

LUNA COUNTY BOARD OF COUNTY COMMISSIONERS

**Barbara L. Reedy
Member**

**Linda M. Smrkovsky
Chairperson**

**John S. Sweetser
Member**

**Thursday, March 14, 2019
10:00 a.m.
Regular Meeting
Luna County Courthouse**

1. **Call to Order:** Chair Smrkovsky to commence meeting (At this time, please silence your cell phones and any other electronic devices) Pledge of Allegiance, State Pledge.
2. **Roll Call:**
3. **Approval of Agenda:**
4. **Minutes:**
 - a. Special Meeting, Monday, February 4, 2019
MOTION AND VOTE
 - b. Special Meeting, Friday, February 8, 2019
MOTION AND VOTE
 - c. Work Session, Thursday, February 14, 2019
MOTION AND VOTE
 - d. Regular Meeting, Thursday, February 14, 2019
MOTION AND VOTE
 - e. Special Meeting, Wednesday, February 20, 2019
MOTION AND VOTE
 - f. Special Meeting, Friday, February 22, 2019
MOTION AND VOTE
 - g. Special Meeting, Thursday, February 28, 2019
MOTION AND VOTE
5. **Elected Officials Report:**
6. **Interim County Manager's Report:**
7. **Indigent Claims Report:**
 - a. Recess as County Commission, Convene as Claims Board
MOTION AND VOTE
 - b. Presentation of Claims Report by Joanne Hethcox \$14,781.78
 - c. Consider Claims dated March 14, 2019
MOTION AND VOTE
 - d. Recess as Claims Board, Re-Convene as County Commission
MOTION AND VOTE

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

9. **Consent Agenda:**

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

MOTION AND ROLL CALL VOTE

10. **Presentations:**

- a. New Mexico Counties Services Presentation

11. **New Business:**

- a. New Mexico Counties TrueConnect Loan Benefit Program Agreement

MOTION AND VOTE

- b. New Mexico Counties Company Nurse Program

MOTION AND VOTE

- c. 2019 Annual Certified County Maintained Mileage Report

MOTION AND VOTE

- d. Intergovernmental Transfer Agreement

MOTION AND VOTE

- e. Resolution 19-17 – Acceptance and Approval of the FY18 Audit

MOTION AND VOTE

12. **Executive Session:**

Executive Session to discuss Pending Litigation Matters pursuant to §14-2-1 (H)(7)
(Livingston; Edwards; Hernandez)

MOTION AND ROLL CALL VOTE

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

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

Regular Meeting- April 11, 2019 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
SPECIAL MEETING
LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS
Monday February 4, 2019**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in Special Session at 9:00 a.m. on Monday, February 4, 2019 in the County Commission Chambers of the Luna County Courthouse, Deming, New Mexico, for the purpose of conducting any and all business to come properly before the Board.

The following staff and elected officials were present: Interim County Manager Glory Juarez, Administrative Assistant Erica Carlos, IT Technician Henry Bukurson, Attorney Charles Kretek, Chief Deputy Clerk Berenda McWright, Deputy Clerk Pilar Salcido, Assessor Michelle Holguin, Chief Deputy Assessor Isabelle Enciso, Budget & Procurement Director/Indigent Claims Administrator Joanne Hethcox, and Emergency Services Director Mark Jasso.

CALL TO ORDER: Chair Smrkovsky called the meeting to order at 9:00 a.m. and led the Pledge of Allegiance and the salute to the flag of the State of New Mexico.

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

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

Discussion Items:

- a. **Change in Employee Annual Evaluation and Annual Employee 2% Increases:** Chair Smrkovsky expressed concerns that the implementation of the 2% increase across the board in January may not have been fair to all employees. Commissioner Reedy read the policy created September 4, 2015 by Charles Jackson which clarifies 2% increase, but the County isn't following the intent of the increase. Commissioner Reedy feels we are not using the evaluation tools as they were meant to be used by giving the 2% increase across the board. Interim County Manager Glory Juarez explained that back when Mr. Sutherland was the manager, the County had an evaluation process in place where increases were given anywhere from a 1.5% to 3% depending on evaluation results. It turned out everyone was getting a 3% increase regardless. The County budgeted a 2% hoping that 1.5% to 3% would balance out. What was happening is that the Directors and Elected Officials weren't doing the evaluations properly due to lack of training. Ms. Juarez also explained that she moved forward with the decision made by the previous County Manager Ira Pearson and Budget & Procurement Director Joanne Hethcox to give the 2% increase across the board. The HR Director is responsible for making sure evaluations are getting done. Ms. Reedy would like to see Directors and Elected Officials being trained to evaluate their employees properly. Ms. Juarez responded that she would like to get a

Committee in place to put together an evaluation process, then a training plan can be implemented. Ms. Juarez also mentioned if she needs to go outside for help she will.

- b. **Silver Spikes Legislative Event in Santa Fe:** Chair Smrkovsky would like to have a display table set up at Silver Spikes Event with pictures of any current and upcoming projects going on in Luna County. Interim County Manager Glory Juarez agreed to put a display together for the event.
- c. **NM County Day in Santa Fe:** Chair Smrkovsky would also like to have a display at this event. Interim County Manager Glory Juarez said she would use the same display for both events. Chair Smrkovsky agreed to man the booth for this event.
- d. **Update on Fire Marshal Matters at Mimbres Valley Learning Center:** Luna County Attorney Charles Kretek explained that Fire Marshall issued notice on January 9, 2019 which included 20 items that needed to be addressed regarding Mimbres Valley Learning Center. To date, 14 items have been addressed and corrected the other 6 items have been addressed and will be corrected in the next 10 days.
- e. **Update on Lease Agreement between WNMU and Luna County:** Luna County Attorney Charles Kretek explained that lease has been renewed and the only issue is the need for additional janitorial services. The County provides one janitor. Mr. Kretek mentioned if they need additional janitorial service they will need to raise the rent. Glory Juarez mentioned that Mr. Simpson plans to budget for an additional janitor for the Learning Center out of his budget from the Alternative School.
- f. **Budget Process:** Chair Smrkovsky would like to be more involved in the budget process going forward, she also mentioned she would like to sit in the departmental budget meetings. Interim Glory Juarez provided the alternative budget schedule as follows:
 - February 11th - Joanne will send out the Departmental Budgets to Directors and Elected Officials.
 - February 25th - department meetings will be scheduled to compile all department data.
 - End of March - Budget drafts should be in place
 - May 20th - Preliminary budget should be in place
 - End of May - Preliminary budget has to be sent to DFA
 - July 15th - work session to discuss the final budget figures and then any additional changes or recommendations that need to be done
 - The week of July 22nd - Approve the final budgetCharles Kretek gave cautionary note for the Commissioners not to bind, make commitments or make promises outside of meetings.
- g. **Selection Process for County Manager:** Luna County Attorney Charles Kretek explained the personnel and hiring policy. HR advertises and receives the applications, they then do the initial screening to make sure the applicants meet the minimum qualifications. The hiring panel decides who gets interviewed, they select three applicants from the list that meet minimum qualifications if an applicant is selected by two or more from the hiring panel they get interviewed. Then the hiring panel and the

County Manager meet to add any additional applicants to the interview list. Posting for the County Manager position closes on Wednesday, February 6th and a list will be provided to the Commission on Thursday for review.

EXECUTIVE SESSION:

- a. Discussion of pending litigation (Livingston) pursuant to §10-15-1 (H)(7) NMSA 1978;**
- b. Discussion of a limited personnel matter, namely the evaluation of performance of Interim County Manager pursuant to §10-15-1 (H)(2) NMSA 1978; and**
- c. Discussion of a limited personnel matter, namely disciplinary proceedings (Contreras) pursuant to §10-15-1 (H)(2) NMSA 1978**

Commissioner Reedy motioned to go into Executive Session where no other matters are discussed other than pending litigation (Livingston) pursuant to §10-15-1 (H)(7) NMSA 1978, evaluation of performance of Interim County Manager, pursuant to §10-15-1 (H)(2) NMSA 1978; and discussion of a limited personnel matter, namely disciplinary proceedings (Contreras) pursuant to §10-15-1 (H)(2) NMSA 1978. Commissioner Sweetser seconded the motion which carried unanimously following a roll call vote. The Board went into Executive Session at 10:15 a.m. and returned at 12:18 p.m.

Commissioner Reedy motioned to return from Executive Session where no other matters were discussed other than pending litigation (Livingston) pursuant to §10-15-1 (H)(7) NMSA 1978, evaluation of performance of Interim County Manager, pursuant to §10-15-1 (H)(2) NMSA 1978; and discussion of a limited personnel matter, namely disciplinary proceedings (Contreras) pursuant to §10-15-1 (H)(2) NMSA 1978. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.

Chair Smrkovsky announced that a Special Meeting is scheduled for Friday, February 8, 2019 at 9:00am.

ADJOURN: Chair Smrkovsky adjourned the meeting at 12:20 a.m.

ATTEST:

**LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS**

ANDREA RODRIGUEZ, CLERK

BARBARA L. REEDY, DISTRICT 1

APPROVED: _____

LINDA M. SMRKOVSKY, DISTRICT 2

JOHN S. SWEETSER, DISTRICT 3

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

BE IT REMEMBERED that the Luna County Board of County Commissioners met in Special Session at 9:00 a.m. on Friday, February 8, 2019 in the County Commission Chambers of the Luna County Courthouse, Deming, New Mexico, for the purpose of conducting any and all business to come properly before the Board.

The following staff and elected officials were present: Interim County Manager Glory Juarez, Attorney Charles Kretek, Administrative Assistant Erica Carlos, Clerk Andrea Rodriguez, Deputy Clerk Pilar Salcido and IT Technician Debbie Seats.

CALL TO ORDER: Chair Smrkovsky called the meeting to order at 9:01 a.m. and led the Pledge of Allegiance and the salute to the flag of the State of New Mexico.

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

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

NEW BUSINESS:

- a. **Canvass Special Public Schools Capital Improvement Tax Election February 5, 2019:** Official results for election: For - 1,135 / Against - 2,186. Commissioner Reedy motioned to approve the Canvass of Special Public Schools Capital Improvement Tax Election held on February 5, 2019. The motion was seconded by Commissioner Sweetser and carried unanimously.

EXECUTIVE SESSION:

- a. **Discussion Limited Personnel Matter pertaining to County Manager application review pursuant to §10-15-1 (H)(2) NMSA 1978:** Commissioner Reedy motioned to go into Executive Session to discuss A Limited Personnel Matter pertaining to County Manager application review pursuant to §10-15-1 (H)(2) NMSA 1978 where no other matters will be discussed. Commissioner Sweetser seconded and the motion carried unanimously following a roll call vote. The Board went into Executive Session at 9:05 a.m. and returned at 2:48 p.m.

Commissioner Reedy motioned to return from Executive Session to discuss Limited Personnel Matter pertaining to County Manager application review pursuant to §10-15-1

(H)(2) NMSA 1978. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.

Chair Smrkovsky stated they reviewed applications for the County Manager's position, and the Human Resource Department will move forward with the hiring process.

ADJOURN: Commissioner Sweetser motioned to adjourn. The motion was seconded by Commissioner Reedy and carried unanimously. Chair Smrkovsky adjourned the meeting at 2:49 p.m.

ANNOUNCE NEXT MEETING: Chair Smrkovsky announced the following upcoming meetings.

Work Session - February 14, 2019 at 9:00 am
Regular Meeting – February 14, 2019 at 10:00 am

ATTEST:

**LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS**

ANDREA RODRIGUEZ, CLERK

BARBARA L. REEDY, DISTRICT 1

APPROVED: _____

LINDA M. SMRKOVSKY, DISTRICT 2

JOHN S. SWEETSER, DISTRICT 3

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

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

CALL TO ORDER: Chair Smrkovsky called the meeting to order at 9:03 a.m. and led the Pledge of Allegiance and the salute to the flag of New Mexico.

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

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

PRESENTATIONS/ANNOUNCEMENTS:

- a. **Swearing in of New LCDC Cadets:** LCDC Sargent Gallegos introduced the 13 new cadets and District Judge Delaney swore them in.
- b. **Retirement of Pete Loya:** LCDC Sargent Gallegos presented to Pete Loya a shadow box memorabilia for his 25 years of dedicated service to the Luna County Detention Center.
- c. **Safety Award Presentation:** Interim County Manager Glory Juarez presented Luna County with a Workman's Comp Safety Award of \$7,000 from NMAC to invest back into safety training and materials as necessary for the next fiscal year. Ms. Juarez thanked Mark Jasso and the safety committee for coordinating the safety programs, she also mentioned that the County works very hard on promoting safety within this organization.

SERVICE AWARDS: Sheriff Kelly Gannaway presented awards to the following LCSO individuals:

- | | | |
|----------------------|------|-------|
| • Arthur Clark Smith | LCSO | 5yrs |
| • Laura Garcia | LCSO | 20yrs |
| • Valerie Tyler | LCSO | 5yrs |
| • Michael Brown | LCSO | 10yrs |
| • Thomas Eby | LCSO | 20yrs |

Treasurer Gloria Rodriguez presented a 10 year pin to Kristie Hobbs.

PUBLIC INPUT: John Surra lives at 9585 La Bajada Road west of the Columbus Highway and north of Sunshine Road. Mr. Surra came before the board with complaints regarding his neighbor. He stated that for the past month, he has been concerned with a local farmer whom has changed from using an electric water pumping to using pumps with engines which run on natural gas. The farmer

has installed four so far and in the last four weeks one of the engine pumps have run continuously twenty four hours a day, which has caused a constant humming sound all night long. Mr. Surra stated that he recently filed a complaint with the Code Enforcement to no avail and asked for help from the County Commission.

Judy Hogan whose address is 3585 Sunshine Road also came before the board with the same complaint. She mentioned that machines have been running non-stop for a month and she hasn't had a decent night sleep in that time. Ms. Hogan has asked for some kind of provision for noise in Luna County, she feels her paradise on earth has been shattered with this constant noise. Ms. Hogan also mentioned the noise from the road is running at 80 disables and in her drive way it is running at 50-60 disables which she feels is unacceptable. Because her son works nights at the hospital she wants the noise back to a whisper silence like it was when they bought her property. She asks that they all work together to find a solution, be good neighbors and put the neighborhood back to what it was prior to the engine running pumps.

Eric Bardrof whose address is 2850 Yuma Rd SW, mentioned he is also concerned about the unending noise that has developed into their neighborhood. He stated he moved here because of the quiet beautiful area. Mr. Bardrof said they have Human Resources engines running 24/7. Mr. Bardrof mentioned that if the farmer had a decent muffler system in place the engines could be quiet and complained there hasn't been any effort whatsoever to quiet these engines down. He feels the noise has been a substantial change to the neighborhood which does a substantial job at derogating their quality of life.

Russ Howell extended an invitation to the Commissioners to attend a meeting on March 9th. Ms. Howell mentioned the meeting is not a political meeting, but a concerned citizens of Southern New Mexico meeting. Ms. Howell stated the purpose of the meeting is to to make everyone aware of the effects that illegal immigration has on citizens of Southern New Mexico and Arizona. Concerns being discussed at the meeting will be health issues, drugs, sex trafficking, animal disease, contamination and personal safety.

Page Latham whom is from Deming and a farmer mentioned that the situation with the wells is unnecessary and over the top.

Connie Valenzona lives in the Dove Meadow Estates and has been trying for a year and a half to get the County to accept maintaining the roads in this subdivision. Ms. Valenzona mentioned that Mr. Bolten the developer of Dove Meadow Estates didn't have enough foresight in his plans after developing the subdivision to continue maintenance. Ms. Valenzona also mentioned that the subdivision hasn't had any road maintenance in eight years and she feels that whenever a development is approved a bond should be required for future road maintenance.

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

Chair Smrkovsky asked for explanation in regards to the Budget Resolution 19-11 item (1) for the Sherriff Office. Budget & Procurement Director Joanne Hethcox explained she adjusted this item with a decrease in an effort to get the line item correct as they had expended some grants last year that

were carried over this year. Ms. Hethcox cleared that amount out and then added this year's new grant agreement amount in, she also mentioned this grant is for all the traffic safety programs.

Interim County Manager Glory Juarez brought to the attention of the Commission, Consent Agenda item g, Resolution 19-11 Budget Increases. She stated that in 2018 a discussion occurred regarding the addition of a Human Resource Assistant position. The Commissioners had approved the resolution with the exception of the addition to Human Resource Department. Ms. Juarez mentioned she has put that back on the agenda as the Human Resource Department is still in desperate need of assistant position. Ms. Juarez explained that as Mr. Kretek has had to take on more of the role in legal matters, he hasn't been able to engage himself in the daily Human Resource issues. Ms. Juarez stated the funding mentioned is just for the fiscal year, with the intent to add the position in the upcoming new fiscal year's budget. Ms. Juarez explained that in 2018 Human Resource processes were changed in an attempt to streamline Human Resource instead of letting all the department heads do their own hiring, firing and interviewing, which Ms. Juarez feels can be a huge liability to the County. Currently the Human Resource Director, which is a one person show, is responsible for the hiring selection, interviews, orientation, support to the employees and departments, coordinates training, on-boarding, off-boarding, reprimands, unemployment claims the list goes on and on. We have currently switched to personnel action forms where every decision made in regards to an employee has a form backing the action up and will be kept in the personnel file for easy access. Commissioner Sweetser asked if this department has historically been a one person operation. Ms. Juarez responded that yes this operation has been a one person operation and that the department has had significant issues within the past few years because of that. Ms. Hethcox explained that previously Human Resource and Payroll was all together, and now Human Resource was separated out because the employees have tripled in numbers, the budget has tripled or quadrupled in the 17 years that she has been here. Ms. Hethcox also mentioned that the rules and laws have changed which requires more attention and the amount of paperwork that is needed to substantiate action has changed and yet the personnel in the Human Resource Department hasn't changed to assist in that at all. Ms. Juarez explained that the Resolution contains several different increases the one being referred to now is item six within the Resolution 19-11. Commissioner Sweetser asked how much money is involved, Ms. Juarez explained to get to this fiscal year its \$17,320 and with benefits and all involved its \$52,000. Chair Smrkovsky requested that the position be advertised in the Deming Headlight that she feels we may be missing talent because we may not be communicating locally or in all appropriate locations. Ms. Juarez and Ms. Hethcox explained that advertising in the Headlight is very expensive and the personnel ordinance no longer mandates the County to advertise in the Headlight for job openings. Commissioner Reedy suggested the position be advertised similar to the manager's position. Further discussion ensued regarding the advertising and hiring processes.

Ms. Juarez requested to discuss Resolution 19-10 from the Consent Agenda, which involves the DWI Grant. Ms. Juarez explained this is routine documentation for this next fiscal year grant approval. Ms. Juarez also mentioned the New Business item concerning the appointment of members to the Multi-Line Membership Pool and Workers' Compensation Membership Fund. Ms. Juarez explained that the Board previously expressed wanting to wait until we had a permanent County Manager in place before making a decision, however, Kiki Arellano from the NMCA has encouraged the County to appoint members and not wait.

ADJOURN: Upon motion made by Commissioner Sweetser and a second made by Commissioner Reedy. Chair Smrkovsky adjourned the meeting at 9:59 a.m.

ATTEST:

**LUNA COUNTY BOARD OF
COUNTY COMMISSIONERS**

Andrea Rodriguez, Luna County Clerk

Barbara L. Reedy, District 1

Approved: _____

Chair, Linda M. Smrkovsky, District 2

John S. Sweetser, District 3

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

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 10:00 a.m. on Thursday, February 14, 2019 in the County Commission Chambers of the Luna County Courthouse, Deming, New Mexico, for the purpose of conducting any and all business to come properly before the Board.

The following staff and elected officials were present: Interim County Manager Glory Juarez, Attorney Charles C. Kretek, Administrative Assistant Erica Carlos, LCSO Administration Assistant Laura Garcia, Clerk Andrea Rodriguez, Chief Deputy Clerk Berenda McWright, Deputy Clerk Pilar Salcido, Assessor Michelle Holguin, Chief Deputy Assessor Isabelle Enciso, Treasurer Gloria Rodriguez, Deputy Treasurer Kristie Hobbs, Sheriff Kelly Gannaway, Captain Mike Brown, and Budget & Procurement Director/Indigent Claims Administrator Joanne Hethcox, Road Department Director Marty Miller, .

CALL TO ORDER: Chair Smrkovsky called the meeting to order at 10:07 a.m., and led the Pledge of Allegiance and the salute to the flag of New Mexico.

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

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

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

MINUTES:

- **Special Meeting - December 26, 2018:** Upon a motion made by Commissioner Reedy and a second by Commissioner Sweetser the Minutes of the December 26, 2018 Special Meeting were unanimously approved.
- **Special Meeting - December 27/28, 2018:** Upon a motion made by Commissioner Sweetser and a second by Commissioner Reedy the Minutes of the December 27th and 28th, 2018 Special Meeting were unanimously approved.
- **Special Meeting – January 2, 2019:** Upon a motion made by Commissioner Reedy and a second by Commissioner Sweetser the Minutes of January 2, 2019 Special Meeting were unanimously approved.

- **Work Session – January 10, 2019:** Upon a motion made by Commissioner Sweetser and a second by Commissioner Reedy the Minutes of the January 10, 2019 Work Session were unanimously approved.
- **Regular Meeting – January 10, 2019:** Upon a motion made by Commissioner Reedy and a second by Commissioner Sweetser the Minutes of the January 10, 2019 Regular Meeting were unanimously approved.
- **Special Meeting – January 18, 2019:** Upon a motion made by Commissioner Sweetser and a second by Commissioner Reedy the Minutes of the January 18, 2019 Special Meeting were unanimously approved.

ELECTED OFFICIALS REPORTS: Treasurer Gloria Rodriguez reported that all is well in the Treasurer's Office and that Jacob Portillo from Property Tax and Revenue is currently here preparing for the tax sale. At this time no date has been set for the property tax sale.

Appraiser Michelle Holguin reported it is currently rendering period for mobile homes, livestock, and personal property through the end of February, she indicates that after February a 5% penalty is assessed. Ms. Holguin also mentioned the department is signing up individuals for their family and veterans exemptions and their freezes through the end of April. The Assessor's Department has had several trainings in Las Cruces to get ready for the Assessor's Evaluation which is due in March and another training for the Assessor's Certification which is due in June. Property Tax Division is doing a good job at making sure the newly Elected Officials are being properly trained for all these topics. The State is also going through modernization where they are looking at streamlining and getting everything on line for all the Counties in the State which will make the process a lot easier, hopefully, this will go into effect in the year of 2021. Ms. Holguin also mentioned Notice of Values will be mailed the first of April and two Appraisers will be going in March for their last certification class. Ms. Holguin also reported that House Bill 332 is being watched very closely, which if passed, could effect a special method for AG. She also mentioned that this bill could shift the tax burden and right now the Assessor's Affiliate is not supporting this bill.

Sheriff Gannaway reported on statistics for the month of January. Mr. Gannaway stated that the overall calls are down, assaults are up a little bit, burglaries, larcenies and vehicle thefts are down. Non-Criminal, Civil and accidents are down. The Sheriff's Department is still in the process of looking for two Deputies to hire. He has received several applications and is going through the hiring process now. He also mentioned, he is in the process of promoting a Detective and Shawn Young was hired as the Court Security Officer. Sheriff Gannaway thanked Marty Miller and Mike Hatch for their help in getting ready for the County Auction. The Sheriff's Department alone made a little over \$58,000.

Chair Smrkovsky mentioned that she, Commissioner Sweetser and Glory Juarez were at the Silver Spikes event that took place on February 11th and 12th. Ms. Smrkovsky explained they were fortunate enough to meet a lot of the Cabinet Secretaries at Silver Spikes. Silver Spikes looks at the different things that the County, City, Schools and Villages are doing. Chair Smrkovsky felt this event went

well she also feels there are some good talented Cabinet Secretaries whom presented themselves well at the meeting. Chair Smrkovsky will be attending the Board Meeting on Saturday in Santa Fe.

COUNTY MANAGER'S REPORT: Interim County Manager Glory Juarez reported on the following items.

- Starmax bathrooms are currently being renovated. The sales at Starmax for the month of January 2019 were \$108,096.
- The total number of inmates incarcerated at the Detention Center in January 2019 was 711 with the inmate daily average population being 428 and the inmate US Marshalls daily average population being 287.
- Luna County Dispatch received 9150 calls for the month of January. Currently the Dispatch Department is down four dispatchers which is causing a lot of overtime in that area, the department is actively seeking dispatchers.
- Budget and Procurement Department: The second quarterly report has been submitted and is currently working with the LGBMS system that the Department of Finance has imposed.
- Risk Management Department: Ms. Juarez thanked Mark Jasso, Safety Committee and the employees for receiving the New Mexico County Workers Compensation Safety Award. Defensive driving class was held on January 31st for new employees.
- Capital Outlay was submitted and continues to be followed closely. Renovation projects are being done at the Healing House and the Annex.
- Road Department is busy with road projects and next month will present the certification of the mileage for next fiscal year.
- The budget process has begun and budget meetings will be scheduled to move forward.
- A draft for the Animal Control Ordinance has been completed so next week individual meetings will be scheduled with the Commissioners and the Attorney Charles Kretek to go over that draft in an effort to move forward on scheduling a work session and then hold a public meeting shortly after that.
- A meeting was held with Triatic whom have a software system that can assist the Humane Society with the tracking of permits and licensing. Ms. Juarez is currently awaiting the official quote on that system. The City would also like to look at the system and possibly participate in the contribution of that expense.

Commissioner Reedy asked for a copy of Ms. Juarez County Managers Report in an effort to keep them informed. Ms. Juarez agreed to give the Commissioner a copy of the report. Commissioner Sweetser asked about the expenses at Starmax. Ms. Juarez explained that we are not in the red at this time at Starmax but there was a big expense with a big equipment repair which was funded through a reserve in Capital Outlay within the Starmax department. Starmax is currently looking for a bowling alley mechanic.

INDIGENT CLAIMS REPORT: Upon a motion by Commissioner Reedy and a second by Commissioner Sweetser, the meeting of the Board of County Commissioners was unanimously recessed and the meeting of the Indigent Hospital Claims Board convened. Budget and Procurement Director Joanne Hethcox reported that 23 claims were received for the month of January, of which 20 claims were for the Detention Center in the amount of \$26,055.34, the GRT collected in January was \$49,907.54 the encumbered are \$170, 996.37 with a cash balance of \$887, 834.96. Ms. Hethcox is anticipating a portion of that will be encumbered for April, May and June for the Detention Center medical contract. Commissioner Reedy asked if the indigent fund will be available in the next four to five years. Ms. Hethcox explained that this program is funded through gross receipts and claims will be paid as funds are available. Most of these claims come

from the hospital which are funded through the Safety Net Care Pool, so the County doesn't actually cut a check for \$26,000. The County would only cut a check for \$1,000 for the ambulance expense, which is not part of the Safety Net Care Pool. Ms. Hethcox mentioned she does not see this fund depleting any time soon. Mr. Juarez mentioned that she did commit to creating a fact sheet for tax gross receipts collected and Safety Net Care Pool mechanism and the Indigent Claims. Chair Smrkovsky asked if we also accept walk-in claims for Indigent Program. Ms. Hethcox stated that we do also accept in house claims. Commissioner Reedy motioned to approve the Indigent Claims Report. Commissioner Sweetser seconded the motion which carried unanimously. Commissioner Sweetser motioned to recess as a Claims Board and reconvene as a County Commission. Commissioner Reedy seconded the motion which carried unanimously.

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

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

- a. Accounts Payable: \$1,214,511.03
- b. Payroll: \$1,038,200.93
- c. Resolution 19-10 Approval to participate in the Local DWI Grant and Distribution Program
- d. Memorandum of Understanding between Luna County DWI and New Mexico Department of Finance and Administration/Local Government Division/Driving while Intoxicated Program
- e. Department of Health Assurances and Cooperative Agreement
- f. Statement of Assurances – Local DWI Grant and Distribution Program
- g. Resolution 19-11 Budget Increases
- h. Resolution 19-12 Budget Transfers

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

- a. **Voting Members for Multi-Line Membership Pool and Workers' Compensation Membership Fund:** Interim County Manager Glory Juarez explained at this time a new member and alternate needs to be appointed for both the Multi-Line Membership Pool and the Workers Compensation Membership Fund. Chair Smrkovsky asked the Commissioners for suggestions, neither Commissioner made any suggestions. Ms. Juarez recommended that Joanne Hethcox be the representative and she be the alternate for the Multi-Line Membership Pool or vice versa and that Charles Kretek be appointed the representative and herself as the alternate for the Workers Compensation Membership Fund. These arrangements can be changed mid-year if the future County Manager would like it changed. Commissioner Reedy moved to appoint Joanne Hethcox as the representative and Ms. Juarez as the alternate for the Multi-Line Membership Pool and Charles Kretek as the representative and Glory Juarez as the alternate for the Works Compensation Membership Fund. Commissioner Sweetser seconded the motion, which carried unanimously.

- b. **Road Applications – Mike Bolton (Applicant):** Road Department Director Marty Miller explained that before the County can approve maintaining a road in a subdivision the road needs to be brought up to specs by the developer. Mr. Miller explained that it will cost the County anywhere from \$6,000 to \$8,000 for the County to bring this road up to specs so that the County can maintain the road going forward. Mr. Miller also mentioned that stop signs would also need to be installed which cost the County \$1,500 per sign. Mr. Miller also expressed concerns with drainage in that area which he believes will cause an excess of water retention. Mr. Miller mentioned this cost would be about \$10,000 including labor which is not budgeted at this time but would need to be budgeted for next year if application is approved. Commissioner Reedy asked how many times that road would be graded a year and if the County has other roads that have been approved in the past that should be maintained. Mr. Miller responded it would be graded twice a year and there have not been any approvals of any subdivision road maintained that he can remember. Mr. Miller explained that these specific roads are contaminated with excess sand, so just blading will not fix the road. Commissioner Reedy asked Assessor Michelle Holguin to explain how the road tax works. Ms. Holguin explained the road tax was implemented in the County for some subdivisions but has not been implemented to all subdivisions and that the road tax was put in place to pay for road maintenance. Mr. Miller stated that there are approximately 235 subdivisions in Luna County and the County only gets revenue from 65 subdivisions. Chair Smrkovsky asked Interim County Manager Glory Juarez and Attorney Charles Kretek if they believed the Subdivision Ordinance needs to be reviewed. Ms. Juarez reported that she does believe the Subdivision Ordinance needs to be reviewed, especially pertaining to the road tax. Chair Smrkovsky indicated this needs to be a priority because it can only be done during budget time. She also mentioned there are 10 homes on this road and the road is about a mile and a half long. Ms. Juarez asked Mr. Kretek if bringing the road up to specs was a legitimate cost or if it pertained to anti-donation considering it is not a County easement yet. Mr. Kretek offered to research the issue. Ms. Juarez explained that there are two separate issues at hand, first is the funding and the other is the legality if we can bring the road up to specs. Chair Smrkovsky motioned to approve road application for next year contingent upon legal approval. Commissioner Sweetser seconded the motion with contingency upon legal approval. The motion carried unanimously.

EXECUTIVE SESSION: to discuss limited personnel Matters pursuant to §10-15-1 (H) (2) NMSA 1978 pertaining to applicants of County Manager's Position. Commissioner Reedy motioned to go into Executive Session to discuss Limited Personnel Matters pursuant to §10-15-1 (H) (2) NMSA 1978 NMSA pertaining to Applicants of the County Manager's Position. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote. The Commissioners went into Executive Session at 10:27am and returned from Executive Session at 1:46 pm.

Chair Smrkovsky entertained a motion to return from Executive Session. Commissioner Sweetser motioned to return from Executive Session where no other matters were discussed other than what was stated in the motion for the Executive Session. The motion was seconded by Commissioner Reedy and carried unanimously following a roll call vote.

Chair Smrkovsky stated they are moving forward with the hiring process for the County Managers position, no action has been taken.

UPCOMING MEETINGS: Chair Smrkovsky announced the following upcoming meetings.

Work Session- March 14, 2019 at 9:00a.m.

Regular Meeting- March 14, 2019 at 10:00 a.m.

ADJOURN: Upon a motion made by Commissioner Reedy and a second made by Commissioner Sweetser the meeting was adjourned at 1:47 a.m.

ATTEST:

**LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS**

ANDREA RODRIGUEZ, LUNA COUNTY CLERK

BARBARA L. REEDY, DISTRICT 1

APPROVED: _____

LINDA M. SMRKOVSKY, DISTRICT 2

JOHN S. SWEETSER, DISTRICT 3

**MINUTES
SPECIAL MEETING
LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS
Wednesday, February 20, 2019
Reconvened on Friday, February 22, 2019**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in Special Session at 1:00 p.m. on Wednesday, February 20, 2019 in the County Commission Chambers of the Luna County Courthouse, Deming, New Mexico, for the purpose of conducting any and all business to come properly before the Board.

The following staff and elected officials were present: Interim County Manager Glory Juarez, Attorney Charles Kretek, Administrative Assistant Erica Carlos, Clerk Andrea Rodriguez, Deputy Clerk Pilar Salcido and IT Technician Debbie Seats.

CALL TO ORDER: Chair Smrkovsky called the meeting to order at 1:02 p.m. and led the Pledge of Allegiance and the salute to the flag of the State of New Mexico.

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

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

EXECUTIVE SESSION: Executive Session to discuss Limited Personnel Matters pursuant to §10-15-1 (H)(2) NMSA 1978 pertaining to the County Manager's position and interviews: Commissioner Sweetser motioned to go into Executive Session to discuss Limited Personnel Matters pursuant to §10-15-1 (H)(2) NMSA 1978 pertaining to the County Manager's position and interviews. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote. The Board went into Executive Session at 1:04 a.m. and recessed from Executive Session 5:14 p.m.

Commissioner Sweetser motioned to recess Executive Session to discuss Limited Personnel Matters pursuant to §10-15-1 (H)(2) NMSA 1978 pertaining to the County Manager's position and interviews and reconvene on February 22, 2019 at 8:00am. Commissioner Reedy seconded and the motion carried unanimously following a roll call vote.

RECONVENED, February 22, 2019 at 8:00am: Chair Smrkovsky motioned to reconvene the Executive Session to discuss Limited Personnel Matters pursuant to §10-15-1 (H)(2) NMSA 1978 pertaining to the County Manager's position and interviews. Commissioner Sweetser seconded the motion which carried unanimously following a roll call vote.

Commissioner Smrkovsky motioned to return from Executive Session to discuss Limited Personnel Matters pursuant to §10-15-1 (H)(2) NMSA 1978 pertaining to the County Manager's position and interviews where no action was taken. The motion was seconded by Commissioner Reedy and carried unanimously following a roll call vote.

ADJOURN: Commissioner Sweetser motioned to adjourn the meeting. The motion was seconded by Commissioner Reedy and carried unanimously. Chair Smrkovsky adjourned the meeting at 12:48 p.m. on February 22, 2019.

ATTEST:

**LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS**

ANDREA RODRIGUEZ, CLERK

BARBARA L. REEDY, DISTRICT 1

APPROVED: _____

LINDA M. SMRKOVSKY, DISTRICT 2

JOHN S. SWEETSER, DISTRICT 3

**MINUTES
SPECIAL MEETING
LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS
Friday, February 22, 2019**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in Special Session at 2:00 p.m. on Friday, February 22, 2019 in the County Commission Chambers of the Luna County Courthouse, Deming, New Mexico, for the purpose of conducting any and all business to come properly before the Board.

The following staff and elected officials were present: IT Technician Henry Bukurson, Attorney Charles Kretek, Clerk Andrea Rodriguez, Chief Deputy Assessor Isabelle Enciso, and Administrative Assistant Erica Carlos.

CALL TO ORDER: Chair Smrkovsky called the meeting to order at 2:00 p.m. and led the Pledge of Allegiance and the salute to the flag of the State of New Mexico.

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

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

PUBLIC INPUT: Chair Smrkovsky opened the floor for Public Comment. Leanna Rossi spoke on behave of Resolution 19-13. Ms. Rossi feels in a short few months we have gone from being masters of our own destiny through the Representatives to being slaves. Ms. Rossi mentioned this County is law abiding, God fearing and gun toting and the County must stand up and say this is wrong.

Carlos Poblet commented that he is a proud American Citizen whom was born in Argentina. He mentioned his father was a military man who had to flee from Argentina because of political issues in that Country. Mr. Poblet said he learned from his father the ability to defend oneself, after seeing in Argentina that many individuals could not defend themselves, which he thought was horrible. When they immigrated to the United States they lived in Chicago and he has learned to love this Country. Mr. Poblet stated that he values the right for people to be able to defend themselves and we must look at the Second Amendment as self-protection.

Alexander May mentioned he is a 38 year police officer who is now disabled and can no longer return to work. Mr. May believes we need to be specific in our resolution and would like to see something like this added to it "Whereas the transfer of any firearm between lawful citizens not otherwise prohibited by federal laws shall not be infringed and record keeping of any fire arms serial number shall not be mandated. Any person victimized by theft of a fire arm or other unlawful act committed against them and violation shall not be held criminally or civilly liable against them." Mr. May also mentioned that Federal law already prohibits a certain class of people not to have a firearm and these laws have nothing to do with the health welfare or the safety of every Luna County resident other

than criminalize him when he gifts a firearm to his brother or loans a firearm to the Sheriff. Mr. May asked the Chair and Commissioners to add this little part into the Resolution and take into consideration that they work for the public.

Gwyn Ruebush mentioned that the New Mexico Bill of Rights Article 2 Section 2 says that all political power invested in and derived from the people and that all government of right originates with the people is founded upon their will and instituted solely for their good. Ms. Ruebush asked the Commission to please listen to the people of this County.

Mike Meyer mentioned he is Master Sargent Retired in the US Air force. He came here to get away from the politics of DC. Mr. Meyer said that when he was in DC President Obama commissioned the CDC and the FBI to look at a claim made by a pro-gun person named John Lott who claimed that 2.5 million people were saved in a year because of the use of a guns. Mr. Meyers mentioned that CDC and FBI came up with results claiming 2.1 and 2.3 million people were actually saved yearly by the use of guns. Mr. Meyers indicated that he gets irritated when he hears "if it saves one life" because with guns your saving 35 lives to everyone that is lost, this study was done by people who were anti-guns believers.

Rick Holdridge stated that he was born and raised in Deming and had two issues to talk about. One is somewhat philosophical, we often hear about the Second Amendment being used so we can go hunting and so that we can protect our homes, which is true. He stated that the primary reason our founding fathers created the Second Amendment was to protect ourselves from the Government. The second thing is practicalities. Mr. Holdridge feels there is a problem with these many laws going through the State Legislature. There is no data provided that crime statistics will change. Another thing is our Legislature doesn't realize that when laws are made, maybe a criminal may not get access to a gun, but what is happening is they force millions of normal law abiding citizens into having to make the decision to either break the law intentionally and with thought or to follow a law which they do not believe in.

T.B. Sanders mentioned that the laws under consideration strike him as being unconstitutional they are against the Second Amendment.

Mike Jackson expressed his opinion that some of the laws being considered are an evasion of our Second Amendment rights and he believes schools should be armed.

Rex Gardner mentioned that the law wouldn't be his law if he wouldn't be able to give his guns to his kids. Mr. Gardner asks that we keep the Second Amendment and our freedom.

Cliff Denshire commented that today we all have the opportunity to choose which side of the Constitution we are going to stand on, the side with the founding fathers or the socialist currently occupying the Round House and Governor's Office. He also mentioned that the Second Amendment is very simple yet brilliant. The last four words of the Amendment says "shall not be infringed" Bills HB 8, 9 and 83 and SB 8 infringe on our rights to keep and bear arms. Mr. Denshire hopes the Commissioners have the courage to join the 14 other Counties and make Luna County a Sanctuary County and with that sending a message to Santa Fe that New Mexico does not support Socialism.

NEW BUSINESS:

- a. **Resolution 19-13 – Recognition of Second Amendment Rights:** Chair Smrkovsky read Resolution 19-13 to the public. Commissioner Sweetser motioned to adopt Resolution 19-13 Recognition of Second Amendment Rights. Commissioner Reedy seconded the motion, which carried unanimously following a roll call vote.

ADJOURN: Commissioner Reedy motioned to adjourn. The motion was seconded by Commissioner Sweetser and carried unanimously. Chair Smrkovsky adjourned the meeting at 2:30 p.m.

ATTEST:

**LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS**

ANDREA RODRIGUEZ, CLERK

BARBARA L. REEDY, DISTRICT 1

APPROVED: _____

LINDA M. SMRKOVSKY, DISTRICT 2

JOHN S. SWEETSER, DISTRICT 3

**MINUTES
SPECIAL MEETING
LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS
Thursday, February 28, 2019
Reconvene Friday, March 1, 2019
Reconvene Monday, March 4, 2019**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in Special Session at 2:00 p.m. on Friday, February 28, 2019 in the County Commission Chambers of the Luna County Courthouse, Deming, New Mexico, for the purpose of conducting any and all business to come properly before the Board.

The following staff and elected officials were present, Interim County Manager Glory Juarez, Attorney Charles Kretek and Deputy Clerk Pilar Salcido.

CALL TO ORDER: Chair Smrkovsky called the meeting to order at 2:00 p.m. and led the Pledge of Allegiance and the salute to the flag of the State of New Mexico.

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

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

EXECUTIVE SESSION: to discuss Limited Personnel Matters pursuant to §10-15-1 (H)(2) NMSA 1978 pertaining to the County Manager's interviews, selection process, and the Interim County Manager Position and Transition: Chair Smrkovsky motioned to go into Executive Session to discuss Limited Personnel Matters pursuant to §10-15-1 (H)(2) NMSA 1978 pertaining to the County Manager's interviews, selection process and Interim County Manager Position and Transition. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote. The Board went into Executive Session at 9:00 a.m. and returned from Executive Session 4:41 p.m.

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

Chair Smrkovsky stated they will recess and reconvene tomorrow, March 1, 2019 to continue Executive Session at 9:00 a.m.

CALL TO ORDER MARCH 1, 2019: Chair Smrkovsky called the meeting to order at 9:00 a.m.

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

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

EXECUTIVE SESSION: to discuss Limited Personnel Matters pursuant to §10-15-1 (H)(2) NMSA 1978 pertaining to the County Manager's interviews, selection process, and the Interim County Manager Position and Transition: Chair Smrkovsky entertained a motioned to reenter into Executive Session. Commissioner Reedy motioned to reenter into Executive Session to discuss Limited Personnel Matters pursuant to §10-15-1 (H)(2) NMSA 1978 pertaining to the County Manager's interviews, selection process and Interim County Manager Position and Transition. Commissioner Sweetser seconded the motion which carried unanimously following a roll call vote. The Board went into Executive Session at 9:00 a.m. and returned from Executive Session 2:06 p.m.

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

Chair Smrkovsky stated they will recess and reconvene Monday, March 4, 2019 to continue Executive Session at 8:45 a.m.

CALL TO ORDER MARCH 4, 2019: Chair Smrkovsky reconvene the meeting at 8:52 a.m. and led the Pledge of Allegiance and the salute to the flag of the State of New Mexico.

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

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

EXECUTIVE SESSION: to discuss Limited Personnel Matters pursuant to §10-15-1 (H)(2) NMSA 1978 pertaining to the County Manager's interviews, selection process, and the Interim County Manager Position and Transition: Chair Smrkovsky entertained a motioned to reenter into Executive Session. Commissioner Reedy motioned to reenter into Executive Session to discuss Limited Personnel Matters pursuant to §10-15-1 (H)(2) NMSA 1978 pertaining to the County Manager's interviews, selection process and Interim County Manager Position and Transition. Commissioner Sweetser seconded the motion which carried unanimously following a roll call vote. The Board went into Executive Session at 8:53 a.m. and returned from Executive Session 3:30 p.m.

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

Chair Smrkovsky stated HR will move forward with hiring a County Manager. Chair Smrkovsky entertained a motion to make Chris Brice Interim County Manager effective immediately and until further notice. Commissioner Reedy motioned to make Chris Brice Interim County Manager effective immediately and until further notice. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.

ADJOURN: Commissioner Sweetser motioned to adjourn. The motion was seconded by Commissioner Reedy and carried unanimously. Chair Smrkovsky adjourned the meeting at 3:32 p.m.

ANNOUNCE NEXT MEETING: Chair Smrkovsky announced the following upcoming meetings.

Special Meeting – March 8, 2019 at 9:00 am

ATTEST:

**LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS**

ANDREA RODRIGUEZ, CLERK

BARBARA L. REEDY, DISTRICT 1

APPROVED: _____

LINDA M. SMRKOVSKY, DISTRICT 2

JOHN S. SWEETSER, DISTRICT 3

Indigent Hospital Claims Office

Chris Brice, Interim County Manager

IHC Board Meeting March 14, 2019

Month	Number	Amount	Number	Denied
January	23	\$26,055.34	0	\$0.00
Feburary	6	\$14,781.78		
March	0	\$0.00		
April	0	\$0.00		
May	0	\$0.00		
June	0	\$0.00		
July	0	\$0.00		
August	0	\$0.00		
September	0	\$0.00		
October	0	\$0.00		
November	0	\$0.00		
December	0	\$0.00		
Total	29	\$40,837.12	0	\$0.00
This Month's Total	Mimbres Memorial Hospital			\$11,142.42
This Month's Total	Gila Regional Medical Center			\$0.00
This Month's Total	Memorial Medical Center			\$0.00
This Month's Total	Deming Fire Dept./EMS			\$0.00
This Month's Total	All Other Services			\$3,639.36
Total				\$14,781.78
Year to Date Total	Mimbres Memorial Hospital			\$36,197.76
Year to Date Total	All Other Hospitals			\$2,949.36
Year to Date Total	Deming Fire Dept./EMS			\$1,000.00
Year to Date Total	All Other Services			\$690.00
Total				\$40,837.12
Care of Prisoners This Month - Not including SNCP Funds				\$94,291.34
Care of Prisoners Year to Date Indigent - Not including SNCP Funds				\$197,844.17
Care of Prisoners Year to Date Inmate Prescriptions/OTC Meds				\$29,572.10
Care of Prisoners Year to Date Dr. Bills				\$0.00
Total Cost of Care of Prisoners Year to Date				\$227,416.27
Monies Received for February 2019				\$56,697.59
Balance in IHC Fund as of February 28, 2019				\$961,375.58
Encumbrances as of February 28, 2019				\$170,996.37
		Date	Amount Approved	Amount Denied
	Signatures	03/14/19	\$14,781.78	\$0.00
Barbara L. Reedy				
Linda M. Smrkovsky				
John S. Sweetser				

March 14, 2019

[illegible]

LCBCC Meeting March 14th, 2019
Accounts Payable

2/8/2019	\$115,659.88
2/8/2019	\$7,219.01
2/8/2019	\$3,229.59
2/11/2019	\$670.00
2/14/2019	\$828,041.18
2/14/2019	\$17,011.28
2/14/2019	\$2,742.27
2/21/2019	\$172,128.68
2/21/2019	\$5,490.18
2/21/2019	\$3,736.84

P-Cards

December 2018	\$147,896.02
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Total	\$1,303,824.93
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Luna County
Board of County Commissioners

AGENDA 03/14/2019

PAYROLL

02/01/2019	Register # 20190005	\$504,644.40
02/01/2019	*Register # 20190006	\$15,015.08
02/15/2019	Register # 20190007	\$489,281.00
02/15/2019	*Register # 20190008	\$18,105.24

Total \$1,027,045.72

* Special

**LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS**

**RESOLUTION NO. 19-15
Proposed Inter/Intra Fund Budget Increases**

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

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

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

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

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

PASSED, APPROVED AND ADOPTED THIS 14th DAY OF MARCH, 2019.

LUNA COUNTY

Chairperson

ATTEST:

Andrea Rodriguez, Luna County Clerk

Be it remembered that at a Regular meeting of the Luna County Board of County Commissioners in Deming NM on the 14th day of March, 2019, the following budget adjustments are proposed and entered of record.

SCHEDULE OF BUDGET ADJUSTMENTS			Budget Resolution Number 19-15 Proposed Inter/Intra FUND Budget Increase						Entity Code DFA Resolution Number	
ITEM NO	Adjustment Type	Fund/ DFA Fund	Dept.	From	Amount	To	Amount	Purpose	Approved Budget Balance	Adjusted Budget Balance
One	Increase	508/29900	SO 1/8th GRT	508/29900	\$ 25,000.00	508-00-2028 Capital Outlay	\$ 25,000.00	To pay for new patrol unit.	\$ 84,000.00	\$ 109,000.00
Two	Increase	411/21800	Community Maintenance & Improvements - Emergency Management	411/21800	\$ (14,675.58)	411-77-1442 (Revenue) Emergency Mgmt Grants	\$ (14,675.58)	To account for revenue from NMDHSEM EMPG grant to cover training sessionsl for local law enforcement.	\$ (34,991.75)	\$ (49,667.33)
					\$ 14,675.58	411-41-2443 Emergency Management Grants	\$ 14,675.58	To allow for spending from NMDHSEM EMPG grant to cover training sessionsl for local law enforcement.	\$ 32,078.75	\$ 46,754.33
Three	Increase	401/11000	General Fund - Dispatch	401/11000	\$ (1,000.00)	401-77-1265 (Revenue) 911 Training Reimbursements	\$ (1,000.00)	To account for reimbursement from 911 Trainings.	\$ (2,220.00)	\$ (3,220.00)
					\$ 1,000.00	401-20-2012 (Dispatch) Equip/Supplies/ Mtn/Repairs	\$ 500.00	To allow for spending of reimbursement from 911 Trainings.	\$ 3,120.00	\$ 3,620.00
						401-20-2005 (Dispatch) Salaries - Overtime	\$ 500.00	To allow for spending of reimbursement from 911 Trainings.	\$ 10,000.00	\$ 10,500.00
Four	Increase	421/21800	Domestic Violence Shelter	421/21800	\$ (3,000.00)	421-77-1628 (Revenue) FEMA Grant	\$ (3,000.00)	To account for additional FEMA Grant Award reallocation.	\$ (10,111.11)	\$ (13,111.11)
					\$ 3,000.00	421-00-2381 Grant - FEMA	\$ 3,000.00	To for spending of additional FEMA Grant Award reallocation.	\$ 10,111.11	\$ 13,111.11
					\$ 25,000.00		\$ 25,000.00		\$ 91,987.00	\$ 116,987.00

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 14th day of March, 2019.

LUNA COUNTY BOARD OF COUNTY COMMISSIONERS

Barbara L. Reedy, District 1

Linda M. Smrkovsky, District 2

John S. Sweetser, District 3



ATTEST:

Andrea Rodriguez, Luna County Clerk

Entered By:

Date

Checked By:

Date

**LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS**

**RESOLUTION NO. 19-16
Proposed Intra/Inter Department Transfers**

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

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

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

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

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

PASSED, APPROVED AND ADOPTED THIS 14th DAY OF MARCH, 2019.

LUNA COUNTY

Chairperson

ATTEST:

Andrea Rodriguez, Luna County Clerk

Be it remembered that at a Regular meeting of the Luna County Board of County Commissioners in Deming NM on the 14th day of March, 2019 the following budget adjustments are proposed and entered of record.

Budget Resolution Number 19-16

Proposed Intra/Inter Department Transfer

ITEM NO	Adjustment Type	Fund/ DFA Fund	Dept.	From	FROM Current Balance	Transfer amount	TO Line Number	Transfer Amount	Purpose
One	Transfer	610/21800	Drug Investigation - Operation Stonegarden	610-08-2101 Professional/ Contract Services	\$31,541.00	\$3,492.00	610-08-2060 Match - Medicare 1.45%	\$662.00	To adjust for contract for part-time employees benefits for M & A on Operation Stonegarden award.
							610-08-2064 Match - FICA - 6.2%	\$2,830.00	To adjust for contract for part-time employees benefits for M & A on Operation Stonegarden award.
Two	Transfer	610/21800	Drug Investigation - Operation Stonegarden (ODD)	610-76-2005 Salaries - Overtime	\$205,247.92	\$500.00	610-76-2064 Match - FICA - 6.2%	\$500.00	To adjust for contract for part-time employees benefits for M & A on Operation Stonegarden award.
Three	Transfer	609/22600	Adult Detention	609-21-2181 Inmate Housing	\$23,000.00	\$10,000.00	609-21-2011 Vehicle Expense	\$10,000.00	To allow for spending through remainder of fiscal year - transports are up due to increased ADP of USMS detainees.
Four	Transfer	801/59900	Entertainment Complex	801-80-2065 Match - Group Insurance	\$49,835.52	\$5,500.00	801-80-2004 Salaries - Holiday	\$1,500.00	To allow for spending through remainder of fiscal year.
							801-80-2012 Equip/Supplies/ Mtn/Repairs	\$4,000.00	To allow for spending through remainder of fiscal year.
Five	Transfer	402/20400	Road Department	402-10-2075 Equipment Operating Expense/Repair	\$70,218.25	\$5,000.00	402-40-2075 (Solid Waste) Equipment Operating Expense/Repair	\$5,000.00	To allow for spending through remainder of fiscal year.
					\$379,842.69	\$24,492.00		\$24,492.00	

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 14th day of March, 2019.**

LUNA COUNTY BOARD OF COUNTY COMMISSIONERS

Barbara L. Reedy, District 1

Linda M. Smrkovsky, District 2

John S. Sweetser, District 3



ATTEST:

Entered By:

Date

Andrea Rodriguez, Luna County Clerk

Checked By:

Date



TrueConnect Agreement

Agreement: The parties to this TrueConnect Agreement include the undersigned employer ("Employer"), and Employee Loan Solution, LLC. ("Employee Loan Solutions").

Description: TrueConnect is a small loan voluntary benefit program helping employees facing a financial need.

Loans: Fixed sizes no larger than \$3000, depending on employee income and tenure. Repayment is through payroll deductions over a period of 12 months.

Employee Loan Solutions Shall:

1. Maintain a program website portal through which employees can apply for a loan under the TrueConnect program.
2. Provide a file to Employer each pay period noting the payroll deduction amounts from each borrower.
3. Provide a secure interface through the program website for Employer to transmit reporting information.
4. Provide tools to facilitate automation of these steps.

Employer Shall:

1. Communicate the TrueConnect program to employees as a voluntary benefit utilizing approved written materials and the program website.
2. Submit through the program website an employee census file each pay period identifying employees and providing compensation data and related information which will be encrypted by TrueConnect. This can be automated.
3. Subject to any limitations under state law, Employer shall accept voluntary wage authorizations executed by employees, and process those authorized TrueConnect deduction instructions to facilitate loan payments, including repayment of the balance of any loan by deducting the sum from any terminated employee's last paycheck.
4. Send a report of actual deductions to TrueConnect's secure platform. This can be automated.

5. Each payday, the total of all loan deductions will be transferred to the bank for repayment through either:
 - ACH transfer or
 - Auto-deduction from designated Employer Account.
6. Communicate to Employee Loan Solutions (i) any changes to Employer's normal payday date, (ii) any terminations of employees having outstanding loans, (iii) any revocations of payroll deductions, or (iv) other pertinent information to Employee Loan Solutions through the program website.
7. Employee Loan Solutions shall defend, indemnify and hold harmless the Employer from all actions, proceeding, claims, demands, costs, damages, attorneys' fees and all other liabilities and expenses of any kind from any source which may arise out of the performance of this Agreement. Notwithstanding, Employee Loan Solutions shall not be responsible for negligent acts or intentional bad acts of the Employer.

Banking relationship: Loans will be made by an FDIC insured bank. Employer will provide full cooperation to the bank and acknowledges and agrees that the bank will be a third party beneficiary of this Agreement.

Termination: This Agreement may be terminated at any time by either party providing notice of termination to the other party. The program shall continue indefinitely until terminated.

Wind-Down: If any party terminates this Agreement for any reason, Employee Loan Solutions and Employer agree to cease all marketing and new loan originations. Employer agrees to continue all necessary payroll deductions until all existing loans are fully repaid.

Miscellaneous: The Agreement shall be effective as of the date of execution by the Employee Loan Solutions below. This TrueConnect Agreement constitutes the entire agreement of the parties and may only be modified by a subsequent agreement in writing signed by the parties hereto.

NM Counties Member

Employee Loan Solutions, LLC.
215 Hwy 101, Unit 105
Solana Beach, CA 92075

By: _____
Title: _____
Date: _____

By: _____
Title: _____
Date: _____

STATE OF NEW MEXICO – COUNTY OF LUNA
LUNA COUNTY ROAD DEPARTMENT

700 SOUTH SILVER AVENUE
DEMING, NEW MEXICO 88031
(505)546-0404 FAX (505)546-4580



Courthouse Erected 1910
Luna County Established 1901

CERTIFIED MAIL - _____

March 14, 2019

**Mr. Robert S. Young
New Mexico Department of Transportation
Asset Management & Planning Division, S-2
P.O. Box 1149
Santa Fe, NM 87504-1149**

**LUNA COUNTY
PUBLIC ROADS MAINTAINED BY COUNTY AS OF APRIL 1, 2019**

**IN CONFORMANCE WITH SECTION 67-3-28 NMSA 1988:
TOTAL MILES MAINTAINED BY LUNA COUNTY 1848.50**

**WE HEREBY CERTIFY THAT THE MILEAGE LISTED IS MAINTAINED BY THE LUNA COUNTY ROAD
DEPARTMENT:**

**BOARD OF COUNTY COMMISSIONERS
LUNA COUNTY, NEW MEXICO**

**CHAIRPERSON _____
Linda M. Smrkovsky**

**MEMBER _____
John S. Sweetser**

**MEMBER _____
Barbara L. Reedy**

**ROAD SUPERINTENDENT _____
Martin Miller**

**_____
COUNTY CLERK, Andrea Rodriguez**

STATE OF NEW MEXICO
COUNTY OF LUNA

700 SOUTH SILVER AVENUE
P.O. DRAWER 551 DEMING, NEW MEXICO 88031-0551
(575) 546-0494 FAX (575) 546-4708



To: Luna County Board of County Commissioners
CC: Chris Brice, Interim County Manager

From: Joanne C. Hethcox, Budget and Procurement Director 

Date: Monday, March 11, 2019

Subject: Disposal of Non-Fixed Assets by Intergovernmental Agreement

The Luna County Historical Society has requested the use of the exhibit cabinets (total five cabinets) that are currently in the basement area of the Luna County Courthouse that are not being utilized. The Luna County Historical Society is requesting the cabinets to be on a long-term loan basis as they have a need for the exhibit cabinets. The Luna County Historical Society has also requested that the items be moved to the museum as they do not have the resources to have place them in their new location.

At this time, I would recommend that the Luna County Board of County Commissioners allow the moving and intergovernmental transfer of the listed non-fixed assets to the City of Deming for use by the Luna County Historical Society until they no longer have need of the cabinets.

MANAGER:

5 – Glass Enclosed Exhibit Cabinets with shelves and lighting

ATTEST:

Approved by the Luna County
Board Of County Commissioners
Date: March 14, 2019

Andrea Rodriguez, Luna County Clerk

By _____
Linda M. Smrkovsky, Chairperson

“Luna County Government exists to provide structure and order to enable the people to address their common need for safety, wellness and community development.”

STATE OF NEW MEXICO
County of Luna

Barbara L. Reedy
Commissioner, District 1

Linda M. Smrkovsky, Chair
Commissioner, District 2



John S. Sweetser
Commissioner, District 3

Glory Juarez
Interim County Manager

700 South Silver Avenue • Post Office Box 551 • Deming, New Mexico 88031
Telephone (575) 546-0494 Facsimile (575) 544-4293

RESOLUTION NO. 19-17

ACCEPTANCE AND APPROVAL OF THE FY18 AUDIT

WHEREAS, the County of Luna is required by statute to contract with an independent auditor to perform the required annual audit or agreed upon procedures for Fiscal Year 2018; and,

WHEREAS, the Luna County Board of County Commissioners has directed the accomplishment of the audit for FY2018 be completed; and,

WHEREAS, this audit has been completed and presented to the Luna County Board of County Commissioners per the February 12, 2019 Letter from the Statue Auditor authorizing release of the FY2018 audit.

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

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

ACCEPTED AND APPROVED this 14th day of March 2019 in regular session by the Luna County Board of County Commissioners, at Deming, Luna County, New Mexico.

BARBARA L. REEDY, COMMISSIONER

LINDA M. SMRKOVSKY, COMMISSIONER

ATTEST BY:

ANDREA RODRIGUEZ, LUNA COUNTY CLERK

JOHN S. SWEETSER, COMMISSIONER