

# **LUNA COUNTY BOARD OF COUNTY COMMISSIONERS**

**Linda M. Smrkovsky**  
Member

**R. Javier Diaz**  
Chairman

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

**Thursday, May 12, 2016  
10:00 a.m.  
Regular Meeting  
Luna County Courthouse**

1. **Call to Order:** Chairman Diaz to commence meeting (At this time, please silence your cell phones and any other electronic devices) Pledge of Allegiance, State Pledge
2. **Roll Call:**
3. **Approval of Agenda:**
4. **Elected Officials Report:**
5. **Announcements:**
  - a. Teresa K. Ortberg first Luna County's First Certified Prevention Specialist (PS) by Glory Juarez
  - b. Miscellaneous Announcements
6. **Presentations:** Solar Project for County Facilities by Mark Valenzuela of George K. Baum and Co.
7. **Public Hearing:** Public Hearing on Ordinance Number 96 Adopting a Special County Hospital Gross Receipts Tax (CONTINUATION OF GRT)
8. **Ordinance:** Ordinance Number 96 Adopting a Special County Hospital Gross Receipts Tax (CONTINUATION OF GRT)

## **MOTION AND VOTE**

9. **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.

**10. County Manager's Report:**

**11. Minutes:**

- a. Special Meeting March 24, 2016  
**MOTION AND VOTE**
- b. Regular Meeting-April 7, 2016  
**MOTION AND VOTE**
- c. Work Session- April 7, 2016  
**MOTION AND VOTE**
- d. Special Meeting- April 22, 2016  
**MOTION AND VOTE**

**12. Consent Agenda:**

- a. Accounts Payable: \$ 725,619.30
- b. Payroll:\$ 1,488,199.25
- c. Resolution 16-29 Budget Transfers
- d. Resolution 16-30 Budget Increases
- e. Release of Mortgage for Preferred Produce, Inc.
- f. Debt Re-Payment Amended Agreement between Luna County Sheriff and Luna County
- g. Resolution 16-31 Intergovernmental Transfer of Property for Port of Entry Expansion Project
- h. Proclamation on Recognizing Bueno Foods and Celebrating 65<sup>th</sup> Anniversary
- i. Memorandum of Understanding between Luna County Detention Center and Bernalillo County Metropolitan Detention Center  
**MOTION AND VOTE**

**13. New Business:**

**14. Approval of Travel Requests:**

**MOTION AND VOTE**

**15. 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 May 12, 2016 in the amount of \$3,539.35  
**MOTION AND VOTE**
- d. Recess as Claims Board, Re-Convene as County Commission  
**MOTION AND VOTE**

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

**MOTION AND VOTE**

- 17. Upcoming Meetings:**

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

Regular Meeting- June 9, 2016 at 10:00 a.m.

- 18. Requests for Future Agenda Items:**

- 19. Adjourn:**

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

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

**ORDIDANCE 96**  
**ADOPTING A SPECIAL COUNTY HOSPITAL**  
**GROSS RECEIPTS TAX**

BE IT ORDAINED BY THE GOVERNING BODY OF  
LUNA COUNTY:

**Section 1. Imposition of Tax.** There is imposed on any person engaging in business in this county for the privilege of engaging in business in this county an excise tax equal to one-eighth of one percent (.125%) of the gross receipts reported or required to be reported by the person pursuant to the New Mexico Gross Receipts and Compensation Tax Act as it now exists or as it may be amended. The tax imposed under this ordinance is pursuant to the County Local Option Gross Receipts Taxes Act as it now exists or as it may be amended and shall be known as the "special county hospital gross receipts tax."

**Section 2. General Provisions.** This ordinance hereby adopts by reference all definitions, exemptions and deductions contained in the Gross Receipts and Compensating Tax Act as it now exists or as it may be amended.

**Section 3. Specific Exemptions.** No special county hospital gross receipts tax shall be imposed on the gross receipts arising from:

- A. transporting persons or property for hire by railroad, motor, vehicle, air transportation or any other means from one point within the county to another point outside the county; or
- B. direct broadcast satellite services.

**Section 4. Dedication.** Revenue from the special county hospital gross receipts tax is dedicated for county ambulance transport costs or for operation of a rural health clinic

**Section 5. Effective Date.** The effective date of the special county hospital gross receipts tax shall be either January 1 or July 1, whichever date occurs first after the expiration of three months from the date when the results of the election are certified to be in favor of the ordinance's adoption and the adopted ordinance is delivered or mailed to the Taxation and Revenue Department.

**Section 6. Delayed Repeal. (Mandatory)** Ordinance Number 96  
(if it becomes law) is repealed effective December 31, 2021.

ADOPTED BY THE LUNA COUNTY BOARD OF COMMISSIONERS, THIS 12th DAY OF MAY 2016.

ATTEST:

LUNA COUNTY

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Andrea Rodriguez, County Clerk

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R. Javier Diaz, Chairman

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Linda M. Smrkovsky, Member

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Joe L. Milo, Jr, Member

**MINUTES  
SPECIAL MEETING  
LUNA COUNTY BOARD OF COUNTY  
COMMISSIONERS  
Thursday, March 24, 2016**

**BE IT REMEMBERED** that the Luna County Board of County Commissioners met in Special Session at 4:00 p.m. on Thursday, March 24, 2016 in the County Commission Chambers of the Luna County Courthouse, Deming, New Mexico, for the purpose of conducting any and all business to come properly before the Board.

The following staff and elected officials were present:

County Manager Charles "Tink" Jackson, Assistant County Manager Glory Juarez, County Clerk Andrea Rodriguez, Deputy Clerk JoAnna Zurinsky, Chief Deputy Treasurer Gloria Rodriguez, Special Projects and Facilities Management Director Billy Ruiz, Detention Director Matthew Elwell, Starmax Facilities Director Ira Pearson, IT Technician Manny Armendariz

**CALL TO ORDER:** Chairman Diaz called the meeting to order at 4:03 p.m. and Rick Green led the Pledge of Allegiance and the salute to the flag of the State of New Mexico.

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

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

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

**PUBLIC COMMENT:** Chairman Diaz opened the floor for Public Comment, and Ray Krecji commented on how important he felt the jail expansion was to the community, and urged the Board to consider approval. Mr. Krecji also suggested that the Board consider forming a public committee to aid in the hiring process for the new County Manager.

**NEW BUSINESS:** County Manager Charles "Tink" Jackson reviewed each item on the New Business agenda with the commissioners:

**a. Luna County Detention Center Programming Report and Recommendations:** Mr. Jackson introduced Wilson & Company architect Rick Green to present the Luna County Detention Center Programming Report and Recommendations to the Board. Mr. Green's presentation included a project history, outlining critical programming goals, a summary of four building options (Option A: Full Project Build-out, Option B: Phased Full Project Build-out, Phase I and Option B: Phased Full Project Build-out, Phase II, Option C: 288 Bed Addition, and Option D: 144 Bed Addition), Luna County Detention Center (LCDC) Priorities, Project Cost, Scheduling, budgeting and LCDC Building Committee Recommendations, and a project timeline. A discussion ensued amongst the Board,

County Manager Jackson, Director Elwell and Mr. Green pertaining to the feasibility of keeping the existing modular (trailer) units and the recommendations made by the Building Committee. Mr. Green and Wilson & Company Vice President Mario Juarez-Infante reiterated the overall recommendation of both Wilson & Company and the Luna County Detention Center Building Committee that Option B, Phase I was the best option because it gave the County the most flexibility, encompassed the needs of the Detention Center and the community, and was the most cost effective, however the project budget would need to be increased from \$9,000,000 to \$13,208,575, so that the LCDC will be able to increase revenue. Commissioner Smrkovsky motioned to approve the Luna County Detention Center Programming Report and Recommendations with Option B, Phase I. Commissioner Milo seconded the motion which carried unanimously.

**b. Wilson & Company Phase II Contract Amendment for Luna County Detention Center:** Mario Juarez-Infante explained this item amends the Wilson & Company Contract for phase II, and covers the A/E fees in in Phase I that the Commission passed in Option B. (medical facility, IT room, 288 beds, property room, security/controls upgrade.) Mr. Juarez-Infante explained that the \$13,208,575 is a full project amount, and includes the construction cost, soft cost, taxes, and contingency costs, assuming that the gross receipts tax rates remain the same. Chairman Diaz stated that he had an issue with contingency fees, and Mr. Juarez-Infante explained that there are some challenges especially with existing building projects that contractors face, and that it is sometimes impossible to avoid, and that the numbers were a conservative estimate. Commissioner Smrkovsky moved to approve the Wilson & Company Phase II Contract Amendment for Luna County Detention Center for \$13,208,572.23. Commissioner Milo seconded the motion which carried unanimously.

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

Commissioner Smrkovsky motioned to return from Executive Session where no other matters were discussed but Limited Personnel Matters. Commissioner Milo seconded the motion which carried unanimously.

No action was taken during the Executive Session.

**ADJOURN:** Chairman Diaz adjourned the meeting at 6:44 p.m.

**ATTEST:**

**LUNA COUNTY BOARD OF COUNTY  
COMMISSIONERS**

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**ANDREA RODRIGUEZ, CLERK**

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

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

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**LINDA SMRKOVSKY, DISTRICT 2**

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

**MINUTES  
REGULAR MEETING  
LUNA COUNTY BOARD OF COUNTY  
COMMISSIONERS  
Thursday, April 7, 2016**

**BE IT REMEMBERED** that the Luna County Board of County Commissioners met in regular session at 10:00 a.m. on Thursday, April 7, 2016 in the County Commission Chambers of the Luna County Courthouse, Deming, New Mexico, for the purpose of conducting any and all business to come properly before the Board.

The following staff and elected officials were present:

County Manager Charles "Tink" Jackson, Assistant County Manager Glory Juarez, County Clerk Andrea Rodriguez, Chief Deputy Clerk Berenda McWright, Elections Administrator Leslie Nabours, Deputy Clerk JoAnna Zurinsky, Treasurer Dora Madrid, Sheriff Jonathan Mooradian, Special Projects and Facilities Management Director Billy Ruiz, Detention Director Matthew Elwell, Dispatch Supervisor Lauree Sanchez, Community Projects Director Jessica Etcheverry, Road Director Marty Miller, Budget and Procurement Director Joanne Hethcox, Human Resources Director Danny Gonzales, Starmax Facilities Director Ira Pearson, Community Well Being Director Jessica Moreno, IT Technician Manny Armendariz, Grant and Compliance Officer Palmira Valentine, Emergency Services Director Mark Jasso, Public Information Officer Matt Robinson, Volunteer Fire Department Chief Luis Malina, Security Screener Moses Pastran.

**CALL TO ORDER:** Chairman Diaz called the meeting to order at 10:05 a.m.

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

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

**APPROVAL OF AGENDA:** Commissioner Milo motioned to amend and approve the Agenda, removing *Item E* from the Consent Agenda, pending further discussion from the Board. Commissioner Smrkovsky seconded the motion which carried unanimously.

**ELECTED OFFICIALS REPORTS:** County Clerk Andrea Rodriguez announced that her office has been busy preparing for the Primary Election on June 7<sup>th</sup>.

Sheriff John Mooradian reported on crime statistics, and stated that burglaries were down, and larcenies were up, and contributed this to problems surrounding mail theft. Sheriff Mooradian also reported that a new patrol unit was received by the department.

There were no reports given by the County Treasurer or the County Assessor.

**ANNOUNCEMENTS:** There were no announcements made.



**SERVICE AWARDS:** Sheriff John Mooradian presented Paul Sanchez with a five-year service award.

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

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

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

- Hermanas Grade- The process to get final approval for the Hermanas Grade project continues. The County is just a few days away from the draft Environmental Assessment from being finalized. At this point, the majority of the public comments submitted are in favor of the project. The County should see the final Environmental Assessment (EA) and start the final public process for approval of the EA before the end of April. The approved EA will allow the Bureau of Land Management to approve the final 30-year Right of Way for the entire road, and allow Phase IV to occur this year.
- ISC Canadian River Application- After this Commission approved the proposed settlement agreement between the Interstate Stream Commission (ISC) and the Protestants, a small number of the Protestants requested some minor changes in the language of the settlement. Those changes have been accepted now, and the County should be seeing a final version of the document for execution in the near future.
- Luna County Detention Center (LCDC) Project Programming- The County Commission approved Option B of the Programming Report at the Special Meeting on March 24. The Project Management Team has been established, and will continue to work closely with the CES contractor to keep the project on the timetable that is established for completion.
- Draft Budget- Staff is working on the draft budget for the Commission's consideration next month. Lack of additional revenues coupled with increased insurance costs and the State Land Office Amnesty program on State roads within Luna County will significantly limit what the Commission can do this year internally and for outside entities.
- Luna County Detention Center (LCDC) Reorganization- In preparation for the upcoming expansion at the LCDC, the County has reorganized the staff to meet the additional needs the LCDC will have upon completion. (Mr. Jackson introduced Mary Gooding as Deputy Director, Bobby Brookhouser, Jr. as Chief of Security, and Nathan Ortberg as Special Management Unit Director.)
- Staff continues to work on and address options for the Luna County Road Tax. While none of the current staff was here when the problems with the tax were created, a resolution must be found to the concerns expressed about the tax. It has been recommended to the Commission that it might take a full 'reboot' of the program to correct the problems that are being faced now. The road tax assessment would apply to every property owner with front footage within every subdivision approved historically by the Luna County Board of County Commissioners.
- The County Manager would like to take the time to thank the Commissioners for giving him the opportunity to serve as the Luna County Manager for the last two years. Regardless of what a very small handful might say, a look back over the last two years shows many positive things the County has done together to help the citizens of Luna County. Whether it is the \$2.1 million dollars that the County saved taxpayers by refinancing the bond at the Starmax facility, the 2015-2016 budget that did not allow for any money from reserves to be spent, the lack of liability claims against the County that others have faced due to lax policies and administrators, or the establishment of an Ethics Pledge that requires those that receive county taxpayer money to meet the same standards that the County holds themselves to,

Luna County has set a high mark for others to attain. Mr. Jackson also thanked the staff and urged them to keep up the hard work, and thanked the members of the community present and stated that 'he hoped that they would always see through the arrogance of those that want to take power from the people, and give it to a small group of self-serving individuals who think they should run everything in the County.' 'To not see this', Mr. Jackson stated, 'would be a giant step backwards for the future.'

**CONSIDER MINUTES:** Upon motion of Commissioner Smrkovsky, seconded by Commissioner Milo, the minutes of the March 10, 2016 Work Session were unanimously approved.

Upon motion of Commissioner Milo, seconded by Commissioner Smrkovsky, the minutes of the March 10, 2016 Regular Meeting were unanimously approved.

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

- a. **Accounts Payable: Accounts Payable Registers totaling \$944,441.96.**
- b. **Payroll Registers: Payroll Registers totaling \$1,051,109.58.**
- c. **Resolution 16-21 Budget Increases**
- d. **Resolution 16-22 Budget Transfers**
- e. ***(This Item was pulled from the Consent Agenda)\****
- f. **Resolution 16-24 Fair Housing Policy**
- g. **Fair Housing Proclamation**
- h. **2017 County Fire Protection Fund Distribution Application – Cook's Peak**
- i. **2017 County Fire Protection Fund Distribution Application- Sunshine**

**\*CONSENT AGENDA ITEM E: Resolution 16-23 Opposing Luna County Road Survey by BLM:** *(This item was discussed further amongst the Board for clarification.)* Mr. Jackson explained the language changes necessary, and recommended approval of this amended item. In the title of the Resolution, add the word 'Process' after Survey. Omit the fifth paragraph in the body of the document. In the sixth paragraph of the Resolution, remove the word *such*. In the seventh paragraph, replace *high school students* with *the selected contractor*, and replace the *have any* with *has no*, and *any county* will be replaced by *Luna County*. Amend the ninth paragraph, and remove the inadvertent *and* after *will*. On the tenth paragraph, replace the word *will* with *shall*. Commissioner Smrkovsky motioned to amend and approve Resolution 16-23 Opposing Luna County Road Survey by BLM. Commissioner Milo seconded the amended motion, which carried unanimously following a roll-call vote.

#### **NEW BUSINESS:**

- a. **Assign Resolution Number 16-20 to the NMAC Healthcare Policy Committee (Previously approved as Resolution 16-17):** Mr. Jackson explained this New Business item was previously approved by the Board and the Resolution number needs to be changed from 16-17 to 16-20, because 16-17 had already been assigned to an existing Resolution. Commissioner Smrkovsky moved to approve Assign Resolution Number 16-20 to the NMAC Healthcare Policy Committee (Previously approved as Resolution 16-17). Commissioner Milo seconded the motion, which carried unanimously following a roll-call vote.
- b. **Appointment of Luna County Animal Control Advisory Committee:** Mr. Jackson outlined the history of this item, and recommended approval of the Committee in order to keep the process moving. Mr. Jackson explained and recommended the Committee as follows: Matt Robinson as Chairman, Sandra Foster (Humane Society Designee), a Designee from Deming Animal Guardians,

the Sheriff (or his Designee), Billy Ruiz (or his Designee), and two or three members of the public. A conversation ensued amongst the Board in regards to the individuals that they would like to see serve on the Committee. Mr. Jackson reiterated the Committee appointments as follows: Matt Robinson (chair), Sandra Foster, Robert Floyd, Sherry McDaniel, Joanne Bryan, Malinda Mahnke, the Sheriff or his Designee, and Billy Ruiz's Designee, Frankie Tarazon. Commissioner Smrkovsky moved to approve the Appointment of Luna County Animal Control Ordinance advisory Committee. Chairman Diaz seconded the motion which carried unanimously.

#### **APPROVAL OF TRAVEL REQUESTS:**

**a. Bond Rating Trip to Dallas, TX (April 13-14, 2016):** Mr. Jackson recommended approval of this request, and explained that the trip is essential to the Jail Expansion and will establish the County's Bond Rating and establish the interest rate for the project. Commissioner Smrkovsky motioned to amend and approve the Bond Rating Trip to Dallas, Texas with the following group: Glory Juarez, Matt Elwell, Javier Diaz, Linda Smrkovsky, and Tink Jackson. Commissioner Milo seconded the amended motion which carried unanimously.

**b. NACo Conference (July 22-25, 2016 Los Angeles County- Long Beach, CA):** Commissioner Smrkovsky submitted this travel request for the National Association of Counties (NACo) Conference in Los Angeles County- Long Beach, CA, stating that she is on the NMAC Board and the Economic Development Committee for NACo. Mr. Jackson recommended approval for travel for Glory Juarez, Chairman Diaz, and Commissioner Smrkovsky. Commissioner Smrkovsky motioned to approve the travel request for the NACo Conference (July 22-25, 2016 Los Angeles County- Long Beach, CA for Glory Juarez, Javier Diaz, and Linda Smrkovsky. Commissioner Milo seconded the motion which carried unanimously.

**INDIGENT CLAIMS REPORT:** Upon motion of Commissioner Milo seconded by Commissioner Smrkovsky, the meeting of the Board of County Commissioners was unanimously recessed and the meeting of the Indigent Hospital Claims Board convened. Joanne Hethcox recommended approval of two claims dated April 7, 2016 in the amount of \$365.52 and zero denials. The monies received for March 2016 totaled \$42,252.39. The balance in the Indigent Funds Accounts as of March 31, 2016 is \$719,779.17 with an Encumbered Balance of \$203,462.00. Commissioner Smrkovsky moved to approve two claims dated April 7, 2016 in the amount \$365.52 and zero denials. Commissioner Milo seconded the motion which carried unanimously. Commissioner Smrkovsky moved to recess as claims board and to reconvene as the Board of County Commissioners. Commissioner Milo seconded the motion which was approved unanimously.

**CALL FOR ORDINANCE:** Call for Ordinance Adopting Special County Hospital Tax (Ordinance to Re-Impose the Special County Hospital Tax dedicated to Ambulance Service by Special Election). Mr. Jackson explained this item is an existing tax, and is the hospital tax for the County, and the tax is required to be reestablished every five years. The deadline to submit this was missed, and the Ordinance requires a referendum, and a special election must be held. Budget and Procurement Director Joanne Hethcox further explained to the Board that the funds from the tax are used for ambulance services (multi-services agreement), and for funding the purchases of ambulances. Ms. Hethcox stated that the County will lose approximately \$180,000 to \$200,000 if the collection of the tax lapses for six months, and that it was urgent to get it reinstated for the tax cycle beginning in January. The sunset for this is June 30<sup>th</sup>, and therefore the tax will not be collected from July to December on Luna County's behalf. Ms. Hethcox reiterated that the tax will need to be voted on, and suggested a mail-in ballot special election, and explained that if the County loses the tax in its entirety, then the amount lost is over \$400,000 a year, and the County will have to find the funds for ambulance

services elsewhere. Assistant County Manager Glory Juarez outlined the timeframe and guidelines the County must operate in, and stated that the County is looking to hold the election July 28<sup>th</sup> to September 9<sup>th</sup>. This will allow for enough time to get the referendum to Taxation and Revenue by the end of September. Commissioner Smrkovsky motioned to approve the call for ordinance, and directed the County Manager's Office to publish the title and summary of the Ordinance Adopting Special County Hospital Gross Receipts Tax one time in *The Deming Headlight* at least two weeks prior to the meeting of the Board at which the ordinance is proposed for final passage. The publication shall also include the date and time at which the ordinance is to be considered. The motion was seconded by Commissioner Milo which carried unanimously.

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

Commissioner Smrkovsky motioned to return from Executive Session where no other matters were discussed but Limited Personnel Matters pertaining to the County Manager's position. Chairman Diaz seconded the motion which carried unanimously. Commissioner Smrkovsky motioned. 1.) To allow the County Manager to exchange his last day of employment from April 8, 2016 to April 14, 2016. 2.) To approve posting of the County Manager's job description/opening shall be posted immediately for a period of three weeks (fifteen working days) with the ICMA, New Mexico Association of Counties, NACo, *The Deming Headlight*, radio, and Workforce Solutions. 3.) To appoint Assistant County Manager Glory Juarez to serve as the Interim County Manager with a temporary pay increase of 5 percent during this time. The motion was seconded by Commissioner Milo, and carried unanimously.

**ANNOUNCE NEXT MEETING:** Chairman Diaz announced that a Work Session will be conducted on May 12, 2016 at 9:00 a.m. and the next regular meeting will be held on Thursday, May 12, 2016 at 10:00 a.m.

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

**JAIL INSPECTION:** After a recess for lunch, a jail inspection was conducted at 1:30 p.m. the Luna County Detention Center. Commissioner Milo motioned to reconvene as the Luna County Board of County Commissioners. Commissioner Smrkovsky seconded the motion which carried unanimously.

**ADJOURN:** Chairman Diaz adjourned the meeting at 2:25 p.m.

**ATTEST:**

**LUNA COUNTY BOARD OF COUNTY  
COMMISSIONERS**

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**ANDREA RODRIGUEZ, LUNA COUNTY CLERK**

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

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

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**LINDA M. SMRKOVSKY, DISTRICT 2**

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

**MINUTES  
WORK SESSION  
LUNA COUNTY BOARD OF COUNTY COMMISSIONERS  
Thursday, April 7, 2016**

**BE IT REMEMBERED** that the Luna County Board of County Commissioners met in work session at 9:00 a.m. on Thursday, April 7, 2016 in the County Commission Chambers of the Luna County Courthouse, Deming, New Mexico, for the purpose of the Board to conduct a Work Session.

**CALL TO ORDER:** Chairman Diaz called the meeting to order at 9:05 a.m. and led the Pledge of Allegiance and the salute to the flag of the State of New Mexico.

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

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

**PRESENTATION:** Wilson and Company Vice-President Mario Juarez-Infante gave a presentation on a NM 11 Bypass Corridor Study and Regional Strategic Collaboration. Mr. Juarez-Infante's presentation outlined flooding and execution strategies, forecasts of traffic flow, safety concerns, and how transportation laws shape the corridor study.

**COMMISSIONERS AND STAFF DISCUSSIONS 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. Item C on the Consent Agenda was discussed amongst the Board for changes to the language contained in the Resolution. *(\*Note: Items were presented for discussion only and no actions were taken.)*

**PUBLIC INPUT:** Chairman Diaz opened the floor to Public Comment pertaining to Agenda Items. Ann Shine-Ring and Elizabeth Burr came before the Board to discuss the hiring of a new County Manager.

**ADJOURN:** Chairman Diaz adjourned the meeting at 10:04 a.m.

**ATTEST:**

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**Andrea Rodriguez, Luna County Clerk**

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

**LUNA COUNTY BOARD OF  
COUNTY COMMISSIONERS**

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

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**Linda M. Smrkovsky, District 2**

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

**MINUTES  
SPECIAL MEETING  
LUNA COUNTY BOARD OF COUNTY  
COMMISSIONERS  
Friday, April 22, 2016**

**BE IT REMEMBERED** that the Luna County Board of County Commissioners met in Special Session at 9:00 a.m. on Friday, April 22, 2016 in the County Commission Chambers of the Luna County Courthouse, Deming, New Mexico, for the purpose of conducting any and all business to come properly before the Board.

The following staff and elected officials were present:

Interim County Manager Glory Juarez, Chief Deputy Clerk Berenda McWright, Deputy Clerk JoAnna Zurinsky, Chief Deputy Treasurer Gloria Rodriguez, County Assessor Delilah Rojo, Community Projects Director Jessica Etcheverry, Special Projects and Facilities Management Director Billy Ruiz, Human Resources Director Danny Gonzales, Budget and Procurement Director Joanne Hethcox, Starmax Facilities Director Ira Pearson, Public Information Officer Matt Robinson, Emergency Services Director Mark Jasso, Grant and Compliance Officer Palmira Valentine, IT Technician Manny Armendariz

**CALL TO ORDER:** Chairman Diaz 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 JoAnna Zurinsky called roll. The following members of the Board constituting a quorum were present:

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

**APPROVAL OF AGENDA:** The Agenda for today's Special Meeting was presented to the Board for approval. Commissioner Smrkovsky motioned to amend and approve the Agenda, removing *New Business Item 'A'*. Commissioner Milo seconded the motion which carried unanimously.

**PUBLIC COMMENT:** Chairman Diaz opened the floor to Public Comment. Ann Shine-Ring came before the Board with comments and questions pertaining to the hiring process of a New County Manager. Ms. Shine-Ring commented on Open Government Law, and that a hiring process for the County Manager should not be done in Executive Session, and her concerns pertaining to the need to amend the job description and the lack of public input.

**NEW BUSINESS:** Interim County Manager Glory Juarez reviewed each item on the New Business agenda with the commissioners:

- a. **Amended Job Description for the County Manager's Position:** This item was removed from the agenda, therefore no action was taken.
- b. **Resolution 16-25 Intergovernmental Transfer of Property from Luna County to the General Services Administration (GSA) for Land Port of Entry Expansion Project (Property formerly known as the Herman Property):** Interim County Manager Glory Juarez outlined the history on this item, and explained that this Resolution, as well as Resolutions 16-26 and 16-27 are technical requests, and it is necessary for the Transfer of Properties to go before the State Board of Finance. Ms. Juarez further stated that the Transfer of Property must be done as part of the Port of Entry Project. Community Projects Director Jessica Etcheverry came before the Board, and explained how the property transfer works, and why it needs to be done. Ms. Etcheverry provided a timeline and history of the property acquisitions. Commissioner Smrkovsky motioned to approve Resolution 16-25 Intergovernmental Transfer of Property from Luna County to the General Services Administration (GSA) for Land Port of Entry Expansion Project (Property formerly known as the Herman Property), and to allow the Interim County Manager to make any necessary changes as recommended by the State Board of Finance, and execute the closing documents. Commissioner Milo seconded the motion, which carried unanimously following a roll-call vote.
- c. **Resolution 16-26 Intergovernmental Transfer of Property from Luna County to the General Services Administration (GSA) for Land Port of Entry Expansion Project (Property formerly owned by Ruis/Ortega):** Commissioner Smrkovsky motioned to approve Resolution 16-26 Intergovernmental Transfer of Property from Luna County to the General Services Administration (GSA) for Land Port of Entry Expansion Project (Property formerly owned by Ruis/Ortega), and to allow the Interim County Manager to make any necessary changes as recommended by the State Board of Finance, and execute the closing documents. Commissioner Milo seconded the motion, which carried unanimously following a roll-call vote.
- d. **Resolution 16-27 Intergovernmental Transfer from Luna County to the General Services Administration (GSA) for Land Port of Entry Expansion Project (Property formerly owned by the Village of Columbus):** Commissioner Smrkovsky motioned to approve Resolution 16-27 Intergovernmental Transfer of Property from Luna County to the General Services Administration (GSA) for Land Port of Entry Expansion Project (Property formerly owned by the Village of Columbus), and to allow the Interim County Manager to make any necessary changes as recommended by the State Board of Finance, and execute the closing documents. . Commissioner Milo seconded the motion, which carried unanimously following a roll-call vote.
- e. **Resolution 16-28 Joining the Coalition of Local Governments (2.0 Coordination Coalition):** Interim County Manager Glory Juarez explained that this item pertains to an ongoing issue, and the County Manager sent a letter on March 25, 2016 in regards to extending the comment period for this rule, and there are soil and water conservation groups and counties getting together to oppose the BLM planning rules. Commissioner Smrkovsky reviewed a brief history and provided information on the coalition. Commissioner Smrkovsky motioned to approve Resolution 16-28 Joining the Coalition of Local Governments (2.0 Coordination Coalition). Commissioner Milo seconded the motion, which carried unanimously following a roll-call vote.

**ADJOURN:** Chairman Diaz adjourned the meeting at 9:25 a.m.



**ATTEST:**

**LUNA COUNTY BOARD OF COUNTY  
COMMISSIONERS**

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

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

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

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

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

LCBCC Meeting May 12th, 2016

Accounts Payable

04/08/2016	\$113,516.38
04/08/2016	\$7,010.25
04/08/2016	\$13,001.39
04/14/2016	\$5,721.51
04/14/2016	\$15,210.58
04/14/2016	\$130,604.63
04/22/2016	\$98,619.32
04/22/2016	\$6,321.61
04/22/2016	\$3,845.66
04/29/2016	\$9,413.90
04/29/2016	\$7,060.14
04/29/2016	\$196,762.88

P-Cards

04/27/2016	\$118,531.05
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Total \$725,619.30

*Luna County*  
*Board of County Commissioners*

AGENDA 05/12/16

PAYROLL

04/01/2016	Register#2016017	\$502,546.97
04/01/2016	Register#2016018	\$16,191.10*
04/15/2016	Register#2016019	\$495,458.37
04/15/2016	Register#2016020	\$16,805.17*
04/15/2016	Register#2016022	\$1,642.75
04/22/2016	Register#2016023	\$1,856.57
04/29/2016	Register#2016024	\$415,896.42
04/29/2016	Register#2016025	\$37,801.90*
<b>Total</b>		<b>\$1,488,199.25</b>

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

**LUNA COUNTY BOARD OF COUNTY  
COMMISSIONERS**

**RESOLUTION NO. 16-29  
Proposed Intra/Inter Department Transfers**

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

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

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

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

**NOW THEREFORE BE IT RESOLVED** that the Luna County Board of County Commissioners hereby adopts the changes to the County's Fiscal Year 104, July 1, 2015 through June 30, 2016 Budget proposed by the County's management staff and attached hereto in spreadsheet form, as amendments to the previously adopted operating budget.

**PASSED, APPROVED AND ADOPTED THIS 12<sup>th</sup> DAY OF MAY, 2016.**

LUNA COUNTY

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R. Javier Diaz, Chairperson

ATTEST:

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Andrea Rodriguez, Luna County Clerk

Be it remembered that at a Regular meeting of the Luna County Board of County Commissioners in Deming NM on the 12th day of May, 2016 the following budget adjustments are proposed and entered of record.

## Budget Resolution Number 16-29

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	415/299	Community Services - Juvenile Field Services	415-13-2011 Vehicle Expense	\$3,915.55	\$3,500.00	415-13-2101 Professional/ Contract Services	\$3,500.00	To adjust for expenditure of ankle monitors contract for JJCS involved youth.
Two	Transfer	401/101	General Fund - IT Department	401-09-2012 Equip/Supplies/ Mtn/Repairs	\$44,776.53	\$20,000.00	401-09-2027 Office Equipment	\$20,000.00	To allow for replacement of 10-12 Toughbooks for SO that are at end of life.
Three	Transfer	415/299	Community Services - Adult Drug Court	415-72-2020 Supplies	\$2,026.80	\$629.96	415-72-2063 Match - PERA 16.42%	\$561.56	To adjust for salary benefits not originally budgeted.
							415-72-2070 Match - RHCA 2.00%	\$68.40	To adjust for salary benefits not originally budgeted.
Four	Transfer	401/101	General Fund - Sheriff's Department	401-08-2011 Vehicle Expense	\$33,311.30	\$25,000.00	401-08-2036 Administrative Expense	\$25,000.00	To replace batteriers in four repeaters and to pay for new mounting for updated Toughbooks.
Five	Transfer	402/204	Road Department	402-10-2205 Special Projects	\$4,602.28	\$4,602.28			
				402-10-2082 Safety-Equip/ Training/ Supplies	\$4,973.48	\$2,300.00			
				402-10-2185 Mapping/ Identification/ Address	\$2,500.00	\$2,000.00	402-10-2160 Agreements - County Arterial	\$8,902.28	To clear up line item and pay for extra oil needed for road job.
Six	Transfer	402/204	Road Department	402-10-2079 Road Construction/ Maintenance	\$5,713.46	\$5,000.00			

ITEM NO	Adjustment Type	Fund/ DFA Fund	Dept.	From	FROM Current Balance	Transfer amount	TO Line Number	Transfer Amount	Purpose
					\$200,840.80	\$105,515.41		\$105,515.41	

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 12th day of May, 2016.

LUNA COUNTY BOARD OF COUNTY COMMISSIONERS

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

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

\_\_\_\_\_  
R. Javier Diaz, District 3, Chairperson



ATTEST:

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

Entered By:

Date

Checked By:

Date

Be it remembered that at a Regular meeting of the Luna County Board of County Commissioners in Deming NM on the 12th day of May, 2016, the following budget adjustments are proposed and entered of record.

SCHEDULE OF BUDGET Of ADJUSTMENTS				Budget Resolution Number 16-30 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	415/299	Community Services - Juvenile Field Services	415/299	\$ 26,957.33	415-13-2275 After School Programs	\$ 10,699.94	To allow for carryover and spending of funds from FY 2015.	\$ 26,214.94	\$ 36,914.88
						415-13-2020 Supplies	\$ 16,257.39	To adjust budget for awarded amount for FY 2016.	\$ 7,457.18	\$ 23,714.57
Two	Increase	609/226	Adult Detention	609/226	\$ 400,000.00	609-21-2028 Capital Outlay	\$ 400,000.00	To purchase two replacement transport fleet buses.	\$ -	\$ 400,000.00
Three	Increase	401/101	General Fund - IT Department	401/101	\$ 35,000.00	401-09-2101 Professional/ Contract Services	\$ 35,000.00	To allow for the encumbrance of Opengov.com contract that spans several years.	\$ 185,000.00	\$ 220,000.00
Four	Increase	403/208	Farm & Range Community Services - Parents As Teachers Program	403/208	\$ 2,114.55	403-11-2093 Controls - Peredatory Animal	\$ 2,114.55	To correct line item to reflect current contract award plus final bill for FY 2015 paid in FY 2016.	\$ 34,500.00	\$ 36,614.55
Five	Increase	415/299		415/299	\$ 300.00	415-52-2321 St. Joseph's Good Neighbor Grant	\$ 300.00	To allow for spending of additional unrestricted donation from CHANCES for supplies needed.	\$ 5,000.00	\$ 5,300.00
Six	Increase	408/223	DWI	408/223	\$ 4,550.00	408-32-2020 Supplies	\$ 4,550.00	To allow for spending of unrestricted donations for the DWI program for Buzz Free Prom After Events and other events.	\$ -	\$ 4,550.00
Seven	Increase	421/218	Domestic Violence Shelter	421/218	\$ 2,100.00	421-00-2012 Equipment/ Supples/Mtn/ Repairs	\$ 2,100.00	To purchase air conditioners for shelter.	\$ -	\$ 2,100.00
Eight	Increase	401/101	General Fund - Clerk	401/101	\$ 731.72	401-04-2010 Mileage and Per Diem	\$ 731.72	To allow for spending of monies reimbursed from Secretary of State for attending Election School.	\$ 5,000.00	\$ 5,731.72
Nine	Increase	428/218	CASA	428/218	\$ 220.84	428-54-2010 Mileage and Per Diem	\$ 220.84	To allow for spending of monies reimbursed from State CASA for attending State Director's Meeting.	\$ 7,414.85	\$ 7,635.69

ITEM NO	Adjustment Type	Fund/ DFA Fund	Dept.	From	Amount	To	Amount	Purpose	Approved Budget Balance	Adjusted Budget Balance
					\$ 471,974.44		\$ 471,974.44		\$ 270,586.97	\$ 742,561.41

*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 12th day of May, 2016.

LUNA COUNTY BOARD OF COUNTY COMMISSIONERS

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

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

\_\_\_\_\_  
R. Javier Diaz, District 3, Chairperson



ATTEST:

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

Entered By:

Date

Checked By:

Date



## RELEASE OF MORTGAGE

**Qualifying Entity:**

Preferred Produce, Inc., a New Mexico corporation

**Secured Entity:**

LUNA COUNTY

**Principal Amount:** \$135,000

**Interest:** 0%

**Description of Collateral:**

The southeast quarter (NW1/4) of Section Twenty-Five (25), Township Twenty-Seven (27) South, Range Eight (8) West, N.M.P.M., Luna County, New Mexico.

On February 17, 2015, Preferred Produce, Inc. executed a mortgage on the aforementioned real property as security for the public contribution made to it by Luna County and the New Mexico Economic Development Department. Preferred Produce, Inc. having provided the substantive contribution required by the Local Economic Development Act, NMSA 1978, §§ 5-10-1, et seq., and otherwise performed all obligations required of it, Luna County hereby releases and discharges this Mortgage.

**IN WITNESS WHEREOF** the Qualifying Entity has duly affixed its signature under hand and seal on this \_\_\_\_ day of April, 2016.

County of Luna, New Mexico

By: \_\_\_\_\_

Dated: \_\_\_\_\_

State of New Mexico      )

County of \_\_\_\_\_)

This instrument was acknowledged before me on the \_\_\_\_ day of April, 2016, by Luna County, a political subdivision of the State of New Mexico.

\_\_\_\_\_  
Notary Public

My                      commission                      expires:

\_\_\_\_\_

## **DEBT RE-PAYMENT AMENDED AGREEMENT**

THIS AGREEMENT made effective May 12, 2016, by and between LUNA COUNTY, NEW MEXICO, hereinafter referred to as County, and LUNA COUNTY SHERIFF'S DEPARTMENT, hereinafter referred to as LCSO.

### **RECITALS**

The parties recite and declare:

- A. County is constructing a new 7,500 sf Law Enforcement Complex to house the LSCO at an approximate cost to the County of \$ 1,200,000.00.
- B. LCSO has the means to repay the County for the use of the County monies during the construction of the Law Enforcement Complex from local GRT currently being deposited into Fund 508 for Capital Expenditures.

In consideration of the above recitals, the term and covenants of this agreement and other valuable consideration, the receipt of which is acknowledged, the parties agree as follows:

### **SECTION ONE COUNTYS OBLIGATIONS**

County agrees to fund the Law Enforcement Complex to completion of construction in January, 2015.

### **SECTION TWO LCSO'S OBLIGATION**

LCSO has a local GRT dedicated to Capital Expenditures for the LCSO which is deposited for use into Fund 508.

### **TERM**

The original commencement date of this agreement is May 8 2014, and shall continue until the debt is paid in full. This agreement was amended on May 12, 2016.

### **SECTION THREE COMPENSATION**

LCSO agrees to pay County the equivalent 50% of the GRT collected and deposited into Fund 508 on a monthly basis for the 2014-2015 fiscal year and the equivalent 50% of the GRT collected and deposited into Fund 508 for the remainder of the fiscal years until the full cost of the Law Enforcement Complex (approximately \$1,200,000.00) plus interest at a rate of 2% is

SECTION NINE  
NOTICES

Any notices provided for or concerning this agreement shall be in writing and shall be deemed sufficiently given when sent by certified or registered mail to the respective address of each party as set forth below.

IN WITNESS WHEREOF, each party to this agreement has caused it to be executed at \_\_\_\_\_ on date indicated above.

LUNA COUNTY, NEW MEXICO

LUNA COUNTY SHERIFF'S  
OFFICE

By \_\_\_\_\_  
Chairman  
Luna County Board of County  
Commissioners

By \_\_\_\_\_  
Luna County Sheriff

Attest: \_\_\_\_\_  
County Clerk

RESOLUTION

16-31

AVAILABLE  
AS SOON AS  
POSSIBLE

Whereas, Bueno Foods has grown from a small family-owned grocery store in the South Valley of Albuquerque in 1951, into the Southwest's premier producer of New Mexican foods; and

Whereas, Bueno Foods was created by World War II veterans Joe, Ray and August Baca, members of a historic New Mexico family; and whereas

Whereas, Bueno Foods is committed to Albuquerque and surrounding communities through job creation and economic development, providing about 275 jobs with a total of over 400 jobs during peak seasons; and

Whereas, Bueno Foods reinvests in the New Mexico economy through its purchases from area farmers and locally grown products; and

WHEREAS, Bueno Foods is the first company to become New Mexico Chile Certified. And Bueno Foods' farmers are the first farmers to be New Mexico Chile Certified. This means that the Certification Seal on their products is an independent guarantee that their green chile products are grown here in New Mexico;

Whereas, Bueno Food's operations have a ripple effect throughout the region's economy, supporting secondary businesses and employment, returning revenue to New Mexico for local reinvestment from sales outside the state; and

Whereas, today, the Bueno brand is the most recognized green chile brand in New Mexico and North America; and

Whereas, Bueno Foods is dedicated to preserving New Mexico culture through the manufacture of a full line of over 150 authentic products for restaurants and retail clients; and

Whereas, Bueno Foods is steadfast in creating an equal opportunity workplace and offers an aggressive internal promotion program, based on merit, including women and minorities; and

Whereas, Bueno Foods' purpose is to have a positive influence on people's lives through job creation, community involvement and production of high quality products; and

Now, therefore, the Luna County Board of County Commissioners hereby recognizes Bueno Foods for their exemplary business and celebrates the organization's 65<sup>th</sup> Anniversary, hereby proclaiming May 18<sup>th</sup>, 2016, Bueno Foods Day.

**Memorandum of Understanding  
Between  
Luna County Detention Center  
And  
Bernalillo County Metropolitan Detention Center**

This Memorandum of Understanding (MOU) is made and entered into by and between **Luna County, New Mexico, a political subdivision of the State of New Mexico, and Bernalillo County, New Mexico, a political subdivision of the State of New Mexico, for the purposes of establishing guidelines of cooperation between their respective detention centers. Specifically, the Luna County Detention Center, hereinafter referred to as the "LCDC", and the Bernalillo County Metropolitan Detention Center hereinafter referred to as the "MDC".**

**1. BACKGROUND**

Detention Centers transport inmates to and from their facility for court and to offsite locations for medical or alternative secured housing via secured inmate transport buses and vans. As an emergency plan there may be the need to secure a temporary replacement vehicle in the unforeseen need of repair, replacement or mass movement of inmates.

**2. PURPOSE**

The purpose of this Agreement is to outline the responsibilities of LCDC and MDC in respect to securing a temporary replacement and rental of transport vehicles between the County of Luna and the County of Bernalillo.

**3. SOVEREIGN STATUS**

**a. Immunity**

Neither Party waives sovereign or governmental immunity by entering into this MOU, and each entity fully retains all immunities and defenses provided by law with respect to any action based on or occurring as a result of this MOU.

**b. Insurance**

Each Party agrees that it will perform requested services pursuant to this Agreement. Each Party waives any right or claim of subrogation or indemnification against the other Party. Certificate of Liability Insurance will be provided as part of this agreement.

**4. PROCEDURE:**

Luna County, through its authorized representative, may activate the provisions of this MOU by sending a written request to the authorized representative of Bernalillo County. Such written request will describe the type of vehicle requested and the expected return date of the vehicle. If the request is approved or not approved, the authorized representative of the MDC shall confirm approval (or disapproval) of the request in writing to the LCDC. It shall be the responsibility of the LCDC to pick-up the vehicle from the MDC upon approval, and also to return the vehicle to MDC on the expected return date that is stated in the written request. If circumstances outside of the control of Luna County or LCDC cause the LCDC to be unable to return the vehicle on the expected return date, LCDC may initiate an addendum to its written request, which outlines the circumstances requiring extension of the rental period and the new expected return date. The MDC shall approve or disapprove of the extension, in writing, to the LCDC.

## **5. AUTHORIZED REPRESENTATIVES**

The Parties designate their Detention Administrators as their authorized representative for administration of this Agreement. The Detention Administrators may be contacted at:

- |  |   |
|--|---|
| <b>a. Luna County</b><br>Matthew A. Elwell, CJM<br>1700 4 <sup>th</sup> Street<br>Deming, NM 88030<br>575-543-6701 | <b>b. Bernalillo County</b><br>Tom Swisstack<br>100 Deputy Dean Miera Rd. SW<br>Albuquerque, NM 87151<br>505-839-8701 |
|--|---|

## **6. COMPENSATION**

Luna County will compensate Bernalillo County at the official mileage rate set United States Internal Revenue Service for 2016 of 54 cents (\$0.54) per mile. Mileage will be calculated from the beginning mileage leaving MDC to the return of the vehicle to MDC. Mileage rates will be adjusted annually per current IRS rates set at the beginning of each calendar year.

### **a. Vehicle Repairs and Preventive Vehicle Maintenance**

Vehicle repairs will be discussed prior to any repair conducted on vehicles and cost and payment will be mutually agreed upon by both parties. Malfunction and maintenance due to age of vehicle will be paid for by MDC, maintenance conducted due to roadway hazards and or staff use will go through insurance and then responsibility of Luna County. Preventive maintenance will be the responsibility of Luna County if maintenance is due to mileage use i.e. oil changes and fluid refills.

### **b. Documentation**

MDC will provide a complete vehicle inspection upon vehicle rental which will be verified by LCDC Transport Supervisor.

MDC will maintain originals and provide a copy to the LCDC Transport Supervisor of a vehicle handoff form which will document, at least, the description of the vehicle and the mileage of the vehicle upon release to LCDC and then again upon return to MDC. LCDC Transport Supervisor will confirm by printed name and signature the mileage upon pick-up and drop-off the rented vehicle. LCDC will provide a Department of Transportation (DOT) inspection upon return of the vehicle.

Luna County will provide daily vehicle inspection documentation during possession of vehicle. Luna County will provide a complete vehicle inspection upon return of vehicle to MDC which will be verified by MDC Transport Supervisor.

LCDC driver's will be required to be licensed by the State of New Mexico Motor Vehicle Department with a CDL and "p" endorsement and must have a current certificate of completion of a defensive driving course through the national safety council.

### **c. Prohibition on Additional Compensation**

MDC shall not charge additional compensation not set forth in this Agreement. MDC is not obligated to transfer funds under this agreement for any purpose. Costs and labor for pick-up and drop-off shall be the responsibility of Luna County.

**7. DURATION OF AGREEMENT**

This agreement shall take effect upon execution by both Parties to this Agreement, and remain in effect for one year, annual MOU's may be drafted for approval.

**8. TERMINATION OF AGREEMENT**

Either Party may terminate this Agreement upon written notice to the other Party's Authorized Representative. Termination shall become effective thirty (30) days following receipt of said notice by the Authorized Representative.

**9. FACSIMILE/ELECTRONIC SIGNATURE**

A signature sent by facsimile or electronically shall have the same legal effect as if the original has been signed in person. This provision will apply to all documents associated with this Agreement.

**IN WITNESS WHEREOF**, the parties execute this MOU as set forth below:

**Luna County:**

**Bernalillo County:**

\_\_\_\_\_  
R. Javier Diaz, Commissioner  
Chair

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**Approved as to form and legal sufficiency:**

By: \_\_\_\_\_  
Bernalillo County Legal Department

Date: \_\_\_\_\_



# Indigent Hospital Claims Office

Glory Juarez, Interim County Manager

IHC Board Meeting April 7, 2016

Month	Number	Amount	Number	Denied
January	2	\$946.69	0	\$0.00
Feburary	0	\$0.00		
March	2	\$365.52		
April	6	\$3,539.35		
May				
June				
July				
August				
September				
October				
November				
December				
Total	10	\$4,851.56	0	\$0.00
This Month's Total	Mimbres Memorial Hospital			\$1,496.89
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			\$439.88
This Month's Total	All Other Services			\$1,602.58
Total				\$3,539.35
Year to Date Total	Mimbres Memorial Hospital			\$2,369.22
Year to Date Total	All Other Hospitals			\$1,602.58
Year to Date Total	Deming Fire Dept./EMS			\$879.76
Year to Date Total	All Other Services			
Total				\$4,851.56
Care of Prisoners This Month				\$32,844.32
Care of Prisoners Year to Date Indigent				\$62,274.91
Care of Prisoners Year to Date Inmate Prescriptions/OTC Meds				\$37,244.97
Care of Prisoners Year to Date Dr. Bills				\$5,563.30
Total Cost of Care of Prisoners Year to Date				\$105,083.18
Monies Received for April 2016				\$49,206.44
Balance in IHC Fund as of April 30, 2016				\$739,131.57
Encumbrances as of April 30, 2016				\$153,317.37
	Amount	Signatures	Date	Denied
Joe L. Milo, Jr	\$3,539.35		5/12/2016	\$0.00
Linda M. Smrkovsky				
R. Javier Diaz				

