

**LUNA COUNTY
BOARD OF COUNTY COMMISSIONERS**

Barbara L. Reedy
Member

John S. Sweetser
Chairperson
Thursday, February 13, 2020
10:00 a.m.
Amended Agenda
Regular Meeting
Luna County Courthouse

Linda M. Smrkovsky
Member

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:**

- a. Regular Meeting- January 8, 2020

MOTION AND VOTE

5. **Service Awards:**

- | | | | |
|------------------|-----------|------------|----|
| • Heather Seats | Dispatch | 02/09/2015 | 5 |
| • Casi Goldman | Assessors | 02/17/2015 | 5 |
| • Andrew Gilmore | Detention | 02/28/2000 | 20 |

6. **Presentations:**

- Presentation of Audit by Robert Gonzalez, Cordova CPA, LLC

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 February 13, 2020 \$20,649.49

MOTION AND VOTE

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

MOTION AND VOTE

10. **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.

11. **Consent Agenda:**

- a. Accounts Payable: \$749,818.19
- b. Payroll: \$1,614,616.86
- c. Resolution 20-16 Budget Increases
- d. Amended Resolution 20-08: Approval to participate in the Local DWI Grant and Distribution Program
- e. Memorandum of Understanding between Luna County DWI and New Mexico Department of Finance and Administration/Local Government Division /Driving While Intoxicated Program
- f. Statement of Assurances Local DWI Grant and Distribution Program
- g. Proclamation 20-01: Recognizing 911 Telecommunicators of Luna County Communication Authority as First Responders

MOTION AND ROLL CALL VOTE

12. **New Business:**

- a. Resolution 20-17: Consolidation of Volunteer Fire Departments
- b. Resolution 20-18 Indigent Policy
- c. Luna County Information Technology and Security Policy
- d. Appointment of Freeholders Committee

MOTION AND ROLL CALL VOTE

MOTION AND ROLL CALL VOTE

MOTION AND ROLL CALL VOTE

MOTION AND ROLL CALL VOTE

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

- CCC Meeting February 25, 2020 at 4:00 p.m.
- Regular Commission meeting March 12, 2020 at 10:00 a.m.

14. **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
Wednesday, January 08, 2020**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 10:00 a.m. on Wednesday, January 8, 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 Niebles, Clerk Andrea Rodriguez, Chief Deputy Clerk Berenda McWright, Probate Judge Diana May-Diaz, Deputy Clerk Pilar Salcido, Treasurer Gloria Rodriguez, Chief Deputy Treasurer Dora Madrid, Sheriff Kelly Gannaway, Captain Michael Brown, IT Technician James Ozment, Road Department Director Marty Miller, Dispatch Director Lauree Sanchez, Supervisor Frankie Tarazon, Administrative Assistant Patricia Rodriguez, and Budget & Procurement Director/Indigent Claims Administrator Joanne Hethcox.

CALL TO ORDER: Chair Smrkovsky called the meeting to order at 10:09 a.m., and led the Pledge of Allegiance and the salute to the flag of New Mexico.

ROLL CALL: Deputy Clerk Pilar Salcido called roll. The following 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**

ELECT 2020 CHAIRMAN: Chair Smrkovsky motioned to nominate Commissioner John Sweetser as the 2020 Chairman. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote. Chair Smrkovsky turned the meeting over to the newly elected Chairperson John Sweetser. Chair Sweetser thanked Commissioner Smrkovsky for her three years of leadership.

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:

- **Regular Meeting – December 12, 2019:** Upon a motion made by Commissioner Reedy and a second by Commissioner Smrkovsky the Minutes of the December 12, 2019 Regular Meeting were unanimously approved.
- **Special Meeting – December 18, 2019:** Upon a motion made by Commissioner Smrkovsky and a second by Commissioner Reedy the Minutes of the December 18, 2019 Special Meeting were unanimously approved.

SERVICE AWARDS: County Manager Chris Brice recognized Starmax Director Tom Long for his five years of service, Mr. Long was not present to receive recognition.

PRESENTATIONS:

- **Quarterly Restrictive Housing Unit Report:** County Manager Chris Brice explained that last July a new law took effect requiring a restrictive housing report which must be submitted quarterly. The first report was presented in October. Restrictive housing is the confinement and inability of an inmate to come out of their cell for greater than two hours a day. This report indicates five individuals were on restrictive housing. This information will be uploaded to the County's website. The County Commission must be notified of any restrictive housing participants. The main reasons for individuals on restrictive housing were medical reasons with physicians' direction to not be ambulatory.
- **Colonias Infrastructure Grant Discussion by Priscilla Lucero:** Director Southwest New Mexico of Counsel of Governments and Colonias Board Member Priscilla Lucero explained that Colonias Infrastructure fund is the actual State fund which was created in 2012. Colonias, according to the State rule, is a community within 150 miles from the boarder which lacks adequate infrastructure. She explained the categories which can be applied for funding under the Colonias Infrastructure fund is water, sewer, roads, flooding control, drainage control and solid waste. The process for the Colonias Infrastructure fund is to have a letter of intent submitted so that they can get a general idea of how many applications are being received in this funding cycle. Currently in this funding cycle there is \$19,100,000 available for southern Colonias designated areas. She stated here is an opportunity for the County to look at what potential projects they would like to submit for consideration. There is a 10% required match as well as a 10% required loan component with that program but it is one that is only competitive around the Southern Colonias designated areas. To date Ms. Lucero explained there is approximately \$21,000,000 of funding request versus the \$19,100,000 available. The Luna County designated areas currently are Franklin, Sunshine, Cat Fish Cove, Keeler Farm, Village of Columbus, and a portion of the City of Deming. Other areas can be designated but must meet the requirements set by the State. The application deadline is February 17th. Although Luna County did not submit a letter of intent which was due January 3rd the County can still apply for funding. County Manager Chris Brice stated the County did not do a very good job previously preparing for the letter of intent for the Colonias grant and because of that, Mr. Brice stated Wilson & Company suggests that the County do a master drainage or road plan because that would be easiest to prepare a letter of intent. Mr. Brice stated the way to go this year is to request funding for the master drainage and roads. Then before the fall the County needs to consider what needs to be considered Colonias wise within the County he also mentioned that may change for next application time. Ms. Lucero made clear that whatever the County applies for as a master plan, it can only benefit the discussed areas.
- **New York Life Insurance Presentation by Maricela Sandoval:** Licensed Agent with New York Life Maricela Sandoval presented life insurance products offered to Luna County employees and their families going forward with individual payments versus payroll deduction.
- **Presentation on Children's Museum:** Jamie Viramontes, Adam Westenhofer, Kalyn Blazak, Chelsea Newman gave an extensive presentation regarding Play Sharity. They are seeking

\$50,000 funding from Luna County as the City of Deming will donate \$50,000 if the County commits to donation.

ELECTED OFFICIALS REPORTS: Treasurer Gloria Rodriguez reported property taxes are due on Friday, January 10th. If taxes are paid after January 10th there will be late fee and interest applied to taxes. The Treasurer's Office is currently working on the December financial report.

Diana May-Diaz reported on the end of year report. Ms. May-Diaz stated she had 136 probates for 2019, of those probates 67 had wills and 64 are without wills. Twenty-eight marriages were performed last year.

Sheriff Kelly Gannaway reported that all stats are down except for one, homicide. Overall for the month of December calls are down and on the civil side stats are also down. Yearend totals are down on the criminal side but the non-criminal stats are up which could be attributed to the paper service. Sheriff Gannaway also reported they may lose another officer to deployment soon and he is in the hiring process for a Court Security Officer. He also stated Deputy Adrian Flores will be resigning in a couple of months. Sheriff Gannaway stated that they have two trucks and a Tahoe currently being outfitted which were purchased with money from the State.

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

- The Emergency Management position has been posted and closes Friday. Interviews for this position will start in the next couple of weeks.
- Health Council gave a Census presentation to Deming Head Start, ten parents and three staff members were present. Health Council is working with Census Complete County Committee, in which 600 Census flyers were distributed to the community. The first Complete Count Committee Meeting was held recently and Yossie Niebles will be the Chair.
- DWI tracked 104 misdemeanor DWI offenders in the month, 20 individuals in teen court, 13 in Moral Reconation Therapy (MRT).
- Luna County Fire responded to one semi fire, one structure fire and three controlled burns for the month. Hose testing was conducted, approximately 1375 feet of hose failed. Luna County did not get the annual fire grant because pumps had not been tested as required. The County lost \$50,000 to \$100,000 this year because we were not doing what we should have been doing. Mr. Brice is confident current leadership in place will do what is required going forward.
- IT had 190 work orders submitted and 161 have been completed. There were seven attacks on networks this month. IT has been tremendous in helping out with the upgrades being done at the Detention Center including new phone system, new jail management software and video visitation systems.
- Planning had four new cases with code enforcement issues, one has been abated. Planning is working with the Assessor's Office to streamline the addressing process by requesting addresses on-line.

- Dispatch had 351 warrants served in Luna County and eighteen served out of the County. They had 1,200 911 calls for the month of December. State Police warrants are being transferred to State Police dispatch center on January 16th which is a huge load lifted off the dispatch department.
- Detention center booked 716 people and released 340, average day population was 419 and US Marshall inmate is 298. The per diem rate has gone from \$60 to \$75 a month which will be a huge increase on revenue generated at the detention center. Joanne Moorman, part of transport team, passed her CDL. Bridgett Vega was hired replacing Yossie's position and is working out well. The Juvenile Detention center is closing, CYFD is putting even more requirements for 2020 and we cannot afford to keep the center open. An official letter will be going out this week letting all involved know were closing the facility. Juveniles will be going to Dona Ana or Lee County going forward.
- The Road Department is still playing catch up on road repairs after recent rains. Their priorities are bus routes and high traffic areas.
- Budget and Procurement continues to catch up on Operation Stonegarden. Laura has done an amazing job on getting everything needed for reimbursement by late February. First Finance Review Committee meeting was held with Chair Smrkovsky and will be held going forward quarterly at a minimum.
- Human Resources had one new hire, four employees off-boarded for retirement, and three for separation. Personnel Action forms were submitted for the \$800 salary increase implementation.
- Starmax sales for the month of December were \$114,223.00 which is down by approximately \$30,000 from last year. Working on plans to keep smoke out of the cantina area from the kitchen.
- Community Health and Well Being - Healing House remodeling project will be starting in the near future. The County received \$250,000 of Capital Outlay for this project.

Capital outlay request forms have been submitted on time and ready to go. Mr. Brice applied to become a member of the Boarder Authority Board. The County gym has been closed, the two individuals who have personal equipment in there must remove their equipment as soon as possible. Commissioner Reedy asked Mr. Brice what is the status on the IT Policy? Mr. Brice stated it will be part of the February meeting. Commissioner Smrkovsky asked that the IT Policy be part of a work session to discuss. Mr. Brice will send a list of policies to the Commissioners so they can request what policies they would like to be involved with.

INDIGENT CLAIMS REPORT: Upon motion by Commissioner Smrkovsky and a second by Commissioner Reedy, 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 fifty-two claims totaling \$22,640.48 were processed for the month of December. The gross receipts collections totaled \$56,197.48 and the balance for Indigent Claims Fund totaled \$1,207,946.10 of that \$524,468.70 is encumbered. The total for all services and all claims for the calendar year 2019 was \$154,289.07 and the total for inmate care for 2019 was \$1,238,964.45. Commissioner Smrkovsky asked if the Indigent Claims Policy is being reviewed. Ms. Hethcox stated a meeting has been scheduled for the end of this month to start reviewing and

changing the policy prior to bringing changes to the Board. 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. Commissioner Smrkovsky seconded the motion which carried

PUBLIC COMMENT: Chair Sweetser opened the floor to public comment: Chair Sweetser stated this public comment will also include any comment regarding the CDBG public input. Chair Sweetser read the rules of public comment which states comments can pertain to agenda items only, that it is not a question and answer period and the time is limited to three minutes.

Alberta Morgan expressed concerns regarding Resolution 20-14. Her concern is how the County is coming up with the money to do work for reimbursement and if the County has enough personnel to complete the work. County Manager Chris Brice responded that much of the work will not require money up front as the Road Department employees will be doing the work. Ms. Morgan also thanked the Board of Commissions for the sleeping bags donated to Silver Lining.

Sharon Shiffner addressed the fly issue again. She stated that Keeler Farms has dumped onions the first part of November and to date, they have not covered them up. County Manager Chris Brice stated that this issue requires research prior to taking action and the County is currently researching the situation. Ms. Shiffner asked that the Board address this issue as quickly as possible.

Amanda Keeler an Honorary Board Member with Play Sharity commented that she is excited to be on the Board which is going to make a better experience for the children and future children of the community. She asked the Board to consider making recurring funding possible to continue with the work and efforts being done at Play Sharity.

Speech Language Pathologist Chris Alverpolo invited the Board to tour Play Sharity. She commented that she sees the need for this project in this community in order for growth and to have a safe place and opportunity for children to learn. She pledged that she will help with the outsourcing needed to reach the lower income families for their participation.

Arianna returned to Deming to care for her 89 year old grandmother and she works at Play Sharity. She works to honor her grandmother's legacy in early childhood education. She believes this program will help in improving this community.

Christie Ann Harvey commented on the CDBG grant and feels the chosen project of the Health Department would be an excellent selection. She stated it was an eye-opening experience for her to hear all that the Health Department actually does and feels the improvements are critical. She also stated that the support of Luna County to Mainstreet is deeply appreciated. Mainstreet is currently working with the City on a signature event which will happen July 17th through the 19th which is centered at the Salsa Festival. Professional entertainment and a Mexican rodeo at the Luna County fairgrounds is planned. Ms. Harvey also introduced her Executive Assistant Chelsea Evans.

Danielle Little commented that she fully supports Play Sharity and commented that she and her husband are licensed foster parents in this community. Ms. Little believes Play Sharity can bridge the gap for parents who are struggling with parenting and need support. She is excited to be part of the program.

Chair Sweetser called a five minute recess at 12:03 p.m. and returned at 12:17 p.m.

CONSENT AGENDA: Chair Sweetser pulled item h from the Consent Agenda for discussion under New Business. Commissioner Smrkovsky asked if the “web-site” needs to be added to Resolution 20-04. County Manager Chris Brice did not feel it had to be added as they only included the paid notices. Upon a motion by Commissioner Smrkovsky to approve the Consent Agenda moving item h to new business, and a second by Commissioner Reedy the following items of the Consent Agenda were approved unanimously following a roll call vote.

- a. Accounts Payable: \$812,107.30
- b. Payroll: \$1,138,585.05
- c. Resolution 20-01 Notice of Meetings
- d. Resolution 20-02 Timely Payments
- e. Resolution 20-03 Notice of Fees
- f. Resolution 20-04 Depositories, Board of Finance, and Media Designation
- g. Resolution 20-05 Right to Inspect Public Records
- h. *MOVED TO NEW BUSINESS ITEM J.***
- i. Resolution 20-07 Designating Treasurer to Require Collateralization
- j. Resolution 20-08 DWI Participation
- k. Resolution 20-09 ADA Grievance Procedure
- l. Resolution 20-10 Residential Displacement
- m. Oak of Office for Isreal Saenz for Deputy Sheriff
- n. Oath of Office for Adrian Flores for Investigator

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

- a. **Resolution 20-11 Budget Increases:** Budget and Procurement Director/Indigent Claims Administrator Joanne Hethcox explained there are three budget increases or decreases this month. Ms. Hethcox explained each line item in detail to the Board. Commissioner Reedy moved to approve Resolution 20-11 Budget Increases. Commissioner Smrkovsky seconded the motion which carried unanimously following a roll call vote.
- b. **Resolution 20-12 Budget Transfers:** Ms. Hethcox explained the budget transfers in detail. Commissioner Smrkovsky moved to approve Resolution 20-12 Budget Transfers. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote.
- c. **Resolution 12-13 Agreement between Luna County and Southwest New Mexico Council of Governments for Annual Membership & Appointment of Members:** County Manager Chris Brice stated that every August the resolution is done to work with SWCOG, this resolution is simply to change the name of the primary member from Mr. McSherry to himself. The first alternate is Commissioner Reedy and the second alternate will be Commissioner Smrkovsky. Commissioner Smrkovsky motioned to approve County Manager Chris Brice as the member, first alternate to be Commissioner Barbara Reedy and the second alternate to be Commissioner Linda Smrkovsky. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote.

- d. **Resolution 20-14 Supporting the Columbus Land Port of Entry Diversion Berm and Flood Control Project, In Columbus, New Mexico:** Commissioner Smrkovsky had concerns with the verbiage in this resolution “all acts and resolution in conflict with this resolution are hereby rescinded, annulled and repelled”. County Manager Chris Brice explained there are currently no resolutions or acts in place so nothing is annulled or repelled. Commissioner Smrkovsky motioned to approve Resolution 20-14 Supporting the Columbus Land Port of Entry Diversion Berm and Flood Control Project, in Columbus, New Mexico. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote.
- e. **Resolution 20-15 Limited Delegation of Authority to County Manager:** County Manager Chris Brice explained he feels there must be some sort of authority delegated to him to be able to conduct day to day business for the County. Mr. Brice stated he used the \$60,000 maximum limit amount which is also the amount for professional services that can be accepted without going to the bidding process. Commissioner Smrkovsky motioned to approve Resolution 20-15 Limited Delegation of Authority to County Manager. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote.
- f. **NM Border Authority Representation:** County Manager Chris Brice stated that through conversations with the Board of Commissioners and the fact that the previous administration can no longer represent Luna County on the NM Border Authority he requested to put himself, Chris Brice as the representative. Commissioner Smrkovsky motioned that NM Border Authority Representative to be Chris Brice. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote.
- g. **Acceptance of Roads Dedication in Rockhound Colonia:** Road Department Director Marty Miller confirmed all five roads were included in this road dedication. Commissioner Smrkovsky motioned to approve Acceptance of Roads Dedication in Rockhound Colonia. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote.
- h. **Elected Officials and Salary Survey:** Chair Sweetser entertained a motion to table this item for further review. Commissioner motioned to table this item for further review to March. Commissioner Reedy seconded the motion which carried unanimously.
- i. **Deming Animal Guardians Funding Request:** County Manager Chris Brice explained this request is so that Deming Animal Guardians can do their part to help in the local distemper outbreak and are requesting \$2,250 for distemper vaccinations which is a onetime request. Commissioner Smrkovsky motioned to approve the amended addendum (typo corrections to the original need to be made) to the Deming Animal Guardians agreement. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote.
- j. **Resolution 20-06 CDBG Annual Certifications and Commitments:** Commissioner Smrkovsky motion to approve Resolution 20-06 CDBG Annual Certifications and

Commitments. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote.

UPCOMING MEETINGS: Chair Sweetser announced the following upcoming meetings:

Complete Count Committee Meeting – January 14, 2020 @ 4:00 p.m.
Regular Meeting – February 13, 2020 @ 10 a.m.

ADJOURN: The meeting was adjourned by Chair Sweetser at 12:55 p.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

Indigent Hospital Claims Office

Chris A. Brice, County Manager

IHC Board Meeting February 13, 2020

Month	Number	Amount	Number	Denied
January	9	\$20,649.49	0	\$0.00
Feburary		\$0.00		
March		\$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	1	\$1,600.80
December		\$0.00		
Total	9	\$20,649.49	1	\$1,600.80
This Month's Total	Mimbres Memorial Hospital			\$13,785.55
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			\$500.00
This Month's Total	All Other Services			\$6,363.94
Total				\$20,649.49
Year to Date Total	Mimbres Memorial Hospital			\$13,785.55
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				\$20,649.49
Care of Prisoners This Month - Not including SNCP Funds				\$8,890.71
Care of Prisoners Year to Date Indigent - Not including SNCP Funds				\$700.00
Care of Prisoners Year to Date Inmate Prescriptions/OTC Meds				\$8,190.71
Care of Prisoners Year to Date Dr. Bills				\$0.00
Total Cost of Care of Prisoners Year to Date				\$8,890.71
Monies Received for January, 2020				\$53,892.73
Balance in IHC Fund as of January 31, 2020				\$1,285,721.21
Encumbrances as of January 31, 2020				\$524,468.70
		Date	Amount Approved	Amount Denied
	Signatures	2/13/2020	\$20,649.49	\$0.00
Barbara L. Reedy				
Linda M. Smrkovsky				
John S. Sweetser				

February 13, 2020

[illegible]

LCBCC Meeting February 13th, 2020
Accounts Payable

1/3/2020	\$90,124.23
1/3/2020	\$14,399.59
1/3/2020	\$13,009.04
1/9/2020	\$53,127.51
1/9/2020	\$15,715.68
1/9/2020	\$7,299.32
1/9/2020	\$742.83
1/16/2020	\$54,191.86
1/16/2020	\$16,882.00
1/16/2020	\$2,518.99
1/30/2020	\$330,708.61
1/30/2020	\$13,073.28
1/30/2020	\$8,415.21

P-Cards

December 2019	\$129,610.04
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Total \$749,818.19

Luna County
Board of County Commissioners

AGENDA 02/13/2020

PAYROLL

01/03/2020	Register # 20200001	\$ 492,770.21
01/03/2020	*Register # 20200002	\$ 11,970.32
01/17/2020	Register # 20200003	\$ 555,868.45
01/17/2020	*Register # 20200004	\$ 10,881.50
01/27/2020	*Register # 20200005	\$ 2,552.73
01/31/2020	Register # 20200006	\$ 529,361.90
01/31/2020	*Register # 20200007	\$ 9,409.09
01/31/2020	*Register # 20200008	\$ 1,802.66

Total \$ 1,614,616.86

* Special

**LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS**

**RESOLUTION NO. 20-16
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 13th DAY OF FEBRUARY, 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 13th day of February, 2020, the following budget adjustments are proposed and entered of record.

Budget Resolution Number 20-16

Proposed Inter/Intra FUND Budget Increase

Budget Resolution Number 20-16

Proposed Inter/Intra FUND Budget Increase

DFA
Resolution
Number

DFA
Resolution
Number

ITEM NO	Adjustment Type	Fund/ DFA Fund	Dept.	From	Amount	To	Amount	Purpose	Approved Budget Balance	Adjusted Budget Balance
One	Increase	401/11000	General Fund - Commission	401/11000	\$ 2,250.00	401-00-2144 Funding - Deming Animal Guardians	\$ 2,250.00	To pay for vaccination clinics or events per Addendum to Agreement dated January 8, 2020	\$ 10,000.00	\$ 12,250.00
Two	Increase	401/11000	General Fund - Commission	401/11000	\$ 10,000.00	401-00-2200 Funding Appropriations	\$ 10,000.00	To pay for one-time sponsorship of free two-day medical clinic event on April 25-26, 2020 at DHS including dental, medical and vision services.	\$ 6,250.00	\$ 16,250.00
					\$ 12,250.00		\$ 12,250.00		\$ 16,250.00	\$ 28,500.00

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 13th day of February, 2020.

LUNA COUNTY BOARD OF COUNTY COMMISSIONERS

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

Linda M. Smrkovsky, District 2

John S. Sweetser, District 3

ATTEST:

Entered By:

Date _____

Andrea Rodriguez, Luna County Clerk

Checked By:

Date _____



LUNA COUNTY RESOLUTION
Amended Resolution No. 20-08

**A RESOLUTION AUTHORIZING THE COUNTY TO SUBMIT AN APPLICATION TO THE
DEPARTMENT OF FINANCE AND ADMINISTRATION, LOCAL GOVERNMENT DIVISION
TO PARTICIPATE IN THE LOCAL DWI GRANT AND DISTRIBUTION PROGRAM.**

WHEREAS, the Legislature enacted Section 11-6A-1 through 11-6A-6 NMSA 1978 as amended to address the serious problems of Driving While Intoxicated (DWI) in the State; and

WHEREAS, a program is established to make grant and distribution funding available to counties and municipalities for new, innovative or model programs, services or activities to prevent or reduce the incidence domestic abuse related to DWI, DWI, alcoholism and alcohol abuse; and

WHEREAS, the county DWI planning council and other governmental entities approval must be received in order to apply for grant and distribution funding; and

WHEREAS, the County along with participating agencies is making application to the Department of Finance and Administration, Local Government Division for program funding.

NOW THEREFORE, BE IT RESOLVED by the governing body of the County of Luna that the County Chairperson, or County Manager on behalf of the County and all participating entities is authorized to submit an application for Distribution and/or Grant Fiscal Year 2021 program funding under the regulations established by the Local Government Division.

APPROVED AND ADOPTED by the governing body at its meeting of February 13th, 2020.

County Commission Chairperson

Attest:

DWI Planning Council Representative

County Clerk (SEAL)

MEMORANDUM OF UNDERSTANDING

The Luna County DWI Program (hereinafter referred to as the "Program") and the New Mexico Department of Finance and Administration/Local Government Division/Driving While Intoxicated Program (hereinafter referred to as "Division") hereby exchange the following assurances and enter into the following Memorandum of Understanding (MOU):

The Division assures:

1. That Division is in full compliance with the provisions concerning security for records and research activities in accordance with Federal Confidentiality regulations, 42 CFR Part 2.16 and 2.52.
2. That client identifying information will not be re-disclosed except back to the Program from which the information was obtained, or according to the terms of this MOU.
3. That in receiving, storing, processing, or otherwise dealing with any information from the Program about the clients in the Program, the Division acknowledges it is bound by the provisions of the Federal confidentiality regulations, 42 CFR Part 2.
4. That the Division shall undertake to resist any effort to obtain access to information pertaining to patients otherwise than as expressly provided for in the Federal confidentiality regulations, 42 CFR Part 2.
5. That the Division is not a "covered entity" as defined by the Department of Health and Human Services Regulations entitled "Standards for Privacy of Individually Identifiable Health Information", 45 CFR Parts 160 and 164, implementing the Health Insurance Portability and Accountability Act of 1996 (HIPAA); (the HIPAA Regulations).
6. That the Division shall never possess treatment or maintain any "individually identifiable health information" or transmit "protected health information" as defined by the HIPAA Regulations and in the Health Information Technology for Economic and Clinical Health Act of 2009 (HITECH Act).

The Program agrees to:

1. Upon request, provide the Division or other parties authorized with client records for those clients provided services through the Local Government Division DWI Grant Program, for the purpose of conducting outcome

monitoring research activities, and evaluation of LDWI Program interventions.

2. If applicable, comply with the requirements of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), the Health Information Technology for Economic and Clinical Health Act of 2009 (HITECH Act) and the Department of Health and Human Services Regulation entitled "Standards for Privacy of Individually Identifiable Health Information", 45 CFR Parts 160 and 164, applicable to entities covered by HIPAA; (the HIPAA Regulations).
3. Report or transmit data to the Division that deletes and contains no "individually identifiable health information" or "protected health information" as defined by the HIPAA Regulations and the Health Information Technology for Economic and Clinical Health Act of 2009 (HITECH Act).

County Commission Chairperson (or Designee)
(Please Print)

Signature

Date

Executed this _____ day of _____ 20____.

Donnie Quintana, Director
Local Government Division

STATEMENT OF ASSURANCES

Local DWI Grant and Distribution Program

Fiscal Year 2021: July 1, 2020 – June 30, 2021

The applicant hereby assures and certifies compliance with the following statutes, rules, regulations, and guidelines associated with the acceptance and use of funds under the New Mexico Local DWI Grant and Distribution Program:

1. Compliance with the provisions of the New Mexico Local DWI Grant Program Act, Sections 11-6A-1 through 11-6A-6 NMSA 1978 as amended, the NMAC Title 2, Chapter 110 Part 4 Regulations, and the approved LDWI Guidelines.
2. The applicant has the responsibility and legal authority to receive and expend funds as described in the grant and distribution project description, as well as to finance the grantee share (minimum 10%) of costs of the project, including all project overruns.
3. Compliance with the State Procurement Code, Sections 13-1-21 through 13-1-199, NMSA 1978 as amended, with the exception of Home Ruled Governments. All project-related services, activities or programs done through a service provider must be implemented through a professional services contract. Any project-related contract, subcontract, or agreement and related amendments, providing services to the grant or distribution program, must be submitted for administrative review by the Local Government Division prior to execution.
4. Adherence to all financial, accounting, and reporting requirements of the Department of Finance and Administration. Distribution programs will include the Exhibit F, the Local DWI Distribution Fund Financial Status Report. Grant programs will include the Local DWI Program Request for Payment/Financial Status Report, Exhibit D. The said reports shall include a narrative of successes and challenges, a detailed budget breakdown of expenditures to date, a summary of any fees collected and/or expended, the Screening and Tracking Report, the Managerial Data Set, Planning Council meeting agendas and minutes, and such other information following the objectives of the county's evaluation as may be of assistance to the Division in its evaluation.
5. Compliance with the requirement to not budget, nor expend, any of the grant amount awarded or the amount distributed for **indirect administrative costs** incurred during the grant or distribution fiscal period. Requests for payment or financial status reports shall document all direct program administrative expenditures and in-kind/match administrative expenditures.
6. Compliance with the requirement to not budget, nor expend, greater than **ten percent** of the grant amount awarded or the amount distributed for **capital purchases** incurred during the grant or distribution fiscal period. Requests for payment or financial status reports shall

specify all capital purchases. The **ten percent cap for capital purchases does not exist with detoxification funding grants.**

7. Compliance with all required reports, including but not limited to: the first quarter narrative and fiscal reports due on the last working day of October; the second quarter narrative and fiscal reports due on the last working day of January; and the third quarter narrative and fiscal reports due on the last working day of April; the fourth and the final quarter Grant Fiscal report due by the 10th of July and the fourth and final narrative and distribution fiscal reports for the fiscal year due the last working day of July. Annual protocols for the screening, treatment, and compliance monitoring components are due the last working day of August for the current fiscal year. The annual reports which include program evaluation are due the last working day of August for the prior fiscal year.
8. Compliance with the current Local DWI Grant Program Screening Guidelines. To avoid any conflict of interest, or appearance of conflict of interest, screeners should not be affiliated with any contracted treatment agency. Clients will be given options (a list of available providers) for alcohol related treatment and will not be *mandated* to a particular treatment agency.
9. If applicable to the applicant, compliance with the requirements of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the Department of Health and Human Services regulation entitled "Standards for Privacy of Individually Identifiable Health Information", 45 CFR Parts 160 and 164, applicable to entities covered by HIPAA; (the HIPAA Regulations).
10. Any distribution program under run amount for the fiscal year must be returned to the Local DWI Grant Fund by September 30 of the following fiscal year. Failure to remit an under run to the Local DWI Grant Fund will cause suspension of grant reimbursements and/or future distributions until the remittance is made.
11. Grant program under runs revert to the Local DWI Grant Fund.
12. Compliance with all applicable conditions and requirements prescribed by the Division in relation to receipt/accountability of state General Funds.
13. The grant applicant will follow the scope of work for the grant program, as negotiated with the Local Government Division, and in accordance with the local planning council's approved plan. The applicant will submit any proposed modifications/amendments to the scope of work to the Division for its approval, prior to execution.
14. The distribution program applicant will follow the local planning council's application as approved by DWI Grant Council in the application review process. The applicant will submit any proposed modifications/amendments to this proposal to the Division for its written approval, prior to execution of changes to programs.

15. Compliance with conflict of interest prohibitions whereby no member, officer, or employee of the grant or the distribution program, or its designee or agents, no voting member of the local planning council or of the governing body of the locality in which the program is situated, and no other public official of such locality who exercises any functions or responsibilities with respect to the program during his/her tenure (or for one year thereafter) shall have any interest, direct or indirect, in any contract or subcontract for work to be performed in the program. The grant and/or the distribution program shall incorporate, in all such contracts or subcontracts, a provision prohibiting such interest pursuant to the purposes of these stated provisions.
16. Compliance with the maintenance of records as will fully disclose the amount and disposition of the total funds from all sources budgeted for the grant or distribution agreement period, the purpose of undertaking for which such funds were used and the amount and nature of all contributions from other sources, and such other records as the Division shall prescribe. All Program records must adhere to the New Mexico State Records Center and Archives Rule for Functional Retention and Disposition Schedule, 1.21.2 NMAC.
17. The applicant will provide access to authorized State officials and representatives of all books, accounts, records, reports, files, and other papers, things, or property pertaining to the project in order to make audits, examinations, excerpts and transcripts.
18. The applicant will provide DFA's auditor and evaluator timely access to all program records and information. Additionally, the applicant will assure that records of subcontractors working for the applicant are retained and made available to DFA's auditor and evaluator.

John Sweetser

County Commission Chairperson (or Designee) (Please Print)

Signature

Date

Be it remembered that at the Regular Meeting of the Luna County Board of County Commissioners in Deming New Mexico, on the 13th day of February, 2020, the following proceedings were had and entered of record.

PROCLAMATION 20-01

RECOGNIZING 911 TELECOMMUNICATORS

WHEREAS, the Board of County Commissioners of Luna County recognizes that Luna County's 911 Dispatchers are Public Safety Telecommunicators and are vital components in the spectrum of emergency response personnel by serving as the first, first-responders in emergencies and the link between the citizens and the various emergency services and acknowledges that these selfless individuals make life-saving, split second decisions that greatly influence the outcome of the situations and incidents being called into the Luna County Central Dispatch;

WHEREAS, the Board of County Commissioners of Luna County recognizes that Luna County's 911 Dispatchers provide care and compassion to our citizens, often in their worst and most horrific moments and serve as the lifeline for first responders in the field making PTSD and vicarious trauma a real issue for those in the 911 telecommunicator profession;

WHEREAS, the Board of County Commissioners of Luna County recognizes that Luna County's 911 Dispatchers serve as the community's safety intelligence resource through the collection, analysis and distribution of data and information to public safety officials who might not otherwise have timely access to or be aware of such critical data and information;

WHEREAS, the Board of County Commissioners of Luna County recognizes that Luna County's 911 Dispatchers must undergo background checks and extensive training and obtain certification to perform their jobs;

WHEREAS, the Board of County Commissioners of Luna County realize that Public Safety Communicators perform their duties with little or no formal, legal protection or individual sovereign immunity and that the performance of their critical public safety duties are not recognized as "Protected Services", but instead are classified as "Clerical"; and

WHEREAS, the Board of County Commissioners of Luna County support the national effort to recognize 911 Telecommunicators as first responders and reclassify them as "Protected Services".

NOW, THEREFORE, BE IT PROCLAIMED, by the Board of County Commissioners of Luna County, on behalf of employees and citizens of Luna County, that

they recognize the dedication of individuals serving as Luna County 911 Dispatchers and support the official reclassification as “Protected Services”.

Done at Deming, New Mexico this 13th day of February, 2020

Luna County Board of County Commissioners

ATTEST:

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

Andrea Rodriguez, County Clerk

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

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

Be it remembered that at the Regular Meeting of the Luna County Board of County Commissioners in Deming New Mexico, on the 13th day of February, 2020, the following proceedings were had and entered of record.

RESOLUTION 20-17

CONSOLIDATION OF LUNA COUNTY FIRE DISTRICTS

WHEREAS, the New Mexico Fire Protection Fund Law, Section 59A-53-5, NMSA 1978, authorizes County Commissions to establish one or more county fire districts;

WHEREAS, by Resolution 15-57, the Board of County Commissioners of Luna County established two main districts or departments, namely Sunshine Fire Department and including a Florida Mountain Substation, and Cooke's Peak Fire Department;

WHEREAS, the Board of County Commissioners desires to increase the safety of the citizens by increasing the efficiency and effectiveness of the Luna County Volunteer Fire services by consolidating all existing departments and districts into a single Luna County Volunteer Fire District;

WHEREAS, Luna County employs a Fire Chief whose duties include designation and maintenance of fire stations and substations and the deployment of necessary assets to each;

WHEREAS, Luna County, at the recommendation of the State Fire Marshal, currently maintains two main fire departments, No. 1, Cooke's Peak Fire Station, and No. 2, at the Sunshine Fire Station, with a substation at Florida Mountain;

WHEREAS, the Columbus Volunteer Fire Department is a separate entity operating in the Village of Columbus, and by virtue of a Joint Powers Agreement wherein the Columbus VFD provides volunteer fire protection and emergency medical services for southern Luna County in exchange for funding from the Board of County Commissioners of Luna County and is not the subject of this Resolution;

WHEREAS, it is in the best interests of the County and its citizens to consolidate and operate all Luna County Volunteer Fire services under a unified fire district, excluding the Columbus VFD; and

WHEREAS, all funds from the Fire Protection Fund of New Mexico shall be expended as required by and specified pursuant to the Fire Protection Fund Law.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Luna County consolidate the Sunshine and Cooke's Peak Fire Districts/Departments into the Luna County Volunteer Fire District with fire stations and

substations to be designated by the Fire Chief, pursuant to recommendations of the State Fire Marshall.

BE IT FURTHER RESOLVED that the Luna County Volunteer Fire District shall provide mutual assistance, pursuant to Section 59A-53-17, NMSA 1978, with other fire districts and shall enter into mutual assistance agreements with such districts, including but not limited to the Columbus VFD, Grant, Hidalgo, Sierra and Dona Ana Counties, the Bureau of Land Management, and such other entities as the Luna County Fire Chief or State Fire Marshall deems necessary and appropriate.

BE IT FURTHER RESOLVED that the Luna County Volunteer Fire District shall, if eligible, participate as a member jurisdiction in the Intrastate Mutual Aid System, created pursuant to the Intrastate Mutual Aid Act, Sections 12-10B-1 to 10, NMSA 1978.

Done at Deming, New Mexico this 13th day of February, 2020

Luna County Board of County Commissioners

ATTEST:

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

Andrea Rodriguez, County Clerk

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

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

Luna County Resolution

No. 20-18

REPLACES

Luna County Resolution No. 13-28

Luna County Indigent Health Care Program Policy and Procedures

Effective as of March 1, 2020

Approved by the Luna County Board of County
Commissioners on
February 13, 2020

Mission Statement

The Luna County Indigent Health Care Program's mission is to promote the health and well being of residents of Luna County through programs which improve access and availability of health care services in the community.

Vision Statement

The vision of the Luna County Indigent Health Care Program is to improve the quality of life in Luna County by identifying and addressing the health care needs of the residents of Luna County through collaboration with community partners.

INTRODUCTION

The Luna County Indigent Health Care Program (“IHC”) is a program administered by the Board of County Commissioners, in its capacity as the Indigent Hospital and County Health Care Board (“Board”). The IHC program was established in accordance with the Indigent Hospital and County Health Care Act, NMSA 1978, §27-5-1 through 27-5-18 (“Indigent Act”).

The program provides assistance to medically indigent patients (“Patients”) who are residents of Luna County for authorized costs of ambulance and health care services (“Services”) provided by IHC designated health care providers (“Providers”). Providers eligible for IHC funding include in-state ambulance services and in-state hospitals licensed by the New Mexico Department of Health. Services may include in-patient and/or out-patient hospital services. Out-patient hospital service may include diagnostics, such as labs and radiology, limited to Mimbres Memorial Hospital.

The Program shall also be utilized for Primary Care Services, Physicians and for other services as deemed necessary by the IHC Administrator for individuals held at the Luna County Detention Center. This includes providing for payment of medical claims by individuals committed to the custody of the Luna County Detention Center.

SECTION 1

THE APPLICANT AND APPLICATION

The applicant must be the Patient. If the Patient is a minor, a parent or legal guardian having legal custody must file the application. In the event of the death of the Patient, the applicant shall be either the surviving spouse or the executor or administrator of the estate. If the Patient is incapacitated, the applicant shall be the guardian, conservator, or other legally responsible party.

The application process and income verification for Patients who have received Services by any Provider within Luna County will be processed and submitted by those institutions in cooperation with the Luna County IHC Coordinator(s). In some cases, Patients may apply directly to the IHC program office, but in either case, reimbursement is always made to the Provider directly.

The Provider staff shall provide application materials, schedule an interview with each Patient, and provide assistance in completing the application and verification process. The Provider staff shall ensure that the application is complete and all necessary verification documents to prove eligibility are attached. The Provider staff shall attach a claim statement and itemized bill to each application and submit the claim to the IHC staff at 700 South Silver Avenue, Deming, NM 88030. A separate application and claim must be filed for each Patient. No application will be accepted by the Provider staff prior to the Patient receiving Services. Failure to properly complete the application or to provide eligibility documentation may result in denial of the claim. Applications for Services by Providers outside of Luna County must be submitted by the Patient directly to the IHC staff for processing.

The Patient must sign a verified statement of qualification which shall constitute an oath of the person signing it, and any false statements in the verified statement made knowingly constitute a felony. All claims and applications and any information contained therein shall be subject to verification by the IHC staff.

Applications are valid for one year from application date, except in certain cases where the IHC staff finds that information must be updated with each claim.

Where Services have been rendered to a person incarcerated in Luna County Detention Center, or to a Patient who is unable to provide traditional documentation to verify eligibility, the program/facility administrator or representative may attest to the Patient's indigency and residency; provided that the means of determining eligibility shall be part of his or her record at that facility and shall be available for auditors upon request.

SECTION 2

THE INDIGENT PATIENT

*In order to be eligible for IHC program assistance, a Patient must be medically indigent as defined by New Mexico Statute §27-5-4 C., must be a resident of Luna County and must **not** be eligible for Medicaid.*

Individuals committed to the custody of the Luna County Detention Center shall be considered medically indigent for the purposes of this policy.

A Patient who has received Services from an IHC designated Provider, and who can normally support himself/herself and dependents on present income and available liquid assets, but, taking into consideration this income and those assets and the requirement for other necessities of life for himself/herself and dependents, is unable to pay the costs of ambulance transportation or medical services or both is defined as medically indigent. As provided by the Luna County Commission "it shall not include any person whose annual income together with his spouse's annual income totals an amount which is fifty percent (50%) greater than the per capita personal

income” for New Mexico as shown for the most recent year available in the survey of current business published by the United State Department of Commerce. See Attachment A for the income limits.

The term Patient includes a minor who has **been denied Medicaid**, and has received Services from a Provider, and whose parent or the person having legal custody of that minor would qualify as a Patient if they received Services from a Provider.

“Necessities of life” is defined to include the costs of food, shelter, clothing, utilities and vehicle/transportation expenses.

Luna County IHC Board has set financial guidelines dealing with income and assets, in addition to residency requirements, in order to determine if a Patient is eligible for IHC assistance.

SECTION 3

THIRD PARTY LIABILITY

If there is a liability claim pending such Workman’s Compensation, a lawsuit due to bodily injury, or another third party claim, IHC claims will be processed and held by IHC staff until information detailing the outcome of such liability claims is provided. The Patient must demonstrate that no other source of payment exists. If the Patient has or plans to file a personal injury lawsuit, the application must agree to subrogation.

Failure of the Patient to have available Health Care insurance through their employer or private source shall not be considered by the Board to determine eligibility.

SECTION 4

OTHER ASSISTANCE PROGRAMS

The IHC Program is the payer of last resort. The Provider staff shall make all reasonable efforts to determine whether or not the Patient is eligible under any other public or private assistance program, such as Medicaid, Medicare or Indian Health Services.

The Provider staff shall require the Patient to apply for medical assistance through all agencies available. The Patient shall provide a letter from such agencies determining the approval or denial and this shall be part of the verification process. Failure to cooperate in seeking assistance through other government agencies will be grounds for denial of the IHC claim.

A Provider shall not be paid by the IHC funds for any costs when the Patient has been determined by the Human Services Department to be eligible for Medicaid or any other assistance form HSD.

If a Patient has applied for assistance under the New Mexico Crime Victims Reparation Commission, the State requires that all collateral sources such as health insurance and programs such as the IHC Program be exhausted before assistance may be granted. In these cases, the Crime Victims Reparation Commission is the payer of last resort.

SECTION 5

RESIDENCY

The Patient must be domiciled in Luna County continuously and without interruption for at least three months (90 days) prior to the date of Service. U.S. Citizenship is not required; however, non-citizens must provide resident alien status. Only those individuals who have demonstrated that they are a permanent legal resident may be eligible to receive assistance from the IHC. Patients who reside out of the county for periods of time on a temporary basis, including temporary employment, job training, and full time students with intent to return to the county of residence may be considered for IHC assistance based on the weight of the evidence presented to the Board. Under certain circumstances, the Patient may be asked to show intent to remain in Luna County.

Residents of Luna County who are full time students attending school in New Mexico but out of Luna County **may** qualify for IHC assistance. Such Patients will be taken into consideration on a case-by-case basis.

A minor child is eligible for IHC assistance only if his/her custodial parent resides in Luna County and only if the custodial parent would qualify to receive IHC assistance. If only one of the parents of a minor child of separated or divorced parents resides in Luna County, the applicant must produce any Separation Agreement or Divorce Decree which pertains to the custody of the minor child and to the responsibility for payment of medical expenses.

SECTION 6

ASSETS

“Liquid assets” are defined to include cash and all other funds in checking accounts, savings accounts, certificates of deposit, credit union accounts, stocks, bonds, equity in real estate (other than the Patient’s primary home), and trusts.

The asset limit for a household of one is \$10,000.00; for a household of two is \$20,000.00; and for a household of three or more is \$30,000.00. The asset limit for widow/widowers is \$20,000.00.

Exempt all liquid assets if the medical bill(s) exceed the amount of savings of the household.

Exempt all or part of allowable asset limit if a Patient has high medical costs due to a catastrophic illness or injury. The Patient is required to provide a doctor's report stating the nature of the illness or injury, and the Patient's prognosis.

Life insurance shall be exempted.

Assets may be spent down to allowable limits by paying doctor bills, other medical expenses or burial expenses not covered under the IHC Program. Documentation must be provided.

SECTION 7

INCOME VERIFICATION/COMPUTATION

The gross income based on the number of individuals in the household unit size cannot exceed 150% of the Per Capita Income for New Mexico.

If the Income Level is equal to or greater than the Personal Per Capita Income for New Mexico residents, as set forth in NMSA 1978 §27-5-4, then the Patient is not designated as an "indigent patient."

For the purpose of determining household unit size, household members to be included are the Patient, the Patient's spouse, and the Patient's Legal Dependents. All Patients may be required to provide tax returns, check stubs, award letters, profit/loss statements, trust documents, etc. to the Provider or IHC staff as part of the income verification process. All sources of income, earned or unearned by the household may be considered.

Current income will be considered as income received twelve months prior to the date of Service, the twelfth month will be the month of the date of Service. The income of a deceased Patient will not be included.

Additional relevant information may be required by the IHC staff and may be requested by telephone and/or by a letter allowing up to thirty (30) days for the applicant to respond to such a request. Failure to comply will result in the claim being administratively deleted or submitted by the IHC staff to the Board with a recommendation of denial.

Special Circumstances:

- A. If the applicant is an unwed mother, the annual income of the father of the baby is included as the spouse's annual income when calculating the combined annual income.
- B. Unwed couples who are living together are treated the same as married couples. Their annual incomes are combined.
- C. Couples who have been separated or divorced for less than twelve months count all income for twelve months prior to hospitalization as combined annual income.

Extenuating Circumstances: Approval may be granted in cases where the Patient's household experiences a loss of income or has high medical debt due to extenuating circumstances such as, but not limited to, a catastrophic illness or injury of a household member. The Patient may be required to provide a doctor's report stating the nature of the illness or injury, and the Patient's prognosis. IHC staff may recommend approval for the full period of eligibility, or for a one-time payment for the submitted claim or episode, based on the weight of evidence received and documentation provided by the Patient.

Income Computation:

The tax return for the prior year is the basis for determining income in most situations. Whatever is stated to the IRS will apply on dependency and income, unless status has changed. No deductions will be made for number of dependents in the household.

- A. If the applicant has been steadily employed, use the prior year's tax return, and/or payroll check stubs for twelve months prior to hospitalization. Employers' letter of income verification may be needed.
- B. If the applicant has had variable employment, use the three prior years' tax returns, payroll check stubs for twelve months prior to hospitalization and verification of income by letters from employers.
- C. If the applicant is self-employed, income is the net profit or loss shown on Line 33, Form 1040 of Schedule C, plus any other income available from other sources.
- D. If the applicant is a farm-laborer or occasional part-time employee, use the prior year's income tax return unless the applicant can provide proof of income for each of the twelve months prior to hospitalization.
- E. If the Patient is a dependent (at any age) and the dependent has income, then the dependent's income may be included with the income calculation.
- F. If the Patient is a dependent (at any age), the parent's or guardian's income is considered in the income calculation.
- G. Depreciation is not an allowable deduction to income.
- H. Unearned income shall be verified by income tax returns, award letters or viewing checks. Worker's Compensation and Unemployment Compensation shall be counted as unearned income.
- I. Two or more households may be living under one roof but are not one economic unit. This can best be established by their income tax returns which will determine if the income(s) will be considered one household.

SECTION 8

SMALL CLAIMS

IHC Claims from any Provider in the amount of \$100.00 or less will not be considered for payment by the IHC Program.

SECTION 9

LIMITATIONS ON IHC PAYMENTS

An eligible applicant may receive up to \$21,000.00 total for all hospitalization and emergency transport services per fiscal year (July 1 through June 30). The fiscal year shall be determined by the date of Service. Claims are accepted for the current fiscal year and the previous two fiscal years. Claims for services provided prior to the previous two fiscal years will not be accepted.

Services are reimbursed on the following rates:

Hospitalization:

- A. Mimbres Memorial Hospital – up to \$10,000.00 annually, with the single visit minimum of \$100.00 or greater. Room rates must be semi-private. Reimbursement is paid at Medicaid eligible rates.
- B. Any New Mexico Hospital – up to \$5,000.00 annually, with a single visit minimum of \$100.00 or greater. Payments for Services provided outside of Luna County is limited to medically necessary inpatient hospital claims reimbursed at the Medicaid rate, but not to exceed the limitations set forth herein.
- C. Any non-New Mexico hospital – no reimbursement.
- D. Hospitalization Direct Services – up to \$5,000.00 annually, for any fees directly incurred during a hospital or emergency room visit. Direct Services include physicians' fees, pathology fees, lab fees which are billed separately from the hospital facility. Reimbursement is paid directly to providers at Medicaid eligible rates.

Ambulance/Emergency Transport Services:

Emergency transport services (ground or air) may be reimbursed at a maximum of \$1,000.00 per claim. The transport of a Patient must be by an approved New Mexico certified ambulance provider. The expense incurred includes the care and transport of a patient to the “nearest” hospital.

The IHC fund is not intended to serve as reimbursement to the Patient/guarantor for payments previously made to the Provider by the Patient/guarantor.

Payments from the IHC fund shall not be considered for:

- A. Elective services, or Services not considered a medical necessity; or
- B. Treatment which includes a more expensive procedure or product when a less expensive procedure or product is available; or
- C. Work-related injuries that are covered by the New Mexico Workers' Compensation Act; or
- D. Services that have been determined by the New Mexico Human Services Department to be eligible for Medicaid reimbursement; or
- E. Medicare and other third-party insurance deductibles and co-pays, except for Services rendered at Mimbres Memorial Hospital.

Primary Care Services:

Primary Care Services are provided for individuals committed to the custody of the Luna County Detention Center for the basic or general health care needs of the detainees. Services may be provided by a licensed medical doctor, certified registered nurse anesthetist, certified nurse practitioner, osteopathic physician, dentist, optometrist or expanded practice nurse when providing emergency services, as determined by the IHC Administrator, in a hospital to an indigent patient; or a licensed medical doctor or osteopathic physician, dentist, optometrist or expanded practice nurse when providing services in an outpatient setting, as determined by the IHC Administrator, for individuals committed to the custody of the Luna County Detention Center.

The IHC Administrator may allow other services which will benefit individuals committed to the custody of the Luna County Detention Center as deemed necessary.

For individuals committed to the custody of the Luna County Detention Center, approvals or reimbursements of IHC Funds by the County shall be made to eligible medical providers based on the entirety of the actual billed charges or one hundred percent (100%) of the Medicaid rate, whichever is the lessor thereof, for eligible treatment. Charges shall be submitted on itemized bills with the treating diagnosis from the medical provider. The charges for such services shall not exceed the normal charges to other patients. Charges that do not have Medicare rates assigned to them will be reimbursed to the medical providers at a rate of 50% of the lowest contracted rate available. Approvals or reimbursements will be made to medical providers after obtaining authorization from the IHC Board.

All payments for any services are limited to funding availability. A claim made to the Board for payment for the care of an indigent patient shall not expire or become invalid because of a lack of money in the fund during any fiscal year but shall be carried over into the ensuing fiscal year.

Other services will be prioritized and reimbursed as allowed by NMSA §27-5-13 and as approved and reviewed by the Board on a case-by-case basis.

SECTION 10

PATIENT/APPLICANT RESPONSIBILITIES

Proof of financial eligibility and residency is the responsibility of the Patient. Failure to provide the required information may lead to denial of the application by the IHC staff. It is also the responsibility of the Patient to provide proof of all means of support from all sources.

SECTION 11

RIGHTS AND DUTIES OF PROVIDERS

Providers shall comply with the standards of the federal Health Insurance Portability and Accountability Act of 1996 ("HIPPA").

Required Filings:

Prior to filing any claim with the Board every Provider shall place on file the following information per NMSA 1978 §27-5-11 (A):

1. Current data, statistics, schedules and information deemed necessary by the Board to determine the cost for all Patients in that hospital or cared for by that health care provider or tariff rates for charges of an ambulance service; and
2. Proof that that Provider is licensed under the laws of this state or any state or other governmental entity in which the health care provider operates; and
3. Any other information or data that may be deemed necessary by the Board.

NMSA 1978 §27-5-11 (B): A sole community provider hospital requesting or receiving Medicaid Sole Community Provider hospital payments shall:

1. Accept **indigent** patients and request reimbursement for those patients through the appropriate county indigent fund. The responsible county shall approve requests meeting its eligibility standards and notify the hospital of such approval;
2. Confirm the amount of payment authorized by each county for indigent patients, to that county for the previous fiscal year, by September 30 of each calendar year;
3. Negotiate with each county the amount of indigent hospital payments anticipated for the following fiscal year by December 31 of each year; and
4. Provide to the department prior to January 15 of each year the amount of the authorized indigent hospital payments anticipated for the following fiscal year after an agreement has been reached on the amount with each responsible county and such other related information as the department may request.

The Provider staff shall provide the Patient with a list stating the documents that are needed to provide the information necessary to complete the verification process.

The Provider staff is responsible to specify the date by which documentation must be provided. Care will be exercised to allow a reasonable length of time, not to exceed ninety (90) days, for the applicant to gather all necessary documentation. If the patient requests additional time, the request may be honored, but the Patient must specify a reasonable date which may not exceed 15 days of the date of the request. If the information is not provided, the claim may be submitted to the IHC staff with a request for a denial.

To verify applications:

The Provider staff will verify the applications by gathering documentation for the information given on the application form. All claims will be submitted to the IHC staff for presentation to the IHC Board for review.

The amount approved for payment from the IHC Funds shall be accepted and deemed by the Provider as payment in full. Any collection action against the Patient for any portion of the bill not covered by IHC Funds is prohibited.

SECTION 12

IHC STAFF RESPONSIBILITIES

The IHC staff will retain computerized case records for a period of not less than five (5) years. Case records will be periodically purged when it is evident that the information is no longer valid or necessary and the time limitation for retention of records has expired.

The IHC staff will request from the Finance Department a warrant for payment of approved claims on a monthly basis.

The Luna County Treasurer's Office and the Business Office for Luna County shall maintain all IHC records of payment.

Confidentiality:

- A. The IHC staff shall comply with the standards of the federal Health Insurance Portability and Accountability Act of 1996 ("HIPPA").
- B. All records dealing with physical or mental examinations or medical treatment of patients are not public records and shall remain confidential unless otherwise provided by law.

SECTION 13

AUTHORITY OF THE BOARD

The IHC Board has complete authority to authorize payment from the IHC Fund.

The Board shall state in writing the reason for rejecting or disapproving any claim to the applicant via the IHC staff and provide a copy of that determination to the Provider.

The IHC Board may under extenuating circumstances deemed appropriate, increase or decrease any payment on behalf of an indigent patient.

SECTION 14

OPEN MEETINGS LAW

The meeting of a Board quorum which is held for the purpose of approving, denying, hearing appeals of Patients, or to discuss other business within its authority shall be held in compliance with the Open Meetings Law. The Board may use a numbering or lettering system to keep confidential the identity of the individual whose claim is being discussed.

SECTION 15

APPEALS

If denied a claim, an applicant may appeal the decision in writing to the Indigent Funds Claims Board within 30 days of notification of denial. A written appeal should be addressed to:

Indigent Funds Claims Board

PO Drawer 551

Deming, NM 88031-0551

The Claims Administrator will inform the applicant in writing of the time and place of the applicant's hearing with the Indigent Funds Claims Board. The Claims Administrator may also request additional information at that time.

A meeting of the Indigent Claims Funds Board is held for the purpose of hearing the appeals of applicants. The Board may use a numbering or lettering system to keep confidential the identity of the individual whose claim is being discussed, unless the appealing applicant wishes to address the Board.

All decisions of the Board are final.

The Patient will be notified in writing within 10 days of the Board's decision. If the Board upholds the eligibility denial, the Patient has the right to file an appeal with District Court.

LUNA COUNTY BOARD
OF COUNTY COMMISSIONERS

Barbara L. Reedy, District One

Linda M. Smrkovsky, District Two

John S. Sweetser, District Three

ATTEST:

Andrea Rodriguez, Luna County Clerk

ATTACHMENT “A”

INCOME LIMITS

Based on the 2017 “Per Capita Personal Income” for New Mexico:

Household of 1	\$37,966
Household of 2	\$42,522
Household of 3	\$47,625
Household of 4	\$53,340
Household of 5	\$59,741
Household of 6+	\$66,909



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

Department. Systems purchased with special funds or through grant funding and federal/state share funding arrangements may not be subject to reallocation.

Employees are prohibited from storing personal data on County computers. All data stored on the system are County property and may be subject to New Mexico Open Records Act. There is no right to privacy in such files, and they may be accessed, read, downloaded, or deleted in the County's regular course of business.

In order to comply with NIST (National Institute of Standards of Technology) 800-128 & 800-53 CA-1 & SI-4 the Information Technology Department is authorized to monitor all electronic mail, files, Internet usage and user activity through regular computer and network maintenance.

Luna County has the right to disclose employee e-mail messages, instant message or Internet records to law enforcement or government officials or to authorized parties, without notification or permission from the employees sending or receiving the messages.

Standard Opening and Closing Account Procedure

In order to comply with NIST 800-53 IA-1, PS-4, & PS-5 and ensure access to computer systems is appropriately requested, approved, granted, terminated, and reviewed on a regular basis. Management of computer accounts is critical in protecting sensitive data and minimizing risks and liability to the County.

Therefore, the Department Director shall provide a written request to the Information Technology Department for a new employee/intern/volunteer, stating their full name, department, start date, and employee number, two (2) weeks in advance, to allow the Information Technology Department reasonable time to have equipment ready. In order to comply with NIST 800-53 AT-1 & AT-2, on start date an IT technician shall meet with employee/intern/volunteer to get a signature hardware agreement signed, and have a one on one tutorial on the equipment issued to him/her.

Human Resources Department shall provide a written request to the Information Technology Department of an employee/intern/volunteer account closure, stating their full name, department, final date, and employee number five (5) business days in advance to their final day of employment to allow the Information Technology Department reasonable time to make a reasonable effort to protect the data's integrity. In turn the Information Technology Department will notify in writing the Human Resources Department that equipment and data is accounted for to the IT Department's best knowledge. If prior notice cannot be given, the Information Technology Department shall be notified immediately in order to protect the data integrity and equipment.

E-Mail & Instant Messaging

E-mail is the ability to compose and distribute messages, documents, files, software or images by electronic means over a phone line or network connection. This includes internal and external e-mail.

Instant Messaging (IM) is a software utility that allows users connected to the Internet or county network to send text messages and files between other IM users.

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**

AMENDMENT TO

Luna County Resolution

No. 13-28

The Luna County Board of County Commissioners desires to amend certain Section 1 of the Luna County Indigent Health Care Program Policy and Procedures Manual to include the following paragraph at the end of Section 1:

SECTION 1

THE APPLICANT AND APPLICATION

In order to comply with the Affordable Health Care Act, all patients applying for Indigent Funds must first participate in the application process for the New Mexico Health Exchange. Any patient refusing to participate in the application process for the New Mexico Health Exchange will not be eligible for Luna County Indigent Funds.

LUNA COUNTY BOARD
OF COUNTY COMMISSIONERS

By J. Jay Spivey
Jay Spivey, Chairperson

ATTEST:

Andrea Rodriguez
Andrea Rodriguez, Luna County Clerk

Mission Statement

The Luna County Indigent Health Care Program's mission is to promote the health and well being of residents of Luna County through programs which improve access and availability of health care services in the community.

Vision Statement

The vision of the Luna County Indigent Health Care Program is to improve the quality of life in Luna County by identifying and addressing the health care needs of the residents of Luna County through collaboration with community partners.

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LUNA COUNTY BOARD
OF COUNTY COMMISSIONERS

By _____
Jay Spivey, Chairperson

ATTEST:


Andrea Rodriguez, Luna County Clerk

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FREEHOLDERS LIST

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3. Rick Holdridge
4. Jim Massingale
5. Alexi Jackson
6. Kevin Zachek
7. Diane Zachek
8. Cass Keeler
9. Cole Viramontes
10. Raymond Viramontes
11. Ray Tolman
12. Larry Hooper
13. Bill Johnson
14. Joe Johnson
15. David McSherry
16. Leedrue Hyatt