

**MINUTES
WORK SESSION
LUNA COUNTY BOARD OF COUNTY COMMISSIONERS
Thursday, December 14, 2023**

BE IT REMEMBERED that the Luna County Board of County Commissioners met at 9:30 a.m. on Thursday, December 14, 2023, in Chambers of the Luna County Courthouse, Deming, New Mexico, for the purpose of conducting a Work Session.

CALL TO ORDER: Chair Sweetser called the meeting to order at 9:30 a.m. and led the Pledge of Allegiance and the salute to the flag of New Mexico.

ROLL CALL: Deputy Clerk Toni Esparza called Roll. The following Commissioners constituting a quorum were present:

**Ray J. Trejo, District 1
Colette M. Chandler, District 2
John S. Sweetser Chair, District 3**

PUBLIC COMMENT: Luna County Community members Russell Johnson, Leedrue Hyatt, Jody Jonson, Joe Bill Nunn, Lori Coleman, Eddie Mesa, Rebecca Hughes, and Jolene Nunn all spoke in opposition to the National Monument proposal. Mr. Russell Johnson stated that he is a fourth-generation cattle rancher on the Three Sister Mountains and also serves as the president of Luna County Farm and Livestock Bureau. Mr. Johnson stated that the national monument designation is strongly opposed and is wrong for Luna County. Mr. Johnson stated that Commissioner Trejo kept this proposal from everyone including fellow Commissioners, our State Representative, and Senator. Mr. Johnson stated that support for this monument is coming from outside of Luna County with no community input. Mr. Johnson stated that designating a monument could add additional fees and limitations hindering access to areas that the public is currently enjoying. Mr. Wes Light, President of Friends of the Floridas, stated that the reason for Friends of the Floridas was to protect the scenic beauty and the contribution to Luna County's economy. Mr. Light stated that the intention for wanting to protect the Florida Mountains in the condition that they are in now is to stop electric windmills, solar fields, transmission lines, and industrial mines from coming in that Luna County Does not need. Mr. Light stated that in looking into the outdoor recreation and what is planning to do, what has been done, and what he hopes to get done in the future. Mr. Leedrue Hyatt stated that he is a fourth-generation rancher at Cook's Peak. Mr. Hyatt stated that all four generations have spent many years making improvements and taking care of the land. Mr. Hyatt stated that this National Monument would stop all progress of everything that still needs to be done. Mr. Hyatt stated that Law enforcement officers are restricted from entering National Monument Land, therefore allowing illegal activity to happen. Ms. Carol Felsing spoke in favor of the National Monument stating that every year her family comes down from the Midwest and always wants to include a picnic and a hike in the Floridas for the Spring flower show. Ms. Felsing stated that becoming a National Monument will make it a more special event and ensure that its beauty will be protected for generations to come. Ms. Felsing stated that she is also the president of the Luna County Ranchette Owners Association. Ms. Felsing stated that there will be a meeting held on Monday, December 18, 2023, to consider a

resolution in support of the Mimbres Desert Peaks National Monument. Ms. Jody Johnson stated that if this national monument comes to be, there will be people that nobody knows who will have stewardship with the BLM to control what happens on these lands. Ms. Johnson stated that not only will this give the government control of the land but also the water rights as well. Mr. Joe Bill Nunn stated that he is opposed to the designated National Monument stating that it is nothing more than a Federal land grab pushed by a Las Cruces group and Commissioner Trejo. Mr. Nunn stated that if this proposal is passed, the property values inside of a monument designation and even close to the monument will substantially be decreased. Mr. Nunn stated that no motorized vehicles would be allowed, causing the tourists and hunters to have to hike in instead. Ms. Lori Coleman stated that she is a small miner of 14 years on BLM land here in Luna County in the Florida Mountains. Ms. Coleman stated that she sources her rock here and sells it online and in her shops in Alto and Deming. Ms. Coleman stated that her BLM and New Mexico Mining and Morals Representatives informed her that she could possibly be grandfathered on any actively open mines she has now. Mr. Eddie Mesa stated that there was a letter drafted to the President of the United States requesting a signature to get this declaration passed. Mr. Mesa stated that there have been numerous meetings, a website, and sponsors gathered without any public input. Mr. Mesa stated that he had had a conversation with Commissioner Trejo before the Public announcement. Mr. Mesa stated that Commissioner Trejo told him and he quoted Commissioner Trejo in saying that he did not reach out to the ranching community, "because we cause too much havoc and trouble." Mr. Mesa stated that he felt that a wedge had been permanently driven between the ranching and agricultural community and the organization that is trying to get this proposal passed. Ms. Rebecca Hughes stated that she is third third-generation rancher and her grandchildren who help her to maintain her land will be the fifth-generation. Ms. Hughes stated that she is against having windmills in front of the mountain. Ms. Hughes has been on the East side of the state for many years and said that powerlines, windmills, and oil fields are everywhere and this is what takes the beauty away from any place. Ms. Jolene Nunn stated that she owns a business in tourism in an RV park North of town and also a ranch. Ms. Nunn stated that there are people who come from all over the country, and bring their ATVs to go to Cook's Town, Fort Cummings, and other places. Ms. Nunn stated that when the trails are shut down and there are only a couple of designated roads they will not be able to go out and explore. **(*Note: Items were presented for discussion only and no actions were taken.)**

ADJOURN: Chair Sweetser Adjourned the meeting at 10:08 a.m.

ATTEST:

**LUNA COUNTY BOARD OF
COUNTY COMMISSIONERS**

Berenda McWright, Luna County Clerk

Ray J. Trejo, District 1

Approved: _____

Colette M. Chandler, District 2

John S. Sweetser, District 3

**MINUTES
REGULAR MEETING
LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS
Thursday, December 14, 2023**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 10:00 a.m. on Thursday, December 14, 2023, in the County Commission Chambers of the Luna County Courthouse, Deming, New Mexico, for the purpose of conducting any and all business to come properly before the Board.

The following staff and elected officials were present: County Manager Chris Brice, County Attorney Charles Krettek, Business Office Administrative Assistant Grisel Taylor, Director of Public Safety Pablo Montoya, HR Director Rosa Porras, HR/Legal Assistant Malarie Carlos, Clerk Berenda McWright, Chief Deputy Clerk Leslie Nabours, Probate Judge Diana Diaz, Administrative Assistant Senior Toni Esparza, Undersheriff Jimmy Garcia, Captain Michael Brown, LCDC Director Lee Cook, Grant Director Bryan Reedy, Deputy Director Yossie Nieblas, JJCS Program Coordinator Anadely Martinez, Program Director Tanya Ortiz, Starmax Director Chadwick Troyer, IT Technicians Joseph Apodaca and Hannah Crouch.

CALL TO ORDER: Chair Sweetser called the meeting to order at 10:22 a.m. after the Pledge of Allegiance and the salute to the flag of the State of New Mexico.

ROLL CALL: Deputy Clerk Toni Esparza called Roll. The following members of the Board constituting a quorum were present:

**Ray Trejo, District 1
Colette M Chandler, District 2
John S. Sweetser, Chair District 3**

MINUTES: Commissioner Chandler motioned to approve the minutes for the Work Session on November 16, 2023, and the Regular Meeting on November 16, 2023. The motion was seconded by Commissioner Trejo and was unanimously approved.

SERVICE AWARDS:

- Casa Program Manager Tanya Ortiz presented Deputy Manager Joanna Vasquez with her pin for five years of service.

SPECIAL RECOGNITION:

- Luna County Deputy Sheriff Adolfo Olivas was not present to receive his recognition for graduating from the NM Law Enforcement Academy and for receiving the Academic Award and being named Valedictorian of his class.

CONSENT AGENDA:

- Accounts Payable: \$1,071,43.47
- Payroll: \$1,664,151.03
- Resolution 23-84: Budget Increases
- Resolution 23-85: Budget Transfers

Commissioner Trejo motioned to approve the Consent Agenda as presented. The motion was seconded by Commissioner Chandler and was unanimously approved following a roll call vote.

Public Hearing:

- **Amended Ordinance 2: An Ordinance imposing a Lodger's Tax:** County Attorney Charles Kretek stated that the Lodger's Tax is set at five percent and will not be raised. Mr. Kretek stated that the change that was made was that instead of the ordinance just saying only for tourism, and has now been expanded for other uses related to economic development as well. Commissioner Chandler motioned to approve Amended Ordinance 2: An Ordinance imposing a Lodger's Tax. The motion was seconded by Commissioner Trejo and was unanimously approved following a roll call vote.
- **Amended Ordinance 5: Imposing a Business Registration Fee:** Mr. Kretek stated that currently the Business Registration Fee is set at \$25.00, which was set in 1989. Mr. Kretek stated that this will now be raised to \$50.00 per year. Mr. Kretek also stated that both the Lodger's Tax and Business Registration will be moved to the Planning and Zoning Department from the Clerk's Office. Commissioner Trejo motioned to approve Ordinance 5: An Ordinance imposing a Business Registration Fee. The motion was seconded by Commissioner Chandler and was unanimously approved following a roll call vote.
- **Ordinance 118: An Ordinance relating to addressing, road naming, and street signs:** Commissioner Chandler motioned to approve Ordinance 118: An Ordinance relating to addressing, road naming, and street signs. The motion was seconded by Commissioner Trejo and was approved following a roll call vote.

New Business:

- **Luna County Holiday Schedule:** Commissioner Trejo motioned to approve the Luna County Holiday Schedule. The motion was seconded by Commissioner Chandler and was unanimously approved following a roll call vote.
- **Resolution 23-86: A Resolution Establishing Volunteer Fire Department Retention and Recruitment Program:** Commissioner Chandler motioned to approve Resolution 23-86: A Resolution Establishing Volunteer Fire Department Retention and Recruitment Program. The motion was seconded by Commissioner Trejo and was unanimously approved following a roll call vote.
- **Resolution 23-87: Call to amend County Ordinances 115 and 116; an Ordinance amending two IRBS, the first among the County, Solar PV Development NM 18 II LLC and Carne Solar Bondco, LLC for the Carne Solar Project Series 2022A, and the Second among the County, Carne Energy Storage, LLC and Carne Storage Bondco, LLC for the Carne Solar Project Series 2022B:** Peter Kelton stated that he was here to authorize the County to publish notice for the consideration of the amending ordinance and would also ratify the mailing of notice letters. Mr. Kelton stated that the amendment would help to add additional property to the IRB projects that were approved by ordinance earlier this year. Mr. Kelton stated that there would be no increase in the size of the project from a dollar perspective. Commissioner Trejo motioned to approve Resolution 23-87: A call to amend County Ordinances 115 and 116: an Ordinance amending two IRBS, the first among the

County, Solar PV Development NM 18 II LLC and Carne Solar Bondco, LLC for the Carne Solar Project, Series 2022 A, and the second among the County, Carne Energy Storage, LLC and Carne Storage Bondco, LLC for the Carne Solar Project, Series 2022B. The motion was seconded by Commissioner Chandler and carried unanimously following a roll call vote.

Indigent Claims Report: Commissioner Chandler motioned to recess as County Commission and convene as a Claims Board. The motion was seconded by Commissioner Trejo and was unanimously approved. County Manager Chris Brice reported that there were a total of 6 claims of \$15,625.34 none of which were for the Detention Center. Mr. Brice stated that as of November 30, 2023, the is a total of \$386,686.75 encumbered, with a total balance of \$ 1,957,177.05. Commissioner Chandler motioned to approve the claims dated December 14, 2023, in the amount of \$15,625.34. The motion was seconded by Commissioner Trejo and unanimously approved. Commissioner Chandler motioned to recess as a Claims Board and reconvene as County Commission. The motion was seconded by Commissioner Trejo and was unanimously approved.

Community Support Reports: Executive Director of the Council Christie Ann Harvey Stated that the foundation holes for the installation of the Starmax sign were drilled last week and concrete should be poured by the end of this week. Ms. Harvey stated that the sign should be set late next week after curing. The Office of Broadband Access and Expansion Capacity grant request for \$99,000.00 was submitted on November 17, 2023, to the State. Ms. Harvey stated that Resound Networks continues planning their scheduled work to begin here in Luna County by the end of the first quarter of next year, connecting over 1,000 people. Ms. Harvey stated that she has scheduled a meeting with Franny Miller NMSU Assistant Professor of Agriculture and Natural Resources Policy to plan an event to be held in Luna County next Summer. Ms. Harvey stated that the Border Authority held a special meeting on November 12, 2023, at the Dona Ana Government Center and Commission Chambers. Ms. Harvey stated that she brought up a discussion of Border Area Industry and Logistics study and strategy for cross-border growth. Ms. Harvey stated that the Council Film Office met with Aaron Leventhman Director of outreach and special events for the New Mexico Film Office about a program to bring Veterans with certain skill sets into the movie industry. Ms. Harvey stated that she had previously mentioned a Department of Energy Transmission Siding and Economic Development grant, which was brought up by Strategies 360. Ms. Harvey stated that Strategies 360 offered to not only write the grant but also pay the five percent match if needed for the County. Ms. Harvey stated that a letter of intent was required and written by Strategies 360, perfected by the County and filed. Ms. Harvey stated that the letter of intent is asking for \$2,000,000.00 for the project to build two film studios here in Luna County. Ms. Harvey stated that she set up a meeting with Western New Mexico University Vice President Dr. Wes, Director Ortiz of Construction Trades, and Director Manny Rodriguez to talk about combining two proposed classes into one dealing in the construction trades. Ms. Harvey stated that this class is targeted to begin with the March semester dealing with drywall, framing, basic safety, and power tools. Ms. Harvey stated that this class will give the students four credit hours. Ms. Harvey stated that some of the other classes that are being considered are HVAC, Plumbing, and Diesel Mechanics.

Executive Director of the Deming Luna County Main Street Program Chelsea Evans thanked Luna County for helping make the Christmas activities special including getting the park ready for the festivities, putting up the big Christmas tree, and entering two floats in the Christmas Parade. Ms. Evans stated that eight businesses participated in the Christmas decorating contest for cash prizes.

Ms. Evans stated that the Elf on the Shelf game is still going on which was created to get the community to get into the small businesses downtown.

Executive Director of the Chamber of Commerce Tarcia Rebeiz thanked the County for their support throughout the year. Ms. Rebeiz stated that she would like to invite the public to the Chamber Holiday in the Park to be held on Sunday, December 17, 2023, from 10:00 to 5:00 and to wear an ugly sweater to the event.

Elected Officials Report:

Assessor: No Report Given

Clerk: Clerk Berenda McWright reported that on November 28, 2023, after the Regular Local Election, the State Canvassing Board met to certify the Elections Statewide. Ms. McWright stated that it was determined that two candidates in Columbus Trustee met the criteria for a re-count. Ms. McWright stated that William Dean Johnson and Wilson Edward Moore were within six votes of each other. Ms. McWright stated that on Wednesday, December 6, 2023, the Clerk's Office conducted the re-count by first hand tallying up to 100 ballots and then feeding those ballots into the Tabulator to determine if the totals matched, which they did. Ms. McWright stated that the State Canvassing Board met again on December 12, 2023, and finalized the certification of the 2023 Regular Local Election. Ms. McWright stated that the Clerk's Office has conducted several re-counts over the years and have never had any total changes. Ms. McWright stated that the Clerk's Office also conducted an audit and the auditor chose precinct three for the Mayor race, City Council District 1, as well as the Deming Soil and Water Conservation District Supervisor. Ms. McWright stated that ballots for those races in Precinct Three were all hand tallied and compared against the results for Election night and again there were no changes.

Probate Judge: No Report Given

Treasurer: No Report Given

Sheriff: Captain Michael Brown Reported that last month there were eight larceny reports, four accidents, seven burglaries, seven assaults, three DWIs, and four motor vehicle thefts. Captain Brown stated that assaults were down over the previous month, burglaries were down, larcenies were up, criminal cases overall were down, non-criminal/civil was down, and accidents were down significantly, and DWIs were up. Captain Brown stated that there were 13 applicants for Deputy Sheriff which has been narrowed down to three who showed up for interviews yesterday. Captain Brown stated that the Shop with a Cop event will be taking place this Saturday, December 16, 2023, At Walmart and 350 children are expected.

Commissioners: Commissioner Trejo thanked the County Volunteer Fire Department in assisting with the fire which took his sister's home about a month ago. Commissioner Trejo stated that he watched the volunteers work on putting out the fire and wondered why they are not paid for what they do.

County Managers Report: Mr. Brice stated that to second what Ms. Evans said about the Christmas parade it was a great event and the County had two floats entered and thanked everyone who helped

decorate. Mr. Brice wanted to give a special thanks to the Maintenance Department for all that they do. Mr. Brice stated that the County is finalizing Capital Outlay Projects for submission to both the Governor and our legislatures. Mr. Brice stated that he and City Administrator Aaron Sera had gotten together and sent a letter about two months ago presenting the major wants and needs of the County and City for funding requests. Mr. Brice stated that Grant Director Bryan Reedy and Deputy Director Yossie Nieblas are finishing up this request to be submitted on January 6, 2024. Mr. Brice stated that for both the Industrial Park roads and the BERM project, the County just needs to finalize a bit more land to get started. Mr. Brice stated that the bid should go out in January. Mr. Brice stated that there is construction going on by Starmax on the outside for the skate park. Mr. Brice stated that the outdoor activities construction will be done in phases. The skate park, basketball courts, and pickleball courts will be the first phase. Mr. Brice stated that the second phase will consist of the metal building which will become the bathroom and concession facilities. Mr. Brice stated that the batting cages would be the third phase and they are looking at having all of this construction completed by spring or early summer next year. Mr. Brice stated that construction of the kitchen, bar, restaurant, and outdoor seating is very close to starting. Mr. Brice stated that the County held a couple of active shooter trainings one at Starmax and one here in the courthouse building. Mr. Brice stated that although it is an inconvenience to the public for the courthouse to be closed these trainings are necessary. Mr. Brice stated that he would like to do active shooter trainings if not every six months, at least annually.

Upcoming Meetings/Events (Unless otherwise specified):

- Luna County Offices closed; December 22, 2023
- Luna County Offices Closed; December 25, 2023
- Public Input Work Session, January 11, 2024, from 9:30 a.m. - 10:00 a.m.
- Regular Meeting, January 11, 2024, at 10 a.m.

Adjourn: Chair Sweetser adjourned the meeting adjourned at 10:58 am.

ATTEST:

**LUNA COUNTY BOARD OF
COUNTY COMMISSIONERS**

Berenda McWright, Luna County Clerk

Ray J. Trejo, District 1

Approved: _____

Colette M. Chandler, District 2

John S. Sweetser, District 3

LCBCC Meeting January 11, 2024

Accounts Payable

12/01/2023	\$418,182.98
12/01/2023	\$22,498.83
12/01/2023	\$520.00
12/01/2023	\$19,625.81
12/07/2023	\$9,569.32
12/08/2023	\$404,688.04
12/08/2023	\$10,856.80
12/08/2023	\$4,313.94
12/15/2023	\$175,970.60
12/15/2023	\$14,204.86
12/15/2023	\$38,411.78
12/15/2023	\$809.00
12/21/2023	\$704,112.40
12/21/2023	\$15,576.16
12/21/2023	\$85,569.56
12/21/2023	\$241.00
12/29/2023	\$359,113.80
12/29/2023	\$3,693.61
12/29/2023	\$5,806.96
12/29/2023	\$362.00

P-Cards

November 2023	\$302,292.13
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Total \$2,596,419.58

Luna County
Board of County Commissioners



Agenda 1/11/2024

PAYROLL

Date	Register	Amount
11/29/2023	20230202	\$610,382.55
11/30/2023	*20230203	\$14,132.06
12/13/2023	20230204	\$651,391.97
12/14/2023	*20230205	\$34,928.16
12/19/2023	*20230206	\$56.81
12/27/2023	20230207	\$653,243.78
12/28/2023	*20230208	\$8,169.39

Total: \$1,972,304.72

* 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 11th day of January 2024, the following proceedings were had and entered of record.

RESOLUTION #24-01

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 11th day of January 2024.

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 11th day of January 2024, the following proceedings were had and entered of record.

RESOLUTION #24-02

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 11th day of January 2024.

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 11th day of January 2024, the following proceedings were had and entered of record.

RESOLUTION #24-03

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" ½ 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 GIS Department 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.

Remote Access Fee	\$200.00 plus Triadic fee
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Fees for Transactions within Treasurer's Department:

(1) Return payment checks for the correct amount:	\$5.00
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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
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This fee will not be less than current bank charges. This charge will cover the processing cost of the returned items.

LCDC Department Fees:

Bond Fee:	\$15.00
Notary Fee:	\$1.00
Earbuds Fee:	\$6.00

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

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**
0

This charge would be for all accounts that are delinquent for more than 60 days.

(2) Demand Warrant Processing Fee: **\$25.00**
0

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.

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
Reinstatement Fees	Permit fees above apply \$200.00
Appeal Fees	\$50.00

Planning Fees:

Notary	\$5.00
Deed Search and Print	\$25.00
Appeals to County Commission	\$100.00
Variance	\$250.00 per variance
Conditional Use Permit	\$50.00
Conditional Use Renewable Energy	\$500 review \$1,000 permit
Special Use Permit	\$100.00
Special Use Renewable Energy	\$1,000.00 review \$3,000 permit
Mobile Home Installation Permit	\$100
Floodplain Review	\$25
Floodplain Permit	\$50

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

Rural Addressing/ Road Naming Service Fee (new residents):

Administrative processing	\$35.00
New or replacement Placard	\$30.00
Address designation letter	\$10.00
Road Naming/ Re-naming application	\$100.00
Road street sign fee (if approved)	\$250.00
Street Signs for Private Roads	\$150.00 with hardware \$100.00 without hardware

Business Registration Fees:

The annual business registration fee is \$35.00 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 Planning Department at the time each business registration is issued on July 1.

Administrative Fees for Administering the Luna County Subdivision Ordinance

Summary Review Application	\$125.00 plus \$10.00 per lot
Preliminary Plat Application	\$200.00
RE-submittal of revised plat application	\$100.00
Final Plat Application	\$200.00 plus \$50.00 per lot
Replat	(Same as preliminary and final plat)
Vacation of Plat (Including partial vacation)	\$100.00
Vacation of Easement	\$100.00
Claim of Exemption	\$100.00

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	1-5	\$100; 6-25 \$20/each/site or node
SWF; Approved Application Update*	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 11th day of January 2024.

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 11th day of January 2024, the following proceedings were had and entered of record.

RESOLUTION #24-04

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
COUNTY BOARD OF FINANCE	County Commissioner Chair, County Treasurer as Executing Officer, County Manager, and Budget & Procurement Director
OFFICIAL NEWSPAPER AND OTHER MEDIA	Deming Headlight KOTS/KDEM Radio Station

**Done at Deming, New Mexico this 11th day of January 2024
Luna County Board of County Commissioners**

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 11th day of January 2024, the following proceedings were had and entered of record.

RESOLUTION #24-05

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
Malarie Carlos, IPRA Coordinator
700 S. Silver Avenue
Deming, NM 88030
Phone: (575) 543-6509
Fax: (575) 544-4293
hrlegalassistant@lunacountynm.us
<https://lunanm.seamlessdocs.com/f/datarecords>

Done at Deming, New Mexico this 11th day of January 2024

Luna County Board of County Commissioners

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 # 24- 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			2024 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 above 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 11 day of January, 2024.

SIGNED: _____, Chief Elected Official

ATTEST:

(Name and Title)

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 11th day of January 2024.

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 11th day of January 2024, the following proceedings were had and entered of record.

RESOLUTION #24-07

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 50% 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 11th day of January 2024.

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 11th day of January 2024, the following proceedings were held and entered of record.

RESOLUTION # 24-08

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:

Safety & Risk Program Coordinator
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 Safety & Risk Coordinator 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 Safety & Risk Coordinator with a copy forwarded to the complainant upon completion of the investigation.
5. The Safety & Risk Coordinator shall maintain files and records relating to any complaint filed.
6. The complainant may request reconsideration of the case by the County Manager 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 11th day of January 2024.

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

**LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS**

RESOLUTION NO. 24-09
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 112, July 1, 2023 through June 30, 2024 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 11th DAY OF JANUARY, 2024.

BOARD OF COUNTY
COMMISSIONERS OF LUNA
COUNTY

Ray J. Trejo, District One

Colette M. Chandler, District Two

ATTEST:

Berenda L. McWright, Luna County Clerk

John S. Sweetser, District Three

MEMO

To: County Manager/Commissioners

From: Lupita Hernandez

Department: Planning

Date: 12-15-2023

Total of Request

Re: Budget Request for a BUDGET TRANSFER [] \$

BUDGET INCREASE [X] \$ 1000

TRANSFER FROM

FUND or Line Item Number	Line Item Description	Current Line Balance	Proposed Transfer Amount
401	cash reserves		1000

TRANSFER TO

FUND or Line Item Number	Line Item Description	Current Line Balance	Proposed Transfer Amount
401142040	Safety Training and Supplies	746.53	1000

Purpose budget adjustment: (to pay for what?)

Southwest Alarm and Fire Upgraded Alarm System and other safety supplies/equipment as needed.

REASON FOR TRANSFER (why is current budget insufficient).

Didn't account for needing upgraded system requirement

Department Head Signature:

Lupita Hernandez

MEMO

To: County Manager/Commissioners
From: Joanne C. Hethcox, CPM®
Department: Business Office
Date: 12/08/2023

Total of Request

Re: Budget Request for a BUDGET TRANSFER [] \$

BUDGET INCREASE [X] \$9,600.00

TRANSFER FROM

FUND or Line Item Number	Line Item Description	Current Line Balance	Proposed Transfer Amount

TRANSFER TO

FUND or Line Item Number	Line Item Description	Current Line Balance	Proposed Transfer Amount
406-19-2270	Indigent Burials	\$-400.00	\$9,600.00

Purpose budget adjustment: (to pay for what?) To pay for indigent burials through the remainder of the fiscal year. Indigent burials allowance was raised to \$1,000.00 beginning July 1, 2023.

REASON FOR TRANSFER (why is current budget insufficient).

Department Head Signature: 

MEMO

To: County Manager/Commissioners

From: Joanne C. Hethcox, CPM®

Department: Business Office

Date: 01/03/2024

Total of Request

Re: Budget Request for a BUDGET TRANSFER [] \$

BUDGET INCREASE [X]\$1,350,000.00

TRANSFER FROM

FUND or Line Item Number	Line Item Description	Current Line Balance	Proposed Transfer Amount

TRANSFER TO

FUND or Line Item Number	Line Item Description	Current Line Balance	Proposed Transfer Amount
411-77-1522	WPF-5969-China Draw/E Florida Flood Control Project	\$0.00	\$-1,350,000.00
411-00-2522	WPF-5969-China Draw/E Florida Flood Control Project	\$0.00	\$1,350,000.00

Purpose budget adjustment: (to pay for what?) To account for Grant/Loan Agreement for WPF-5969 China Draw and East Florida Flood Control Project.

REASON FOR TRANSFER (why is current budget insufficient). Grant awarded after final budget preparation.

Department Head Signature: _____

Joanne C. Hethcox

MEMO

To: County Manager/Commissioners

From: Joanne C. Hethcox, CPM®

Department: Business Office

Date: 12/11/2023

Total of Request

Re: Budget Request for a BUDGET TRANSFER [] \$

BUDGET INCREASE [X] \$31,682.00

TRANSFER FROM

FUND or Line Item Number	Line Item Description	Current Line Balance	Proposed Transfer Amount

TRANSFER TO

FUND or Line Item Number	Line Item Description	Current Line Balance	Proposed Transfer Amount
411-00-2564	NMFA-CIF 6138-Keeler Farm Road	\$285,136.00	\$31,682.00

Purpose budget adjustment: (to pay for what?) To account for loan component of Colonias project for Keeler Farm Road.

REASON FOR TRANSFER (why is current budget insufficient).

Department Head Signature: Joanne C. Hethcox

MEMO

To: County Manager/Commissioners

From: Yossie Nieblas

Department: Grants

Date: 12-28-2023

Total of Request

Re: Budget Request for a BUDGET TRANSFER [] \$

BUDGET INCREASE [✓] \$ 4000.00

TRANSFER FROM

FUND or Line Item Number	Line Item Description	Current Line Balance	Proposed Transfer Amount

TRANSFER TO

FUND or Line Item Number	Line Item Description	Current Line Balance	Proposed Transfer Amount
421-77-1628	DV FEMA Revenue		-4000.00
421-00-2381	DV FEMA Expense		4000.00

Purpose budget adjustment: (to pay for what?)

FEMA Grant: Passthrough payment for La Casa Healing House for meals (expected deposit December 2023)

REASON FOR TRANSFER (why is current budget insufficient).

Department Head Signature: _____

Yossie Nieblas

MEMO

To: County Manager/Commissioners

From: Lee Cook-Jordan

Department: Detention

Date: 12-11-2023

Total of Request

Re: Budget Request for a BUDGET TRANSFER [] \$

BUDGET INCREASE [✓] \$ 161,000.00

TRANSFER FROM

FUND or Line Item Number	Line Item Description	Current Line Balance	Proposed Transfer Amount

TRANSFER TO

FUND or Line Item Number	Line Item Description	Current Line Balance	Proposed Transfer Amount
609-21-2018	Inmate medical	\$39,779.05	\$96,000.00
609-21-2116	Department Uniforms	-\$358.01	\$15,000.00
609-21-2181	Inmate Housing	-\$4891.68	\$50,000.00

Purpose budget adjustment: (to pay for what?)

2018= medial and Diamond Pharmacy expenses.

2116= department uniforms for the rest of the facility uniforms

2181= housing for juveniles in other facilities and mental health detainees in the department of corrections for more extensive health care.

REASON FOR TRANSFER (why is current budget insufficient).

2018-medial is deficient for the diamond pharmacy expenses and the last two invoices from 2022-23 fiscal budget from Corr health

2116- is deficient from the badges we ordered for the entire facility

2181- is deficient from the recent arrests of multiple juveniles and having to house mental health

Department Head Signature:

Lee Cook

MEMO

To: County Manager/Commissioners
From: Joanne C. Hethcox, CPM®
Department: Business Office
Date: 01/03/2024

Total of Request

Re: Budget Request for a BUDGET TRANSFER [] \$

BUDGET DECREASE [X] \$-23,689.80

TRANSFER FROM

FUND or Line Item Number	Line Item Description	Current Line Balance	Proposed Transfer Amount

TRANSFER TO

FUND or Line Item Number	Line Item Description	Current Line Balance	Proposed Transfer Amount
610-62-2005	Salaries – Overtime (Buckledown)	\$414.00	\$-414.00
610-62-2060	Match – Medicare 1.45%	\$6.00	\$-6.00
610-65-2005	Salaries – Overtime (STEP)	\$12,786.85	\$-12,786.85
610-65-2060	Match – Medicare 1.45%	\$185.42	-\$185.42
610-65-2064	Match – FICA 6.2%	\$1,167.77	\$-1,167.77
610-67-2005	Salaries – Overtime (ENDWI)	\$8,439.05	\$-8,439.05
610-67-2060	Match – Medicare 1.45%	\$122.36	\$-122.36
610-67-2064	Match – FICA 6.2%	\$568.35	\$-568.35

Purpose budget adjustment: (to pay for what?) To decrease NM DOT ENDWI, BuckleUp and STEP remaining grant funds from fiscal year 2023.

REASON FOR TRANSFER (why is current budget insufficient).

Department Head Signature

Joanne C. Hethcox

MEMO

To: County Manager/Commissioners
From: Joanne C. Hethcox, CPM®
Department: Business Office
Date: 01/03/2024

Total of Request

Re: Budget Request for a BUDGET TRANSFER [] \$

BUDGET INCREASE [X] \$28,704.00

TRANSFER FROM

FUND or Line Item Number	Line Item Description	Current Line Balance	Proposed Transfer Amount

TRANSFER TO

FUND or Line Item Number	Line Item Description	Current Line Balance	Proposed Transfer Amount
610-62-2005	Salaries – Overtime (Buckledown)	\$0.00	\$284.00
610-62-2060	Match – Medicare 1.45%	\$00.0	\$4.00
610-65-2005	Salaries – Overtime (STEP)	\$0.00	\$18,830.00
610-65-2060	Match – Medicare 1.45%	\$0.00	\$274.00
610-67-2005	Salaries – Overtime (ENDWI)	\$0.00	\$9,179.00
610-67-2060	Match – Medicare 1.45%	\$0.00	\$133.00

Purpose budget adjustment: (to pay for what?) To increase NM DOT ENDWI, BuckleUp and STEP for grant funds for fiscal year 2024.

REASON FOR TRANSFER (why is current budget insufficient).

Department Head Signature: Joanne C. Hethcox

MEMO

To: County Manager/Commissioners

From: Joanne C. Hethcox, CPM®

Department: Business Office

Date: 01/05/2024

Total of Request

Re: Budget Request for a BUDGET TRANSFER [] \$

BUDGET INCREASE [X] \$125,000.00

TRANSFER FROM

FUND or Line Item Number	Line Item Description	Current Line Balance	Proposed Transfer Amount

TRANSFER TO

FUND or Line Item Number	Line Item Description	Current Line Balance	Proposed Transfer Amount
704-77-1490	Cooks Peak Fire Fund	\$-72,865.00	\$-125,000.00
704-00-2097	Firefighter Stipends (NEW)	\$0.00	\$23,223.00
704-00-2060	Match – Medicare 1.45% (NEW)	\$0.00	\$337.00
704-00-2064	Match – FICA 6.2% (NEW)	\$0.00	\$1,440.00
704-00-2028	Capital Outlay	\$131,941.48	\$100,000.00

Purpose budget adjustment: (to pay for what?) To account for FY2024 NM Fire Protection Grant for extrication equipment and firefighter stipends as awarded.

REASON FOR TRANSFER (why is current budget insufficient). Grant awarded after final budget preparation (11/2023).

Department Head Signature: Joanne C. Hethcox

Be it remembered that at a Regular meeting of the Board of County Commissioners of Luna County in Deming NM on the 11th day of January, 2024, the following budget adjustments are proposed and entered of record.

SCHEDULE OF BUDGET
ADJUSTMENTS

Budget Resolution Number 24-09
Proposed Inter/Intra FUND Budget Increase/Decrease

ITEM NO	Adjustment Type	Fund/ DFA Fund	Dept.	From	Amount	To	Amount	Purpose	Entity Code	
									DFA Resolution Number	
One	Increase	401/11000	General Fund - Planning	401/11000	\$ 1,000.00	Safety Training & Supplies 406-19-2270	\$ 1,000.00	To pay for SW Alarm & Fire system and other supplies as needed.	\$ 1,500.00	\$ 2,500.00
Two	Increase	406/22000	Indigent Claims Fund	406/22000	\$ 9,600.00	Indigent Burials 411-77-1522	\$ 9,600.00	To pay for indigent burials through remainder of fiscal year.	\$ 6,000.00	\$ 15,600.00
Three	Increase	411/21800	Community Improvements	411/21800	\$ (1,350,000.00)	W/PF-5969-China Draw and E Florida Flood Control Project 411-00-2522	\$ (1,350,000.00)	To account for W/PF-5969 China Draw and East Florida Flood Control Project as awarded.	\$ -	\$ (1,350,000.00)
					\$ 1,350,000.00	W/PF-5969-China Draw and E Florida Flood Control Project 411-00-2564	\$ 1,350,000.00	To account for W/PF-5969 China Draw and East Florida Flood Control Project as awarded.	\$ -	\$ 1,350,000.00
Four	Increase	411/21800	Community Improvements	411/21800	\$ 31,682.00	NMFA-CIF 6138-Keeler Farm Road Project 421-77-1628	\$ 31,682.00	To account for loan component of NMFA-CIF 6138-Keeler Farm Road Project.	\$ 285,136.00	\$ 316,818.00
Five	Increase	421/21800	Domestic Violence Shelter	421/21800	\$ (4,000.00)	FEMA 421-00-2381	\$ (4,000.00)	To account for passthrough grant to La Casa Inc for meals.	\$ -	\$ (4,000.00)
					\$ 4,000.00	GRANT - FEMA 609-21-2116	\$ 4,000.00	To account for passthrough grant to La Casa Inc for meals.	\$ -	\$ 4,000.00
Six	Increase	609/22600	Adult Detention	609/22600	\$ 161,000.00	609-21-2018 Inmate Medical 609-21-2181	\$ 96,000.00	To pay for medical and pharmacy expenses through remainder of fiscal year.	\$ 1,398,000.48	\$ 1,494,000.48
						Department Uniforms 609-21-2181	\$ 15,000.00	To pay for uniform expenses through remainder of fiscal year.	\$ 42,000.00	\$ 57,000.00
						Inmate Housing 610-62-2005	\$ 50,000.00	To pay for inmate housing expenses through remainder of fiscal year.	\$ 125,000.00	\$ 175,000.00
Seven	Decrease	610/21800	Drug Investigation	610/21800	\$ (23,689.80)	Salaries - Overtime (Buckelp) 620-62-2060	\$ (414.00)	To removed FY 2023 remaining grant funds.	\$ 414.00	\$ -
						Medicare - 1.45% 610-65-2005	\$ (6.00)	To removed FY 2023 remaining grant funds.	\$ 6.00	\$ -
						Salaries - Overtime (STEP) 610-65-2060	\$ (12,786.85)	To removed FY 2023 remaining grant funds.	\$ 18,835.00	\$ 6,048.15
						Match - Medicare 1.45% 610-65-2064	\$ (185.42)	To removed FY 2023 remaining grant funds.	\$ 273.11	\$ 87.69
						Match - FICA 6.2% 610-67-2005	\$ (1,167.77)	To removed FY 2023 remaining grant funds.	\$ 1,167.77	\$ -
						Salaries - Overtime (ENDWT) 610-67-2005	\$ (8,439.05)	To removed FY 2023 remaining grant funds.	\$ 9,167.00	\$ 727.95

**LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS**

**RESOLUTION NO. 24-10
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 112, July 1, 2023 through June 30, 2024 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 11th DAY OF JANUARY, 2024.

BOARD OF COUNTY
COMMISSIONERS OF LUNA
COUNTY

Ray J. Trejo, District One

Colette M. Chandler, District Two

ATTEST:

Berenda L. McWright, Luna County Clerk

John S. Sweetser, District Three

MEMO

To: County Manager/Commissioners

From: Lauree Sanchez

Department: Central Dispatch

Date: 12-29-2023

Total of Request

Re: Budget Request for a BUDGET TRANSFER [✓] \$ 42,000.00

BUDGET INCREASE [] \$

TRANSFER FROM

FUND or Line Item Number	Line Item Description	Current Line Balance	Proposed Transfer Amount
401202002	Salaries Full time	391,790.48	42,000.00

TRANSFER TO

FUND or Line Item Number	Line Item Description	Current Line Balance	Proposed Transfer Amount
401202002 5	Overtime	-2,902.91	30,000.00
401202013	Equipment rental	-831.74	2,000.00
401202025	Utilities	-1333.07	10,000.00

Purpose budget adjustment: (to pay for what?)

Overtime, equipment rental fees and Utilities

REASON FOR TRANSFER (why is current budget insufficient).

Staff Shortage, Equipment fees and Utilities cost

Department Head Signature:

Lauree Sanchez

Be it remembered that at a Regular meeting of the Board of County Commissioners of Luna County in Deming NM on the 11th day of January, 2024 the following budget adjustments are proposed and entered of record.

Budget Resolution Number 24-10

Proposed Inter Department Transfer

Proposed Inter Department Transfer


[illegible]

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 11th day of January, 2024.**

BOARD OF COUNTY COMMISSIONERS OF LUNA COUNTY

Ray J Trejo, District 1 Colette M Chandler, District 2 John S Sweetser, District 3

The seal of Luna County, New Mexico, is circular. It features a central sun with rays, flanked by two stylized mountains. The text "LUNA COUNTY" is written in a semi-circle above the sun, and "1901" is written in a semi-circle below the sun. The entire seal is set against a dark background.The seal of Luna County, New Mexico, is a circular emblem. It features a central red sun with rays, set against a black silhouette of a mountain range. The words "LUNA COUNTY" are written in a semi-circle at the top, and "1901" is at the bottom.

Date _____

Be it remembered that at a Regular Meeting of the Board of County Commissioners of Luna County in Deming New Mexico, on the 11th day of January, 2024, the following proceedings were had and entered of record.

LUNA COUNTY

RESOLUTION 24-11

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 them 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 11th day of January, 2024.

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: 12-26-2023

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
982007	2000	Chevy	Silverado 1500	1G6EC14VXYZ324881	98389
Explanation for Disposal	No longer running. Mechanical Issues				
Inventory #	Year	Make	Model	VIN	Mileage
981141	2005	Ford	F-150	1FTPW14544KC98359	115874
Explanation for Disposal	No longer running correctly. Mechanical Issues				
Inventory #	Year	Make	Model	VIN	Mileage
981150	2005	Ford	F-250	1FTSW21515ED24775	140385
Explanation for Disposal	No longer running correctly. Mechanical Issues				

Devin Zamora

Devin Zamora

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: 12-26-2023

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
981149	2005	Ford	F-250	1FTSW2151ED24761	132751
Explanation for Disposal	No longer running correctly. Mechanical Issues				
Inventory #	Year	Make	Model	VIN	Mileage
Explanation for Disposal					
Inventory #	Year	Make	Model	VIN	Mileage
Explanation for Disposal					

Devin Zamora
Devin Zamora

LUNA COUNTY RESOLUTION

Resolution No. 24-12

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

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

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

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

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

NOW THEREFORE, BE IT RESOLVED by the governing body of the County of Luna, that the County Chairperson, on behalf of the County and all participating entities is authorized to submit an application for Distribution and/or Grant Fiscal Year 2025 program funding under the regulations established by the Local Government Division.

APPROVED AND ADOPTED by the governing body at its meeting of January 11th, 2024.

John Sweetser, County Commission Chairperson

Attest:

DWI Planning Council Representative

County Clerk (SEAL)

MEMORANDUM OF UNDERSTANDING

The Luna County DWI Program (hereinafter referred to as the "Program") and the New Mexico Department of Finance and Administration/Local Government Division/Driving While Intoxicated Program (hereinafter referred to as "Division") hereby exchange the following assurances and enter the following Memorandum of Understanding (MOU):

The Division assures:

1. That Division is in full compliance with the provisions concerning security for records and research activities in accordance with Federal Confidentiality regulations, 42 CFR Part 2.16 and 2.52.
2. That client identifying information will not be re-disclosed except back to the Program from which the information was obtained, or according to the terms of this MOU.
3. That in receiving, storing, processing, or otherwise dealing with any information from the Program about the clients in the Program, the Division acknowledges it is bound by the provisions of the Federal confidentiality regulations, 42 CFR Part 2.
4. That the Division shall undertake to resist any effort to obtain access to information pertaining to patients otherwise than as expressly provided for in the Federal confidentiality regulations, 42 CFR Part 2.
5. That the Division is not a "covered entity" as defined by the Department of Health and Human Services Regulations entitled "Standards for Privacy of Individually Identifiable Health Information", 45 CFR Parts 160 and 164, implementing the Health Insurance Portability and Accountability Act of 1996 (HIPAA); (the HIPAA Regulations).
6. That the Division shall never possess treatment or maintain any "individually identifiable health information" or transmit "protected health information" as defined by the HIPAA Regulations and in the Health Information Technology for Economic and Clinical Health Act of 2009 (HITECH Act).

The Program agrees to:

1. Upon request, provide the Division or other parties authorized with client records for those clients provided services through the Local Government Division DWI Grant Program, for the purpose of conducting outcome monitoring research activities, and evaluation of LDWI Program interventions.

2. If applicable, comply with the requirements of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), the Health Information Technology for Economic and Clinical Health Act of 2009 (HITECH Act) and the Department of Health and Human Services Regulation entitled "Standards for Privacy of Individually Identifiable Health Information", 45 CFR Parts 160 and 164, applicable to entities covered by HIPAA; (the HIPAA Regulations).
3. Report or transmit data to the Division that deletes and contains no "individually identifiable health information" or "protected health information" as defined by the HIPAA Regulations and the Health Information Technology for Economic and Clinical Health Act of 2009 (HITECH Act).

John Sweetser
County Commission Chairperson (or Designee)
(Please Print)

Signature

Date

Wesley Billingsley, Director
Local Government Division

Date

STATEMENT OF ASSURANCES

Local DWI Grant and Distribution Program

Fiscal Year 2025: July 1, 2024 – June 30, 2025

The applicant hereby assures and certifies compliance with the following statutes, rules, regulations, and guidelines associated with the acceptance and use of funds under the New Mexico Local DWI Grant and Distribution Program:

1. Compliance with the provisions of the New Mexico Local DWI Grant Program Act, Sections 11-6A-1 through 11-6A-6 NMSA 1978 as amended, the NMAC Title 2, Chapter 110 Part 4 Regulations, and the approved LDWI Guidelines.
2. The applicant has the responsibility and legal authority to receive and expend funds as described in the grant and distribution project description, as well as to finance the grantee share (minimum 10%) of costs of the project, including all project overruns.
3. Compliance with the State Procurement Code, Sections 13-1-21 through 13-1-199, NMSA 1978 as amended, with the exception of Home Ruled Governments. All project-related services, activities or programs done through a service provider must be implemented through a professional services contract. Any project-related contract, subcontract, or agreement and related amendments, providing services to the grant or distribution program, must be submitted for administrative review by the Local Government Division prior to execution.
4. Adherence to all financial, accounting, and reporting requirements of the Department of Finance and Administration. Distribution programs will include the Exhibit F, the Local DWI Distribution Fund Financial Status Report. Grant programs will include the Local DWI Program Request for Payment/Financial Status Report, Exhibit D. The said reports shall include a narrative of successes and challenges, a detailed budget breakdown of expenditures to date, a summary of any fees collected and/or expended, the Quarterly Client Data Report, the Managerial Data Set (MDS) Report, Planning Council meeting agendas and minutes, and such other information following the objectives of the county's evaluation as may be of assistance to the Division in its evaluation.
5. Compliance with the requirement to not budget, nor expend, any of the grant amount awarded or the amount distributed for **indirect administrative costs** incurred during the grant or distribution fiscal period. Requests for payment or financial status reports shall document all direct program administrative expenditures and in-kind/match administrative expenditures.
6. Compliance with the requirement to not budget, nor expend, greater than **ten percent** of the grant amount awarded or the amount distributed for **capital purchases** incurred during the grant or distribution fiscal period. Requests for payment or financial status reports shall

specify all capital purchases. The **ten percent cap for capital purchases does not apply to the Detoxification Grants.**

7. Compliance with all required reports, including but not limited to: the first quarter narrative and fiscal reports due on the last working day of October; the second quarter narrative and fiscal reports due on the last working day of January; and the third quarter narrative and fiscal reports due on the last working day of April; the fourth and the final quarter Grant Fiscal report due by the 10th of July and the fourth and final narrative and distribution fiscal reports for the fiscal year due the last working day of July. Annual protocols for the screening, treatment, and compliance monitoring components are due the last working day of July for the current fiscal year. The annual reports which include program evaluation are due the last working day of August for the prior fiscal year.
8. Compliance with the current Local DWI Grant Program Screening Guidelines. To avoid any conflict of interest, or appearance of conflict of interest, screeners should not be affiliated with any contracted treatment agency. Clients will be given options (a list of available providers) for alcohol related treatment and will not be *mandated* to a particular treatment agency.
9. If applicable to the applicant, compliance with the requirements of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the Department of Health and Human Services regulation entitled "Standards for Privacy of Individually Identifiable Health Information", 45 CFR Parts 160 and 164, applicable to entities covered by HIPAA; (the HIPAA Regulations).
10. Any distribution program under run amount for the fiscal year must be returned to the Local DWI Grant Fund by September 30 of the following fiscal year. Failure to remit an under run to the Local DWI Grant Fund will cause suspension of grant reimbursements and/or future distributions until the remittance is made.
11. Grant program under runs revert to the Local DWI Grant Fund.
12. Compliance with all applicable conditions and requirements prescribed by the Division in relation to receipt/accountability of State Funds.
13. The grant applicant will follow the scope of work for the grant program, as negotiated with the Local Government Division, and in accordance with the local planning council's approved plan. The applicant will submit any proposed modifications/amendments to the scope of work to the Division for its approval, prior to execution.
14. The distribution program applicant will follow the local planning council's application as approved by DWI Grant Council in the application review process. The applicant will submit any proposed modifications/amendments to this proposal to the Division for its written approval, prior to execution of changes to programs.

15. Compliance with conflict of interest prohibitions whereby no member, officer, or employee of the grant or the distribution program, or its designee or agents, no voting member of the local planning council or of the governing body of the locality in which the program is situated, and no other public official of such locality who exercises any functions or responsibilities with respect to the program during his/her tenure (or for one year thereafter) shall have any interest, direct or indirect, in any contract or subcontract for work to be performed in the program. The grant and/or the distribution program shall incorporate, in all such contracts or subcontracts, a provision prohibiting such interest pursuant to the purposes of these stated provisions.
16. Compliance with the maintenance of records as will fully disclose the amount and disposition of the total funds from all sources budgeted for the grant or distribution agreement period, the purpose of undertaking for which such funds were used and the amount and nature of all contributions from other sources, and such other records as the Division shall prescribe. All Program records must adhere to the New Mexico State Records Center and Archives Rule for Functional Retention and Disposition Schedule, 1.21.2 NMAC.
17. The applicant will provide access to authorized State officials and representatives of all books, accounts, records, reports, files, and other papers, things, or property pertaining to the project in order to make audits, examinations, excerpts and transcripts.
18. The applicant will provide DFA's auditor and evaluator timely access to all program records and information. Additionally, the applicant will assure that records of subcontractors working for the applicant are retained and made available to DFA's auditor and evaluator.

John S. Sweetser
County Commission Chairperson (or Designee) (Please Print)

Signature

Date

**LUNA COUNTY, NEW MEXICO
BOARD OF COUNTY COMMISSIONERS
ORDINANCE NO. 119**

**AN ORDINANCE AMENDING TWO IRBS, THE FIRST AMONG THE COUNTY,
SOLAR PV DEVELOPMENT NM 18 II LLC AND CARNE SOLAR BONDCO, LLC
FOR THE CARNE SOLAR PROJECT, SERIES 2022A, AND THE SECOND AMONG
THE COUNTY, CARNE ENERGY STORAGE, LLC AND CARNE STORAGE
BONDCO, LLC FOR THE CARNE SOLAR PROJECT, SERIES 2022B**

AUTHORIZING THE AMENDMENT OF COUNTY ORDINANCES 115 AND 116 AND THE IRB TRANSACTIONS CONTEMPLATED THEREWITH; AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN LEASE AMENDMENTS AND SUBLEASE AMENDMENTS IN CONNECTION WITH THE AMENDMENT OF COUNTY ORDINANCES 115 AND 116; MAKING CERTAIN DETERMINATIONS AND FINDINGS RELATING TO THE AMENDMENT OF COUNTY ORDINANCES 115 AND 116; RATIFYING CERTAIN ACTIONS TAKEN PREVIOUSLY; AND REPEALING ALL ACTIONS INCONSISTENT WITH THIS AMENDING ORDINANCE.

WHEREAS, Luna County, New Mexico (the “County”) is a legally and regularly created, established, organized and existing county under the general laws of the State of New Mexico (the “State”); and

WHEREAS, the New Mexico legislature has enacted the County Industrial Revenue Bond Act, NMSA 1978, Sections 4-59-1 to 16 (1975, as amended through 2023) (the “Act”), which authorizes Luna County, New Mexico (the “County”) to issue industrial revenue bonds and to acquire projects as defined in the Act; and

WHEREAS, the County, acting through its Board of County Commissioners, desires to promote industry and trade by inducing manufacturing, industrial and commercial enterprises to locate or expand in the County, to promote the use of the natural resources of the County, and to promote a sound and proper balance in the County and the State of New Mexico (the “State”) between agriculture, commerce and industry, and to promote the health, safety, security, general welfare, convenience and the prosperity of the inhabitants of the County; and

WHEREAS, the Act, at NMSA 1978, Section 4-59-2(F) (2020), defines the term “project” to include, among other things, a commercial enterprise in storing, warehousing, distributing or selling products of agriculture, mining or industry, including any electric generation or transmission facility other than one for which both location approval and a certificate of convenience and necessity are required prior to commencing construction or

CONTINUATION PAGE 2, ORDINANCE NO. 119

operation of the facility, pursuant to the Public Utility Act, NMSA 1978, Chapter 62, Articles 1 through 6 and 8 through 13; and

WHEREAS, on December 19, 2022, the County adopted: (i) Ordinance No. 115 (the “Series 2022A Bond Ordinance”) authorizing the issuance of the County’s Taxable Industrial Revenue Bonds (Carne Solar Project), Series 2022A (the “Series 2022A Bonds”) for the benefit of Solar PV Development NM II LLC, a New Mexico limited liability company authorized to do business in the State (the “Series 2022A Company”), to defray the costs associated with an approximately 130 megawatt (“MW”) solar energy generating system (the “Series 2022A Project”); and (ii) Ordinance No. 116 (the “Series 2022B Bond Ordinance” and together with the Series 2022A Bond Ordinance, the “Bond Ordinances”) authorizing the issuance of the County’s Taxable Industrial Revenue Bonds (Carne Solar Project), Series 2022B (the “Series 2022B Bonds” and together with the Series 2022A Bonds, the “Bonds”) for the benefit of Carne Energy Storage, LLC, a Delaware limited liability company authorized to do business in the State (the “Series 2022B Company” and together with the Series 2022A Company, the “Company”), to defray the costs associated with an approximately 65 MW battery energy storage system (the “Series 2022B Project” and together with the Series 2022A Project, the “Project”); and

WHEREAS, prior to the adopting the Bond Ordinances, the County adopted Resolution No. 22-89 on November 14, 2022, issuing an energy production facility special use permit to the Company for the Project (the “Permit”); and

WHEREAS, on June 23, 2023, the County issued the Bonds and acquired the Project; and

WHEREAS, in connection with the Bonds, the County entered into (i) that certain Lease Agreement between the Series 2022A Company and the County dated as of June 1, 2023 and recorded in the records of the County Clerk with Recording No. 202302630 (the “Series 2022A Lease”); (ii) that certain Lease Agreement between the Series 2022B Company and the County dated as of June 1, 2023 and recorded in the records of the County Clerk with Recording No. 202302633 (the “Series 2022B Lease” and together with the Series 2022A Lease, the “Leases”); (iii) that certain Sublease Agreement between the Series 2022A Company and the County dated as of June 1, 2023 and recorded in the records of the County Clerk with Recording No. 202302629 (the “Series 2022A Sublease”); and (iv) that certain Sublease Agreement between the Series 2022B Company and the County dated as of June 1, 2023 and recorded in the records of

CONTINUATION PAGE 3, ORDINANCE NO. 119

the County Clerk with Recording No. 202302632 (the “Series 2022B Sublease” and together with the Series 2022A Sublease, the “Subleases”); and

WHEREAS, the Company has requested that additional real property (the “Additional Property”) be incorporated into the Project through the County’s adoption of this ordinance (this “Amending Ordinance”), which would amend the Bond Ordinances, the Leases, the Subleases, and the Permit to include the Additional Property (the “Proposal”); and

WHEREAS, Board of County Commissioners of the County constitutes the governing body of the County (the “Governing Body”) within the meaning of the Act; and

WHEREAS, the Proposal has been considered by the Governing Body and the Governing Body has determined that the Proposal will promote the health, safety, security and general welfare of the citizens of the County, and the Governing Body desires to indicate its intent to proceed with the actions contemplated in connection with the Proposal;

WHEREAS, notice of the County’s intent to consider this Amending Ordinance for adoption was mailed by certified mail, return receipt requested, on or before December 10, 2023 to the County Assessor and each entity located within the County authorized to levy taxes on property in the County (the “Notice Letters”), allowing for comments to be transmitted by such entities to the County, consistent with NMSA 1978, Section 4-59-4.1(A) (2011); and

WHEREAS, the Notice of Intent to Adopt an Ordinance was duly published in The Deming Headlight on December 20, 2023 in accordance with Section 4-37-7, NMSA 1978, as amended, which publication is deemed to comply with the procedures and policies of the County with respect to such publications; and

WHEREAS, there have been filed with the County Clerk and presented to the Board the forms of the First Amendment to Lease Agreement between the County and the Series 2022A Company and consented to by Carne Solar Bondco, LLC (the “Series 2022A Lease Amendment”), the First Amendment to Lease Agreement between the County and the Series 2022B Company and consented to by Carne Storage Bondco, LLC (the “Series 2022B Lease Amendment” and together with the Series 2022A Lease Amendment, the “Lease Amendments”), the First Amendment to Sublease Agreement between the County and the Series 2022A Company (the “Series 2022A Sublease Amendment”), the First Amendment to Sublease Agreement between the County and the Series 2022B Company (the “Series 2022B Sublease

CONTINUATION PAGE 4, ORDINANCE NO. 119

Amendment” and together with the Series 2022A Sublease Amendment, the “Sublease Amendments”); and

WHEREAS, there is on deposit with the County Clerk the proposed form of this Amending Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LUNA COUNTY, NEW MEXICO THIS 11TH DAY OF JANUARY, 2024:

SECTION 1. *Ratification.* All actions not inconsistent with the provisions of this Amending Ordinance previously taken by the Board and the officials of the County directed toward the Proposal are approved and ratified.

SECTION 2. *Approval of Proposal.* The Proposal is hereby approved in all respects.

SECTION 3. *Approval of Lease Amendments and Sublease Amendments.* The Lease Amendments and the Sublease Amendments, substantially in the forms presented herewith, with such changes, insertions, deletions and modifications as may be approved by the Chair of the Board or County Manager and as may be recommended by Bond Counsel, are hereby ratified and approved. All such changes, insertions, deletions and modifications shall be deemed to have been approved by the County upon execution and delivery of the Amendment Documents, such execution and delivery to be conclusive evidence of such approval. The Chair of the Board or County Manager is hereby authorized and directed to execute and deliver the Lease Amendments and the Sublease Amendments on behalf of the County and the County Clerk or a deputy Clerk acting in her absence is hereby authorized and directed to attest the Lease Amendments and the Sublease Amendments when required.

SECTION 4. *Amendment of the Bond Ordinances and the Permit.* The Bond Ordinances and the Permit are hereby amended consistent with the Proposal to incorporate the Additional Property into the Project.

SECTION 5. *General Authorization.* The Board hereby authorizes, empowers and directs each of the officers (including the Board officers) and employees of the County, and its counsel, to execute, carry out or cause to be carried out, and to perform, such obligations of the County and such other actions as they, in consultation with Bond Counsel and advisors to the County in connection with the Proposal, shall consider necessary or advisable in connection with this Amending Ordinance, including but not limited to the obligations of the County contained in

CONTINUATION PAGE 5, ORDINANCE NO. 119

the Leases, the Lease Amendments, the Subleases, the Sublease Amendments and such other documents and any amendments, from time to time, thereto, deemed necessary.

SECTION 6. *Severability.* If any one or more provisions of this Amending Ordinance should be determined by a court of competent jurisdiction to be contrary to law, any such provision shall be deemed separable from the remaining provisions hereof and the invalidity or unenforceability thereof shall in no way affect the validity or the enforceability of the other provisions of this Amending Ordinance.

SECTION 7. *No Recourse and Liability.* All covenants, stipulations, obligations and agreements of the County contained in this Amending Ordinance, and in the documents hereby approved and authorized for execution shall be deemed to be the covenants, stipulations, obligations and agreements of the County, and all such covenants, stipulations, obligations and agreements shall be binding upon the County, and, except as otherwise provided in this Amending Ordinance and such documents, all rights, powers and privileges conferred, and duties and liabilities imposed, upon the County by the provisions of this Amending Ordinance and in the documents hereby approved and authorized for execution, shall be exercised or performed by the Board; provided that no covenant, stipulation, obligation or agreement herein contained or contained in any document hereby approved and authorized for execution shall be deemed to be a covenant, stipulation, obligation or agreement of any officer, director, member, or employee of the County in his or her individual capacity, and neither the members of the Board nor any officials executing the Lease Amendments and the Sublease Amendments shall be liable personally on the Lease Amendments and the Sublease Amendments or be subject to any personal liability or accountability by reason of the issuance thereof.

SECTION 8. *Repealer Clause.* All bylaws, orders, resolutions and ordinances, 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 9. *Effective Date; Termination Date.* Upon due adoption of this Amending Ordinance, it shall be recorded in the book of ordinances of the County kept for that purpose, and this Amending Ordinance shall be in full force and effect 30 days thereafter, in accordance with law.

CONTINUATION PAGE 6, ORDINANCE NO. 119

SECTION 10. *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 Amending Ordinance shall be published in substantially the following form:

(Form of Summary of Ordinance for Publication)

**LUNA COUNTY, NEW MEXICO
NOTICE OF ADOPTION OF ORDINANCE NO. 119**

NOTICE IS HEREBY GIVEN of the title and of a general summary of the subject matter of an ordinance, duly adopted and approved by the Board of County Commissioners of Luna County, New Mexico (the “County”) on January 11, 2024.

Ordinance No. 119:

AN ORDINANCE AMENDING TWO IRBS, THE FIRST AMONG THE COUNTY, SOLAR PV DEVELOPMENT NM 18 II LLC AND CARNE SOLAR BONDCO, LLC FOR THE CARNE SOLAR PROJECT, SERIES 2022A, AND THE SECOND AMONG THE COUNTY, CARNE ENERGY STORAGE, LLC AND CARNE STORAGE BONDCO, LLC FOR THE CARNE SOLAR PROJECT, SERIES 2022B

AUTHORIZING THE AMENDMENT OF COUNTY ORDINANCES 115 AND 116 AND THE IRB TRANSACTIONS CONTEMPLATED THEREWITH; AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN LEASE AMENDMENTS AND SUBLEASE AMENDMENTS IN CONNECTION WITH THE AMENDMENT OF COUNTY ORDINANCES 115 AND 116; MAKING CERTAIN DETERMINATIONS AND FINDINGS RELATING TO THE AMENDMENT OF COUNTY ORDINANCES 115 AND 116; RATIFYING CERTAIN ACTIONS TAKEN PREVIOUSLY; AND REPEALING ALL ACTIONS INCONSISTENT WITH THIS AMENDING ORDINANCE.

The title sets forth a general summary of the subject matter contained in the Ordinance.

COMPLETE COPIES OF THE ORDINANCE ARE ON FILE IN THE OFFICE OF THE COUNTY CLERK, 700 S SILVER AVE, DEMING, NEW MEXICO 88030, AND ARE AVAILABLE FOR INSPECTION OR PURCHASE DURING REGULAR OFFICE HOURS. THIS NOTICE ALSO CONSTITUTES COMPLIANCE WITH SECTIONS 6-14-4 THROUGH 6-14-7, NMSA 1978.

CONTINUATION PAGE 7, ORDINANCE NO. 119

WITNESS my hand this ____ day of January, 2024.

/s/ Chris A. Brice

Chris A. Brice, County Manager

(End of Form of Ordinance for Publication)

[Remainder of page intentionally left blank]

CONTINUATION PAGE 8, ORDINANCE NO. 119

PASSED and ADOPTED this 11th day of January, 2024.

**LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS**

John S. Sweetser, Commissioner

Ray J. Trejo, Commissioner

Colette M. Chandler, Commissioner

ATTEST:

Berenda McWright, County Clerk

RESOLUTION # 24-13

RESOLUTION AUTHORIZING FILING OF AN APPLICATION FOR FINANCIAL ASSISTANCE FROM THE NEW MEXICO 2024 RAISE DISCRETIONARY GRANT

WHEREAS, Luna County, NM (“Governmental Unit”) seeks funding from this grant program;

WHEREAS, Luna County, NM may apply for financial assistance from the New Mexico Raise Discretionary Grant to fund this “project”; and

WHEREAS, Luna County, NM is eligible to apply for funding from the New Mexico Raise Discretionary Grants.

NOW THEREFORE, LET IT BE RESOLVED BY THE GOVERNING BODY OF Luna County, New Mexico, that the filing of an application to the U.S. Department of Transportation FY 2024 RAISE Discretionary Grant funding cycle is hereby authorized.

BE IT FURTHER RESOLVED, that Luna County hereby pledges any required match; and

BE IT FURTHER RESOLVED, that the County Manager is hereby designated as Luna County’s representative to act on behalf of this application.

**Done at Deming, New Mexico this 11th day of January 2024.
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 the Regular Meeting of the Board of County Commissioners of Luna County in Deming New Mexico, on the 11th day of January 2024, the following proceedings were had and entered of record.

RESOLUTION NO. 24-14

A RESOLUTION REGARDING THE MIMBRES PEAKS MONUMENT

WHEREAS, a private group, calling itself Protect Mimbres Peaks, with the support of several statewide groups and non-profits has put forward a proposal to establish the Mimbres Peaks National Monument, encompassing federal lands in the Florida, Cooke's Peak, Good Sight and Tres Hermanas Mountains.

WHEREAS, the group proposing the monument has a website, protectmimbrespeaks.org, proclaiming that Luna County and the City of Deming leaders recognize the value of federally managed public lands and that the idea of establishing the Mimbres Peaks National Monument has "gained traction among local leaders."

WHEREAS, many questions regarding the impact of the monument have not been answered, such as what impact will the monument designation have on farming and ranching within the boundaries of the proposed monument on both private land and leased public land.

WHEREAS, the website also proclaims that the local leaders are working collectively with stakeholders but, to this point, have not included farmers, ranchers, miners and residents within the boundaries of the proposed monument.

WHEREAS, a request to the President of the United States has been drafted but the exact language in the proclamation establishing the monument has not been publicly discussed or disclosed and therefore cannot be analyzed for its impact on the community.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Luna County that it cannot support the establishment of the Mimbres Peak National Monument at this time because of the unanswered questions, concerns raised by members of the community and the exclusion of a large constituency of stakeholders, namely the farmers, ranchers and miners of Luna County, both within and outside the boundaries of the proposed monument.

DONE THIS 11th DAY OF JANUARY, 2024

by the Board of County Commissioners of Luna County

ATTEST:

John S. Sweetser,
Commissioner, District 3

Berenda McWright,
County Clerk

Ray J. Trejo,
Commissioner, District 1

Colette M. Chandler,
Commissioner, District 2

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

700 South Silver Avenue • Post Office Box 551 • Deming, New Mexico 88031-0551
Telephone (575) 546-0494 Facsimile (575) 544-4293
www.lunacountynm.us

January 3, 2024

To the Luna County Board of County Commissioners

Luna County and Wilson & Company went out to bid for the Rockhound & McCan Road Improvements Project CIF: 5784-CIF. The following recommendation for based on bid amount of \$979,551.69 is:

Sierra Valley Contractors, LLC
ATTN: Anthony Chavez
15148 Hwy 187
Caballo, NM 87931
Phone: 575-740-6017

Respectfully Submitted by:

Joanne C. Hethcox, CPM®, CPPO, CPO
Budget and Procurement Director

Approved:

Chairperson

Indigent Hospital Claims Office

Chris A. Brice, County Manager

IHC Board Meeting January 11, 2024

Month	Number	Amount	Number	Denied
January	2	\$1,544.97	0	\$0.00
Feburary	5	\$20,133.68		
March	7	\$23,418.02		
April	5	\$12,293.87		
May	6	\$27,921.83		
June	1	\$1,338.93		
July	6	\$10,974.17		
August	6	\$11,700.44		
September	2	\$8,406.64		
October	10	\$15,884.03		\$3,534.23
November	6	\$15,625.34		
December	3	\$7,951.32		
Total	59	\$157,193.24	0	\$3,534.23
This Month's Total	Mimbres Memorial Hospital			\$6,066.32
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			\$1,885.00
Total				\$7,951.32
Year to Date Total	Mimbres Memorial Hospital			\$117,543.41
Year to Date Total	All Other Hospitals			\$1,995.00
Year to Date Total	Deming Fire Dept./EMS			\$0.00
Year to Date Total	All Other Services			\$30,003.51
Total				\$149,541.92
Care of Prisoners This Month - Not including SNCP Funds				\$207,949.47
Care of Prisoners Year to Date Indigent - Not including SNCP Funds				\$2,026,563.55
Care of Prisoners Year to Date Inmate Prescriptions/OTC Meds				\$92,735.11
Care of Prisoners Year to Date Dr. Bills				\$324,253.09
Total Cost of Care of Prisoners Year to Date				\$2,443,551.75
Monies Received - December 2023				\$107,218.98
Balance in IHC Fund as of December 31, 2023				\$2,069,015.98
Encumbrances as of December 31, 2023				\$262,860.89
		Date	Amount Approved	Amount Denied
	Signatures	1/11/2024	\$7,951.32	
Ray J. Trejo				
Colette M. Chandler				
John S. Sweetser				

IHC Board Meeting								
January 11, 2024								
Case Number	MMH	M/MC	Gila Regional	MV/RMC	Deming EMS	Elite Medical	Other Services	Denied Claims
8120	\$2,754.86						\$1,885.00	LCDK
8043	\$2,385.59					FedKo Emer Phys		LCDK
8144	\$925.87							LCDK
Total	\$6,066.32	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,885.00	\$0.00
	\$7,951.32							

[illegible]