

# **LUNA COUNTY BOARD OF COUNTY COMMISSIONERS**

**Linda M. Smrkovsky**  
**Member**

**Barbara L. Reedy**  
**Chair**

**John S. Sweetser**  
**Member**

**Thursday, December 9th, 2021**

**10:00 a.m.**

**Agenda**

**Regular Meeting**

**Luna County Courthouse**

Meeting ID: [meet.google.com/wcm-iczv-vnr](https://meet.google.com/wcm-iczv-vnr) To dial in: 414-909-4972 PIN: 939 182 389#

**1. Call to Order:** Chair Reedy to commence meeting (At this time, please silence your cell phones and any other electronic devices) Pledge of Allegiance, State Pledge.

**2. Roll Call:**

**3. Approval of Agenda:**

**4. Minutes:**

a. Regular Meeting: November 10, 2021

## **MOTION AND ROLL CALL VOTE**

**5. Service Awards/ Retirement:**

- |                   |             |                              |
|-------------------|-------------|------------------------------|
| ● Paul Garcia     | LCSO        | 5 years                      |
| ● Ricardo Hidalgo | Maintenance | 10 years                     |
| ● Steven Aguilar  | LCDC        | Commendation Acknowledgement |

**6. Presentations:**

- Project Sea- Cassie Arias/Compass Manufacturing
- Colores United Presentation- Crystal Gonzales

**7. Elected Officials' Report:**

- Assessor
- Clerk
- Treasurer
- Probate Judge
- Sheriff
- Commissioners

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

**9. Indigent Claims Report:**

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

**MOTION AND VOTE**

- b. Presentation of Claims Report by Joanne Hethcox

- c. Consider Claims dated December 9 2021 \$32,754.53

**MOTION AND VOTE**

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

**MOTION AND VOTE**

**10. Community Support Reports:**

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

**12. Public Hearing:**

- a. Ordinance 86: Adopting the Local Economic Development Plan to Implement the Authority Provided by the New Mexico Local Economic Development Act

**PUBLIC HEARING  
MOTION AND ROLL CALL VOTE**

**13. Call for Ordinance:**

- a. Resolution 21-76: Call to amend Ordinance 23; Luna County Personnel Ordinance

**MOTION AND ROLL CALL VOTE**

**14. Consent Agenda:**

- a. Accounts Payable: \$853,528.62
- b. Payroll: \$1,131,500.02

**MOTION AND ROLL CALL VOTE**

**15. New Business:**

- a. Resolution 21-77: Budget Increases  
**MOTION AND ROLL CALL VOTE**
- b. Resolution 21-78: Budget Transfers  
**MOTION AND ROLL CALL VOTE**
- c. Budget Request for the Veterans Treatment Court Initiative from the DA's office  
**MOTION AND ROLL CALL VOTE**
- d. Oath of Office for Jesus Nunez for Deputy Sheriff  
**NO ACTION NEEDED**
- e. Letter of interest for Mimbres Memorial Library Board from Kellye Stimpson  
**MOTION AND ROLL CALL VOTE**
- f. 2022 Holiday Schedule  
**MOTION AND ROLL CALL VOTE**

**16. Upcoming Meetings/ Events (unless otherwise specified):**

County Offices will be closed on:  
Friday December 24 for Christmas Eve and Monday December 27 for Christmas Day

Regular Commission Meeting: January 13, 2022 at 10:00 a.m.

**17. Adjourn:**

**MINUTES  
REGULAR MEETING  
LUNA COUNTY BOARD OF COUNTY  
COMMISSIONERS  
Wednesday, November 10, 2021**

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

**The following staff and elected officials were present:** County Manager Chris Brice, Assistant to the County Manager Yossie Nieblas, Administration Assistant Lupita Hernandez, Deputy Clerk Pilar Salcido, Clerk Berenda McWright, Chief Deputy Clerk Leslie Nabours, Assessor Michelle Holguin, Chief Deputy Assessor Isabelle Enciso, DWI Program Coordinator Edith Vasquez, Captain Michael Brown, Road Department Director David Bailey, IT Technician Joseph Apodaca, LCDC Deputy Director, Economic Development Community Director Christie Ann Harvey, Community Development Liaison Mary Mackey, County Attorney Charles Kretek, and Budget & Procurement Director Joanne Hethcox. Other directors and elected officials were present virtually.

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

**ROLL CALL:** Deputy Clerk Pilar Salcido called roll. **Chair Barbara L. Reedy was absent.** The following members of the Board constituting a quorum were present:

**Linda M. Smrkovsky, District 2  
John S. Sweetser, District 3**

**MINUTES:** Upon a motion made by Commissioner Sweetser and a second by Commissioner Smrkovsky the Minutes for the Regular Meeting of October 14, 2021, were approved following a roll call vote.

**SERVICE AWARDS:**

- Program Manager Viviana Silva presented to Tanya Ortiz from CASA her 5-years of service award.
- Mary Gooding from LCDC was not present to receive her 20-year pin.

**PRESENTATIONS:**

- **Community Service Plaque to USCBP** – County Manager Chris Brice presented a plaque of gratitude on behalf of Luna County to the Border Patrol. Border Patrol Agents Rafael Reyes and Frank Pena received the plaque. A member of the public Gary Strader also went before the Board to express his gratitude to the Border Patrol.

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- **Research & Polling Redistricting Presentation** – Brad Morrison gave a detailed virtual presentation on the commission redistricting plan due to the recent 2020 census results. The changes will affect the area just east of Highway 11, which is bounded by Solana Rd on the north, Country Club on the east, and Monte Vista Rd on the south. This change moves 369 people to be in compliance per the census numbers.
- **Veterans Debriefing Program** – District Attorney Michael Renteria and Jennie Becerra gave an extensive presentation on the Veterans Treatment Court initiative. They were there to explain the initiative and to request funding from Luna County hoping to get a match in the amount of \$100,000 which is the amount Grant County has given them for the program.
- **WNMU Vocational Programs** - Manny Ramirez presented on present and upcoming opportunities at WNMU. The developing upcoming classes will be for CNA, electrical technology, computer literacy, GED in Spanish - Deming, GED in Spanish, and English in Columbus

**ELECTED OFFICIALS REPORTS:** Assessor Michelle Holguin reported they are busy processing deeds, calculating appraisals, and the GIS department is busy making sure the maps are updated. They are getting ready for year-end and waiting for the livestock values and depreciation tables to come in from the State. This tends to be a busy time for them as tax bills went out, so people usually have questions about their value. She encouraged anyone with questions to visit the Assessor's office. Two new employees Mallory Villegas and Rhonda Emannuel will be starting next week. One of the specialists took a promotion to the appraisal department which left two vacancies.

Clerk Berenda McWright reported for the month of October the office processed 2 in-person registrations, 6 through the mail, 31 removed, and 17 online. Luna County currently has a total of 12,575 active registered voters. Of that 5208 are Democrats, 4,210 are Republicans, 108 are Libertarians, and 3,049 have declined to state and other. A total of 381 documents were recorded in the Clerk's office. Two new business registrations were issued in October with no businesses cancelling their registration and with that a total of 231 businesses are currently registered in Luna County. A total of 9 marriage licenses were issued and a total of 9 marriages were filed. The lodger's taxes collected were \$123.09 for August and \$2,059.71 year to date. They have processed minutes for one commission meeting and processed 17 records request via e-mail. The ongoing projects are the Canvassing of the Regular Local Election 2021, re-districting and PDS scanning of the minutes and election files.

Captain Michael Brown reported Lorenzo Paredes graduated from the Dona Ana County law enforcement academy a month ago, and is back out on the street. Their office has received two new units this past week they are currently getting detailed and will be out on the street within a week. They had to re-post the School Resource Officer position as the candidate selected declined the position due to economic matters. A Patrol Sargent will be reposted after losing Marty Crumley to the position here in the Court House. They wish him well in that new position. They have two new deputies starting next week.

Commissioner Smrkovsky commented the meetings with New Mexico Counties Board and the New Mexico Municipal League to discuss legislative priorities have been rescheduled to a later date.

**COUNTY MANAGER'S REPORT: COUNTY MANAGER'S REPORT:** Mr. Brice reported on the planning of Shop with a Cop with law enforcement. This event was cancelled last year but will be up and running this year. They plan to have 400 kids this year to shop with a cop for Christmas. The golf tournament raised almost \$10,000 toward the Shop with a Cop fundraiser.

The Transportation Project Funds of \$5 million for the Columbus Industrial Park will be used for repaving some of the roads behind the Dollar Store and back into the Industrial Park area. That area is also a bus route, the roads are in terrible shape it also needs drainage work, sidewalks, and some other much-needed improvements. Tentatively they have been approved for \$1.5 million through the US Senators Earmarks with the Federal budget, we will find out soon if it is approved.

It looks really good that the County will be getting the money for our Emergency Operation Center. They are starting plans now. They would like to get the Emergency Operation Center away from the center of town if possible.

Christie Ann Harvey and others have written and sent the justification to the Lieutenant Governor for a federal requests to expand the Learning Center, and to create some of those vocational opportunities mentioned previously by Manny. The request of \$2.5 million has been requested for this, there is a good chance this will be awarded to Luna County. They have also requested the same amount through HB 2 money for the expansion at the Learning Center with the commitment from Western University to continue vocational classes which they believe are critical for our community.

The State Fire Marshall who was in town looking at other buildings looked at the Starmax building. It was decided to close Starmax while they get things fixed. This decision was made for the safety of the citizens. Sprinklers at Starmax are next to be worked on, then the smaller things like drapery and carpets will need to be replaced. The Learning Center was also inspected, a new alarm system is going in and because they have high school students the alarm system requirements are different than if it was just a college atmosphere. The Fire Marshall has allowed the Learning Center to stay opened during the upgrading.

Capital Outlay funding has been requested at the State level to help build a new District Attorney's office. The District Attorney's staff have completely outgrown the Plaza building and it needs a lot of refurbishing, even if it were big enough. Mr. Brice stated that new construction is the way to go, which would possibly hold both the DA's office, some of the county offices, Court compliance, juvenile, and CASA offices. That is a long-term project but now is the time to request Capital Outlay at the State level, and the State has more funding than they have had in past years.

On the south side of the detention center, they will be working on getting rid of boxes. They plan on doing a request for proposal in hopes that somebody will be willing to remove all the boxes simply for the price of getting the scrap steel.

The County was able to purchase a property near Rockhound State Park which had an abandoned house on it. They paid maybe a little more in what property taxes were due. The Road Department is working on leveling the house then they are going to move the trash collection site to that area.

The County has received all the Capital Outlay grant agreements from last year which includes the \$1 million for the Healing House, \$450,000 for the Road Department, \$450,000 for DWI refurbishment, and the children juvenile program. They are going to start the planning, and the spending of that money. Mr. Brice talked to Priscilla yesterday at the COG meeting and she is going to work with him to put in the new Capital Outlay request for this year. It is a new system so they will work on that together. A joint letter was sent to Candy Sweetser and Crystal Diamond on funding requests for the County/City for HB 2 money, this is different from Capital Outlay money.

Marty Crumley has moved to the position in the Court House which is the accreditation or compliance position. Tyler Massey held this position previously. Marty's first focus would be to get the Detention Center accredited and then he will move to either the Sheriff's office or the Dispatch Center so they can also get accredited. He will then be doing compliance and helping with policy and procedures.

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

Budget & Procurement Director Joanne Hethcox reported that for October they had nine claims of \$33,702.88, of that one was for the Luna County Detention Center. The gross receipt tax (GRT) received for the month is \$76,313.16. The balance for the Indigent Claims Fund total is \$1,847,160.30 as of October, and of that \$730,701.88 is encumbered. Commissioner Smrkovsky asked for a motion to consider the claims. Commissioner Sweetser made a motion to consider the claims as presented. The motion was seconded by Commissioner Smrkovsky and approved.

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

**COMMUNITY SUPPORT REPORTS:** Executive Director of Deming Mainstreet Chelsea Evan gave an update on activities.

**PUBLIC COMMENT:** A public comment period was entertained to gain public input regarding items on the Agenda only. No public comment was forthcoming.

**PUBLIC HEARING:**

- a. **Ordinance 98: Animal Control:** County Attorney Charles Kretek explained he made some minor changes to Ordinance 98 Animal Control. One change was the sterilization fee, this is a mandatory fee implemented by the State. Instead of adding that as a separate fee it is being rolled into the adoption fee. Microchipping is not mandatory but they are offering a 10% discount if they voluntarily microchip their pet. This is to try to encourage microchipping but not mandating it. Another change was to delete the exotic and wild animal provision because the State addresses that better than the County can. They have also added to licensing fee for domestic cats of \$2. With no public comment, forthcoming. Commissioner Sweetser motioned to approve the changes to Ordinance 98: Animal Control. The motion was seconded by Commissioner Smrkovsky and carried following a roll call vote.



- b. **Ordinance 108: Redistricting of County Commission Districts based on 2020 Census:** Clerk Berenda McWright stated the area chosen to redistrict was a non-partisan decision. The plan to redistrict the area chosen was due to affecting the least amount of people and causing the least amount of work. With no public comment forthcoming Commissioner Sweetser motioned to approve Ordinance 108: Redistricting of County Commission Districts based on the 2020 Census. The motion was seconded by Commissioner Smrkovsky and carried following a roll call vote.
- c. **Utility Variance Request: 5495 Highway 549 SE:** County Attorney Charles Kretek stated this is a request by Robby Hervol for a shared well. The County created the issue when the County bought the old Knights of Columbus hall. Holy Family then had to move their Klabasi preparations place. Mr. Hervol generously donated a corner of the property where the road enters on Hwy 549. The well and the outbuildings are owned by Holy Family Church and used once a year for Klabasi. Mr. Hervol wants to build a house just to the right of it, which the church is happy to allow. The present Ordinance 75 is an older ordinance which requires permission for a variance to allow for a shared well. Luna County currently has shared wells but this one is unique because they will only be sharing the well on the third weekend of October for Klabasi, then it will be Mr. Hervol's well the rest of the year. The County has not received any public comment pertaining to this issue and the County does not have any problem with it. With no public comment forthcoming, Commissioner Sweetser motioned to approve Utility Variance Request: 5495 Highway 549 SE. The motion was seconded by Commissioner Smrkovsky and carried following a roll call vote.

#### **CALL FOR ORDINANCE:**

- a. Resolution 21-69; Call to Amend Ordinance 86; Adopting the Local Economic Development Plan to Implement the Authority Provided by the New Mexico Local Economic Development Act. County Attorney Charles Kretek stated this has been discussed in length with the Homegrown LEDA request. Up until that point the county did not have joint LEDA projects with the Luna County Economic Development or the State. Now that the County has decided that it is feasible to do so, the County needs to create their own processes and procedures. Ms. Harvey and he have been looking at some of the best versions of it. They believe they have a good draft and are asking the Board to call for an ordinance. Mr. Kretek stated if the Board would like schedule a work session prior to approval for discussion that can be arranged. Commissioner Sweetser motioned to approve Resolution 21-69; Call to adopt Ordinance 86; Adopting the Local Economic Development Plan to Implement the Authority provided by the New Mexico Local Economic Development Act. The motion was seconded by Commissioner Smrkovsky and carried following a roll call vote.

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

- 1. Accounts Payable: \$1,199,573.31
- 2. Payroll: \$1,152,415.65

A five-minute break was requested and granted by Commissioner Smrkovsky.

## NEW BUSINESS:

- a. **Resolution 21-70: Budget Increases:** Budget and Procurement Director Joanne Hethcox explained the budget increases in detail. Commissioner Sweetser motioned to approve Resolution 21-70: Budget Increases. The motion was seconded by Commissioner Smrkovsky and carried following a roll call vote.
- b. **Resolution 21-71: Budget Transfers:** Ms. Hethcox explained the budget transfers in detail. Commissioner Sweetser motioned to approve Resolution 21-71: Budget Transfers. The motion was seconded by Commissioner Smrkovsky and carried following a roll call vote.
- c. **Resolution 21-72: Colonias Infrastructure Project Fund Agreement – (CIF-5537 Keeler Farm – People’s Water Coop):** Mr. Brice explained this is the acceptance of the grant agreement of the Colonias Keeler Farm Water Coop. Commissioner Sweetser motioned to approve Resolution 21-72: Colonias Infrastructure Project Fund Agreement. The motion was seconded by Commissioner Smrkovsky and carried following a roll call vote.
- d. **Resolution 21-73: Colonias Infrastructure Project Fund Agreement (CIF-5538 Rockhound Street Drainage improvements):** Mr. Brice explained this is the acceptance of the grant agreement for the Colonias Rockhound Street drainage improvement. Commissioner Sweetser motioned to approve Resolution 21-73; Colonias Infrastructure Project Fund Agreement (CIF-5538 Rockhound Street Drainage Improvements). The motion was seconded by Commissioner Smrkovsky and carried following a roll call vote.
- e. **Resolution 21-74: Amendment to Resolution 17-35: Procurement Policy.** Mr. Brice explained the per-diem rates for the State of New Mexico have gone up so the County has adjusted its procurement policy to reflect that. Removing section seven in the old policy and replacing it with the new rates. The maximum amount has gone up to \$55 for a 24 hours for in-state and out of state then a partial day per-diem tiered up some as well. Full per-diem went up to \$151 within and out of state and \$194 in Santa Fe. Commissioner Sweetser motioned to approve Resolution 21-74; Amendment to Procurement Policy. The motion was seconded by Commissioner Smrkovsky and carried following a roll call vote.
- f. **Resolution 21-75: Resolution Supporting the New Mexico Counties 2022 Legislative Priorities.** Commissioner Smrkovsky explained that NM Counties have already approved their legislative priorities. That is what this is about and not the joint meeting within municipal and NM Counties. Commissioner Sweetser motioned to approve Resolution 21-75; Resolution Supporting the New Mexico Counties 2022 Legislative Priorities. The motion was seconded by Commissioner Smrkovsky and carried following a roll call vote.
- g. **Amendments to Collective Bargaining Agreement – AFSCME LCSO #176:** Mr. Kretek explained this is a two-part process. They have already completed the LCDC negotiations amendments and now this is the first of the Sheriff’s department. They broke off the agreement with some minor changes from the finances to get them some money. Everyone else has gotten their raises and the holidays are coming. They are taking certified deputies from \$18.00 to \$18.75 an hour. Corporal Eby and Sargent Molina over the years have gotten a higher level of pay coming into this and they have never gotten a raise. We are going to give them a small raise for that. Then we have the incentive pay which has been increased from

\$500 a year to \$750. Commissioner Sweetser motioned to approve the Amendments to Collective Bargaining Agreement – ACFCME LCSO #176. The motion was seconded by Commissioner Smrkovsky and carried following a roll call vote.

- h. Budget for Redistricting and GPS – Discussion Only:** This item is no longer needed as Ordinance 108 was approved.

**CERTIFICATION OF CANVASS RESULTS FOR THE REGULAR LOCAL ELECTION 2021:** Ms. McWright thanked everyone that helped with the election including the IT department and the Maintenance department. Commissioner Sweetser motioned to approve the Certification of Canvass Results for the Regular Local Election 2021. The motion was seconded by Commissioner Smrkovsky and carried following a roll call vote.

**EXECUTIVE SESSION:**

**Executive Session pursuant to Section 10-15-1H (2) NMSA 1978 – pertaining to limited personnel matters:** Commissioner Sweetser motioned to go into Executive Session pursuant to Section 10-15-1H (2) NMSA 1978 – pertaining to limited personnel matters. The motion was seconded by Commissioner Sweetser and carried following a roll call vote.

The Commissioners went into Executive Session at 11:45 a.m. and returned from Executive Session at 12:41 p.m.

Commissioner Sweetser moved to return from Executive Session pursuant to Section 10-15-1H(2) NMSA 1978- where no other matters were discussed other than limited personal matters. The motion was seconded by Commissioner Smrkovsky and carried following a roll call vote. No action was taken.

**UPCOMING MEETING:** Commissioner Smrkovsky announced the following upcoming meetings.

County Offices will be closed on:  
November 11<sup>th</sup>, 2021 in observance of Veterans Day  
Half a day on November 24<sup>th</sup>, all day on November 25<sup>th</sup> & 26<sup>th</sup> for Thanksgiving

Regular Commission Meeting: December 9, 2021, at 10:00 am

**ADJOURN:** Upon a motion by Commissioner Sweetser and a second by Commissioner Smrkovsky the meeting was adjourned at 12:42 p.m.

**ATTEST:**

**LUNA COUNTY BOARD OF COUNTY  
COMMISSIONERS**

\_\_\_\_\_  
**BERENDA MCWRIGHT, LUNA COUNTY CLERK**

\_\_\_\_\_  
**CHAIR BARBARA L. REEDY, DISTRICT 1**

**APPROVED:** \_\_\_\_\_

\_\_\_\_\_  
**LINDA M. SMRKOVSKY, DISTRICT 2**

\_\_\_\_\_  
**JOHN S. SWEETSER, DISTRICT 3**



☂ 1.6 million lbs of food items distributed

☂ 189,000+ instances of care

☂ 4 County presence (Luna, Grant, Doña Ana & Hidalgo)

☂ 50,000 boxes of food

☂ 33+ Partnered Local Orgs

☂ Never wastes a crayon

☂ 60+ distributions per year

☂ 2,600 volunteer hours so far

☂ 78,000lbs+ of donations

*Monetary donations and volunteers always accepted.*



*Contact / Contacto:*

**575-322-2330**

Text/Mensaje

[info@coloresunited.org](mailto:info@coloresunited.org)

[www.ColoresUnited.org](http://www.ColoresUnited.org)

🐦 📺 📷 @ColoresUnited



*Address / Dirección*

**700 S. Pearl St**

**PO BOX 1499**

**Deming, NM 88031**

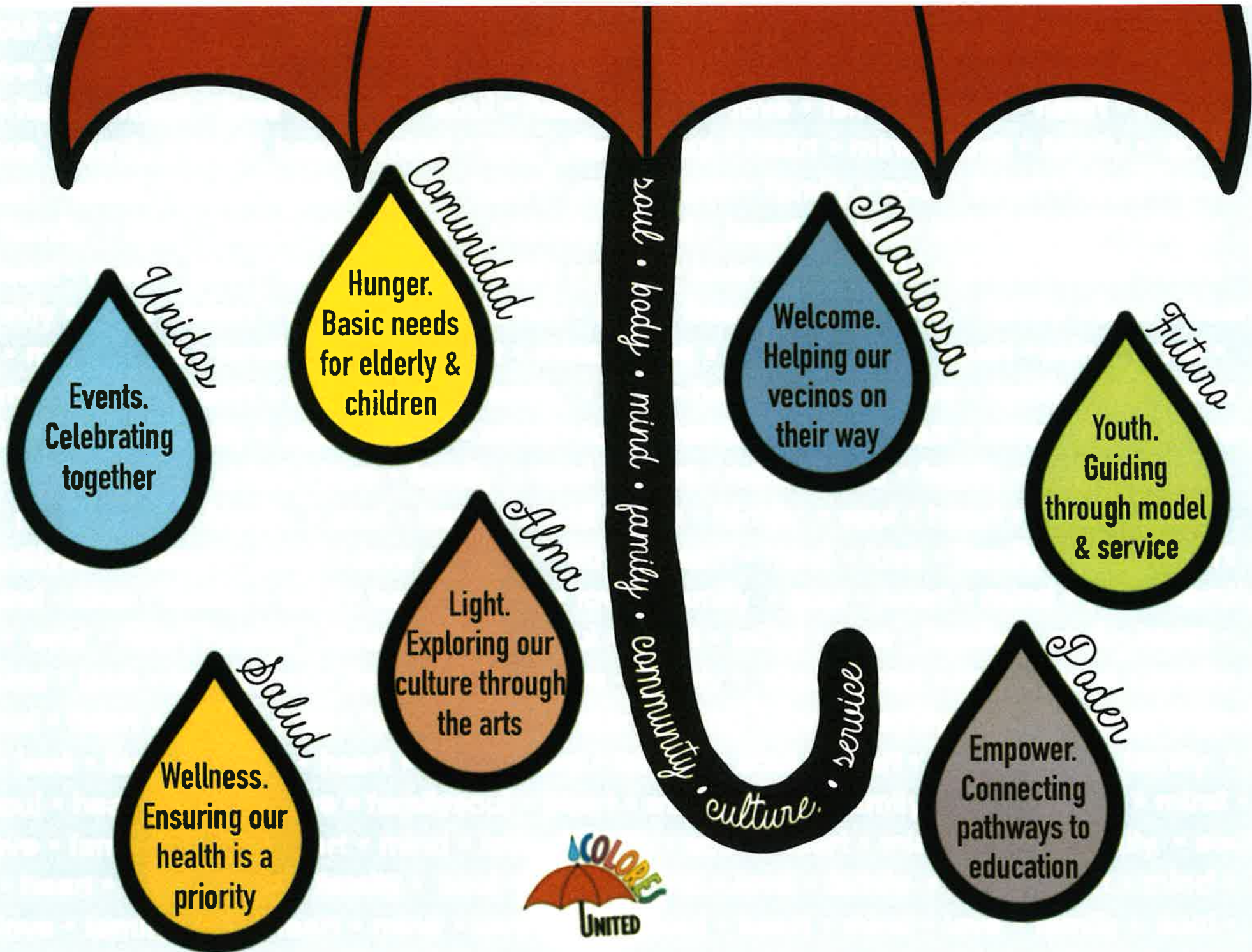


*"Today we will change the world and we will begin with just one heart at a time."*

*-Colores United Familia*







# Indigent Hospital Claims Office

Chris A. Brice, County Manager

IHC Board Meeting December 9, 2021

Month	Number	Amount	Number	Denied
January	0	\$0.00	0	\$0.00
Feburary	7	\$21,048.89	0	\$0.00
March	2	\$782.93		\$0.00
April	2	\$1,036.36		\$0.00
May	1	\$707.68		\$0.00
June	0	\$0.00		\$0.00
July	3	\$2,562.06		\$0.00
August	17	\$55,576.99	4	\$27,125.24
September	1	\$165.71		\$0.00
October	9	\$33,702.88		\$0.00
November	7	\$32,754.53		\$0.00
December		\$0.00		\$0.00
Total	49	\$148,338.03	4	\$27,125.24
This Month's Total	Mimbres Memorial Hospital			\$32,330.05
This Month's Total	Gila Regional Medical Center			\$0.00
This Month's Total	Memorial Medical Center			\$424.48
This Month's Total	Deming Fire Dept./EMS			\$0.00
This Month's Total	All Other Services			\$0.00
Total				\$32,754.53
Year to Date Total	Mimbres Memorial Hospital			\$138,181.42
Year to Date Total	All Other Hospitals			\$697.75
Year to Date Total	Deming Fire Dept./EMS			\$0.00
Year to Date Total	All Other Services			\$9,293.15
Total				\$148,172.32
Care of Prisoners This Month - Not including SNCP Funds				\$98,439.14
Care of Prisoners Year to Date Indigent - Not including SNCP Funds				\$1,233,143.86
Care of Prisoners Year to Date Inmate Prescriptions/OTC Meds				\$67,957.82
Care of Prisoners Year to Date Dr. Bills				\$9,464.00
Total Cost of Care of Prisoners Year to Date				\$1,310,565.68
Monies Received - November 2021				\$89,356.11
Balance in IHC Fund as of November 30, 2021				\$1,924,972.27
Encumbrances as of November 30, 2021				\$733,778.51
		Date	Amount Approved	Amount Denied
	Signatures	12/9/2021	\$32,754.53	\$0.00
Barbara L. Reedy				
Linda M. Smrkovsky				
John S. Sweetser				

[illegible][illegible]

**LUNA COUNTY, NEW MEXICO**

**FIRST AMENDED ORDINANCE 86**

**AN ORDINANCE ADOPTING THE COUNTY OF LUNA LOCAL ECONOMIC DEVELOPMENT PLAN TO IMPLEMENT THE AUTHORITY PROVIDED BY THE NEW MEXICO LOCAL ECONOMIC DEVELOPMENT ACT (5-10-1 TO 5-10-17)**

**WHEREAS**, the development of the local economy is vital to the well-being of the County and its residents; and

**WHEREAS**, it can be difficult for municipalities and counties in New Mexico to attract and retain businesses capable of enhancing the local and State economy without the resources necessary to compete with other states and locales; and

**WHEREAS**, municipalities and counties may need to be able to provide land, buildings and infrastructure and other financial incentives as a tool for basic business growth and the introduction of basic business ventures into the State; and

**WHEREAS**, it is in the best interests of the State, municipalities and counties to encourage local and regional solutions to economic development; and

**WHEREAS**, the access to public resources needs to be carefully controlled and managed for the continued and future benefit of New Mexico citizens; and

**WHEREAS**, the New Mexico State Legislature enacted the Local Economic Development Act (“LEDA”) to implement the 1994 constitutional amendment to Article IX, Section 14 of the Constitution of New Mexico and, after substantive amendments in 2013, this Ordinance was originally enacted to further the aforementioned purposes in conformance to LEDA (Section 5-10-1 through 17, NMSA 1978), as amended from time to time; and

**WHEREAS**, the New Mexico State Legislature has substantively amended the Local Economic Development Act since enactment of this Ordinance; and

**WHEREAS**, the Board of County Commissioners of Luna County has determined that the substantive changes to LEDA warrant amendments to this Ordinance to implement the full scope of authority granted by LEDA.

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

**Section 1. LOCAL ECONOMIC DEVELOPMENT**

This Ordinance may be cited as the “Local Economic Development Ordinance” or “LEDA Ordinance”.

**Section 2. AUTHORITY AND LOCAL ECONOMIC DEVELOPMENT PLAN**

2.1 This LEDA Ordinance is enacted pursuant to the authority conferred by LEDA to allow public support of economic development projects.



2.2 This Ordinance constitutes the Luna County Economic Development Plan and is adopted as part of the Luna County Comprehensive Plan in compliance with Section 5-10-6, NMSA 1978.

2.3 The Luna County Economic Development Plan allows the Board of County Commissioners of Luna County to direct the County Manager, or designees, to provide Public Support for Economic Development Projects that satisfy the applicable requirement of this Ordinance.

2.4 Public Support may take any form authorized by LEDA and includes, but is not limited to, the purchase or provision of land, buildings or infrastructure, whether already owned by the County or not, construction, purchase or lease of facilities or infrastructure deemed necessary for the Qualifying Project.

2.5 Subject to statutory limitations, the Board of County Commissioners of Luna County may provide Public Support for a portion or all of the eligible costs, including the waiver of applicable fees, including the provision of professional services by County personnel or independent contractors such as feasibility studies, planning and design services or enabling legislation.

2.6 This Ordinance does not create any right or entitlement in any person or entity to public support and nothing contained in this Ordinance or LEDA, nor the satisfaction of the requirements of either, establishes any obligation by Luna County or the Board of County Commissioners of Luna County to offer or provide any public support or any specific type or level of public support. The provision of public support to any Qualifying Entity or to any Qualifying Project, regardless of eligibility or satisfaction of applicable requirements, remains in the sole discretion of the Board of County Commissioners of Luna County.

### **Section 3. PURPOSE**

3.1 The purpose of the LEDA Ordinance is to allow public support of economic projects to foster, promote and enhance local economic development efforts while continuing to protect against the unauthorized use of public money and other public resources. Additionally, it is a purpose of this Ordinance is to allow the County to enter into one or more joint powers agreements to plan and support regional economic development projects, including investments in Arts and Cultural Districts.

3.2 It is the intent of the Board of County Commissioners of Luna County to provide the maximum level of flexibility legally allowed when evaluating and approving public support for Economic Development Projects.

### **Section 4. DEFINITIONS AS USED IN THE LOCAL DEVELOPMENT ACT**

4.1 "Arts and Cultural District" means a developed district of public and private uses that is created pursuant to the Arts and Cultural District Act (Sections 15-5A-1 through 15-5A-7 NMSA 1978);

4.2 "Broadband Telecommunications Network Facilities" means the electronics, equipment, transmission facilities, fiber-optic cables and any other item directly related to a system capable of transmission of internet protocol or other formatted data at current federal communications commission baseline speed standards, all of which will be owned and used by a provider of internet access services;

4.3 "Cultural Facility" means a facility that is owned by the state, a county, a municipality or a qualifying entity that serves the public through preserving, educating and promoting the arts and culture of a particular locale, including theaters, museums, libraries, galleries, cultural compounds, educational organizations, performing arts venues and organizations, fine arts organizations, studios and media laboratories and live-work housing facilities;

4.4 "Department" means the New Mexico Economic Development Department;

4.5 "Economic Development Project" or "Qualifying Project" means the project of a Qualifying Entity for which public support may be provided pursuant to the Local Economic

Development Act;

4.6 "Governing Body" means the Board of County Commissioners of Luna and, in joint projects, a city council, city commission or board of trustees of a municipality or the board of county commissioners of another county;

4.7 "Local Government" means a municipality or county;

4.8 "Municipality" means an incorporated city, town or village;

4.9 "New Full-time Economic Base job" means a job:

4.9.1 that is primarily performed in New Mexico;

4.9.2 that is held by an employee who is hired to work an average of at least thirty-two hours per week for at least forty-eight weeks per year;

4.9.3 that is:

4.9.3.1 involved, directly or in a supervisory capacity with the production of:

4.9.3.1.1 a service; provided that the majority of the revenue generated from the service is from sources outside the state; or

4.9.3.1.2 tangible or intangible personal property for sale; or

4.9.3.1 held by an employee who is employed at a regional, national or international headquarters operation or at an operation that primarily provides services for other operations of the qualifying entity that is located outside the state; and

4.9.4 that is not directly involved with natural resources extraction or processing, on-site services where the customer is present for the delivery of the service, retail, construction or agriculture except for value-added processing performed on agricultural products that would then be sold for wholesale or retail consumption;

4.10 "Person" means an individual, corporation, association, partnership or other legal entity;

4.11 "Plan Participation Agreement" means an agreement made pursuant to Section 5-10-10 NMSA 1978 between a Qualifying Entity and the County whereby the County provides assistance to an Economic Development Project without the participation of the State on the specified terms and conditions in exchange for the benefits promoted by the Local Economic Development Act.

4.12 "Public Support" means the provision of assistance by the state to a local or regional government or the provision of direct or indirect assistance to a Qualifying Entity by a local or regional government for an economic development project. "Public support":

4.12.1 includes the provision of:

4.12.1.1 land, buildings or other infrastructure, by purchase, lease, grant, construction, reconstruction, improvement or other acquisition or conveyance;

4.12.1.2 the placement of new broadband telecommunications network facilities; provided that the facilities shall not serve a public facility or location that already meets federal communications commission baseline speed standards;

4.12.1.3 rights-of-way infrastructure, including trenching and conduit, for the placement of new broadband telecommunications network facilities;

4.12.1.4 public works improvements essential to the location or expansion of a qualifying entity;

4.12.1.5 payments for professional services contract necessary for local or regional governments to implement a plan or provide public support for a project;

4.12.1.6 direct loans or grants for land, buildings or infrastructure;

4.12.1.7 technical assistance to cultural facilities;

4.12.1.8 loan guarantees securing the cost of land, buildings or infrastructure in an amount not to exceed the revenue that may be derived from an increment of the county gross receipts tax imposed at a rate not to exceed one-eighth percent and dedicated by the ordinance imposing the increment for projects;

- 4.12.1.9 grants for public works infrastructure improvements essential to the location or expansion of a qualifying entity and grants or subsidies to cultural facilities;
- 4.12.1.10 land for a publicly held industrial park or a publicly owned cultural facility, by purchase; and
- 4.12.1.11 the construction of a building for use by a qualifying entity; but
- 4.12.2 does not include the purchase, lease, grant or other acquisition or conveyance of water rights;
- 4.13 "Qualifying Entity" means a corporation, limited liability company, partnership, joint venture, syndicate, association or other person that is one or a combination of two or more of the following:
  - 4.13.1 an industry for the manufacturing, processing or assembling of agricultural or manufactured products;
  - 4.13.2 a commercial enterprise for storing, warehousing, distributing or selling products of agriculture, mining or industry, but, other than as provided in 4.12.5, 4.12.6 or 4.12.9 of this subsection, not including any enterprise for sale of goods or commodities at retail or for distribution to the public of electricity, gas, water or telephone or other services commonly classified as public utilities;
  - 4.13.3 a business in which all or part of the activities of the business involves the supplying of services to the general public or to governmental agencies or to a specific industry or customer, but, other than as provided in 4.12.5 or 4.12.9 of this subsection, not including businesses primarily engaged in the sale of goods or commodities at retail;
  - 4.13.4 an Indian nation, tribe or pueblo or a federally chartered tribal corporation;
  - 4.13.5 a telecommunications sales enterprise that makes the majority of its sales to persons outside New Mexico;
  - 4.13.6 a facility for the direct sales by growers of agricultural products, commonly known as farmers' markets;
  - 4.13.7 a business that is the developer of a metropolitan redevelopment project;
  - 4.13.8 a cultural facility; and
  - 4.13.9 a retail business;
- 4.14 "Regional Government" means any combination of municipalities and counties that enter into a joint powers agreement to provide for economic development projects pursuant to a plan adopted by all parties to the joint powers agreement; and
- 4.14 "Retail Business" means a business that is primarily engaged in the sale of goods or commodities at retail and that is located in an unincorporated area of a county.
- 4.15 "State" means the State of New Mexico by and through the New Mexico Economic Development Department.
- 4.16 "Substantive Contribution" means a contribution of value by the Qualifying Entity to an Economic Development Project that may be paid in money, in-kind services, jobs, expanded tax base, property or other thing or service of value for the expansion of the local economy.

## **Section 5. RESTRICTIONS ON PUBLIC EXPENDITURES OR PLEDGES OF CREDIT**

5.1 Local governments are prohibited from providing public support, whether direct or indirect assistance, by Article IX, Section 14 of the Constitution of New Mexico EXCEPT as provided by LEDA or as otherwise permitted by law and is limited to Qualifying Entities for furthering or implementing Qualifying Projects, further an Economic Development Plan.

5.2 Counties may provide support to Qualifying Projects from general fund revenues, the imposition of an increment of the county gross receipts tax, proceeds of a county revenue bond issue and donations from private entities.

5.3 The total amount of public money expended and the value of credit pledged in a fiscal year in which the money is expended shall not exceed ten percent (10%) of the annual general fund expenditures of the local government in that fiscal year, except that this restriction does not apply to the value of any land or building contributed to any Qualifying Project pursuant to a Project Participation Agreement.

5.4 A County may impose a gross receipts tax and dedicate the revenue for economic development projects through an increment to the county gross receipts tax at a rate not to exceed one-eighth percent. The imposition of a tax must be approved by the voters in referendum.

5.5 The County may use the proceeds of a revenue bond issue to which the revenue from an increment of the county gross receipts tax, imposed at a rate not to exceed one-eighth percent.

5.5 A regional or local government that generates revenue for economic development projects to which the limits herein do not apply, as set out in this subsection and more specifically enumerated in Section 5-10-4, NMSA 1978, shall create an economic development fund into which such revenues shall be deposited. The economic development fund and income from the economic development fund shall be deposited as provided by law. Money in the economic development fund may be expended only as provided in the Local Economic Development Act or the Statewide Economic Development Finance Act.

5.4 If the County imposes, by referendum of the voters, a local option infrastructure gross receipts tax to generate revenue for furthering or implementing Economic Development Plans and Economic Development Projects, as defined in LEDA or in the Statewide Economic Development Finance Act, and seeks to expend such revenue for Arts and Cultural Districts or Retail Businesses shall adopt a Resolution calling for an election to approve approving Arts and Cultural District and Retail Businesses as Qualifying Entities and comply with other applicable statutory requirements, including Section 5-10-4(D), (E), (F) and (G), NMSA 1978.

## **Section 6. ECONOMIC DEVELOPMENT PROJECT APPLICATIONS**

6.1 Only Qualifying Entities seeking public support may submit an Application proposing an Economic Development Project to the Luna County Economic Development Department.

6.2 The County shall provide the form of Application which shall, at a minimum, require the following information, in addition to other information deemed relevant:

6.2.1 Identification of the Qualifying Entity.

6.2.1.1 Name, physical and mailing address of Qualifying Entity;

6.2.1.2 Primary Contact for the Application;

6.2.1.3 Organizational documents i.e Articles of Incorporation, Bylaws, Management Agreement;

6.2.1.4 Owners, Directors, Members and/or Trustees for Qualifying Entity.

6.2.2 Evidence of Financial Solvency

6.2.2.1 For established businesses, financial statements for preceding three (3) years comprised of income statements, balance sheets and tax returns;

6.2.2.2 For new or expanding businesses, personal financial statements for each of the principals in the Qualifying Entity;

6.2.2.3 Federal Tax ID number (EIN or TIN) or social security numbers for principals;

6.2.2.4 New Mexico Business Tax ID number;

6.2.2.5 Luna County business license;

6.2.2.6 Project budget and projected income statement;

6.2.2.7 Banking information;

6.2.2.8 Source and amount of assets, equipment, capital and other funding.

6.2.3 Organizational Capacity

- 6.2.3.1 Market research, competitive analysis and/or feasibility study;
- 6.2.3.2 Business plan;
- 6.2.3.3 Organizational chart, including workforce projections for Qualifying Entity;
- 6.2.3.4 Projected start-up costs and cash flow analysis;
- 6.2.3.5 Required licenses, certificates and permits;
- 6.2.3.6 Proof of necessary insurance coverage;
- 6.2.3.7 Marketing plan.
- 6.2.4 Environmental impacts.
- 6.2.5 Community and cultural impacts.
- 6.2.6 Description and valuation of the Qualifying Entities Substantive Contribution to the project.
- 6.2.7 Proposed Project Participation Agreement and other necessary documents, such as Promissory Notes and Inter-Governmental Agreements.

## **Section 7. EVALUATION OF APPLICATIONS**

7.1 The County Manager, with the assistance of the Luna County Economic Development Department, will evaluate Applications on a cost/benefit analysis of the project taking into consideration the financial and management stability of the Qualifying Entity, the demonstrated commitment of the Qualifying Entity to the community and other information deemed relevant in making a full review and recommendation regarding approval to the Board of County Commissioners of Luna County.

7.2 The Qualifying Entity is responsible for providing information necessary to prepare the cost/benefit analysis, including but not limited to:

- 7.2.1 Projected number and type of jobs resulting from any construction or start-up activities;
- 7.2.2 Projected number of New Full-Time Economic Base Jobs created over the course of the Project;
- 7.3.3 Projected labor costs;
- 7.3.4 Projected resources utilized for the Project;
- 7.3.5 Projected impact on Gross Receipts Tax;
- 7.3.6 Projected impact on real property values;
- 7.3.7 Projected other direct and indirect costs, including regulatory costs, for the term of the Project;
- 7.3.8 Projected financing and debt service costs;
- 7.3.9 Alternative scenarios for operations and costs.

7.2 Qualifying Entities with Economic Development

The County may negotiate with a qualifying entity on the type or amount of assistance to be provided or on the scope of the economic development project.

7.3 Evaluations shall be presented on a scoring matrix and presented for determination by the Board of County Commissioners of Luna County at a public hearing and Economic Development Projects chosen for public support shall be approved by ordinance.

7.4 Economic Development Projects will receive priority points when evaluation when the Project will operate in a designated industry cluster designated or identified in Luna County's Comprehensive Plan or elsewhere, from time time. Priority Areas include, but are not limited to:

- 7.4.1 Agricultural processing, value-added, delivery and retail operations;
- 7.4.2 Manufacturing plants, including intellectual property;
- 7.4.3 Projects creating or enhancing domestic and international exporting of goods and/or services;

- 7.4.4 Projects building new facilities or expanding or relocating existing local facilities;
- 7.4.5 Projects which complement and increase or expand production capacity, markets or sales of existing businesses, including incubators or accelerators;
- 7.4.6 Projects which create foundational building blocks for future economic development, such as public markets, work force development, apprenticeships, housing or transportation.

## **Section 8. PROJECT PARTICIPATION AGREEMENT; DUTIES AND REQUIREMENTS**

8.1 All Economic Development Plans approved for public support shall require the Qualifying Entity to enter into a Project Participation Agreement with the County.

8.2 Economic Development Plans which involve the Department may also require an Inter-Governmental Agreement specifying additional terms and conditions for the County and Qualifying Entity.

8.3 Public Support provided of Economic Development Project must clearly demonstrate the benefits to the local economy in shall be in exchange for a specified Substantive Contribution expressly stated in the PPA.

8.4 The Qualifying Entity shall provide security for each approved Economic Development Project to each New Mexico governmental entity providing Public Support for the Project. The security shall secure the Qualifying Entity's obligations based on terms stated in the Project Participation Agreement and shall reflect the amount of Public Support provided to the Qualifying Entity and the substantive contribution expected from the Qualifying Entity and may take the form deemed appropriate, in the sole discretion of the County. Contemplated forms of security include, but are not limited to:

- 8.4.1 Liens;
- 8.4.2 Mortgages;
- 8.4.3 UCC Financing Statements;
- 8.4.4 Security Agreements and Security Interests;
- 8.4.5 Promissory Notes;
- 8.4.6 Letters of Credit;
- 8.4.7 Performance or Surety Bonds; and
- 8.4.8 "Claw-back Provision".

8.5 If a Qualifying Entity fails to provide the specified Substantive Contribution or otherwise fail to satisfy all obligations in the PPA, the County shall enforce the Project Participation Agreement provisions securing the Public Support to recover that all or a portion of the Public Support. The recovery shall be at least the proportional share of the Public Support tied to the failed performance of the Qualifying Entity but may take into account prior performance under the PPA and the portions of Substantive Contributions made by the Qualifying Entity.

8.6 The PPA for an Economic Development Project that uses Public Support provided by the State to a local or regional government shall include a recapture agreement for the State.

8.7 Project Participation Agreement shall, at a minimum, set out:

- 8.7.1 the contributions to be made by each party to the agreement;
- 8.7.2 the security provided to each governmental entity that provides Public Support for an Economic Development Project by the Qualifying Entity in the form of a lien, mortgage or other indenture and the pledge of the business's financial or material participation and cooperation to guarantee the qualifying entity's performance pursuant to the project participation agreement;
- 8.7.3 a schedule for project development and completion, including measurable goals and time limits for those goals; and

8.7.4 provisions for performance review and actions to be taken upon a determination that project performance is unsatisfactory.

8.8 The County reserves the right to receive advance written notice and consent to any intent by a Qualifying Entity to relocate, sell, lease, merge, encumber, assign or otherwise substantively alter The ownership, control or operation of approved Economic Development Projects prior to the expiration of the PPA. The County may withhold consent until the provision of adequate assurance, in a form determined in the sole discretion of the Board of County Commissioners of Luna County, sufficient to ensure compliance with the requirements of this Ordinance, applicable laws, including a new determination of Qualifying Entity status, the PPA and other project requirements.

8.9 In the event of a refusal to consent, the County may seek to negotiate a new agreement with the new parties, require a new Application, evaluation and determination or exercise all rights of recovery of the Public Support previously provided.

## **Section 9. PROJECT REVENUES; SPECIAL FUND; ANNUAL AUDIT**

9.1 Revenues dedicated or pledged for funding or financing of Economic Development Projects shall be deposited in a separate account. Separate accounts shall be established for each separate project. Money in the special account shall be expended only for economic development project purposes, which may include the payment of necessary professional services contract costs.

9.2 In the case or joint projects with other entities, regional government projects or state involvement, revenues of each governmental entity dedicated or pledged for economic development purposes shall be deposited in a special account of that governmental entity and may be expended only by that governmental entity as provided by its economic development plan and any joint powers agreement.

9.3 An annual independent audit for each approved Economic Development Plan shall be conducted in accordance with the Audit Act (Sections 12-6-1 to 12-6-14, NMSA 1978) of each special fund and project account. The audit shall be submitted to each participating governmental entity and shall be a public record for purposes of the Inspection of Public Records Act (Sections 14-2-1 through 14-2-12, NMSA 1978).

## **Section 10. PLAN AND PROJECT TERMINATION**

10.1 At any time after approval, the Board of County Commissioners of Luna County may enact an ordinance terminating the Economic Development Plan and dissolving or terminating any or all Projects. An ordinance repealing or substantively amending the Economic Development Plan or Luna County Comprehensive Plan shall not be effective unless the ordinance provides for satisfying existing contracts and the rights of the parties arising from those contracts.

10.2 Any unexpended and unencumbered balances remaining in any project fund or account upon repeal of a plan and termination or dissolution of a Project may be transferred to the general fund. In the case of funds or accounts of joint projects, the unexpended and unencumbered balances shall be divided among the governmental entities as provided in the joint powers agreement.

## **Section 11. MISCELLANEOUS PROVISIONS**

11.1 Nothing in the Local Economic Development act or this Ordinance shall be construed to affect any other requirements of the Constitution of New Mexico, other laws regarding local government debt, the issuance of bonds, use of tax revenues, lease or sale of land or other tangible property.

11.2 The County is specifically authorized to participate programs and projects authorized by LEDA, as it may be amended from time to time, including the recent amendment regarding grants for reimbursement of rent, lease or mortgage payments, pursuant to Section 5-10-17, NMSA 1978.

11.3 The County Manager, through any appropriate officers or designees, is hereby authorized and directed to take all actions necessary or appropriate to effectuate the provisions of this Ordinance.

11.4 If any section, paragraph or clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such a section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

11.5 All ordinances or resolutions, or parts thereof, inconsistent herewith are hereby repealed. This repealer shall not be constructed to revive any ordinance, or resolution or part thereof, heretofore repealed.

**APPROVED and ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_**

**ATTEST:**

\_\_\_\_\_  
Barbara L. Reedy, Chair  
Commissioner, District 1

\_\_\_\_\_  
Berenda McWright,  
County Clerk

\_\_\_\_\_  
Linda M. Smrkovsky,  
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 9<sup>th</sup> day of December 2021, the following proceedings were had and entered of record.*

**RESOLUTION NO. 21-76**

**CALL TO AMEND AN ORDINANCE**

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

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of County Commissioners hereby gives notice of its intent to consider the amendment of Ordinance 23; Personnel Ordinance, at the Regular Meeting on December 9, 2021, at 10:00 a.m. or as soon thereafter as the matter may be heard in the Luna County Courthouse, 700 S. Silver Ave., Deming, New Mexico.

**BE IT FURTHER RESOLVED** that the Luna County Manager is authorized to take all necessary action necessary to properly place the issue of the amendment of Ordinance 23 before the Board of County Commissioners, including but not limited to, the publication of title and a general summary of the proposed amendments and making a copy of the proposed available to interested persons beginning with the date of publication, but no later than two weeks prior to the January 13<sup>th</sup>, 2022 meeting.

**DONE THIS 9<sup>th</sup> DAY OF DECEMBER, 2021**

by the Board of County Commissioners of Luna County

**ATTEST:**

\_\_\_\_\_  
Barbara L. Reedy, Chairperson  
Commissioner, District 1

\_\_\_\_\_  
Berenda McWright,  
County Clerk

\_\_\_\_\_  
Linda M. Smrkovsky,  
Commissioner, District 2

REVIEWED FOR LEGAL SUFFICIENCY:

\_\_\_\_\_  
John S. Sweetser,  
Commissioner, District 3

\_\_\_\_\_  
Charles C. Kretek, County Attorney

LCBCC Meeting December 09, 2021  
Accounts Payable

11/02/2021	\$2250.00
11/04/2021	\$147226.73
11/04/2021	\$403.70
11/05/2021	\$14672.20
11/12/2021	\$280442.96
11/12/2021	\$1666.46
11/19/2021	\$248537.57
11/19/2021	\$4039.12

**P-Cards**

September 2021	\$154289.88
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Total    \$853528.62

*Luna County*  
*Board of County Commissioners*

**AGENDA 12/09/2021**

**PAYROLL**

11/05/2021	Register # 20210057	\$ 542,296.78
11/05/2021	*Register # 20210058	\$ 22,017.66
11/19/2021	Register # 20210059	\$ 541,337.94
11/19/2021	*Register # 20210060	\$ 25,847.64

**Total \$ 1,131,500.02**

\* Special Assignment Pay

**LUNA COUNTY BOARD OF COUNTY  
COMMISSIONERS**

**RESOLUTION NO. 21-77**  
**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 110, July 1, 2021 through June 30, 2022 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 9<sup>th</sup> DAY OF DECEMBER 2021.**

BOARD OF COUNTY  
COMMISSIONERS OF LUNA  
COUNTY

\_\_\_\_\_  
Barbara L. Reedy, Chairperson

\_\_\_\_\_  
Linda M. Smrkovsky, District Two

ATTEST:

\_\_\_\_\_  
Berenda L. McWright, Luna County Clerk

\_\_\_\_\_  
John S. Sweetser, District Three

Be it remembered that at a Regular meeting of the Board of County Commissioners of Luna County in Deming NM on the 9th day of Decembr, 2021, the following budget adjustments are proposed and entered of record.

Budget Resolution Number 21-77										Entity Code	
Proposed Inter/Intra FUND Budget Increase/Decrease										DFA Resolution Number	
SCHEDULE OF BUDGET ADJUSTMENTS											
ITEM NO	Adjustment Type	Fund/ DFA Fund	Dept.	From	Amount	To	Amount	Purpose	Approved Budget Balance	Adjusted Budget Balance	
One	Increase	401/11000	General Fund - Commission	401/11000	\$ 100,000.00	401-00-2200 Funding Appropriations	\$ 100,000.00	Sponsorship of DA's Veterans Treatment Court Initiative pilot program	\$ 92,750.00	\$ 192,750.00	
Two	Increase	401/11000	General Fund - Planning and ED	401/11000	\$ 76,359.00	401-14-2002 Salaries - Full-Time	\$ 31,304.00	To pay for Training and Compliance Officer through remainder of fiscal year,	\$ 229,342.32	\$ 260,646.32	
						401-14-2060 Match - Medicare 1.45%	\$ 476.00	To pay for Training and Compliance Officer through remainder of fiscal year,	\$ 4,731.16	\$ 5,207.16	
						401-14-2063 Match - PERA 16.42%	\$ 7,275.00	To pay for Training and Compliance Officer through remainder of fiscal year,	\$ 49,900.37	\$ 57,175.37	
						401-14-2064 Match - FICA 6.2%	\$ -	To pay for Training and Compliance Officer through remainder of fiscal year,	\$ 20,237.00	\$ 20,237.00	
						401-14-2065 Match - Group Insurance	\$ 8,605.00	To pay for Training and Compliance Officer through remainder of fiscal year,	\$ 62,889.36	\$ 71,494.36	
						401-14-2066 Workers' Compensation Assmnt	\$ 10.00	To pay for Training and Compliance Officer through remainder of fiscal year,	\$ 55.20	\$ 65.20	
						401-14-2070 Match - RHCA 2.0%	\$ 783.00	To pay for Training and Compliance Officer through remainder of fiscal year,	\$ 5,986.85	\$ 6,769.85	
						401-58-2002 Salaries - Full-Time	\$ 15,600.00	To pay for Administrative Assistant in Planning/ED through remainder of fiscal year	\$ 172,613.38	\$ 188,213.38	
						401-58-2060 Match - Medicare 1.45%	\$ 242.00	To pay for Administrative Assistant in Planning/ED through remainder of fiscal year	\$ 2,708.06	\$ 2,950.06	
						401-58-2063 Match - PERA 16.42%	\$ 2,600.00	To pay for Administrative Assistant in Planning/ED through remainder of fiscal year	\$ 28,774.65	\$ 31,374.65	
						401-58-2064 Match - FICA 6.2%	\$ 1,035.00	To pay for Administrative Assistant in Planning/ED through remainder of fiscal year	\$ 11,583.50	\$ 12,618.50	
						401-58-2065 Match - Group Insurance	\$ 8,107.00	To pay for Administrative Assistant in Planning/ED through remainder of fiscal year	\$ 26,792.58	\$ 34,899.58	

ITEM NO	Adjustment Type	Fund/ DFA Fund	Dept.	From	Amount	To	Amount	Purpose	Approved Budget Balance	Adjusted Budget Balance
						401-58-2066 Workers' Compensation Assmnt	\$ 10.00	To pay for Administrative Assistant in Planning/ED through remainder of fiscal year	\$ 27.60	\$ 37.60
						401-58-2070 Match - RHCA 2.0%	\$ 312.00	To pay for Administrative Assistant in Planning/ED through remainder of fiscal year	\$ 3,452.27	\$ 3,764.27
Three	Increase	704/20900	LC Volunteer Fire Departments	704/20900	\$ (300,000.00)	704-77-1490 (Revenue) Cooks Peak VFD	\$ (300,000.00)	New grant from SFM for new water systems for VFD's to improve ISO rating	\$ (136,393.00)	\$ (-436,393.00)
					\$ 300,000.00	704-00-2029 Capital Improvements	\$ 300,000.00	New grant from SFM for new water systems for VFD's to improve ISO rating	\$	\$ 300,000.00

\$ 176,359.00

\$ 176,359.00

\$ 575,451.30

\$ 751,810.30

*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 9th day of December 2021.**

BOARD OF COUNTY COMMISSIONERS OF LUNA COUNTY

Barbara L Reedy, District 1

Linda M Smrkovsky, District 2

John S Sweetser, District 3



ATTEST

\_\_\_\_\_  
Berenda L. McWright, Luna County Clerk

Entered By

Date

Checked By

Date

**LUNA COUNTY BOARD OF COUNTY  
COMMISSIONERS**

**RESOLUTION NO. 21-78  
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 110, July 1, 2021 through June 30, 2022 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 9<sup>th</sup> DAY OF DECEMBER 2021.**

BOARD OF COUNTY  
COMMISSIONERS OF LUNA  
COUNTY

\_\_\_\_\_  
Barbara L. Reedy, Chairperson

\_\_\_\_\_  
Linda M. Smrkovsky, District Two

ATTEST:

\_\_\_\_\_  
Berenda L. McWright, Luna County Clerk

\_\_\_\_\_  
John S. Sweetser, District Three

Be it remembered that at a Regular meeting of the Board of County Commissioners of Luna County in Deming NM on the 9th day of December, 2021 the following budget adjustments are proposed and entered of record.

## Budget Resolution Number 21-78

Proposed Inter Department Transfer

ITEM NO	Adjustment Type	Fund/ DFA Fund	Dept.	From	FROM Current Balance	Transfer amount	TO Line Number	Transfer Amount	Purpose
One	Transfer	401/11000	General Fund - Commission	401-00-2101 Professional/Contract Services	\$70,784.15	\$10,000.00	401-00-2491 Commission Expense	\$10,000.00	Employee incentives for this fiscal year.
Two	Transfer	401/11000	General Fund - Safety & Risk Assessment	401-28-2084 Safety/Equip/ Supplies/ Training	\$6,683.49	\$500.00	401-28-2010 Mileage/Per Diem	\$500.00	To pay for LLRMI Internal Affairs Training.
Three	Transfer	401/11000	General Fund - Emergency Mgmt	401-41-2084 Safety/Equip/ Supplies/Training	\$4,318.72	\$400.00	401-41-2116 (NEW) Department Uniforms	\$400.00	To pay for uniform clothing for Emergency Management
Four	Transfer	609/22600	Adult Detention	609-21-2029 Capital Improvements	\$71,627.21	\$10,000.00	609-21-2101 Professional/Contract Services	\$10,000.00	To pay for building repairs necessary through remainder of fiscal year.
					\$153,413.57	\$20,900.00		\$20,900.00	

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

Done at Deming New Mexico this **Thursday** the **9th** day of **December** 2021.

BOARD OF COUNTY COMMISSIONERS OF LUNA COUNTY

Barbara L. Reedy, District 1

Linda M. Smrkovsky, District 2

John S. Sweetser, District 3



ATTEST:

Entered By:

Date

Berenda L. McWright, Luna County Clerk

Checked By:

Date





**Office of the Sixth Judicial District Attorney**

**MICHAEL R. RENTERIA**  
DISTRICT ATTORNEY

11/29/2021

Luna County Commissioners  
700 S. Silver Ave.  
Deming, NM 88030

**RE: Request for Funding  
Veterans Treatment Court**

Dear Luna County Commissioners:

Thank you for granting us the opportunity to present our Veterans Treatment Court initiative to you during the Commissioners' meeting on November 10, 2021. We believe bringing the Veterans Treatment Court Program to our district will benefit the community in many ways. Studies have shown that those justice involved veterans who participate and successfully complete the Veterans Treatment Court Program go on to lead more healthy and productive lives.

As reported during our presentation, the Veterans Treatment Court Program supports our veterans by providing evidence-based substance abuse treatment, mental health treatment, mandatory drug testing, and equitable incentives and sanctions under the close supervision of the courts. The Veterans Treatment Court provides services to veterans coming into the criminal justice system whose illegal activities are directly related to substance abuse or mental health issues stemming from or exacerbated by their military service. As we all know, the military does a great job of teaching the men and women of the U.S. Armed Forces how to become warriors but fails at teaching them how to transition back into civilian life once their service time is completed.

As many as 30% of all combat veterans have experienced or will experience PTSD during their lifetime, according to the Department of Veterans Affairs. More than half of criminal justice involved veterans have a mental health and/or substance use disorder. In addition, veterans who are justice involved are at greater risk for suicide. According to the New Mexico Department of Health, New Mexico has a suicide rate 50% greater than the national average and has held that unfortunate record for the past two decades. In New Mexico, suicide rates are 2 ½ times higher for veterans than for non-veterans.

We are currently requesting each county in our district contribute funds toward the creation of the Veterans Treatment Court Program. Grant County has already committed to supporting the project by contributing \$100,000.00. We are respectfully requesting that Luna County consider matching or exceeding Grant County's contribution. We are scheduled to meet with the Board of Commissioners in Hidalgo County in December to request contributions from them as well.

*Our projected cost to get the project off the ground is \$300,000.00. The funding is expected to be expended as follows: Mental Health Counselor \$65,000.00, Treatment Coordinator \$50,000.00, Defense Attorney \$25,000.00, Transportation Services \$9,000.00, Hair/UA Specimen Collector \$20,000.00, and Drug Testing Supplies and laboratory costs \$136,000.00.*

By investing in the Veterans Treatment Court Program, you will be assisting the men and women who have served/fought for our country and whose sacrifices have led to them developing significant mental and physical health issues. Addressing their mental health and substance use disorders will reduce crime rates, reduce recidivism, and increase public safety.

Thank you in advance for your time and consideration. We look forward to hearing from you soon.

Respectfully,

Jennie Becerra, LBSW  
Special Programs Director  
Sixth Judicial District Attorney's Office

Michael R. Renteria  
District Attorney  
Sixth Judicial District

☐ Grant County Office  
P.O. Box 1025 • Silver City, NM 88062-1025  
Phone: (575) 388-1941 Fax: (575) 388-5184

☐ Luna County Office  
108 E. Poplar • Deming, NM 88030  
Phone: (575) 546-6526 Fax: (575) 546-0336

☐ Hidalgo County Office  
300 Shakespeare St., Suite J • Lordsburg, NM 88045-0756  
Phone: (575) 542-3260 Fax: (575) 542-3258

# APPOINTMENT OF JESUS A NUNEZ

STATE OF NEW MEXICO )  
COUNTY OF LUNA ) ss

This is to certify that I have on this \_\_\_\_\_ day of \_\_\_\_\_, 2021 A.D. appointed Jesus A Nunez as my DEPUTY SHERIFF in and for the County of Luna, State of New Mexico, hereby authorizing Jesus A Nunez to discharge all duties of said appointment of DEPUTY SHERIFF, according to the law.

WITNESS MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021 A.D.

  
\_\_\_\_\_  
SHERIFF, LUNA COUNTY, NEW MEXICO

## OATH OF OFFICE


STATE OF NEW MEXICO )  
COUNTY OF LUNA ) ss

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

  
\_\_\_\_\_  
SIGNATURE OF APPOINTEE

STATE OF NEW MEXICO  
COUNTY OF LUNA

Subscribed and sworn before me by Kelly Gannaway,  
Sheriff and Jesus A Nunez, appointee.  
This 22<sup>nd</sup> day of November, 2021.

  
\_\_\_\_\_  
NOTARY  
My Commission Expires 03-03-2023

Approved this \_\_\_\_\_ day of \_\_\_\_\_ 2021 A.D., by the Board of County Commissioners, Luna County, New Mexico.

\_\_\_\_\_  
CHAIRMAN, BOARD OF LUNA COUNTY COMMISSIONERS



## Kellye J. Stimpson

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402 S 9<sup>th</sup> Street  
Deming, NM 88030  
(505)469-1941  
[stimpsonkj@gmail.com](mailto:stimpsonkj@gmail.com)

Dec. 3, 2021

Board of County Commissioners  
700 South Silver Avenue  
Deming, NM 88030  
(575)-546-0494

To Whom It May Concern:

Please accept this letter and resume as an expression of my interest in joining the Marshall Memorial Library as a board member.

Throughout my career as an educator and librarian for the Deming Public School District, I have been led into a field that has been both rewarding and challenging. My experience and knowledge in several of the key areas required to manage an organization such a library has simultaneously led me to develop more as an advocate and potential member of the board for the Marshall Memorial Library.

I am currently the librarian at Red Mountain Middle School and due to recent events of the pandemic it seems a great deal of my expertise and resources have gone into developing a more balanced and accessible collection whether it is for a person to person or digital to person setting. In collaboration with my colleagues and administrative team, I have executed programs and used social media in a myriad of ways to connect students (my primary patrons) with their library resources and collection even when we were forced to be at home for our safety. In many ways, the research, collected data, and time I spent developing such a versatile physical and digital collection of materials and resources has led me to becoming more aware of what I can do for my community, especially at the Marshall Memorial Library.

As a potential member for the Marshall Memorial Library, I offer technical expertise and a true understanding, passion, and enthusiasm for helping to provide essential, equitable access to our community in Deming and Luna County residents. As a tenacious researcher, I utilize my research and analytical skills to find unique solutions to problems libraries are facing today as well as how to efficiently focus funds and find more funds that can help implement and strengthen library programs. Through my role as a school librarian, I focus much of my energy in creating an environment that welcomes all and promotes a stronger relationship between the patron and their library/information needs.

My experience to date, my admiration for what the Marshall Memorial Library does and provides to the community is why I wish to be a part of the board. In addition, I wish to give back to the organization that nurtured me since childhood to become the person I am today in a career that aligns with much of the ethics and standards that the previous librarian's instilled in me.

Yours Sincerely,

**Kellye J. Stimpson, MLIS**

STATE OF NEW MEXICO

# COUNTY OF LUNA

700 S. SILVER AVENUE  
P.O. DRAWER 551 DEMING, NEW MEXICO 88031-0551  
(575) 543-6579 FAX (575) 543-6577



From: LUNA COUNTY BOARD OF COUNTY COMMISSIONERS

Date: December 1, 2021

## 2022 Luna County Holiday Schedule

Holiday	Day of Observance	Date
New Year's Day	Monday	1/03/2022
Martin Luther King, Jr. Day	Monday	1/17/2022
Presidents' Day	Monday	2/21/2022
Good Friday	Friday	4/15/2022
Memorial Day	Monday	5/30/2022
Juneteenth National Independence Day	Monday	6/20/2022
Independence Day	Monday	7/04/2022
Labor Day	Monday	9/05/2022
Indigenous Peoples' Day	Monday	10/10/2022
Veterans Day	Friday	11/11/2022
Thanksgiving Day-Close noon	Wednesday	11/23/2022
Thanksgiving Day	Thursday	11/24/2022
Personal Day	Friday	11/25/2022
Christmas Eve	Friday	12/23/2022
Christmas Day	Monday	12/26/2022

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Board of County Commissioners Chairman

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Date