

**LUNA COUNTY
BOARD OF COUNTY COMMISSIONERS**

Ray J. Trejo
District 1

Colette M. Chandler
District 2

John S. Sweetser
District 3

**Thursday, January 12, 2023
10:00 a.m.
Agenda
Regular Meeting
Luna County Courthouse**

1. **Call to Order:** John Sweetser, to commence meeting (At this time, please silence your cell phones and any other electronic devices) Pledge of Allegiance, State Pledge.
2. **Roll Call:**
3. **Elect 2023 Chairperson:**
MOTION AND ROLL CALL VOTE
4. **Approval of Agenda:**
5. **Minutes:**
 - a. Regular Meeting ; December 19, 2022
MOTION AND ROLL CALL VOTE
6. **Service Awards/Retirement:**

• Berenda McWright	Clerks	10 years
• Heidi Brown	Dispatch	10 years
• Mario Carbajal	Maintenance	Retirement
7. **Presentations:**
 - a. Restrictive Housing Quarterly Report - Lee Cook
8. **Elected Officials' Report:**
 - Assessor
 - Clerk
 - Probate Judge
 - Treasurer
 - Sheriff
 - Commissioners

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 Chris Brice
c. Consider Claims dated January 12, 2023: \$ 0.00

MOTION AND VOTE

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

MOTION AND VOTE

11. Community Support Reports:

- 12. Public Comment:** The Public has the opportunity to provide comments 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. Comments will not be allowed on individual agenda items as they are discussed by the Commissioners during new business.

13. Consent Agenda:

- a. Accounts Payable: \$4,222,927.99
b. Payroll: \$1,810,820.32
c. Resolution 23-01: Notice of Meetings
d. Resolution 23-02 : Timely Payments
e. Resolution 23-03 : Notice of Fees
f. Resolution 23-04: Depositories; Board of Finance, and Media Designation
g. Resolution 23-05: Notice of Right to Inspect Public Records
h. Resolution 23-06: CDBG Annual Certification and Commitments
i. Resolution 23-07 : Designating Treasurer to Require Collateralization
j. Resolution 23-08: ADA Grievance Procedure

MOTION AND ROLL CALL VOTE

14. Public Hearing:

- a. Special Use Permit to Solar PV Development NM 18 I LLC

PUBLIC HEARING

MOTION AND ROLL CALL VOTE

15. Call for Ordinance

- a..Resolution 23-17 : Call to Revise Ordinance 76; Tax Obligations for Land Transfers, Division and/or Recombinations

MOTION AND ROLL CALL VOTE

16. New Business:

- a. Resolution 23-09: Authorizing the Execution of the Water Project Fund Grant Agreement by and between the NM Finance Authority and Luna County; WPF-5674

MOTION AND ROLL CALL VOTE

- b. Resolution 23-10: Authorizing the Execution of the Colonias Infrastructure Project Fund Loan/Grant Agreement by and between the NM Finance Authority and Luna County; Rockhound (Majestic View) Colonias- CIF-5783

MOTION AND ROLL CALL VOTE

- c. Resolution 23-11: Budget Increases

MOTION AND ROLL CALL VOTE

- d. Resolution 23- 12: Budget Transfers

MOTION AND ROLL CALL VOTE

- e. Resolution 23-13: Disposal of Assets

MOTION AND ROLL CALL VOTE

- f. Resolution 23-14: Authorizing the Purchase of Property (LPOE Berm Project)

MOTION AND ROLL CALL VOTE

- g. Resolution 23-15: Authorizing filing an application for financial assistance to the New Mexico Colonias Infrastructure Board

MOTION AND ROLL CALL VOTE

- h. Resolution 23-16: Authorizing the purchase of Property (Majestic View Pond)

MOTION AND ROLL CALL VOTE

- i. Luna County Community and Commercial Energy Project Policy

MOTION AND ROLL CALL VOTE

- j. Proclamation 23-01 : Supporting all Economic Development in Luna County

MOTION AND ROLL CALL VOTE

- k. Proclamation 23-02 : A Proclamation of Support by Luna County with Deming Solar, LLC To Collaborate in a Community Benefit Partnership Program

MOTION AND ROLL CALL VOTE

17. Upcoming Meetings/ Events (unless otherwise specified):

Luna County offices closed; Martin Luther King, Jr. Day : January 16, 2023
NM Edge & NMC Legislative Conference: Santa Fe - January 16- January 19, 2023
Silver Spikes: Santa Fe - January 30, 2022 - January 31, 2023
Regular Meeting : February 9, 2023 at 10:00 a.m.
Luna County offices closed; President's Day: February 20, 2023

18. Jail Inspection:

19. Adjourn:

**MINUTES
REGULAR MEETING
LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS
Monday, December 19, 2022**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 9:33 a.m. on Monday, December 19, 2022, 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, Administrative Assistant Malarie Villegas, Executive Assistant Yossie Nieblas, Budget and Procurement Director Joanne Hethcox, County Attorney Charles Kretek, Finance Counsel/Bond Board Attorney Peter Kelton, HR Director Rosa Porras, Emergency Management Director Pablo Montoya, Emergency Safety Coordinator Phillip Rodriguez, Clerk Berenda McWright, Chief Deputy Clerk Leslie Nabours, Deputy Clerk Pilar Salcido, Chief Deputy Assessor Isabelle Enciso, Treasurer Kristie Hobbs, Chief Deputy Treasurer Johnathan Richmond, DWI Administrative Assistant Charmaine Sias, Central Dispatch Director Lauree Sanchez, Central Dispatch Operations Manager Yovanie Granillo, Central Dispatch Shift Supervisor Luhuaana Valdespino, Dispatcher Angela Lucero, Dispatcher Kassandra Duran, JJCS Manager Anadely Martinez, Road Department Director David Bailey, Sheriff Gannaway, Captain Michael Brown, Sheriff Patrol LT Isreal Valdez, LCDC Director Lee Cook, Starmax Director Tyler Massey, IT Technician Luis Ortega.

CALL TO ORDER: Chair Smrkovsky called the meeting to order at 9:33 a.m. and led the Pledge of Allegiance and the salute to the flag of the State of New Mexico.

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

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

APPROVAL OF AGENDA: Chair Smrkovsky entertained a motion to approve the agenda as presented. Commissioner Reedy motioned to approve the agenda as submitted. The motion was seconded by Commissioner Sweetser and was approved unanimously.

Oath of Office for Newly Elected Officials: The following newly elected officials were sworn into Office by Judge Hofacket: Ray Trejo (County Commissioner, District One), Mike Eby (Sheriff), Chollette Chandler (County Commissioner, District Two), and Scott Chandler (Magistrate Judge).

MINUTES: Commissioner Sweetser motioned to approve the Minutes for the Work Session of November 7, 2022, and the Regular Meeting of November 14, 2022, as submitted. The motion was seconded by Commissioner Reedy and was approved unanimously.

SERVICE AWARDS/RETIREMENT:

- Training SGT Fabian Chayrez was presented with his pin for five years of service by LCDC Director Lee Cook.

- JJCS Monitor John Gonzalez was presented with his pin for five years of service by JJCS Program Coordinator Anadely Martinez
- JJCS Monitor Christine Milo was presented with her pin for five years of service by JJCS Program Coordinator Anadely Martinez
- LT Isreal Valdez was presented with his pin for 10 years of service By Sheriff Gannaway.
- CPL Michael Baca was presented with his pin for 10 years of service by Sheriff Gannaway.
- Captain Jose Martinez was not present to receive his pin for 15 years of service with the Luna County Sheriff's Department.
- Detention Officer Lydia Salaiz was not present to receive her retirement pin.

SPECIAL RECOGNITION AWARDS: County Manager Chris Brice presented Special Recognition Awards to Linda Smrkovsky, Barbara Reedy, and Candie Sweetser. Ms. Sweetser was not present to receive her Special Recognition Award. LCSO Captain Michael Brown presented Sheriff Kelly Gannaway with his Award of 32 years. Central Dispatch Shift Supervisor Luhana Valdespino presented an award to Angela Lucero for her handling an extremely tough call as a dispatcher with calmness and composure

PRESENTATIONS:

- Luna County was presented with the Luna County Award for Best Chile in New Mexico, with Speir Family Farm being the producer of the best green chile, and the second best red chile by Travis Day Executive Director of the New Mexico Chile Association. Mr. Brice accepted the award on behalf of Luna County.

ELECTED OFFICIALS REPORT:

- **Assessor:** Chief Deputy Assessor Isabelle Enciso reported that the Assessor's Office is working on closing out the year 2022. Ms. Enciso stated that the 2023 Livestock and Personal Property reports are ready to be mailed out.
- **Clerk:** Clerk Berenda McWright stated that there was no report, but she did want to express her appreciation for being able to work with everyone on the board and congratulate the newly elected officials and let them know that her door is always open anytime there are questions or concerns. Ms. McWright also stated that the election recount was done and everything was perfect and also that the Audit was passed.
- **Probate Judge:** No report was given.
- **Treasurer:** Treasurer Kristie Hobbs reported that this tax season went very well. Ms. Hobbs stated that 61% of the taxes due had been collected for a total of \$9,677,531.00. Ms. Hobbs also stated that the tax auction from last week was a success, she stated that 353 out of the 368 properties were sold, with the 15 properties that were not sold being paid in full prior to the auction. Ms. Hobbs stated that the State was able to sell all of the properties by doing re-offers at a lower amount. Ms. Hobbs also stated that with all of the properties being sold instead of being deleted for the eleventh year of delinquency, her office can now mail out tax bills for them and hopefully collect the taxes on these properties
- for 2023. There will be another tax sale to be held in March of 2023. Ms. Hobbs stated that there should be more sales happening throughout the year to catch up from being so far behind due to COVID.
- **Sheriff:** Sheriff Gannaway reported that there was no report, but wanted to say what an honor and privilege it had been to serve the citizens of Luna County.
- **Commissioners:** Chair Smrkovsky wanted to thank all of the employees and citizens.

COUNTY MANAGER'S REPORT: County Manager Chris Brice Reported that last week County employees attended Better Informed Public Officials (BIPO) training. Mr. Brice stated that he, along with Collette Chandler, Pablo Montoya, Ray Trejo, and Commissioner Sweetser were in attendance at the training. Mr. Brice stated that this in-person training versus the virtual training which took place two years ago gave the opportunity to actually sit and talk to the new Commissioners and talk to them about what they learn and what they were taught at the BIPO class. Mr. Brice stated that the Tax Auction was very successful and gave special thanks to Charles Kretek, Kristie Hobbs, and Santiago Chavez head of Tax and Revenue for helping to get these properties sold.

- **Dispatch:** Mr. Brice reported that there were 1,193 (911) calls received. Mr. Brice stated that Leslie Gonzales has transferred from LCDC back to Central Dispatch. Mr. Brice also stated that the bi-weekly CAD system meetings are still taking place. Mr. Brice stated that the project to get this new system and radios installed in the new Emergency Management Building at the Armory, which will now house Central Dispatch is on track.
- **LCDC:** Mr. Brice reported that there were 172 people booked and 206 released. Mr. Brice stated that US Marshall's daily average population is 243, part of this that as Mr. Brice stated is due to the number of inmates and lack of Detention staff the County has. Mr. Brice reported that Jose Gutierrez was promoted to Corporal, Ryan Hardman was promoted to Sergeant Frances Chapell was promoted to Corporal, and Aundrea Pena transferred from Central Dispatch to LCDC.
- **Road Department:** Mr. Brice reported that the Road Department now has two truck driver positions open at this time. Mr. Brice stated that there was a total of 203 miles of road graded, also for the month there was a total of 1,743 tires pickup and disposed of. Mr. Brice reported that there was a dumpster fire on Josefita Rd, also stating that dumpster fires are becoming somewhat of a trend. Mr. Brice stated that they are becoming frequent enough that more than likely someone is starting the fires on purpose.
- **Projects/Grants:** Mr. Brice reported that the County is using up the last of the Colonias funding, and also stated that Some County money was added along with the remainder of the last Colonias money in order to complete the project on Scotch Pine Road. Mr. Brice stated that Water Co-Op for Keeler Farm, is not working at all. Mr. Brice stated that he has spoken to Aaron Sera as a suggestion to move City water to this area, Mr. Sera has agreed to do so providing the County uses the devices that the city uses for County water to get that back instead of having to send a meter reader all the way out there to get the monthly readings. Mr. Brice reported that there are about four miles on Lucca road that are left to chip seal. Mr. Brice explained that the length of this project was due to issues that occurred that were out of the Road Department's control, for example, the rains, the cost of oil, and other things that occurred and slowed that project down. Mr. Brice stated that once the Lucca Rd project is complete, the project for McCann Rd will be next and should be completed by December 31. Mr. Brice explained that there will be a portion of this road that will not be chip-sealed right away due to the fact that part of this next Colonias project will be coming in to pave the portion left unsealed once the drainage on McCann is fixed. He explained that the road will be coated in order to have dust control in the area. Mr. Brice reported that the Industrial Park paving is on track. The County got the right away from the Village of Columbus and everything is moving along. The County will go out to bid for this soon. Mr. Brice also stated that the BERM project is also on track, he explained that this is one of the big projects that Candie Sweetser helped secure the final \$18,000,000 to get this done, and the final land purchases are getting done to get the BERM project moving along soon.
- **Budget and Procurement:** Mr. Brice reported that Starmax received \$411,000 so far through the digital reimbursement program. Mr. Brice also stated that the County is currently

working with Triadic on getting the programming corrected between checks, POs, Invoices, etc.

- **Safety/Risk Management:** Mr. Brice reported that there is work being done to update the safety program and that will actually have an SOP for the County safety program. Mr. Brice also reported that for the month of November, there was only one COVID positive case and one close contact. Mr. Brice reported that there were three Workers' Comp claims, which he stated was a bit concerning but at the same time, the claims were nothing huge.
- **Emergency Management:** Mr. Brice reported that Title 42 is scheduled to end on December 21st. Mr. Brice stated that on the news the El Paso shelter that is meant to occupy about 1,000 people is now housing about 5,000 at this time. Mr. Brice explained that if Title 42 goes away there could possibly be a large number of people sent across the border. Mr. Brice Stated that the County has been working with the Portal Director and CBP, and also explained that there are no plans to release any of the immigrants here in Luna County at this time, the immigrants will still be taken through the processing center in El Paso, but Luna County is being looked at in helping with bussing, but as Mr. Brice stated Luna County is short-handed in Detention and trying to figure out a way to help. Mr. Brice stated that the County is staying on top of the issue, but there is no promise that this will not happen in our community. Mr. Brice explained that the County is working closely with Ariana at Colores United who has taken in as many people as she can. Mr. Brice stated that there was an active shooter committee meeting last week which he attended, he explained that pretty much every agency was in attendance which allowed for a good talk-through. Mr. Brice stated that there will be a walk-through of Cesar Chavez High School. Mr. Brice explained that the walk-throughs will happen at every school when the schools are vacant to perform mock drills and live scenarios without causing panic throughout the community.
- **Luna County Fire:** Mr. Brice stated that there were 16 fire calls received and 15 authorized burns, and explained that the new authorized burn process is working very well.
- **Casa:** Mr. Brice reported that there are currently 23 Children in Luna County, 18 in Grant County, and 1 in Hidalgo County. Mr. Brice stated that there were a total of 12 events that were attended throughout the month of November. Mr. Brice also asked if anyone knows someone that would like to be a volunteer for CASA, as the help would be very much appreciated.
- **JJCS:** The program manager took the Girl's Circle facilitator training. Mr. Brice stated that he met with the School Resource Officers to go over the programs available and explained that the schools had come up with enough funding to hire a second School Resource Officer, and will be working with the Sheriff's Office to see if this will be possible. Mr. Brice stated that the Girls Circle group meets on Tuesdays at the High School, and Boy's Council is meeting Mondays and Wednesdays at Memorial School. Mr. Brice also stated that there is a Strengthening Families Program that teaches better parenting skills, how to communicate with your kids, etc.
- **IT:** Mr. Brice reported that there was a total of 1,057 work orders submitted and 1,005 that were completed.
- **Planning Department:** Mr. Brice stated that there will be a talk on the community solar and solar projects. Mr. Brice stated that there were 15 property donations submitted to the County that transfers have been completed on.
- **Luna County Health Council:** No report was given.
- **Starmax:** Mr. Brice reported that there is now a Party Planner at Starmax, at the suggestion of director Tyler Massey to make sure that everything is organized and everything that is needed to be accessible to the families having the parties. Mr. Brice stated that for the month

of November, there were 20 parties that took place at Starmax. Mr. Brice also stated that it is always good to look for different ways to work smarter and do things better. Tremco did come and do a scan of the roof at Starmax as Mr. Brice stated and the roof will only need a partial replacement as opposed to a full replacement at this time. Mr. Brice reported that there are a lot of new parking features now which include speed bumps and parking bumpers that have helped with speed control, also bike racks and benches have been put up. Mr. Brice reported that Starmax also has security monitoring and more cameras will be installed to assist in case of any vandalism and/or fights that may occur in the parking lot at any time.

- **HR:** Mr. Brice reported that the current open positions are for Detention Officers as always and two dispatchers. He explained that there were five new employees on board but there were eight that were off board. Mr. Brice reported that there was a salary study done and completed and there are very few employees that are not within the salary range that is recommended, it had been four or five years since the last salary study had been done.
- **PAT:** Mr. Brice Reported that there are currently 144 Clients enrolled in Luna County and 50 in Hidalgo County. Mr. Brice stated that there were about 560 Direct Services in both Counties and 92 Indirect Services in both Counties. The Parents as Teachers program also gave out 18 car seats. Mr. Brice explained this is a really cool program there is a \$25 charge only if the family applying for the car seat has the money, if not the car seat is free and the parent is to go through training on how to install it.
- **DWI:** Mr. Brice reported that unfortunately there are 18 misdemeanor DWI offenders and 1 DV case that was transferred from Dona Ana County. Mr. Brice Stated that there were 4 new clients that were screened for substance use disorder, and also that there are 21 participants in Teen court with one successfully completed and one new intake received. Mr. Brice reported that vaping has become a problem in elementary schools and encouraged parents to be aware and to talk to kids about it.
- **Luna County Health Council:** Mr. Brice reported that the Luna County Health Council is collaborating with Deming High School to host a Youth Health Fair on January 26, 2023. Mr. Brice stated that there will also be Narcan training if there are any teens interested in taking the training will be provided through the County.

INDIGENT CLAIMS REPORT: Commissioner Reedy motioned to recess as County Commission and convene as Claims Board. The motion was seconded by Commissioner Sweetser and was approved unanimously. Budget and Procurement Director Joanne Hethcox reported that there was a total of 13 claims, for a total of \$87,580.08. Ms. Hethcox stated that the GRT was being posted so she could not report at this time. Ms. Hethcox did report that the cash balance as of November 30th is \$1,910,877 and of that \$1,328,465 is encumbered. Ms. Hethcox also stated that seven of the 13 claims were for the Detention Center. Commissioner Reedy questioned the high number of claims. Ms. Hethcox explained that the hospital just brings the claims to her for payment. Mr. Brice also stated that the high number is somewhat due to both the flu and catching up with some of the older claims both out at the Detention Center and here. Mr. Brice stated that there has been a spike in flu and RSV cases at this time. Ms. Hethcox also stated that the County has hired a former employee on a part-time basis that is in charge of the handling of the Indigent claims. Commissioner Sweetser motioned to consider claims dated December 19, 2022. The motion was seconded by Commissioner Reedy and the motion was approved unanimously. Commissioner Sweetser motioned to recess as a Claims Board and reconvene as a County Commission. Commissioner Reedy seconded the motion and the motion was approved unanimously.

Mr. Brice reported that the County is still working through the Detention Center's Medical Healthcare contracts. The number one choice fell through, the County offered \$2.1 million and it could not be done for this amount, so the County is now negotiating with the second-best healthcare company. Mr. Brice explained that this company was able to cover for \$2.2 million. Mr. Brice also explained that there are other counties in the state that have fewer detainees and are paying much more for healthcare. Mr. Brice gave a special thank you to the Sheriff's Department (Captain Michael Brown) who came out on the first day of the Land Sale Auction, and another Deputy who showed up on the second day. Mr. Brice explained that the Sheriff's Department was around in case any altercation took place.

COMMUNITY SUPPORT REPORTS: Deming Mainstreet Director Chelsea Evans reported that Deming Mainstreet had a very good year and looking forward to 2023 being an even better year. Luna County Chamber Of Commerce Executive Director Debbie Troyer introduced the newest members, Desert Artistas from Columbus, New Mexico Solar Made Products from Columbus, Stick with Lori, Custom House Kitchen, and Dr. Troy Evans Chiropractic. Ms. Troyer reported that the Chambers of Commerce is currently serving 279 members, along with 3,713 Facebook followers. Ms. Troyer stated that there is a new column in the Deming headlight to look out for on Fridays called Chamber Chat. Executive Director of the Deming Senior Center Julie Bolton reported that the Senior Center currently offers 11 services to the Community. Ms. Bolton stated that to date there have been a total of 8,985 in congregate meals delivered to 340 unduplicated clients, and a total of 16,270 home-delivered meals to 218 unduplicated clients.

PUBLIC COMMENT: Chair Smrkovsky opened the floor to public comment. Kristie Kennedy offered comments on turning Luna County into an Artist Community. Sandy Foster reported for the Humane Society. Ms. Foster reported that with all of the grants and financial help that has come to the Humane Society, the organization has been able to give back to the Community, having given under \$70,000 to the Spay and Neuter programs this year. Susan Shiffner suggested that Ordinance 107 to be amended by starting over with all of it. Mr. Brice explained that every type of energy was included in this ordinance, but there is no intention of bringing a nuclear plant into Luna County or anywhere in the vicinity, and that there was public input taken. Mr. Brice Stated that the County is very restricted on both wind and solar energy without violating State Statutes in the process. Andrew Bell voiced his dissatisfaction with McCann Rd being torn up. Paul Lesmister voiced his concerns about the Carne Energy Solar Company located on Hatch Highway because of the cost, the fact that the energy is not intended for Luna County, jobs, and what he feels will affect any future projects in Luna County. Linda Harmon also voiced her concern about solar and wind energy coming into Luna County.

CONSENT AGENDA:

- Accounts Payable: \$1,505,573.32
- Payroll: \$1,581,367.04

Commissioner Reedy motioned to approve the consent agenda as presented. The motion was seconded by Commissioner Sweetser and unanimously approved following a roll call vote.

ORDINANCE:

- **Ordinance 23; Amended Luna County Personnel Ordinance.** Mr. Brice gave a brief explanation of what this ordinance covered, such as discipline, promotions, etc. there were no public comments forthcoming. Commissioner Reedy motioned to approve Ordinance 23;

Amended Luna County Personnel Ordinance. The motion was seconded by Commissioner Sweetser and was unanimously approved following a roll call vote.

- **Ordinance 115; IRB for Solar PV Development NM 18 II LLC and Carne Energy Storage LLC for Carne Solar Project-Series 2022A.** Peter Kelton an attorney for Rodey Law Firm representing Luna County with the issuance of the series 2022A and 2022B IRB bonds for the Carne Solar Project. Mr. Kelton explained that Series 2022A is used for the generation of solar energy. Phillip Butts and Wes Light spoke in opposition to the approval of this Ordinance, Commissioner Sweetser motioned to approve Ordinance 115; IRB for Solar PV Development NM 18 II LLC, and Carne Energy Storage LLC for Carne Solar Project-Series 2022A. The motion was seconded by Commissioner Reedy and unanimously approved following a roll call vote.
- **Ordinance 116; IRB for Solar PV Development NM 18 II LLC and Carne Energy Storage LLC for Carne Solar Project-2022B.** Mr. Kelton also stated that Series 2022B is used for the storage of this energy. Phillip Butts and Wes Light spoke in opposition to the approval of this Ordinance, Commissioner Sweetser motioned to approve Ordinance 116; IRB for Development NM II LLC and Carne Energy Storage LLC for Carne Solar Project-2022B. The motion was seconded by Commissioner Reedy and unanimously approved following a roll call vote.
- Peter Kelton an attorney for Rodey Law Firm representing Luna County with the issuance of the series 2022A and 2022B IRB bonds for the Carne Solar Project. Mr. Kelton explained that Series 2022A is used for the generation of solar energy. Mr. Kelton also stated that Series 2022B is used for the storage of this energy. Megan Whitley representing DE Shaw Renewable Investments responded to the question about Luna County residents being hired during and after the construction of the facility. Ms. Whitley explained that there will be an Engineering, Procurement, and Construction contractor hired to construct the project which will then in turn sub-contract out for all work positions needed for the project to be completed. Mr. Brice did explain that the sub-contracted work will always go out to bid with the best offer will be taken.

NEW BUSINESS:

- **Resolution 22-91: Budget Increases:** Budget and Procurement Director Joanne Hethcox reported that there were four budget increases. The first one is for the Reimbursement for overtime salaries for a project that was going on on I-10, the second is to increase the line item for an appropriation for the American Legion which was approved, the third is to assist the domestic violence center La-Casa, Inc by \$36,000.00 which was budgeted for, and the fourth one is for revenue and expense both for a \$300,000.00 New Mexico DHSEM fire apparatus. Commissioner Sweetser motioned to approve Resolution 22-91: Budget Increases. The motion was seconded by Commissioner Reedy and unanimously approved following a roll call vote.
- **Resolution 22-92: Budget Transfers:** Ms. Hethcox reported asking for approval of five budget transfers requested. The first one is for the Planning Department to pay for additional training for the remainder of the fiscal year, the second is for Central Dispatch to pay for new computers for their new CAD System, the third is for Economic development moving money around to pay for contracts that the County has, the fourth one is for the Road Department to move money from grounds to mileage and per diem for additional training this year, and the fifth one is for Starmax to get one line item out of the negative for printing and publishing. Commissioner Reedy motioned to approve Resolution 22-92: Budget Transfers. The motion

was seconded by Commissioner Sweetser and unanimously approved following a roll call vote.

- **Resolution 22-93: Disposal of Assets:** Ms. Hethcox is asking that two assets, a 2005 Ford 500 and a 2007 Ford 500 which neither is in working condition be removed from County assets. Ms. Hethcox also stated that the armored vehicle that the County was allowed to keep until needed was not on the assets list, but returned to the Military. Commissioner Reedy motioned to approve Resolution 22-93: Disposal of assets. The motion was seconded by Commissioner Sweetser and unanimously approved following a roll call vote.
- **Resolution 22-94 Establishing Salaries for Elected Officials:** Mr. Brice stated that this resolution was discussed during the budget season when all Elected Official's salaries were raised to the maximum allowed by state statute. Mr. Brice stated that there was not a resolution done, therefore now this one is put into place, and this will take place for the newly elected officials and the re-elected officials. Commissioner Reedy motioned to approve Resolution 22-94 Establishing Salaries for Elected Officials. The motion was seconded by Commissioner Sweetser and unanimously approved following a roll call vote.
- **Resolution 22-95: A Resolution in Support of Expanding Telecommunications services in Columbus, New Mexico:** Mr. Brice explained that this resolution would give Lupita Hernandez Director of Planning and Zoning to look for a telecommunications provider to put up a tower on the south side of the County for better communication between law enforcement and the Village of Columbus. Commissioner Reedy motioned to approve Resolution 22-95 A Resolution in support of Expanding Telecommunication Services in Columbus, New Mexico. The motion was seconded by Commissioner Sweetser and was unanimously approved following a roll call vote.
- **Resolution 22-96: Authorizing the purchase of County Parcels:** Mr. Brice explained that this is a 10-acre lot that is being purchased by the County for the purpose of a retention pond to aid with flooding control for Country Club and Rockhound. Commissioner Reedy motioned to approve Resolution 22-96: Authorizing the purchase of County Parcels. The motion was seconded by Commissioner Sweetser and unanimously approved following a roll call vote.
- **2023 Luna County Holiday Schedule:** Mr. Brice stated that the holiday Juneteenth had been added to the County Holiday Schedule. Commissioner Reedy motioned to approve Luna County Holiday Schedule as presented. The motion was seconded by Commissioner Sweetser and approved unanimously following a roll call vote.

Commission of Aging Funding Request: Chair Smrkovsky explained that this \$40,000.00, additional funding would insure the operating revenue of minimally sustaining for the coming months. Commissioner Sweetser motioned to approve the Commission of Aging Funding Request. The motion was seconded by Commissioner Smrkovsky and Commissioner Reedy obtained. The motion was unanimously approved following a roll call vote.

- **La Casa-Healing House Funding Request:** Mr. Brice explained that with the State cutting back on funding, La-Casa has agreed to take on as much counseling as they can for individuals without insurance. Mr. Brice stated that the County is proposing giving La-Casa \$20,000.00 to help in case the caseload gets too high. Commissioner Reedy motioned to approve La Casa-Healing House Funding Request in the amount of \$20,000.00. The motion was seconded by Commissioner Sweetser and was unanimously approved following a roll call vote.

Upcoming Meetings/Events (Unless otherwise specified):

Luna County Offices Closed; December 23, 2022

Luna County Offices Closed; December 26, 2022

Luna County Offices Closed; January 2, 2023

Regular Meeting; January 12, 2023, at 10:00 a.m.

ADJOURN: Upon a motion by Chair Smrkovsky the meeting was adjourned at 1:24 PM

ATTEST:

**LUNA COUNTY BOARD OF
COUNTY COMMISSIONERS**

Berenda McWright, Luna County Clerk

Barbara L. Reedy, District 1

Approved: _____

Chair, Linda M. Smrkovsky, District 2

John S. Sweetser, District 3



Lee Cook
Detention Director

Andy Gilmore
Deputy Director

Luna County Detention Center
1700 4th St NE
Deming, NM 88030
Phone: (575) 544-0191

January 01, 2023

To: Director Lee Cook

From: Corporal N. Herrera

Subj: RHU Quarterly report IAW HB 364 (New Mexico's Restricted Housing Act)

This report is being submitted in accordance with HB 364, New Mexico Restricted Housing Act reporting requirements. During the period of October 1, 2022 thru December 31, 2022 Luna County Detention Center had 3 detainees who met the reporting requirements under this act. Please see attached report.

A copy of this report will be submitted electronically to the legislative council service library IAW HB 364.

- 1. A 51- year-old male. Detainee was out of his cell for recreation but did not received 2.0 hours or more for recreation.**
- 2. A 45- year-old male. Detainee was out of his cell for recreation but did not received 2.0 hours or more for recreation.**
- 3. A 45- year-old male. Detainee was out of his cell for recreation but did not received 2.0 hours or more for recreation.**

Very Respectfully,

Corporal N. Herrera

Indigent Hospital Claims Office

Chris A. Brice, County Manager

IHC Board Meeting January 12, 2023

Month	Number	Amount	Number	Denied
January	4	\$21,248.76	0	\$0.00
Feburary	1	\$90.00		
March	14	\$27,732.47		
April	0	\$0.00		
May	0	\$0.00		
June	0	\$0.00		
July	22	\$86,152.56		
August	4	\$23,976.89		
September	2	\$1,324.12		
October	1	\$1,611.00		
November	13	\$87,580.08		
December	0	\$0.00		
Total	61	\$249,715.88	0	\$0.00
This Month's Total	Mimbres Memorial Hospital			\$0.00
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			\$0.00
Total				\$0.00
Year to Date Total	Mimbres Memorial Hospital			\$207,687.66
Year to Date Total	All Other Hospitals			
Year to Date Total	Deming Fire Dept./EMS			\$1,221.00
Year to Date Total	All Other Services			\$40,807.22
Total				\$249,715.88
Care of Prisoners This Month - Not including SNCP Funds				\$500.00
Care of Prisoners Year to Date Indigent - Not including SNCP Funds				\$1,768,993.36
Care of Prisoners Year to Date Inmate Prescriptions/OTC Meds				\$96,739.59
Care of Prisoners Year to Date Dr. Bills				\$9,657.22
Total Cost of Care of Prisoners Year to Date				\$1,875,390.17
Monies Received - December 2022				\$85,554.55
Balance in IHC Fund as of December 31, 2022				\$1,812,302.52
Encumbrances as of December 31, 2022				\$1,229,227.95
		Date	Amount Approved	Amount Denied
	Signatures	1/12/2023	\$0.00	
Barbara L. Reedy				
Linda M. Smrkovsky				
John S. Sweetser				

LCBCC Meeting January 12, 2023

Accounts Payable

12/01/2022	\$9,045.13
12/02/2022	\$2,358,026.92
12/09/2022	\$404,794.58
12/09/2022	\$133.63
12/13/2022	\$11,087.29
12/13/2022	\$27,341.82
12/16/2022	\$453,378.54
12/19/2022	\$13,517.04
12/20/2022	\$8,637.97
12/22/2022	\$407,981.11
12/29/2022	\$14,212.36
12/30/2022	\$331,134.79

P-Cards

November 2022	\$183,636.81
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Total \$4,222,927.99

Luna County
Board of County Commissioners



Agenda 1/12/2023

PAYROLL

Date	Register	Amount
12/02/2022	20220146	\$556,225.62
12/02/2022	*20220147	\$14,889.39
12/08/2022	*20220148	\$1,796.76
12/16/2022	20220149	\$595,195.75
12/16/2022	*20220150	\$31,903.17
12/30/2022	20220151	\$597,646.22
12/30/2022	*20220152	\$12,212.42
12/30/2022	*20220153	\$950.99

Total: \$1,810,820.32

* 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 January 2023, the following proceedings were had and entered of record.

RESOLUTION #23-01
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.
6. During the pendency of the COVID-19 declared emergency, a member of the Board of County Commissioners or any of its Boards may participate in a meeting by any means of a conference telephone, internet, or other similar communications equipment when necessary as a COVID Safe Practice. While mass gatherings are prohibited by the NM Public Health Order, meetings will not be physically open to the public. All members if the public will be able to attend and listen to the meeting via google meets with the link published on the agenda. Public comment may be made during that time and will be entered and/or read into the meeting minutes (if under 3 minutes). Comments must contain authors name.

Done at Deming, New Mexico this 12th day of January 2023.

LUNA COUNTY BOARD OF COMMISSIONERS

ATTEST:

Ray J. Trejo,
Commissioner, District 1

Berenda McWright,
County Clerk

Colette M. Chandler,
Commissioner, District 2

John S. Sweetser,
Commissioner, District 3

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 January 2023, the following proceedings were had and entered of record.

RESOLUTION #23-02

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 12th day of January 2023.

LUNA COUNTY BOARD OF COMMISSIONERS

ATTEST:

Ray J. Trejo,
Commissioner, District 1

Berenda McWright,
County Clerk

Colette M. Chandler,
Commissioner, District 2

John S. Sweetser,
Commissioner, District 3

Be it remembered that at a Regular meeting of the Luna County Board of County Commissioners in Deming New Mexico, on the 12th day of January 2023, the following proceedings were had and entered of record.

RESOLUTION #23-03

NOTICE OF FEES

WHEREAS, the Luna County Board of County Commissioners finds 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:

General 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 |
| | Color Copies | \$1.00 |
| 2. | Above tabloid size (11" x 17") up to three (3') feet by four (4') feet | |
| | Black and white paper map size: | \$10.00 |
| | Color Print: | \$20.00 |
| 3. | Above three (3') feet by four (4') feet up to six (6') feet | |
| | Black and white paper map: | \$25.00 |
| | Color Print: | \$35.00 |
| 4. | CDs: | \$5.00 |
| 5. | USB Flash Drive: | \$25.00 |
| | Each Additional Layer of GIS Data: | \$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 the 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:

(1) Return payment checks for the correct amount: **\$5.00**

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

(2) 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 returned items.

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

The administration and enforcement of delinquent personal property ad valorem 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 delinquent for 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: \$50.00

<u>Building Permit Value</u>	<u>Permit Fee</u>
\$2,000 and less	\$30.00
\$2,001.00 to \$3,000.00	\$30.00 + \$5.00 per \$500.00 increment in value over \$ 1,001.00
\$3,001.00 and over	\$40.00 + \$1.75 per \$1,000.00 increment in value
Missed Inspections	\$20/Per Scheduled
Appointment Unpermitted Construction	up to \$150.00
Unpermitted Mobile Home	up to \$100.00
Demolition Permit	up to \$100.00

Plan review fee is waived for standard residential construction projects. Complex residential and all Commercial construction project plan reviews will be +20% of the 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	\$25.00
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LCDC Department Fees:

Bond Fee:	\$10.00
Notary Fee:	\$1.00

DWI Program Fees:

Screening Fee:	up to \$100.00 one-time fee
Treatment Fee	\$240.00
Compliance Fee:	up to \$50.00 monthly

Sheriff's Department Fees:

Civil Process Fee/address/person:	\$40.00
Report Fee:	\$0.50 per page
VIN Inspection fee:	\$35.00

Road Department Fees:

Tire Disposal Fees (Drop Off)	\$1.25 Passenger/light truck \$5.00/ Semi truck \$10.00/tractor
Tire Disposal Fees (Bulk Pickup)	\$3 Passenger/light truck \$5 Semi Truck \$10 Tractor
Utility Easement Application Fee	\$200.00
Trenching	\$.10/ft(12x36) or \$.15/ ft (24x48
Aerial	\$150 (<90') + \$1.50/ft thereafter
Service Hook up	\$50 w/no pavement cut \$100 w/ pavement cut
Meter Replacement	\$0
Maintenance	\$100(<250') then trenching app Permit fees above apply
Reinstatement Fees	\$200.00
Appeal Fees	\$50.00

Planning Fees:

Appeals to County Commission	\$50.00
Variance	\$100.00 per variance
Conditional/Special Use	Not Yet Determined
Mobile Home Moving Permit	No Charge
Mobile Home Installation Permit	\$50
Floodplain Review	\$15
Floodplain Permit	\$35

When required by the Floodplain Manager, the applicant must submit an elevation certificate by a registered land surveyor

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 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
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.

Wireless Telecommunication Facilities:

Non-Refundable (payable at the outset of the application process to Luna County)

Traditional Towers:

Colocation, Modification or Eligible Facility:	\$ 9,000
New Tower:	\$ 17,500
Tower Registration Update:	\$ 1,500
Approved Application Update*:	\$ 1,500

Small Wireless Facilities: (SWF) Per FC18-133, NM HB-38:

New SWF/ System (New or Replacement Poles)	1-25	\$750/each/site or node
SWF /DAS (New or Replacement Poles)	1-25	\$750/each/site or node
SWF; Colocation or Modification node	1-5	\$100; 6-25 \$20/each/site or node
SWF; Approved Application Update* node	1-5	\$100; 6-25 \$20/each/site or node
SWF Rights-of-Way Fees** (Annual)		\$250/site/node on an annual basis

* Approved Application Updates – Are defined as those applications that have received final approval (permit issued), and the applicants decide it is necessary to modify the application before construction and final inspection. If construction or final inspection is completed or started, the applicant must submit a new application.

**Rights-of-Way Fees apply to all sites located within Luna County's rights-of-way regardless of the owner of the structures used. The Wireless Facilities Permit shall include applicable Rights-of-way authorization/s. Annual payments will be due on the 1st of January each year, and permits are authorized as long as the applicant adheres to the defined ordinance requirements for all permitted facilities.

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

Done at Deming, New Mexico this 12th day of January 2023.

LUNA COUNTY BOARD OF COMMISSIONERS

ATTEST:

Ray J. Trejo,
Commissioner, District 1

Berenda McWright, County Clerk

Colette M. Chandler,
Commissioner, District 2

John S. Sweetser,
Commissioner, District 3

Be it remembered that at a Regular meeting of the Luna County Board of County Commissioners in Deming New Mexico, on the 12th day of January 2023, the following proceedings were had and entered of record.

RESOLUTION #23-04

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 Bank N.A. New Mexico, Deming, NM, Moreton Capital Markets, LLC
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COUNTY BOARD OF FINANCE	County Commissioner Chair, County Treasurer as Executing Officer, County Manager, and Budget & Procurement Director
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OFFICIAL NEWSPAPER AND OTHER MEDIA	Deming Headlight KOTS/KDEM Radio Station
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**Done at Deming, New Mexico this 12th day of January 2023
Luna County Board of County Commissioners**

ATTEST:

**Ray J. Trejo, Commissioner,
District 1**

Berenda McWright, County Clerk

**Colette M. Chandler, Commissioner,
District 2**

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

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 January 2023, the following proceedings were had and entered of record.

RESOLUTION #23-05

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
Yossie Nieblas, IPRA Coordinator
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 12th day of January 2023

Luna County Board of County Commissioners

ATTEST:

**Ray J. Trejo, Commissioner,
District 1**

Berenda McWright, County Clerk

**Colette M. Chandler, Commissioner,
District 2**

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

Grantee Name: County of Luna

CDBG Project Number: _____

RESOLUTION # 23-06

**ADOPTION OF REQUIRED
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
CERTIFICATIONS AND COMMITMENTS**

WHEREAS, municipalities, counties or other entities that accept Community Development Block Grant (CDBG) funds must adopt certain required federal regulations; and

WHEREAS, the County of Luna (hereinafter referred to as the Grantee) wishes to ensure compliance with federal regulations by adopting the following required certifications and commitments:

Citizen Participation

certifies its commitment to citizen participation by preparing and adopting a Citizen Participation Plan that includes ways to encourage public input using various methods to reach the public and assures that citizens are provided reasonable notice and timely access to local meetings, per the Open Meetings Act (NMSA 1978, Chapter 10, Article 15)

Fair Housing

certifies its commitment to the Fair Housing Act of 1968 to affirmatively further fair housing, which prohibits discrimination in the sale, rental, leasing and financing of housing or land to be used for the construction of housing on the basis of race, color, religion, sex, disability, familial status, or national origin

**Residential Anti-Displacement
& Relocation Assistance**

certifies its compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, whose purpose is to provide uniform, fair, and equitable treatment for persons whose real property is acquired or for persons displaced as a result of a CDBG-funded project or activity

Section 3

certifies its commitment to Section 3, a provision of the Housing and Urban Development (HUD) Act of 1968, which requires recipients of certain HUD financial assistance, to the greatest extent feasible, provide job training, employment, and contracting opportunities for low and very low income residents in connection with projects and activities in their community. Attached is the Grantee Section 3 hiring information.

Procurement

certifies its compliance with federal procurement code (24 CFR Part 85.36) and New Mexico Procurement Code (§13-1-120 NMSA 1978) by adopting a procurement policy for CDBG projects.

GRANTEE SECTION 3 PLAN CHART

- Chart for Section 3 Plan **MUST** be filled out for job classifications that result from this CDBG funding. If this project will not create jobs, this chart will not be applicable. Attach additional job classifications as necessary.

County of Luna ANTICIPATED/ACTUAL HIRES			2021 HIRING YEAR	
PLANNED			ACTUAL	
Job Classification	# of Positions to be Filled	# of Positions to be Filled by Lower Income County of Luna Residents	# of Positions Filled	Positions Filled by Lower Income County of Luna Residents
County of Luna				

NOW, THEREFORE, BE IT RESOLVED, that the Grantee adopts the CDBG certifications through the term of the CDBG grant agreement with the Department of Finance and Administration, as amended, if applicable.

PASSED, APPROVED, SIGNED, AND ADOPTED at a duly called and convened regular meeting of the governing body of the Board of County Commissioners this 12th day of January 2023.

SIGNED: _____

Chief, Elected Official

ATTEST:

Berenda McWright, County Clerk

EXHIBIT 1-Z

CDBG FEDERAL REQUIREMENTS

CITIZEN PARTICIPATION REQUIRED ELEMENTS

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

Objective A

Luna County 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/municipality upcoming meetings, actions and functions.*
2. *Develop press releases on county/municipality meetings, actions and hearings, and circulate to newspapers, radio and television media.*
3. *Develop and maintain listing of groups and representative of low and moderate income persons, and include on mailing lists of announcements, notices, press releases, etc.*

Objective B

Luna County 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, e.g., evenings, Saturdays.*

Objective C

Luna County 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/municipality. 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/municipality upon request.*
2. *Document technical assistance provided to such groups and has documentation available for review.*

Objective D

Luna County 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. 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

Luna County 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

Luna County 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.*

FAIR HOUSING REQUIRED ELEMENTS

A resolution of the Board of County Commissioners of the County of Luna, adopting a fair housing policy, making known its commitment to the principle of fair housing, and describing actions it shall undertake to affirmatively further fair housing.

WHEREAS; the Housing and Community Development act of 1974 as amended requires that all applicant for Community Development Block Grants funds certify that they shall affirmatively further fair housing; and

WHEREAS; the Civil Rights Act of 1968 (commonly known as the Federal Fair Housing Act) and the Fair Housing Amendments Act of 1988 declare a national policy to prohibit discrimination in the sale, rental, leasing and financing of housing or land to be used for the construction of housing or in the provision of brokerage services, on the basis of race, color, religion, sex, disability, familial status or national origin; and

WHEREAS; fairness is the foundation of the American system and reflects traditional American values; and

WHEREAS; discriminatory housing practices undermine the strength and vitality of America and its people;

NOW, THEREFORE, BE RESOLVED THAT the Board of County Commissioners of the County of Luna hereby wish all persons living, working, doing business in or traveling through this County to know that: discrimination in the sale, rental, leasing, and financing of housing or land to be used for construction of housing, or in the provision of brokerage services on the basis of race, color, religion, sex, handicap, familial status or national origin is prohibited by Title VIII of the Fair Housing Act Amendments of 1988; and that it is the policy of the County of Luna to implement programs, within the constraints of its resources, to ensure equal opportunity in housing for all persons regardless of race, color, religion, sex, handicap, familial status or national origin; and within available resources the County of Luna will assist all persons who feel they have been discriminated against in housing issues on the basis of race, color, religion, sex, handicap, familial status or national origin to seek equality under existing federal and state laws to file a complaint with the New Mexico Attorney General's Office or the U.S. Department of Housing and Urban Development; and that the County of Luna shall publicize this Resolution and thereby encouraging owners of rental properties, developers, builders and others involved with housing to become aware of their respective responsibilities and rights under the Fair Housing Amendments Act of 1988 and any applicable state or local laws or ordinances; and that the County of Luna shall undertake the following actions to affirmatively further fair housing:

(List all such actions to include: mailing copies of this resolution to the real estate community, banks, developers, community organizations and local media; posting copies of this resolution at identified locations; distributing flyers; sponsoring schools)

Post Resolution on the county website and at the Luna County Courthouse,
700 S. Silver Ave., Deming, NM 88030
Disseminate to contact list which includes City and County Officials, members of the
community, real estate contacts and local media

RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE REQUIRED ELEMENTS

I. Background/Introduction

Section 104(d) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5304(d)(4)), Section 105(b)(16) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705(b)(16)), and implementing regulations at 24 CFR Part 42, specify that a grantee under the Community Development Block Grant (CDBG) must certify that it has in effect and is following a "residential Anti-displacement and relocation assistance plan" (Plan). As a CDBG grantee, Luna County must certify to State of New Mexico Department of Finance and Administration Local Government Division that it has and is following such a Plan.

The Plan must include three components: 1) one-for-one replacement requirements for lower-income housing units, 2) relocation assistance, and 3) a description of the steps Luna County will take to minimize displacement.

II. Activities Covered by the Plan

All activities involving the use of CDBG funds that cause displacement as a direct result of demolition or conversion of a lower-income dwelling are subject to the requirements specified in the Plan. Activities for which funds are first obligated on or after September 30, 1988 are subject to the requirements specified in the Plan, without regard to the source year of the funds.

III. Uniform Relocation Act

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA) govern displacement that directly results from acquisition, rehabilitation, or demolition of real property when federal funds are used. Luna County's Residential Anti-displacement and Relocation Assistance Plan is in no way intended to supersede the URA. CDBG assisted activities may still be subject to the requirements of the URA.

IV. One-for-One Replacement Units

All occupied and vacant occupiable lower-income dwelling units that are demolished or converted to a use other than as lower-income dwelling units in connection with an assisted activity must be replaced with comparable lower-income units. Replacement lower-income dwelling units may be provided by any governmental agency or private developer and must meet the following requirements:

- A. The units must be located within Luna County to the extent feasible, the units shall be located within the same neighborhood as the units replaced

- B. The units must be sufficient in number and size to house no fewer than the number of occupants who could have been housed in the units that are demolished or converted. The number of occupants who could have been housed in the units shall be in accordance with applicable local housing occupancy codes. The units may not be replaced with smaller units (e.g., a 2-bedroom unit with two 1-bedroom units), unless Luna County has provided information demonstrating that such a proposed replacement is consistent with the needs assessment contained State of New Mexico Department of Finance and Administration Local Government Division HUD-approved Consolidated Plan.
- C. The units must be in standard condition and must at a minimum meet Section 8 Program Housing Quality Standards. Replacement lower-income units may include units brought from a substandard condition to standard condition if: 1) no person was displaced from the unit; and 2) the unit was vacant for at least 3 months before execution of the agreement between Luna County and the property owner.
- D. The units must initially be made available for occupancy at any time during the period beginning 1 year before the recipient makes public the information required under Section F below and ending 3 years after the commencement of the demolition or rehabilitation related to the conversion.
- E. The units must be designed to remain lower-income dwelling units for at least 10 years from the date of initial occupancy. Replacement lower-income dwelling units may include, but are not limited to, public housing or existing housing receiving Section 8 project-based assistance
- F. Before Luna County enters into a contract committing it to provide CDBG funds for any activity that will directly result in the demolition of lower-income dwelling units or the conversion of lower-income dwelling units to another use, Luna County must make public and submit in writing to State of New Mexico Department of Finance and Administration Local Government Division the following information:
- 1 A description of the proposed assisted activity;
 - 2 The location on a map and number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than for lower-income dwelling units as a direct result of the assisted activity;
 - 3 A time schedule for the commencement and completion of the demolition or conversion;
 - 4 The location on a map and the number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units. If such data is not available at the time of the submission to State of New Mexico Department of Finance and Administration Local Government Division, the submission shall identify the general location on an area map and the approximate number of dwelling units by size, and information identifying the specific location and number of dwellings units by size shall be submitted and disclosed to the public as soon as it is available;
 - 5 The source of funding and time schedule for the provision of replacement dwelling units;
 - 6 The basis for concluding that each replacement unit will remain a lower-income dwelling unit for at least 10 years from the date of initial occupancy; and
 - 7 Information demonstrating that any proposed replacement of dwelling units with smaller dwelling units is consistent with the needs assessment contained in

the State of New Mexico Department of Finance and Administration Local
Government Division Consolidated Plan.

- G. The one-for-one replacement requirements may not apply if HUD determines, based on objective data, that there is an adequate supply of vacant lower-income dwelling units in standard condition available on a non-discriminatory basis within _____ Luna County _____. In making such a determination, State of New Mexico Department of Finance and Administration Local Government Division will consider such factors as vacancy rates, numbers of lower-income units in _____ Luna County _____ and the number of eligible families on the Section 8 waiting list.

V. Relocation Assistance

Each lower-income person who is displaced as a direct result of CDBG assisted demolition or conversion of a lower-income dwelling shall be provided with relocation assistance.

Relocation assistance includes advisory services and reimbursement for moving expenses, security deposits, credit checks, other moving expenses, including certain interim living costs, and certain replacement housing assistance.

Displaced persons have the right to elect, as an alternative to the benefits described in this Plan, to receive benefits under the URA, if they determine that it is in their best interest to do so. The following relocation assistance shall be available to lower-income displacement persons:

- A. Displaced lower-income persons will receive the relocation assistance required under 49 CFR 24, Subpart C (General Relocation Requirements) and Subpart D (Payment for Moving and Related Expenses) whether the person elects to receive assistance under the URA or the assistance required by CDBG regulations. Relocation notices must be distributed to the affected persons in accordance with 49 CFR 24.203 of the URA;
- B. The reasonable and necessary cost of any security deposit required to rent the replacement dwelling unit and for credit checks required to rent or purchase the replacement dwelling unit;
- C. Actual reasonable out-of-pocket costs incurred in connection with temporary relocation, including moving expenses and increased housing costs, if:
 - 1. The person must relocate temporarily because continued occupancy of the dwelling unit constitutes a substantial danger to the health or safety of the person or the public; or
 - 2. The person is displaced from a lower-income dwelling unit, none of the comparable replacement units to which the person has been referred qualifies as a lower-income dwelling unit, and a suitable lower-income dwelling unit is scheduled to become available through one-for-one replacement requirements
- D. Replacement Housing Assistance. Displaced persons are eligible to receive one of the following two forms of replacement housing assistance:
 - 1. Each person shall be offered rental assistance equal to 60 times the amount necessary to reduce the monthly rent and estimated average monthly cost of

utilities for a replacement dwelling to the "Total Tenant Payment", as determined under 24 CFR 813.107. All or a portion of this assistance may be offered through a certificate or housing voucher for rental assistance under the Section 8 program. Where Section 8 assistance is provided to the displaced person,

Luna County must provide the person with referrals to comparable units whose owners are willing to participate in Section 8 program to the extent that cash assistance is provided, it will be provided in installments.

2. In lieu of the housing voucher, certificate or cash assistance described above, the person may elect to receive a lump sum payment allowing them to secure participation in a housing cooperative or mutual housing association. This lump sum payment shall be equal to the capitalized value of 60 monthly installments of the amount that is obtained by subtracting the

"Total Tenant Payment", as determined under 24 CFR 813.107, from the monthly cost of rent and average monthly cost of utilities at a comparable replacement dwelling unit. To compute the capitalized value, the installments shall be discounted at the rate of interest paid on passbook savings in a federally insured financial institution conducting business within Luna County.

Displaced lower-income tenants shall be advised of their right to elect relocation assistance pursuant to the URA and the regulations at 49 CFR 24 as an alternative to the relocation assistance available under CDBG regulations.

VI. Eligibility for Relocation Assistance

A lower-income person is eligible for relocation assistance if they are considered to be a "displaced person" as defined in 24 CFR 42.305. A displaced person means a lower-income person who, in connection with an activity assisted under the CDBG program, permanently moves from real property or permanently moves personal property from real property as a direct result of demolition or conversion of a lower-income dwelling.

For purposes of this definition, a permanent move includes a move made permanently and:

- A. After notice by the owner to move from the property, if the move occurs on or after the date of the submission of a request to Luna County for CDBG assistance that is later approved for the requested activity; or
- B. After notice by the owner to move from the property, if the move occurs on or after the date of the initial official submission to HUD of the consolidated plan under 24 CFR Part 91 describing the assisted activity; or
- C. Before the dates described in A & B above, if Luna County or State of New Mexico Department of Finance and Administration Local Government Division determines that the displacement was a direct result of conversion or demolition in connection with a CDBG assisted activity; or
- D. By a tenant-occupant of a dwelling unit, if any one of the following three situations occurs:
 1. The tenant moves after execution of the CDBG agreement covering the acquisition, rehabilitation or demolition and the move occurs before the tenant is

provided written notice offering the tenant the opportunity to lease and occupy a suitable, decent, safe and sanitary dwelling in the same building/complex upon completion of the project under reasonable terms and conditions, including a monthly rent and estimated average monthly utility costs that do not exceed the greater of the tenant's monthly rent before such agreement, or the total tenant payment as determined under 24 CFR 813.107 if the tenant is lower-income, or 30 percent of gross household income if the tenant is not lower-income.

2. The tenant is required to relocate temporarily, does not return to the building/complex, and either is not offered payment for all reasonable out-of-pocket expenses incurred in connection with the temporary relocation, or other conditions of the temporary relocation are not reasonable.
3. The tenant is required to move to another dwelling unit in the same building/complex but is not offered reimbursement for all reasonable out-of-pocket expenses incurred in connection with the move, or other conditions of the move are not reasonable.

If the displacement occurs on or after the appropriate date described in A & B above, the lower-income person is not eligible for relocation assistance if:

- A. The person is evicted for cause based upon a serious or repeated violation of the terms and conditions of the lease or occupancy agreement, violation of applicable federal, State or local law, or other good cause, and the Luna County determines that the eviction was not undertaken for the purpose of evading the obligation to provide relocation assistance;
- B. The person moved into the property on or after the date described in A & B above after receiving written notice of the expected displacement; or
- C. Luna County determines that the displacement was not a direct result of the CDBG assisted activity and the State of New Mexico Department of Finance and Administration Local Government Division concurs with this determination.

VII. Minimizing Displacement

The CDBG regulations regarding the demolition or conversion of lower-income dwelling units are designed to ensure that lower-income persons are provided with adequate, affordable replacement housing. Naturally, involuntary displacement should be discouraged whenever a reasonable alternative exists. Involuntary displacement is extremely disruptive and disturbing, especially to lower-income persons who do not have the means to locate alternative housing.

There are various ways that displacement can be minimized. The following are steps that will be taken to minimize the involuntary displacement of lower-income persons when CDBG funds are involved:

- A. Screening of Applications All CDBG applications will be reviewed to determine whether involuntary displacement is likely to occur. Those applications involving displacement will receive a lower priority recommendation for funding unless it can be shown that alternatives are not available.
- B. Acquisition of Property Applicants who apply for CDBG funds to acquire property for the

development of lower-income housing will be encouraged to purchase vacant land. In the case of in-fill and other projects where this is not feasible and the project involves potential displacement, the applicant shall agree to allow the displaced lower-income person(s) to occupy the new housing at an affordable rent.

Applicants who utilize CDBG funds to rehabilitate or convert a lower-income unit to a non-residential use will be required to supply replacement housing consistent with paragraph IV, as well as relocation assistance.

- C. Cost of Relocation Assistance The cost of any required relocation assistance and the provision of replacement housing will be borne by the applicant and may be paid for out of CDBG funds awarded to the project.

VIII. Definitions

- A. "Comparable replacement dwelling unit" means a dwelling unit that:
- 1 Meets the criteria of 49 CFR 24.2(d)(1) through (6); and
 - 2 Is available at a monthly cost for rent plus estimated average monthly utility costs that does not exceed the "Total Tenant Payment" determined under 24 CFR 813.107 after taking into account any rental assistance the household would receive.
- B. "Lower-income dwelling unit" means a dwelling unit with a market rental (including utility costs) that does not exceed the applicable Fair Market Rent (FMR) for existing housing and moderate rehabilitation established under 24 CFR Part 888.
- C. "Standard condition" means units that at a minimum meet the Existing Housing Quality Standards of the Section 8 rental subsidy program.
- D. "Substandard condition suitable for rehabilitation" means units with code violations that can be brought to Section 8 Housing Quality Standards within reasonable monetary amounts.
- E. "Vacant occupiable dwelling unit" means a dwelling unit that is in a standard condition; a vacant dwelling unit that is in substandard condition, but is suitable for rehabilitation; or a dwelling unit in any condition that has been occupied (except by a squatter) at any time within the period beginning 3 months before the date of execution of the agreement by
Luna County covering the rehabilitation or demolition.

IX. Grievances

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

- A. Adopt complaint handling procedures or policies to insure that complaints or grievances are responded to within 15 days, if possible.
- B. Allow for appeal of a decision to a neutral authority.
- C. File a detailed record of all complaints or grievances and responses in one central location with easy public access.

SECTION 3 PLAN REQUIRED ELEMENTS

The _____ County of Luna _____ is committed to comply with Section 3 of the Housing and Urban Development Act of 1968. This Act encourages the use of small local businesses and the hiring of low income residents of the community.

The _____ County of Luna _____ has appointed _____ as the Section 3 Coordinator, to advise and assist key personnel and staff on Section 3, to officially serve as focal point for Section 3 complaints, and as the on-site monitor of prime contractors and sub-contractors to insure the implementation and enforcement of their Section 3 plans. The approval or disapproval of the Section 3 plan is the ultimate responsibility of the _____ County of Luna _____. Documentation of efforts will be retained on file for monitoring by the state.

Therefore, the _____ County of Luna _____ shall:

1. Hiring
 - a. Advertise for all _____ County of Luna _____ positions in local newspapers
 - b. List all _____ County of Luna _____ job opportunities with the State Employment Service
 - c. Give preference in hiring to lower income persons residing in the _____ County of Luna _____. This means that if two equally qualified persons apply and one is a resident of the _____ County of Luna _____ and one is not, the resident will be hired
 - d. Maintain records of _____ County of Luna _____ hiring as specified in the CDBG Resolution to Adopt CDBG Requirements (Exhibit 1-Y). Note: Chart for Section 3 Plan MUST be filled out in its entirety and updated with a CDBG grant agreement.

2. Contracting

- a. The _____ County of Luna _____ will compile a list of businesses, suppliers and contractors located in the _____ County of Luna _____.
- b. These vendors will be contacted for bid or quotes whenever the _____ County of Luna _____ requires supplies, services or construction.
- c. Preference will be given to small local businesses. This means if identical bids/quotes are received from a small business located within the _____ County of Luna _____ and one from outside the _____ County of Luna _____, the contract will be awarded to the business located within the community.

3. Training

The County of Luna shall maintain a list of all training programs operated by the County of Luna and its agencies and will direct them to give preference to County of Luna residents. The County of Luna will also direct all CDBG sponsored training to provide preference to County of Luna residents.

4. CDBG Contracts

All CDBG bid proposals and contracts shall include the following Section 3 language.

- a. The work to be performed under this contract is on a project assisted under a program providing direct federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that the greatest extent feasible, opportunities for training and employment be given lower income residents of the project areas, and contracts for work in connection with the project be awarded to business concerns residing in the project area.
- b. The parties to this contract will comply with the provision of said Section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR and all applicable rules and orders of the Department issued there-under prior to the execution of this contract. The parties to this contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.
- c. The contractor will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of his commitments under the Section 3 clause, and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.
- d. The contractor will include this Section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for, or recipient of federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR 135. The contractor will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR 135, and will not let any subcontract unless the subcontractor has first provided it with the requirements of these regulations.
- e. Compliance with the provisions of Section 3, the regulations set forth in 24 CFR 135, and all applicable rules and orders of the Department, issued thereunder prior to the execution of the contract, shall be a condition of the federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractors and subcontractors, its successors and assigns to those sanctions specified by the grant or loan agreement or contract through which federal assistance is provided, and to such sanctions as are specified by 24 CFR 135.

The County of Luna shall require each contractor to prepare a written Section 3 plan as a part of their bids on all jobs exceeding \$100,000. All Section 3 plans shall be reviewed and approved by the City's Equal Opportunity Section 3 Compliance Officer and retained for monitoring by the state.

The County of Luna will maintain all necessary reports and will insure that all contractors and subcontractors submit required reports.

LOWER INCOME CLARIFICATION

A family who resides in County of Luna and whose income does not exceed the income limit for the size of family as per the attached Section 8 Income Limit for County of Luna. Information contained in our Section 3 Plan reflects the status of the County of Luna employees regarding lower income considerations based on their salary paid by the County of Luna.

Certification

This Federal Requirements Plan hereby incorporates all of the State of New Mexico CDBG requirements to include Citizen Participation, Fair Housing, Residential Anti-Displacement & Relocation as well as Section 3. The Luna County herewith certifies to follow the CDBG Federal Requirements Plan described above and adopt the plan by resolution once throughout the term of the CDBG grant agreement.

PASSED AND ADOPTED BY THE Board of County Commissioners of the County
of Luna on this 12th day of January 2023.

ATTEST:

APPROVED AS TO FOR:

County Clerk

County Attorney

Plan Adoption Date: _____

Adoption Instrument: _____

Certified By: _____

Date

Commission Chair

Copy to Local Government Division with attachments

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 January 2023, the following proceedings were had and entered of record.

RESOLUTION #23-07

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 THAT: that the Luna County Treasurer, Kristie Hobbs, 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 75% 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 12th day of January 2023.

LUNA COUNTY BOARD OF COMMISSIONERS

ATTEST:

Ray J. Trejo,
Commissioner, District 1

Berenda McWright,
County Clerk

Colette M. Chandler,
Commissioner, District 2

John S. Sweetser,
Commissioner, District 3

Be it remembered that at a regular meeting of the Luna County Board of County Commissioners in Deming New Mexico, on the 12th day of January 2023, the following proceedings were had and entered of record.

RESOLUTION #23-08

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 12th day of January 2023.

Luna County Board of Commissioners

ATTEST:

**Ray J. Trejo, Commissioner,
District 1**

Berenda McWright, County Clerk

**Colette M. Chandler, Commissioner,
District 2**

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

STATE OF NEW MEXICO

County of Luna

Ray J. Trejo
Commissioner, District 1

Colette M. Chandler
Commissioner, District 2



John S. Sweetser
Commissioner, District 3

Chris A. Brice
County Manager

Planning & Zoning
700 S. Silver Ave.

PO DRAWER 551 DEMING NEW MEXICO 88031-0551
(575) 543-6620 FAX (575) 544-3455

Date: January 12, 2023

RE: Special Use Permit for Industrial Solar

Applicant: Solar PV Development NM 18 I LLC

Agent Name: John Clifford

Site Location (legal description): A tract of land in the SWQ of section 22, Township 25 South, Range 9 West

Project Name and Description: South Peak Industrial Solar; 75 MW Project

Dear: Mr. Clifford,

The Luna County Planning Department has approved a Special Use Permit for **Solar PV Development NM 18 I LLC** pertaining to the above referenced project. This permit is valid contingent upon your company complying with all other state and federal regulations.

The assigned address for the location of the project is **535 Camino Doce SE**

-Property will be unaddressed if project does not get completed-

Solar PV Development NM 18 I LLC is authorized to obtain any other required permits as needed and begin construction. The building permit can be obtained from Construction Industries Division at 505 S. Main St., Suite 150 Las Cruces, NM 88004; telephone number 575-524-6320 Extension 101. Please let me know if you have any questions. We appreciate your cooperation with the process.

STATE OF NEW MEXICO
County of Luna

Done at Deming, New Mexico this 12th day of January 2023.

LUNA COUNTY BOARD OF COMMISSIONERS

ATTEST:

Ray J. Trejo,
Commissioner, District 1

Berenda McWright, County Clerk

Colette M. Chandler,
Commissioner, District 2

John S. Sweetser, Chairperson
Commissioner, District 3



Solar Project Application

Project Name and Description: South Peak Solar is a proposed 75 MW solar energy facility paired with a 150 MWh battery located on private land in South Deming and interconnecting to a 115 kV PNM substation (Hondale) to the north of the project.

Applicant Solar PV Development NM 18 I LLC

Applicant's Agent or Representative John Clifford

Mailing Address 200 Portland St. Boston, MA 02114

Phone/E-mail (617)-681-4786

Connected/Involved Parties (Investors/Developers/Purchasers/Owner) Galehead Resource Development LLC, Chaparral 3 LLC, Lacuna Sustainable Investments

Location of Facility (include site plan/map) 11985 COLUMBUS RD SE Deming South, NM, 88030

Property Owner Koenig, James E

Point of Delivery Hondale 115 KV Substation

Transmission Route In progress - application submitted to use County ROW

Interconnecting Utility: PNM

Interconnection Agreement? Y/N - **In progress**

Type of Facility: **Photovoltaic**/Wind/Geothermal/Other Solar/Hydro/Biomass/Diesel/

Natural Gas/Coal/Nuclear/Fuel Oil/Other **Battery**

Prime Mover: Fuel Cell/Reciprocating Engine/Microturbine/Gas Turbine/Steam Turbine/

PV/Other _____

System Owner (current and anticipated) Solar PV Development NM 18 I LLC

Size of Facility: Gen Facility Rating (kW) 97,500 (KW)

Gen Facility Nameplate Rating (AC) (kVa) 75 (KVa) _____

Planned Maximum Export Capacity (MW/MVA or kW/kVa) 75 MW

FERC Docket # (if applicable) N/A

Construction Start Date 1/1/2025 (expected)

Construction Contractor(s) To be determined (TBD)

Contact Person TBD

Operation Start Date 12/31/2025

Engineering/Design Wood Plc is current EPC advisor

Contact Person Erin Cozart

Electrician TBD

Contact Person TBD

Have you initiated a feasibility/capacity study with RTO or Incumbent Utility? Y/N

Will this project be developed in phases? Y/N Timeline: _____

Will you be constructing a substation? Y/N

What is the planned disposition of the RECs generated by the facility? TBD

Have you registered with WREGIS? Y/N (N/A as we will not be final asset owner)

Incorporated/Authorized to do business in NM? Y/N

Have you been involved in similar projects? Y/N

If yes, when and where? Galehead has over 10 GW of renewable energy in the development pipeline. Galehead has been active in NM since 2019, developing over 300 MWdc of solar projects to serve demand in PNM and EPE territories. One of its projects has a Power Purchase Agreement (PPA) with EPE.

Will you be seeking an IRB? Y/N

What assistance/involvement are you seeking from Luna County? We are working with the county to get Right of Way access for to connect the project to the Point of Interconnection

Workforce training/educational opportunities that you can provide for the Community? South Peak Solar has reached out to the Deming, Luna County Economic Development organization and the New Mexico Workforce Connection to facilitate workforce training opportunities and entry level construction jobs.

What local businesses/contractors will you be utilizing? TBD, but we are in discussions with a NM-based EPC firm for another project we have in Dona Ana County.

Community Partnerships No formal partnerships, but have reached out to Deming, Luna County Economic Development organization and the New Mexico Workforce Connection

Application Fee:

\$500.00 for <5mW

\$1,000.00 for >5mW to <100mW

\$2,000.00 for >100mW, plus actual costs

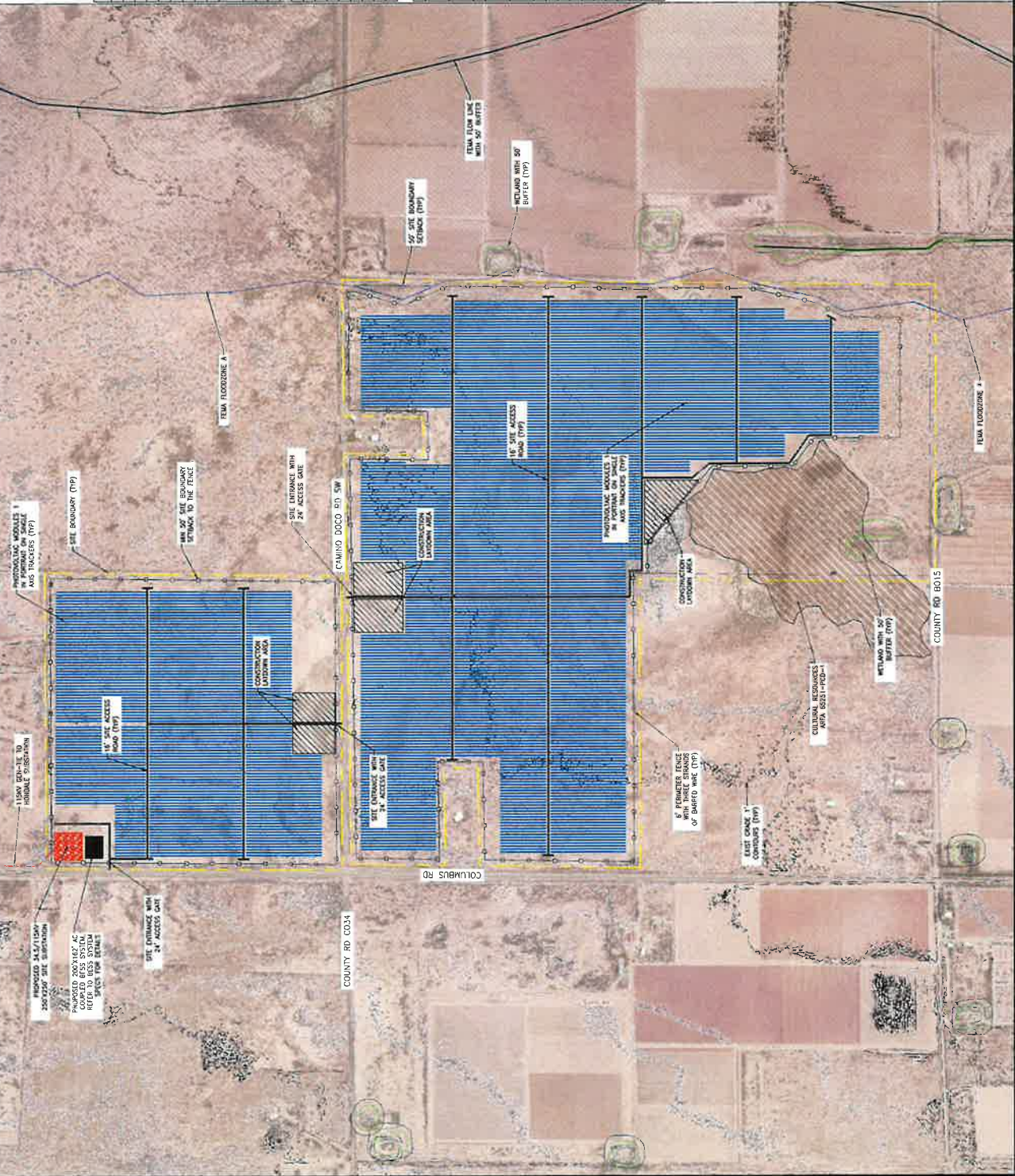
Additional Fees to be included:

Decommissioning Bond: \$50,000.00

Address Application Fee: \$25.00

Floodplain Review Fee: \$15.00

Floodplain Permit Fee: \$35.00



Luna County, Board of County Commissioners

**Supplemental Narrative for Solar PV Development NM 18 I LLC (“South
Peak”) Permitting Application**

Luna County, New Mexico

Project Overview

Galehead Development (“Galehead”), together with Lacuna Sustainable Investments (“Lacuna” and collectively, is pleased to apply to Luna County for a Conditional Use Permit for Solar PV



Development NM 18 I, LLC (referred to hereafter as “South Peak” or the “Project”).

South Peak is a 75 MWac solar generation and 37.5 MW/150 MWh storage development project located in Luna County, New Mexico. The Project is in the Facilities Study stage process of Public Service Company of New Mexico’s (“PNM”) interconnection queue. Following this phase, the Project is expected to execute a Large Generator Interconnection Agreement (“SGIA”) with Network Resource Interconnection Service (“NRIS”) with PNM, which is currently anticipated for Q1 2023. It holds PNM queue number IA-PNM-2019-01 and is the first project listed in PNM’s interconnection queue on OASIS. In order to connect to Hondale Substation, the Project is forecasted to pay to PNM \$7.7 million to upgrade the substation. The upgrade will enable future projects owned by other developers to also connect to the substation.

The Project is expected to begin construction in December 2024 and to complete construction and connect to PNM’s Hondale Substation by December 2025.

Item	Description
Project Name	South Peak
Project SPV	Solar PV Development NM 18 I LLC
Location	Luna County, New Mexico
Generation Type	Solar PV (single axis tracking) with AC-coupled battery energy storage (“BESS”)
PV System Capacity	75 MWac 97.5 MWdc
BESS System Capacity	37.5 MW 150 MWh
Capacity Injection Rights	75 MW
Interconnecting Utility	Public Service Company of New Mexico (PNM)
Interconnection Status	In Facilities Study stage (first project in PNM’s entire

	interconnection queue)
Point of Interconnection	Hondale Substation
Legal Description	Parcel 1: 3050148395403 Parcel 2: 3050149262270
UPC	Parcel 1: SW Qtr, Sec 23, Township 25 South, Range 9 West Parcel 2: East Half and Northwest Quarter of Sec 26, Township 25 South, Range 9 West, less 6 acres sold to Leo and Mary Koenig and less 5 acres sold containing residence, barn, coral, and buildings to John Stewart
Land Status	The applicant has executed two commercially viable Option to Lease Agreements for 100% of the Project site.
Mineral Rights	The landowner controls the mineral rights as well as surface rights on the parcels where the Project will be built.
Anticipated Project Completion	December 2025

Sponsor Information

Galehead Development

Galehead Development was founded in 2016 and consists of a 40 person team based in Boston, MA. Galehead identifies and develops greenfield land sites optimal for renewable energy generation facilities. LandCommand is Galehead's proprietary GIS prospecting analytics software and has delivered over 18+ GW of active wind, solar, and storage pipeline across 25 states. Our founders have over 40 years of experience in the power industry and Fortune 500 management.

Galehead Development currently manages approximately 13 GW of development assets for our Joint Development Partners and Pipeline. About 1 GW of renewable capacity originated by Galehead will commence construction in 2022-2023. Galehead has nearly 5.5 GW of diversified (solar/wind/storage) pre-NTP development asset sales to Downstream Partners. Galehead recently completed a platform investment by Macquarie's Green Investment Group (Macquarie's GIG).

Lacuna Sustainable Investments

Lacuna Sustainable Investments was founded in 2019 to address the lack of investment in early stage, pre-construction renewable energy infrastructure. Lacuna provides flexible and patient capital to people, projects, and portfolios in the renewable energy space, with a particular focus on solar and storage across the US. Now in its second fund, the firm seeks situations where its

capital can fulfill a need and expertise provides tangible value on the journey to the “right” long-term capital, investor, or owner.

Lacuna has particular expertise addressing the strategic, capital, and operational issues its partners face on a day-to-day basis – earned through the team’s collective range of experiences as entrepreneurs, advisors and operators at self-funded start-ups and work with industry leading developers, independent power producers, and top legal, accounting and private equity firms.

Collectively, the Lacuna team has over 50 years experience developing, investing in, and financing renewable energy projects across the country. Lacuna currently has \$150MM of dedicated capital under management and has demonstrated the ability to access broader capital markets for its partners and projects.

Project Layout

The Project commissioned Wood Plc, an internationally renowned engineering consultancy, to develop a site layout for the project. As shown in figure [#] below, the Project crosses two parcels, both of which are owned by Mr. James Koenig, a long-time resident of Luna County. The northern parcel will contain solar panels as well as house the project substation and the battery energy storage facility. The layout is designed to avoid wetlands, flood zones, and areas identified on which potential cultural artifacts reside in order to have minimal impact on the land and its surroundings.

Figure 1 - Site Layout

		<ul style="list-style-type: none"> ● Immediate vicinity of the project may support critical habitat for listed species. Field Survey recommended. ● <i>See below for more details on wetlands and cultural desktop analysis and field surveys</i>
Biological Field Survey	<p>A field survey evaluating the potential effects of the proposed project on federally threatened or endangered species listed under the Endangered Species Act of 1973, state threatened or endangered species listed under New Mexico Wildlife Conservation Act and the state's endangered plant species regulations. The survey also provides a description of general site characteristics, vegetation, wildlife, and aquatic resources in the Project area.</p>	<ul style="list-style-type: none"> ● Non-hydric soils ● Project area and surrounding landscape has been previously disturbed by cattle grazing, litter dumping, and lightly-used two-track roads ● Suitable nesting habitat for migratory birds is present. ● One potentially active passerine nest and nine inactive nests identified. No raptor nests. ● Peregrine falcon flying above at the time of field survey, but expected to migratory as no critical habitat for the species is within the project area. ● No bald or golden eagles were observed during the survey and the area does not support suitable habitat for these species. ● <i>No listed species identified in the area during the field survey</i>, except for a single peregrine falcon above, which was likely migratory. ● Recommendation: No mitigations specific to listed wildlife species are necessary.
Wetlands Field Survey (subset of biological survey)	<p>A field survey evaluating the presence of wetlands on site.</p>	<ul style="list-style-type: none"> ● No mapped streams and state wetlands unlikely given terrain and the NHD and NWI datasets (desktop) ● One potential wetland mapped within the project area during field survey. ● The wetland is a "stock pond" with no hydric soils. ● Pond not located within the project footprint (within setback area). ● <i>No potentially jurisdictional</i>

		<p><i>waterfeatures</i></p> <ul style="list-style-type: none"> ● Recommendation: no Nationwide Permit or USACE coordination necessary.
Cultural Field Survey	<p>A field survey to find, identify, and record any cultural resources that might be affected within the area and to provide National Register of Historic Places (“NHRP”) eligibility recommendations for those resources and to inform cultural resource impact avoidance and minimize effects.</p>	<ul style="list-style-type: none"> ● ARMS database search indicated no previous surveys had been conducted within the Project Area. ● No cultural or historic sites were known to occur on the property nor any SRCP- or NRHP-listed cultural properties (desktop). ● Field surveys indicated <i>three cultural properties on a segment of the site</i>. ● Two of the three are within the project’s setback area and all three will be avoided per the current site layout ● Recommendation to avoid these areas, but not subject to special permitting under New Mexico state and Federal law because they are situated on private land.
Phase 1 ESA	<p>A desktop and field survey evaluating the potential presence of Recognized Environmental Conditions (“RECs”) on the site, where an REC is the presence or likely presence of hazardous substances or petroleum products due to a release to the environment.</p>	<ul style="list-style-type: none"> ● No RECs, <i>controlled RECs</i>, or significant data gaps in connection with the subject property.

Below is a map for showing the resource boundary for the identified cultural resources from the cultural studies field survey. As shown on the site layout, the Project expects to avoid this area in its entirety.

Figure 2 - Cultural Resource Area



Permitting

Following approval of the Conditional Use Permit (“CUP”), the Project will pursue permits with other authorities prior to beginning construction. While the CUP is considered discretionary, the other permits are considered ministerial, which means that they would be automatically granted as long as the permit-specific criteria are met.

Below is a matrix of permits the Project will require prior to construction.

Scope	Authority	Permit, License, or Consultation	Anticipated Date of Completion
State	NM Department of Environmental Protection (NMED) – Surface Water Quality Bureau (SWQB)	National Pollutant Discharge Elimination System (NPDES) Stormwater General Permit for Construction	December 2023
	NM Department of Transportation (NMDOT)	Oversize and/or Overweight Permit Application	December 2024
		Commercial Driveway Permit	December 2024
	NM Regulation & Licenses Department	General Construction Building Permit	December 2024
		Electrical Permit	December 2024

Technical Review

In addition to the environmental and cultural studies completed, several technical field surveys were completed. These include a preliminary geotechnical survey, American Land Title Association (“ALTA”), and a topographical survey for the site. The geotechnical and topographical field surveys inform site design aspects for the Project and to enable the appropriate equipment to be matched to the site. The ALTA survey confirms the boundaries of the property and how they relate to the Title for the property. While these studies do not inform permitting considerations, it demonstrates the commitment of the sponsor to the Project.

Economic Development Benefits

Mesilla Valley Economic Development Authority (MVEDA) completed an economic analysis to estimate the development benefits of a 75 MW project in which the economic conditions would be similar to what is found in Luna County. On a pre-Industrial Revenue Bond (IRB) basis given current estimated construction and equipment costs, the Project would bring approximately \$1.15 million in incremental annual property tax revenue to the County. This is based on a total estimated construction cost and capital investment in the County of approximately \$145 million. However, in the effort of transparency, the Project would seek an IRB with the County prior to construction start. MVEDA estimated \$41.5 million of total value of the economic impact of the project and \$50 million of construction impact.

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 January 2023, the following proceedings were had and entered of record.

RESOLUTION NO. 23-17

CALL TO REVISE ORDINANCE 76

WHEREAS, pursuant to Section 4-37-1, NMSA 1978, grants Counties, through the Board of County Commissioners the power to make, publish and repeal ordinances;

WHEREAS, Section 4-37-7, NMSA 1978, Ordinances governs the proposal of ordinances.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners hereby give notice of its intent to consider the 2nd Revision to Ordinance 76; Tax Obligations for Land Transfers, Division and/or Recombinations, at the Regular Meeting on February 9, 2023, at 10:00 a.m. or as soon thereafter as the matter may be heard in the Luna County Courthouse, 700 S. Silver Ave., Deming, New Mexico.

BE IT FURTHER RESOLVED that the Luna County Manager is authorized to take all necessary action necessary to properly place the issue of the adoption of the 2nd Revision to Ordinance 76 before the Board of County Commissioners, including but not limited to, the publication of title and a general summary of the proposed adoptions and making a copy of the proposed available to interested persons beginning with the date of publication, but no later than two weeks prior to the February 9, 2023 Regular Meeting.

Done at Deming, New Mexico this 12th day of January 2023.

LUNA COUNTY BOARD OF COMMISSIONERS

ATTEST:

Ray J. Trejo,
Commissioner, District 1

Berenda McWright, County Clerk

Colette M. Chandler,
Commissioner, District 2

John S. Sweetser, Chairperson
Commissioner, District 3

**LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS**

**RESOLUTION NO. 23-11
Proposed Inter/Intra Fund Budget Increases**

WHEREAS, the Board of County Commissioners of Luna County 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 Board of County Commissioners of Luna County hereby adopts the changes to the County's Fiscal Year 111, July 1, 2022 through June 30, 2023 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 12th DAY OF JANUARY, 2023.

BOARD OF COUNTY
COMMISSIONERS OF LUNA
COUNTY

Ray J. Trejo, District One

Colette M. Chandler, District Two

ATTEST:

John S. Sweetser, District Three

Berenda L. McWright, Luna County Clerk

Be it remembered that at a Regular meeting of the Board of County Commissioners of Luna County in Deming NM on the 12th day of January, 2023, the following budget adjustments are proposed and entered of record.

SCHEDULE OF BUDGET ADJUSTMENTS				Budget Resolution Number 23-11 Proposed Inter/Intra FUND Budget Increase/Decrease					Entity Code DFA Resolution Number	
ITEM NO	Adjustment Type	Fund/ DFA Fund	Dept.	From	Amount	To	Amount	Purpose	Approved Budget Balance	Adjusted Budget Balance
One	Increase	401/11000	Genera Fund - Sheriff's Department	401/11000	\$ 54,739.00	401-08-2002 Salaries - Full-Time	\$ 37,525.00	To pay for Undersheriff position through remainder of fiscal year. Previous administration did not have this position.	\$ 1,711,292.27	\$ 1,748,817.27
						401-08-2060 Match - Medicare 1.45%	\$ 545.00	To pay for Undersheriff position through remainder of fiscal year. Previous administration did not have this position.	\$ 29,482.21	\$ 30,027.21
						401-08-2063 Match - PERA 22.975%	\$ 8,622.00	To pay for Undersheriff position through remainder of fiscal year. Previous administration did not have this position.	\$ 422,686.72	\$ 431,308.72
						401-08-2065 Match - Group Insurance	\$ 7,093.00	To pay for Undersheriff position through remainder of fiscal year. Previous administration did not have this position.	\$ 320,977.68	\$ 328,070.68
						401-08-2070 Match - RHCA 2.5%	\$ 954.00	To pay for Undersheriff position through remainder of fiscal year. Previous administration did not have this position.	\$ 45,507.48	\$ 46,461.48
Two	Increase	401/11000	General Fund	401/11000	\$ 10,000.00	401-14-2194 Wireless Communications	\$ 10,000.00	To pay for review of new wireless applications through remainder of fiscal year.	\$ 237,000.00	\$ 247,000.00
Three	Increase	408/22300	DWI - Grant	408/22300	\$ (34,231.00)	408-77-1312 DWI - Grant	\$ (34,231.00)	DWI Distribution was awarded as grants to pay for DWI enforcement activities through remainder of fiscal year.	\$ (74,577.00)	\$ (108,808.00)
					\$ 34,231.00	408-00-2020 Supplies	\$ 15,181.00	DWI Distribution was awarded as grants to pay for DWI enforcement activities through remainder of fiscal year.	\$ 12,919.96	\$ 28,100.96
						408-00-2101 Professional/Contract Services	\$ 19,050.00	DWI Distribution was awarded as grants to pay for DWI enforcement activities through remainder of fiscal year.	\$ 15,000.00	\$ 34,050.00
Four	Increase	411/21800	Community Improvements & Maintenance	411/21800	\$ (250,000.00)	411-77-1552 (NEW-REVENUE) 2023 CAP - Road Equip	\$ (250,000.00)	2023 Capital Appropriation Project to purchase and equip heave road machinery.	\$ -	\$ (250,000.00)
					\$ 250,000.00	411-00-2552 (NEW) 2023 CAP - Road Equip	\$ 250,000.00	2023 Capital Appropriation Project to purchase and equip heave road machinery.	\$ (152,920.00)	\$ 97,080.00

ITEM NO	Adjustment Type	Fund/ DFA Fund	Dept.	From	Amount	To	Amount	Purpose	Approved Budget Balance	Adjusted Budget Balance
Five	Increase	411/21800	Community Improvements & Maintenance	411/21800	\$ (247,500.00)	411-77-1553 (NEW-REVENUE) 2023 CAP - DA's Office	\$ (247,500.00)	2023 Capital Appropriation Project to plan, design, construct, furnish and equip a DA's Office.	\$ -	\$ (247,500.00)
					\$ 247,500.00	411-00-2553 (NEW) 2023 CAP - DA's Office	\$ 247,500.00	2023 Capital Appropriation Project to plan, design, construct, furnish and equip a DA's Office.	\$ -	\$ 247,500.00
Six	Increase	411/21800	Community Improvements & Maintenance	411/21800	\$ (250,000.00)	411-77-1554 (NEW-REVENUE) 2023 CAP - Fiber-Optic Equip	\$ (250,000.00)	2023 Capital Appropriation Project to plan, design, construct, upgrade, equip and furnish fiber-optic equipment, networks and infrastructure.	\$ -	\$ (250,000.00)
					\$ 250,000.00	411-00-2554 (NEW) 2023 CAP - Fiber-Optic Equip	\$ 250,000.00	2023 Capital Appropriation Project to plan, design, construct, upgrade, equip and furnish fiber-optic equipment, networks and infrastructure.	\$ -	\$ 250,000.00
Seven	Increase	411/21800	Community Improvements & Maintenance	411/21800	\$ (2,066,130.00)	411-77-1555 (NEW-REVENUE) 2023 CAP - Emer Oper Ctr	\$ (2,066,130.00)	2023 Capital Appropriation Project to plan, design, construct, improve, renovate, equip and furnish the county emergency operations center.	\$ -	\$ (2,066,130.00)
					\$ 2,066,130.00	411-00-2555 (NEW) 2023 CAP - Emer Oper Ctr	\$ 2,066,130.00	2023 Capital Appropriation Project to plan, design, construct, improve, renovate, equip and furnish the county emergency operations center.	\$ -	\$ 2,066,130.00
Eight	Increase	413/29900	Votec Center (MVLC)	413/29900	\$ 40,000.00	413-00-2110 Funding - Senior Citizens Center	\$ 40,000.00	To pay for additional funding as approved by the LCBCC at meeting December 19, 2022.	\$ 140,000.00	\$ 180,000.00
Nine	Increase	421/21800	Domestic Violence Shelter	421/21800	\$ 20,000.00	421-00-2200 Funding Appropriations	\$ 20,000.00	To pay for counseling services for Luna County residents as approved by the LCBCC at meeting December 19, 2022.	\$ 36,000.00	\$ 56,000.00
Ten	Decrease	412/21800	Keep Luna County Beautiful	412/21800	\$ 216,264.00	412-77-1185 (Revenue) Recycling & Illegal Dumping Grant	\$ 216,264.00	To close out 2021 RAID Grant.	\$ (263,452.00)	\$ (47,188.00)
					\$ (263,127.00)	Recycling & Illegal Dumping Grant	\$ (263,127.00)	To close out 2021 RAID Grant.	\$ 263,452.00	\$ 325.00
					\$ 77,876.00		\$ 77,876.00		\$ 2,743,369.32	\$ 2,821,245.32

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

Done at Deming New Mexico this **Thursday the 12th day of January, 2023.**

BOARD OF COUNTY COMMISSIONERS OF LUNA COUNTY



Ray J. Trejo, District 1

Colette M. Chandler, District 2

John S. Sweetser, District 3

Berenda L. McWright, Luna County Clerk

Entered By:

Date

Checked By:

Date

**LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS**

**RESOLUTION NO. 23-12
Proposed Inter Department/Fund Transfers**

WHEREAS, the Board of County Commissioners of Luna County 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 Board of County Commissioners of Luna County hereby adopts the changes to the County's Fiscal Year 111, July 1, 2022 through June 30, 2023 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 12th DAY OF JANUARY, 2023.

BOARD OF COUNTY
COMMISSIONERS OF LUNA
COUNTY

Ray J. Trejo, District One

Colette M. Chandler, District Two

ATTEST:

John S. Sweetser, District Three

Berenda L. McWright, Luna County Clerk

Be it remembered that at a Regular meeting of the Board of County Commissioners of Luna County in Deming NM on the 12th day of January, 2023 the following budget adjustments are proposed and entered of record.

Budget Resolution Number 23-12

Proposed Inter Department Transfer

ITEM NO	Adjustment Type	Fund/ DFA Fund	Dept.	From	FROM Current Balance	Transfer amount	TO Line Number	Transfer Amount	Purpose
One	Transfer	401/11000	General Fund - Maintenance Department	401-03-2022 Building Repairs	\$17,482.34	\$6,000.00	401-03-2116 Department Uniforms	\$6,000.00	To pay for uniforms for new employees through remainder of fiscal year.
Two	Transfer	401/11000	General Fund - Emergency Management	401-41-2084 Safety/Equip/ Supplies/Training	\$5,450.00	\$110.00	401-41-2069 Membership Dues/ Subscriptions	\$110.00	Annual Dues for NM Emergency Management Association for Phillip Rodriguez.
Three	Transfer	411/21800	Community Improvements & Maintenance - Emergency Mgmt Grants	411-41-2443 Emergency Mgmt - Grants	\$38,176.00	\$30,000.00	411-41-2546 (NEW) USDA-DOH Isolation/Quarantine Grant	\$30,000.00	To allow for spending and tracking of USDA-DOH Isolation/Quarantine Grant funds received last fiscal year.
Four	Transfer	415/21800	Community Services - Parents As Teachers	415-52-2065 Match - Group Insurance	\$61,836.82	\$12,000.00	415-52-2005 Salaries - Overtime	\$4,000.00	To allow for spending through remainder of fiscal year.
							415-52-2008 Printing and Publishing	\$5,000.00	To allow for spending through remainder of fiscal year.
							415-52-2101 Professional/ Contract Services	\$3,000.00	To allow for spending through remainder of fiscal year.
Five	Transfer	609/22600	Adult Detention	609-21-2028 Capital Outlay	\$178,248.08	\$4,500.00	609-21-2012 Equip/Supplies/ Mtn/Repairs	\$4,500.00	To pay for metal detector for front of jail.
Six	Transfer	801/59900	Entertainment Complex	801-80-2029 Capital Improvements	\$342,671.23	\$100,000.00	801-80-2012 Equip/Supplies/ Mtn/Repairs	\$100,000.00	To pay for general equipment, supplies and maintenance through remainder of the fiscal year.
					\$643,864.47	\$152,610.00		\$152,610.00	

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

Done at Deming New Mexico this **Thursday the 12th day of January, 2023.**

BOARD OF COUNTY COMMISSIONERS OF LUNA COUNTY



Ray J. Trejo, District 1

Colette M. Chandler, District 2

John S. Sweetser, District 3

ATTEST:

Berenda L. McWright, Luna County Clerk

Entered By:

Date

Checked By:

Date

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 January, 2023, the following proceedings were had and entered of record.

LUNA COUNTY

RESOLUTION 23-13

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 January, 2023.

BOARD OF COUNTY COMMISSIONERS OF LUNA COUNTY

ATTEST:

Ray J. Trejo
Commissioner, District 1

Berenda McWright, County Clerk

Colette M. Chandler
Commissioner, District 2

John S. Sweetser
Commissioner, District 3

STATE OF NEW MEXICO

County of Luna

Barbara L. Reedy
Commissioner, District 1



Chris Brice
County Manager

Linda M. Smrkovsky
Commissioner, District 2

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

Date: 01/04/2023

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

Subj: Disposal of Assets

Inventory #	Year	Make	Model	VIN	Mileage
981224	2006	Ford	van	ID4GP25B76B750625	UNK
Explanation for Disposal	Vehicle is in extremely poor condition, not drivable				
Inventory #	Year	Make	Model	VIN	Mileage
981208	2006	Ford	Fusion	1FAFP34N86W178568	UNK
Explanation for Disposal	Vehicle is in extremely poor condition, not drivable				
Inventory #	Year	Make	Model	VIN	Mileage
Explanation for Disposal					

Yossie Nieblas

Yossie Nieblas

Be it remembered that at the Regular Meeting of the Board of County Commissioners of Luna County in Deming New Mexico, on the 12th day of January 2023, the following proceedings were had and entered of record.

RESOLUTION NO. 23-14

AUTHORIZING THE PURCHASE OF PROPERTY

WHEREAS, Luna County, by and through the Board of County Commissioners, intends to purchase property necessary for the Columbus Berm Project, as indicated on the attached map; and

WHEREAS, said parcels have been appraised at fair market value.

NOW, THEREFORE, BE IT ORDERED BY THE BOARD OF COMMISSIONERS OF LUNA COUNTY, NEW MEXICO that the County Manager, or his designee, is authorized to purchase the property in compliance with applicable New Mexico law and Luna County Ordinances, and to take all necessary action to accomplish the acquisition of said parcels.

Done at Deming, New Mexico this 12th day of January 2023.

LUNA COUNTY BOARD OF COMMISSIONERS

ATTEST:

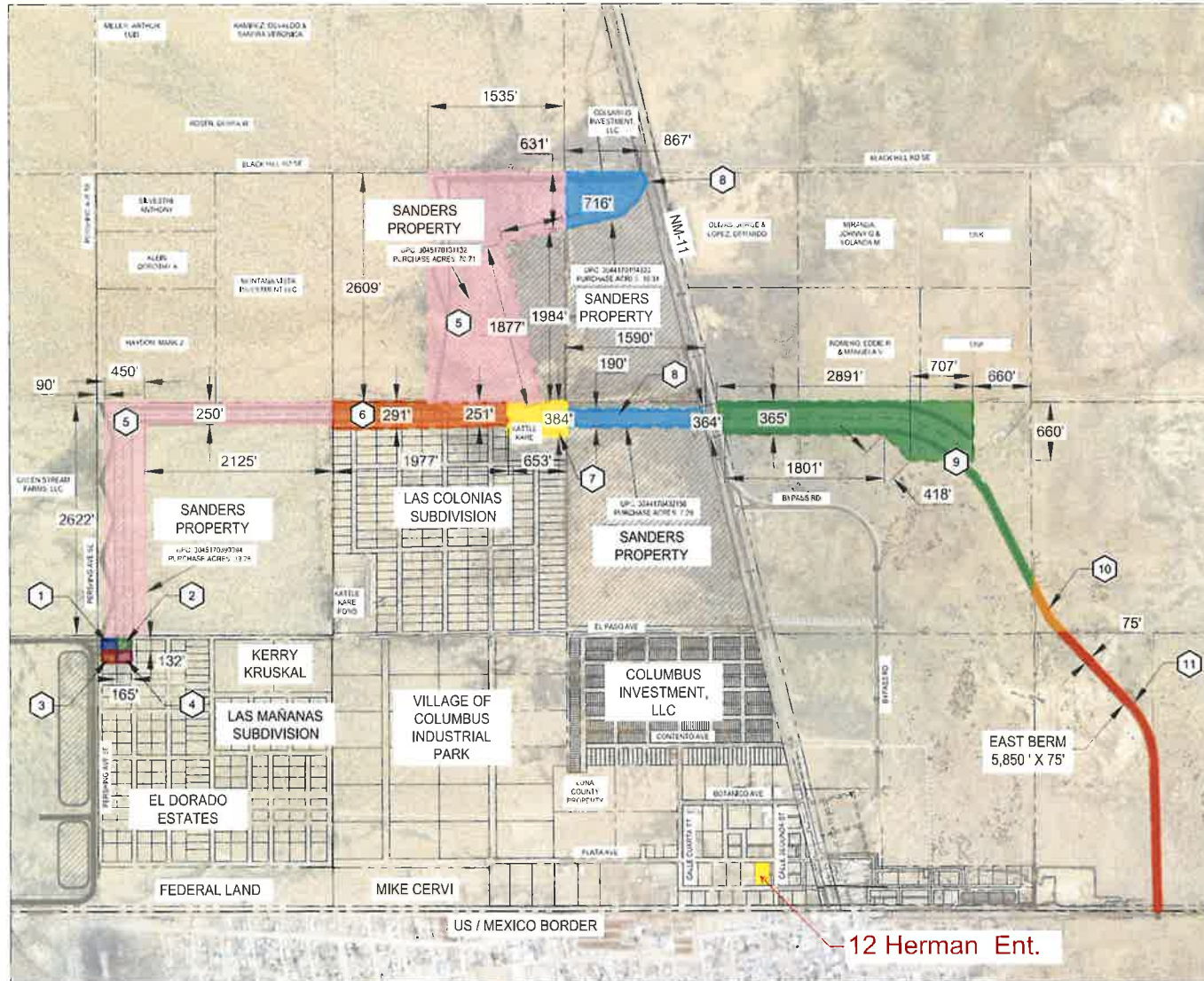
Ray J. Trejo,
Commissioner, District 1

Berenda McWright, County Clerk

Colette M. Chandler,
Commissioner, District 2

John S. Sweetser, Chairperson
Commissioner, District 3

LPOE - PROPERTY APPRAISAL MAP (5/3/2022)



LEGEND

- 1 APPRAISAL DATE (PENDING)
OWNER VALENTINE FAMILY TRUST
UPC 304517552209
ACRES 0.50 ACRES
INDICATED VALUE (PENDING)
- 2 APPRAISAL DATE (PENDING)
OWNER VALENTINE FAMILY TRUST
UPC 304517450009
ACRES 0.50 ACRES
INDICATED VALUE (PENDING)
- 3 APPRAISAL DATE (PENDING)
OWNER VALENTINE FAMILY TRUST
UPC 3045171512022
AREA 0.50 ACRES
INDICATED VALUE (PENDING)
- 4 APPRAISAL DATE (PENDING)
OWNER FRESBURGER, LILLIAN D
UPC 304517144022
OWNER 0.50 ACRES
INDICATED VALUE (PENDING)
- 5 APPRAISAL DATE 01/16/2022
OWNER SANDERS PROPERTY
UPC 3045170303304; 3045170131132
TOTAL AREA 100.99 ACRES
INDICATED VALUE \$54,950 (\$500 / ACRE)
- 6 APPRAISAL DATE (PENDING)
OWNER LAS COLONIAS SUBDIVISION
UPC 3045170130396
AREA 12.62 ACRES
INDICATED VALUE (PENDING)
- 7 APPRAISAL DATE (PENDING)
OWNER KATLE KARE INC
UPC 3045170032297
AREA 5.73 ACRES
INDICATED VALUE (PENDING)
- 8 APPRAISAL DATE 05/01/2021
OWNER SANDERS PROPERTY
UPC 3044170432156; 3044170194330
TOTAL AREA 17.52 ACRES (REVISED AREA)
INDICATED VALUE \$17,500 (\$1000 / ACRE)
- 9 APPRAISAL DATE (PENDING)
OWNER SANDERS PROPERTY
UPC 3044170164330
AREA 32.42 ACRES
INDICATED VALUE (PENDING)
- 10 APPRAISAL DATE (PENDING)
OWNER SANDERS PROPERTY
UPC 3041170262265
AREA 1.17 ACRES
INDICATED VALUE (PENDING)
- 11 APPRAISAL DATE (PENDING)
OWNER SANDERS PROPERTY
UPC 3043171262155
AREA 1.02 ACRES
INDICATED VALUE (PENDING)

TOTAL PROPOSED PROPERTY ACQUISITION AREA: 187.65 ACRES

- 12 Owner: Herman Enterprises LLC
UPC: 3044171302265
Lot 37
Full Lot Area

NOTE: PARCEL INFORMATION IS BASED ON AVAILABLE ONLINE PROPERTY DATA FROM LUNA COUNTY PARCEL INVENTORY AND IS TO BE USED FOR INFORMATIONAL PURPOSES ONLY.

Be it remembered that at the Regular Meeting of the Board of County Commissioners of Luna County in Deming New Mexico, on the 12th day of January 2023, the following proceedings were had and entered of record.

RESOLUTION 23-16

AUTHORIZING THE PURCHASE OF PROPERTY

WHEREAS, Luna County, by and through the Board of County Commissioners, intends to purchase the property necessary for the Majestic View Pond Project;

- A 10.170-acre tract in the NEQ of Section 16, Township 24S, Range 9W
See Exhibit A

NOW THEREFORE, BE IT ORDERED BY THE BOARD OF COMMISSIONERS OF LUNA COUNTY, NEW MEXICO that the County Manager, or his designee, is authorized to purchase the property in compliance with applicable New Mexico law and Luna County Ordinances, and take all necessary action to accomplish the acquisition of said parcel.

Done at Deming, New Mexico this 12^h day of January 2023

Board of County Commissioners of Luna County

ATTEST:

Ray J. Trejo
Commissioner, District 1

Berenda McWright,
County Clerk

Colette M. Chandler
Commissioner, District 2

John S. Sweetser,
Commissioner, District 3

EXHIBIT "A"

DESCRIPTION FOR TRACT 2-F. A 10.170 acre tract in the Northeast Quarter (NE1) of Section Sixteen (16), Township Twenty-four (24) South, Range Nine (9) West, N.M.P.M., Luna County, New Mexico, being described as follows:

BEGINNING at the NE corner of this tract, from which the northeast corner of said Section 16, bears on an assumed bearing of N.89°44'05"E., 616.50 feet distant;

Thence on a bearing of SOUTH, parallel with the east line of said Section 16, a distance of 1525.00 feet to the SE corner of this tract;

Thence S.89°44'05"W., parallel with the north line of said Section 16, a distance of 290.50 feet to the SW corner of this tract;

Thence on a bearing of NORTH, parallel with said east line of Section 16, a distance of 1525.00 feet to the NW corner of this tract;

Thence N.89°44'05"E., along said north line of Section 16, a distance of 290.50 feet to the point of beginning.

This tract contains 10.170 acres, more or less, and is subject to a 40 foot wide road easement adjoining the north line, a 50 foot wide El Paso Natural gas pipeline easement through the southerly part as described in Miscellaneous Deed Book 5, page 110 and Miscellaneous Deed Book 8, pages 8-10 and is subject to easements and restrictions of record.



Luna County Community and Commercial Energy Project Policy



Community and Commercial Energy Project (Energy Project) Policy

1.0 PURPOSE.	2
2.0 INTENT	2
3.0 CONDITIONAL USE PERMIT PROCESS	3
4.0 SPECIAL USE PERMIT PROCESS	4
5.0 SUBMISSIONS	4
6.0 PLAN OF DEVELOPMENT, PROJECT NARRATIVE AND SITE PLAN CHECKLIST	4
7.0 CONDITIONS PRECEDENT TO PERMIT ISSUANCE	8
8.0 LIABILITY ON TERMINATION OR EXPIRATION	9
9.0 ADMINISTRATION AND ENFORCEMENT	10
10.0 APPEALS	10
11.0 JUDICIAL REVIEW	11
12.0 PENALTIES FOR VIOLATION	11
13.0 CONFLICTING REGULATIONS	11
14.0 SEVERABILITY	11

Community and Commercial Energy Project (Energy Project) Policy

1.0 PURPOSE.

The purpose of this policy is to outline required information for the Application of a Conditional Use or Special Use Permit and the review and approval standards for a Community and Commercial Energy Project (Energy Project). A Development Review Statement and Application are required to start the process and a Plan of Development and Project Narrative are required prior to approval. These criteria are written to:

- 1.1 Assist the Applicant and relevant authorities;
- 1.2 Provide overview of the Energy Project;
- 1.3 Provide information so citizens may gain an understanding of the Energy Project;
- 1.4 Provide a basis for public discussion and informed comment on the Energy Project;
- 1.5 Identify significant environmental, social, cultural, and economic effects related to the Energy Project and provide a background on which decision makers will consider the project.
- 1.6 Provide information in the Development Review Statement, Application, Project Narrative and the Plan of Development that is current at the time of submission. Where information is unavailable, not yet finalized, or will be gathered post-permit, estimates and/or alternative options must be provided and noted as estimates or alternatives.

2.0 INTENT

The Application and Development Review Statement are intended to:

- 2.1 Address major issues associated with the Energy Project; however, they are not all inclusive;
- 2.2 Discover issues not listed that may be deemed significant and issues that may emerge as significant (studies, public input) during the course of review;
- 2.3 Address standards for energy production facilities, not to regulate the production of energy;

- 2.4 Provide a method to claim statutory and regulatory exemptions i.e. Community Solar;
- 2.5 Develop a plain language Plan of Development easily understood by the general public. Any necessary technical data, statistics and supplementary information shall be attached as Exhibits to the Plan of Development. All sources of information are to be referenced and current. Information presented as maps, diagrams or plans are preferred as it is generally easier to understand;
- 2.6 Facilitate required consultation and communications with the Planning Department;
- 2.7 Specify the maps, information, surveys and studies to be included in the Development Review Process. Requirements will be tailored for each specific project based on the totality of circumstances unique to each project;
- 2.8 Produce plans and protocols for remediation, decommissioning, construction; reclamation and disposal; and to address recognized and potential hazards related to the Energy Project;
- 2.9 Guarantee the viability of decommissioning and reclamation through a Development Agreement;
- 2.10 Allow for public input.

3.0 CONDITIONAL USE PERMIT PROCESS

- 3.1 Application and payment of fees.
- 3.2 Development Review Statement.
- 3.3 Development Review Meeting.
- 3.4 Submission of additional information, if necessary.
- 3.5 Project Narrative and Site Plan.
- 3.6 Written Plan of Development by developer.
- 3.7 Notice to adjacent landowners and the public.
- 3.8 Receipt of comments from adjacent landowners and the public.
- 3.9 Developer's response to comments.
- 3.10 Written recommendation from Planning Department.
- 3.11 Supplemental Development Review Meeting, if necessary.

- 3.12 Administrative approval, with conditions or conditions subsequent if any, unless Commission Approval requested by either Planning Department or developer.
- 3.13 Submission of post approval documents, e.g. regulatory approvals/licenses.

4.0 SPECIAL USE PERMIT PROCESS

- 4.1 Application and payment of fees.
- 4.2 Development Review Statement.
- 4.3 Development Review Meeting.
- 4.4 Submission of additional information, if necessary.
- 4.5 Project Narrative and Site Plan.
- 4.6 Written Plan of Development by developer.
- 4.7 Public Hearing Notices.
- 4.8 Receipt of public comments.
- 4.9 Developer's response to public comments.
- 4.10 Written recommendation by Planning Department.
- 4.11 Supplemental Development Review Meeting, if necessary.
- 4.12 Public Hearing before the Board of County Commissioners.
- 4.13 Submission of post approval documents, e.g. regulatory approvals/licenses.

5.0 SUBMISSIONS

- 5.1 Application: Form provided by Planning Department.
- 5.2 Development Review Statement: Form provided by Planning Department.
- 5.3 Site Plan including maps, drawings and technical data.
- 5.4 Project Narrative.
- 5.5 Plan of Development.
- 5.6 Other Discretionary: Approvals, Certificates, Licenses,

6.0 PLAN OF DEVELOPMENT, PROJECT NARRATIVE AND SITE PLAN CHECKLIST

- **Plan of Development BY DEVELOPER**

The Plan of Development shall address risks associated with the Energy Project and other key issues identified in the Development Review Process,

related to the proposed use, including the following potential environmental effects:

- Potential positive and negative effects the Energy Project may have on current or future use of the subject land and the surrounding area.
- Remediation
- Hazard Mitigation
- Visual Impacts
- Navigational Impacts
- Reception Interference
- Noise and Light Pollution
- Impact on Bird Migration including strikes
- Native Vegetation/Weeds
- Endangered Species
- Economic Impact
- Geology and Soil
- Wildlife Habitat
- Water Quality/Surface Water
- Air Quality
- Public Health and Safety
- Infrastructure Impact and Requirements/Roads
- Decommissioning/Reclamation/Removal/Recycling/Disposal
- List of studies or analyses performed, prior and post conditional or special use permit and/or references.

- **Project Narrative** BY DEVELOPER

Introduction: Unless waived, this section shall provide information on the following:

- Name of the Energy Project.
- Maps showing vicinity and project location including existing reservations, restrictions, easements and covenants of record.
- Name, address, and phone number of the developer and similarly for the contact person. An overview of the company from the developer providing relevant information regarding qualifications and experience in energy

development, financial capabilities and environmental management history of the company.

- Relevant background information on the Energy Project, including a general overview of the project location, time frame and project life, phases of development, likely markets for electricity produced and possibilities for future expansion.
- Reasons for the choice of this/these locations.
- Estimated economic impact: describing the impact on the local economy in respect, but not limited to, construction costs,
 - permanent jobs, production value, infrastructure improvements, etc.
- Industry Standards or Codes applicable to construction, maintenance, and operation of the Energy Project e.g. NFPA, OSHA.
- **Site Plan:** Each component may be specifically waived or amended by the Planning Department. The Site Plan should include:
 - Scale and North Point Up;
 - Phases of construction (if applicable);
 - Name, address and phone number of subject property landowner; developer and designated contact person;
 - Boundary of the entire site including delineation of individual landowners, if applicable, and boundary of area affected by Conditional Use or Special Use;
 - Acreage of site and point(s) of access to the Energy Project;
 - Estimated final topography;
 - Adjoining streets with names and location of nearby railroads and airports;
 - Electric lines;
 - Active residential buildings within 300 feet of the subject property boundary;
 - Significant natural and man-made features on the site;
 - Wind characteristics and dominant wind directions (wind projects only);
 - Schematic location of Energy Equipment, electric collector and feeder lines, maintenance roads and other associated facilities;
 - Proposed setbacks of all structures from the boundary lines;
 - Map of County roads that will be used for the Energy Project.

- **Decommissioning Narrative:**
- Applicant shall submit a Decommissioning Narrative and estimated cost describing the manner in which the Energy Project will be dismantled and removed from the site at the end of its useful life. (A Decommissioning Bond of \$50,000/MW will be required to be paid up front) All above ground components of the Energy Project shall be removed. Foundations or piers shall be removed to four feet below ground level and the area removed filled with four feet of soil which is reasonably similar in quality to that of the original excavation. Remainder of the foundation may be left intact. Access roads shall be removed to the owner's satisfaction.
- Description of options available to the County for financial assurance of decommissioning and reclamation. An available option or an alternative option must be approved by Luna County to reasonably restore the site to its pre-project topography and reasonably similar soil quality. The purpose is to assure removal of all improvements subject to the permit at the end of the project's life, or in the event of abandonment of the Energy Project. Agreed upon option must be in place prior to the start of construction.
- Estimate of Useful Life. The Applicant shall provide an estimate of the useful life of the Energy Project. The estimate should include potential events that would stop energy production for over a month. Notification of any interruptions to production should be delivered to the Planning Department prior to planned interruptions and as soon as practicable after unplanned interruptions and include an estimate of the duration of the interruption.
- Prior to permanent abandonment or termination of the Energy Project, a Notification to abandon must be delivered to the Planning Department at least thirty (30) days prior to the permanent cease of production of energy. A project will be deemed abandoned after any one-year period during which energy production ceases, after which decommissioning and reclamation must be completed within eighteen (18) months.
- If the Permittee fails to timely complete decommissioning or reclamation, the property owner or County may complete decommissioning or reclamation at

the expense of the Permittee, enforceable by lien or judgment against the Permittee and revocation of any other permits held by such Permittees.

- Safety Narrative.
Describe the safety and security procedures of the facility and signage that will be used and a written Hazard Mitigation Plan. Also include any recommended or necessary training or services for first responders, adjacent property owners and other impacted parties.
- Roads (General Agreement; however, methodology may be agreed upon after permit is issued)
 - If the Energy Project will result in extraordinary impact or wear and tear on public roadways, a Road Agreement for maintenance and repairs or an impact fee may be required.
 - Road Agreements may include responsibility for maintaining or repairing roads to a condition better than what existed prior to project construction or operation.

7.0 CONDITIONS PRECEDENT TO PERMIT ISSUANCE

- 7.1 Land Clearing and Revegetation in consideration of the flora/fauna of the area
 - 7.1.1 To the extent possible, the Permittee shall minimize the removal of trees and natural vegetation.
 - 7.1.2 To the extent possible, the Permittee shall minimize permanent compaction of the land during all phases of the project's life.
 - 7.1.3 During site clearance and construction, a dust mitigation and sediment control plan is required and may include silt fences and other temporary erosion controls to be installed and left in place until new native vegetation covers the bare ground around the Energy Project or a suitable alternative is agreed upon.
- 7.2 Storm Water is the natural flow of water cannot be altered or discharged onto adjoining property. Retention ponds may be built if needed and in accordance with County/State regulations.

7.3 Addressing

- 7.3.1 Prior to commencement of land clearing or construction activities, the Permittee must have requested and the Planning Department must have assigned an address to the project site.

7.4 Amendments to Permits

- 7.4.1 The discovery of any conditions not previously identified (unforeseen circumstances) that necessitates material and substantive changes to any of the details or specifications of the Energy Project requires the Permittee to request an amendment to the permit from the Planning Department. Such requests will not be unreasonably denied but may require new notices, Plan of Development, Project Narrative or other documentation. The Permittee shall have the right to move or relocate within the boundaries of the permitted site if the unforeseen circumstances prohibit development as originally planned.
- 7.4.2 Permits may not be transferred by the Permittee to any other party or entity without prior approval by the County. The Permittee must request a transfer in writing with a new Application and fee. Transferees must also execute an Assumption of Responsibilities and Obligations originally agreed to by the Permittee requiring the Transferee to meet the same conditions as the Permittee including financial obligations for decommissioning and reclamation.

8.0 LIABILITY ON TERMINATION OR EXPIRATION

- 8.1 In the event of termination or abandonment of a project, the Permit shall remain liable to the County for any expenses incurred by the County until completion of decommissioning and abatement.
- 8.2 In addition to application fees, the Applicant shall be responsible for other reasonable costs incurred by the County, including but not limited to publication costs.
- 8.3 In addition to any penalties, the Permittee shall be responsible for costs of enforcement incurred as a result of any breach of the terms of the Permit, including reasonable attorney's fees.

- 8.4 In addition to penalties and enforcement costs, the County shall retain the right to seek other legal remedies, including injunctive relief.

9.0 ADMINISTRATION AND ENFORCEMENT

It shall be the duty of the Planning Department to administer and enforce the requirements prescribed in this policy. When provided, submissions shall be on the forms made available in the Planning Department, such as Applications and Development Review Statements. Applications shall be addressed in a timely manner by the Planning Department.

10.0 APPEALS

- 10.1 Any Applicant or property owner adjacent to a proposed project adversely affected by any decision of the Planning Department made pursuant to this Policy may appeal in writing to the Board of County Commissioners of Luna County.
- 10.2 The Notice of Appeal must be submitted to the County Manager's office within ten (10) working days of the date the decision is posted on the Luna County website.
- 10.3 The Notice of Appeal must include:
- 10.3.1 The decision from which the appeal is taken;
 - 10.3.2 The specific provisions in the decision which are objectionable;
 - 10.3.3 The legal grounds or basis of each objection and any supporting documentation;
 - 10.3.4 The specific relief requested; and
 - 10.3.5 The name, address and contact information of the Appellant.
- 10.3.6 The Board of County Commissioners shall fix a reasonable time for hearing appeals, not to exceed thirty (30) days of receipt of the appeal and give notice to the public and parties not less than fourteen (14) days prior to the hearing.
- 10.3.7 The Board of County Commissioners shall have the sole discretion at appeal to uphold, reverse or modify the Planning Department decision.

11.0 JUDICIAL REVIEW

Any party aggrieved by the decision of the Board of County Commissioners shall have the right to appeal as afforded by New Mexico law.

12.0 PENALTIES FOR VIOLATION

Penalties shall be pursuant to Section 4-37-3, NMSA 1978.

13.0 CONFLICTING REGULATIONS

Where there exists a conflict between this policy and any other regulations applicable to the same area, whether the conflict is with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

14.0 SEVERABILITY

If any section; clause; provision; or portion of this policy is adjudged unconstitutional or invalid by a court of appropriate jurisdiction, the remainder of this policy shall not be affected thereby.

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 January 2023, the following proceedings were had and entered of record.

PROCLAMATION 23-01

SUPPORTING ALL ECONOMIC DEVELOPMENT IN LUNA COUNTY

WHEREAS, Luna County has long suffered from exceptionally high unemployment rates, often the highest in the state;

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 Southline Transmission Project is a proposed 280-mile transmission line, with 56 miles located in Luna County, that will improve electric grid reliability and increase New Mexico's ability to export its wind and solar resources; and

WHEREAS, the project has secured all major regulatory approvals and is now seeking funding support from the Department of Energy in order to commercialize the project and start construction in 2024; 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 associated directly with the construction of the project, as well as through the development of renewable energy projects that will be enabled by the new transmission capacity.

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 Southline Transmission Project and encourages the Department of Energy to support the Southline Transmission Project to ensure it can commence construction and operations.

Done at Deming, New Mexico this 12th day of January, 2023

Luna County Board of County Commissioners

ATTEST:

**Ray J. Trejo,
Commissioner, District 1**

Berenda McWright, County Clerk

**Colette M. Chandler,
Commissioner, District 2**

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

Be it remembered that at the Regular Meeting of the Board of County Commissioners of Luna County in Deming New Mexico, on the 12th day of January 2023, the following proceedings were had and entered of record.

PROCLAMATION 23-02

**A PROCLAMATION OF SUPPORT BY LUNA COUNTY
WITH DEMING SOLAR, LLC TO COLLABORATE IN A
COMMUNITY BENEFIT PARTNERSHIP PROGRAM**

WHEREAS, Deming Solar, LLC (“Deming Solar”) intends to develop a community solar project to be located at 11315 Hermanas Grande SW Deming, NM within the County (the “Project”); and

WHEREAS, the County of Luna (the County) approved a Conditional Use Permit for the Project on September 30, 2022; and

WHEREAS, Deming Solar intends to submit a Request for Proposal as part of the New Mexico Community Solar Program;

WHEREAS, the County and Deming Solar desire to collaborate to ensure that the local community receives benefits from the Project; and

WHEREAS, Deming Solar has agreed to undertake certain obligations and make certain donations set forth below for the benefit of the County;

**NOW, THEREFORE, BE IT PROCLAIMED BY THE COUNTY COMMISSIONERS
AS THE GOVERNING BODY OF LUNA COUNTY, NEW MEXICO, that:**

1. Deming Solar, LLC (“Deming”) will develop a marketing and outreach campaign aimed at educating Luna County residents about the economic and environmental benefits associated with the Project, and more specifically the benefits associated with becoming a subscriber of the Project; and
2. Deming Solar will work to prioritize local Luna County residents in its efforts to fully subscribe the Project; and
3. For each Luna County resident that enrolls in the Project, Deming Solar will donate \$100.00 to Luna County designated public services and programs per Luna County. Subscribers will be able to select from a list of County-selected organizations (List of organizations to be developed following adoption of this resolution). Deming Solar will fund all donation amounts on the first day the facility is operational; and
4. Deming Solar will donate an additional \$5,000.00 to the organization with the highest number of subscriber selections. Deming Solar will fund this amount on the first day the facility is operational; and

5. Deming Solar will comply with all conditions of approval placed on it by the Planning Department.
6. This Proclamation will be governed by, and all matters in connection with this Proclamation will be construed and enforced in accordance with, the laws of the State of New Mexico, and the parties hereby agree to submit to the personal jurisdiction of the federal or state courts located in or for Luna County, New Mexico.
7. Deming Solar may, with the consent of the County, assign this Proclamation provided the assignee assumes and agrees to be bound by this Proclamation by executing and submitting to the County notice of assignment and assumption of this Proclamation. In the event this Proclamation is assigned, Deming Solar will have no further obligations under this Proclamation, except for any obligations outstanding on the date of the transfer, but only if the successor has in writing confirmed its acceptance of its obligations. Nothing in this Proclamation will limit in any way the right of the owners of Deming Solar to sell or otherwise transfer (including by merger or consolidation with any other entity) all or a portion of their ownership interests in the Project without the consent of the County.

Done at Deming, New Mexico this 12th day of January 2023.

LUNA COUNTY BOARD OF COMMISSIONERS

ATTEST:

**Ray J. Trejo,
Commissioner, District 1**

Berenda McWright, County Clerk

**Colette M. Chandler,
Commissioner, District 2**

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