

**MINUTES
REGULAR MEETING
LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS
Thursday, July 8, 2021**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 10:00 a.m. on Thursday, July 8, 2021 in the Chambers of the Luna County Courthouse, Deming, New Mexico, for the purpose of conducting any and all business to come properly before the Board. Due to the Covid-19 Pandemic and the Governor's Orders regarding social distancing, the commission meeting was also conducted via teleconference and webcasting with a minimum in attendance from the public and staff.

The following staff and elected officials were present: County Manager Chris Brice, Assistant to the County Manager Yossie Nieblas, Deputy Clerk Pilar Salcido, Clerk Berenda McWright, Chief Deputy Clerk Leslie Nabours, Assessor Michelle Holguin, Chief Deputy Assessor Isabelle Encisco, Treasurer Kristie Hobbs, Sheriff Kelly Gannaway, Captain Michael Brown, Road Department Director David Bailey, IT Technician Joseph Apodaca, Preventionist Teresa Ortberga-Aguilera, Administrative Assistant Charmaine Sias, LCDC Interim Director Pablo Montoya, Economic Development & Community Director Christie Ann Harvey, Human Resource Director Rosa Porras, Budget & Procurement Director Joanne Hethcox and County Attorney Charles Kretek. Other directors and elected officials were present virtually.

CALL TO ORDER: Chair Reedy called the meeting to order at 10:00 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, Chair, District 1
Linda M. Smrkovsky, District 2
John S. Sweetser, District 3**

MINUTES: Upon a motion made by Commissioner Smrkovsky and a second by Commissioner Sweetser the Minutes for the Regular Meeting of June 10, 2021, and the Special Meeting of June 23, 2021 were unanimously approved.

SERVICE AWARDS: Treasurer Kristie Hobbs presented a 15 year service pin to Lisa Maynes.

PRESENTATION:

- **Community Service Plaque:** County Manager Chris Brice presented to General Manager of Peppers Supermarket Mark Schultze the first-ever "Business of the Year" Award. This award will be issued yearly to a business nominated by the community.

- 9/11 Event Announcement: Teresa Ortberg-Aguilera announced there is a planned event hosted by Teen Court for the 20th year anniversary of 9/11. Ms. Aguilera stated Luna County will be receiving a flag of honor, that includes all the names of the victims of September 11th. A parade is being put together which will run from the Visitor's Center to the Courthouse Park. Two speakers have been confirmed to speak.
- Restrictive Housing Unit Quarterly Report: LCDC Interim Director Pablo Montoya gave the LCDC quarterly report from April to June. The Luna County Detention Center had one detainee who met the reporting requirements. A 60-year-old white male qualified. It was requested by medical that he be detained and kept in a medical cell for observation to prevent further injury to himself.
- Workforce Innovation Opportunity Act (WIOA) Youth Program: Program Manager Mary Gandara presented to the Board of Commission telephonically the WIOA Youth program in great detail. They are currently in search of a program manager for the Luna County area.

ELECTED OFFICIALS REPORTS: Assessor Michelle Holguin reported they have certified the Values for Property Tax Division and are waiting for their response from their evaluation. A copy of the certification has been provided to the Board of Commissioners. The County Service Specialist staff has processed 203 deeds for the month of June. They have also been busy processing changes of addresses, affidavits, tax levies, personal property, livestock, and helping customers in the office, online, and on the phone. The Appraisal staff are busy working up protests and are reviewing their properties. Four Appraiser Associates will be taking IAAO online courses the week of 19th – 23rd towards attaining their certification from the Property Tax Division, and three Certified Appraisers will also be taking continuing education classes to maintain their certificates the same week. For the month of June, the GIS/Floodplain /911 rural addressing department will continue to update the maps for 2021. They have processed 78 UPCs, 71 deeds, 17 flood plain inquires, and 15 parcel data inquires, 7 new addresses, 2 address designation letters, and are continuing to work on the City limits subdivision on the GIS maps. Assessor Holguin encourages all to visit their office if anyone has questions.

Clerk Berenda McWright reported on the number of voter registrations processed for the month of June. There were nine in person, one via mail and 87 online registrations processed. Luna County currently has a total of 12,634 registered voters. A total of 517 documents were recorded in the Clerk's office. Two new business registrations were issued in June. There is a total of 255 businesses currently registered in Luna County. A total of 14 marriage licenses were issued, and 10 probates were opened in June. The Lodger's tax collected for the month of May was \$182.19 with a year- to-date total of \$1,574.38. They attended and processed minutes for two commission meetings one regular meeting and one special meeting. They attended the Clerks Affiliate in July. Ms. McWright reported that permanent ballot drop boxes will be installed here at the Courthouse, the Learning Center, and maybe at Peppers Supermarket before this upcoming election. Rachel and Leslie attended NM Edge classes for certification. August 24th is candidate filing day for the upcoming Local Election to be held on November 2nd. Commissioner Smrkovsky asked what we do with the lodger's tax money. Ms. McWright states the Clerk's office only collects the money, she doesn't know what

happens to it after collection. Commissioner Sweetser asked if these were the ballot boxes being mentioned in news with a lot of controversy. Ms. McWright responded there are some controversies on this issue but this is mandated by the State.

Treasurer Kristie Hobbs reported they have mailed out 23,426 delinquent notices on the first of June. They have hired Monica Juarez as their new employee. They are closing out fiscal year-end this month, and are also providing auditors with requested documents. The information requested is e-mailed to them prior to them getting here. For the month of June, they took 3,263 tax payments, 36 tax releases, 626 credit card payments with a total amount received for 2020 of \$14,120,057.

Sheriff Kelly Gannaway reported on the criminal side for the month of June. One homicide, no rapes, one assault, three burglaries, eight larcenies, and one vehicle theft. The overall criminal totals are down. The non-criminal paper service is down, accidents are up and one DWI to report. The total for non-criminals is down as well as the overall grand totals for the month are down. Deputy Paredes is attending the law enforcement academy in Dona Ana. They have two Deputies attending the Santa Fe Academy this month. They just picked up a new unit last month and continue to wait for three more. Sherriff Gannaway stated the National Night Out is scheduled for August 3rd. They will also be getting Shop with a Cop going, a meeting is scheduled sometime this month to discuss it.

Commissioner Smrkovsky reported she attended NM Counties on June 24th and the payment of lieu of taxes is out. That figure is \$2,124,639, and the other payment in lieu of taxes is \$747,187. Lea County is hosting this year's NMC Annual Conference on September 21-23rd. Ms. Smrkovsky encouraged all who can attend should attend.

COUNTY MANAGER'S REPORT: County Manager Chris Brice reported:

- Dispatch: A total of almost 7,613/911 calls were received for the month of June, with 390 warrants, 38 new protection orders.
- LCDC: A total of 321 people were booked, 167 were released. The average daily population of 293 and the Marshalls are 195. Mr. Brice reported a 77% vaccination rate for the detainees which is the highest of any detention center in the State. NM Counties will be coming for a celebration to thank the detention center employees. The medical department is also a big factor in the vaccination rate.
- Road Department: The County received almost 1,600 tires for the month. The Rockhound Colonia's should be completed by July 22th. They will then submit for final reimbursement from that Colonia's grant. The next project will be Majestic View/People's Water Coop on Keeler Farm Road, they should be receiving funding soon for that project. They are still in the process of applying for a RAISE grant and working with Wilson and Company which will be a \$12 million project for phases two and three of the storm water diversion project in the Columbus Port of Entry. They received another Emergency recovery grant of \$300,000 to repair and replace almost a mile of road along Deming Station Road by the dump, it was washed out.
- Budget and Procurement: Mr. Brice and Mrs. Hethcox continue to work on the approved preliminary 2021 budget and they are waiting on the final to come back.

- Human Resources: Two County Service Specialists have been hired, two part-time shelter advocates for the Healing House, four Starmax concession positions, a dispatcher, and one LCDC officer hired. They are currently in need of CDL drivers for the Road Department. They are working on the time clock system which should be implemented in the next month. Everyone will clock in and clock out and have access to everyone's time. Hopefully, it will speed up the payroll process which is currently very slow and cumbersome. They are obtaining quotes for the salary review plan.
- Starmax: The drive-in was a big success a couple of weeks ago. They did not do the outdoor drive-in this last weekend because of the weather but they did do indoor theatre. They are still working on the process of getting full-time indoor movies. They plan to do drive-in movies once a month. The City expressed interest in showing movies at Tree Lake in their outdoor area we may let them do that. Bowlers are coming into Starmax from Alamogordo, White Sands, Las Cruces, and Silver City. The total sales for the month of May were \$23,628.
- Emergency Management: The County just downgraded from level three of emergency operations to a level four. The County is at 69.8% of the population with at least one Covid shot and 62.2% have been fully vaccinated. They are still waiting on Title 42 to see what happens with that (Title 42 expulsions are removals by the U.S. government of persons who have recently been in a country where a communicable disease was present. The extent of authority for contagion-related expulsions is set out by law in 42 U.S.C. § 265.)
- Safety Management: Safety Program Coordinator Joann Moorman continues to do RAP and road-ready training.
- Luna County Volunteer Fire Department: They responded to three structure fires, four brush fires, two vehicle fires, and one kitchen fire.
- Community Health and Well Being: The Healing House continues to be renovated. Casa has 42 kids between Luna and Grant Counties. Parents as Teachers are serving 161 clients in Luna and Hidalgo Counties. They are still doing the food distributions and continue to help the community. They did 322 home visits as of Monday.
- IT: A total of 788 work orders were completed. There were 1,400 plus attacks on our networks.
- Planning: Getting ready to sign the medical building agreement for the District Attorney's office. The agreement was for \$200,000 the building needs a little remodeling before moving the DA's office in. Once the DA's office moves to the new building they can then start planning the renovations for the Plaza building. Premal had a meeting with people for the water Coop on Keeler Farm to discuss their situation and let them know what is happening.
- Maintenance: They are upgrading around the Courthouse and another multitude of things. They continue to work on Starmax and all other buildings trying to get the air conditioners running. Ricardo is constantly overseeing projects throughout the County.
- Economic Development: Christie Ann Harvey is working with multiple companies trying to get them to either expand here or to move here. Businesses we are jointly helping the City with are a gas station, and a big convenience store. Mr. Brice stated he had a meeting with the Commissioners of Grants, the Border Authority, and Santa Teresa Port about two weeks ago. He stated it is amazing what has been done at the Santa Teresa Port. The Grant's Commissioners were here because two of their biggest businesses have been closed involving petroleum type products. This product was 52% of their workforce. They are looking to see

how they could develop economically in their area. The berm project is going fairly well a meeting is scheduled for next week with some of the stakeholders.

- **Manager's Office:** Yossie and Lupita are doing a tremendous job in the manager's office. Yossie has been running the Healing House for about 7 months on top of everything else she does.

INDIGENT CLAIMS REPORT: Upon a motion by Commissioner Smrkovsky and a second by Commissioner Sweetser, the meeting of the Board of County Commissioners was unanimously recessed and the meeting of the Indigent Hospital Claims Board convened.

Budget & Procurement Director Joanne Hethcox reported no claims for the month of June. GRT for the month has gone down to \$57,824.92. The balance for the Indigent Claims Fund total is \$1,838,391.25, of that \$273,578.34 is encumbered. Chair Reedy stated there are no claims to consider

Commissioner Smrkovsky motioned to recess as a Claims Board and reconvene as a County Commission. Commissioner Sweetser seconded the motion which carried unanimously.

CALL FOR ORDINANCE:

- a. Resolution 21-51: Call for Ordinance 106: A Local Economic Development Project for Green Stream Algae LLC d/b/a Green Stream Farms:** County Manager Chris Brice explained this call for the ordinance is in support of a State-funded LEDA project for Green Stream Algae. This project is near Columbus, they are doing a huge expansion of their business and have applied for some State LEDA funding. Mr. Brice stated he believes they received \$250,000 from the State and because we are the fiduciary for this business, we have to do the ordinance so that we can manage the money. NM Region Business & Economic Development Representative Louise Marquez gave a brief overview of LEDA for educational purposes. Commissioner Smrkovsky motioned to approve Resolution 21-51: Call for Ordinance 106; A Local Economic Development Project for Green Stream Algae LLC d/b/a Green Stream Farms. Commissioner Sweetser seconded the motion which carried unanimously following a roll call vote.
- b. Resolution 21-52: Call for Ordinance 107; Community Commercial Renewable Energy Projects:** Community Development Director Premal Patel explained this is a wind and solar policy for the development, the de-commission, and the dust control into one solid ordinance. County Manager Chris Brice clarified that essentially, we are developing a policy through an ordinance because community solar is going to become a big thing in Luna County soon. The County is getting calls from solar companies asking to lock up land in the event they want to put a solar field the area. The County needs to get ready before we start dealing with the solar companies. Commissioner Smrkovsky motion to approve Resolution 21-52: Call or Ordinance 107; Community Commercial Renewable Energy Project. Commissioner Sweetser seconded the motion which carried unanimously following a roll call vote.

PUBLIC COMMENT: Chair Reedy opened the floor to public comment. Susan Schifner went before the board and expressed her concerns regarding the burying of the onions, the water drought issue, and moving the firework display away from the Animal Humane Society.

Executive Director of the NM Chili Association Joram Robbs went before the board to express his support of Homegrown Produce and stated they will be adding value to agriculture in the County.

Linda Harmon went before the board to ask about the Green Stream Algae Farm. County Manager explained it is an Algae Farm in the Southern part of the County.

Interim Director for Deming MainStreet Chelsea Evans went before the board to give an update on MainStreet events.

Carmen McDonald went before the board to express her many concerns.

Julie Bolten from Deming Luna County Commission on Aging went before the board to express her appreciation for Luna Counties' help.

Debbie Troyer from Chambers of Commerce went before the board to give an update.

PUBLIC HEARING:

- a. **Ordinance 104: Luna County Facility Usage Ordinance: PUBLIC HEARING:** County Manager Chris Brice explained that the County owns buildings or outdoor areas the public would like to rent or lease for events. The process has been codified in one ordinance. No public comment was forthcoming. Commissioner Smrkovsky motioned to approve Ordinance 104: Luna County Facility Usage Ordinance. Commissioner Sweetser seconded the motion which carried unanimously following a roll call vote.
- b. **Ordinance 105: Approving a Local Economic Development Project for Homegrown Produce, LLC: PUBLIC HEARING:** Jamie Viramontes from Homegrown Market went before the board to express her appreciation for the Counties' support. Commissioner Sweetser motioned to approve Ordinance 105: Approving a Local Economic Development Project for Homegrown Produce, LLC. Commissioner Smrkovsky seconded the motion which carried unanimously following a roll call vote.

CONSENT AGENDA: Upon a motion from Commissioner Smrkovsky, and a second by Commissioner Sweetser the Consent Agenda was approved unanimously following a roll call vote.

- a. Accounts Payable: \$2,115,056.59
- b. Payroll: \$1,114,338.97
- c. Agreement between Luna County and Chamber of Commerce
- d. Agreement between Luna County and Deming Animal Guardians
- e. Agreement between Luna County and Deming Arts Council
- f. Agreement between Luna County and Deming-Luna County Humane Society
- g. Agreement between Luna county and Deming-Luna County Mainstreet Program
- h. Agreement between Luna County and Deming-Luna County Commission on Aging
- i. Agreement between Luna County and Luna County Historical Society
- j. Agreement between Luna County and Luna County Silver Linings
- k. Agreement between Luna County and Play Sharity Foundation
- l. Agreement between Luna County and Rio Mimbres Country Club-Golf Course
- m. Agreement between Luna County and Southwestern NM State Fair Association
- n. Agreement between Luna County and USDA/Aphis

- o. Agreement between Luna County and Cooperative Extension Services - NMSU

NEW BUSINESS:

- a. **Approval of Amendments to Collective Bargaining Unit – AFSCME Local #2061 (LCDC)** County Manager Chris Brice explained that we just approved last year's agreement. The new agreement included a salary starting at \$14.00 an hour and \$15.00 after the probationary period. It also included targeted pay raises just like we did for the Sheriff's Department. Commissioner Smrkovsky motioned to approve the Approval of Amendments to Collective Bargaining Unit-AFSCME Local #2061 (LCDC). The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.
- b. **Luna County Commission on Aging Board Member Letter of Interest – Patsy Leyba:** Commissioner Smrkovsky motion to approve Luna County Commission on Aging Board Member Letter of Interest by Patsy Leyba. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.
- c. **MSA between Luna County and the Village of Columbus:** County Manager Chris Brice explained this an updated version of the JPA which has been switched over to a Multi-Service Agreement (MSA) between Luna County and the Village of Columbus with a little of the funding adjusted. The Mayor of Columbus is requesting some of the funding for the pool which we usually help support be moved to help with the trash. This is a two-year agreement which can be revisited. Chair Reedy stated we should revisit this agreement soon. Commissioner Smrkovsky motioned to approve the MSA between Luna County and the Village of Columbus. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.

UPCOMING MEETING: Chair Reedy announced the following upcoming meetings.

Regular Commission Meeting: August 12, 2021 at 10:00 a.m.

ADJOURN: The meeting was adjourned by Chair Reedy at 12:05 p.m.

ATTEST:

**LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS**

BERENDA MCWRIGHT, LUNA COUNTY CLERK

CHAIR BARBARA L. REEDY, DISTRICT 1

APPROVED: _____

LINDA M. SMRKOVSKY, DISTRICT 2

JOHN S. SWEETSER, DISTRICT 3

**MINUTES
WORK SESSION
LUNA COUNTY BOARD OF COUNTY COMMISSIONERS
Friday, July 23, 2021**

BE IT REMEMBERED that the Luna County Board of County Commissioners met at 9:30 a.m. on Friday, July 23, 2021 in Chambers of the Luna County Courthouse, Deming, New Mexico, for the purpose of conducting a Work Session.

CALL TO ORDER: Chair Reedy called the meeting to order at 9:31 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, Chair, District 1
Linda M. Smrkovsky, District 2
John S. Sweetser, District 3**

PUBLIC COMMENT: Chair Reedy opened the floor to public comment. No public comment was forthcoming.

DISCUSSION ITEM: FY 2021-2022 Final Budget Review: The Luna County Board of County Commissioners were presented the Final Budget items for review and discussion. Respectively, both County Manager Chris Brice and Joanne Hethcox stood for questions. (*Note: Items were presented for discussion only and no actions were taken.)

ADJOURN: Chair Reedy adjourned the meeting at 10:14 a.m.

ATTEST:

**LUNA COUNTY BOARD OF
COUNTY COMMISSIONERS**

Berenda McWright, Luna County Clerk

Chair, Barbara L. Reedy, District 1

Approved: _____

Linda M. Smrkovsky, District 2

John S. Sweetser, District 3

**MINUTES
SPECIAL MEETING
LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS
Friday, July 23, 2021**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in Special Session at 1:00 p.m. on Friday, July 23, 2021 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, Clerk Berenda McWright, Chief Deputy Clerk Leslie Nabours, Deputy Clerk Pilar Salcido, Treasurer Kristy Hobbs, Economic Development & Community Director Christy Ann Harvey, Community Director Premal Patel, IT Technician Eric Esguerra, County Attorney Charles Kretek, and Budget and Procurement Director Joanne Hethcox.

CALL TO ORDER: Chair Reedy called the meeting to order at 1:00 p.m. and led the Pledge of Allegiance and the salute to the flag of the State of New Mexico.

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

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

PUBLIC COMMENT: Chair Reedy opened the floor for public comment. Alberta Morgan asked about Resolution 21-55 Call to Amend Ordinance 98: Animal Control. County Manager Chris Brice stated the changes include modification to the fees.

NEW BUSINESS:

- a. **Resolution 21-53: 2020-2021 4th Quarter Financial Report:** Commissioner Smrkovsky motioned to approve Resolution 21-53: 2020-2021 4th Quarter Financial Report. Commissioner Sweetser seconded the motion which carried unanimously following a roll call vote.
- b. **Resolution 21-54: FY 2021-2022 Final Budget:** Commissioners Sweetser asked if it is necessary to keep the County Manager's assistant position in the budget since the position is not going to be filled. Commissioner Smrkovsky asked that the board be informed before any action is taken on this funded position being filled. Commissioner Sweetser motioned to approve Resolution 21-54: FY 2021-2022 Final

Budget: Commissioner Smrkovsky seconded the motion which carried unanimously following a roll call vote.

CALL FOR ORDINANCE

- a. **Resolution 21-55: Call to Amend Ordinance 98; Animal Control:** County Manager Chris Brice explained that the main amendments to Ordinance 98 are to the fees. Commissioners Smrkovsky motioned to approve Resolution 21-55: Call to Amend Ordinance 98; Animal Control. Commissioner Sweetser seconded the motion which carried unanimously following a roll call vote.

ADJOURN: Upon a motion by Chair Reedy the meeting was adjourned at 1:17 p.m.

ATTEST:

**LUNA COUNTY BOARD OF
COUNTY COMMISSIONERS**

Berenda McWright, Luna County Clerk

Chair Barbara L. Reedy, District 1

Approved: _____

Linda M. Smrkovsky, District 2

John S. Sweetser, District 3

Indigent Hospital Claims Office

Chris A. Brice, County Manager

IHC Board Meeting August 12, 2021

Month	Number	Amount	Number	Denied
January	0	\$0.00	0	\$0.00
Feburary	7	\$21,048.89	0	\$0.00
March	2	\$782.93		\$0.00
April	2	\$1,036.36		\$0.00
May	1	\$707.68		\$0.00
June	0	\$0.00		\$0.00
July	3	\$2,562.06		\$0.00
August		\$0.00		\$0.00
September		\$0.00		\$0.00
October		\$0.00		\$0.00
November		\$0.00		\$0.00
December		\$0.00		\$0.00
Total	15	\$26,137.92	0	\$0.00
This Month's Total	Mimbres Memorial Hospital			\$1,786.25
This Month's Total	Gila Regional Medical Center			\$0.00
This Month's Total	Memorial Medical Center			\$0.00
This Month's Total	Deming Fire Dept./EMS			\$0.00
This Month's Total	All Other Services			\$775.81
Total				\$2,562.06
Year to Date Total	Mimbres Memorial Hospital			\$24,393.11
Year to Date Total	All Other Hospitals			\$0.00
Year to Date Total	Deming Fire Dept./EMS			\$0.00
Year to Date Total	All Other Services			\$1,744.81
Total				\$26,137.92
Care of Prisoners This Month - Not including SNCP Funds				\$146,410.85
Care of Prisoners Year to Date Indigent - Not including SNCP Funds				\$781,340.10
Care of Prisoners Year to Date Inmate Prescriptions/OTC Meds				\$39,585.47
Care of Prisoners Year to Date Dr. Bills				\$9,464.00
Total Cost of Care of Prisoners Year to Date				\$830,389.57
Monies Received - July 2021				\$54,564.42
Balance in IHC Fund as of July 31, 2021				\$1,789,578.92
Encumbrances as of July 31, 2021				\$0.00
		Date	Amount Approved	
	Signatures	8/12/2021	\$2,562.06	\$0.00
Barbara L. Reedy				
Linda M. Smrkovsky				
John S. Sweetser				

IHC Board Meeting									
August 12, 2021									
Case Number	MMH	MMC	Gila Regional	MVRMC	Denning EMS	Elite Medical	Other Services	Comments	Denied Claims
8028	\$1,101.59								
8029				\$775.81					
8030	\$684.66								
	\$1,786.25	\$0.00	\$0.00	\$775.81	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	\$2,562.06								

LUNA COUNTY, NEW MEXICO

ORDINANCE 106

AN ORDINANCE APPROVING A LOCAL ECONOMIC DEVELOPMENT PROJECT FOR GREEN STREAM ALGAE LLC D/B/A GREEN STREAM FARMS

WHEREAS, the County of Luna (County) acting through its Board of County Commissioners, is a political subdivision duly organized and existing under the laws of the State of New Mexico;

WHEREAS, Article IX, Section 14, Subsection D, of the New Mexico Constitution permits counties to use public resources to create new job opportunities in support of new or expanding businesses;

WHEREAS, the Local Economic Development Act (LEDA), Sections 5-10-1 through 17, NMSA 1978, is the implementing legislation required by the aforementioned Article IX, Section 9;

WHEREAS, the County, in December 2012 updated the Luna County Comprehensive Plan that includes an economic development components provision and subsequently passed a new Local Economic Development Plan in Ordinance No. 86 on April 10, 2014, as required by Section 5-10-6, NMSA 1978;

WHEREAS, the County has reviewed the Application, Intergovernmental Agreement (IGA) and Project Participation Agreement (PPA) from Green Stream Algae LLC d/b/a Green Stream Farms (the Company) submitted through New Mexico Economic Development Department (EDD) which proposes that the County will serve as the local government conduit for an award of up to \$250,000.00 in LEDA funds to be used in the expansion of their current facility near Columbus, New Mexico;

WHEREAS, the benefits of the proposed project exceed the costs to the County in serving as the local government conduit; and

WHEREAS, copies of documents relevant to the project have been submitted to the EDD and the County Manager for Luna County and are available for public inspection.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LUNA COUNTY:

1. The Company is a Qualifying Entity as defined in Section 5-10-3K, NMSA 1978;
2. The Project is an eligible Economic Development Project pursuant to Sections 5-10-3E and 5-10-15A, NMSA 1978;
3. A Project Revenue Fund for the project shall be established pursuant to Section 5-10-11, NMSA 1978;
4. The Project Revenue Fund shall be subject to an annual independent audit pursuant to Section 5-10-11, NMSA 1978;
5. The County, EDD and the Company have entered into a Project Participation Agreement, pursuant to Section 5-10-15B, NMSA 1978;
6. The public support awarded is in exchange for a substantive contribution from the Company

- as determined by EDD pursuant to Section 5-10-15D, NMSA 1978,
7. The County and EDD have entered into an Intergovernmental Agreement;
 8. The Company has provided adequate security as required by Section 5-15-15E, NMSA;
 9. Termination of the Project shall be by ordinance pursuant to Section 5-10-12, NMSA 1978, subject to the rights of the parties under this Ordinance, the IGA and/or PPA, including clawback clauses and penalties.

BE IT FURTHER ORDAINED, that the County Manager, or his designee, is hereby authorized and directed to do all things necessary to implement this ordinance, including negotiation and execution of an appropriate Project Participation Agreement, as required by law and in substantially the same form as executed by the City of Deming and the Company and are incorporated herein by reference, the creation of a separate Project Revenue Fund, subject to an annual independent audit.

APPROVED AND ADOPTED THIS 12th DAY OF AUGUST, 2021.

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

ATTEST:

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

**Berenda McWright,
County Clerk**

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

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

LUNA COUNTY, NEW MEXICO

ORDINANCE 107

AN ORDINANCE ADDRESSING ENERGY PRODUCTION FACILITIES

WHEREAS, the County of Luna (the "County") acting through its Board of County Commissioners, is a political subdivision duly organized and existing under the laws of the State of New Mexico;

WHEREAS, pursuant to Section 4-37-1, NMSA 1978, the Board of County Commissioners of Luna County are empowered to enact regulations which provide for the safety. Preserved the health, promote the prosperity and improve the order, comfort and convenience of the citizens of Luna County;

WHEREAS, the Board of County Commissioners finds that Luna County is a most favorable location for the production of energy, including but not limited wind, solar, coal, natural gas, nuclear, geothermal and biomass energy production facilities;

WHEREAS, the Board of County Commissioners wishes to promote the responsible development of energy production facilities also finds that irresponsible and uncontrolled development of energy production facilities can adversely affect the health, safety, public welfare and character of Luna County and its residents;

WHEREAS, the Board of County Commissioners intends to establish a fair and efficient process overseeing the placement, construction, use, modification and reclamation of energy production facilities in accordance with best practices and the highest industry standards thereby minimizing the potential adverse impact of energy production facilities.

NOW, THEREFORE, BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS ON BEHALF OF THE PEOPLE OF LUNA COUNTY, NEW MEXICO:

This Ordinance shall govern the placement, construction, use, modification, decommissioning and reclamation of energy production facilities located within the County, including privately owned land and land owned by the United States, the State of New Mexico and political subdivisions thereof but excluding land located within the limits of any duly incorporated municipality.

The process for requesting and obtaining a permit for the placement, construction, use, modification, decommissioning and reclamation of an energy production facility and the standards applicable thereto shall be established by a separate policy, as approved by the Board of County Commissioners from time to time, and incorporated herein by reference as if set out herein in its entirety.

BE IT FURTHER ENACTED, that the County Manager, or his designee, is hereby authorized and directed to do all things necessary to implement this Ordinance, including the preparation and presentation of the necessary policies, procedures and forms.

APPROVED AND ADOPTED THIS 12th DAY OF AUGUST, 2021.

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

ATTEST:

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

**Berenda McWright,
County Clerk**

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

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

LCBCC Meeting August 12th, 2021

Accounts Payable

7/16/2021	\$707,360.51
7/16/2021	\$16,507.94
7/22/2021	\$225,407.89
7/22/2021	\$3,245.18
7/29/2021	\$60,185.06
7/29/2021	\$1,891.35

P-Cards

June 2021	\$181,063.47
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Total \$1,195,661.40

Luna County
Board of County Commissioners

AGENDA 08/12/2021

PAYROLL

07/02/2021	Register # 20210036	\$ 466,953.56
07/02/2021	*Register # 20210037	\$ 8,157.28
07/16/2021	Register # 20210038	\$ 519,706.93
07/16/2021	*Register # 20210039	\$ 22,436.90
07/27/2021	*Register # 20210040	\$ 118.55
07/30/2021	Register # 20210041	\$ 525,666.40
07/30/2021	*Register # 20210042	\$ 19,232.07

Total \$ 1,562,271.69

* Special Assignment Pay

Be it remembered that at a Regular Meeting of the Board of County Commissioners of Luna County in Deming New Mexico, on the 12th day of August 2021, the following proceedings were had and entered of record.

LUNA COUNTY

RESOLUTION 21-56

DISPOSITION OF PERSONAL PROPERTY

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

WHEREAS, Section 4-38-13, NMSA 1978, provides that the Board of County Commissioners shall have the power at any session to make such orders concerning the property belonging to the county as they may deem expedient;

WHEREAS, Section 13-6-1, NMSA 1978 declares that a County may dispose of tangible personal property and delete it from the public inventory upon a specific finding that each item is of current resale value of five thousand dollars (\$5,000.00) or less and is worn out, unusable or obsolete to the extent that the item is no longer economical or safe for continued use;

WHEREAS, a designated committee of three Luna County Officials has declared that all of the tangible personal property that is the subject of this resolution meets the criteria set for in Section 13-6-1, NMSA 1978; and

WHEREAS, pursuant to Section 13-6-2, NMSA 1978, the personal property will be disposed of by live or online auction open to the public or by an inter-governmental transfer to another state agency or local public body.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board of County Commissioners of Luna County:

1. Finds that the property described in the Attachments hereto and incorporated by reference into this Resolution consists of property owned by the County of Luna with varying resale values, which is worn-out, unusable or obsolete to the extent that the items are no longer economical or safe for continued use by the County;
2. A copy of this Resolution and Attachments shall be sent to the State Auditor and the Local Government Division of the Department of Finance and Administration at least thirty (30) days before the disposal of the property, pursuant to Section 13-6-1(B)(2), NMSA 1978;
3. A copy of this Resolution and Attachments shall be made a permanent part of the official minutes of Luna County and maintained as a public record subject to the Inspection of Public Records Act.
4. All of the personal property will be disposed of by live or online auction process open to the public or through inter-governmental transfer.

Done at Deming, New Mexico this 12th day of August 2021.

BOARD OF COUNTY COMMISSIONERS OF LUNA COUNTY

ATTEST:

Barbara L. Reedy
Commissioner, District 1

Berenda McWright, County Clerk

Linda M. Smrkovsky
Commissioner, District 2

John S. Sweetser
Commissioner, District 3

STATE OF NEW MEXICO

County of Luna

Barbara L. Reedy
Commissioner, District 1

Linda M. Smrkovsky
Commissioner, District 2



Chris Brice
County Manager

John S. Sweetser, Chair
Commissioner, District 3

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

07/23/2021

To: Luna County Board of County Commissioners
From: Joanne C. Hethcox, Budget and Procurement Director
CC: Chris Brice, County Manager

Subj: Disposal of Assets

Year	Make	Model	VIN	Inventory #	Mileage
2001	Dodge	Intrepid	2B3HD46R51H569994	982417	61984
	We have taken the vehicle to be serviced and we were told that there must be something wrong with the wiring. The battery has been replaced many times and the vehicle can't maintain a charge. Therefore the vehicle is currently out of commission.				
Year	Make	Model	VIN	Inventory #	Mileage

Charmaine Sias
County Manager

Charmaine Sias

Inventory Maintenance



Update

Prompt ()

Depreciation Detail

Return

Cancel

8/08/21

07:34:30

Month Day Year INVT # 982417
October 28 2001 Type/Class # VEHICLES

Calc Depreciation Thru

0806 2021

If changing dept ck G/L # 411002028

Dept DWI
Location DWI Sub Loc
Source SISBARR0
Model
Sub*/Lic# G99865
Serial # 2B3HD46R51H569994
Insurance #
Desco-1 2001 DGE INTREPID
Desco-2 ASSET # REPLACING INVENTORY #
Desco-3 980873 , ASSET WAS DELETED
Desco-4

Purchase price 17,000.00
Added value .00
Main/Repair .00
Other deduct .00
Est full 17,000.00
Est deprec 17,000.00
Est net .00
Sold/Traded .00
Book Value .00

Bank Number

[Get Check](#)

Federal Funds

Do not report

Replacement Inv

Month Day Year
& &

Condition

Est life in months 60

Physical 14 MACHINERY & EQUIPMENT
Financial 48 GOVT-GENERAL GOVERNMENT

[Override Depreciation](#)[Roads](#)[Land/Improvements](#)[Delete](#)

Recovery/Salvage \$

Est Replacement \$

Monthly maint contract



2001 Dodge Intrepid Pricing Report

Style: SE Sedan 4D

Mileage: 61,984

KBB.com Consumer Rating: 3.9/5

Vehicle Highlights

Fuel Economy: City 17/Hwy 25/Comb 20 MPG

Engine: V6, 2.7 Liter

Transmission: Automatic

Drivetrain: FWD

Country of Assembly: Canada

Country of Origin: United States

EPA Class: Large Cars

Max Seating: 6

Doors: 4

Body Style: Sedan

Trade in to a Dealer



Valid for **ZIP code 88030** through **08/06/2021**

RESOLUTION NO. 21-57

RESOLUTION OF LUNA COUNTY RATIFYING A CERTAIN AGREEMENT BETWEEN LUNA COUNTY AND THE SOUTHWEST NEW MEXICO COUNCIL OF GOVERNMENTS, DATED AUGUST 12, 2021, 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 _____ day of _____, 2021 in Regular Session,
at Deming, Luna County New Mexico.

Barbara L. Reedy, Chairperson

ATTEST:

Berenda McWright, County Clerk

AGREEMENT

This AGREEMENT, entered into by and between the Southwest New Mexico Council of Governments (hereinafter known as COG), and Luna County a Member of said Southwest New Mexico Council of Governments (hereinafter known as Member) is as follows:

1. COG agrees to furnish the following services to Member:
 - (a) Provide an updated statistical data base of federal and state statistics.
 - (b) Furnish technical assistance to Member as requested by Member in planning development.
 - (c) Coordination of planning with other Members of COG and various other State of New Mexico and local agencies.
 - (d) Furnish management, advice and assistance to Member as Member requests in implementing their plans.
 - (e) Furnish clearinghouse and environmental review of all projects of Member and where requested by Member, assist in the development of material for clearinghouse review.
 - (f) Assist Member in developing Infrastructure Capital Improvement Plan.
 - (g) Assist Member, when requested, in the development of Community Development Block Grant applications, as well as, assistance in monitoring and compliance.
 - (h) Assist Member in the preparation of applications for funding under various State and Federal grants.
 - (i) Represent Member with economic development activities.
 - (j) Assist Member with economic development activities.
 - (k) Assist Member, with the development of housing initiatives and programs.
 - (l) Assist Member in the preparation of applications under Department of Transportation.
 - (m) Represent membership, when requested, under NM Department of Transportation for program funding.
 - (n) Assist Member with Capital Outlay process.
 - (o) Provide training that will benefit the membership.

2. Member agrees to furnish the following:

- (a) To remain a voting member of the Southwest New Mexico Council of Governments and to participate in its policy development and administration.
- (b) Will designate _____ (name), to be the Member of
(email address) _____.
- (c) To pay, in one lump sum, annual dues in the amount of \$7,221.00 into the treasury of COG as payment for these services.

Total Assessment for Fiscal Year 2021-2022 is \$7,221.00

- (d) Such payment shall be for all services rendered to Member, by COG, for the period beginning July 1, 2021 and ending June 30, 2022. Such sum shall be expended by COG of which Member is a voting member, or as such budget may be amended following laws and regulations.

This Agreement is entered into on the _____ day of _____, 2021 _____
_____, New Mexico.

Name of Local Unit of Government: Luna County

Signature of Authorized Official

ATTEST:

Clerk or other Authorized Official

(S E A L)

=====

SOUTHWEST NEW MEXICO COUNCIL OF GOVERNMENTS

Aaron Sera, Chairman

Priscilla C. Lucero, Secretary/Treasurer

Be it remembered that at the Regular Meeting of the Luna County Board of County Commissioners in Deming New Mexico, on the 12th day of August, 2021, the following proceedings were had and entered of record.

PROCLAMATION 21-07

SUPPORTING ALL ECONOMIC DEVELOPMENT IN LUNA COUNTY

WHEREAS, Luna County has long suffered from exceptionally high unemployment rates, such as the 18.5% rate for March, 2021 compared to a statewide rate of 8.2% and 6.0% nationwide;

WHEREAS, it is the goal of the Board of County Commissioners of Luna County to create a business environment that is free of bureaucratic roadblocks to economic development and to create an atmosphere that invites, welcomes and promotes economic development by both established businesses and new businesses in Luna County;

WHEREAS, the SunZia Transmission Project is seeking all necessary regulatory approvals for four alternate routes on the previously approved project, with a substation and more than 50 miles of the transmission corridor located in Luna County; and

WHEREAS, the Board of County Commissioners of Luna County reiterates its support for this project that seeks to improve the lives of the citizens of Luna County through employment opportunities, construction and the purchase of goods and services in Luna County.

NOW, THEREFORE, BE IT PROCLAIMED, by the Board of County Commissioners of Luna County, on behalf of employees and citizens of Luna County, that Luna County supports the SunZia Transmission Project and encourages the BLM to conduct a thorough review of all proposed alternate routes and expeditiously approve a final transmission corridor so that SunZia can commence construction and operations.

Done at Deming, New Mexico this 12th day of August, 2021

Luna County Board of County Commissioners

ATTEST:

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

Berenda McWright, County Clerk

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

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