

LUNA COUNTY BOARD OF COUNTY COMMISSIONERS

Barbara L. Reedy
Member

Linda M. Smrkovsky
Chairperson

John S. Sweetser
Member

**Thursday, November 21, 2019
10:00 a.m.
Regular Meeting
Luna County Courthouse**

1. **Call to Order:** Chair Smrkovsky to commence meeting (At this time, please silence your cell phones and any other electronic devices) Pledge of Allegiance, State Pledge.
2. **Roll Call:**
3. **Approval of Agenda:**
4. **Minutes:**
 - a. Regular Meeting- October 10, 2019
MOTION AND VOTE
 - b. Special Meeting- October 31, 2019
MOTION AND VOTE
 - c. Special Meeting- November, 12, 2019
MOTION AND VOTE
5. **Presentations:**
 - Swearing in of LCDC Cadets by Judge Vangundy
 - Ryan Jewell of Yearout Energy: Presentation on Energy Efficiency
 - John Costilla-Gonzalez- Center for Health Innovation: Results for the NM Community Survey for Alcohol and RX misuse in Luna County
6. **Service Awards:**

a. Brent Jasso	Detention	5 yrs
b. Alvaro Granillo	Sheriff's Office	10 yrs
7. **Elected Officials Report:**

8. County Manager's Report:

- a. Regular Report

9. Indigent Claims Report:

- a. Recess as County Commission, Convene as Claims Board

MOTION AND VOTE

- b. Presentation of Claims Report by Joanne Hethcox \$19,097.79

- c. Consider Claims dated November 21, 2019

MOTION AND VOTE

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

MOTION AND VOTE

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

11. Consent Agenda:

- a. Accounts Payable: \$729,431.28

- b. Payroll: \$1,107,792.70

MOTION AND VOTE

12. Old Business:

- a. Animal Control Ordinance Number 98

MOTION AND ROLL CALL VOTE

13. New Business:

- a. Resolution 19-54 Budget Increases

MOTION AND ROLL CALL VOTE

- b. Resolution 19-55 Budget Transfers

MOTION AND ROLL CALL VOTE

- c. Resolution 19-56 Colonias Infrastructure Project Fund (Roads)

MOTION AND ROLL CALL VOTE

- d. Resolution 19-57 Supporting the New Mexico Counties 2020 Legislative Priorities

MOTION AND ROLL CALL VOTE

- e. Authorizing closure of County Offices for employee meeting December 20, 2019 at 1:00pm

MOTION AND VOTE

14. Upcoming Meetings (unless otherwise specified):

Regular Commission Meeting Thursday, December 12, 2019

15. Adjourn:

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

**MINUTES
REGULAR MEETING
LUNA COUNTY BOARD OF COUNTY COMMISSIONERS
Thursday, October 10, 2019**

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

The following staff and elected officials were present: County Manager David McSherry, Deputy County Manager Byron Hollister, County Attorney Charles C. Kretek, Executive Assistant Laura Garcia, Clerk Andrea Rodriguez, Chief Deputy Clerk Berenda McWright, Deputy Clerk Pilar Salcido, Probate Judge Diana May-Diaz, Assessor Michelle Holguin, Chief Deputy Assessor Isabelle Enciso, Treasurer Gloria Rodriguez, Chief Deputy Treasurer Dora Madrid, Sheriff Kelly Gannaway, Captain Michael Brown, IT Professional Elizabeth El-Bizri, IT Technician James Ozment, Administrative Assistant Debra Seats, Preventionist Teresa Aguilera, LCDC Director Chris Brice, Road Department Director Marty Miller and Budget & Procurement Director/Indigent Claims Administrator Joanne Hethcox.

CALL TO ORDER: Chair Smrkovsky called the meeting to order at 10:00 a.m., and led the Pledge of Allegiance and the salute to the flag of New Mexico.

ROLL CALL: Deputy Clerk Pilar Salcido called roll. The following members of the Board constituting a quorum were present: Commissioner Sweetser was present telephonically up until the Indigent Claims report.

Barbara L. Reedy, District 1

Linda M. Smrkovsky, Chair, District 2

John S. Sweetser, District 3 *(was present telephonically only during a portion of the meeting)*

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

MINUTES:

- **Public Hearing – September 19, 2019:** Upon a motion made by Commissioner Reedy and a second by Commissioner Sweetser the Minutes of the September 19, 2019 Public Hearing were unanimously approved.
- **Regular Meeting – September 19, 2019:** Upon a motion made by Commissioner Reedy and a second by Commissioner Sweetser the Minutes of the September 19, 2019 Regular Meeting were unanimously approved.

- **Special Work Session – September 23, 2019:** Upon a motion made by Commissioner Reedy and a second by Commissioner Sweetser the Minutes of the September 23, 2019 Special Work Session were unanimously approved.

SERVICE AWARDS: Parents as Teacher Manager Anna Barraza presented an award for five years of service to Mirna Chairez and Yolanda Ruiz. Lydia Salaiz and Sylvia Baeza from the Detention Center were both presented with a 20 year service award by Captain Lionel Lozano and Director Chris Brice.

ELECTED OFFICIALS REPORTS: Diana May-Diaz reported she has filed 111 probates and has performed 21 marriages to date. Ms. Diaz mentioned it is her goal to help people avoid probate as much as possible and was able to help a gentlemen by using an Affidavit of Successor instead of a probate.

Clerk Andrea Rodriguez reported that a Local Election will be held on November 5th which is the first Local Election held by the clerk's office. Early voting started in the clerk's office on October 8th and will continue until November 2nd. She also mentioned changes to the voter registration process consists of the ability to register the same day you vote. The clerk's office has had 55 voters as of yesterday.

Treasurer Gloria Rodriguez reported all is going well in the treasurer's office, final treasurer report has been e-mailed to the board.

Assessor Michelle Holguin reported the assessor's office has completed all protests for the year, they had a total of 148 protests filed, and out of the 148 filed seven were scheduled for hearings. Only four were heard as three withdrew prior to the hearing.

Sheriff Kelly Gannaway reported the criminal side of the stats are down for the month of September, on the non-criminal side everything is down except for accidents. Sheriff Gannaway introduced Garrett Gigante as the new Court Security Officer.

Chair Smrkovsky reported she went to the New Mexico Counties Legislative Board Meeting in Truth or Consequences. She stated there will be a Rural of New Mexico Broad Band Workshop for Southern New Mexico which will be held on November 13th and is to be held in Truth or Consequences at the Civic Center from 8:30 a.m. to 4:30 p.m. Ms. Smrkovsky also reported on the top four New Mexico Counties Legislative priorities.

COUNTY MANAGER'S REPORT:

- a. **Regular Report:** County Manager David McSherry reported on the following items:
 - Shop With A Cop is in full swing with fundraising, this program provides \$50 gift cards for 350 kids to shop at Walmart. In addition Santa visits kids at preschools and delivers gifts to children paid for by Luna County Shop With A Cop.
 - Declaration of a Natural Disaster: The County is still waiting to hear back from the New Mexico Homeland Security Department as to any action by the State or the Governor. These funds will allow Luna County to apply for aid in repairing roads. The funds will also

aid the Village of Columbus and the New Mexico Border Authority in efforts to abate flooding at the Columbus/Palomas Port of Entry.

- Mr. McSherry attended two meetings regarding proposed flood protection at the Port of Entry. The design of this proposed flood protection was actually funded in 2014. The pending issues preventing construction are right-of-way acquisition and jurisdictional issues. The NMDOT must be involved in the project, as must be the affected landowners, the Village of Columbus, and Luna County.
- Mr. McSherry and Deputy Byron Hollister met with one of the County legislators to discuss the progress of the County Capital Outlay Project and the possibility of delaying expenditures to attempt to leverage State dollars by applying for Community Development Block Grant funding.
- A list of top County ICIP needs is being prepared for inclusion in the Silver Spikes brochure to be used at the group's January visit to the Legislature. This can also serve to educate the public and business community to our needs and our mission.
- Mr. McSherry attended a meeting sponsored by the Southwest New Mexico Council of Governments to collectively, along with Grant County, Catron County, and Hidalgo County, plus all municipalities within those counties, produce a document that somewhat predicts the employment scenario in the Southwest Region over the next 10 years. This serves as a planning tool to support and drive economic development, community planning funding needs for the area. As part of the region, the Deming/Columbus/Luna County area needs to create approximately 1,000 jobs over the next ten years to achieve our desired group vision of how we should look in 2030. This points out the need for collaboration at our local levels and at the regional level, too.
- Mr. McSherry and Commissioner Sweetser attended the migrant shelter tour and award ceremony with Senator Heinrich on October 3rd. Senator Heinrich awarded Chris Brice and nine others a Silver Senate keepsake coin as a thank you for their efforts in the crisis. He also awarded Luna County an American Flag certified to have flown over the Capitol Building. Mr. McSherry would like to see it fly atop the renovated Historic Luna County Courthouse.

b. Restrictive Housing Quarterly Report:

- Detention Director Chris Brice explained that this is the first quarter that the detention center has had to submit the Restrictive Housing Quarterly Report. Mr. Brice reported that the detention center has a unit within it that has gone through various terms over the years and is now referred to as Special Management. The Special Management unit is for people who are very high profile and cannot be out with the rest of the population due to mental health issues, medical issues, suicide watch etc. The term Restrictive Housing only comes into play when an inmate is not out of their cell for more than two hours per day. The new House Bill 364 requires us to list inmates by age and race and give an explanation as to why they were in restricted housing for more than 22 hours per day. Mr. Brice reported that during the period of July 1, 2019 thru September 30, 2019, the Luna County Detention Center had one inmate who met the reporting requirements under New Mexico's Restricted Housing Act's. During the period of July 19, 2019 thru July 23, 2019 an inmate was placed in Restricted Housing due to medical issues, the inmate's surgeon advised the inmate to not shower or have any physical activity during the period of time mentioned. Luna County Detention Center currently does not have anyone on Restricted Housing.

The meeting was recessed and reconvened by Chair Smrkovsky for a five minute break.

Commissioner Reedy requested to have the Directors present their reports in person at the Commissioner's meetings, so that if the Board has questions pertaining to the report, they could ask them directly. She expressed concerns regarding cyber security and the IT Department.

INDIGENT CLAIMS REPORT: Upon a motion by Commissioner Reedy and a second by Chair Smrkovsky, the meeting of the Board of County Commissioners was recessed and the meeting of the Indigent Hospital Claims Board convened. Budget and Procurement Director Joanne Hethcox reported that in August there were 12 claims, six of which, were from the detention center in the amount of \$13,465.94. For the month of September and into our October meeting we have 17 claims, 14 of which are from the detention center in the amount of \$16,198.34. The total gross receipts collected in September was \$50,622.30. The balance in that fund is \$1,077,424.40, of which \$597,681.20, is encumbered for obligations. Commissioner Reedy motioned to bring the August Indigent Claims in the amount of \$13,465.94 off the table for consideration. Chair Smrkovsky seconded that motion which carried. Chair Smrkovsky moved to approve the August Indigent Claims report in the amount of \$13,465.94. Commissioner Reedy seconded the motion which carried. Commissioner Reedy moved to approve the October Indigent Claims report in the amount of \$16,198.34. Chair Smrkovsky seconded the motioned which carried. Commissioner Reedy motioned to recess as a Claims Board and reconvene as a County Commission. Chair Smrkovsky seconded the motion which carried.

PUBLIC COMMENT: Susan Shiffner expressed concerns regarding the disposal of onions by local farmers. She proposed that the Board create an ordinance restricting onion shed businesses from dumping within one mile of an occupied building. Ms. Shiffner explained that one fly lays 500 eggs, 75-150 times which equates to 75,000 eggs. She also mentioned the ordinance would not interfere with the onion shed regular business it would only change their means of disposal. Ms. Shiffner provided pictures to the Board of the fly issues at her home.

Christine Ann Harvey, Executive Director of Deming and Luna County Main Street Program, reported that the 5th Annual Great Pumpkin Candy Drop will be held at John P. Wades Park on October 19th. She also mentioned that Unions Pacific Big Boy 4014 Steam Boat Locomotive will be coming through town. Main Street will be awarded a \$20,000 grant from Union Pacific which will be used to do customized lighting at the Leyendecker Plaza. She also mentioned the Trunk or Treat Event will be held downtown and is expecting attendance of 5,000 to 6,000 people.

John Richmond Director of Chamber of Commerce reported that the next "Hello Thursday" is being held on November 7th from 5-7 p.m. at the Cookie Jar. He stated that Terrazas Funeral Chapel hosted the last event on October 3rd and they provided interesting history on the building. He also reported they are working on their 2020 Chamber Gala which is going to be held on Saturday, January 25th from 5:30 pm to midnight. The theme for the Chamber Gala may be Roaring 20's. On October 15th there will be a Department of Education Learning Lunch that will be held at the Southwestern Regional Education Cooperative in Deming.

PUBLIC HEARING: Ordinance Number 98 Animal Control: Chair Smrkovsky explained the law requires Ordinances to be published for 14 days prior to approval. She announced that the County only published this ordinance for 13 days, so although we can have public hearing regarding this ordinance there will not be any action taken today. County Manager David McSherry asked the

Commissioners to make edits then turn it over to the Manager's Office for publishing so it can be approved in next month's meeting.

Sarah Bottomley brought up some concerns regarding the animal control ordinance. She stated the allowed barking time is excessive, she believes the owner can stop the barking of a dog within five minutes. She also would like to know if she is able to shoot a dog who is attacking her animals and how long would she have to wait to do so. Ms. Bottomley believes when an animal is adopted the shelter should provide a copy of the law. She also asked if a line could be added to the law that says that it "must be enforced".

Sandy Foster mentioned she sent the County some concerns and understands the County may have some questions. Ms. Foster spoke against having microchipping as a requirement on all animals adopted or returned to owner from the shelter. She mentioned the shelter already charges \$65 for adoption fees and whatever their charges are for reclaiming ownership which can be from \$20-\$600 depending on occasion, number of dogs and the people. If they had to add \$50 for microchipping she believes they will totally eliminate adoptions. Ms. Foster suggested the ordinance should state "strongly encourage" microchipping.

ORDINANCE: Ordinance Number 98 Animal Control: Commissioner Reedy and Chair Smrkovsky agreed to move this to the November 21st meeting.

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

- a. Accounts Payable: \$1,098,032.19
- b. Payroll: \$1,154,785.72
- c. Oath of Office and Appointment for Court Security Garret Gigante

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

- a. **Resolution 19-51 Budget Increases:** Finance Director Joanne Hethcox explained the two budget increases which included one for the clerk's office to allow for re-spending the money they were reimbursed for elections school. The other one is an increase at the detention center for cost varying through different line items between overtime postage, building repairs, meals, contract services and pre-employment physicals these funds will come from detention center cash reserves. Commissioner Reedy moved to approve Resolution 19-51 Budget Increases. Chair Smrkovsky seconded the motion which carried following a roll call vote.
- b. **Resolution 19-52 Budget Transfers:** Finance Director Joanne Hethcox explained the two budget transfers for this month. One transfer was from field rental payments into the unemployment insurance for Starmax. The unemployment billing for this year was a higher than what was originally budgeted. The second one is for the teen outreach program. Last month they moved money out of professional services and into part-time salaries. That person has left employment and is now a regular contractor so now Ms. Hethcox must reverse those funds. Commissioner Reedy moved to approve Resolution 19-52 Budget Transfers. Chair Smrkovsky seconded the motion which carried following a roll call vote.

- c. **Resolution 19-53 NMFA Loan Road Department:** Chair Smrkovsky entertained a motion to approve Resolution 19-53 NMFA Loan Road Department. Ms. Hethcox explained the Commission had previously approved an application for the New Mexico Finance Authority to allow the road department to buy some much needed equipment. The NMFA awarded the loan amount of \$972,550 towards that equipment. Ms. Hethcox stated that she believes the road department will be able to get three out of the five items on the list. The County has pledged to use the gasoline tax for the Road Department to repay the debt. She does not see any problem with getting this paid off within the five years loan period with a very good interest rate. Road Department Director Marty Miller mentioned he really needs to get the tire shredder. He mentioned they cut 2,000 tires a day and are still out of compliance with New Mexico Environmental Department as they are a certified tire recipient. Mr. Miller explained the City of Deming has a tire agreement with Luna County. Commissioner Reedy moved to approve Resolution 19-53 NMFA Loan Road Department. Chair Smrkovsky seconded the motion which carried following a roll call vote.
- d. **Domestic Violence Awareness Month Proclamation:** County Manager presented this item explaining October is Domestic Violence Awareness Month. This Proclamation was brought to Luna County by the Healing House, and was also passed on to the City of Deming for consideration. Mr. McSherry recommended approval of this Proclamation in recognition of Domestic Violence Awareness Month. Chair Smrkovsky motioned to approve Domestic Violence Awareness Month Proclamation. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote.

OLD BUSINESS:

- a. **Budget Review Committee Appointment:** County Manager David McSherry explained his recommendations for the budget review committee. Mr. McSherry recommended the committee be comprised of the following:
- One member of the Board of County Commissioner
 - County Treasurer or designee
 - County Clerk or designee
 - County Assessor or designee
 - Luna County Sheriff or designee
 - County Manager
 - Deputy County Manager for Administration
 - Budget and Finance Director
 - Detention Center Director
 - County Grant Administrator

The budget review committee will meet at least quarterly. The committee is subject to the provisions of the Open Meetings Act. The purpose of Committee will be to compare budget against actual revenue and expenditures, make recommendations to the Board of County Commissioners, to review initiatives or areas of concern for review and such other functions as directed by the Board of County Commissioners. Commissioner Reedy moved to form a formal budget review committee based on the

ten representatives recommended by the County Manager to meet at least once a quarter or as needed. Chair Smrkovsky seconded the motion which carried following a roll call vote.

- b. Discussion on Migrant Shelter:** County Manager David McSherry mentioned that the City of Deming may need to change the lease agreement to include the entire interior of the building at the Armory, currently they are only able to use the first floor. Mr. McSherry will let the Board of Commission know if there will be some changes to the lease agreement with the City. Mr. McSherry also mentioned that the Las Cruces News Paper wrote that the Border Patrol will no longer drop off asylees, but Immigration Customs Enforcement (ICE) will continue to drop off asylees. Mr. McSherry said although we currently do not have any asylees we need to be prepared at a moments notice to continue with the shelter. Mr. McSherry asked Director Chris Brice if there were to be a large number of immigrant asylum seekers show up in Deming if he would still be able to help with the transport. Mr. Brice agreed to continue to help with transport if the occasion arises. Chair Smrkovsky feels Luna County should take action and send them a notice that the County is going to disconnect PNM or have the City of Deming take over the electric bill going forward at the shelter as they are still receiving funding. Mr. McSherry mentioned that if the City of Deming takes over the lease they also will take over the electric bill. Director Chris Brice mentioned that the original intent of the City of Deming taking over the shelter was because the way it was managed with both the City of Deming and Luna County, it was easier for both, if the City of Deming took the responsibility of the shelter and all funding go to one entity. County Manager David McSherry also mentioned that he along with Chair Smrkovsky and Commissioner Reedy attended the meeting with Representative Small in Las Cruces which was a debrief of the Federal Grant which dealt with the asylum seeker shelter.

EXECUTIVE SESSION: to discuss limited personnel matters pursuant to 10-15-1(H)(2) NMSA 1978 pertaining to the County Manager's Evaluation & Contract to include job description, performance goals, roles and responsibilities, Bargaining Strategy pursuant to Section §10-1-1 (H) (5) NMSA 1978 for Collective Bargaining sessions with AFSCME Local #2061 (LCDC), and Pertaining to Threatened or Pending Litigation pursuant to Section 10-15-1(H)(7) NMSA 1978 pending litigation matters, pending lawsuit Ruiz, Thomas and Najera. Chair Smrkovsky motioned to go into Executive Session to discuss limited personnel matters pursuant to 10-15-1(H)(2) NMSA 1978 pertaining to the County Manager's Evaluation & Contract to include job description, performance goals, roles and responsibilities, Bargaining Strategy pursuant to Section §10-1-1 (H) (5) NMSA 1978 for Collective Bargaining sessions with AFSCME Local #2061 (LCDC), and Pertaining to Threatened or Pending Litigation pursuant to Section 10-15-1(H)(7) NMSA 1978 pending litigation matters, pending lawsuit Ruiz, Thomas and Najera. The motion was seconded by Commissioner Reedy and carried unanimously following a roll call vote. The Commissioners went into Executive Session at 12:18 p.m. and returned from Executive Session at 3:26 p.m.

Chair Smrkovsky motioned to return from Executive Session where no other matters were discussed other than the matters pertaining to discuss limited personnel matters pursuant to 10-15-1(H)(2) NMSA 1978 pertaining to the County Manager's Evaluation & Contract to include job description, performance goals, roles and responsibilities, Bargaining Strategy pursuant to Section §10-1-1 (H) (5) NMSA 1978 for Collective Bargaining sessions with AFSCME Local #2061 (LCDC), and Pertaining

to Threatened or Pending Litigation pursuant to Section 10-15-1(H)(7) NMSA 1978 pending litigation matters, pending lawsuit Ruiz, Thomas and Najera. The motion was seconded by Commissioner Reedy and carried unanimously following a roll call vote.

UPCOMING MEETINGS: Chair Smrkovsky announced the following upcoming meetings and mentioned that a Budget meeting will also be scheduled.

Special Meeting – November 12, 2019 @ 9:00 a.m. /Election Canvassing
Regular Meeting – November 21, 2019 @ 10:00 a.m.

ADJOURN: Upon a motion made by Commissioner Reedy and a second made by Chair Smrkovsky the meeting was adjourned at 3:28 p.m.

ATTEST:

**LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS**

ANDREA RODRIGUEZ, LUNA COUNTY CLERK

BARBARA L. REEDY, DISTRICT 1

APPROVED: _____

LINDA M. SMRKOVSKY, DISTRICT 2

JOHN S. SWEETSER, DISTRICT 3

**MINUTES
SPECIAL MEETING
LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS
Thursday, October 31, 2019**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in Special Session at 9:00 a.m. on Thursday, October 31, 2019 in the County Commission Chambers of the Luna County Courthouse, Deming, New Mexico, for the purpose of conducting any and all business to come properly before the Board.

The following staff and elected officials were present: County Manager David McSherry, Deputy Manager Byron Hollister, Attorney Charles Kretek, Executive Assistant Laura Garcia, Clerk Andrea Rodriguez, Chief Deputy Clerk Berenda McWright, Administration Assistant Debra Seats, Sheriff Kelly Gannaway, and Budget & Procurement Director/Indigent Claims Administrator Joanne Hethcox.

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

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

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

PUBLIC INPUT: Chair Smrkovsky opened the floor for Public Comment. No public comment was forthcoming.

EXECUTIVE SESSION: to discuss limited personnel Matters pursuant to §10-15-1 (H) (2) NMSA 1978 pertaining to County Manager's Evaluation. Commissioner Reedy moved to enter into Executive Session pursuant to §10-15-1 (H) (2) NMSA 1978 to discuss the roll of County Manager's Evaluation. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote. The Commissioners went into Executive Session at 9:03am.

Chair Smrkovsky entertained a motion to recess from Executive Session at 11:59 am and return to Executive Session at 1:30 pm. Commissioner Reedy motioned to recess from Executive Session and return at 1:30 pm. Commissioner Sweetser seconded the motion which carried unanimously following a roll call vote.

At 1:30 pm Chair Smrkovsky entertained a motion to return into Executive Session from recess. Commissioner Sweetser moved to return into Executive Session from recess. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote.

Chair Smrkovsky entertained a motion to return from Executive Session at 2:21 pm. Commissioner Reedy motioned to return from Executive Session where no other matters were discussed other than limited personnel matters pursuant to §10-15-1 (H) (2) NMSA 1978 pertaining to County Manager's Evaluation. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.

Chair Smrkovsky motioned to terminate the contract of County Manager David McSherry effective immediately. The motion was seconded by Commissioner Reedy and carried unanimously following a roll call vote.

Chair Smrkovsky stated that "after careful deliberation and consideration over the past seven months, the Luna County Board of County Commissioners has reached the conclusion that the best interests of the County necessitate the termination of the contract of County Manager David X. McSherry, effective immediately. This decision has been a difficult one and the Board of County Commissioners would like to thank Mr. McSherry for his dedication and service to Luna County. The Commission appreciates time and effort he has put into the job as well as the personal honesty and integrity he has and continues to display, we wish him the best."

Mr. McSherry expressed his appreciation to those who worked with him and mentioned Luna County has some excellent employees and hopes for nothing but success for the County.

ADJOURN: Commissioner Reedy motioned to adjourn. The motion was seconded by Commissioner Sweetser and carried unanimously. Chair Smrkovsky adjourned the meeting at 2:23 p.m.

ATTEST:

**LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS**

ANDREA RODRIGUEZ, CLERK

BARBARA L. REEDY, DISTRICT 1

APPROVED: _____

LINDA M. SMRKOVSKY, DISTRICT 2

JOHN S. SWEETSER, DISTRICT 3

**MINUTES
SPECIAL MEETING
LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS
Tuesday, November 12, 2019**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in Special Session at 9:00 a.m. on Tuesday, November 12, 2019 in the County Commission Chambers of the Luna County Courthouse, Deming, New Mexico, for the purpose of conducting any and all business to come properly before the Board.

The following staff and elected officials were present: County Manager Chris Brice, Executive Assistant Yossie Niebles, Attorney Charles Kretek, Clerk Andrea Rodriguez, Chief Deputy Clerk Berenda McWright, Deputy Clerk Pilar Salcido, Elections Administrator Leslie Nabours, Chief Deputy Assessor Isabelle Enciso, GIS Specialist Dennis West, Administration Assistant Debra Seats, Maintenance Director Paden Vendrely, Finance and Budget & Procurement Director/Indigent Claims Administrator Joanne Hethcox.

CALL TO ORDER: Chair Smrkovsky called the meeting to order at 9:02 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**

PUBLIC INPUT: Chair Smrkovsky opened the floor for Public Comment. Former County Manager David McSherry thanked the Board for the opportunity to address the Commission and made the following statement: "The tone at the top is the atmosphere that is created in the workplace by an organizations leadership, specifically to your agenda, as per your rules the scant information given in the advertised agenda bolsters my concern that the Commission has exhibited a questionable tone at the top in the past. I have submitted my concerns on this issue to the Office of the New Mexico State Auditor. I have also submitted my concerns over possible past Commission violation of the Open Meetings Act to the Office of the New Mexico Attorney General. I have also submitted an Inspection of Public Records Act request to Luna County. In the absence of a designated Luna County Records Clerk, I submitted them to Mr. Brice's Assistant in the County Manager's Office. I hope the Commission carefully deals with the stated content of the agenda session."

NEW BUSINESS:

- a. The Canvas of the 2019 Regular Local Election Result:** County Clerk Andrea Rodriguez read the Official 2019 Local Election Results. Commissioner Reedy motioned to approve The Certification of Canvas Results for the Regular Local Election 2019. Commissioner Sweetser seconded the motion which carried unanimously following a roll call vote.
- b. Amended Resolution 19-40 Polling Places:** County Clerk Andrea Rodriguez stated Mimbres Valley Learning Center will continue to be a polling place for 2020 and 2021. Commissioner Sweetser motioned to approve Amended Resolution 19-40 Polling Places. Commissioner Reedy seconded the motion which carried unanimously.
- c. Ratification of GRT Contract:** Chair Smrkovsky asked County Attorney Charles Kretek to explain this law suit. Mr. Kretek stated that the Municipal League started this one with the allegation that the State was inappropriately distributing gross tax receipts. This agreement is to be added as a party to this law suit. Chair Smrkovsky added the majority of the municipalities have joined in this law suit and we are the 13th County to actually join. Commissioner Reedy moved to approve Ratification of GRT Contract. Commissioner Sweetser seconded the motion which carried unanimously.
- d. FEMA Disastrous Relief:** Chair Smrkovsky stated Eric Kiltz from Department of Homeland Security was not available to report. County Attorney Charles Kretek stated that rains during September 9th to September 16th caused significant damage to several roads located in Luna County. The State of New Mexico has declared a disaster to Hidalgo, Luna and Socorro Counties, where there was severe impact by multiple storm events and where \$1,000,000 was made available to those Counties. Mr. Kretek explained this is a 75% reimbursement and our match is 25% which must be budgeted. Commissioner Sweetser moved to approve the FEMA Disastrous Relief. Commissioner Reedy seconded the motion which carried unanimously.

EXECUTIVE SESSION: to discuss limited personnel Matters pursuant to §10-15-1 (H) (2) NMSA 1978 to discuss limited personnel matters, specifically the hiring of a County Manager. Commissioner Reedy moved to enter into Executive Session pursuant to §10-15-1 (H) (2) NMSA 1978 to discuss limited personnel matters, specifically the hiring of a County Manager. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote. The Commissioners went into Executive Session at 9:11 a.m. and returned at 11:06 a.m.

Chair Smrkovsky motioned to return from Executive Session where no other matters were discussed other than limited personnel matters. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote.

Chair Smrkovsky motioned to appoint Chris Brice as the Luna County Manager effective immediately under the terms and conditions negotiated between Mr. Brice and the County Attorney Charles

Kretek. The motion was seconded by Commissioner Reedy and carried unanimously following a roll call vote.

Chair Smrkovsky stated that “The Luna County Board of County Commissioners is pleased to announce Chris Brice as the Luna County Manager. Mr. Brice is currently the Director of the Luna County Detention Center and also serves as a Deputy Manager. He has previously served as both Interim County Manager and Interim Assistant County Manager and brings his experience running the County’s largest department along with a distinguished career in the US Navy and Manager in the private sector for many years.”

ADJOURN: Commissioner Reedy motioned to adjourn. The motion was seconded by Commissioner Sweetser and carried unanimously. Chair Smrkovsky adjourned the meeting at 11:08 a.m.

ATTEST:

**LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS**

ANDREA RODRIGUEZ, CLERK

BARBARA L. REEDY, DISTRICT 1

APPROVED: _____

LINDA M. SMRKOVSKY, DISTRICT 2

JOHN S. SWEETSER, DISTRICT 3

Indigent Hospital Claims Office

Chris Brice, County Manager

IHC Board Meeting November 21, 2019

Month	Number	Amount	Number	Denied
January	23	\$26,055.34	0	\$0.00
Feburary	6	\$14,781.78		
March	5	\$3,640.93		
April	13	\$2,412.27		
May	8	\$24,060.58		
June	1	\$51.51		
July	12	\$13,465.94		
August	0	\$0.00		
September	17	\$16,198.34		
October	6	\$19,097.79		
November	0	\$0.00		
December	0	\$0.00		
Total	91	\$119,764.48	0	\$0.00
This Month's Total	Mimbres Memorial Hospital			\$19,097.79
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				\$19,097.79
Year to Date Total	Mimbres Memorial Hospital			\$110,932.68
Year to Date Total	All Other Hospitals			\$2,949.36
Year to Date Total	Deming Fire Dept./EMS			\$1,000.00
Year to Date Total	All Other Services			\$1,190.00
Total				\$116,072.04
Care of Prisoners This Month - Not including SNCP Funds				\$0.00
Care of Prisoners Year to Date Indigent - Not including SNCP Funds				\$759,996.50
Care of Prisoners Year to Date Inmate Prescriptions/OTC Meds				\$87,929.95
Care of Prisoners Year to Date Dr. Bills				\$16,811.79
Total Cost of Care of Prisoners Year to Date				\$864,738.24
Monies Received for October 2019				\$52,061.77
Balance in IHC Fund as of October 31, 2019				\$1,136,044.09
Encumbrances as of October 31, 2019				\$598,281.20
		Date	Amount Approved	Amount Denied
	Signatures	11/12/19	\$19,097.79	\$0.00
Barbara L. Reedy				
Linda M. Smrkovsky				
John S. Sweetser				

IHC Board Meeting									
November 21, 2019									
Case Number	MMH	MMC	Gila Regional	MVRMC	Deming EMS	Elite Medical		Other Services	Comments
4723	\$4,097.43								LCDC
5205	\$780.63								
6120	\$7,000.00								LCDC
7966	\$82.52								
7967	\$7,000.00								
7968	\$137.21								
	\$19,097.79	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
	\$19,097.79								\$0.00

LCBCC Meeting November 14th, 2019

Accounts Payable

10/3/2019	\$104,679.49
10/3/2019	\$5,636.73
10/3/2019	\$3,460.07
10/10/2019	\$160,995.64
10/10/2019	\$18,708.82
10/10/2019	\$5,472.05
10/18/2019	\$132,763.63
10/18/2019	\$8,096.54
10/18/2019	\$4,679.73
10/18/2019	\$10,250.00
10/25/2019	\$90,849.82
10/25/2019	\$7,545.56
10/25/2019	\$4,876.52

P-Cards

September 2019	\$171,416.68
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Total \$729,431.28

Luna County
Board of County Commissioners

AGENDA 11/14/2019

PAYROLL

10/11/2019	Register # 20190123	\$ 526,157.12
10/08/2019	*Register # 20190125	\$ 723.42
10/11/2019	* Register # 20190126	\$ 17,690.10
10/15/2019	*Register # 20190127	\$ 1,983.10
10/25/2019	Register # 20190128	\$ 542,508.28
10/25/2019	*Register # 20190129	\$ 18,730.68

Total \$ 1,107,792.70

* Special

**LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS**

**RESOLUTION NO. 19-54
Proposed Inter/Intra Fund Budget Increases**

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

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

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

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

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

PASSED, APPROVED AND ADOPTED THIS 21st DAY OF NOVEMBER, 2019.

LUNA COUNTY

Chairperson

ATTEST:

Andrea Rodriguez, Luna County Clerk

Be it remembered that at a Special meeting of the Luna County Board of County Commissioners in Deming NM on the 21st day of November, 2019, the following budget adjustments are proposed and entered of record.

SCHEDULE OF BUDGET ADJUSTMENTS			Budget Resolution Number 19-54 Proposed Inter/Intra FUND Budget Increase						Entity Code DFA Resolution Number	
ITEM NO	Adjustment Type	Fund/ DFA Fund	Dept.	From	Amount	To	Amount	Purpose	Approved Budget Balance	Adjusted Budget Balance
One	Increase	401/11000	General Fund - Dispatch	401/11000	\$ (2,200.00)	401-77-1265 (Revenue) 911 Training Reimbursements	\$ (2,200.00)	Reimbursement from DFA for 911 Training	\$ -	\$ (2,200.00)
					\$ 2,200.00	401-20-2005 Salaries - Overtime	\$ 2,200.00	To allow for spending of reimbursement from DFA for 911 Training	\$ 7,000.00	\$ 9,200.00
Two	Increase	401/11000	General Fund - Commission	401/11000	\$ (23,171.77)	401-77-1476 (Revenue) 2020 Census Outreach Grant	\$ (23,171.77)	2020 Census Outreach Grant award through NM 2020 Statewide Complete Count Commission (NEW)	\$ -	\$ (23,171.77)
					\$ 23,171.77	401-00-2476 2020 Census Outreach Grant	\$ 23,171.77	To allow for expenditure of the 2020 Census Outreach Grant award through the NM 2020 Statewide Complete Count Commission (NEW)	\$ -	\$ 23,171.77
Three	Increase	610/21800	Drug Investigation - HIDTA	610/21800	\$ (6,937.52)	610-77-1270 (Revenue) Insurance Recoveries	\$ (6,937.52)	To account for insurance proceeds from accident involving HIDTA property	\$ -	\$ (6,937.52)
					\$ 6,937.52	610-43-2028 Capital Outlay	\$ 6,937.52	To allow for expenditure of insurance proceeds from accident involving HIDTA property (vehicle repair)	\$ -	\$ 6,937.52
Four	Increase	801/59900	Entertainment Complex	801/59900	\$ 19,150.00	801-80-2101 Professional/Contract Services	\$ 9,000.00	To align line items to allow for expenditure through the remainder of the fiscal year	\$ 48,234.28	\$ 57,234.28
						801-80-2107 Alcohol Supplies	\$ 5,000.00	To align line items to allow for expenditure through the remainder of the fiscal year	\$ 96,000.00	\$ 101,000.00
						801-80-2012 Equip/Supplies/Mnt/ Repairs	\$ 5,150.00	To align line items to allow for expenditure through the remainder of the fiscal year	\$ 48,973.60	\$ 54,123.60
Five	Decrease	801/59900	Entertainment Complex	801/59900	\$ (120,850.25)	801-80-2029 Capital Improvements	\$ (120,850.25)	To adjust line item to reflect correct carryover amount for capital improvements from prior fiscal year	\$ 309,702.41	\$ 188,852.16
Six	Increase	408/21800	DWI	408/21800	\$ (4,487.00)	408-77-1312 (Revenue) DWI Grant Revenue	\$ (4,487.00)	To account for reversion funds added to the DWI Grant per Grant Agreement Amendment No. 1	\$ 68,000.00	\$ 63,513.00
					\$ 4,487.00	408-00-2020 Supplies	\$ 4,487.00	To allow for spending of reversion funds per DWI Grant Agreement Amendment No. 1	\$ 3,810.16	\$ 8,297.16
					\$ (101,700.25)		\$ (101,700.25)		\$ 581,720.45	\$ 480,020.20

**LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS**

**RESOLUTION NO. 19-55
Proposed Intra/Inter Department Transfers**

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

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

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

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

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

PASSED, APPROVED AND ADOPTED THIS 21st DAY OF NOVEMBER, 2019.

LUNA COUNTY

Chairperson

ATTEST:

Andrea Rodriguez, Luna County Clerk

Be it remembered that at a Regular meeting of the Luna County Board of County Commissioners in Deming NM on the 21st day of November, 2019 the following budget adjustments are proposed and entered of record.

Budget Resolution Number 19-55

Proposed Intra/Inter Department Transfer

ITEM NO	Adjustment Type	Fund/ DFA Fund	Dept.	From	FROM Current Balance	Transfer amount	TO Line Number	Transfer Amount	Purpose
One	Transfer	609/22600	Adult Detention	609-21-2101 Professional/Contract Services	\$69,213.45	\$20,000.00	609-21-2084 Safety/Equip/ Supplies/Training	\$20,000.00	To allow for spending through the remainder of the fiscal year
Two	Transfer	610/21800	Drug Investigation - HIDTA	610-43-2392 Lordsburg Police Department	\$6,953.24	\$2,000.00	610-43-2041 Confidential Informants	\$4,000.00	To transfer funds where need and allow for spending through remainder of fiscal year
				610-43-2395 Town of Silver City	\$8,919.75	\$5,000.00	610-43-2020 Supplies	\$4,838.22	To transfer funds where need and allow for spending through remainder of fiscal year
				610-43-2357 Grant County Sheriff's Dept	\$12,000.00	\$2,000.00	610-43-2010 Mileage/Per Diem	\$161.78	To transfer funds where need and allow for spending through remainder of fiscal year
Three	Transfer	415/21800	Community Improvements - Parents As Teachers	415-52-2020 Supplies	\$41,087.56	\$20,000.00	415-52-2010 Mileage/Per Diem	\$20,000.00	To transfer funds where need and allow for spending through remainder of fiscal year
Four	Transfer	415/21800	Community Improvements - Parents As Teachers	415-57-2020 Supplies	\$53,779.69	\$10,350.99	415-57-2036 Administrative Expense	\$10,350.99	To transfer funds where need and allow for spending through remainder of fiscal year
Five	Transfer	411/21800	Community Improvements	411/21800		\$5,556.00	401 General Fund	\$5,556.00	To reimburse General Fund for EMPG Salary grant per grant agreement from prior fiscal year
					\$191,953.69	\$64,906.99		\$64,906.99	

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

Done at Deming New Mexico this **Thursday the 21st day of November, 2019.**

LUNA COUNTY BOARD OF COUNTY COMMISSIONERS

Barbara L. Reedy, District 1

Linda M. Smrkovsky, District 2

John S. Sweetser, District 3



ATTEST:

Entered By:

Date

Andrea Rodriguez, Luna County Clerk

Checked By:

Date

STATE OF NEW MEXICO)
) ss.
COUNTY OF LUNA)

[Remainder of page intentionally left blank.]

LUNA COUNTY, NEW MEXICO
RESOLUTION NO. 19-56

A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A COLONIAS INFRASTRUCTURE PROJECT FUND LOAN/GRANT AGREEMENT BY AND AMONG THE NEW MEXICO COLONIAS INFRASTRUCTURE BOARD ("CIB") AND THE NEW MEXICO FINANCE AUTHORITY ("FINANCE AUTHORITY," AND COLLECTIVELY WITH THE CIB, THE "LENDERS/GRANTORS") AND LUNA COUNTY, NEW MEXICO (THE "BORROWER/GRANTEE"), FOR THE BENEFIT OF ROCKHOUND, IN THE TOTAL AMOUNT OF \$780,000, EVIDENCING AN OBLIGATION OF THE BORROWER/GRANTEE TO UTILIZE THE LOAN/GRANT AMOUNT SOLELY FOR THE PURPOSE OF FINANCING THE COSTS OF DESIGN, SURVEY AND CONSTRUCTION OF ROCKHOUND, EL ENSUENO, SUR AND NORTE ROADS AND SOLELY IN THE MANNER DESCRIBED IN THE LOAN/GRANT AGREEMENT; PROVIDING FOR THE PLEDGE AND PAYMENT OF THE LOAN AMOUNT OF \$78,000 SOLELY FROM FIFTY PERCENT (50%) OF A ONE-EIGHTH OF ONE PERCENT (0.125%) INCREMENT OF COUNTY LOCAL OPTION GROSS RECEIPTS TAX AND ACCEPTANCE OF A GRANT AMOUNT OF \$702,000; CERTIFYING THAT THE LOAN/GRANT AMOUNT, TOGETHER WITH OTHER FUNDS AVAILABLE TO THE BORROWER/GRANTEE, IS SUFFICIENT TO COMPLETE THE PROJECT; APPROVING THE FORM OF AND OTHER DETAILS CONCERNING THE LOAN/GRANT AGREEMENT; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS RESOLUTION; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN/GRANT AGREEMENT.

Capitalized terms used in the following preambles have the same meaning as defined in this Resolution unless the context requires otherwise.

WHEREAS, the CIB is a public body duly organized and created under and pursuant to the laws of the State of New Mexico (the "State"), particularly the Colonias Infrastructure Act, NMSA 1978, §§ 6-30-1 through 6-30-8, as amended, (the "Colonias Infrastructure Act" or the "Act"); and

WHEREAS, the Finance Authority is a public body politic and corporate, separate and apart from the State, constituting a governmental instrumentality, duly organized and created under and pursuant to the laws of the State, particularly NMSA 1978, §§ 6-21-1, through 6-21-31, as amended, (the "Finance Authority Act"); and

WHEREAS, the Borrower/Grantee is a Political Subdivision of the State, being a legally and regularly created, established, organized and existing county under the general laws of the State and more specifically, Section 4-16-1, NMSA 1978, as amended; and

WHEREAS, the Act creates the Colonias Infrastructure Project Fund (the “Fund”) in the Finance Authority, to be administered by the Finance Authority to originate grants or loans to Qualified Entities for Qualified Projects recommended by the CIB; and

WHEREAS, there exists within the boundaries of the Borrower/Grantee, Rockhound, a community that has been designated as a Colonia within the meaning of the Act; and

WHEREAS, the Borrower/Grantee will be receiving the Loan/Grant for the benefit of Rockhound and the public they serve; and

WHEREAS, the Borrower/Grantee submitted an application dated January 14, 2019 for the Project; and

WHEREAS, the CIB has determined that the Project is a qualifying Project and that the Borrower/Grantee is a Qualified Entity under the Board Rules; and

WHEREAS, the CIB on April 30, 2019 recommended to the Finance Authority that the Borrower/Grantee receive financial assistance from the Fund in the form of the Loan/Grant, for the benefit of the Colonia and the CIB has recommended that the Finance Authority enter into and administer this Agreement; and

WHEREAS, the Finance Authority approved the Loan/Grant Amount from the Fund to the Borrower/Grantee on May 23, 2019; and

WHEREAS, the Borrower/Grantee has determined that it is in the best interests of the Borrower/Grantee and Rockhound that the Borrower/Grantee enter into an Agreement with the Lenders/Grantors to borrow \$78,000 from the Lenders/Grantors and to accept a grant in the amount of \$702,000 from the Lenders/Grantors to finance the costs of design, survey and construction of Rockhound. El Ensueno, Sur and Norte Roads, this project being more particularly described in the Term Sheet; and

WHEREAS, the Governing Body has determined and hereby determines that the Project may be financed with amounts granted and loaned pursuant to the Loan/Grant Agreement, that the Loan/Grant Amount, together with the Local Match and other moneys available to the Borrower/Grantee, is sufficient to complete the Project, and that it is in the best interest of the Borrower/Grantee, Rockhound and the constituent public they serve that the Loan/Grant Agreement be executed and delivered and that the funding of the Project take place by executing and delivering the Loan/Grant Agreement; and

WHEREAS, the Governing Body has determined that it may lawfully enter into the Loan/Grant Agreement, accept the Loan/Grant Amount and be bound to the obligations and by the restrictions thereunder; and

WHEREAS, the Loan/Grant Agreement shall not constitute a general obligation of the Borrower/Grantee, the CIB or the Finance Authority or a debt or pledge of the full faith and credit of the Borrower/Grantee, the CIB, the Finance Authority or the State; and

WHEREAS, there have been presented to the Governing Body and there presently are on file with the County Clerk this Resolution and the form of the Loan/Grant Agreement which is incorporated by reference and considered to be a part hereof; and

WHEREAS, the Governing Body hereby determines that the Local Match is now available to the Borrower/Grantee to complete the Project; and

WHEREAS, all required authorizations, consents and approvals in connection with (i) the use of the Loan/Grant Amount for the purposes described, and according to the restrictions set forth, in the Loan/Grant Agreement; (ii) the availability of other moneys necessary and sufficient, together with the Loan/Grant Amount, to complete the Project; and (iii) the authorization, execution and delivery of the Loan/Grant Agreement which are required to have been obtained by the date of this Resolution, have been obtained or are reasonably expected to be obtained.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF LUNA COUNTY, NEW MEXICO:

Section 1. Definitions. Capitalized terms defined in the foregoing recitals shall have the same meaning when used in this Agreement unless the context clearly requires otherwise. Capitalized terms not defined in the recitals and defined in this Section 1 shall have the same meaning when used in this Agreement including the foregoing recitals, unless the context clearly requires otherwise. Capitalized terms not defined herein shall have the meaning given them by the Loan/Grant Agreement.

“Agreement” or “Loan/Grant Agreement” means the Loan/Grant Agreement and any amendments or supplements thereto, including the Exhibits attached thereto.

“Authorized Officers” means, any one or more of the Chair, County Manager, Budget and Procurement Director, and County Clerk thereof.

“Borrower/Grantee” means Luna County, New Mexico.

“CIB” means the Colonias Infrastructure Board created by the Act.

“Closing Date” means the date of execution of the Loan/Grant Agreement by the Borrower/Grantee, the CIB and the Finance Authority.

“Colonia” or “Colonias” means a Colonia as defined in the Act, and more particularly in NMSA 1978, § 6-30-3(C), as amended, and particularly Rockhound.

“Colonias Infrastructure Project Fund” or “Fund” means the fund of the same name created pursuant to the Act and held and administered by the Finance Authority.

“Conditions” has the meaning given to that term in the Loan/Grant Agreement.

“Completion Date” means the date of final payment of the cost of the Project.

“Eligible Architectural, Engineering and Construction Management Fees” means the fees and costs associated with the architectural, engineering and construction project management costs for services rendered to the Borrower/Grantee for the transaction of the Project and those directly associated with the Project, in an amount up to twelve percent (12%) of the Loan/Grant Amount.

“Eligible Fees for Other Professional Services” means the fees and costs incurred for other professional services necessary to the completion of the Project including, but not limited to, services provided by accounting and auditing firms, hydrologists and surveyors. Such fees may not exceed five percent (5%) of the Loan/Grant Amount.

“Eligible Fiscal Agent Fees” means fees and costs incurred by a fiscal agent for the administration of Project funds, including the collection and reporting of Project information as required by the Agreement, in an amount not exceeding five percent (5%) of the Loan/Grant Amount. “Eligible Items” has the meaning given to that term in the Loan/Grant Agreement.

“Eligible Items” means eligible Project costs for which loans/grants may be made pursuant to Title 2, Chapter 91, Part 2 NMAC, the Board Rules and applicable Policies, and includes costs of acquiring and constructing the Project, and, without limitation, Eligible Legal Costs and Eligible Fiscal Agent Fees.

“Eligible Legal Costs” means legal fees and costs for services rendered by legal counsel on behalf of the Borrower/Grantee for transaction of the Project and those directly associated with the qualified project, in an amount not exceeding ten percent (10%) of the Loan/Grant Amount, but does not include adjudication services.

“Finance Authority” means the New Mexico Finance Authority.

“Fiscal Year” means the period commencing on July 1 of each calendar year and ending on the last day of June of the next succeeding calendar year, or any other twelve-month period which any appropriate authority may hereafter establish for the Borrower/Grantee as its fiscal year.

“Generally Accepted Accounting Principles” means the officially established accounting principles applicable to the Borrower/Grantee consisting of the statements, determinations and other official pronouncements of the Government Accounting Standards Board, Financial Accounting Standards Board, Federal Accounting Standards Board or other principle-setting body acceptable to the Finance Authority establishing accounting principles applicable to the Borrower/Grantee.

“Governing Body” means the Board of County Commissioners of the Borrower/Grantee, or any future successor governing body of the Borrower/Grantee.

“Grant” or “Grant Amount” means the amount provided to the Borrower/Grantee as a grant pursuant to the Loan/Grant Agreement for the purpose of funding the Project, and shall equal 90% of the Amount disbursed not to exceed \$702,000.

“Herein,” “hereby,” “hereunder,” “hereof,” “hereinabove” and “hereafter” refer to this entire Resolution and not solely to the particular section or paragraph of this Resolution in which such word is used.

“Lenders/Grantors” means the CIB and the Finance Authority.

“Loan” or “Loan Amount” means 10% of the amount disbursed to the Borrower/Grantee as a loan pursuant to the Loan/Grant Agreement for the purpose of funding the Project, and shall not equal more than \$78,000.

“Loan/Grant” or “Loan/Grant Amount” means the amount provided to the Borrower/Grantee as the Grant Amount and borrowed by the Borrower/Grantee as the Loan Amount pursuant to the Loan/Grant Agreement for the purpose of funding the Project. The value of the Loan/Grant shall not equal more than \$780,000.

“Local Match” means the amount determined pursuant to the Policies to be provided by the Borrower/Grantee which includes the total value of the soft or hard match (each as defined in the Policies) which, in combination with the Loan/Grant Amount and other monies available to the Borrower/Grantee, is sufficient to complete the Project. The Local Match is \$85,000.

“NMAC” means the New Mexico Administrative Code.

“NMSA 1978” means the New Mexico Statutes Annotated, 1978 Compilation, as amended and supplemented from time to time.

“Pledged Revenues” means fifty percent (50%) of the third increment of one-eighth of one percent (0.125%) of County Local Option Gross Receipts Tax enacted pursuant to Section 7-20E-9, NMSA 1978, as amended, and the Tax Ordinance, distributed to the Borrower/Grantee and pledged to the payment of the Loan Amount pursuant to this Resolution and the Loan/Grant Agreement and described in the Term Sheet.

“Policies” means the Colonias Infrastructure Project Fund Project Selection and Management Policies, approved by the CIB.

“Political Subdivision of the State” means a municipality, a county, water and sanitation district, an association organized and existing pursuant to the Sanitary Projects Act, NMSA 1978, § 3-29-1 through § 3-29-21, as amended, or any other entity recognized by statute as a political subdivision of the State.

“Project” means the project described in the Term Sheet.

“Project Account” means the book account, if any, established by the Finance Authority in the name of the Borrower/Grantee for purposes of tracking expenditure of the Loan/Grant Amount by the Borrower/Grantee to pay for the costs of the Project, as shown in the Term Sheet, which account shall be kept separate and apart from all other accounts of the Finance Authority.

“Qualified Entity” means a county, municipality, or other entity recognized as a Political Subdivision of the State pursuant to NMSA 1978, § 6-30-3(F), as amended.

“Qualified Project” means a capital outlay project recommended by the CIB to the Finance Authority for financial assistance that is primarily intended to develop Colonias infrastructure. A Qualified Project may include a water system, a wastewater system, solid waste disposal facilities, flood and drainage control, roads or housing infrastructure pursuant to NMSA 1978, § 6-30-3(G), as amended, but does not include general operation and maintenance, equipment, housing allowance payments or mortgage subsidies.

“Resolution” means this Resolution as it may be supplemented or amended from time to time.

“Rules” means Review and Selection of Colonias Infrastructure Projects, New Mexico Colonias Infrastructure Board, Sections 2.91.2.1 through 2.91.2.18 NMAC.

“State” means the State of New Mexico.

“Tax Ordinance” means Ordinance No. 21, as amended, passed and approved by the Borrower/Grantee pursuant to Section 7-20E-9, NMSA 1978, as amended, which imposes the third one-eighth of one percent (0.125%) increment of County Local Option Gross Receipts Tax on the gross receipts of persons engaging in business within the Borrower/Grantee, effective January 1, 1995.

“Term Sheet” means Exhibit “A” attached to the Loan/Grant Agreement.

“Useful Life” means the period during which the Project is expected to be usable for the purpose for which it was designed and constructed, which is at least twenty (20) years.

Section 2. Ratification. All action heretofore taken (not inconsistent with the provisions of this Resolution) by the Borrower/Grantee and officers of the Borrower/Grantee directed toward the acquisition and completion of the Project, the pledge of the Pledged Revenues to payment of amounts due under the Loan/Grant Agreement, and the execution and delivery of the Loan/Grant Agreement shall be, and the same hereby is, ratified, approved and confirmed.

Section 3. Authorization of the Project and the Loan/Grant Agreement. The acquisition and completion of the Project and the method of funding the Project through execution and delivery of the Loan/Grant Agreement and the other documents related to the transaction are hereby authorized and ordered. The Project is for the benefit and use of the Borrower/Grantee, Rockhound and the public they serve.

Section 4. Findings. The Governing Body hereby declares that it has considered all relevant information and data and hereby makes the following findings:

A. The Project is needed to meet the needs of the Borrower/Grantee and Rockhound and the public they serve.

B. Moneys available and on hand for the Project from all sources other than the Loan/Grant are not sufficient to defray the cost of acquiring and completing the Project but, together with the Loan/Grant Amount, are sufficient to complete the Project.

C. The Project and the execution and delivery of the Loan/Grant Agreement pursuant to the Act to provide funds for the financing of the Project are necessary, convenient and in furtherance of the governmental purposes of the Borrower/Grantee, and in the interest of the public health, safety, and welfare of the constituent public served by the Borrower/Grantee.

D. The Borrower/Grantee will acquire and complete the Project with the proceeds of the Loan/Grant, the Local Match and other amounts available to the Borrower/Grantee, and except as otherwise expressly provided by the Loan/Grant Agreement, will utilize, operate and maintain the Project for the duration of its Useful Life.

E. Together with the Loan/Grant Amount, and other amounts available to the Borrower/Grantee, the Local Match is now available to the Borrower/Grantee, and in combination with the Loan/Grant Amount, will be sufficient to complete the Project.

F. The Lenders/Grantors shall maintain on behalf of the Borrower/Grantee a separate Project Account as a book account only on behalf of the Borrower/Grantee and financial records in accordance with Generally Accepted Accounting Principles during the construction or implementation of the Project.

G. The Borrower/Grantee or Rockhound has title to or easements or rights of way on the real property upon which the Project is being constructed or located.

Section 5. Loan/Grant Agreement—Authorization and Detail.

A. Authorization. This Resolution has been adopted by the affirmative vote of at least a majority of the Governing Body. For the purpose of protecting the public health, conserving the property, and protecting the general welfare and prosperity of the public served by the Borrower/Grantee and by the other qualifying entities involved in the Project and acquiring and completing the Project, it is hereby declared necessary that the Borrower/Grantee execute and deliver the Loan/Grant Agreement evidencing the Borrower/Grantee's acceptance of the Grant Amount of \$702,000 and borrowing the Loan Amount of \$78,000 to be utilized solely for Eligible Items necessary to complete the Project, and solely in the manner and according to the restrictions set forth in the Loan/Grant Agreement, the execution and delivery of which is hereby authorized. The Borrower/Grantee shall use the Loan/Grant Amount to finance the acquisition and completion of the Project.

B. Detail. The Loan/Grant Agreement shall be in substantially the form of the Loan/Grant Agreement presented at the meeting of the Governing Body at which this Resolution was adopted. The Grant shall be in the amount of \$702,000 and the Loan shall be in the amount of \$78,000. Interest on the Loan Amount shall be zero percent (0%) per annum of the unpaid principal balance of the Loan Amount.

Section 6. Approval of Loan/Grant Agreement. The form of the Loan/Grant Agreement as presented at the meeting of the Governing Body, at which this Resolution was adopted, is hereby approved. Authorized Officers are hereby individually authorized to execute, acknowledge and deliver the Loan/Grant Agreement with such changes, insertions and omissions as may be approved by such individual Authorized Officers, and the County Clerk is hereby authorized to attest the Loan/Grant Agreement. The execution of the Loan/Grant Agreement shall be conclusive evidence of such approval.

Section 7. Security. The Loan Amount shall be solely secured by the pledge of the Pledged Revenues herein made and as set forth in the Loan/Grant Agreement.

Section 8. Disposition of Proceeds: Completion of the Project.

A. Project Account. The Borrower/Grantee hereby consents to creation of the Project Account by the Finance Authority and further approves of the deposit or crediting of a portion of the Loan/Grant Amount to pay expenses. Until the Completion Date, the amount of the Loan/Grant credited to the Project Account shall be used and paid out solely for Eligible Items necessary to acquire and complete the Project in compliance with applicable law and the provisions of the Loan/Grant Agreement.

B. Completion of the Project. The Borrower/Grantee shall proceed to complete the Project with all due diligence. Upon the Completion Date, the Borrower/Grantee shall execute a certificate stating that completion of and payment for the Project has been completed. Following the Completion Date or the earlier expiration of the time allowed for disbursement of Loan/Grant funds as provided in the Loan/Grant Agreement, any balance remaining in the Project Account shall be transferred and deposited into the Colonias Infrastructure Project Fund or otherwise distributed as provided in the Loan/Grant Agreement.

C. CIB and Finance Authority Not Responsible. Borrower/Grantee shall apply the funds derived from the Loan/Grant Agreement as provided therein, and in particular Article V of the Loan/Grant Agreement. Neither the CIB nor the Finance Authority shall in any manner be responsible for the application or disposal by the Borrower/Grantee or by its officers of the funds derived from the Loan/Grant Agreement or of any other funds held by or made available to the Borrower/Grantee in connection with the Project. Lenders/Grantors shall not be liable for the refusal or failure of any other agency of the State to transfer any portion of the Loan/Grant Amount in its possession, custody and control to the Finance Authority for disbursement to the Borrower/Grantee, or to honor any request for such transfer or disbursement of the Loan/Grant Amount.

Section 9. Payment of Loan Amount. Pursuant to the Loan/Grant Agreement, the Borrower/Grantee shall pay the Loan Amount directly from the Pledged Revenues to the Finance Authority as provided in the Loan/Grant Agreement in an amount sufficient to pay principal and other amounts due under the Loan/Grant Agreement and to cure any deficiencies in the payment of the Loan Amount or other amounts due under the Loan/Grant Agreement.

Section 10. Lien on Pledged Revenues. Pursuant to the Loan/Grant Agreement, the Loan/Grant Agreement constitutes an irrevocable lien (but not an exclusive lien) upon the Pledged Revenues to the extent of the Loan Amount, the priority of which is consistent with that shown on the Term Sheet.

Section 11. Authorized Officers. Authorized Officers are hereby individually authorized and directed to execute and deliver any and all papers, instruments, opinions, affidavits and other documents and to do and cause to be done any and all acts and things necessary or proper for carrying out this Resolution, the Loan/Grant Agreement and all other transactions contemplated hereby and thereby. Authorized Officers are hereby individually authorized to do all acts and things required of them by this Resolution and the Loan/Grant Agreement for the full, punctual and complete performance of all the terms, covenants and agreements contained in this Resolution and the Loan/Grant Agreement including but not limited to, the execution and delivery of closing documents in connection with the execution and delivery of the Loan/Grant Agreement.

Section 12. Amendment of Resolution. This Resolution after its adoption may be amended without receipt by the Borrower/Grantee of any additional consideration, but only with the prior written consent of the CIB and the Finance Authority.

Section 13. Resolution Irrepealable. After the Loan/Grant Agreement has been executed and delivered, this Resolution shall be and remain irrepealable until all obligations due under the Loan/Grant Agreement shall be fully discharged, as herein provided.

Section 14. Severability Clause. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

Section 15. Repealer Clause. All bylaws, orders, ordinances, resolutions, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any bylaw, order, resolution or ordinance, or part thereof, heretofore repealed.

Section 16. Effective Date. Upon due adoption of this Resolution, it shall be recorded in the book of the Borrower/Grantee kept for that purpose, authenticated by the signatures of the Chair and County Clerk of the Borrower/Grantee, and this Resolution shall be in full force and effect thereafter, in accordance with law; provided, however, that if recording is not required for the effectiveness of this Resolution, this Resolution shall be effective upon adoption of this Resolution by the Governing Body.

Section 17. General Summary for Publication. Pursuant to the general laws of the State, the title and a general summary of the subject matter contained in this Resolution shall be published in substantially the following form:

[Remainder of page intentionally left blank.]

[Form of Notice of Adoption of Resolution for Publication]

Luna County, New Mexico
Notice of Adoption of Resolution

Notice is hereby given of the title and of a general summary of the subject matter contained in Resolution No. 19-56, duly adopted and approved by the Board of County Commissioners of Luna County on November 21, 2019. A complete copy of the Resolution is available for public inspection during normal and regular business hours in the office of the County Clerk, at 700 South Silver Avenue, Deming, New Mexico.

The title of the Resolution is:

LUNA COUNTY, NEW MEXICO
RESOLUTION NO. 19-56

A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A COLONIAS INFRASTRUCTURE PROJECT FUND LOAN/GRANT AGREEMENT BY AND AMONG THE NEW MEXICO COLONIAS INFRASTRUCTURE BOARD ("CIB") AND THE NEW MEXICO FINANCE AUTHORITY ("FINANCE AUTHORITY," AND COLLECTIVELY WITH THE CIB, THE "LENDERS/GRANTORS") AND LUNA COUNTY, NEW MEXICO (THE "BORROWER/GRANTEE"), FOR THE BENEFIT OF ROCKHOUND, IN THE TOTAL AMOUNT OF \$780,000, EVIDENCING AN OBLIGATION OF THE BORROWER/GRANTEE TO UTILIZE THE LOAN/GRANT AMOUNT SOLELY FOR THE PURPOSE OF FINANCING THE COSTS OF DESIGN, SURVEY AND CONSTRUCTION OF ROCKHOUND, EL ENSUENO, SUR AND NORTE ROADS AND SOLELY IN THE MANNER DESCRIBED IN THE LOAN/GRANT AGREEMENT; PROVIDING FOR THE PLEDGE AND PAYMENT OF THE LOAN AMOUNT OF \$78,000 SOLELY FROM FIFTY PERCENT (50%) OF A ONE-EIGHTH OF ONE PERCENT (0.125%) INCREMENT OF COUNTY LOCAL OPTION GROSS RECEIPTS TAX AND ACCEPTANCE OF A GRANT AMOUNT OF \$702,000; CERTIFYING THAT THE LOAN/GRANT AMOUNT, TOGETHER WITH OTHER FUNDS AVAILABLE TO THE BORROWER/GRANTEE, IS SUFFICIENT TO COMPLETE THE PROJECT; APPROVING THE FORM OF AND OTHER DETAILS CONCERNING THE LOAN/GRANT AGREEMENT; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS RESOLUTION; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN/GRANT AGREEMENT.

A general summary of the subject matter of the Resolution is contained in its title. This notice constitutes compliance with NMSA 1978, § 6-14-6, as amended.

[End of Form of Notice of Adoption for Publication]

PASSED, APPROVED AND ADOPTED THIS 21st DAY OF NOVEMBER, 2019.

LUNA COUNTY, NEW MEXICO

By _____
Linda M. Smrkovsky, Chair

[SEAL]

ATTEST: _____

By _____
Andrea Rodriguez, County Clerk

[Remainder of page intentionally left blank.]

Governing Body Member _____ then moved adoption of the foregoing Resolution, duly seconded by Governing Body Member _____.

The motion to adopt the Resolution, upon being put to a vote, was passed and adopted on the following recorded vote:

Those Voting Aye: Linda M. Smrkovsky, Chairperson, Comm'r Dist. 2

Barbara L. Reedy, Comm'r Dist. 1

John S. Sweetser, Comm'r Dist. 3

Those Voting Nay: N/A

Those Absent: N/A

Three (3) Members of the Governing Body having voted in favor of the motion, the Chair declared the motion carried and the Resolution adopted, whereupon the Chair and the County Clerk signed the Resolution upon the records of the minutes of the Governing Body.

After consideration of matters not relating to the Resolution, the meeting upon motion duly made, seconded and carried, was adjourned.

LUNA COUNTY, NEW MEXICO

By _____
Linda M. Smrkovsky, Chair

ATTEST:

By _____
Andrea Rodriguez, County Clerk

[Remainder of page intentionally left blank.]

STATE OF NEW MEXICO

)

) ss.

COUNTY OF LUNA

)

I, Andrea Rodriguez, the duly qualified and acting County Clerk of the Luna County (the "Borrower/Grantee"), do hereby certify:

1. The foregoing pages are a true, perfect, and complete copy of the record of the proceedings of the Board of County Commissioners of the Borrower/Grantee (the "Governing Body"), had and taken at a duly called regular meeting held at the County Commission Chambers of the Luna County Courthouse, 700 S. Silver Avenue, Deming, New Mexico 88030, on November 21, 2019 at the hour of 10:00 a.m., insofar as the same relate to the adoption of Resolution No. 19-56 and the execution and delivery of the proposed Loan/Grant Agreement, a copy of which is set forth in the official records of the proceedings of the Governing Body kept in my office. None of the action taken has been rescinded, repealed, or modified.

2. The proceedings were duly had and taken as therein shown, the meeting therein was duly held, and the persons therein named were present at said meeting, as therein shown.

3. Notice of the meeting was given in compliance with the permitted methods of giving notice of meetings of the Governing Body as required by the State Open Meetings Act, NMSA 1978, § 10-15-1, as amended, including the Borrower/Grantee's open meetings Resolution No. 19-01, adopted and approved on January 10, 2019 in effect on the date of the meeting.

IN WITNESS WHEREOF, I have hereunto set my hand this 10th day of January, 2020.

LUNA COUNTY, NEW MEXICO

By

Andrea Rodriguez, County Clerk

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EXHIBIT "A"

Notice of Meeting, Meeting Agenda

**Resolution Supporting the New Mexico Counties
2020 Legislative Priorities**

WHEREAS, in October 2019, the New Mexico Counties Board of Directors approved four legislative priorities for consideration by the New Mexico Legislature at its 2020 session; *and*

WHEREAS, NMC has requested that the Board of County Commissioners in each of the state's 33 counties discuss and approve support for NMC's legislative priorities as an important step in assuring maximum understanding of NMC's legislative priorities at the county level; *and*

WHEREAS, county support enables NMC to demonstrate strong local and statewide support to the state legislature for the following issues:

1. HB 2 Appropriations

Detention Reimbursement Fund

Increase funding under the County Detention Facility Reimbursement Act (Section 33-3B-1 et seq. NMSA) to reimburse counties for the cost of housing state prisoners. The cost to counties under the Act is approximately \$8.4 million. Last year the Legislature appropriated only \$2.3 million.

Prisoner Transport and Extradition

Create a line item in the Department of Finance & Administration budget for \$750,000 to reimburse sheriffs' offices that provide transportation of state prisoners pursuant to Section 4-44-18C NMSA. Although the Legislature contemplated reimbursing counties for this state expense, no money has been appropriated to counties for many years.

EMS Funding

Appropriate \$5 million annually to the Emergency Medical Services Fund in the Department of Health budget and identify a designated revenue mechanism to provide continuous fund growth and stability.

2. Law Enforcement Protection Fund

Increase distributions from the Law Enforcement Protection Fund (Section 29-13-1 et seq. NMSA) to local law enforcement agencies in accordance with the purpose of the Act: to enhance the efficiency and effectiveness of law enforcement services.

3. Behavioral Health

Renew and expand funding for the Human Services Department to provide behavioral health services to adult and juvenile offenders housed in county detention centers to reduce the likelihood of recidivism. Services should include targeted, individualized interventions that address detainee behavioral health needs while incarcerated and connect them to supportive housing, public assistance, medical and mental health care, and employment training as needed, immediately upon release.

4. PERA Solvency

Oppose increases in local government PERA contributions. New Mexico public employers' rates currently are among the highest in the country. Any further increases in county government are ultimately absorbed by the local taxpayer.

NOW, THEREFORE, BE IT RESOLVED that the Luna County Board of County Commissioners does hereby support NMC's legislative priorities as set forth above, and urges that legislation incorporating these priorities be enacted by the state legislature during its 2020 session.

ADOPTED this 21st of November, 2019.

BOARD OF COUNTY COMMISSIONERS OF [COUNTY], NEW MEXICO

Linda M. Smrkovsky, Chair, District 2

For / Against

Barbara L. Reedy, District 1

For / Against

John S. Sweetser, District 3

For / Against

ATTEST:

Andrea Rodriguez
County Clerk