclamation**
- g. **2016 Annual Certified County Maintained Mileage Report**
- h. **Appointment of Court Security Officer, Mateo Renteria**
- i. **Appointment of Deputy Sheriff, Rene Gaona**

**NEW BUSINESS:** There were no New Business Items presented to the Board at this time.

**APPROVAL OF TRAVEL REQUESTS:** There were no Travel Requests submitted, and no action was taken on this item.

**INDIGENT CLAIMS REPORT:** Upon motion of Commissioner Milo seconded by Commissioner Smrkovsky, the meeting of the Board of County Commissioners was unanimously recessed and the meeting of the Indigent Hospital Claims Board convened. Joanne Hethcox recommended approval of



zero claims dated March 10, 2016 in the amount of zero dollars and zero denials. The monies received for February 2016 totaled \$52,124.58. The balance in the Indigent Funds Accounts as of February 29, 2016 is \$775,511.20, with an Encumbered Balance of \$347,833.23. Commissioner Smrkovsky moved to approve zero claims dated March 10, 2016 in the amount zero dollars and zero denials. Commissioner Milo seconded the motion which carried unanimously. Commissioner Milo moved to recess as claims board and to reconvene as the Board of County Commissioners. Commissioner Smrkovsky seconded the motion which was approved unanimously.

**EXECUTIVE SESSION:** Chairman Diaz entertained a motion to enter into Executive Session to discuss Limited Personnel Matters pursuant to 10-15-1 (H) 2 NMSA 1978 pertaining to the County Manager's position. Commissioner Smrkovsky so moved and announced no other matters would be discussed. Commissioner Milo seconded the motion which carried unanimously following a roll call vote.

Commissioner Smrkovsky motioned to return from Executive Session where no other matters were discussed but Limited Personnel Matters pertaining to the County Manager's position. Commissioner Milo seconded the motion which carried unanimously. Chairman Diaz announced that the Board accepted the County Manager's resignation, and that Mr. Jackson's last day would be April 8, 2016, and effective immediately, the County Manager is working on an alternative work schedule. Commissioner Smrkovsky motioned to approve the Board's acceptance of Mr. Jackson's resignation and an alternative work schedule. Commissioner Milo seconded the motion which carried unanimously.

**ANNOUNCE NEXT MEETING:** Chairman Diaz announced the next regular meeting will be held on Thursday, April 14, 2016 at 10:00 a.m.

A Work Session will be conducted on April 14, 2016 at 9:00 a.m.

A Special Meeting will be held on March 24, 2016 at 4:00 p.m.

Commissioner Smrkovsky motioned to approve the meeting times. Commissioner Milo seconded the motion which carried unanimously.

**REQUESTS FOR FUTURE AGENDA ITEMS:** There were no requests submitted.

**ADJOURN:** Chairman Diaz adjourned the meeting at 11: 59 a.m.

**ATTEST:**

**LUNA COUNTY BOARD OF COUNTY  
COMMISSIONERS**

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

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

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

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

\_\_\_\_\_  
**CHAIRMAN, R. JAVIER DIAZ, DISTRICT 3**

LCBCC Meeting April 7th, 2016

Accounts Payable

03/04/2016	\$7,943.24
03/04/2016	\$7,082.28
03/04/2016	\$48,120.91
03/11/2016	\$28,706.12
03/11/2016	\$4,098.02
03/11/2016	\$16,839.19
03/18/2016	\$333,683.57
03/18/2016	\$6,937.09
03/18/2016	\$7,294.55
03/28/2016	\$95,264.75
03/28/2016	\$4,573.52
03/28/2016	\$7,931.84
03/31/2016	\$51,618.87
03/31/2016	\$9,605.02
03/31/2016	\$6,225.12
P-Cards	
03/30/3016	\$308,517.87

Total \$944,441.96

*Luna County*  
*Board of County Commissioners*

AGENDA 04/07/16

PAYROLL

03/04/2016	Register#2016009	\$508,887.42
03/04/2016	Register#2016010	\$19,779.10*
03/08/2016	Register#2016011	\$1,869.07
03/08/2016	Register#2016012	\$5,632.55
03/18/2016	Register#2016013	\$493,884.08
03/18/2016	Register#2016014	\$16,792.20*
03/24/2016	Register#2016015	\$2,202.74
03/24/2016	Register#2016016	\$2,062.42
<b>Total</b>		<b>\$1,051,109.58</b>

\*Special Payroll that is reimbursable through Grants and/or Contractual Payments.

**LUNA COUNTY BOARD OF COUNTY  
COMMISSIONERS**

**RESOLUTION NO. 16-21  
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 104, July 1, 2015 through June 30, 2016 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 7<sup>th</sup> DAY OF APRIL, 2016.**

LUNA COUNTY

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R. Javier Diaz, 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 7th day of April, 2016, the following budget adjustments are proposed and entered of record.

SCHEDULE OF BUDGET Of ADJUSTMENTS				Budget Resolution Number 16-21 Proposed Inter/Intra FUND Budget Increase					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	507/402	GRT 1/4 - Entertainment Complex	507/402	\$ 880.80	507-00-2000 P & I Requirements - Starmax	\$ 880.80	To pay escrow fees associated with bonding/re- funding of Entertainment Complex Series 2007 Bonds	\$ 617,156.52	\$ 618,037.32
Two	Decrease	703/209	Savoy VFD	703/209	\$ (123,795.32)	703-00-2007 Telephone	\$ (4,158.62)	To decrease budget due to closure of Savoy VFD per SFM.	\$ 4,500.00	\$ 341.38
						703-00-2009 Office Supplies	\$ (500.00)	To decrease budget due to closure of Savoy VFD per SFM.	\$ 500.00	\$ -
						703-00-2010 Mileage/Per Diem	\$ (1,500.00)	To decrease budget due to closure of Savoy VFD per SFM.	\$ 1,500.00	\$ -
						703-00-2011 Vehicle Expense	\$ (4,615.36)	To decrease budget due to closure of Savoy VFD per SFM.	\$ 5,000.00	\$ 384.64
						703-00-2012 Equip/Supplies/ Mtn/Repairs	\$ (4,690.10)	To decrease budget due to closure of Savoy VFD per SFM.	\$ 5,000.00	\$ 309.90
						703-00-2023 Grounds	\$ (2,500.00)	To decrease budget due to closure of Savoy VFD per SFM.	\$ 2,500.00	\$ -
						703-00-2025 Utilities	\$ (4,500.00)	To decrease budget due to closure of Savoy VFD per SFM.	\$ 4,500.00	\$ -
						703-00-2027 Office Equipment	\$ (1,500.00)	To decrease budget due to closure of Savoy VFD per SFM.	\$ 1,500.00	\$ -
						703-00-2028 Capital Outlay	\$ (43,421.89)	To decrease budget due to closure of Savoy VFD per SFM.	\$ 44,653.45	\$ 1,231.56
						703-00-2029 Capital Improvements	\$ (48,668.45)	To decrease budget due to closure of Savoy VFD per SFM.	\$ 48,668.45	\$ -
						703-00-2067 Insurance Property/ Liability	\$ (658.75)	To decrease budget due to closure of Savoy VFD per SFM.	\$ 4,500.00	\$ 3,841.25
						703-00-2069 Membership Dues/ Subscriptions	\$ (250.00)	To decrease budget due to closure of Savoy VFD per SFM.	\$ 250.00	\$ -

ITEM NO	Adjustment Type	Fund/ DFA Fund	Dept.	From	Amount	To	Amount	Purpose	Approved Budget Balance	Adjusted Budget Balance
						703-00-2084 Safety/Equip/ Supplies/ Training	\$ (3,832.15)	To decrease budget due to closure of Savoy VFD per SFM.	\$ 5,500.00	\$ 1,667.85
						703-00-2116 Department Uniforms	\$ (3,000.00)	To clean up line items and allow for spending through remainder of fiscal year.	\$ 3,000.00	\$ -
Three	Decrease	415/299	Community Services - Partnerships for Success II	415/299	\$ (16,431.14)	415-53-2101 Professional/ Contract Services	\$ (6,893.13)	To decrease budget to reflect a reduction in funding from Optum Health.	\$ 37,893.12	\$ 30,999.99
						415-53-2008 Printing and Publishing	\$ (5,498.05)	To decrease budget to reflect a reduction in funding from Optum Health.	\$ 5,498.05	\$ -
						415-53-2020 Supplies	\$ (4,039.96)	To decrease budget to reflect a reduction in funding from Optum Health.	\$ 23,191.72	\$ 19,151.76
					\$ (139,345.66)		\$ (139,345.66)		\$ 815,311.31	\$ 675,965.65

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 7th day of April, 2016.

LUNA COUNTY BOARD OF COUNTY COMMISSIONERS

Joe L. Milo, Jr., District 1

Linda M. Smrkovsky, District 2

R. Javier Diaz, District 3, Chairperson



ATTEST:

Entered By:

Date

Andrea Rodriguez, Luna County Clerk

Checked By:

Date

**LUNA COUNTY BOARD OF COUNTY  
COMMISSIONERS**

**RESOLUTION NO. 16-22  
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 104, July 1, 2015 through June 30, 2016 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 7<sup>th</sup> DAY OF APRIL, 2016.**

LUNA COUNTY

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R. Javier Diaz, 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 7th day of April, 2016 the following budget adjustments are proposed and entered of record.

## Budget Resolution Number 16-22

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	401/101	General Fund - Maintenance Department	401-03-2024 Haz Mat Compliance	\$1,300.00	\$300.00	401-03-2116 Department Uniforms	\$300.00	To pay for safety toe boots for two employees for this fiscal year.
				401-03-2023 Grounds	\$5,500.00	\$1,500.00	401-03-2011 Vehicle Expense	\$1,500.00	To allow for maintenance and county emblem expenses for county vehicles through remainder of fiscal year.
Two	Transfer	401/101	General Fund - Sheriff's Department	401-08-2002 Salaries - Full-Time	\$341,523.02	\$11,900.00	401-08-2004 Salaries - Holiday Pay	\$11,900.00	To clean up line item and allow spending through remainder of fiscal year.
Three	Transfer	401/101	General Fund - Sheriff's Department	401-08-2011 Vehicle Expense	\$63,998.23	\$16,000.00	401-08-2007 Telephone	\$16,000.00	To clean up line item and allow spending through remainder of fiscal year.
Four	Transfer	405/203	Re-Appraisal	405-06-2007 Telephone	\$1,000.00	\$300.00	405-06-2027 Office Equipment	\$300.00	To clean up line item and allow spending through remainder of fiscal year.
Five	Transfer	609/226	Adult Detention	609-21-2181 Inmate Housing	\$37,569.00	\$5,000.00	609-21-2029 Capital Improvements	\$5,000.00	To clean up line item and allow spending through remainder of fiscal year.
					\$450,890.25	\$35,000.00		\$35,000.00	

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 7th day of April, 2016.

LUNA COUNTY BOARD OF COUNTY COMMISSIONERS

Joe L. Milo, Jr., District 1

Linda M. Smrkovsky, District 2

R. Javier Diaz, District 3, Chairperson



ATTEST:

Entered By:

Date

Andrea Rodriguez, Luna County Clerk

Checked By:

Date

## **RESOLUTION #16-23**

### **LUNA COUNTY BOARD OF COUNTY COMMISSIONERS**

#### **RESOLUTION OPPOSING LUNA COUNTY ROAD SURVEYS BY BLM**

**WHEREAS**, the Luna County Board of Commissioners have learned that the Bureau of Land Management (BLM) has selected Luna County for its next target for roads surveys.

**WHEREAS**, the apparent intention of the action is to use the data for future travel management plans including Lands with Wilderness Characteristics and National Monuments, which necessarily implies road closures.

**WHEREAS**, the Luna County Board of Commissioners have not been informed of this survey.

**WHEREAS**, it has also been learned the BLM has been in Sierra County performing such a survey.

**WHEREAS**, the contracted agent for the survey is the Aldo Leopold Charter High School in Silver City.

**WHEREAS**, there has been no record found if the contract was let through normal federal agency channels nor is there any criteria available indicating the required expertise of such a contracted agent.

**WHEREAS**, on face value, there is great concern that high school students have any experience much less the understanding of the importance of any roads or trails within any county.

**WHEREAS**, that is especially true when the wellbeing of individuals, the general citizenry, and businesses alike are at stake through the matter of normal access, farm to market routing, and ordinary transportation requirements supporting duties, responsibilities, and investments in Luna County.

**Whereas**, the Luna County Board of Commissioners will and be involved in what constitutes a road, a way, or a trail of local importance,

**Whereas**, the Luna County Board of Commissioners will be involved in selecting a qualified contractor to do such roads surveys and oversee the results of roadway surveys.

**Now Therefore Be it Resolved**, that on the 7th day of April, 2016, the Luna County Board of Commissioners being in session in accordance with the Open Meetings Act and a quorum being present, does hereby demand the BLM cease any and all current and or contemplated road surveys within Luna County, and

**Let it be Further Resolved,** the Luna County Board of Commissioners requests the manager of the Las Cruces BLM Field Office, Bill Childress, appear before this body to describe the BLM intentions.

**APPROVED THIS 7<sup>TH</sup> DAY OF APRIL, 2016**

ATTEST:

LUNA COUNTY:

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Andrea Rodriguez, County Clerk

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R. Javier Diaz, Chairman

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Joe L. Milo, Jr. Member

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Linda M. Smrkovsky, Member

Be it remembered that at a regular meeting of the Luna County Board of Commissioners in Deming, New Mexico, on the 7<sup>th</sup> day of April, 2016, the following among the proceedings were had and entered of record.

RESOLUTION NO. 16-24  
AUTHORIZATION AND APPROVING THE  
IMPLEMENTATION OF A FAIR HOUSING POLICY  
IN LUNA COUNTY

WHEREAS, this resolution is a requirement for funding through the Community Development Block Grant program;

NOW, THEREFORE, let it be known that the County of Luna will abide by the following fair housing mandate.

Section 1. POLICY

It is the policy of the County of Luna to provide, within constitutional limitations, for fair housing throughout Luna County:

Section 2. DEFINITIONS

- A. "Aggrieved Person" includes any person who:
  - 1. Claims to have been injured by a discriminatory housing practice; or
  - 2. Believes that they will be injured by a discriminatory housing practice that is about to occur.
- B. "Chief Elected Official" means the person who holds the highest elected position of the local unit of government and who is signatory to the Small Cities Community Development Block Grant agreement with the Local Government Division.
- C. "Complainant" means the person (including the chief elected official) who files a complaint under Section 10.
- D. "Discriminatory housing practice" means an act that is unlawful under Section 4, 5, or 6 of this resolution.
- E. "Dwelling" means any building, structure or portion thereof which is occupied as, designed or intended for occupancy as a residence by one or more families, and any vacant land that

is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

F. "Familial status" means one or more individuals (who have not attained the age of 18 years) being domiciled with –

1. A parent or another person having legal custody of such individual or individuals; or
2. The designee of such parent or other person having such custody, with the written permission of such parent or other person. The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant, or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

G. "Family" includes a single individual.

H. "Handicap" means, with respect to a person –

1. A physical or mental impairment which substantially limits one or more of such person's major life activities.
2. A record of having such an impairment; or
3. Being regarded as having such an impairment, but such term does not include current illegal use of or addiction to a controlled substance (as defined in Section 102 of the Controlled Substances Act [21 U.S.C. 802]).

I. "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts and unincorporated organizations, and trustees, trustees in bankruptcy, receivers, and fiduciaries.

J. "Respondent" means –

1. The person or other entity accused in a complaint of an unfair housing practice; and
2. Any other person or entity identified in the course of investigation and notified as required with respect to respondents so identified under Section 10.

K. "To rent" includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises owned by the occupant.

### Section 3. UNLAWFUL PRACTICE

Subject to the provisions of Section 3(B) and Section 7, the prohibitions against discrimination in the sale or rental of housing set forth in Section 3 shall apply to:

- A. All dwellings except as exempted by Section 3(B).
- B. Nothing in Section 4 shall apply to:
  - 1. Any single-family house sold or rented by an owner, provided that such private individual owner does not own more than three such single-family houses at any one time. In the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale, or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four month period provided that the bona fide private individual owner does not own any interest in, nor is there any interest owned or reserved on his behalf, under any express or voluntary agreement, title to, or right to all or a portion of the proceeds from the sale or rental of more than three such single family houses at any one time. The sale or rental of any such single-family house shall be excepted from the application of this resolution only if such house is sold or rented, without the use in any manner of the sales/rental facilities or the sales/rental services of any real estate broker, agent or salesperson or of such facilities or services of any person in the business of selling or renting dwellings. This further includes any employee or agent of any such broker, agent, salespersons, as well as the publication, posting or mailing of any advertisement or written notice that would be in violation of Section 4(C) of this resolution. Nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title, or
  - 2. Rooms or units in dwellings contained living quarters occupied or intended to be occupied by no more than four families living independently or each other, if the owner actually maintains and occupies one of such living quarters as their residence.
- C. For the purposes of Section 3(B), a person shall be deemed to be in the business of selling or renting dwellings if:
  - 1. they have, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein; or
  - 2. they have, within the preceding twelve months, participated as agent, other than in the sale of their own personal residence, in providing sales or rental facilities, or

sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein; or

3. they are the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.

#### Section 4. DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING

As made applicable by Section 3 and except as exempted by Sections 3(B) and 7, it shall be unlawful:

- A. To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, handicap, familial status, national origin, or sexual orientation.
- B. To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, handicap, familial status, national origin, or sexual orientation.
- C. To make, print or publish, or cause to be made, printed or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation to discrimination based on race, color, religion, sex, handicap, familial status, national origin, or sexual orientation or an intention to make any such preference, limitation or discrimination.
- D. To represent to any person because of race, color, religion, sex, handicap, familial status, national origin, or sexual orientation that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.
- E. For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status, national origin, or sexual orientation.

#### Section 5. DISCRIMINATION IN RESIDENTIAL REAL ESTATE –RELATED TRANSACTIONS

- A. In general, it shall be unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, handicap, familial status, national origin, or sexual orientation.



B. Definition – As used in this Section, the term “residential real estate-related transaction” means any of the following:

1. The making or purchasing of loans or providing other financial assistance for purchasing, constructing, improving, repairing, or maintaining a dwelling, or secured by residential real estate.
2. The selling, brokering or appraising of residential real property.

C. Appraisal Exemption – Nothing in this resolution prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, sex, handicap, familial status, national origin, or sexual orientation.

#### Section 6. DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICES

It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers organization, or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against them in the terms or conditions of such access, membership or participation because of race, color, religion, sex, handicap, familial status, national origin, or sexual orientation.

#### Section 7. EXEMPTION

Nothing in this resolution shall prohibit a religious organization, association, or society or any nonprofit institution or organization operated, supervised or controlled by, or in conjunction with, a religious organization, association or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted with regard to race, color, national origin, handicap, or sexual orientation. Nor shall anything in this resolution prohibit a private club not, in fact, open to the public, which as an incident to its primary purpose or purposes provides lodgings, which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

#### Section 8. ADMINISTRATION

- A. The authority and responsibility for administering this resolution shall be in the chief elected official of the County of Luna.
- B. The chief elected official may delegate any of these functions, duties and powers to employees of the County of Luna or to boards having expertise and experience in administering housing policies, including functions, duties, and powers with respect to

investigating, conciliating, hearing, determining ordering, certifying, reporting, or otherwise acting as to any work, business, or matter under this resolution. From this point forward in this document, "chief elected official" refers to the chief elected official or his/her designee.

- C. All departments and agencies under the auspices of the County of Luna shall administer their programs and activities relating to housing and community development in a manner affirmatively to further the purposes of this resolution and shall cooperate with the chief elected official to further such purposes.

#### Section 9. EDUCATION AND CONCILIATION

Immediately after the enactment of this resolution, the chief elected official shall commence such educational conciliatory activities as will further the purpose of this resolution. They shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this resolution and the suggested means of implementing it and shall endeavor with their advice to work out programs of voluntary compliance and enforcement.

#### Section 10. ENFORCEMENT.

- A. Any person who claims to have been injured by a discriminatory housing practice or who believes that they will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "aggrieved person") may file a complaint with the chief elected official. Complaints shall be in writing and shall contain such information, and be in such form, as the chief elected official requires. Upon receipt of such a complaint, the chief elected official shall furnish a copy of the same to the person or persons, who have committed, or are about to commit, the alleged discriminatory housing practice. Within thirty days after receiving a complaint or within thirty days after the expiration of any period reference under Section 10(C), the chief elected official shall investigate the complaint and give notice in writing to the aggrieved person whether they intend to resolve it. If the chief elected official decides to resolve the complaints, they shall proceed to try to eliminate or correct the alleged discriminatory housing practice by informal methods of conference, conciliation, and persuasion. Nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this resolution without the written consent of the persons concerned. Any employee of the chief elected official who shall make public any information in violation of this provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$1,000 or imprisoned not more than one year.
- B. A complaint under Section 10(A) shall be filed within one hundred and eighty days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him and with the leave of the chief elected official, which

shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.

- C. If, within thirty days after a complaint is filed with the chief elected official and the same has been unable to obtain voluntary compliance with this resolution, the aggrieved person may, within thirty days thereafter, file a complaint with the Secretary of the Department of Housing and Urban Development. The chief elected official will assist in this filing.
- D. If the chief elected official has been unable to obtain voluntary compliance within thirty days of the complaint, the aggrieved person may, within thirty days thereafter commence a civil action in any appropriate court, against the respondent named in the complaint, to enforce the rights granted or protected by this resolution, insofar as such rights relate to the subject of the complaint. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may enjoin the respondent from engaging in such practice or order such affirmative action as may be appropriate.
- E. In any proceeding brought pursuant to this Section, the burden of proof shall be on the complainant.
- F. Whenever an action filed by an individual comes to trial, the chief elected official shall immediately terminate all efforts to obtain voluntary compliance.

#### SECTION 11. INVESTIGATIONS/SUBPOENAS/GIVING OF EVIDENCE.

- A. In conducting an investigation, the chief elected official shall have access at all reasonable times to premises, records, documents, individuals and other evidence or possible sources of evidence and may examine, record and copy such materials and take and record the testimony or statements of such persons as are reasonably necessary for the furtherance or the investigation, provided, however, that the chief elected official first complies with the provisions of the Fourth Amendment relating to unreasonable searches and seizures. The chief elected official may issue subpoenas to compel their access to, or the production of, such materials, or the appearance of such persons and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the United States District Court for the district in which the investigation is taking place. The chief elected official may administer oaths.
- B. Upon written application to the chief elected official, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the chief elected official to the same extent and subject to the same limitations as subpoenas issued by the chief elected official. Subpoenas issued at the request of a respondent shall show on their

face the name and address of such respondent and shall state that they were issued at their request.

- C. Witnesses summoned by subpoena of the chief elected official shall be entitled to the same witness and mileage fees, as are witnesses in proceedings in United States District Courts. Fees payable to a witness summoned by a subpoena issued at the request of a respondent shall be paid by the respondent.
- D. Within five days after service of a subpoena upon any person, such person may petition the chief elected official to revoke or modify the subpoena. The chief elected official shall grant the petition if they find that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.
- E. In case of a refusal to obey a subpoena, the chief elected official or other person at whose request it was issued, may petition for its enforcement in the municipal or state court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.
- F. Any person who willfully fails or neglects to attend and testify, or to answer any lawful inquiry, or to produce records, documents or other evidence, if in his power to do so, in obedience to the subpoena or lawful order of the chief elected official shall be fined not more than \$1,000 or imprisoned not more than one year or both. Any person who, with intent thereby to mislead the chief elected official, shall make or cause to be made any false entry or statement of fact in any report, account, record, or other document submitted to the chief elected official pursuant to his subpoena or other order, or shall willfully neglect or fail to make or cause to be made full, true and correct entries in such reports, accounts, records or other documents, or shall willfully mutilate, alter or by any other means falsify any documentary evidence, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.
- G. The attorney of record to the County of Luna shall conduct all litigation in which the chief elected official participates as a party or as amicus pursuant to this resolution.

## SECTION 12. ENFORCEMENT BY PRIVATE PERSONS.

- A. The rights granted by Sections 3, 4, 5, and 6 may be enforced by civil actions in the appropriate United States district, state or local court. A civil action shall be commenced within one hundred and eighty days after the alleged discriminatory housing practice

occurred, provided, however, that the court shall continue such civil case brought pursuant to this Section or Section 10 (D) from time to time before bringing it to trial if the court believes that the conciliation efforts of the chief elected official are likely to result in satisfactory settlement of the alleged discriminatory housing practice complained of in the complaint made to the chief elected official and which practice forms the basis for the action in court, and provided, however, that any sale, encumbrance or rental consummated prior to the issuance of any court order issued under the authority of this resolution and involving a bona fide purchaser, encumbrancer, or tenant without actual notice of the filing of a complaint or civil action under the provisions of this resolution shall not be affected.

- B. The court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order or other order and may award to the plaintiff actual damages and not more than \$1,000 punitive damages, together with court costs and reasonable attorney fees in the case of a prevailing plaintiff, provided that the said plaintiff in the opinion of the court is not financially able to assume said attorney's fees.

#### SECTION 13. INTERFERENCE, COERCION OR INTIMINATION.

It shall be unlawful to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by Sections 3, 4, 5 or 6 of this resolution. This Section may be enforced by appropriate civil action.

#### SECTION 14. SEPARABILITY OF PROVISIONS.

If any provision of this resolution or the application thereof to any person or circumstances is held invalid, the remainder of the resolution and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

#### SECTION 15. PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES.

Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with:

- A. Any person because of their race, color, religion, sex, handicap, familial status, national origin, or sexual orientation and because they are or have been selling, purchasing, renting, financing, occupying or contracting or negotiating for the sale, purchase, rental, financing, or occupation of any dwelling, or applying for or participating in any service organization or facility relating to the business of selling or renting dwellings; or
- B. Any person because they are or have been, or in order to intimidate such person or any other person or any class of persons from:

1. Participating, without discrimination because of race, color, religion, sex, handicap, familial status, national origin, or sexual orientation or in any of the activities, services organizations, or facilities described in subsection 15(A); or
  2. Affording another person or class of persons opportunity or protection so to participate; or
- C. Any citizen because they are or have been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, handicap, familial status, national origin, or sexual orientation in any of the activities, services, organizations or facilities described in subsection 15(A), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate shall be fined not more than \$1,000, or imprisoned not more than one year or both; and if bodily injury results shall be fined not more than \$10,000, or imprisoned not more than ten years or both; and if death results, shall be subject to imprisonment for any term of years or for life and/or to other applicable local/state/federal laws.

NOW, THEREFORE, be it resolved that the Luna County Board of Commissioners have authorized a fair housing policy for Luna County, as required by the Community Development Block Grant rules and regulations.

Done at Deming, New Mexico this 7<sup>th</sup> day of April, 2016.

LUNA COUNTY BOARD OF COMMISSIONERS

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Joe L. Milo, Jr., Member

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Linda M. Smrkovsky, Member

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R. Javier Diaz, Chairman

ATTEST:

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Andrea Rodriguez, 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 2016 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 7<sup>th</sup> DAY OF APRIL, 2016  
LUNA COUNTY BOARD OF COUNTY COMMISSIONERS**

\_\_\_\_\_  
Joe L. Milo, Jr., Member

\_\_\_\_\_  
Linda M. Smrkovsky, Member

\_\_\_\_\_  
R. Javier Diaz, Chairman

**ATTEST:**

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



# NEW MEXICO PUBLIC REGULATION COMMISSION

## COMMISSIONERS

DISTRICT 1 KAREN L. MONTOKA, VICE CHAIR  
DISTRICT 2 PATRICK H. LYONS  
DISTRICT 3 VALERIE ESPINOZA, CHAIR  
DISTRICT 4 LYNDIA LOVEJOY  
DISTRICT 5 SANDY JONES



P.O. Box 1269  
1120 Paseo de Peralta  
Santa Fe, NM 87504-1269

## STATE FIRE MARSHAL DIVISION

Room 413  
800-244-6702 (In-state only)  
(505) 476-0174  
Fax : (505) 476-0100

## INTERIM ACTING CHIEF OF STAFF

Andrea Delling

## NEW MEXICO STATE FIRE MARSHAL DIVISION FISCAL YEAR 2017 COUNTY FIRE PROTECTION FUND DISTRIBUTION

This application is required to participate in the distribution of the Fire Protection Fund for the 2017 fiscal year. The application is due in the State Fire Marshal Division **on or before April 30, 2016.**

FIRE DEPARTMENT Cook's Peak COUNTY: Luna

FIRE DEPARTMENT ADDRESS: PO Box 551, Deming, NM 88031

ISO CLASSIFICATION: 9

Approved number of Sub Stations is 0

0 Sub Stations

Approved number of Main Stations is 1

Cook's Peak 2470 Tulip Dr NE Deming NM 88030

If you contend the above ISO Class or station information is incorrect, please attach a list of your claim of main and substations and sign here: \_\_\_\_\_

The projected minimum amount for fire fund distribution, based on the above information, is \$39,058. This does not include any additional amounts that may be calculated from growth in the fund.

An official written request for authorization to rollover and accumulate Fire Protection Fund monies shall be submitted to this Office no later than August 31, 2016. The request shall identify the intended purpose and exact amount of money to be carried over into the FY 2017 balance.

For the purpose of this Application, list the anticipated amount and intended purpose your department will rollover from FY'16 to FY'17. \$ 65,000.00 EQUIPMENT + VEHICLE PURCHASE

\*Provide current balance of the fire department's total Fire Protection Fund account to date: \$ 86,452.12

The Fire Service Support Bureau of the State Fire Marshal Division continues to strive toward achieving 100% compliance with the monthly reporting requirements as established in Article 59A-52 the "Fire Marshal Act," Article 59A-53 "The Fire Protection Fund" and NMSA 10-25-10 "The Fire Protection Fund."

State Law, NMSA 10-25-10, requires all fire departments participating in the distribution of the Fire Protection Fund submit a detailed fire report of the departments activity on or before the 10th of each month for the previous months activity.

The Fire Service Support Bureau reviews all reporting activity on a monthly basis to determine compliance with the reporting requirement. When this Office determines that your fire department is out of compliance, the Fire Chief will be notified of the department's status, if your fire department fails to achieve compliance a letter identifying restrictions on the use of the Fire Protection Funds will be forwarded to the head of local government.

This Office will continue to offer technical support and training on the proper uses of the NFIRS program. If you are having issues with the system or require training you may submit your request via e-mail at [vernon.muller@state.nm.us](mailto:vernon.muller@state.nm.us)

Please provide updated contact information for a minimum of two primary users of the NFIRS program for your department. (Please print legible)

Name:	Email:	Phone:
1. LUIS MALINA	lmalina@lanacountynm.us	575 494 5258
2. KEVIN KELLY	KKELLYEMT@gmail.com	575 915 0894

The information contained in this application is true and correct to the best of our knowledge. It may be used to verify legal requirements and is subject to audit.

Signed and submitted on this \_\_\_\_\_ day of \_\_\_\_\_ 2016.

_____/S_____	_____/S_____
Printed Name	Signature of Commission Chair or Authorized Local Government Designee
LUIS MALINA	
Printed Name	Signature of County Fire Chief / Fire Marshal or District Chief

# NEW MEXICO PUBLIC REGULATION COMMISSION

## COMMISSIONERS

DISTRICT 1 KAREN L. MONTTOYA, VICE CHAIR  
DISTRICT 2 PATRICK H. LYONS  
DISTRICT 3 VALERIE ESPINOZA, CHAIR  
DISTRICT 4 LYNDY LOVEJOY  
DISTRICT 5 SANDY JONES



P.O. Box 1269  
1120 Paseo de Peralta  
Santa Fe, NM 87504-1269

## STATE FIRE MARSHAL DIVISION

Room 413  
800-244-6702 (In-state only)  
(505) 476-0174  
Fax : (505) 476-0100

## INTERIM ACTING CHIEF OF STAFF

Andrea Delling

## NEW MEXICO STATE FIRE MARSHAL DIVISION FISCAL YEAR 2017 COUNTY FIRE PROTECTION FUND DISTRIBUTION

This application is required to participate in the distribution of the Fire Protection Fund for the 2017 fiscal year. The application is due in the State Fire Marshal Division **on or before April 30, 2016.**

FIRE DEPARTMENT Sunshine COUNTY: Luna

FIRE DEPARTMENT ADDRESS: PO Box 551, Deming, NM 88031

ISO CLASSIFICATION: 9

Approved number of Sub Stations is 1

Florida Mountains

Approved number of Main Stations is 1

Same As Above

If you contend the above ISO Class or station information is incorrect, please attach a list of your claim of main and substations and sign here: \_\_\_\_\_

The projected minimum amount for fire fund distribution, based on the above information, is \$54,483. This does not include any additional amounts that may be calculated from growth in the fund.

An official written request for authorization to rollover and accumulate Fire Protection Fund monies shall be submitted to this Office no later than August 31, 2016. The request shall identify the intended purpose and exact amount of money to be carried over into the FY 2017 balance.

For the purpose of this Application, list the anticipated amount and intended purpose your department will rollover from FY'16 to FY'17. \$ 347,000.00 EQUIPMENT & VEHICLES PURCHASE \$ 135,084.65 SUNSHINE

\*Provide current balance of the fire department's total Fire Protection Fund account to date: \$ 252,574.36 FLORIDA

The Fire Service Support Bureau of the State Fire Marshal Division continues to strive toward achieving 100% compliance with the monthly reporting requirements as established in Article 59A-52 the "Fire Marshal Act," Article 59A-53 "The Fire Protection Fund" and NMSA 10-25-10 "The Fire Protection Fund."

State Law, NMSA 10-25-10, requires all fire departments participating in the distribution of the Fire Protection Fund submit a detailed fire report of the departments activity on or before the 10th of each month for the previous months activity.

The Fire Service Support Bureau reviews all reporting activity on a monthly basis to determine compliance with the reporting requirement. When this Office determines that your fire department is out of compliance, the Fire Chief will be notified of the department's status, if your fire department fails to achieve compliance a letter identifying restrictions on the use of the Fire Protection Funds will be forwarded to the head of local government.

This Office will continue to offer technical support and training on the proper uses of the NFIRS program. If you are having issues with the system or require training you may submit your request via e-mail at [vernon.muller@state.nm.us](mailto:vernon.muller@state.nm.us)

Please provide updated contact information for a minimum of two primary users of the NFIRS program for your department. (Please print legible)

Name:	Email:	Phone:
1. LUIS MALINA	lmalina@linacounty.nm.us	575 494 5258
2. CAL WENZEL	sunshinevfd@gmail.com	575 534-7824

The information contained in this application is true and correct to the best of our knowledge. It may be used to verify legal requirements and is subject to audit.

Signed and submitted on this \_\_\_\_\_ day of \_\_\_\_\_ 2016.

\_\_\_\_\_/S\_\_\_\_\_

Printed Name

Signature of Commission Chair or Authorized Local Government Designee

LUIS MALINA

/S



Printed Name

Signature of County Fire Chief / Fire Marshal or District Chief

# **LUNA COUNTY RESOLUTION ~~16-17~~ 16-20**

## **NMAC Healthcare Policy Committee**

### **Resolution on County Indigent Funding**

**WHEREAS**, New Mexico counties care greatly about health care for their local citizens and value their local hospitals, particularly in rural areas; and

**WHEREAS**, counties have long played an integral role in providing health care services for their indigent residents; and

**WHEREAS**, for nearly 20 years counties have worked collaboratively with their local community hospitals in helping fund the Sole Community Provider program and in coordinating health care for their local citizens; and

**WHEREAS**, the Sole Community Provider program has now been replaced by the Safety Net Care Pool (SNCP), which provides funding for community hospitals for Medicaid base rate increases and uncompensated care; and

**WHEREAS**, the counties' role under the SNCP has been significantly diminished and their financial contribution to the SNCP no longer has any relationship to the funds disseminated by the Human Services Department (HSD) to the counties' respective community hospitals; and

**WHEREAS**, finding a solution to funding the SNCP requires communication and cooperation among the various stakeholders—counties, hospitals, and the state, in both the legislative and executive branches.

**NOW THEREFORE BE IT RESOLVED THAT** Luna County and the New Mexico Association of Counties strongly opposes any legislation that imposes a further financial obligation for counties to fund the SNCP and hospitals; and

**NOW THEREFORE BE IT RESOLVED THAT** Luna County and the New Mexico Association of Counties will endorse and support legislation which protects Counties' autonomy and discretion over the use of County imposed Indigent Health Care gross receipts tax revenues; and

**NOW THEREFORE BE IT RESOLVED THAT** Luna County and the New Mexico Association of Counties supports mandatory County participation as a critical stakeholder and primary funding source in all discussions and planning with the New Mexico Human Services Department regarding any and all funding methods to secure the future of safety net care pool for local hospitals both public and private.

**Done at Deming, New Mexico this 11<sup>th</sup> day of February, 2016**

**Luna County Board of County Commissioners**

**ATTEST:**

\_\_\_\_\_  
**R. Javier Diaz, Chairman**

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

\_\_\_\_\_  
**Joe L. Milo, Jr, Member**

\_\_\_\_\_  
**Linda M. Smrkovsky, Member**



# Indigent Hospital Claims Office

Charles "Tink" Jackson, County Manager

IHC Board Meeting April 7, 2016

Month	Number	Amount	Number	Denied
January	2	\$946.69	0	\$0.00
Feburary	0	\$0.00		
March	2	\$365.52		
April				
May				
June				
July				
August				
September				
October				
November				
December				
Total	4	\$1,312.21	0	\$0.00
This Month's Total	Mimbres Memorial Hospital			\$365.52
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				\$365.52
Year to Date Total	Mimbres Memorial Hospital			\$872.33
Year to Date Total	All Other Hospitals			
Year to Date Total	Deming Fire Dept./EMS			\$439.88
Year to Date Total	All Other Services			
Total				\$1,312.21
Care of Prisoners This Month				\$43,022.97
Care of Prisoners Year to Date Indigent				\$45,664.62
Care of Prisoners Year to Date Inmate Prescriptions/OTC Meds				\$23,136.24
Care of Prisoners Year to Date Dr. Bills				\$3,438.00
Total Cost of Care of Prisoners Year to Date				\$72,238.86
Monies Received for March 2016				\$42,252.39
Balance in IHC Fund as of March 31, 2016				\$719,779.17
Encumbrances as of March 31, 2016				\$203,462.00
	Amount	Signatures	Date	Denied
Joe L. Milo, Jr	\$365.52		3/10/2016	\$0.00
Linda M. Smrkovsky				
R. Javier Diaz				



[illegible]

**April 7, 2016**

[illegible]