

**LUNA COUNTY
BOARD OF COUNTY COMMISSIONERS**

**Barbara L. Reedy
Member**

**Linda M. Smrkovsky
Chairperson**

**John S. Sweetser
Member**

**Wednesday, January 8, 2020
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. **Elect 2020 Chairman:**
4. **Approval of Agenda:**
5. **Minutes:**
 - a. Regular Meeting December 12, 2019
MOTION AND VOTE
 - b. Special Meeting December 18, 2019
MOTION AND VOTE
6. **Service Awards:**
 - Tom Long Starmax 5 years
7. **Presentations:**
 - Quarterly Restrictive Housing Unit Report
 - Colonias Infrastructure Grant Discussion by Priscilla Lucero
 - New York Life Insurance Presentation by Maricela Sandoval
 - Presentation on Children's Museum

8. **Elected Officials Report:**

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

10. **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 January 8, 2020 \$20,640.48

MOTION AND VOTE

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

MOTION AND VOTE

11. **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.

12. **Consent Agenda:**

- a. Accounts Payable: \$812,107.30
- b. Payroll: \$1,138,585.05
- c. Resolution 20-01 Notice of Meetings
- d. Resolution 20-02 Timely Payments
- e. Resolution 20-03 Notice of Fees
- f. Resolution 20-04 Depositories, Board of Finance, and Media Designation
- g. Resolution 20-05 Right to Inspect Public Records
- h. Resolution 20-06 CDBG Annual Certifications and Commitments
- i. Resolution 20-07 Designating Treasurer to Require Collateralization
- j. Resolution 20-08 DWI Participation
- k. Resolution 20-09 ADA Grievance Procedure
- l. Resolution 20-10 Residential Displacement
- m. Oath of Office for Israel Saenz for Deputy Sheriff
- n. Oath of Office for Adrian Flores for Investigator

MOTION AND ROLL CALL VOTE

13. New Business:

- a. Resolution 20-11 Budget Increases
MOTION AND ROLL CALL VOTE
- b. Resolution 20-12 Budget Transfers
MOTION AND ROLL CALL VOTE
- c. Resolution 20-13 Agreement between Luna County and Southwest New Mexico
Council of Governments for Annual Membership & Appointment of Members
MOTION AND ROLL CALL VOTE
- d. Resolution 20-14 Supporting the Columbus Land Port of Entry Diversion Berm and
Flood Control Project, In Columbus, New Mexico.
MOTION AND ROLL CALL VOTE
- e. Resolution 20-15 Limited Delegation of Authority to County Manager
MOTION AND ROLL CALL VOTE
- f. NM Border Authority Representation
MOTION AND ROLL CALL VOTE
- g. Acceptance of Roads Dedication in Rockhound Colonia
MOTION AND ROLL CALL VOTE
- h. Elected Officials and Salary Survey
MOTION AND ROLL CALL VOTE
- i. Deming Animal Guardians Funding Request
MOTION AND ROLL CALL VOTE

14. Upcoming Meetings (unless otherwise specified):

Complete Count Committee Meeting: January 14, 2020 at 4:00 p.m.

Regular Commission Meeting: February 13, 2020 at 10:00 a.m.

15. Adjourn:

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

MINUTES
REGULAR MEETING
LUNA COUNTY BOARD OF COUNTY COMMISSIONERS
Thursday, December 12, 2019

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 10:00 a.m. on Thursday, December 12, 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: County Manager Chris Brice, County Attorney Charles C. Kretek, Executive Assistant Yossie Niebles, Clerk Andrea Rodriguez, Chief Deputy Clerk Berenda McWright, Probate Judge Diana May-Diaz, Deputy Clerk Pilar Salcido, Assessor Michelle Holguin, Chief Deputy Assessor Isabelle Enciso, Treasurer Gloria Rodriguez, Chief Deputy Treasurer Dora Madrid, Sheriff Kelly Gannaway, IT Technician James Ozment, Road Department Director Marty Miller, Human Resource Director Rosa Porras, Maintenance Director Paden Vendrely, Coordinator Joe Padilla, Emergency Management John Hefley, Dispatch Director Lauree Sanchez, LCDC Director Pablo Montoya, Program Director Jecca Jara, Administrative Assistant Patricia Rodriguez, and Budget & Procurement Director/Indigent Claims Administrator Joanne Hethcox.

CALL TO ORDER: Chair Smrkovsky called the meeting to order at 10:01 a.m., and led the Pledge of Allegiance and the salute to the flag of New Mexico.

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

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

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

MINUTES:

- **Regular Meeting – November 21, 2019:** Upon a motion made by Commissioner Reedy and a second by Commissioner Sweetser the Minutes of the November 21, 2019 Regular Meeting were unanimously approved.

SERVICE AWARDS: LCDC Sergeant Richard Casillas presented a twenty year service award to Martha Garcia.

Program Manager Jecca Jara presented a five year service award to Rosie Moreno from the Healing House.

RETIREMENT: County Manager recognized individuals retiring from Luna County service.

- Mark Jasso 23 years
- Danny Gonzales 22 years
- Moses Pastran 20 years
- Benny Ramon 17 years
- Carolina Trevizo 13 years

ELECTED OFFICIALS REPORTS: Sheriff Kelly Gannaway reported the overall stats for the month of November are up from October with one DWI. The overall grand totals are up. Court Security Officer Brittany Hethke has accepted a bailiff position at District Court so a position has opened there. Sheriff Gannaway stated that Shop with a Cop was a great success and thanked everybody who helped especially Chuck Kretek who did a tremendous job organizing the program.

Assessor Michelle Holguin reported they have entered all new tax rates and everything went smoothly. She provided the Board with a final abstract values for Luna County for 2019 along with a 2018 comparison of last year's values. Ms. Holguin stated they are getting ready for the first of the year and will be mailing out livestock and personal property statements by December 31st, along with the new forms to update records in the Assessor's Office. She mentioned there will be an agricultural land application and a commercial property rent/lease form which was added this year. The limitation and disabled exemption's minimum income requirements has changed from \$32,000 to \$35,000 for 2020. All exemptions will be available for the public to sign up after January 1st including family, veteran, non-governmental exemptions as well as manufactured home sticker pick up. Manufactured home stickers, livestock and personal property are due by February 29th without incurring a 5% penalty. All exemptions must be applied for by April 30th. Ms. Holguin also stated she has two appraisal employees attending the 2nd IAAO appraisal course to help them obtain their certification. Ms. Holguin wished a Merry Christmas and Happy New Year to the Board on behalf of herself and her staff. She also thanked the County Manager, Commissioners, Chief Deputy Assessor Isabel, her staff, fellow Elected Officials, Directors, co-workers and the public for helping her with the transition from employee to her new elected official position. She stated it has been a smooth transition.

Clerk Andrea Rodriguez reported business as usual with a little more traffic with everyone paying taxes. She stated there are two elections scheduled for next year.

Treasurer Gloria Rodriguez reported the Treasurer's Office is very busy as they mailed the tax bills on November 26th and are very busy collecting taxes by phone, on line and processing by mail. The Treasurer's Report has been balanced to the penny and will be submitted by e-mail at the end of the day. They have three part time employees for tax season to help with the mail. Ms. Rodriguez also stated the first part of the tax bill is due by January 10th without having to pay a penalty and interest.

Diana May-Diaz reported since November's meeting she has had 125 probates with nine new ones for a total of 134 year to date and five are without wills. Mr. May-Diaz stated she performed one marriage in November. She also wanted to inform the Board that last year the Chief Supreme Court Justice wanted to completely do away with the position of Probate Judges across the State which died in the Senate. Now the Chief Justice wants to change the name of Probate Judges but not sure at this time what that will be. She also stated there is a proposed Bill to have a Probate Judge serve in a different county if there is an extended illness or leave of absence and it will be upon the receiving County of the Probate Judge to take care of those expenses.

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

- Dispatch had 309 warrants served in the County, 18 of those were out of Luna County. There were a total of 1,083 "911" calls for the month of November. Two dispatchers have been hired and Erica Garcia started the dispatch academy on December 2nd and will be graduating next Friday.
- The Detention Center has 803 booked, 342 released, 465 is the daily average, with 341 being US Marshalls. Thirteen new hires started the academy and the department is currently fully staffed. Sergeant Apodaca went to Santa Fe to become fully certified as a weapon's instructor for pistol, rifle and shotgun. He can now qualify Police, and Sherriff's Officers as a certified instructor. Mr. Brice stated the detention center is looking at a January 6th start up for the new system which includes video visitation, new phones and new computer software for managing inmates.
- The Road Department has been having a difficult time due to the rains and the road conditions which is causing individuals to become stranded in their houses. Mr. Brice stated he is going to put a new system in place to track road graded activity and when the public can expect the next grading activity.
- Budget Procurement – The hospital has recently notified us they were no longer going to treat the County inmates because they are not being paid for their services. Mr. Brice stated he was under the impression that the safety net care pool was reimbursing the hospital for indigent services. Mr. Brice stated they are looking at various avenues to fund the \$200,000 a year expense which the hospital has been writing off as a loss all this time.
- The Stone Garden Grant is getting caught up. Laura has been traveling to Santa Fe, Dona Ana County, and Albuquerque meeting with all the resident experts to get up to speed and get caught up on billing for that program.
- The Human Resources Department has seven new hires, one of those in Dispatch, one in the Road Department and five in the Detention Center. Four employees have been off boarded. They have another employee hired under the Salary Assistance Program.
- Starmax is down about \$20,000 from last year this month. Mr. Brice will speak with Director Tom Long to try and determine the reason for the drop. Fire detection and sprinkler systems are currently being worked on, the detention center maintenance was sent to Starmax to try to determine why the bar/eating area is getting filled with smoke. Mr. Brice believes they have figured out what the problem is and possibly have a resolution to correct the issue.

- Community Health and Well Being area includes the Healing House, CASA, Parents as Teachers, Top Program, Aim, Reading and Math Intervention, JJCS Literacy, Swag Program, Adult Drug Court and Health Council. All these programs are vital to the community. Mr. Brice invites all to get more informed on these programs.
- Emergency Management received 3,000 to 4,000 sleeping bags from Border Patrol who got them from the Forestry Service. They are being stored at the Detention Center and can be used in an emergency situation.
- Local Emergency Planning Committee (LEPC) is on track thanks to John Hefley being here and taking that over.
- Health Council did a Sexually Transmitted Infectious training for all departments at Deming High School. We are working with Census Complete Count Committee to pass out flyers and information.
- Luna County Fire had two brush fires, and a structure fire. The County conducted pump testing for the engines, something that had not been done in a while but is part of our requirement for ISO ratings and is also a requirement to get grants. Two pumps passed and one needs to be looked at and possibly retested.
- Keep Luna County Beautiful had a recycled art show at Deming Art Center which was held through the month of November.
- IT had 136 work orders and completed 115. Cameras have been installed in the Treasurer's Office and the entry ways. Mr. Brice stated he is looking into remodeling the old IT/jail area to get the IT back in there and comfortable.
- Planning had five new code enforcement cases for the month, one of those has already been evaded.
- Community Development Block Grant (CDBG) – Mr. Brice stated he was in training in Albuquerque on Tuesday and will hold a public hearing/meeting on December 26th to present possible projects for CDBG. The CDBG grant could be up to \$750,000 which is awarded to us every two years. Mr. Brice stated they will get public input on what they think needs to get done in the community which would be worthy of applying for the grant. Once the public's input is complete, the plan is to get a Resolution passed to apply for the funding and pick a worthy project.
- Columbus Berm Project is starting 2021, they will be able to utilize the Army Corp of Engineers due to the Governor signing the Declaration. Lots of good stuff going on at the Village of Columbus.
- An all employee meeting is scheduled at the Learning Center on December 20th.

INDIGENT CLAIMS REPORT: Upon a motion by Commissioner Reedy and a second by Commissioner Sweetser, the meeting of the Board of County Commissioners was recessed and the meeting of the Indigent Hospital Claims Board convened. Budget and Procurement Director Joanne Hethcox reported in November there were seven claims in the amount of \$11,884.11 and one denial in the amount of \$1,600.80. The total gross receipts collected in November was \$49,258.46. The balance in that fund is \$1,210,566.25, of which \$597,681.20, is encumbered for obligations. Ms. Hethcox stated for this year the County added care of prisoner cost. She stated it is the first year it has topped over a million dollars, it is at \$1,098,000 to November 30th for the care of our inmates not involving the safety net care pool or anything else. Chair Smrkovsky stated Ms. Hethcox had stated

previously she would be re-visiting the indigent claims policy and she believes it should be done sooner rather than later. Commissioner Sweetser moved to approve the Indigent Claims report in the amount of \$11,884.11. Commissioner Reedy seconded the motion which carried unanimously. Commissioner Reedy motioned to recess as a Claims Board and reconvene as a County Commission. Commissioner Sweetser seconded the motion which carried unanimously.

PUBLIC COMMENT: Chair Smrkovsky opened the floor to public comment: Susan Schiffner commented that she has all the confidence in the world in the new County Manager which was recently chosen. Ms. Schiffner has concerns on the fly situation and now has 256 signatures on her fly petition.

Alberta Morgan is concerned about the waived fees in the new Animal Ordinance. She also asked that the County donate some sleeping bags to the homeless facility at Silver Linings which she volunteers for. Mr. Brice said he would look into getting sleeping bags to them if it is possible and does not violate any rules.

Christine Ann Harvey reported the Christmas Tree Lighting was a success and thanked Mr. Brice for his participation and for allowing them to use County property. Ms. Harvey updated the Board on the light at Leyendecker Plaza and Pie Alley.

John Richmond Executive Director of Deming Luna County Chamber of Commerce gave local updates on activities past and future.

CONSENT AGENDA: Commissioner Sweetser asked County Manager what the dotted line signified on the Luna County Organization chart, Mr. Brice responded, "it is indirect supervision where as a solid line signifies direct supervision". Upon a motion by Commissioner Reedy and a second by Commissioner Sweetser the following items of the Consent Agenda were approved unanimously following a roll call vote.

- a. **Accounts Payable: \$1,036,095.39**
- b. **Payroll: \$1,170,106.80**
- c. **2020 Luna County Holiday Schedule**
- d. **Luna County Organizational Chart**

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

- a. **Resolution 19-58 Budget Increases:** Budget and Procurement Director/Indigent Claims Administrator Joanne Hethcox explained each budget increase line item in detail to the Board. Commissioner Sweetser moved to approve Resolution 19-58 Budget Increases. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote.
- b. **Resolution 19-59 Budget Transfers:** Ms. Hethcox explained the four budget transfers are intra-fund transfers moving from one line item to another for the most part it is cleaning up line items and allowing for spending for the remainder of the fiscal year. Commissioner Reedy moved to approve Resolution 19-59 Budget Transfers. Commissioner Sweetser seconded the motion which carried unanimously following a roll call vote.

- c. **Animal Ordinance Fee Schedule:** County Attorney Charles Kretek explained the Animal Ordinance fees and recommended amounts. The fees are what are already in the Ordinance and the amounts are similar to other Counties. Sande Foster from Humane Society commented that we need to let the public know of these fees which are effective now until July of 2021. She also commented on the relinquishing fees which has been hard because all other places in the State do not charge to take in animals, El Paso charges \$100 and you have to make an appointment to relinquish. Ms. Foster's concern is animals will be thrown in the desert or simply thrown over the fence at the Humane Society to avoid paying the fees. She suggested the County spend at least six months getting the word out to the public regarding the fees and set two days of the month to do so. For example the first and third Wednesdays when people can drop off animals to shelter and relinquish them at no charge to ease into the change. Deceased animal pick up fees are currently \$10 but if a vet calls to pick up a euthanized animal, the shelter does not charge any fees for vet pick-ups nor do they want to. She also stated the shelter currently charges fees to bury a cat in the amount of \$35 and the most they have charged is \$180 for 180 pound dog. Ms. Foster has provided the Board with a report on what is being done in regards to the distemper outbreak at the facility. She just received notice four more animals were just put down due to distemper and they were put down on the recommendation of the State Board of Veterinary medicine and Dr. Haynes. Mr. Kretek clarified the fact that although the ordinance is in place now the fees will not take effect until June of 2020. Commissioner Reedy motioned to approve the Animal Ordinance Fee Schedule. Commissioner Sweetser seconded the motion which carried unanimously following a roll call vote.
- d. **Addendum to Memorandum of Agreement between Luna County and Deming Luna County Humane Society:** Mr. Kretek explained that because of the approval of the new Animal Ordinance, the additional responsibilities added to the Humane Society and the 2,000 animals being surrendered per year to them. The Humane Society has asked for \$10,000 and in exchange they are going to provide the County with additional reporting. The County will also be providing the Humane Society with an Animal Control unit for their use to enforce our Ordinance. We will also help them with grant writing, provide maintenance and insure the donated vehicle. Commissioner Reedy motioned to approve Addendum to Memorandum of Agreement between Luna County and Deming Luna County Humane Society. Commissioner Sweetser seconded the motion which carried unanimously following a roll call vote.
- e. **Collective Bargaining Agreement Modification for LCDC – AFSCME #2061:** County Manager Chris Brice explained that negotiations have been ongoing since April and very few things were on the table for the Detention Center. The main topic was an increase in salaries of \$800 per person which had been approved by the Commissioners previously and how we split that out amongst the bargaining unit members. Commissioner Sweetser motioned to approve Collective Bargaining Agreement Modification for LCDC – AFSCME #2061. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote.
- f. **Collective Bargaining Agreement Modifications for LCSO – AFSCME #1764:** Mr. Brice explained that raises were an issue and all have signed and have agreed. Commissioner Sweetser motioned to approve Collective Bargaining Agreement Modifications for LCSO

– AFSCME #1764. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote.

- g. Road Maintenance Application:** Road Department Director Marty Miller stated he received an application to maintain Amado Road SW and north of 418. Mr. Miller explained he has documentation including law suit information pertaining to this exact area which he will be providing to the County Attorney. Mr. Miller stated the information he is providing is from issues beginning in 2003. Mr. Brice stated they will review all of the documentation and contact the applicant. Chair Smrkovsky asked for more information on this issue to be reported back to the Commissioners.

EXECUTIVE SESSION: to discuss limited personnel matters pursuant to 10-15-1(H)(7) NMSA 1978 Subject to Attorney/Client Privilege for Pending Litigation (Najera): Commissioner Reedy motioned to go into Executive Session pursuant to 10-15-1(H)(7) NMSA 1978 Subject to Attorney/Client Privilege for Pending Litigation (Najera). The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote. The Commissioners went into Executive Session at 11:21 p.m. and returned from Executive Session at 11:42 p.m.

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

UPCOMING MEETINGS: Chair Smrkovsky announced the following upcoming meetings:

Work Session – December 18, 2019 @ 9:00 a.m.
Finance Committee – December 18, 2019 @ 10:00 a.m.
Regular Meeting – January 8, 2020 @ 10 a.m.
Work Session on Policy Reviews – Future Scheduling

ADJOURN: Upon a motion made by Commissioner Reedy and a second made by Commissioner Sweetser the meeting was adjourned at 11:50 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, December 18, 2019**

BE IT REMEMBERED that the Luna County Board of County Commissioners met at 9:00 a.m. on Wednesday December 18, 2019 in the County Commission Chambers of the Luna County Courthouse, Deming, New Mexico, for the purpose of conducting a Special Meeting.

CALL TO ORDER: Chair Smrkovsky called the meeting to order at 9:04 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**

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

PRESENTATIONS:

- a. **NM 11 Phase I A/B Update – Wilson & Company, Inc.:** Wilson & Company, Inc., Engineers & Architects Vice President Mario Juarez-Infante, PE gave a presentation regarding an update on the NM 11 Phase 1 A/B regional overview. Mr. Juarez stated that a meeting has been scheduled with the steering committee which includes the Southwest Council of Governments (COG), Luna County, City of Deming, Deming Public Schools, New Mexico Department of Transportation and the Village of Columbus. The meeting will focus in detail on the study itself. A detailed presentation of the corridor options, like typical sections two lanes vs. four lane road way, safety, safety elements and economic development opportunities will be discussed. A public meeting will be held in January. The outcome of that meeting will be to select a preferred alternative.
- b. **Columbus Northeast Channel Phase 1 MOU for Colonias Infrastructure Fund Application, Wilson & Company, Inc.:** Mario Juarez-Infante requested that the Board agree to a Joint MOU for the NE Channel Phase II in the amount of \$1,000,000. The funding will be used essentially to cover the cost of the labor and equipment which the County provides. If the infrastructure is not put in place to prevent the flooding it will continue to have an adverse impact on the Village of Columbus. Mayor Ezequiel Salas stated he has many concerns pertaining to the area where the arroyo has a 90 degree turn and which causes much havoc yearly. Mr. Salas also stated he has had conversations with Mr. Coelbren who may possibly donate or trade land with the Village of Columbus for this

project. County Manager Chris Brice clarified that the Colonias Grant and the MOU are for the County assistance in providing the NE Channel and building. Mr. Brice stated there is also a resolution that they plan on presenting in support of NMDOT and their request for funding as part of the berm phase I and phase II of the diversion. Mr. Juarez-Infante stated his office would be drafting the Resolution and will submit to the Board for their review and approval in the near future. Mr. Juarez-Infante would like to get the MOU and resolution passed in January.

ADJOURN: Upon motion made by Commissioner Sweetser and a second made by Commissioner Reedy, Chair Smrkovsky adjourned the meeting at 9:50 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



Luna County Detention Center
1700 E 4th St
Deming, NM 88030
Phone: (575) 543-6708
Fax: (575) 544-7272

To: Luna County Commissioners
Thru: Chris Brice, County Manager/Detention Director
From: Pablo Montoya, Deputy Director
Ref: Restrictive Housing Quarterly Report

1. October: Nothing to report
2. November:
 - 30 year old male housed in Special Management after having leg surgery, detainee arrived to our facility on 11/07/2019 with doctor orders for non-weight bearing for 10 days and detainee was released from restrictions on 11/13/19.
 - 36 year old male claimed PREA on 11/8/2019, investigation was initiated and turned over to NMSP. During the investigation La Pinon was contacted and detainee had to be transported to Las Cruces NM the following day. La Pinon instructed detainee not to shower nor change uniform. Detainee was offered recreation time, which he refused. Detainee stated he had evidence in his cell and refused to go to recreation. Detainee started regular activities on 11/10/2019.
 - 49 year old male had surgery on 11/20/2019 didn't come out of cell due to hernia repair. Medical recommended not to engage in strenuous activity until released from light duty. Detainee resumed regular activity on 11/21/2019.
3. December:
 - 21 year old male returned from NM State Hospital in Las Vegas, New Mexico. Detainee arrived with no prescriptions and bizarre behavior. Detainee was housed in observation pending evaluation from mental health staff. On 12/20/2019 and 12/22/2019 detainee was not out for recreation after having outburst and bizarre behavior.

Indigent Hospital Claims Office

Chris A. Brice, County Manager

IHC Board Meeting January 8, 2020

| Month | Number | Amount | Number | Denied |
|--|------------------------------|--------------|--------------------|------------------|
| January | 23 | \$26,055.34 | 0 | \$0.00 |
| Feburary | 6 | \$14,781.78 | | |
| March | 5 | \$3,640.93 | | |
| April | 13 | \$2,412.27 | | |
| May | 8 | \$24,060.58 | | |
| June | 1 | \$51.51 | | |
| July | 12 | \$13,465.94 | | |
| August | 0 | \$0.00 | | |
| September | 17 | \$16,198.34 | | |
| October | 6 | \$19,097.79 | | |
| November | 7 | \$11,884.11 | 1 | \$1,600.80 |
| December | 52 | \$22,640.48 | | |
| Total | 150 | \$154,289.07 | 1 | \$1,600.80 |
| This Month's Total | Mimbres Memorial Hospital | | | \$19,640.48 |
| This Month's Total | Gila Regional Medical Center | | | \$0.00 |
| This Month's Total | Memorial Medical Center | | | \$0.00 |
| This Month's Total | Deming Fire Dept./EMS | | | \$500.00 |
| This Month's Total | All Other Services | | | \$2,500.00 |
| Total | | | | \$22,640.48 |
| Year to Date Total | Mimbres Memorial Hospital | | | \$145,110.51 |
| Year to Date Total | All Other Hospitals | | | \$2,949.36 |
| Year to Date Total | Deming Fire Dept./EMS | | | \$1,500.00 |
| Year to Date Total | All Other Services | | | \$4,729.20 |
| Total | | | | \$154,289.07 |
| Care of Prisoners This Month - Not including SNCP Funds | | | | \$140,162.36 |
| Care of Prisoners Year to Date Indigent - Not including SNCP Funds | | | | \$1,084,299.91 |
| Care of Prisoners Year to Date Inmate Prescriptions/OTC Meds | | | | \$135,910.75 |
| Care of Prisoners Year to Date Dr. Bills | | | | \$18,753.79 |
| Total Cost of Care of Prisoners Year to Date | | | | \$1,238,964.45 |
| Monies Received for December 2019 | | | | \$56,197.48 |
| Balance in IHC Fund as of December 31, 2019 | | | | \$1,207,946.10 |
| Encumbrances as of December 31, 2019 | | | | \$524,468.70 |
| | | Date | Amount Approved | Amount Denied |
| | Signatures | 1/8/2020 | \$22,640.48 | \$0.00 |
| Barbara L. Reedy | | | | |
| Linda M. Smrkovsky | | | | |
| John S. Sweetser | | | | |

January 8, 2020

[illegible]

[illegible]

LCBCC Meeting January 8th, 2020
Accounts Payable

| | |
|------------|--------------|
| 12/5/2019 | \$242,904.28 |
| 12/5/2019 | \$16,446.57 |
| 12/5/2019 | \$12,299.28 |
| 12/12/2019 | \$301,210.23 |
| 12/12/2019 | \$13,858.58 |
| 12/12/2019 | \$4,909.78 |
| 12/12/2019 | \$492.54 |
| 12/19/2019 | \$71,083.07 |
| 12/19/2019 | \$9,672.17 |
| 12/19/2019 | \$2,572.54 |
| 12/31/2019 | \$10,000.00 |
| 12/31/2019 | \$250.00 |

P-Cards

| | |
|---------------|--------------|
| November 2019 | \$126,408.26 |
|---------------|--------------|

Total \$812,107.30

Luna County
Board of County Commissioners

AGENDA 01/08/2020

PAYROLL

| | | |
|------------|----------------------|--------------|
| 12/06/2019 | Register # 20190143 | \$561,095.98 |
| 12/06/2019 | *Register # 20190144 | \$16,338.64 |
| 12/06/2019 | *Register # 20190145 | \$2,908.96 |
| 12/20/2019 | Register # 20190146 | \$528,442.64 |
| 12/20/2019 | *Register # 20190147 | \$27,212.10 |
| 12/30/2019 | *Register # 20190148 | \$2,586.73 |

Total \$1,138,585.05

* Special

Be it remembered that at a regular meeting the Luna County Board of County Commissioners in Deming New Mexico, on the 8th day of January 2020, the following proceedings were had and entered of record.

AMENDED RESOLUTION #20-01

NOTICE OF MEETINGS

WHEREAS, the Open Meetings Act, Section 10-15-1 to 4 NMSA 1978, as amended is in effect:
and

WHEREAS, meetings of the Luna County Board of County Commissioners desire to comply with the provisions of the aforementioned Act; and

WHEREAS, Section 10-15-1 (D) of the Open Meetings Act requires that the Luna County Board of County Commissioners shall annually make a determination regarding what shall be considered reasonable notice to the public meetings:

NOW, THEREFORE, BE IT RESOLVED THAT:

1. All meetings shall be held in the County Commission Chambers of the Luna County Courthouse, 700 S. Silver Avenue, Deming, New Mexico or as indicated in the meeting notice.
2. Unless otherwise specified, regular meetings shall be held on the 2nd Thursday of each month at 10:00 a.m. An agenda will be available 72 hours prior to the meeting on the county website and in the office of the County Manager, Luna County Courthouse, at 700 S. Silver Avenue, Deming, New Mexico. Notice of changes to the scheduled date of a regular meeting will be given ten (10) days in advance of the meeting date. The notice shall indicate how a copy of the agenda may be obtained.
 - a. Any member of the Board of County Commissioners or the County Manager is authorized to determine those items to be placed on the agenda of a regular meeting.
3. A work session may be called by the Chairperson or a majority of the Commission members upon 72 hours (3 days) notice. The notice shall include an agenda for the meeting or information on how members of the public may obtain a copy of the agenda. The agenda shall be available to the public at least 72 hours before any special meeting.

4. Special meetings may be called by the Chairperson or a majority of the Commission members upon 72 hours (3 days) notice. The notice shall include an agenda for the meeting or information on how members of the public may obtain a copy of the agenda. The agenda shall be available to the public at least 72 hours before any special meeting.
5. Emergency meetings will be called only under unforeseen circumstances which may demand immediate action to protect the health, safety and property of citizens, or to protect the public body from substantial financial loss. The Luna County Board of County Commissioners will avoid emergency meetings whenever possible. Emergency meetings may be called by the Chairperson or a majority of the Commission members upon 24 hour notice, unless threat of personal injury or property damage requires less notice. The notice shall include an agenda for the meeting or information on how members of the public may obtain a copy of the agenda. The notice for all emergency meetings will be posted in the Luna County Manager's Office and the Luna County Clerks' Office and notification will be given to the media. A report of any action taken in an emergency meeting shall be sent to the Office of the Attorney General within 10 days unless a state or national emergency has been declared.

Done at Deming, New Mexico this 8th day of January, 2020

Luna County Board of County Commissioners

ATTEST:

Barbara L. Reedy, Member

Andrea Rodriguez, County Clerk

Linda M. Smrkovsky, Member

John S. Sweetser, Member

Be it remembered that at a regular meeting the Luna County Board of County Commissioners in Deming New Mexico, on the 8th day of January 2020, the following proceedings were had and entered of record.

RESOLUTION #20-02

TIMELY PAYMENTS RESOLUTION

WHEREAS, IT IS SOMETIMES NECESSARY TO PAY BILLS AND MAKE PAYMENTS BETWEEN MEETINGS OF THE Luna County Board of County Commissioners to take advantage of discounts and make payments in a timely manner; and

WHEREAS, the Luna County Business Office is and has been the central purchasing office since 1974, and handles the purchasing of goods and services and payment of bills;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Luna County Board of County Commissioners does hereby direct the Luna County Manager or Designee to approve vouchers and issue warrants as necessary for signature by the Commission Chairman when the Board is not in session, and that a summary of these vouchers be presented to the Commissioners at their next meeting.

Done at Deming, New Mexico this 8th day of January, 2020

Luna County Board of County Commissioners

ATTEST:

Barbara L. Reedy, Member

Andrea Rodriguez, County Clerk

Linda M. Smrkovsky, Member

John S. Sweetser, Member

Be it remembered that at a regular meeting of the Luna County Board of County Commissioners in Deming New Mexico, on the 8th day of January 2020, the following proceedings were had and entered of record.

RESOLUTION #20-03

NOTICE OF FEES

WHEREAS, the Luna County Board of County Commissioners find it necessary to implement certain fees pertaining to copying, recording, business registrations, transactions within the Treasurer's Office, building permit fees, manufactured home/mobile home installation permit fees, and plan review fees, rural addressing service fees; and

NOW THEREFORE, BE IT RESOLVED that the Luna County Board of County Commissioners has determined that the above-mentioned fees be charged as followed:

Copying Fees:

- | | | |
|----|--|---|
| 1. | Copies of documents, single sided, black and white or electronic: Letter size, (8 1/2" x 11"), legal size, (8" 1/2 x 14"), or tabloid size, (11" x 17") | \$0.50 |
| 2. | Above tabloid size (11" x 17") up to three (3') feet by four (4') feet Black and white paper map size: Color Print: | \$10.00 \$20.00 |
| 3. | Above three (3') feet by four (4') feet up to six (6') feet Black and white paper map: Color Print: | \$25.00 \$35.00 |
| 4. | CD's: | \$5.00 |
| 5. | Road Atlas: | \$40.00 |
| 6. | Luna County Addressing Atlas: Black and White Version Color Version USB Flash Drive Each Additional Layer of Data | \$40.00 \$60.00 \$25.00 \$5.00 |

Requests for Specialty Maps, Data, or Data Sheets shall be detailed in writing to the Office of the County Planner for pricing, which will vary depending on complexity and density of layered information, data type, media type, and production time.

Recording Fees:

DOCUMENTS RECORDED IN THE OFFICE OF THE COUNTY CLERK ARE PUBLIC RECORDS, SUBJECT TO INSPECTION AND DISCLOSURE.

Recording fees are established pursuant to Section 14-8-13 through 17, et seq., NMSA, 1978 . Unless otherwise specified by law, the county clerk shall collect a recording fee of twenty-five dollars (\$25.00) for each document filed or recorded by the county clerk. If the document being filed or recorded contains more than ten entries to the county recording index, the county clerk shall collect an additional fee of twenty-five dollars (\$25.00) for each additional block of ten or fewer entries to the county recording index from the document. For each fee of twenty-five dollars (\$25.00) collected by the county clerk, eighteen dollars (\$18.00) shall be deposited in the county general fund and seven dollars (\$7.00) shall be deposited in the county clerk recording and filing fund.

Amounts collected from the equipment recording fee shall be deposited into a restricted account to be used as authorized by Section 14-8-12.2, NMSA, 1978 .

Business Registration Fees:

The annual business registration fee is \$25.00 pursuant to Ordinance No. 5 as Amended.

All licensed locations or premises in Luna County, outside the corporate limits of the City of Deming and the village limits of the Village of Columbus, beginning June 1 each year for the ensuing year, shall pay the following license tax:

| | | |
|-----|--------------------------------------|----------|
| (1) | Dispenser's License (Bar and Winery) | \$200.00 |
| (2) | Retailer's License (Package Store) | \$100.00 |
| (3) | Club License..... | \$ 50.00 |

This fee is due and payable to the County Clerk's Office at the time each business registration is issued on July 1.

Fees for Transactions within Treasurer's Department:

Return payment checks for correct amount **\$5.00**

This fee will partially cover the cost of returning advalorem tax payment checks that are unsigned or are for an incorrect amount.

Return item (NSF) charges **\$30.00**

This fee will not be less than current bank charges. This charge will cover the processing cost of the return items.

Cost to Luna County-Personal Property (Mobile Home) Sale

The administration and enforcement of delinquent personal property advalorem taxes is authorized by Sections 7-38-51 through 56, NMSA 1978.

The delinquent personal property tax sale is authorized by Sections 7-38-57, 58, 59, NMSA 1867.

The County Treasurer is authorized to recover any cost incurred in preparing for the sale. To cover all additional costs of preparing for the personal property tax sale, the Luna County Treasurer hereby imposes the following fees:

- (1) **Delinquent personal property letter service fee** **\$10.00**
This charge would be for all accounts that are delinquents more than 60 days.
- (2) **Demand Warrant Processing Fee** **\$25.00**
This charge would be for all accounts that are delinquent over 180 days.
- (3) **Penalty and Interest**
The P & I charge on accounts that are more than 180 days delinquent will be retained by Luna County to defray the cost of the personal property tax sales.

Building Permit Fees:

Manufactured Home/Mobile Home Installation Permit (MHIP) fee: \$45.00

| <u>Building Permit Value</u> | <u>Permit Fee</u> |
|------------------------------|--|
| \$1,000 and less | \$20.00 |
| \$1,001.00 to \$3,000.00 | \$20.00 + \$5.00 per \$500.00 increment in value over \$ 1,001.00 |
| \$3,001.00 and over | \$40.00 + \$1.50 per \$1,000.00 increment in value |

Plan review fee is waived for standard residential construction projects. Complex residential and all Commercial construction project plan reviews will be +20% of permit fee.

Failure to obtain an approved building permit prior to beginning construction will result in the immediate discontinuance of further work on the project and shall be required to pay double the normal permit fee before a permit is issued.

Rural Addressing Service Fee (new residents):

Administrative processing \$10.00

Subdivision Ordinance Fees:

See Attachment A

NOW, THEREFORE BE IT RESOLVED THAT, this resolution shall be reviewed periodically to determine if revisions are necessary.

Done at Deming, New Mexico this 8^h day of January, 2018

Luna County Board of County Commissioners

ATTEST:

Barbara L. Reedy, Member

Andrea Rodriguez, County Clerk

Linda M. Smrkovsky, Member

John S. Sweetser, Member

ATTACHMENT A

Schedule of Administrative Fees for Administering the Luna County Subdivision Ordinance

| | |
|--|---|
| Summary Review Application | \$100.00 or \$10.00 per lot |
| Preliminary Plat Application | \$200.00 or \$15.00 per lot |
| RE-submittal of revised or Corrected plat application | \$100.00 |
| Final Plat Application | \$100.00 or \$25.00 per lot |
| Replat | (Same as preliminary and final plat) |
| Vacation of Plat (Including partial vacation) | \$75.00 |
| Vacation of Easement | \$50.00 |
| Variance | \$100.00 per variance |
| Appeals to County Commission | \$50.00 |
| Claim of Exemption | \$25.00 |

Where additional review by the County is required above and beyond normal review requirements due to complex, unforeseen, or unique circumstances relating to the proposed plan or plat, then the County may charge additional fees to defray the cost of such reviews.

Be it remembered that at a regular meeting of the Luna County Board of County Commissioners in Deming, New Mexico, on the 8th day of January 2020, the following proceedings were had and entered of record.

RESOLUTION #20-04

DEPOSITORIES, BOARD OF FINANCE AND MEDIA DESIGNATION

BE IT RESOLVED AND ORDERED by the Luna County Board of County Commissioners, the following establishments and persons be designated or appointed in the following capacities of the County of Luna, subject to further order of this Board.

OFFICIAL DEPOSITORIES OF COUNTY FUNDS

First New Mexico Bank,
Wells Fargo New Mexico,
N.A., Deming, NM, First
Savings Bank, FSB, Deming,
NM, New Mexico State
Treasurer's Local
Government Investment
Pool

COUNTY BOARD OF FINANCE

All County Commissioners,
County Treasurer as Executing
Officer, and County Clerk as
the Clerk of the Board of
Finance

OFFICIAL NEWSPAPER AND OTHER MEDIA

Deming Headlight
KOTS/KDEM Radio Station

**Done at Deming, New Mexico this 8th day of January, 2020
Luna County Board of County Commissioners**

ATTEST:

Barbara L. Reedy, Member

Andrea Rodriguez, County Clerk

Linda M. Smrkovsky, Member

John S. Sweetser, Member

Be it remembered that at a regular meeting of the Luna County Board of County Commissioners in Deming, New Mexico, on the 8th day January, 2020, the following proceedings were had and entered of record.

RESOLUTION #20-05

NOTICE OF RIGHT TO INSPECT PUBLIC RECORDS

WHEREAS, Luna County Government shall comply with the Inspection of Public Records Act of New Mexico, Section 14-2-1 through 12, NMSA 1978;

WHEREAS, any person wishing to inspect public records may submit an oral or written request to the Custodian of Public Records. However, the procedures set forth in the Act shall be in response to a written request. The failure to respond to an oral request shall not subject the custodian to any penalty. If a person requesting inspection would like a copy of a public record, a reasonable fee set by the annual Notice of Fees Resolution will be applicable;

WHEREAS, nothing in the Inspection of Public Records Act shall be construed to require a public body to create a public record;

WHEREAS, a written request shall provide the name, address and telephone number of the person seeking access to the records and shall identify the records sought with reasonable particularity. No person requesting records shall be required to state the reason for inspecting the records;

WHEREAS, the custodian receiving a written request shall permit the inspection immediately or as soon as is practicable under the circumstances, but not later than fifteen days after receiving a written request. If the inspection is not permitted within three business days, the custodian shall explain in writing when the records will be available for inspection or when the public body will respond to the request. The three-day period shall not begin until the written request is delivered to the office of the custodian;

WHEREAS, in the event that a written request is not made to the custodian having possession of or responsibility for the public records requested, the person receiving the request shall promptly forward the request to the custodian of the requested public records, if known, and notify the requester. The notification to the requester shall state the reason for the absence of records from that person's custody or control, the records' location and the name and address of the custodian;

WHEREAS, for the purposes of the Act, "written request" includes an electronic communication, including email or facsimile; and

WHEREAS, requests to inspect public records should be submitted to the Custodian of Public Records.

NOW THEREFORE BE IT RESOLVED, the Luna County Board of County Commissioners designates the Luna County Manager's Office as the Custodian of Public Records. Contact information is as follows:

Luna County Courthouse
County Manager's Office
700 S. Silver Avenue
Deming, NM 88030
Phone: (575) 546-0494
Fax: (575) 544-4293
<https://lunanm.seamlessdocs.com/f/datarecords>

Done at Deming, New Mexico this 8th day of January, 2020

Luna County Board of County Commissioners

ATTEST:

Barbara L. Reedy, Member

Andrea Rodriguez, County Clerk

Linda M. Smrkovsky, Member

John S. Sweetser, Member

Be it remembered that at a regular meeting of the Luna County Board of County commissioners in Deming, New Mexico, on the 8th day of January 2020, the following proceedings were had and entered of record.

RESOLUTION #20-06

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM CITIZEN PARTICIPATION PLAN

Introduction

In accordance with the 1987 revisions to the Housing and Community Development Act and in an effort to further encourage citizen participation, the County of Luna has prepared and adopted this Citizen Participation Plan.

Objective A

The County of Luna will provide for and encourage citizen participation within its area of jurisdiction, with particular emphasis on participation by persons of low and moderate income. Action items:

1. Adopt and circulate an Open Meetings Resolution, which provides citizens with reasonable notice of County upcoming meetings, actions, and functions.
2. Develop press releases on County meetings, actions, and hearings and circulate to newspapers, radio, and/or television media.

Objective B

The County of Luna will provide citizens with reasonable and timely access to local meetings, information and records relating to the proposed and actual use of CDBG funds. Action items:

1. Public notices, press releases, etc., should allow for a maximum length of notice to citizens.
2. Appropriate information and records relating to the proposed and actual use of CDBG funds must be available upon request to all citizens. Personnel and income records may be exempted from these requirements.
3. Meetings, hearing, etc., should be conducted at times and locations conducive to public attendance.

Objective C

The County of Luna will provide technical assistance to groups and representatives of low and moderate income persons that request assistance in developing proposals. Note: the level and type of assistance is to be determined by the County. Action items:

1. Low and moderate income groups should be advised that technical assistance, particularly in the area of community development, is available from the County upon request.
2. Document technical assistance provided to such groups and have documentation available for review.

Objective D

The County of Luna will provide a minimum of two public hearings to obtain citizen participation and respond to proposals and questions at all stages of the Community Development Block Grant Program. Action items:

1. Advise citizens of the CDBG program objectives, range of activities that can be applied for and other pertinent information.
2. Conduct a minimum of two public hearings:
 - a. One public hearing will be held to advise citizens of the program objectives and range of activities that can be applied for, and to obtain the citizen's views on community development and housing needs, to include the needs of low and moderate income people. This hearing will take place prior to the selection of the project to be submitted to the state for CDBG funding assistance.
 - b. A second public hearing will be held to review program performances, past use of funds and make available to the public its community development and housing needs, including the needs of low and moderate income families, and the activities to be undertaken to meet such needs.
3. Publish public hearing notices in the non-legal section of newspapers or in other local media or post notices in the community in areas of high visibility. Evidence of compliance with these regulations will be provided with each CDBG application, i.e., hearing notice minutes of public meetings, list of needs and activities to be undertaken, etc. Amendments to goals, objectives and applications are also subject to public participation.

Objective E

The County of Luna will provide timely written answers to written complaints and grievances within 15 working days where practical. Action items:

1. Adopt complaint handling procedures or policies to insure that complaints or grievances are responded to within 15 days, if possible.

2. Allow for appeal of a decision to a neutral authority.
3. File a detailed record of all complaints or grievances and responses in one central location with easy public access.

Objective F

The County of Luna will identify how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of residents can be reasonably expected to participate. Action items:

1. Identify areas where large majorities of non-English speaking persons reside and make appropriate provisions when issues affecting these areas are to be discussed at public meetings, hearings, etc. Appropriate provisions will include having interpreters available at the meeting and having briefing material available in the appropriate language.
2. Maintain records/rosters of public hearing attendees and proceedings to verify compliance with this objective.

Done at Deming, New Mexico this 8th day of January, 2020.

Luna County Board of Commissioners

ATTEST:

Barbara L. Reedy, Member

Andrea Rodriguez, County Clerk

Linda M. Smrkovsky, Member

John S. Sweetser, Member

Be it remembered that at a regular meeting of the Luna County Board of County Commissioners in Deming New Mexico, on the 8th day of January 2020, the following proceedings were had and entered of record.

RESOLUTION #20-07

DESIGNATING TREASURER TO REQUIRE COLLATERALIZATION

WHEREAS, the Official Depositories of the funds of Luna County are required by law to deposit collateral security for such public funds; and

WHEREAS, it appears that deposits by the Luna County Treasurer and other public funds will fluctuate from time to time; and

WHEREAS, the Luna County Board of County Commissioners do not meet frequently enough to be able to keep available funds invested;

NOW THEREFORE, BE IT RESOLVED AND ORDERED that the Luna County Treasurer, Gloria Rodriguez, with consultation of the Chairman of the Board or, in their absence, the County Manager, be authorized by this Board, sitting as the Luna County Board of Finance, to require and direct the Luna County official depositories to adjust their collateral securities to 100% to compensate and to authorize the Luna County Treasurer to make investments of Luna County funds as monies are available to do so.

Done at Deming, New Mexico this 8th day of January, 2020

Luna County Board of County Commissioners

ATTEST:

Barbara L. Reedy, Member

Andrea Rodriguez, County Clerk

Linda M. Smrkovsky, Member

John S. Sweetser, Member

Be it remembered that at a regular meeting of the Luna County Board of County Commissioners in Deming New Mexico, on the 8th day of January 2020, the following proceedings were had and entered of record.

Resolution #20-08

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

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

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

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

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

NOW THEREFORE, BE IT RESOLVED by the governing body of the County of Luna that the County Chairperson, or designee on behalf of the County and all participating entities is authorized to submit an application for Distribution and/or Grant Fiscal Year 2019 program funding under the regulations established by the Local Government Division.

APPROVED AND ADOPTED by the governing body at its meeting of January 8th, 2020.

ATTEST:

Barbara Reedy, Member

Andrea Rodriguez County Clerk

Linda M. Smrkovsky, Member

John S. Sweetser, Member

Be it remembered that at a regular meeting of the Luna County Board of County Commissioners in Deming New Mexico, on the 8th day of January 2020, the following proceedings were had and entered of record.

RESOLUTION #20-09

ADA GRIEVANCE PROCEDURE

Luna County has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the US Department of Justice Regulations implementing Title II of the 'Americans with Disabilities Act'. Title II states, in part, that no otherwise qualified individual shall solely by reason of such disability, be excluded from participation, or be denied the benefits of, or be subjected to discrimination in programs or activities sponsored by a public entity.

COMPLAINTS SHOULD BE ADDRESSED TO:

Risk Manager
County of Luna
P.O. Drawer 551
Deming, NM 88031-0551

1. A complaint should be filed, preferably in writing, and contain the name, address and telephone number of the complainant, with a brief description of the alleged violation.
2. The complaint should be filed immediately, but no later than 180 days after the complainant becomes aware of the alleged violation. Alleged allegations occurring prior to the posting of this procedure will be considered on an individual case basis.
3. An informal but thorough investigation shall be conducted by the Risk Manager in a timely manner, affording all interested parties and their representatives, if any, an opportunity to submit evidence relevant to the complaint.
4. A written determination as to the validity of the complaint and resolution, if applicable, shall be issued by the Risk Manager with a copy forwarded to the complainant upon completion of the investigation.
5. The Risk Manager shall maintain files and records relating to any complaint filed.
6. The complainant may request reconsideration of the case by the County Manger provided such request is received in writing within ten (10) working days of the receipt of the initial determination.
7. The right of a person to a prompt and equitable resolution of any complaint filed shall not be impaired by the filing of an ADA complaint with a responsible Federal Department/Agency. Use of this Grievance Procedure is not a prerequisite to the pursuit of other remedies.
8. These rules shall be construed to protect the substantive rights of interested persons to meet appropriate due process standards and to assure Luna County's compliance with the ADA Act and the implementation of applicable regulations.
9. The Board of County Commissioners shall be the final appeals entity.

Done at Deming, New Mexico this 8th day of January, 2020.

Luna County Board of Commissioners

ATTEST:

Barbara L. Reedy, Member

Andrea Rodriguez, County Clerk

Linda M. Smrkovsky, Member

John S. Sweetser, Member

Be it remembered that at a regular meeting of the Luna County Board of Commissioners in Deming, New Mexico on the 8th day of January, 2020, the following among the proceedings were had and entered of record.

Resolution #20-10

**RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION
ASSISTANCE PLAN & CERTIFICATION**

Section 104(d) of the Housing and Community
Development Act of 1974, as Amended

Section 509 of the Housing and Community Development Act of 1987 (Public Law 100-242, approved February 5, 1988) amended section 104 of the Housing and Community Development Act of 1974 (the Act) by adding a new subsection (d).

The new subsection 104(d) of the Act provides that a grant under section 106 (CDBG Programs) may be made only if the grantee certifies that it is following a "residential anti-displacement and relocation plan."

Local governments, recipients under the New Mexico CDBG Program, must make this certification to the State. The requirement applies only to those recipients of CDBG funds awarded to the State by HUD after October 1, 1988.

ACCORDINGLY, the foregoing plan represents the effort of the County of Luna to comply with the requirements of Section 104(d) of the Act and is certified herewith:

PLAN AND CERTIFICATION

The County of Luna herewith certifies that it will replace all occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to a use other than as low/moderate-income housing as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended, as described in 24 CFR 570.496 a(b).

All replacement housing will be provided within three years of the commencement of the demolition or rehabilitation relating to conversion. Before obligating or expending funds that will directly result in such demolition or conversion, the County of Luna will make public and submit to the Local Government Division of the Department of Finance and Administration the following information in writing:

1. A description of the proposed activity;
2. The location on a map and the approximate number of units, described by size (number of bedrooms), that will be demolished or converted;
3. A time schedule for commencement and completion of the demolition or conversion;
4. The location on a map and the approximate number of dwelling units described by size (number of bedrooms) that will be provided as replacement dwelling units;

5. The source(s) of funding and a time schedule for the provision of replacement units; and
6. The basis for concluding that each replacement unit will remain a low/moderate-income dwelling unit for ten (10) years from the date of initial occupancy.

The County of Luna will provide relocation assistance, as described in 570.496a, to each low/moderate-income household displaced by the demolition of housing or by the conversion of a low/moderate-income dwelling to another use as a direct result of assisted activities.

To the extent the County of Luna participates in Federal Assistance Programs wherein the following anti-displacement strategies can be applied, and consistent with the goals and objectives of activities assisted under the Act, the County of Luna will take the following steps to minimize the displacement of persons from their homes:

DISPLACEMENT STRATEGY UTILIZED FOR CDBG HOUSING PROJECTS THROUGH PARTNERSHIPS WITH THE SOUTHWESTERN REGIONAL HOUSING AND COMMUNITY DEVELOPMENT CORPORATION AND THE WESTERN REGIONAL HOUSING AUTHORITY

A. Steps to Minimize or Prevent Displacement

1. Plan, organize and stage the rehabilitation of assisted housing to allow tenants to remain during and after rehabilitation so as to provide the most convenient, safe and economically sound rehabilitation effort possible.
2. Assist in the identifying and locating of temporary relocation facilities in order to house families whose displacement will be of short duration, so that they can move back to their neighborhood after rehabilitation or new construction.
3. Evaluate housing codes and rehabilitation standards in reinvestment areas to prevent the placing of undue financial burdens on long-established owners or on tenants of multi-family buildings.
4. Counsel and advise homeowners and renters to understand the range of assistance that may be available to meet and protect their housing rights and interests.
5. In cooperation with neighborhood organizations, continuously review neighborhood development trends, identify displacement problems, and identify individuals facing displacement who need assistance.

B. Actions to Assist Displaced Persons to Remain in Their Present Neighborhoods

1. Provide lower-income housing in the neighborhood through HUD housing programs; purchase units as is; rehabilitate vacant units; or construct housing units.
2. Give priority in assisted housing units in the neighborhood to area residents facing displacement.

3. Target Section 8 existing programs and certificates to households being displaced, and recruit area landlords to participate in the program.
4. Provide counseling and referral services to assist displacees in finding alternate housing in the neighborhood.
5. Work with area landlords and real estate brokers to locate vacancies or households facing displacement.

C. Actions to Otherwise Mitigate Adverse Effects of Displacement

1. Uses of public funds, such as CDBG, to pay moving costs and provide relocation payments, or, to the extent permissible by local or state law, require private developers to provide compensation to persons displaced by development activities.
2. Give displacees priority in obtaining subsidized housing.
3. Provide counseling and referral services to assist displacees to locate elsewhere in the community.

It shall be the policy of the County of Luna that all persons displaced by CDBG activity shall be relocated into housing that is:

- a) Decent, safe and sanitary;
- b) Adequate in size to accommodate the occupants;
- c) Functionally equivalent;
- d) In an area not subject to adverse environmental conditions

Done at Deming, New Mexico this 8th day of January, 2020.

Luna County Board of Commissioners

ATTEST:

Barbara L. Reedy, Member

Andrea Rodriguez, County Clerk

Linda M. Smrkovsky, Member

John S. Sweetser, Member

APPOINTMENT OF Deputy Sheriff
STATE OF NEW MEXICO)
COUNTY OF LUNA) ss

This is to certify that I have this 31 day of December, 20 18
A.D. appointed Israel Saenz as
my Deputy Sheriff in and for the County of Luna, State of New
Mexico, hereby authorizing him to discharge all duties of said appointment
of Deputy Sheriff, according to the law.

WITNESS MY HAND THIS 31st DAY OF Dec., 20 18 A.D.

[Signature]
SHERIFF, LUNA COUNTY NEW MEXICO

OATH OF OFFICE

STATE OF NEW MEXICO)
COUNTY OF LUNA) ss

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

[Signature]

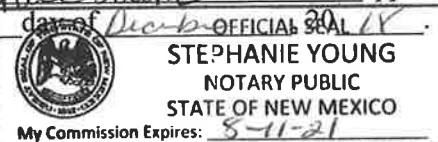
SIGNATURE OF APPOINTEE

STATE OF NEW MEXICO
COUNTY OF LUNA

[Signature]
NOTARY

My Commission Expires 8-11-21

Subscribed and sworn before me by Kelly Gannaway,
Sheriff and Israel Saenz appointee.
This 31st day of December, 20 18.



Approved this _____ day of _____ 20 _____ A.D., by the Board of County Commissioners,
Luna County, New Mexico.

CHAIRMAN, BOARD OF LUNA COUNTY COMMISSIONERS

APPOINTMENT OF Investigator

STATE OF NEW MEXICO)
COUNTY OF LUNA) ss

This is to certify that I have this 31st day of Dec., 20 18
A.D. appointed Adrian Flores as
my Investigator in and for the County of Luna, State of New
Mexico, hereby authorizing him to discharge all duties of said appointment
of Investigator, according to the law.

WITNESS MY HAND THIS 31st DAY OF Dec., 20 18 A.D.

Kelly Gannaway
SHERIFF, LUNA COUNTY NEW MEXICO

OATH OF OFFICE

STATE OF NEW MEXICO)
COUNTY OF LUNA) ss

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

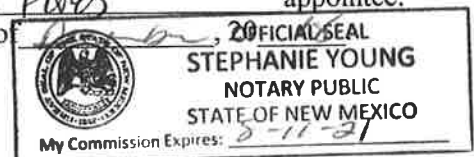
Adrian Flores
SIGNATURE OF APPOINTEE

STATE OF NEW MEXICO
COUNTY OF LUNA

[Signature]
NOTARY

My Commission Expires 8-11-21

Subscribed and sworn before me by Kelly Gannaway,
Sheriff and Adrian Flores appointee.
This 31st day of Dec., 20 18



Approved this _____ day of _____ 20 _____ A.D., by the Board of County Commissioners,
Luna County, New Mexico.

CHAIRMAN, BOARD OF LUNA COUNTY COMMISSIONERS

**LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS**

**RESOLUTION NO. 20-11
Proposed Inter/Intra Fund Budget Increases**

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

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

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

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

NOW THEREFORE BE IT RESOLVED that the Luna County Board of County Commissioners hereby adopts the changes to the County's Fiscal Year 108, July 1, 2019 through June 30, 2020 Budget proposed by the County's management staff and attached hereto in spreadsheet form, as amendments to the previously adopted operating budget.

PASSED, APPROVED AND ADOPTED THIS 8th DAY OF JANUARY, 2020.

LUNA COUNTY

Chairperson

ATTEST:

Andrea Rodriguez, Luna County Clerk

Be it remembered that at a Special meeting of the Luna County Board of County Commissioners in Deming NM on the 8th day of January, 2020, the following budget adjustments are proposed and entered of record.

| SCHEDULE OF BUDGET ADJUSTMENTS | | | Budget Resolution Number 20-11 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 | Decrease | 610/21800 | Drug Investigation - US Marshal Service Grant | 610/21800 | \$ 4,000.00 | 610-77-1481 (Revenue) US Marshal Service Grant | \$ 4,000.00 | To decrease revenue and expense on a grant that was reprogrammed. | \$ (6,000.00) | \$ (2,000.00) |
| | | | | | \$ (4,000.00) | 610-69-2005 Salaries - Overtime | \$ (3,942.83) | To decrease revenue and expense on a grant that was reprogrammed. | \$ 5,914.00 | \$ 1,971.17 |
| | | | | | | 610-69-2060 Match - Medicare | \$ (57.17) | To decrease revenue and expense on a grant that was reprogrammed. | \$ 85.75 | \$ 28.58 |
| Two | Increase | 610/21800 | Drug Investigation OHV Law Enforcemnt Grant Program | 610/21800 | \$ (10,032.00) | 610-77-1328 OHV Law Enforcemnt Grant Program | \$ (10,032.00) | To increase revenue and expense for OHV Grant awarded. | \$ - | \$ (10,032.00) |
| | | | | | \$ 10,032.00 | 610-44-2005 Salaries -Overtime | \$ 9,888.62 | To increase revenue and expense for OHV Grant awarded. | \$ - | \$ 9,888.62 |
| | | | | | | 610-44-2060 Match - Mediare 1.45% | \$ 143.38 | To increase revenue and expense for OHV Grant awarded. | \$ - | \$ 143.38 |
| Three | Increase | 401/11000 | General Fund - Ordinance Enforcement | 401/11000 | \$ 10,000.00 | 401-02-2101 Professional/Contract Services | \$ 10,000.00 | To pay for increased services and amendment to contract for Deming-Luna County Humane Society | \$ 125,000.00 | \$ 135,000.00 |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | \$ 10,000.00 | | \$ 10,000.00 | | \$ 124,999.75 | \$ 134,999.75 |

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 Wednesday the 8th day of January, 2020.

LUNA COUNTY BOARD OF COUNTY COMMISSIONERS

Barbara L. Reedy, District 1

Linda M. Smrkovsky, District 2

John S. Sweelser, District 3



ATTEST:

Andrea Rodriguez, Luna County Clerk

Entered By:

Date

Checked By:

Date

**LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS**

**RESOLUTION NO. 20-12
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 108, July 1, 2019 through June 30, 2020 Budget proposed by the County's management staff and attached hereto in spreadsheet form, as amendments to the previously adopted operating budget.

PASSED, APPROVED AND ADOPTED THIS 8th DAY OF JANUARY, 2020.

LUNA COUNTY

Chairperson

ATTEST:

Andrea Rodriguez, Luna County Clerk

Be it remembered that at a Regular meeting of the Luna County Board of County Commissioners in Deming NM on the 8th day of January, 2020 the following budget adjustments are proposed and entered of record.

| | | | | | | | | | |
|---|--|--|--|--|--|--|--|--|--|
| <p align="center">Budget Resolution Number 20-12 Proposed Intra/Inter Department Transfer</p> | | | | | | | | | |
|---|--|--|--|--|--|--|--|--|--|

| ITEM NO | Adjustment Type | Fund/ DFA Fund | Dept. | From | FROM Current Balance | Transfer amount | TO Line Number | Transfer Amount | Purpose |
|---------|-----------------|----------------------|--------------------------|-------------------------------------|-------------------------|-----------------|---|-----------------|---|
| One | Transfer | 801/59900 | Entertainment Complex | 801-80-2108 Film Rental Payments | \$124,385.34 | \$3,000.00 | 801-80-2101 Professional/ Contract Services | \$3,000.00 | To clean up line item and allow for spending through remainder of the fiscal year. |
| | | | | | | | | | |
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| | | | | | | | | | |
| | | | | | \$124,385.34 | \$3,000.00 | | \$3,000.00 | |

NOW, THEREFORE, it is respectfully requested that the Luna County Commissioners, authorize the above adjustments to the Luna County Budget.

Done at Derrington New Mexico this Wednesday the 8th day of January, 2020.

LUNA COUNTY BOARD OF COUNTY COMMISSIONERS

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

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

Linda M. Smrkovsky, District 2



ATTEST:

Entered By: _____ Date _____

Entered By: _____ Date: _____

Andrea Rodriguez, Luna County Clerk

Checked By: _____ Date: _____

Checked By: _____ Date: _____

Luna County Procurement Policy



**As Approved by the
Luna County Board of County Commissioners
Dated: June 8, 2017**

EFFECTIVE JULY 1, 2017

PROCUREMENT POLICY CONTENTS

RESOLUTION NO. 17-35

| | |
|--------------|---|
| SECTION I: | GENERAL PROVISIONS |
| SECTION II: | STANDARD PROCUREMENT PROCEDURES |
| SECTION III: | NON-STANDARD, URGENT AND EMERGENCY |
| SECTION IV: | FIXED ASSETS - ADMINISTRATION & RESPONSIBILITY |
| SECTION V: | FIXED ASSETS - PROCESSING PROCEDURES |
| SECTION VI: | CAPITALIZATION & INFRASTRUCTURE RECORDING |
| SECTION VII: | REIMBURSEMENT OF PUBLIC OFFICIALS AND EMPLOYEES |

SUPPLEMENTS:

PURCHASING CARD POLICY

STANDARDIZED FORMS

STATE OF NEW MEXICO
COUNTY OF LUNA RESOLUTION NO. 2017-35
SUPERCEEDS PRIOR RESOLUTION NOs. 05-28, 11-12 and 13-42

A RESOLUTION ESTABLISHING A PROCUREMENT POLICY

WHEREAS, the Luna County Board of County Commissioners (hereinafter "LCBCC") finds it necessary to address appropriate purchasing procedures conducted in a manner above reproach, with complete impartiality and without preferential treatment; and

WHEREAS, the Luna County Board of County Commissioners recognizes that a Purchasing Policy for Luna County Government is for all County Elected Officials, Department Directors and employees to follow in all purchasing and procurement activities; and,

WHEREAS, The Luna County Board of County Commissioners desire to implement a policy that details those procedures of purchasing and procurement to which each Elected Officials, Department Directors and employees are expected to adhere.

NOW, THEREFORE, BE IT RESOLVED, by the Luna County Board of County Commissioners that the following Procurement Policy is hereby adopted:

LUNA COUNTY PROCUREMENT POLICY

SECTION I: GENERAL PROVISIONS

- 1.1 User Applicability.** This Procurement Policy (hereinafter referred to as "this Policy") and its procedures apply to Elected Officials, all departments, agencies, personnel, individuals, or otherwise under the supervision of Luna County Government. The purchasing function shall be conducted in a manner above reproach with complete impartiality and without preferential treatment. Users shall avoid any conflicts of interest. No user may solicit or accept, for personal use, directly or indirectly, any gratuity, gift, favor, entertainment, loan or anything of value from any offeror or vendor.
- 1.2 Administration.** The County Manager shall be responsible for the administration of this Policy and shall ensure that the Finance Office adheres to all provisions of law and this Policy. In the absence of the County Manager, the Assistant County Manager along with the Finance Office shall be responsible for the administration of this Policy. Upon approval of the County Manager, supplemental forms may be added to improve processes or provide clarification.
- 1.3 Implementation.** Finance Office. The term Finance Office is used to describe the office and/or personnel directly responsible for establishing budgetary control for expenditure of funds and accounts payable procedures for payment of purchases made.

1.4 User Authority and Responsibility.

- A. Only individuals authorized by the Elected Official or Department Director shall be permitted to purchase on behalf of Luna County consistent with the provisions of this Policy. Written authorization shall be submitted to the Finance Office. All authorized users shall receive and sign for a copy of this Policy, receive required training and shall thereby be responsible for the knowledge and appropriate compliance and use of the provisions of this Policy.
- B. Authorized users may contact vendors to obtain technical information, prices, and delivery information for planning purposes. The Finance Office will review the technical information, confirm prices are reasonable, ensure availability of County funds, and issue a purchase order. All quotations documented or received by users shall be attached to the requisition, purchase order or p-card statement. Authorized users shall enter anticipated purchases into the software system, thereby generating a requisition for approval and issuance of a purchase order. Quotations obtained shall be attached to the requisition electronically. Other supporting documentation such as Statewide Price Agreements (SPA's), General Services Administration (GSA) contracts, other government contracts, memos from vendors, etc. shall be electronically attached as well. All requisitions shall contain item descriptions detailed enough to adequately describe the anticipated purchase.

1.5 Definition of a Purchase. For the purpose of this Policy, a purchase is the commitment, obligation and/or expenditure of Luna County supervised funds to obtain goods or services.

1.6 Unauthorized and Questionable Purchases. Any purchase which is not approved or which does not comply with the provisions of the State Statutes, including the State Procurement Code, and the provisions of this Policy shall be considered an unauthorized purchase and thereby **not** subject to payment by Luna County. Luna County hereby declares and establishes that it will assume no responsibility for payment of unauthorized purchases. Furthermore, any individual initiating or otherwise executing any unauthorized purchase is solely responsible for payment. All questionable purchases shall be submitted to the County Manager for review and determination under the provisions of this policy. Determination may also result in disciplinary action.

1.7 Penalties. Any business or person that willfully violates the Procurement Code is guilty of a misdemeanor if the transaction involves Fifty Thousand Dollars (\$50,000.00) or less; or a fourth-degree felony if the transaction involves more than Fifty Thousand Dollars (\$50,000.00) pursuant to 13-1-199 NMSA 1978.

1.8 Consistency with State Procurement Code. The provisions of this Policy are subject to change in accordance with New Mexico State Statute updates or State Procurement Code revisions. Any revision that is inconsistent with the provisions of this Policy shall be resolved in favor of the State Statutes or State Procurement Code. All authorized users shall be given a copy of each revision and notified that it is in effect.

- 1.9 Amendment.** Amendments shall be executed by resolution approved by the LCBCC prior to implementation.
- 1.10 Interpretation of Policy and Supplements.** In any case that a provision of this Policy is vague or unclear, the County Manager shall provide a written supplement for clarification of the provision, which shall be implemented by all Departments and Offices.
- 1.11 Violations.** Violations of this policy may result in the following, but not limited to:
- Disciplinary actions pursuant to Personnel Ordinance #23
 - Loss of purchasing privileges
 - Revocation of P-Card
- 1.12 Training.** Before an employee is authorized to purchase for Luna County, training will be required. Initial and reoccurring training shall be provided by the finance office.

SECTION II: STANDARD PROCUREMENT PROCEDURES.

- 2.1 Standard Purchasing Procedure Applicability.** "Standard Purchases" are described as systematic, planned, and necessary purchases for administration and operation of a project, division, and/or Department. There shall be no exception to these standard procedures except as provided in "Non-Standard, Urgent, and Emergency Purchases Procedures" in Section III of this policy.
- 2.2 Initiating a Purchase: Requisition/Purchase Order.** All standard purchases as authorized by this section require that the buyer utilize a requisition/purchase order to be issued prior to placing an order or making a purchase. All requisitions must be submitted to the Finance Office or a designated authorized Procurement Official for approval and issuance of a purchase order. In the event that this policy is not followed, the Authorized Procurement Official has the right to refuse approval of any purchase request. The requisition form (paper or electronic) shall contain all information as required by the Finance Office to include, but not be limited to, the following:
- A. Vendor** - The business to which the purchase order will be issued.
 - B. Vendor Number** - To be taken from the mainframe database or listing of vendors. Numbers for new vendors shall be assigned only through the Finance Office. New vendor numbers requested must list if the vendor accepts Visa as a method of payment at no additional cost. Vendors that accept Visa will be assigned a vendor number that begins with "P". A vendor number must be on file for the vendor prior to issuance of a purchase order.
 - C. Terms** - Luna County pays net within 30 days of receipt of invoice unless other arrangements are made and included in this section of the purchase order.
 - D. Quantity** - Specify a unit and the approximate amount per unit being requested. Units may be "each", "box", "gallons", "reams", "pounds", etc. If exact quantity is not known, users shall provide the best estimate of quantity.

- E. Description of Item** - The description of the items or services should be sufficiently complete to identify the item being purchased. Services that have been obtained through the use of an agreement must reference the agreement number and attach a copy of the agreement. Services that have been obtained through the use of a bid or request for proposal process must reference the bid or request for proposal number. Commonly used items may be identified by brand names.
- F. Estimated Amount** - Calculation of the quantity multiplied by the unit price. If exact cost cannot be determined, users shall provide the best estimate of cost. Estimated costs shall be stated as such on requisition.
- G. Department** - Enter name of department or office initiating the purchase order.
- H. Employee** - Signature of the Elected Official, Department Director or authorized user, as recorded by the Finance Office.
- I. Account/GL Number** - The appropriate budget line item account number to be charged. It is the authorized user's responsibility to assign the correct line item account number to the purchase order. Multiple line item accounts may be included in the purchase order.

- 2.3 Authorization of Purchase Orders.** The completed requisition form shall be submitted to the Finance Office for authorization, date and purchase order number assignment. The user Department/Office shall inform the vendor that the purchase order number must be included on the invoice submitted to the County for payment.

Purchases executed prior to obtaining a purchase order are prohibited except as otherwise provided in "Non-Standard and Emergency Purchasing Procedures", Section III of this Policy.

Adding different items to a purchase order after it has been authorized is strictly prohibited unless approved by the Finance Office to ensure compliance. However, a purchase order may be increased by the Finance Office if there are no changes in the item, unit price, and funds are available.

- 2.4 Invoices.** An invoice is an itemized statement submitted by the vendor to the County for payment of materials, goods or services delivered to the County. It is the responsibility of the purchaser to ensure that a purchase order is provided to the vendor prior to ordering materials, goods or services. The purchaser shall include the purchase order number on the invoice submitted to the County for payment. The Finance Office is authorized to return any invoices which do not reference a valid purchase order number. The County reserves the right to refuse payment for purchases made without an executed and authorized purchase order.

- A. Verification of Invoices.** All invoices shall be reviewed by the user's department prior to payment to ensure materials, goods or services have been received and to certify authorization for payment. All invoices require an authorized signature, date of signature, and purchase order number on the invoice. It will be the responsibility of user Department/Office to insure outstanding invoices are promptly submitted for payment.

B. Processing for Payment. The Finance Office will insure that all invoices received are appropriately authorized and certified prior to payment. The Finance Office shall be responsible for insuring that appropriate procedures are established and used for payment after invoices are received to include timely payments and to ensure that discounts are received and late charges avoided.

2.5 Over Expenditures. It is the responsibility of the purchaser to track purchase order and line item balances. Requisitions shall not be approved or processed for issuance of purchase orders in cases that line items will be over expended, except as approved by the Finance Office in accordance with State and County regulations and provisions, and provided there are legally sufficient budget balances available elsewhere. It shall be the primary responsibility of the authorized user to insure sufficient funds are available prior to initiating a purchase. The Finance Office shall provide sufficient information, data, or reports, upon request, to keep purchasers properly updated on budget balances, and shall notify any office, department, or agency head, after analysis of the monthly budget report, of any indications of any existing or impending budget balance problems.

2.6 Purchasing Card (P-Card) Purchases. Authorized p-card users shall attempt to utilize the card whenever possible, subject to the guidelines set forth in this policy and the Luna County Purchasing Card Policy (aka Cardholder Agreement attached hereto). All purchases made using the p-card shall be approved by an authorized Approver or Finance Officer. Compliance with purchasing guidelines will be reviewed monthly on all statements. All statements will be randomly audited monthly for compliance. Purchase cards are to be returned upon termination or resignation and must be used solely for permissible County business purposes.

A. Monthly Statements: All users shall complete a reconciliation of their p-card statement by the 6th of each month. All users must submit a copy of the statement along with original receipts and purchase orders for all purchases to the Finance Office by 5:00 PM on the 10th day of each month. Users who fail to reconcile by the deadline may be subject to card revocation.

B. Cardholder Process: All users are required to log in to Wells Fargo Commercial Site using their credentials to access their account. Users are required to reconcile their statement ensuring correct line items, descriptions, purchase order numbers, verify tax charges, and check receipt box. After all charges are reconciled and verified, the statement reviewed tab must be clicked to finalize review. The statement shall be printed and included in your p-card packet along with supporting documentation as referenced in 2.6 A.

C. Approver Process: Once 2.6 B process is completed, the approver reviews the statement online and verifies accuracy.

D. Finance Office Process: All monthly statements and required documentation will be reviewed by the Finance Administrator, or designee, for permanent filing. The Finance Office shall distribute financial reports to each Department/Office monthly.

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

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

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

card statement, and a copy of the contract must be kept on file by the Finance Office, either physically or electronically, for a period of seven years.

The County may purchase items cooperatively through another public body's bid or request for proposals process, provided the original solicitation was conducted consistent with the New Mexico State Procurement Code. Complete copies of the original solicitation documents, vendor responses, verification of award, and any other pertinent information shall be kept on file by the Finance Office for a period of seven years.

- G. Bid Specifications.** Specifications should be written primarily to address the needs of Luna County for a specific item or to perform a specific function. Specifications written for purchases shall not be "closed or exclusive", or otherwise written in such a way as to intentionally favor or exclude a vendor. Reference to specific types or quality shall be followed by the wording "or equal" and all specifications regardless of wording shall be considered as "or equal". It shall be the authorized users' responsibility to insure that all specialized technical aspects of specifications are correct and appropriate. It shall be the Finance Office's responsibility to review and insure that all other provisions, procedures and considerations are correct and appropriate, and to address any questionable, unusual or inappropriate specifications prior to processing. The bidding process may be waived by the Finance Office in cases that a vendor has a State, Federal or other qualified Purchasing Contract.

All bids submitted to the LCBCC for award shall indicate whether a State or Federal Purchasing Contract is available and those contracts shown for comparison. These contract prices may be considered as an option for award.

H. Small Purchases.

- A.** A central purchasing office shall procure services, construction or items of tangible personal property having a value not exceeding Sixty Thousand Dollars (\$60,000.00), excluding applicable state and local gross receipts taxes, in accordance with the applicable small purchase rules adopted by the secretary, a local public body or a central purchasing office that has the authority to issue rules.
- B.** Notwithstanding the requirements of Subsection A of this section, a central purchasing office may procure professional services having a value not exceeding Sixty Thousand Dollars (\$60,000.00), excluding applicable state and local gross receipts taxes, except for the services of landscape architects or surveyors for state public works projects or local public works projects, in accordance with professional services procurement rules promulgated by the Department of Finance and Administration, the General Services Department or a central purchasing office with the authority to issue rules.

2.8 Sole Source Purchase.

Thirty days (30) prior to the award of a sole source procurement contract, the local public body central purchasing office shall post the information described in Section A, B and C below on the County's web site. A contract may be awarded without competitive sealed bids or competitive sealed proposals regardless of the estimated cost when the state purchasing agent or a central purchasing office determines in writing that there is only one source for the required service, construction or item of tangible personal property. The service, construction or item of tangible personal property is unique and this uniqueness is substantially related to the intended purpose of the contract. The state purchasing agent or a central purchasing office shall use due diligence in determining the basis for the sole source procurement, including reviewing available sources and consulting the using agency, and shall include its written determination in the procurement file. The state purchasing agent or a central purchasing office shall conduct negotiations, as appropriate, as to price, delivery and quantity in order to obtain the price most advantageous to the entity which constitutes a sole source procurement. The central purchasing office shall maintain, for a minimum of three years, records of all sole source procurements. The record of such procurement shall be public record and shall contain:

- A. The contractor's name and address;
- B. The amount and term of the contract;
- C. A listing of the services, construction, or items of tangible personal property procured under the contract; the justification for the procurement method; and names of other vendors contacted.

2.9 Purchase of Inventory Items

- A. All capital outlay and non-expendable supply purchases are considered inventory items and shall be noted as such on the purchase order or p-card statement. It shall be the responsibility of the Finance Office to identify inventory items in accordance with all current State and County provisions and laws.
- B. Accessories to new capital purchases may be purchased as part of the capital purchase provided funds are budgeted, noted on the purchase order, and assigned the same fixed asset number as the original capital purchase.

2.10 Procurement of Professional Services.

Professional services shall not exceed \$60,000 in a single fiscal year. Services shall be procured at the best value for Luna County. Professional services exceeding \$60,000 will be solicited as outlined in the Procurement Code.

2.11 Personal Use Prohibited. No purchases shall be made for the purpose of personal or private use.

SECTION III: NON-STANDARD, URGENT AND EMERGENCY PURCHASING PROCEDURES

3.1 Non-Standard, Urgent and Emergency Procedures:

General Provisions. The provisions of this section apply to all purchases except those purchases subject to the standard purchasing procedures specified in Section II of this Policy. Generally, this section includes all purchases which are justifiably urgent, are emergencies, due to insufficient time required for standard processing, or involve other non-standard procedures. It is the responsibility of the authorized user to ensure that all purchases made under provisions of this section are immediate and unforeseen. Questionable purchases shall be reported to and reviewed by the County Manager. Purchases that could have been reasonably pre-planned or anticipated shall not be considered as an emergency or urgent purchase.

3.2 Urgent or Emergency Purchases. Urgent or Emergency purchases are permissible provided: They are in accordance with the following provisions:

- A. Urgent Purchases.** An urgent purchase is a local or non-local purchase during or after normal working hours of the Finance Office that justifiably requires immediate purchase and which cannot reasonably or practicably be telephoned in to the Finance Office to obtain a purchase order number prior to the purchase being made. Written justification and requisition must be submitted to the Finance Office or County Manager by the next business day. If deemed an urgent purchase, a purchase order will be issued within three (3) normal working days after the purchase was made.
- B. Emergency Purchases.** The state purchasing agent or a central purchasing office may make emergency procurements when there exists a threat to public health, welfare, safety or property requiring procurement under emergency conditions; provided that emergency procurements shall be made with competition as is practicable under the circumstances.

An emergency condition is a situation that creates a threat to public health, welfare, or safety such as may arise by reason of floods, fires, epidemics, riots, acts of terrorism, equipment failures or similar events and includes the planning and preparing for an emergency response. The existence of the emergency condition creates an immediate and serious need for services, construction or items of tangible personal property that cannot be met through normal procurement methods and the lack of which would seriously threaten:

1. The functioning of government;
2. The preservation or protection of property; or
3. The health or safety of any person.

Emergency procurements shall not include the purchase or lease purchase of heavy road equipment.

The state purchasing agent or a central purchasing office shall use due diligence in

determining the basis for the emergency procurement and for the selection of the particular contractor. The determination shall be in writing and included in the procurement file. Money expended for planning and preparing for an emergency response shall be accounted for and reported to the legislative Finance committee and the Department of Finance and Administration within sixty (60) days after the end of each fiscal year.

Prior to the award of a sole source procurement contract, the local public body central purchasing office shall post the information described below in this section on the local public body web site, if one exists.

Within three business days of awarding an emergency procurement contract, the awarding central purchasing office shall post the information described below in this section on the sunshine portal:

All central purchasing offices shall maintain, for a minimum of three years, records of sole source and emergency procurements. The record of each such procurement shall be public record and shall contain:

1. The contractor's name and address;
2. The amount and term of the contract;
3. A listing of the services, construction or items of tangible personal property procured under the contract;
4. Whether the contract was a sole source or emergency procurement contract; and
5. The justification for the procurement method.

C. **Urgent or Emergency Purchase Orders.** All urgent or emergency purchase orders shall have the words "Urgent" or "Emergency" documented on the form as is applicable, and shall be accompanied by a receipt or invoice for the purchase.

D. **Justification.** All emergency and urgent purchases shall be justifiable and the top level Department Director or Elected Official shall be responsible for attaching a written justification.

3.3 Open Purchase Orders. For the purpose of this Policy, open purchase orders are purchase orders against which multiple billings will be submitted over a specific period of time. All open purchase orders shall be accompanied by any required applicable documentation. All open purchase orders shall include a general description of anticipated items to be purchased.

Authorization to use open purchase orders in all cases shall require adherence to Section 2 of this Policy and prior approval by the Finance Office. The open purchase order shall include an estimated total cost of all purchases anticipated during the specific period. Actual invoices for all purchases made using an open purchase order shall be submitted to the Finance Office upon receipt and the final invoice shall be marked FINAL to denote closing of the open purchase order.

Open Purchase Orders shall not be used for the purchase of items to be tagged as inventory or fixed assets items.

Cases of improper use of open purchase orders shall be reported to the County Manager.

- 3.4 Used Equipment and Item Purchases.** Used equipment purchases shall be made in accordance with Section II of this Policy to include the following provisions:

The County Manager is authorized to approve purchases of used equipment or items not to exceed the amount of funds appropriated for such purposes. Used equipment or items with a price or estimated value of Twenty Thousand Dollars (\$20,000.00) or more shall require bids as though the items were new, adding specifications that permit used items under conditions to be outlined in the bid specifications including but not limited to requiring a written warranty for at least ninety (90) days after date of delivery, and an independent "certificate of working order" by a qualified mechanic or appraiser.

- 3.5 End of Fiscal Year.** Special purchasing procedures shall be followed to insure that State laws and regulations and proper accounting procedures are followed to appropriately close out at the end of the fiscal year. Provisions are as follows:

- A. From May 21st of each Fiscal Year through year end:** No items that will be placed on inventory or tagged for fixed assets may be purchased without prior written approval of either the County Manager or the Finance Office.
- B. 30 days prior to year ending:** 30 days prior to the end of the fiscal year, purchase orders will be issued only for purchases in which invoices will be received within an estimated fifteen (15) days, except as otherwise specifically approved by the Finance Office.
- C. 15 days prior to year ending:** There shall be no purchase orders issued or processed within 15 days prior to the end of the fiscal year except in urgent or emergency purchases.

SECTION IV: FIXED ASSETS - ADMINISTRATION & RESPONSIBILITY

- 4.1 General Purpose:** The purpose of this Section is to establish order, system, and process for the administration, processing, recording, and accountability of County fixed assets.
- 4.2 Definition of Fixed Asset- Capitalized Property, and Non-Capitalized Property:** For the purpose of this Policy, a fixed asset is any property or material that has been classified as a valuable and pilferable item. There are two separate and distinct categories of fixed assets:
- A. Capitalized Fixed Asset** is any property or material item that has a value of Five Thousand Dollars (\$5,000.00) or greater and an expected useful life which exceeds one year and which will not lose its identity even if installed in other equipment. Capitalized property will be placed in the permanent fixed asset inventory control records and recorded in the general ledger. Capitalized Fixed

Assets purchased with federal dollars will be identified in the permanent record.

B. Non-Capitalized Fixed Asset is any property or material item that has a value under Five Thousand Dollars (\$5,000.00). Non-Capitalized Fixed Assets will be placed in the non-capitalized inventory control records and are not recorded in the general ledger. A listing of non-capitalized equipment classified as small assets is provided in paragraph 5.8 below.

C. Capitalized Fixed Assets and all computers require tagging for control purposes.

4.3 Administrative Responsibility: The Finance Office is assigned the general responsibility for the administration, processing, recording and accountability procedures and provisions for fixed assets in accordance with this Policy and in accordance with the most current generally accepted management techniques; all provisions of law, all applicable Federal, State and County policies and procedures; and as otherwise deemed appropriate by the County Manager. The County Manager shall be authorized to issue any supplement consistent with this Policy deemed necessary to administer, manage, or clarify this Policy.

4.4 Annual Fixed Asset Inventory:

A. Physical Inventory: In coordination with the Fixed Assets Specialist, each Elected Official and Department Director must submit a certified Statement which includes a complete list of inventory and location of assigned fixed assets, verifying that a complete, on-site inventory of all fixed assets under their supervision has been completed in the following manner:

1. A physical check that each item in their possession is included on the departmental inventory list; and
2. All items on the departmental inventory list are present and accounted for.

B. Review and Approval of Fixed Assets Inventory. The County Manager and Finance Office shall reconcile the certified physical inventory, specifying any changes or differences in the fixed assets, and submit a report to the LCBCC for review and approval. The LCBCC shall approve by resolution an official listing of all changes to the County fixed assets prior to the end of the second month of each fiscal year. The resolution shall also include a separate list of all fixed assets from one office or department to another and all items listed as missing or stolen. In addition, the Elected Official or Department Director of each office or department shall, by such resolution, be assigned the custodial responsibility over all fixed assets listed under their supervision as stated in the certified inventory approved by resolution. Such custodial responsibility shall be retained except as approved by official transfers of fixed assets or of custodians in accordance with provisions of this Policy.

4.5 Custodian Responsibility: It shall be the responsibility of the Elected Official or Department Director designated as Custodian of any County fixed assets to insure the appropriate care, safeguard, location, maintenance, and security of those fixed assets, and to insure that all fixed assets assigned or otherwise under their responsibility are purchased,

received, processed, and otherwise managed in accordance with this Policy and supplements thereof. Custodians shall assume full responsibility for all fixed assets assigned.

- 4.6 Change in Custodian Responsibility:** At the time of a change of Elected Official or Department Director, the Finance Office shall conduct a physical inventory of fixed assets assigned to that custodian to ensure that all fixed assets are present and accounted for. The County Manager shall review the items found to be missing, lost or stolen prior to release of final payroll to the affected Elected Official or Department Director. An interim custodian, usually the second in command, shall be assigned the custodial responsibility until the new Elected Official or Department Director assumes responsibility. The incoming Elected Official or Department Director shall then be responsible to complete a physical inventory for the fixed assets assigned to his/her department and certify that it has been reconciled to the physical inventory performed by the Finance Office.
- 4.7 Knowledge of Provisions:** A copy of this Policy and all supplements shall be given to each designated custodian who shall sign for and be required to be knowledgeable about, understand, and comply with the provisions of this Policy.
- 4.8 Enforcement:** Actions that appear to be a violation of this Policy shall be reviewed by the County Manager and if deemed a violation, the County Manager may proceed with any process in accordance with applicable policies, ordinances, or laws.

SECTION V: FIXED ASSETS - PROCESSING PROCEDURES

- 5.1 Verification:** The Finance Office shall determine if it is a fixed asset. If it is determined as a fixed asset, it shall be verified that it is a budgeted item.
- 5.2 Purchasing Fixed Assets:** Fixed Assets shall be purchased in accordance with the provisions of Section II. All fixed asset purchases shall be noted as such on the purchase order or p-card statement.
- 5.3 Recording of Fixed Asset:** The fixed asset shall be entered by the Finance Office in the computer fixed asset data file to include all pertinent information and data required and as otherwise deemed appropriate by the Finance Office or County Manager. In addition, it shall be the responsibility of the Finance Office to appropriately update and maintain a Permanent Fixed Asset Record File to include the following for each fixed asset after the effective Date of this Policy:
- A. Copy of the purchase order and/or p-card report;
 - B. Original of the Fixed Asset Record Form;
 - C. Copy of the Invoice;
 - D. Copy of the approved voucher for payment;
 - E. Copies of all warranties, specifications, contract, agreements, or other pertinent applicable documents.

- 5.4 Transfers of Fixed Assets and Custodian:** Custodians shall assume full responsibility for all permanent transfers of fixed assets to their location and shall be held fully accountable for the fixed asset while in their possession. Notification of County Manager approved transfer shall be submitted to the Finance Office for tracking purposes.
- 5.5 Disposal of Fixed Assets or County Property:** Disposal of fixed assets and/or County property shall be in accordance with all applicable laws. Normally, disposal of fixed assets and county property requires that the item be auctioned or as otherwise required by New Mexico State Statutes. However, it shall be the responsibility of the Finance Office to ensure that all fixed assets and County property are disposed of appropriately and legally upon notice of intent to dispose by an office or department. It is the responsibility of the Office or Department custodian to notify the Finance Office of intent to dispose of any item.
- 5.6 Property - Missing, Lost or Stolen:** It shall be the responsibility of each custodian to report to the County Manager immediately an item that has been discovered to be missing, lost, or stolen. The County Manager will appoint a review board to determine the disposition of each item. The Finance Office will be charged with permanently removing such items from the Luna County Fixed Asset Records.
- 5.7 Inventory Control and Annual Inspection:** It shall be the responsibility of each custodian to appoint an inventory officer to inspect and oversee the office or department inventory and to ensure that the inventory is appropriately protected, safeguarded, maintained, and repaired, and is physically inspected, present, and accounted for and certified annually as required by the Annual Fixed Asset Resolution in Section 4.4B of this Policy. The Finance Office may conduct random physical inventory of certain items to verify that the computerized fixed asset file contains accurate information.
- 5.8 Small Assets / Federally Funded Item listing:** Certain equipment may be classified as a small asset and controlled on inventory as non-expendable items if determined advantageous by the County. All federally funded purchases must be classified per The Uniform Guidance or grant agreements. Following is a list of items that may be considered controlled inventory items, but is not limited. Items not listed may be required to be controlled on inventory at the discretion of the County at any time.

| | | |
|---------------------|-----------------|----------------------|
| Cellular Telephones | Chairs | Communication Radios |
| Computers | Digital Cameras | Digital Recorders |
| Tables | Television | Tools |

SECTION VI: CAPITALIZATION & INFRASTRUCTURE RECORDING

- 6.1 Definition and Purpose:** All county network systems, equipment, buildings and land with an initial cost of Five Thousand Dollars (\$5,000.00) or more shall be capitalized.

6.2 Capitalization Categories: The categories that fixed assets will be divided into for the purpose of capitalization include:

- A. Land
- B. Buildings
- C. Improvements
- D. Machines and Heavy Equipment
- E. Equipment
- F. Infrastructure (subcategories listed in 6.3)

6.3 Infrastructure Categories: The Infrastructure Category is further divided into five Subcategories as follows:

- A. Major Road System (Paved/Chip & Seal Roads)
- B. Currently Maintained Roads (i.e., dirt, gravel)
- C. Not Currently Maintained Roads
- D. Bridges
- E. Other (Cattle guards and Culverts)

6.4 Infrastructure Reporting by Subcategory:

- A. Paved/Chip and Seal Roads:** The Road Department shall determine a dollar value for one mile of Paved/Chip and Seal Road. This value will be calculated using the previous year's actual salary and benefit costs to determine labor cost, New Mexico State Highway and Transportation Department force account hourly rates to determine equipment costs and actual material costs. These costs will be applied to a typical chip and sealed roadway, twenty-four (24) feet in width, and calculated for a one-mile segment of Maintained Road (unpaved). The total value for a one-mile segment of Paved/Chip and Sealed Road shall be multiplied by the number of miles of Paved/Chip and Sealed Road. Annual additions or deletions shall be calculated utilizing the most current year-end costs.
- B. Maintained Roads (unpaved):** The Road Department shall determine a dollar value for one mile of Maintained Road (unpaved). This value will be calculated using actual salary and benefit costs to determine labor cost, New Mexico State Highway and Transportation Department force account hourly rates to determine equipment costs and actual material costs. These costs will be applied to a typical maintained but unpaved roadway, twenty-eight feet (28') in width, and calculated for a one-mile segment. The total value for a one-mile segment of Maintained Road shall be multiplied by the number of miles of Maintained Road. Annual additions or deletions shall be calculated utilizing the most current year-end costs.
- C. Bridges:** The value of the bridges in the Road Network shall be supplied to the Finance Office by the Road Department.
- D. Other:** The value of the cattle guards and culverts and other capital assets in the Road Network shall be supplied to the Finance Office by the Road Department.

6.5 Appreciation/Depreciation of Fixed Assets: The appreciation and depreciation of capital assets shall be determined as follows for each category:

- A. Land:** There is no requirement to allocate depreciation expense on capital assets in this category.
- B. Buildings:** Depreciation in this category will be a straight line. Depreciation is based on a life expectancy of forty (40) years.
- C. Improvements:** Depreciation in this category will be a straight line. Depreciation is based on the appropriate life expectancy depending on the category of the improvement.
- D. Machines and Equipment:** Depreciation in this category will be a straight line. Depreciation determined by the following schedule:
 - Vehicles (one ton and under) - Five (5) years
 - Vehicles (over one ton) - Ten (10) years
 - Off road equipment - Fifteen (15) years
 - Fire Department Pumpers - Twenty-five (25) years
 - Fire Department Tankers - Thirty (30) years
- E. Equipment:** Depreciation in this category will be a straight line. Depreciation based on a life expectancy of five (5) years.
- F. Infrastructure:** As long as infrastructure assets are maintained within their assigned subcategories, roads, bridges and other assets shall be adjusted based on the most current annual costs calculations.

6.6 Annual Review: Each year the value of capital assets shall be reviewed and recalculated in preparation for the year end close-out.

SECTION VII: REIMBURSEMENT OF PUBLIC OFFICIALS AND EMPLOYEES FOR TRAVEL EXPENSES AND ATTENDING MEETINGS

A county employee or officer may elect to use a Luna County issued Purchase card (P-Card) for actual expenses incurred while traveling on official business. Actual receipts must accompany the monthly expense report. Employee must obtain County Manager or designee approval for any lodging above the base rate (prior to travel date). The following limits apply while using your P-Card for travel:

Limit for lodging (base rate – does not include taxes and fees):

\$85 / night - within the state but away from home (lodging only).

\$135 / night - in Santa Fe (lodging only)

\$115 / night - outside the state on official business, or,

not to exceed \$215 when \$115 is inadequate to that geographical area out of State, or actual (only when more affordable lodging is unavailable or impractical, and only with prior approval of LCBCC/County Manager) (lodging only)

Limit for meals:

\$30 maximum for every 24-hour period traveling in state (meals only)

\$45 maximum for every 24-hour period traveling out of state (meals only)

Tips: Employees may tip for meals up to a maximum of \$6.00 for every 24-hour period
This amount is above the provided limit for meals.

Limit for return from overnight travel:

\$12 for 2.00 to 5.99 hours beyond the last 24-hour period (meals only)

\$20 for 6.00 to 11.99 hours beyond the last 24-hour period (meals only)

Limit for meals for non-overnight travel (for the number of hours worked above 8, in a 9-hour period):

\$12 for 2.00 to 5.99 hours beyond the normal work day (meals only)

\$20 for 6.00 to 11.99 hours beyond the normal work day (meals only)

A county employee or officer may elect to receive per diem without regard to whether expenses are actually incurred.

Overnight Travel Per Diem Rates:

\$85 within the state but away from home (meals and lodging)

\$135 in Santa Fe (meals and lodging)

\$115 outside the state on official business, or,
not to exceed \$215 when \$115 is inadequate to that geographical area out of State, *or actual* (only when more affordable lodging is unavailable or impractical, and only with prior approval of LCBCC/County Manager) (meals and lodging)

Non-Overnight Travel Per Diem Rates for number of hours worked above 8, in a 9-hour period:

\$12 for 2.00 to 5.99 hours beyond the normal work day (meals only)

\$20 for 6.00 to 11.99 hours beyond the normal work day (meals only)

\$30 for 12.00 hours or more beyond the normal work day (meals only)

\$45 for 12.00 hours or more beyond the normal work day, out of state (meals only)

A county employee or officer may elect to receive reimbursement of actual expenses in lieu of per diem rates. Actual receipts must accompany the reimbursement request. Employee must obtain County Manager or designee approval for any lodging above the base rate (prior to travel date). If the employee chooses to receive actual reimbursement instead of receiving per diem, the following limits apply:

Actual reimbursement for lodging (base rate – does not include taxes and fees):

\$85 / night - within the state but away from home (lodging only).

\$135 / night - in Santa Fe (lodging only)

\$115 / night - outside the state on official business, or,
not to exceed \$215 when \$115 is inadequate to that geographical area out of State, *or actual* (only when more affordable lodging is unavailable or impractical, and only with prior approval of LCBCC/County Manager) (lodging only)

Actual reimbursement for meals:

\$30 maximum for every 24-hour period traveling in state (meals only)

\$45 maximum for every 24-hour period traveling out of state (meals only)

Tips: Employees may tip for meals up to a maximum of \$6.00 for every 24-hour period
This amount is above the provided limit for meals.

Limit for return from overnight travel:

\$12 for 2.00 to 5.99 hours beyond the last 24-hour period (meals only)

\$20 for 6.00 to 11.99 hours beyond the last 24-hour period (meals only)

Limit for meals for non-overnight travel (for the number of hours worked above 8, in a 9-hour period):

\$12 for 2.00 to 5.99 hours beyond the normal work day (meals only)

\$20 for 6.00 to 11.99 hours beyond the normal work day (meals only)

Actual reimbursement for mileage:

80% of The Internal Revenue Service ("IRS") standard mileage rate set January 1st of the previous year for each mile traveled in a privately owned vehicle, and only with prior approval of LCBCC/County Manager.

Miscellaneous Other Expenses:

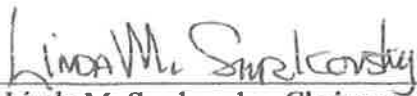
Reasonable expenses for ordinary and necessary business costs with approval of the Department head.

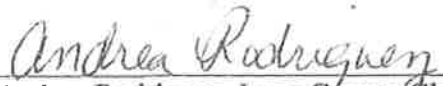
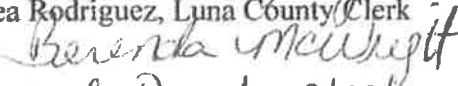
Travel advances are authorized by the Board in hardship cases approved by the County Manager, for no more than 80% of the anticipated per diem costs, for trips lasting more than 3 days (72 hours) but less than 7 days. Any refunds or overages shall be repaid within 5 working days of return. Travel advances may also be authorized for approved out of state travel. Requests for travel advances shall be made in writing at least 2 weeks in advance of the proposed travel.

Approved, passed and signed this 8th day of June of 2017 by the Luna County Board of County Commissioners.

LUNA COUNTY BOARD OF
COUNTY COMMISSIONERS LUNA
COUNTY, NEW MEXICO

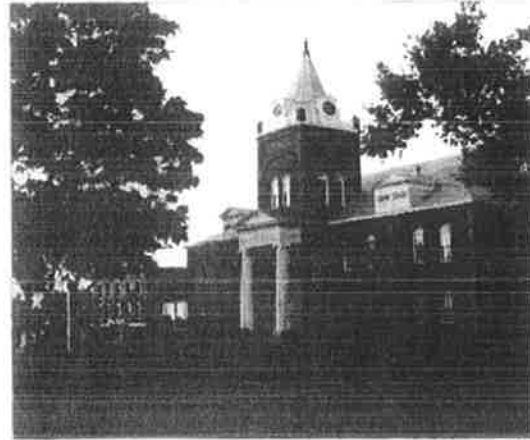
ATTEST:


Linda M. Smrkovsky, Chairperson


Andrea Rodriguez, Luna County Clerk
by 
Chief Deputy clerk

FORMS

STATE OF NEW MEXICO
COUNTY OF LUNA
700 SOUTH SILVER AVENUE
P.O. DRAWER 551
DEMING, NEW MEXICO 88031-0551
(505) 546-0494 FAX (505) 546-4708



LUNA COUNTY PURCHASE CARD CARDHOLDER AGREEMENT

You are being entrusted with a Luna County WellsOne Card, issued by Wells Fargo Bank. The card is provided to you to take care of your need to purchase materials for Luna County. It is not an entitlement nor reflective of title or position. The card may be revoked at any time without your permission. Your signature below indicates that you have read and will comply with all of the terms of this agreement.

1. I understand that I will be making financial commitments on behalf of Luna County and will strive to obtain the best value for the County.
2. I will follow the Luna County Procurement Policy and the WellsOne Card Policy. (A copy of the Luna County Procurement Policy provided to you.) Failure to do so will be considered as misappropriation of Luna County funds. Failure to comply with this Agreement will result in termination.
3. I understand that under **no** circumstances will I use the WellsOne Card to make **personal purchases, either for myself or for others**. Using the card for personal charges will be considered misappropriation of Luna County funds and will result in termination of employment.
4. I agree that should I violate the terms of this Agreement and use the WellsOne Card for personal use or gain that I will reimburse Luna County for all incurred charges and any fees related to the collection of those charges.
5. The WellsOne Card is issued in my name. I will not allow any other person to use the card. I am considered responsible for any and all charges against the card.
6. The WellsOne Card is County property. As such, I understand that I may be periodically required to comply with internal control procedures designed to protect Luna County assets. This may include being asked to produce the card to validate its existence and account number.
7. **If the card is lost or stolen, I will immediately notify Wells Fargo Bank by telephone at 1-800-932-0036 and Joanne C. Hethcox at 575-543-6574.**
8. I may receive a notification to go online to get my On-Line expense report, which will report all purchasing activity during the statement period. As I am responsible for all

charges (but not for payment) on the card, I will reconcile the statement and resolve any discrepancies by either contacting the supplier or Wells Fargo Bank.

9. If I wish to be reimbursed for out of pocket expenses (like mileage, and on-street parking), I will complete my profile on-line, (I understand that I am the only one who can see this information) and hereby give Luna County permission to automatically debit or credit my account.
10. I agree to surrender the WellsOne Card immediately upon termination of employment, whether for retirement, voluntary or involuntary reasons.

Employee Name (Print)

WellsOne Card Account Number

Employee Signature

Date

URGENT PURCHASE

Required immediate purchase to which could not reasonably or practicably be telephoned into the Finance Office to obtain a Purchase Order number prior to the purchase.

Date: _____

The attached Invoice Number _____ purchased on _____, 20____

from Vendor _____ purchased at _____ am/pm being submitted for
payment from line item: _____

The following reasons substantiate this purchase made without pre-authorization at a time other than regular business hours of the Finance Office.

Signed by: _____

Title: _____

- ☐ Above urgent purchase allowed
- ☐ Above urgent purchase must go before LCBCC
- ☐ Additional information is needed before approval is allowed
- ☐ Appears to be an ongoing situation

COMMENTS:

Signed by: _____

Title: _____

EMERGENCY PURCHASE

An emergency condition is a situation which creates a threat to public health, welfare or safety – creating an immediate and serious need for services, construction or urgent purchases without which would threaten the function of government preservation or protection of property, or the health or safety of any person.

Date: _____

The attached Invoice Number _____ purchased on _____, 20____

from Vendor _____ purchased at _____ am/pm being submitted for
payment from line item: _____

The following reasons substantiate this purchase made without pre-authorization at a time other than regular business hours of the Finance Office.

Signed by: _____

Title: _____

Emergency conditions must be determined by the County Manager with the consensus of the LCBCC.

- ☐ Above emergency purchase allowed
- ☐ Above emergency purchase must go before the LCBCC
- ☐ Additional information is needed before approval is allowed
- ☐ Appears to be an ongoing situation

COMMENTS:

Signed by: _____

Title: _____

PROCUREMENT VIOLATION FORM

Date: _____

Department: _____

Employee who made the purchase: _____

Name of Vendor: _____ Invoice#: _____

All officers, authorized users and their supervisors are responsible for knowing, understanding and adhering to the provision of state laws, regulations and Luna County Procurement Policy.

- *Any deviation from these provisions shall be reviewed by the Finance Office and the County Manager, and if a violation has occurred, it may be reported to the LCBCC.*
- *Continuous or repeated minor violations of this policy can result in referral for disciplinary action.*
- *Criminal violations can result in prosecution and/or penalties as per NMSA.*

This invoice is in violation of procurement for the following reasons(s) (check all that apply):

- ☐ Purchase Order is not provided
- ☐ Invoice is dated prior to the Purchase Order date
- ☐ Invoice exceeds the amount stated on Purchase Order
- ☐ Documentation for purchases is not provided
- ☐ Invoice incomplete: No invoice number/ No invoice date/No vendor name/No purchase order number
- ☐ No certification signature/no certification date
- ☐ Other: _____

Please return this invoice with your written justification on Page 2 for deficient item(s) to the Finance Department for compliance review and comment. **DO NOT DETACH THIS FORM FROM ITS INVOICE. PLEASE USE ATTACHED SHEET PROVIDED FOR JUSTIFICATION.**

FOR ELECTED OFFICIAL/DEPARTMENT DIRECTOR/SUPERVISOR USE ONLY:

I acknowledge that the invoice in question does not comply with the procurement law(s), regulation(s) and/or Luna County policy. Please accept the attached documentation as justification for this purchase.

Elected Official/Department Director/Supervisor Signature - Date

FOR COUNTY MANAGER USE ONLY:

Pursuant to Section _____ of the Luna County Procurement Policy, I have reviewed the attached information, find the justification appropriate and authorize the Finance Department to pay the invoice in dispute.

County Manager's Signature – Date

RESOLUTION NO. 20-14

A RESOLUTION SUPPORTING THE COLUMBUS LAND PORT OF ENTRY DIVERSION BERM AND FLOOD CONTROL PROJECT, IN COLUMBUS, NEW MEXICO.

WHEREAS, Luna County (“Governmental Unit”) is home to a newly expanded Land Port of Entry; and

WHEREAS, the United States General Services Administration has invested approximately \$85 Million in the expansion and capacity improvements to the Columbus Land Port of Entry; and

WHEREAS, the Governing Body supports the planned Columbus Land Port of Entry Diversion Berm and Flood Control Project (“Project”) for the benefit of the Governmental unit and its citizens; and

WHEREAS, the New Mexico Border Authority has sponsored the planning and design of the Columbus Land Port of Entry Diversion Berm and Flood Control Project, which is phased in three phases; and

WHEREAS, Phase II of Columbus Land Port of Entry Diversion Berm and Flood Control Project is comprised of reconstruction of a portion of NM 11 to include construction of a new bridge and elevated NM roadway segment, and related drainage appurtenances; and

WHEREAS, the Governing Body urges the New Mexico Department of Transportation to fund and construct Phase II of the Columbus Land Port of Entry Diversion Berm and Flood Control Project, and

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF LUNA COUNTY, NEW MEXICO, fully supports the Columbus Land Port of Entry Diversion Berm and Flood Control Project and urges the United States Congress and New Mexico Legislature to support said flood protection with federal and state funding, including coordination, and construction of the necessary flood control improvements.

1. All acts and resolutions in conflict with this resolution are hereby rescinded, annulled, and repealed.
2. This resolution shall take effect immediately upon its adoption.

PASSED, APPROVED AND ADOPTED this 8th day of January, 2020.

Luna County Board of County Commissioners

ATTEST:

Barbara L. Reedy,
Commissioner, District 1

Andrea Rodriguez, County Clerk

Linda M. Smrkovsky
Commissioner, District 2

John S. Sweetser,
Commissioner, District 3

Be it remembered that at the Regular Meeting of the Luna County Board of County Commissioners in Deming New Mexico, on the 8th day of January, 2020, the following proceedings were had and entered of record.

RESOLUTION 20-15

LIMITED DELEGATION OF AUTHORITY TO COUNTY MANAGER

WHEREAS, the powers of a County as a body politic and corporate shall be exercised by a Board of County Commissioners, pursuant to Section 4-38-1, NMSA 1978;

WHEREAS, pursuant to Section 4-38-19, NMSA 1978, the Board of County Commissioners may employ and set the salary of a County Manager to conduct the business of the County, to serve as personnel officer, fiscal director, budget officer and property custodian aiding and assisting the Board in the exercise of its duties and responsibilities;

WHEREAS, the Board of County Commissioners approves all County appropriations;

WHEREAS, no procurement can be made by the County without the sufficient appropriations in place;

WHEREAS, Section 13-1-125, NMSA 1978, provides that certain small purchases are exempt from bidding requirements of the Procurement Policy as long as such purchases are made in compliance with regulations set forth by Luna County; and

WHEREAS, the Board of County Commissioners approved the Luna County Procurement Policy by resolution 17-35.

WHEREAS, it is in the best financial interests of the County to authorize the approval and signature of vendor checks and other disbursements for regularly recurring items, such as utility payments, lease payments for facilities and equipment, debt service payments, and other payments required by duly authorized and executed contracts and agreements.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Luna County hereby delegates to County Manager Chris Brice effective January 1, 2020, through January 31, 2021, the authority to:

1. Enter into contracts, in the amount of sixty thousand dollars (\$60,000) or less, plus any and all applicable taxes, for the procurement of items of tangible personal property, professional services and/or constructions.
2. Enter into legal settlements for amount of ten thousand dollars (\$10,000) or less.
3. Enter into the renewal or contracts or agreements if the original contract or agreement was approved by the Board of County Commissioners.

4. Make all necessary line item transfers within the County Budget, provided that the Board of County Commissioners shall be notified in writing at the next regular meeting of the Commission after such transfers are made by the County Manager.
5. Cancel for cause, contracts or agreements that have previously been approved by the Board of County Commissioners.
6. Authorize, approve and signature vendor checks and other disbursements for regularly recurring items, such as utility payments, lease payments for facilities and equipment, debt service payments, and other payments required by duly authorized and executed contracts and agreements.

BE IT FURTHER RESOLVED, that:

1. Any and all procurement by the County Manager under this resolution shall be made pursuant to the Luna County Procurement Code, Resolution 17-35 or as subsequently amended and the New Mexico Procurement Code, Section 13-1-28 *et seq.*, NMSA 1978.
2. The authority granted herein shall expire on January 31, 2021, when Chris Brice is no longer serving as County Manager or when withdrawn by a majority vote of the Board of County Commissioners.
3. Any prior resolutions delegating authority to the County Manager by the Board of County Commissioners is repealed.

Done at Deming, New Mexico this 8th day of January, 2020

Luna County Board of County Commissioners

ATTEST:

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

Andrea Rodriguez, County Clerk

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

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

[illegible]

ADDENDUM TO AGREEMENT

BETWEEN

LUNA COUNTY AND DEMING ANIMAL GUARDIANS

RECITALS

THIS AGREEMENT made this ____ day of January, 2020, by and between Luna County ("County") and the Deming Animal Guardians ("DAG"), a New Mexico domestic non-profit corporation, for the current fiscal year ending June 30, 2020.

WHEREAS, the County and the DAG entered into a Memorandum of Agreement dated July 1, 2019, wherein the County contracts with DAG for services related to the care and housing of lost, abandoned and unwanted animals; and

WHEREAS, DAG wishes to assist in the effort to stop the spread of distemper to canines in Luna County by sponsoring vaccination clinics with a goal of providing 150 distemper vaccinations at \$15 per animal.

NOW, THEREFORE therefor in consideration of the foregoing recitals, and the mutual covenants contained herein, the parties agree as follows:

1. The County will provide a one-time, lump sum payment of Two Thousand Two-Hundred Fifty Dollars (\$2,250.00) solely for the purpose of providing 150 distemper vaccinations to be provided at on eor more local vaccination clinics or events before June 30, 2020.
2. DAG will provide monthly reports to the County at Regular Commission Meetings beginning in February, 2020, through July, 2020. Said reports to be delivered to the County Manager's Office no later than seventy-two (72) hours prior to the Regular Commission Meetings.
3. The monthly report from DAG will detail the time and place of clinics or events and the number of animals vaccinated at each event, along with the total cost of vaccinations.

IN WITNESS WHEREOF, the parties hereto affixed their signatures.

Signed for and on behalf of:

Deming Animal Guardians

By _____
Jill Black,
DAG President

Signed for and on behalf of:

Board of County Commissioner of
Luna County

By _____
Chris A. Brice,
County Manager

Be it remembered that at a regular meeting of the Luna County Board of County commissioners in Deming, New Mexico, on the 8th day of January 2020, the following proceedings were had and entered of record.

RESOLUTION #20-13

RESOLUTION OF LUNA COUNTY BOARD OF COMMISSIONERS
RATIFYING A CERTAIN AGREEMENT BETWEEN LUNA COUNTY AND THE
SOUTHWEST NEW MEXICO COUNCIL OF GOVERNMENTS, DATED JANUARY 12,
2017, AND AUTHORIZING THE EXECUTIVE OF SAME BY THE PROPER OFFICIAL OF
LUNA COUNTY.

WHEREAS, Luna County is a member of and desires to have the services of the Southwest New Mexico Council of Governments; and

WHEREAS, it is necessary that an agreement setting forth the services to be performed by the Southwest New Mexico Council of Governments for Luna County be entered into and it is a requirement of the New Mexico State Laws; and

WHEREAS, it is necessary to set forth the sum to be paid by Luna County to the Southwest New Mexico Council of Governments, as annual dues, for said services; and

WHEREAS, it is the desire of Luna County to accomplish these purposes:

NOW THEREFORE BE IT RESOLVED BY LUNA COUNTY THAT:

1. The AGREEMENT referred to in the caption of this Resolution (a copy of which is attached hereto and made a part hereof) expresses the desires and intent of Luna County.
2. The AGREEMENT set above is hereby ratified and approved by the authorized representatives of Luna County and is hereby authorized and instructed to affix their signature thereto.
3. A Certified copy of this Resolution (together with the Agreement) shall be filed at the Southwest New Mexico Council of Governments.

Done this the 8th day of January, 2020 in Regular Session, at Deming, Luna County, New Mexico.

ATTEST:

Barbara L. Reedy, Member

Andrea Rodriguez, County Clerk

Linda M. Smrkovsky, Member

John S. Sweetser, Member

MEMORANDUM OF AGREEMENT

THIS AGREEMENT made this 1st day of July, 2019, by and between the County of Luna, New Mexico, hereinafter called County, and the Deming-Luna County Humane Society, a New Mexico non-profit corporation, hereinafter called Society.

WHEREAS, the County has enacted an ordinance to provide for regulation, control, and vaccination against rabies of all domesticated dogs and cats residing within the boundaries of the county, and

WHEREAS, the Society operates a facility for the care and housing of lost, abandoned, and unwanted animals,

NOW, THEREFORE, in consideration of these premises and remuneration as set forth herein, it is mutually agreed by the parties hereto as follows:

1. Society shall maintain an animal shelter in accordance with local, state, and federal regulations and humane considerations and shall accept for refuge therein all dogs, cats, and companion animals brought to it by any police officer, sheriff's department personnel, animal control officer, society member, or individual.
2. Society shall provide facilities for segregation of suspect animals to ensure their safety and the protection of other animals in the shelter. "Suspect" is defined as animals presenting symptoms of disease or believed to have been exposed to same, particularly rabies, or those having bitten other animals or humans. Complete reports on such animals shall be filed with a veterinarian and such local authorities as may be required by law and the animal quarantined for the prescribed period of time.
3. Society shall make every reasonable effort to locate owners of animals believed to be lost, strayed, or stolen, to make every effort to find good homes or rescue organizations for those considered to be adoptable, and to euthanize in a humane manner those that are unadoptable, sick, or neither claimed nor adopted. Accordingly, the Society shall have sole authority for determining such disposition of all animals coming within its jurisdiction, except as set forth in Paragraph 2.
4. Society employees shall respond to calls in the county and outside incorporated areas promptly, courteously, and professionally according to their operational protocol.
5. Society shall maintain complete records on all dogs and cats received at the shelter, including the source from which the animal was obtained, sex, breed, date, name, address, and telephone of owner, if known, the name, address, and telephone of the individual bringing the animal to the shelter if other than owner, and the final disposition of the animal, including whether the animal was returned to its owner, adopted, sent to other shelters or rescue organizations, or euthanized. Society shall furnish County with monthly reports detailing the number and species of animals entering the shelter, the number of animals adopted, returned to owner, or sent to a rescue organization, and the number of animals euthanized.

6. Society shall maintain suitable hours that are posted at the gate for receiving and releasing animals at the shelter. Drop cages will be provided for the depositing of animals outside regular hours and telephone service will be available where inquiries or reports may be made.
7. Society shall investigate all reports of cruelty to animals or violations of county ordinance and report same to sheriff's office.
8. Society shall maintain, at its own expense, the shelter in good repair, hire and supervise shelter attendants, hire and supervise an animal control officer/s, maintain trucks for transporting animals, pay all utility bills, and carry liability insurance in amounts equal to Tort Claims Act limits with the County named as an additional insured.
9. A. The term of this agreement shall be for one year, beginning on July 1, 2019. On written notice, not less than thirty (30) days prior to date of expiration, either party may declare intent to terminate this agreement. Failing such notice, this agreement will be considered valid for each following 12 months thereafter.

B. The agreement may also be terminated by either party for justifiable cause upon thirty (30) days written notice at any time during the current term.
10. A. For services provided by the Society under this agreement, the County shall pay a fixed sum of one hundred and twenty five thousand dollars (\$125,000) per fiscal year. Funds are contingent on participating and signing the Community Prosperity Ethics Pledge.

B. Effective with the contract year commencing July 1, 2019, the Society shall maintain a complete set of books in accordance with accepted accounting practices. The books shall be maintained by a certified public accountant practicing in Luna County. By September 1, 2019 and by September 1 of each succeeding year, the Society shall provide the County reviewed financial statements prepared by a certified public accountant. Upon the County and at its expense, an interim inspection of all Society books and related records may be made by the County.
11. Luna County Commissioners shall be invoiced monthly for contract services at the rate of \$10,416.67 per month. The invoices shall be accompanied by a report on all dogs, cats, and companion animals housed during the preceding month and will include the number of the number and disposition of animals and an animal control report.
12. Within thirty (30) days of the commencement of any annual term of this agreement, the Society shall provide the County a copy of its Certificate of Good Standing (or equivalent) obtained from the New Mexico State Corporation Commission and shall provide a copy of the Society's bylaws, including amendments, filed with the New Mexico State Corporation Commission.

13. If the owner of a quarantined animal is known, all charges for housing same will be assessed against the owner. The Society shall be responsible for all billings to the owner and may institute appropriate collection proceedings, as required.
14. No charges other than those provided for herein will be assessed against the County. Veterinarian fees, pet food, and maintenance of the shelter will be the responsibility of the Society.
15. *All fees included in the fee schedule will be reviewed and approved annually by this agreement with Deming-Luna County Humane Society, effective January 1, to consider changes in the costs of providing services and related increases or decreases in fees. Adoption fees, fines, and donations will remain the property of the Society. Please see attached Fee Schedule.*
16. This agreement incorporates all agreements and commitments between the parties concerned. No verbal promises, understanding, or implied intents shall be considered binding until or unless agreed upon and written into this agreement.

DONE THIS 19th DAY OF September 2019 IN DEMING, NEW MEXICO.

DEMING-LUNA COUNTY HUMANE SOCIETY



Board President

Matt Robinson

LUNA COUNTY
BOARD OF COMISSIONERS



Ms. Linda M. Smrkovsky, Chair

ATTEST:



Andrea Rodriguez, County Clerk



Community Prosperity 12-Point Pledge

It is recognized that prosperity for Deming and Luna County must be built on a stable foundation. To build a stable foundation, agencies dedicated to promoting the community should follow a common set of ethics. While disagreements are natural and priorities among agencies will differ, it is further recognized that local governmental, public and private agencies — herein referred to as “community promoters” — should follow a common set of basic ethical standards to guide operations and promote the community. Those signing below agree to the following 12-point pledge:

1. Community promoters shall carry out their responsibilities in a manner that brings respect to the profession and more importantly, the community it serves.
2. Community promoters are mindful that they are representatives of the community and shall represent the overall community interest.
3. Community promoters shall practice with integrity, honesty, and adherence to the trust placed in them both in fact and in appearance.
4. Community promoters will hold themselves free of any interest, influence, or relationship with respect to any professional activity when dealing with clients which could impair professional judgement or objectivity, or which in the reasonable view of the observer, has that effect.
5. Community promoters shall avoid any perceived or real conflicts of interest when recruiting businesses, offering resources to businesses, lobbying or advocating for services or resources, and hiring staff and/or contractors.
6. Community promoters shall avoid nepotism in hiring and/or creating and maintaining boards of directors.
7. Community promoters shall work for the betterment of the community and avoid profiting as individuals or agencies through the recruitment of clients and/or business opportunities. Community promoters shall also avoid using positions of influence and/or power to benefit their own businesses or entrepreneurial endeavors.
8. Community promoters shall keep the community, elected officials, boards and other stakeholders informed about the progress and efforts of economic development activities on a quarterly basis to the Luna County Community and Economic Development Advisory Committee.
9. Community promoters operating with public funds of any kind shall maintain transparent budgeting and bookkeeping processes open to public inspection.
10. Community promoters shall maintain, in confidence, the affairs of any client, colleague, business or organization and shall not disclose confidential information related to personnel matters, real estate or preliminary business recruitment efforts obtained in the course of professional activities.
11. Community promoters shall openly share information with the governing body according to protocols established by that body. Such protocols shall be available to clients and the public for inspection.
12. Community promoters shall assure that all activities related to economic development, lobbying or advocacy, are conducted in fairness to all members of the community without regard to race, religion, sex, sexual orientation, national origin, political affiliation, disability, age, marital status, or socioeconomic status.


Name

LC HS
Organization

8/22/19
Date

AGREEMENT BETWEEN
LUNA COUNTY
AND
DEMING ANIMAL GUARDIANS

This agreement is made between the LUNA COUNTY BOARD OF COMMISSIONERS, hereinafter referred to as COMMISSIONERS, and DEMING ANIMAL GUARDIANS, a non-profit corporation, hereinafter referred to as CONTRACTOR.

WHEREAS, the CONTRACTOR has facilitated a program in Luna County, New Mexico, for the purpose of reducing the suffering and overpopulation of companion animals, primarily by providing discount coupons for the spaying and neutering of dogs and cats owned by low income residents; and

WHEREAS, County residents meeting federal income guidelines are eligible to receive coupons for said services; and

WHEREAS, the COMMISSIONERS find that it is in the public interest and for the public benefit of Luna County that the County of Luna contribute to the cost of providing such services; and

WHEREAS, the COMMISSIONERS feel that they have neither the time nor staff to offer such services; and

WHEREAS, CONTRACTOR is an existing non-profit corporation with an active board of directors; and

WHEREAS, CONTRACTOR is willing to undertake the responsibility of said service provision in Luna County, but is in need of funding assistance in order to help conduct same;

IT IS HEREBY AGREED BY THE PARTIES AS FOLLOWS:

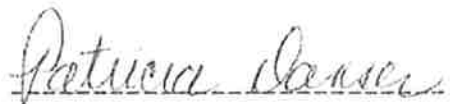
1. CONTRACTOR agrees and promises to provide coupons to low income residents of Luna County, eligible as per federal income guidelines, to be used to spay or neuter their companion animals.
2. That the COMMISSIONERS agree to appropriate the sum of \$10,000 (ten thousand dollars and no/100) during the County of Luna's fiscal year ending June 30, 2019 to help defray the expenses of facilitating said program. The payment by the County of

Luna shall be used strictly for the furtherance of the CONTRACTOR'S mission and objectives for expenses directly related to spay/neuter procedures for dogs and cats and will be paid quarterly upon request through an invoice and the submission of required reports. Funds are contingent on participating and signing the Community Prosperity Ethics Pledge. The parties to this agreement desire to measure the effectiveness of the funding appropriation through quarterly reports that will include the following:

- a. The number of residents utilizing requesting assistance and the number of animals spayed or neutered during the previous quarter.
 - b. A brief narrative description of quarterly activities.
 - i. Quarterly reports and invoices will be due on the following dates:
 1. October 15
 2. January 15
 3. April 15
 4. During the fourth quarter the invoice will be due June 15 and the report July 15.
 - ii. Quarterly reports and invoices should be submitted to the Manager's Office.
3. CONTRACTOR agrees and promises that no other claims shall be made against the County other than the specific appropriations made under the terms of this agreement and agrees to hold the County harmless for any and all claims, which may arise from the conduct of said programs or the terms of the agreement.
 4. The Contractor agrees to fully and completely indemnify Luna County and the Commission for any claim, loss, demand, or damages, which may be asserted by any third party or person as a result of, or carrying out, the terms of this agreement. The obligation to indemnify shall include all damages, costs, fees, including reasonable attorney's fees resulting therein.
 5. It is further agreed between the parties that each party shall act in good faith in carrying out the intent and spirit of the agreement for the benefit of the residents of and visitors to Luna County.

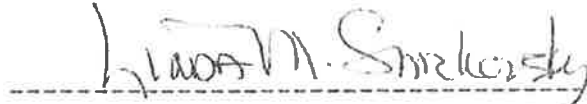
6. In addition, it is agreed that agreements between the County of Luna and CONTRACTOR, which have been recorded prior to this agreement, are hereby declared null and void and are superseded in their entirety by this agreement.
7. It is also agreed that this agreement may be terminated by either party by written notice on to the other, at least ninety (90) days prior to the effective date of termination.
8. This agreement shall become effective when approved by the COMMISSIONERS and the Board of Directors of DEMING ANIMAL GUARDIANS.

DEMING ANIMAL GUARDIANS



President

LUNA COUNTY BOARD OF COMMISSIONERS



Ms. Linda M. Smrkovsky, Chair



Mr. John S. Sweetser, Member



Ms. Barbara L. Reedy, Member

ATTEST:



Ms. Andrea Rodriguez, County Clerk



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It is recognized that prosperity for Deming and Luna County must be built on a stable foundation. To build a stable foundation, agencies dedicated to promoting the community should follow a common set of ethics. While disagreements are natural and priorities among agencies will differ, it is further recognized that local governmental, public and private agencies — herein referred to as "community promoters" — should follow a common set of basic ethical standards to guide operations and promote the community. Those signing below agree to the following 12-point pledge:

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5. Community promoters shall avoid any perceived or real conflicts of interest when recruiting businesses, offering resources to businesses, lobbying or advocating for services or resources, and hiring staff and/or contractors.
6. Community promoters shall avoid nepotism in hiring and/or creating and maintaining boards of directors.
7. Community promoters shall work for the betterment of the community and avoid profiting as individuals or agencies through the recruitment of clients and/or business opportunities. Community promoters shall also avoid using positions of influence and/or power to benefit their own businesses or entrepreneurial endeavors.
8. Community promoters shall keep the community, elected officials, boards and other stakeholders informed about the progress and efforts of economic development activities on a quarterly basis to the Luna County Community and Economic Development Advisory Committee.
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10. Community promoters shall maintain, in confidence, the affairs of any client, colleague, business or organization and shall not disclose confidential information related to personnel matters, real estate or preliminary business recruitment efforts obtained in the course of professional activities.
11. Community promoters shall openly share information with the governing body according to protocols established by that body. Such protocols shall be available to clients and the public for inspection.
12. Community promoters shall assure that all activities related to economic development, lobbying or advocacy, are conducted in fairness to all members of the community without regard to race, religion, sex, sexual orientation, national origin, political affiliation, disability, age, marital status, or socioeconomic status.

Patricia Arrese
Name

Deming Animal Services
Organization

7/18/18
Date