

**MINUTES  
REGULAR MEETING  
LUNA COUNTY BOARD OF COUNTY  
COMMISSIONERS  
Thursday, October 12, 2023**

**BE IT REMEMBERED** that the Luna County Board of County Commissioners met in regular session at 10:00 a.m. on Thursday, October 12, 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, Assistant to County Manager Yossie Nieblas, Executive Assistant Mayra Hernandez, County Attorney Charles Kretek, Budget and Procurement Director Joanne Hethcox, Business Office Administrative Assistant Grisel Taylor, Emergency Management Director Pablo Montoya, HR Director Rosa Porras, HR Legal Assistant Malarie Villegas, Administrative Assistant Senior Toni Esparza, Assessor Michelle Holguin, Chief Deputy Assessor Isabelle Enciso, Appraiser Jacquelyn Tarazon, Treasurer Kristie Hobbs, Chief Deputy Treasurer Jonathan Richmond, Planning and Zoning Director Lupita Hernandez, Code Compliance Supervisor Frankie Tarazon, Sheriff Mike Eby, Undersheriff Jimmy Garcia, LCDC Director Lee Cook, LCDC Chief of Security Robert Apodaca, Deputy Warden Justin Porter, LCDC Administrative Assistant Aundrea Pena, Training Sgt. Fabian Chayrez, Central Dispatch Director Lauree Sanchez, Central Dispatch Deputy Director Yovanie Granillo, Grant Director Bryan Reedy, PAT Program Director Anna Barraza, Parent Educators Mirna Chairez, Irma Geaney, Gladys Gonzalez, Maria Munoz, Olga Neave, Jessica Portillo, Mary Ramirez, Kenia Reyna, and Stephanie Wilson, JJCS Program Coordinator Anadely Martinez, PAT Program Administrator Zalenna Pinon, PAT Data Specialist Maria Montano, Road Department Executive Assistant Nancy White, Starmax Director Chad Troyer, IT Technicians Joseph "JT" Apodaca and Nathan Ortberg.

**CALL TO ORDER:** Chair Sweetser called the meeting to order at 10:00 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 September 13, 2023, and the Regular Meeting on September 13, 2023. The motion was seconded by Commissioner Trejo and was unanimously approved.

**SPECIAL AWARDS:**

- Parents as Teachers Program Manager Anna Barraza presented PAT Parent Educator Irma Geaney with her pin for five years of service.
- Road Department Executive Assistant Nancy White presented Jesse Perez with his pin for five years of service.

- Planning and Zoning Director Lupita Hernandez presented Code Compliance Supervisor Frankie Tarazon with his pin for 15 years of service.
- Emergency Management Director Pablo Montoya presented Central Dispatch Director Lauree Sanchez with her pin for 20 years of service.

#### **PRESENTATIONS:**

- Municipal Judge Edgar Davalos swore in six new LCDC Detention officers.
- Debbie Troyer stated that Lemonade Day is currently only held in Deming and Albuquerque here in New Mexico. Ms. Troyer stated that with the help of a grant provided by the House of Representatives, our Representative Jenifer Jones, and our Governor, the 2024 Lemonade Day Program will be offered in three Southwest communities Hidalgo, Don Ana, and Luna Counties. The program will be offered to both Hidalgo and Grant Counties and these counties will have to find their volunteers. Ms. Troyer announced the Lemonade Day Entrepreneur of Year Winner Isabella Garcia of Aloha Lemonade and presented her with a Lemonade Day gift basket.
- JJCS Program Coordinator Anadely Martinez announced the Photography Contest winners. Ms. Martinez stated that the JJCS program had been revamped in order to offer new positive things for the children to get involved in. Ms. Martinez stated that the idea of the photography contest was for kids to engage with their families outdoors and practice their strengthening skills. Ms. Martinez stated that this year there were three winners, in three different categories. The Categories were landscape, historic buildings, and animals in Luna County. Ms. Martinez presented the judges who participated in picking the winners of the contest with one of the winning photographs to be displayed in their workplace. Ms. Martinez presented to them Bobby Brookhouser of the Sixth Judicial District Court (historical building), Luna County Manager Chris Brice (Animal), and Deming Public Schools HR Director Teri Trejo (landscape).
- LCDC Restrictive Housing Quarterly Report. LCDC Director Lee Cook stated that the Restrictive Quarterly Report is based on the New Mexico State Statutes 1978, 3316-1 to 3316-7. Mr. Cook stated that the report was being submitted in accordance with the statutes recited above with the Reporting Act requirements. Mr. Cook stated that during this period for the quarter of July 1 to September 30, 2023, the Luna County Detention Center has nothing to report.

#### **CONSENT AGENDA:**

- Accounts Payable: \$1,944,792.11
- Payroll: \$1,352,144.79
- Resolution 23-70: Budget Increases
- Resolution 23-71: Budget Transfers
- Resolution 23-72: Disposal of Assets
- Resolution 23-07: Referendums
- Proclamation 23-08: October as Domestic Violence Awareness Month
- Oath of Office: Captain Jose Martinez
- Oath of Office: Captain Michael Brown
- Oath of Office: Appointment of Sheriff Deputy Cesar Moreno

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.

### Call for Ordinance:

- **Resolution 23-73: Call to adopt Ordinance 117 Affordable Housing:** Commissioner Trejo motioned to approve Resolution 23-73: Call to adopt Ordinance 117 Affordable Housing. The motion was seconded by Commissioner Chandler and was unanimously approved following a roll call vote.

### Public Hearing:

- **Variance request for Luna County Property: NHHNWQNWQ of Section 23 Township 24, Range 8W. Allowing elderly to live in a recreational vehicle as a permanent occupied residence due to health issues.** Planning and Zoning Director Lupita Hernandez stated that the reason for this Variance request is for the purpose of Mrs. Penton's mother who has health issues and wants to live nearby, but still have independence. Ms. Hernandez stated that the variance process allows this to happen because all of the proper steps were followed and proper paperwork was submitted including doctors' notes recommending the situation be allowed. Ms. Hernandez also stated that no violations on this property have been committed. There were no public comments forthcoming on this matter. Commissioner Trejo motioned to approve the variance request for Luna County Property: NHHNWQNWQ of Section 23, Township 24, Range 8W. Allowing elderly to live in a recreational vehicle as a permanent occupied residence due to health issues. The motion was seconded by Commissioner Chandler and was unanimously approved following a roll call vote.
- **Variance request for Luna County Property: NEQ of Section 16, Township 24S, range 9W. Request to file another claim of exemption while locked in a five-year holding period.** Planning and Zoning Director Lupita Hernandez stated that Mr. Amaya had gone into the Planning Office and was trying to file a Claim of Exemption, which she explained is the process that is followed when splitting property when it is not a subdivision. Ms. Hernandez stated that when the exemption was filed in 2020, Mr. Amaya thought that he was splitting his property into three pieces with the intent to sell two and keep one. Ms. Hernandez stated at that time Mr. Amaya sold one of the pieces of property to Javier Vargas and then in 2022 he sold what he thought was another third of the property to Josue Perez and Maria Pacheco Vargas. Ms. Hernandez stated that instead, Mr. Amaya sold what was left of the property because the property had only been split in two not three pieces as originally thought. Ms. Hernandez stated that Exemption number 13 was used, which locks the owners into a five-year holding period, meaning that another Claim of Exemption cannot be filed for five years. Ms. Hernandez stated that being that there was a language barrier Mr. Amaya did not realize he had sold all of his land. Ms. Hernandez stated that the purchaser agreed that the intent was only to buy a third, so this variance is being filed in order to be able to file another Claim of Exemption and give Mr. Amaya back his piece of property. Commissioner Trejo motioned to approve the Variance Request for Luna County Property: NEQ of Section 16, Township 24S, Range 9W. Request to file another Claim of Exemption while locked in a five-year holding period. The motion was seconded by Commissioner Chandler and was unanimously approved following a roll call vote.

### **New Business:**

- **Amended Resolution 23-05: IPRA Designee and Procedure:** County Manager Chris Brice stated that this resolution is something that is done every year designating who is going to be the coordinator of all IPRA requests that come in. Mr. Brice stated that the coordinator is still the Manager's Office like it always has been. Mr. Brice stated that since Malarie Villegas is now that Legal Assistant she is now designated to handle all of the IPRA requests. Commissioner Chandler motioned to approve Amended Resolution 23-05: IPRA Designee and Procedure. The motion was seconded by Commissioner Trejo and was unanimously approved following a roll call vote.
- **Resolution 23-74: Support for the New Mexico Counties 2024 Legislative Priorities:** Mr. Brice stated that every year New Mexico Counties get together as the advocate for all of the counties in New Mexico. Mr. Brice stated that some of the priorities for Counties are The Detention Re-reimbursement Fund, The Detention Recruitment and Retention Fund (\$10,000,000 requested), Prisoner Transport and extradition fee (750,000 requested), RISE Program, Emergency Medical Services, Courthouse Funding (District Court, DA's Office, and the Department of Health are covered by this), State Health Benefits Plans, Fire Fighter Recruitment and Retention. Commissioner Trejo motioned to approve Resolution 23-74: Support for the New Mexico Counties 2024 Legislative Priorities. The motion was seconded by Commissioner Chandler and was unanimously approved following a roll call vote.
- **Resolution 23-75: Resolution for Luna County TPF LP10055 Sunshine McCan Truck Route:** Mr. Brice stated that this stands for Transportation Project Fund and is something that the County goes for every year. Mr. Brice stated that the County was awarded \$400,000, for the plan and design of McCan and Sunshine to become an alternate truck route. Mr. Brice stated that eventually, the County will go back to TPF for the funding after the plan and design to pave the road with actual pavement, and not chip seal for it to last longer with all of the truck traffic that will be going through there. Commissioner Chandler motioned to approve Resolution 23-75: Resolution for Luna County TPF LP10055 Sunshine and McCan Truck Route. The motion was seconded by Commissioner Trejo and was unanimously approved following a roll call vote.
- **Collective Bargaining Agreement for LCDC-AFSCME #2061:** County Attorney Charles Kretek stated that this agreement was completed on August 23, 2023, and is now waiting for the Union to vote. Mr. Kretek stated that the Union was going to have a vote last night, but it did not happen. Mr. Kretek stated that he is presenting the agreement today, and the packet will be amended online after the meeting. Mr. Kretek stated that this is the seventh year with the bargaining unit and this is essentially the same agreement with a few changes, but nothing big. Mr. Kretek stated that the Commission's five percent was taken and given to the staff. Mr. Kretek stated that the County brought the starting pay for Detention Officers from \$15.00 to \$16.00, and after the probationary period has been completed the pay will go up to \$17.50. Mr. Kretek stated that the very last page of the agreement is the plan of where the County wants to get as far as Detention Officer Salaries go. Mr. Kretek stated that the County wants the Detention Officer's starting pay to be \$17.00 and after probation and training the pay to increase to \$20.00. Mr. Kretek stated that it is not normal for the Commission Board to vote before the Union, but is a sign of good faith that the Commission supports our Detention

Center and their Union. Mr. Kretek stated that the County does not want to delay the raises for Detention Officers any longer than their actions, if it is not voted on and approved today the raises will be delayed until at least December. Mr. Kretek stated that if the agreement is voted on and approved today, as soon as the Union approves their vote the raises can be implemented for the next pay period. Commissioner Trejo motioned to approve the Collective Bargaining Agreement for LCDC-AFSCME #2061. The motion was seconded by Commissioner Chandler and was unanimously approved following a roll call vote.

- **Collective Bargaining Agreement for LCSO-AFSCME #1764:** Mr. Kretek stated that this agreement is partial and are still going through some of the terms and conditions for this pay plan for the Luna County Sheriff's Department that is in desperate need of officers. Mr. Kretek stated that negotiation took place with the Union and was completed just last week and this agreement was voted on and approved. Mr. Kretek stated that uncertified Deputies are going from \$16.00 to \$17.00, \$20.00 for starting Deputies, \$23.00 for Corporal, \$26.00 for Sargent, and \$29.00 for Lieutenant. Mr. Kretek stated that with this agreement now the County is able to honor the seniority and service of the retained officers. Commissioner Chandler motioned to approve the Collective Bargaining Agreement for LCSO-AFSCME #1764. The motion was seconded by Commissioner Trejo and was unanimously approved following a roll call vote.
- **National Center for Public Lands Counties with NMAC:** Mr. Brice stated that this is generally from the National Association of Counties just like New Mexico Counties that champions the causes for the 33 counties within New Mexico. Mr. Brice stated that the National Association of Counties goes on the Federal level and essentially champions the causes of all counties nationwide. Mr. Brice stated that the one is specifically for Public Lands, teaching wildfire reduction, and responsible use of Public Lands. Mr. Brice stated that this provides an assessment to all the counties to help support and fund this endeavor for the National Association of Counties. Commissioner Trejo motioned to approve the National Center for Public Lands Counties NMAC. The motion was seconded by Commissioner Chandler and was unanimously approved following a roll call vote.
- **American Legion Post 4 Grant Proposal:** Mr. Brice stated that this is for the American Legion to get the help needed to repair their roof. Mr. Brice stated that the American Legion has come back to ask for \$7,000 more to complete this project. Mr. Brice Stated that the City matches whatever the County gives the requesting entity. The Vice Commander of the American Legion stated that the American Legion is very active in the community not only providing for Veterans, but also for the community. It was stated that the Legion now has two Service Officers who offer assistance to Veterans in obtaining VA Benefits. Commissioner Trejo motioned to approve the American Legion Post 4 Grant Proposal. The motion was seconded by Commissioner Chandler and was unanimously approved following a roll call vote.
- **Deming Luna County Commission on Aging Appointment of Board Member Dan Martin:** Julie from the Deming Senior Center stated that the Commission on Aging Board met on September 28, 2023, and voted to recommend Mr. Dan Martin to represent Luna County on the Board of Directors. Julie stated that Mr. Martin is from the Village of Columbus and as from previous reports the Deming Senior Center is very interested in expanding services for a meal side in Columbus, and this is why it is important to have representation to be able to

do so. Mr. Dan Martin stated that if approved he would do his best to help the Senior Commission in any way that he can in Columbus with all of the challenges. Commissioner Chandler motioned to approve the Deming Luna County Commission on Aging Appointment of Board Member Dan Martin. The motion was seconded by Commissioner Trejo and was approved following a roll call vote.

### **Indigent Claims Report:**

Commissioner Trejo motioned to recess as County Commission and convene as a Claims Board. The motion was seconded by Commissioner Chandler and was unanimously approved.

Budget and Procurement Director Joanne Hethcox reported that there were two claims this month of \$8,406.64, both of which are for Luna County Detention Center. Ms. Hethcox stated that the Gross Receipts generated \$101,754.42 and there is a balance in the Indigent Health Care Fund of just over a million dollars with almost \$400,000.00 encumbered for obligations already committed.

Commissioner Chandler motioned to approve the Indigent Claims report as submitted dated October 12, 2023, in the amount of \$8,406.64. The motion was seconded by Commissioner Trejo and was unanimously approved.

Commissioners 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 Deming Chamber of Commerce Tarcia Rebeiz reported that five new members have been added since the last report in August. They are currently supporting 259 businesses, and have also added a new Board Member, Daniel Harrison, of Harry's Engraving. Ms. Rebeiz stated that the Chamber hosted a ribbon cutting for Luna County's new Department of Health building as well as Ruff Cuts Dog Salon, and the Deming Public Schools Field House and Film Room. Ms. Rebeiz stated that this year's Duck Race Parade was one of the largest this far with 82 entries. Ms. Rebeiz stated that the Chamber of Commerce continues to offer Canva Training and other assistance to individuals and businesses within the community.

Deming Senior Center Executive Director Julie Bolton stated that from July 1 to September 30, 2023, there were a total of 8,048 meals served to 397 and duplicated participants. There was a 25 percent increase in participation with an average of 140 to 150 seniors eating lunch at the Senior Center. Ms. Bolton stated that in their transportation services, there was a 50 percent increase in participation, and the center is currently expanding transportation services for Village of Columbus Seniors and Luna County Participants to Las Cruces, Silver City, and El Paso. Ms. Bolton stated that year-to-date on the home delivery meal services 8,201 meals to 324 participants. The Deming Senior Center participates in a program called Home Grown in which is food produced in New Mexico only. Ms. Bolton stated the program contributes to the increase in community senior participation. Ms. Bolton stated that the Center also provides in-home services, and for homemaker services, there were a total of 1,053 hours to 24 unduplicated clients, Respite Care services there were a total of 1,562 hours to

24 unduplicated clients, in Transportation there were 1,543 rides to 63 unduplicated clients, and in Adult Daycare there were 498 hours provided to six unduplicated clients.

Deming Mainstreet Executive Director Chelsea Evans stated that the program will be hosting the Trunk-or-Treat event down Main Street event Tuesday, October 31, 2023, down Gold Street, which will include the blocking off of six streets from Pine Street to Ash for this event to take place. Ms. Evans stated that the Deming Main Street program received their accreditation status for this year through New Mexico Main Street, which is an extensive review process that the program goes through, allowing access to professional and technical assistance, and also making Deming Main Street eligible to apply for State Capital Outlay Funding through New Mexico Main Street.

Executive Director of The Council Christie Ann Harvey gave an update on that she is currently working with Franny Miller, Assistant Professor at NMSU, to set up a tour of Luna County Farming Operations. It has been set for October 27, 2023, at 8:30 am, with the Border Authority meeting also scheduled to take place October 27, 2023, at 1:30 pm and public portion of the meeting will begin at 2:30 pm and end at 5:00 pm. Ms. Harvey stated that Border Authority Chair Joseph De La Rosa accompanied Governor Michelle Lujan Grisham on a recent trade mission to Taiwan, where the Governor was very successful in the finalization of a partnership with Jota International. Ms. Harvey stated that Jota International plans to build a new production facility in Santa Teresa, NM, where the company will produce automotive gear for clients such as Tesla and will invest \$99,000,000 to start the construction of this facility. Ms. Harvey also gave a brief update on Broadband and is working on scheduling a meeting with New Mexico Communications and Valley Telecom. Ms. Harvey stated that she attended a meeting in Las Cruces by invitation of Commissioner Trejo with Senator Hamblin. Ms. Harvey stated that Commissioner Trejo also scheduled a follow-up meeting with Senator Hamblin with the City of Deming to engage participants in spreading the word while generating interest and public support for the purpose of making some of our Mountain ranges to be declared as a National Monument. Ms. Harvey stated that county grant writer Heather Seats has submitted a grant to New Mexico Tourism with a possible \$500,000 award for the construction of a 7,000 sq. ft sound stage. Ms. Harvey stated that she met with County Manager Chris Brice on the possibility of gifting a piece of county land on which to build this facility. Ms. Harvey stated that all of the engineering and installation plans for the Starmax sign have been completed.

### **Elected Officials Report:**

**Assessor:** Assessor Michelle Holguin stated that the tax bills were mailed out on October 6, 2023. Ms. Holguin stated that as anticipated there have been a lot of calls about the tax increase within the city limits. Ms. Holguin stated that there is some confusion in reference to the residential value increasing three percent per year and the increase in taxes. Ms. Holguin stated that all values from Luna County, City of Deming, Deming Public Schools, and the State are turned into the Department of Finance in Santa Fe and once all of the values are accumulated a formula is applied to come up with the individual tax rates for each entity. Ms. Holguin stated that all of the entities then make up the full tax rates that are applied to the taxes. Ms. Holguin stated that out of these entities, the tax values are then reviewed and compared with all of the information that was submitted to the Department of Finance. Ms. Holguin stated that once all of the information is found to be correct, the information is then given to the Treasurer's Office for them to run their tax rolls. Ms. Holguin stated that the tax rates are for three districts, City of Deming, Columbus, and Luna County. Ms. Holguin stated that this

year there was a significant increase within the city limits which is what the Assessor's Office is getting all of the calls for. Ms. Holguin stated that she reached out to the City to see if they would put out a Public Service Announcement explaining the increase. Ms. Holguin stated that another issue that has come about with this increase is that people do sign up in the Assessor's Office for evaluation freezes, which freezes the value of the property but does not freeze tax rate increases. Ms. Holguin stated that the abstract and final values were turned into Property Tax Division, all values balanced and were approved and the warrant was turned into the Treasurer's Office on the amount of taxes that their office will be collecting.

**Clerk:** No Report Given

**Probate Judge:** No Report Given

**Treasurer:** Treasurer Kristie Hobbs stated that the State Property Tax Division was in her office all last month. Ms. Hobbs stated that the State processed about 800 properties that will be auctioned off on December 18, 19, and 20, 2023. Ms. Hobbs stated that she has spoken to the State Property Tax Division about reoffers, but is getting a lot of push-back on these reoffers from other counties. Ms. Hobbs expressed that she does want the reoffers, especially with the situation with Deming Ranchettes and the Sunshine Valley Ranchettes. Ms. Hobbs stated that she has reached out to other counties to explain and try getting them on board to see the reasoning behind Luna County wanting these reoffers. Ms. Hobbs stated that as in the Assessor's Office, the Treasurer's Office has had an influx of phone calls regarding the higher taxes increase in the city. Ms. Hobbs stated that her office has included a handout along with the tax bills explaining the increase. Ms. Hobbs stated that there was a total of 57,870 tax bills and emailed 2,695.

**Sheriff:** Sheriff Mike Eby reported that in the month of September, there were 15 assaults, and three burglaries in the following areas 2900 block of Southeast San Diego Rd, 5000 block of Southeast Amapola Rd, and 200 Southwest Dona Ana Rd. Sheriff stated that there were five larcenies in the following areas: 4800 block of Southwest Lucca Rd, 2000 block of Silver City Highway, the Intersection of la Bonita Dr. and Southeast McCan Rd, the intersection of Bosque and Lalo Rd, and one larceny reported to the LCSO Office. Sheriff Eby stated that there were two motor vehicle thefts one in the 11400 block of Southeast Highway 549, and one at 25000 West Plata Ave in Columbus, and one arson at the intersection of Second and Holy Cross Rd NW. Sheriff Eby stated that there were three DWIs to report in the following locations; I-10 at mile marker 63, the intersection of Silver and Maple St., and the 3400 block of South Highway 11, and one arrest at Hermanas Grade and Camila Rd Southwest. Sheriff Eby reported a total of 861 calls, with 815 being non-criminal civil calls, 26 being criminal, 17 being motor vehicle accidents, and three being DWI calls.

**Commissioners:** Commissioner Chandler commented on the Fair. Ms. Chandler stated that a lot of people participated in the Fair and just wanted to thank everyone who took part. Ms. Chandler stated that the fair is a good time for the community to go out and support the industries that happen here in Luna County. Ms. Chandler stated that the Supreme Court did not let the Governor's gun law pass. Ms. Chandler stated that the Commission Board was asked to take a stand on that and referred to Resolution 19-13 and stated that is established in this resolution that the Constitution of the United States is being followed, and Luna County is in fact a Second Amendment Sanctuary County. Ms. Chandler stated that if anyone has any questions on this to refer to Resolution 19-13 which is still open, this is the answer to what is happening with the gun issue with the Governor.

## County Managers Report:

- **GIS:** Mr. Brice stated that the new GIS Department is coming together nicely with Judy Hatch as director. Mr. Brice stated that since Ms. Hatch took over about two months ago she has done a lot of work on the maps to get them updated, and also there are two new people who were hired who will help her in this Department. The maps include a restaurant layer indicating all of the restaurants in the County, DWI crime mapping to show and help law enforcement to some extent on where DWIs are happening the most, and a Commissioner's map which will show each of their districts. Mr. Brice stated that this layer will have a picture of each of the Commissioners along with a short biography accessible to the public. Mr. Brice stated that another layer that is being worked on is the Next Gen 911 with an estimated time of completion in 2025.
- **Central Dispatch:** Mr. Brice stated that the installation of the new CAD system has finally been completed. Mr. Brice stated that with this system Central Dispatch will be able to report the true number of calls received instead of just the calls that the officers reported on. This system will show the calls for the Fire Department, PD, etc., and track them more appropriately. Mr. Brice that there were 182 warrants processed out of Central Dispatch.
- **Road Department:** Mr. Brice stated that the Road Department recently has five vacancies and is always looking for truck drivers and equipment operators. Mr. Brice stated that the county has a lot of grants for the Colonias Projects. Mr. Brice stated that 146 miles were bladed, and 924 tires were picked up. Mr. Brice stated that the Road Department no longer has a tire shredder. Mr. Brice stated that the shredder was very expensive and sat at the Port in New York for a year before the Road Department received it and is now out of warranty. Mr. Brice stated that the machine will be taken to Albuquerque for it to be looked at and the County is more than likely looking at about \$300,000 to \$400,000 for repairs. Mr. Brice stated that in the meantime the tires are being transported to Dona Ana to avoid fines. Mr. Brice stated that once the company in Albuquerque figures out the extent of the repairs to the shredder it may be beneficial to the County just to trade it in and get a new one.
- **Planning Department:** Mr. Brice stated that the purchasing of all of the parcels for the BERM Project in Columbus has finally been completed. Mr. Brice stated that the water rights transfer for Cattleman's Beef Processing is just one step in getting the beef processing plant here in Luna County and should be finalized within the next few days. Mr. Brice stated that there are about 40 property donations finalized and there are still more coming in that are being worked. The property donation program works in the way that the owner donates a piece of property and once the taxes are up-to-date the process can be finalized.
- **Safety/Risk Management:** Mr. Brice stated that there are three new Tort Claims.
- **IT:** Mr. Brice stated that the Department has been extremely busy. Mr. Brice stated that New Mexico Counties bought and pays for a company called Wizer that does IT training and goes out to all employees. Mr. Brice stated that at this time there is a lot of fiber optic installation going on throughout the County buildings, and now the County has the jammers at Central Dispatch that will be up and running soon.
- **HR:** Mr. Brice stated that there are currently six open positions posted at this time. Mr. Brice stated that there were 7 new hires and 10 have left. Mr. Brice stated that the Grants Department with Bryan Reedy as Director, Yossie Nieblas as Deputy Director, and Heather Lutz from the Road Department who writes all of the County Grants.

- **DWI/Teen Court:** Mr. Brice stated that the Department is now tracking 80 misdemeanor DWI offenders and six new clients were screened for substance use disorder.
- **Luna County Health Council:** Mr. Brice stated that the Health Council was a big part of the grand opening at the Department of Health. Mr. Brice stated that the Health Department will be passing out kits that include a First Aid Kit, flashlights, matches, extra band-aids, etc.
- **Emergency Management:** Mr. Brice stated that there will be fire extinguishers put in all of the County vehicles which is a requirement. Mr. Brice stated that the County's Rave Program is used to alert the community about road closures, inclement weather, and any major incidents that have happened. Mr. Brice stated that Emergency Management Director Phillip Rodriguez, Public Safety Director Pablo Montoya, and a few of the volunteer firefighters attended the Association of Fire Chiefs Conference in Ruidoso.
- **Grants and Projects Department:** Mr. Brice stated that the department just attended a Capital Outlay training yesterday in Silver City being that it is almost time for the Capital Outlay requests to be submitted. Mr. Brice stated that the \$500,000 request for the film studio has a good chance of being approved.
- **Luna County Fire:** Mr. Brice stated that there were 23 Volunteer Fire Department Calls for the month. Mr. Brice stated that there will be three volunteers who will attend the academy.
- **Luna County Detention Center:** Mr. Brice that LCDC booked in 219 inmates, and released 231 with a population daily average of 405 inmates. Mr. Brice stated that the US Marshall inmate average daily population is 256 which is well within County Budget. Mr. Brice stated that Captain Townsend attended a Rifle Instructor Course, and there were 5 Cadets who completed the basic Detention Officer Academy.
- **Luna County Maintenance:** Mr. Brice stated that the department is busy working on sidewalks at Starmax. Mr. Brice stated that the roof repair at Starmax is almost complete. Maintenance is also working on the HVAC unit at the Sheriff's Office. Mr. Brice stated that there are a lot of HVAC units down throughout the County buildings due to trying to get new units and parts.
- **Miscellaneous:** Mr. Brice stated that the County has put together an Events Committee that will be putting together the first annual Haunted House in the Courthouse Park Pavilion as part of the Trunk-or-Treat event hosted by the Deming Main Street Program. Mr. Brice stated that the County received \$300,000 for this year from the State in recruitment bonuses for law enforcement, next year it will be \$150,000, and \$75,000 the year after that. Mr. Brice stated that these funds would be for law enforcement officers, deputies, detention officers, and dispatch. Mr. Brice stated that what was decided was to offer \$20,000 per deputy that joins and the way it will break down will be \$5,000 after FTO training, another \$5,000 after they pass the academy, and then receive the remaining \$10,000 June 30<sup>th</sup>. For detention officers \$10,000, \$5,000 after the academy, and \$5,000 more on June 30<sup>th</sup>, with Dispatch being the same amount.

#### **Upcoming Meetings/Events (Unless otherwise specified):**

- Candlelight Vigil Ceremony, October 26, 2023, at 4 p.m. Courthouse Park.
- Veterans Day, Friday, November 10, 2023; Luna County Offices are closed.
- Public Input Work Session November 16, 2023, from 9:30- 10:00 am
- Regular Meeting, November 16, 2023, at 10 a.m.
- Thanksgiving Holiday, November 22, 2023, Luna County Offices close at noon
- Thanksgiving Holiday November 23, 2023, Luna County Offices are closed
- Personal Day November 24, 2023, Luna County Offices are closed

**Executive Session:** Executive Session pursuant to Section 14-2-1 (C ) NMSA 1978 limited to Personal Matters and 10-15-1H (7) 1978 Pending Litigation.

Commissioner Chandler motioned to enter into Executive Session pursuant to Section 14-2-1 (C ) NMSA 1978 limited to Personal Matters and 10-15-1H (7) 1978 Pending Litigation. The motion was seconded by Commissioner Trejo and unanimously approved following a roll call vote. The Board of County Commissioners and County Manager entered Executive Session at 12:12 p.m.

Commissioner Chandler motioned to return from Executive Session pursuant to Section 14-2-1 (C ) NMSA 1978 limited to Personal Matters and 10-15-1H (7) 1978 Pending Litigation at 12:50 p.m. where no other matters were discussed and no action was taken. The motion was seconded by Commissioner Trejo and was unanimously approved following a roll call vote.

**Adjourn:** Commissioner Trejo motioned to adjourn the meeting. The motion was seconded by Commissioner Chandler and was unanimously approved. The meeting adjourned at 12:52 pm

**Done at Deming, New Mexico this 16<sup>th</sup> day of November 2023.**

**LUNA COUNTY BOARD OF COMMISSIONERS**

**ATTEST:**

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

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**Berenda McWright, County Clerk**

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

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

LCBCC Meeting November 16, 2023

Accounts Payable

10/06/2023	\$407,950.39
10/06/2023	\$8,700.38
10/16/2023	\$448,580.11
10/16/2023	\$8,597.87
10/20/2023	\$234,859.91
10/20/2023	\$424,231.74
10/27/2023	\$322,774.09
10/27/2023	\$9,854.02

P-Cards

September 2023	\$226,385.08
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Total    \$2,091,933.59

Luna County  
Board of County Commissioners



Agenda 11/16/2023

**PAYROLL**

Date	Register	Amount
10/06/2023	20230189	\$636,394.29
10/05/2023	*20230190	\$1,872.07
10/06/2023	*20230191	\$26,089.79
10/20/2023	20230192	\$639,362.63
10/20/2023	*20230193	\$12,946.00

Total: \$1,316,664.78

\* Special Assignment Pay

**LUNA COUNTY BOARD OF COUNTY  
COMMISSIONERS**

**RESOLUTION NO. 23-76  
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 16<sup>th</sup> DAY OF NOVEMBER, 2023.**

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

ITEM NO	Adjustment Type	Fund/DFA Fund	Dept.	From	Amount	To	Amount	Purpose	Approved Budget Balance	Adjusted Budget Balance
Seven	Increase	411/21800	Community Improvements	411/21800	\$ (380,000.00)	411-77-1509 2024 TPF - Sunshine-McCan Truck Route Planning	\$ (380,000.00)	To account for 2024 TPF Grant for Sunshine-McCan Truck Route - Planning, Preliminary Design, etc.	\$ -	\$ (380,000.00)
					\$ 380,000.00	411-00-2509 2024 TPF - Sunshine-McCan Truck Route Planning	\$ 380,000.00	To account for 2024 TPF Grant for Sunshine-McCan Truck Route - Planning, Preliminary Design, etc.	\$ -	\$ 380,000.00
						411-00-2499 Grant Matches	\$ 20,000.00	To account for 2024 TPF Grant for Sunshine-McCan Truck Route - Planning, Preliminary Design, etc. - Grant Match	\$ 1,373,333.74	\$ 1,393,333.74
Eight	Increase	411/21800	Community Improvements	411/21800	\$ (400,000.00)	411-77-1517 DFA 23-ZH5050-12 Grant Match Assistance	\$ (400,000.00)	Appropriation DFA 23-ZH5050- for Grants Matches for federal grants (1st Round).	\$ -	\$ (400,000.00)
					\$ 400,000.00	411-00-2517 DFA 23-ZH5050-12 Grant Match Assistance	\$ 400,000.00	Appropriation DFA 23-ZH5050- for Grants Matches for federal grants (1st Round).	\$ -	\$ 400,000.00
Nine	Increase	411/21800	Community Improvements	411/21800	\$ (340,000.00)	411-77-1518 DFA 23-ZH5050-26 Grant Match Assistance	\$ (340,000.00)	Appropriation DFA 23-ZH5050-26 for Grants Matches for federal grants (2nd Round).	\$ -	\$ (340,000.00)
					\$ 340,000.00	411-00-2518 DFA 23-ZH5050-26 Grant Match Assistance	\$ 340,000.00	Appropriation DFA 23-ZH5050-26 for Grants Matches for federal grants (2nd Round).	\$ -	\$ 340,000.00
Ten	Increase	411/21220	Community Improvements	411/21220	\$ (525,000.00)	411-77-1519 DFA 23-ZH5048-49 LE/LE Support Salary Grant	\$ (525,000.00)	To account for DFA Grant 23-ZH5048-49 to hire law enforcement/support positions.	\$ -	\$ (525,000.00)
					\$ 525,000.00	411-00-2519 DFA 23-ZH5048-49 LE/LE Support Salary Grant	\$ 525,000.00	To account for DFA Grant 23-ZH5048-49 to hire law enforcement/support positions.	\$ -	\$ 525,000.00
Eleven	Increase	411/21800	Community Improvements	411/21800	\$ (198,000.00)	411-77-1562 CAP 23-H3070 - MVLC	\$ (198,000.00)	To account for CAP 23-H2070 for the plan, design, construc, improvement, expand, furnish and equip the MVLC.	\$ -	\$ (198,000.00)
					\$ 198,000.00	411-00-2562 CAP 23-H3070 - MVLC	\$ 198,000.00	To account for CAP 23-H2070 for the plan, design, construc, improvement, expand, furnish and equip the MVLC.	\$ -	\$ 198,000.00
Twelve	Increase	411/21800	Community Improvements	411/21800	\$ (400,000.00)	411-77-1563 DOH ZH5132 - Mobile Service to Homeless	\$ (400,000.00)	To account for DOH Grant ZH5132 to expand mobile serices for individuals experiencing homelessness, including health care, housing and other needed services.	\$ -	\$ (400,000.00)
					\$ 400,000.00	411-00-2563 DOH ZH5132 - Mobile Service to Homeless	\$ 400,000.00	To account for DOH Grant ZH5132 to expand mobile serices for individuals experiencing homelessness, including health care, housing and other needed services.	\$ -	\$ 400,000.00

Be it remembered that at a Regular meeting of the Board of County Commissioners of Luna County in Deming NM on the 16th day of November, 2023, the following budget adjustments are proposed and entered of record.

## Budget Resolution Number 23-76

Proposed Inter/Intra FUND Budget Increase/Decrease

SCHEDULE OF BUDGET  
ADJUSTMENTS

Entity Code  
DFA  
Resolution  
Number

ITEM NO	Adjustment Type	Fund/ DFA Fund	Dept.	From	Amount	To	Amount	Purpose	Approved Budget Balance	Adjusted Budget Balance
One	Increase	401/11000	General Fund - Commission	401/11000	\$ 10,000.00	401-00-2200 Funding Appropriations	\$ 10,000.00	Funding appropriations for American Legion and Shop with a Cop as approved by LCBCC and to allow for spending through remainder of fiscal year.	\$ 278,125.00	\$ 288,125.00
Two	Increase	401/11000	General Fund - Commission	401/11000	\$ 10,000.00	401-00-2491 Commissioner Expense	\$ 10,000.00	To pay for Employee Appreciation Items.	\$ 25,000.00	\$ 35,000.00
Three	Increase	401/11000	General Fund - Maintenance	401/11000	\$ 3,000.00	401-03-2087 Pavilion Expenses and Refunds	\$ 3,000.00	To pay for refund expenses from rental of the Pavilion.	\$ -	\$ 3,000.00
Four	Increase	401/11000	General Fund - Sheriff's	401/11000	\$ 16,200.00	401-08-2005 Salaries - Overtime	\$ 16,200.00	To accommodate moving to 12 hour shifts due to manpower shortage.	\$ 80,000.00	\$ 96,200.00
Five	Increase	408/22300	DWI Program	408/22300	\$ (16,952.27)	408-77-1312 DWI Grant Revenue	\$ (16,952.27)	To account for prior year expenditures reimbursed this fiscal year.	\$ (80,000.00)	\$ (96,952.27)
					\$ 16,952.27	408-00-2010 Mileage/Per Diem	\$ 1,927.86	To account for prior year expenditures reimbursed this fiscal year.	\$ 2,000.00	\$ 3,927.86
						408-00-2020 Supplies	\$ 15,024.41	To account for prior year expenditures reimbursed this fiscal year.	\$ 6,970.00	\$ 21,994.41
Six	Increase	408/22300	DWI Program	408/22300	\$ (52,000.00)	411-77-1312 DWI Grant Revenue	\$ (52,000.00)	Special DWI Grant Application was awarded additional \$52,000.00 for this fiscal year.	\$ (96,952.27)	\$ (148,952.27)
					\$ 52,000.00	408-00-2005 Salaries - Overtime	\$ 3,250.00	Special DWI Grant Application was awarded additional \$52,000.00 for this fiscal year.	\$ 500.00	\$ 3,750.00
						408-00-2010 Mileage/Per Diem	\$ 1,500.00	Special DWI Grant Application was awarded additional \$52,000.00 for this fiscal year.	\$ 3,927.86	\$ 5,427.86
						408-00-2020 Supplies	\$ 19,250.00	Special DWI Grant Application was awarded additional \$52,000.00 for this fiscal year.	\$ 21,994.41	\$ 41,244.41
						408-00-2028 Capital Outlay	\$ 13,000.00	Special DWI Grant Application was awarded additional \$52,000.00 for this fiscal year.	\$ -	\$ 13,000.00
						408-00-2101 Professional/Contract Services	\$ 15,000.00	Special DWI Grant Application was awarded additional \$52,000.00 for this fiscal year.	\$ 17,000.00	\$ 32,000.00

ITEM NO	Adjustment Type	Fund/ DFA Fund	Dept.	From	Amount	To	Amount	Purpose	Approved Budget Balance	Adjusted Budget Balance
Thirteen	Increase	411/21800	Community Improvements	411/21800	\$ (285,136.00)	411-77-1564 NMFA-CIF 6138 - Keeler Farm Road - Draining Design Improvements	\$ (285,136.00)	To account for NMFA - DIF 6138 - Keeler Farm Road/Drainage Design Improvements.	\$ -	\$ (285,136.00)
					\$ 285,136.00	411-00-2564 NMFA-CIF 6138 - Keeler Farm Road - Draining Design Improvements	\$ 285,136.00	To account for NMFA - DIF 6138 - Keeler Farm Road/Drainage Design Improvements.	\$ -	\$ 285,136.00
					\$ 31,682.00	411-00-2499 Grant Matches	\$ 31,682.00	To account for NMFA - DIF 6138 - Keeler Farm Road/Drainage Design Improvements grant match.	\$ 1,393,333.74	\$ 1,425,015.74
Fourteen	Increase	428/21800	CASA Program	428/21800	\$ 500.00	428-54-2005 Salaries - Overtime	\$ 500.00	Amount inadvertently left out of final budget.	\$ -	\$ 500.00
Fifteen	Increase	411/21800	Community Improvements	411/21800	\$ (304,358.00)	411-77-1565 BHSD RISE Grant	\$ (304,358.00)	To account of BHSD RISE Grant for support of incarcerated individuals with behavioral health needs.	\$ -	\$ (304,358.00)
					\$ 304,358.00	411-00-2565 BHSD RISE Grant	\$ 304,358.00	To account of BHSD RISE Grant for support of incarcerated individuals with behavioral health needs.	\$ -	\$ 304,358.00
					\$ 71,382.00		\$ 91,382.00		\$3,025,232.48	\$ 3,116,614.48

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 16th day of November, 2023.**

BOARD OF COUNTY COMMISSIONERS OF LUNA COUNTY

Ray J. Trejo, District 1

Colette M. Chandler, District 2

John S. Sweetser, District 3



Entered By:

Date

Berenda L. McWright, Luna County Clerk

Checked By:

Date

# MEMO

**To:** County Manager/Commissioners  
**From:** Joanne C. Hethcox, CPM®  
**Department:** Business Office  
**Date:** 10/13/2023

**Total of Request**

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

**BUDGET INCREASE [X] \$10,000.00**

## 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
401-00-2200	Funding Appropriations	\$8,270.00	\$10,000.00

**Purpose budget adjustment: (to pay for what?)** To pay for funding appropriations for the American Legion (\$7,000.00 approved 10/12/2023) and a contribution to the Shop With A Cop program for \$2,000.00.

**REASON FOR TRANSFER (why is current budget insufficient).** Unknown at final budget preparation.

Department Head Signature: \_\_\_\_\_

*Joanne C. Hethcox*

# MEMO

**To:** County Manager/Commissioners  
**From:** Joanne C. Hethcox, CPM®  
**Department:** Business Office  
**Date:** 10/23/2023

**Total of Request**

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

**BUDGET INCREASE [X] \$10,000.00**

## TRANSFER FROM

FUND or Line Item Number	Line Item Description	Current Line Balance	Proposed Transfer Amount
401	Cash Reserves		

## TRANSFER TO

FUND or Line Item Number	Line Item Description	Current Line Balance	Proposed Transfer Amount
401-00-2491	Commissioner Expense	\$1,878.15	\$10,000.00

**Purpose budget adjustment: (to pay for what?)** To pay for employee appreciation items.

**REASON FOR TRANSFER (why is current budget insufficient).**

Department Head Signature: 

# MEMO

**To: County Manager/Commissioners**

**From:** Lupita Hernandez

**Department:** Planning

**Date:** 10-17-2023

**Total of Request**

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

**BUDGET INCREASE [✓] \$ 3,000.00**

## TRANSFER FROM

FUND or Line Item Number	Line Item Description	Current Line Balance	Proposed Transfer Amount
401	cash reserves		3,000.00

## TRANSFER TO

FUND or Line Item Number	Line Item Description	Current Line Balance	Proposed Transfer Amount
401032087	Pavilion Expenses and refunds	-900	3,000.00

**Purpose budget adjustment: (to pay for what?)**

Refund Expenses

**REASON FOR TRANSFER (why is current budget insufficient).**

There was no budget allocated for this fiscal year.

Department Head Signature: Lupita Hernandez

# MEMO

**To: County Manager/Commissioners**

**From:** Mike Eby

**Department:** Sheriff

**Date:** 10-16-2023

**Total of Request**

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

**BUDGET INCREASE [✓] \$ 16,200.00**

## TRANSFER FROM

FUND or Line Item Number	Line Item Description	Current Line Balance	Proposed Transfer Amount
401-77	General Fund		16,200.00

## TRANSFER TO

FUND or Line Item Number	Line Item Description	Current Line Balance	Proposed Transfer Amount
401-08-2005	Salaries - Overtime	44,505.46	16,200.00

### **Purpose budget adjustment: (to pay for what?)**

Due to manpower shortage we need to go to 12 hour shifts to have enough patrol coverage. The attached spreadsheet shows the anticipated amounts for the next 3 months (1 quarter).

### **REASON FOR TRANSFER (why is current budget insufficient).**

We did not anticipate this shortage.

Department Head Signature: \_\_\_\_\_

*Mike Eby*

# MEMO

**To: County Manager/Commissioners**

**From:** Edith Vazquez, Program Coordinator

**Department:** DWI Program

**Date:** 10-20-2023

**Total of Request**

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

**BUDGET INCREASE [✓] \$ 16,952.27**

## TRANSFER FROM

FUND or Line Item Number	Line Item Description	Current Line Balance	Proposed Transfer Amount
408-00	DWI Gant		16,952.27

## TRANSFER TO

FUND or Line Item Number	Line Item Description	Current Line Balance	Proposed Transfer Amount
408-00-2010	Mileage Per Diem	-231.60	1,927.86
408-00-2020	Supplies	-12,380.26	15,024.41
408-77-1312	DWI Grant Revenue		-16,952.27

**Purpose budget adjustment: (to pay for what?)**

## **REASON FOR TRANSFER (why is current budget insufficient).**

The above budget increase is needed to cover FY23 expenditures carryover to this current fiscal year. This amount is listed from July through September GLs and were requested for reimbursement in the FY23 4th Quarter DWI Grant Report,

Department Head Signature: Edith Vazquez H

# MEMO

**To: County Manager/Commissioners**

**From:** Edith Vazquez, Program Coordinator

**Department:** DWI Program

**Date:** 11-02-2023

**Total of Request**

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

**BUDGET INCREASE [✓] \$ 52,000.00**

## TRANSFER FROM

FUND or Line Item Number	Line Item Description	Current Line Balance	Proposed Transfer Amount
408	DWI Grant		52,000.00

## TRANSFER TO

FUND or Line Item Number	Line Item Description	Current Line Balance	Proposed Transfer Amount
408-77-1312	DWI Grant Revenue	-80,000.00	-52,000.00
408-00-2005	Salaries Overtime	500.00	3,250.00
408-00-2010	Mileage Per Diem	2,000.00	1,500.00
408-00-2020	Supplies	6,970.00	19,250.00
408-00-2028	Capital Outlay	0	13,000.00
408-00-2101	Professional/Contract Services	17,000.00	15,000.00

### **Purpose budget adjustment: (to pay for what?)**

The Special DWI Grant Application was awarded for \$52,000. This grant will pay for a DWI Simulator, Evaluator Professional Services, Safe Ride Services, Travel costs, Overtime salaries for prevention, advertising, 2 day workshop trainer fees, prevention campaign materials, office supplies, law enforcement equipment, overtime salaries for LCSO, and equipment for hybrid meetings.

### **REASON FOR TRANSFER (why is current budget insufficient).**

Department Head Signature: Edith Vazquez H

# MEMO

**To:** County Manager/Commissioners  
**From:** Joanne C. Hethcox, CPM®  
**Department:** Business Office  
**Date:** 11/09/2023

## Total of Request

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

**BUDGET INCREASE [X] \$400,000.00**

### 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
411-77-1509	2024 TPF- Sunshine-McCan Truck Route Planning	\$0.00	\$-380,000.00
411-00-2509	2024 TPF- Sunshine-McCan Truck Route Planning	\$0.00	\$380,000.00
411-00-2499	Grant Matches	\$1,214,686.96	\$20,000.00

**Purpose budget adjustment: (to pay for what?)** To account for 2024 TPF Grant for Sunshine McCan Truck Route – Planning, Preliminary Design, Final Design, Topographical Survey, Right of Way Determination, Subsurface Utility Engineering, Biological and Cultural Resources Survey and NMDOT Environmental PCE Clearance.

**REASON FOR TRANSFER (why is current budget insufficient).** Grant unknown at final budget preparation.

Department Head Signature: 

# MEMO

**To:** County Manager/Commissioners  
**From:** Joanne C. Hethcox, CPM®  
**Department:** Business Office  
**Date:** 11/09/2023

**Total of Request**

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

**BUDGET INCREASE [X] \$400,000.00**

## 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
411-77-1517	DFA 23-ZH5050-12 Grant Match Assistance	\$0.00	\$-400,000.00
411-00-2517	DFA 23-ZH5050-12 Grant Match Assistance	\$0.00	\$400,000.00

**Purpose budget adjustment: (to pay for what?)** To account for DFA Grant 23-ZH5050-12 for state and local match assistance for federal grants (1<sup>st</sup> Round).

**REASON FOR TRANSFER (why is current budget insufficient).** Grant unknown at final budget preparation.

Department Head Signature:



# MEMO

**To:** County Manager/Commissioners  
**From:** Joanne C. Hethcox, CPM®  
**Department:** Business Office  
**Date:** 11/09/2023

**Total of Request**

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

**BUDGET INCREASE [X] \$340,000.00**

## 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
411-77-1518	DFA 23-ZH5050-26 Grant Match Assistance	\$0.00	\$-340,000.00
411-00-2518	DFA 23-ZH5050-26 Grant Match Assistance	\$0.00	\$340,000.00

**Purpose budget adjustment: (to pay for what?)** To account for DFA Grant 23-ZH5050-26 for state and local match assistance for federal grants (2<sup>nd</sup> Round).

**REASON FOR TRANSFER (why is current budget insufficient).** Grant unknown at final budget preparation.

Department Head Signature: \_\_\_\_\_

*Joanne C. Hethcox*

# MEMO

**To:** County Manager/Commissioners  
**From:** Joanne C. Hethcox, CPM®  
**Department:** Business Office  
**Date:** 11/09/2023

Total of Request

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

**BUDGET INCREASE [X] \$525,000.00**

## 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
411-77-1519	DFA 23-ZH5048-49 LE/LE Support Salary Grant	\$0.00	\$-525,000.00
411-00-2519	DFA 23-ZH5048-49 LE/LE Support Salary Grant	\$0.00	\$525,000.00

**Purpose budget adjustment: (to pay for what?)** To account for DFA Grant 23-ZH5048-49 to hire law enforcement/support positions. \$300,000 1<sup>st</sup> year, \$150,000 2<sup>nd</sup> year and \$75,000 3<sup>rd</sup> year.

**REASON FOR TRANSFER (why is current budget insufficient).** Grant unknown at final budget preparation.

Department Head Signature: Joanne C Hethcox

# MEMO

**To: County Manager/Commissioners**  
**From: Joanne C. Hethcox, CPM®**  
**Department: Business Office**  
**Date: 11/09/2023**

**Total of Request**

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

**BUDGET INCREASE [X] \$198,000.00**

## 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
411-77-1562	CAP 23-H3070 – MVLC	\$0.00	\$-198,000.00
411-00-2562	CAP 23-H3070 – MVLC	\$0.00	\$198,000.00

**Purpose budget adjustment: (to pay for what?)** To account for Capital Appropriation of CAP 23-H3070 for \$200,000 minus AIPP of \$2,000 for the plan, design, construct, improve, expand, furnish and equip the MVLC.

**REASON FOR TRANSFER (why is current budget insufficient).** Grant unknown at final budget preparation.

Department Head Signature Joanne C. Hethcox

# MEMO

**To: County Manager/Commissioners**  
**From: Joanne C. Hethcox, CPM®**  
**Department: Business Office**  
**Date: 11/09/2023**

## Total of Request

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

**BUDGET INCREASE [X] \$400,000.00**

### 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
411-77-1563	DOH ZH5132 – Mobile Services to Homeless	\$0.00	\$-400,000.00
411-00-2563	DOH ZH5132 – Mobile Services to Homeless	\$0.00	\$400,000.00

**Purpose budget adjustment: (to pay for what?)** To account for DOH Grant ZH5132 to expand mobile services for individuals experiencing homelessness, including health care, housing and other needed services.

**REASON FOR TRANSFER (why is current budget insufficient).** Grant unknown at final budget preparation.

Department Head Signature: Joanne C. Hethcox

# MEMO

**To: County Manager/Commissioners**  
**From: Joanne C. Hethcox, CPM®**  
**Department: Business Office**  
**Date: 11/09/2023**

**Total of Request**

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

**BUDGET INCREASE [X] \$316,818.00**

## 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
411-77-1564	NMFA-CIF 6138 – Keeler Farm Road-Drainage Design Improvements	\$0.00	\$-285,136.00
411-00-2564	NMFA-CIF 6138 – Keeler Farm Road-Drainage Design Improvements	\$0.00	\$285,136.00
411-00-2499	Grant Matches	\$1,194,686.96	\$31,682.00

**Purpose budget adjustment: (to pay for what?)** To account for NMFA – CIF 6138 – Keeler Farm Road/Drainage Design Improvements.

**REASON FOR TRANSFER (why is current budget insufficient).** Grant unknown at final budget preparation.

Department Head Signature: \_\_\_\_\_

*Joanne C. Hethcox*

# MEMO

**To: County Manager/Commissioners**

**From: Joanne C. Hethcox, CPM®**

**Department: Business Office**

**Date: 10/16/2023**

**Total of Request**

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

**BUDGET INCREASE [X] \$500.00**

## 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
428-54-2005	Salaries – Overtime		\$500.00

**Purpose budget adjustment: (to pay for what?)** To pay for overtime salaries for this fiscal year. Request was inadvertently left out of final budget file.

**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:** 11/09/2023

Total of Request

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

**BUDGET INCREASE [ X] \$304,358.00**

## 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
411-77-1564	BHSD RISE Grant	\$0.00	\$-304,358.00
411-00-2564	BHSD RISE Grant	\$0.00	\$304,358.00

**Purpose budget adjustment: (to pay for what?)** To account for the RISE Grant awarded to the LCDC for the RISE program to reach, intervene, support and engage programs which is comprised of persons incarcerated for nonviolent offenses and who have behavioral health needs and/or diagnoses per grant agreement.

**REASON FOR TRANSFER (why is current budget insufficient).** Was not awarded at final budget preparations.

Department Head Signature:



**LUNA COUNTY BOARD OF COUNTY  
COMMISSIONERS**

**RESOLUTION NO. 23-77**  
**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 16<sup>th</sup> DAY OF NOVEMBER, 2023.**

BOARD OF COUNTY  
COMMISSIONERS OF LUNA  
COUNTY

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Ray J. Trejo, District One

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Colette M. Chandler, District Two

ATTEST:

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Berenda L. McWright, Luna County Clerk

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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 16th day of November, 2023 the following budget adjustments are proposed and entered of record.

## Budget Resolution Number 23-77

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	428/21800	CASA Program	428-54-2101 Professional/Contract Services	\$11,332.73	\$720.00	428-54-2017 Rental - Office/Building	\$720.00	Rent for FY 2024 was increased.
Two	Transfer	610/21800	Drug Investigations - HIDTA	610-43-2041 Confidential Informants	\$13,680.00	\$5,373.00			
				610-43-2392 Lordsburg Police Department	\$9,100.00	\$5,000.00	610-43-2028 Capital Outlay	\$10,373.00	To add to supplemental funding for the purchase of a vehicle as approved by the HIDTA Board.
					\$34,112.73	\$11,093.00		\$11,093.00	

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 16th day of November, 2023.

BOARD OF COUNTY COMMISSIONERS OF LUNA COUNTY

Ray J. Trejo, District 1

Colette M. Chandler, District 2

John S. Sweetser, District 3



ATTEST:

Entered By:

Date

Berenda L. McWright, Luna County Clerk

Checked By:

Date

# MEMO

**To: County Manager/Commissioners**

**From:** Tanya Ortiz

**Department:** CASA

**Date:** 10-20-2023

## Total of Request

**Re: Budget Request for a BUDGET TRANSFER [✓] \$ ~~8720.00~~**

**BUDGET INCREASE [ ] \$**

### TRANSFER FROM

FUND or Line Item Number	Line Item Description	Current Line Balance	Proposed Transfer Amount
428-54-2101	Professional Services	11332.73	<del>8720.00</del>

### TRANSFER TO

FUND or Line Item Number	Line Item Description	Current Line Balance	Proposed Transfer Amount
428-54-2017	rental/office bldg	-720.00	720.00
<del>428-54-2020</del>	<del>supplies</del>	<del>2843.31</del>	<del>8000.00</del>

**Purpose budget adjustment: (to pay for what?)**

### **REASON FOR TRANSFER (why is current budget insufficient).**

Rent for FY24 increased; ~~CASA Closet grant received in FY24 was not included in initial budget.~~

Department Head Signature: Tanya Ortiz

# MEMO

**To: County Manager/Commissioners**  
**From: Thomas J. Mora**  
**Department: HIDTA BDTF**  
**Date: November 7, 2023**

**Total of Request**

**Re: Budget Request for a BUDGET TRANSFER [X] \$10,373.00**  
**BUDGET INCREASE [ ] \$**

## TRANSFER FROM

FUND or Line Item Number	Line Item Description	Current Line Balance	Proposed Transfer Amount
610-43-2041	Confidential Informants	\$14,200.00	\$5,373.00
610-43-2392	Lordsburg Police Department	\$5,000.00	\$5,000.00

## TRANSFER TO

FUND or Line Item Number	Line Item Description	Current Line Balance	Proposed Transfer Amount
610-43-2028	Capital Outlay	\$0.00	\$10,373.00

**Purpose budget adjustment: (to pay for what?)** – Region VII BDTF is requesting to transfer funds to purchase of a vehicle.

**REASON FOR TRANSFER (why is current budget insufficient)**– Region VII BDTF was awarded supplemental funding to purchase a truck however we will not receive the grant modification paperwork until December. The vehicle is on hold and needs to be purchased as soon as possible. Once the modification paperwork is received, we will replace the funds being transferred.

Department Head Signature: \_\_\_\_\_



*Be it remembered that at a Regular Meeting of the Board of County Commissioners of Luna County in Deming New Mexico, on the 16<sup>th</sup> day of November, 2023, the following proceedings were had and entered of record.*

## **LUNA COUNTY**

### **RESOLUTION 23-78**

#### **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 16<sup>th</sup> day of November, 2023.**

**BOARD OF COUNTY COMMISSIONERS OF LUNA COUNTY**

**ATTEST:**

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

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**Berenda McWright, County Clerk**

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

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**John S. Sweetser, Chair**  
**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: 11-01-2023

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
981151	2005	Ford	F-250	1FTSW20515EC97921	88128
Explanation for Disposal	The unit is no longer being used by VFD, we would like to transfer the unit to the humane society to be used as an ACO unit.				
Inventory #	Year	Make	Model	VIN	Mileage
Explanation for Disposal					
Inventory #	Year	Make	Model	VIN	Mileage
Explanation for Disposal					

*Pablo Montoya*  
Pablo Montoya

## 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: 10-10-2023

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
981514	2009	Ford	Econoline 350	1FBNE31L49DA52193	53339.3
Explanation for Disposal	we would like to transfer this unit over to Grant County Sheriff's Office, vehicle is a Stone Garden Vehicle and they could utilize it more than our department.				
Inventory #	Year	Make	Model	VIN	Mileage
982595	2018	Ford	F-150 4X4	1FTEW1EG5JKC82772	127597.5
Explanation for Disposal	Vehicle is side lined unit needs approximatley \$6,300.00 to get it operable, plus has high milage on it				
Inventory #	Year	Make	Model	VIN	Mileage
Explanation for Disposal					

*Jimmy Garcia*  
Jimmy Garcia

# APPOINTMENT OF LEE COOK-JORDAN

STATE OF NEW MEXICO )  
COUNTY OF LUNA ) ss

This is to certify that I have on this 18 day of October, 2023 A.D. appointed LEE COOK-JORDAN as my SPECIAL DEPUTY in and for the County of Luna, State of New Mexico, hereby authorizing him/her to discharge all duties of said appointment of SPECIAL DEPUTY, according to the law.

WITNESS MY HAND THIS 18 DAY OF October, 2023 A.D.

MEBY  
SHERIFF, LUNA COUNTY, NEW MEXICO

## OATH OF OFFICE

STATE OF NEW MEXICO )  
COUNTY OF LUNA ) ss

I, LEE COOK-JORDAN 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 Mike Eby,  
Sheriff and LEE OOK-JORDAN, appointee.  
This 18 day of October, 2023.

  
NOTARY

STATE OF NEW MEXICO  
NOTARY PUBLIC  
STEPHANIE YOUNG  
COMMISSION # 1119338  
EXPIRES AUGUST 11, 2025

Approved this \_\_\_\_\_ day of \_\_\_\_\_ 2023 A.D., by the Board of County Commissioners, Luna County, New Mexico.

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

# APPOINTMENT OF CLINTON GARNER

STATE OF NEW MEXICO )  
COUNTY OF LUNA ) ss

This is to certify that I have on this 6 day of November, 2023 A.D. appointed CLINTON GARNER as my DEPUTY SHERIFF in and for the County of Luna, State of New Mexico, hereby authorizing him/her to discharge all duties of said appointment of DEPUTY SHERIFF, according to the law.

WITNESS MY HAND THIS 6 DAY OF November, 2023 A.D.

MEby  
SHERIFF, LUNA COUNTY, NEW MEXICO

## OATH OF OFFICE

STATE OF NEW MEXICO )  
COUNTY OF LUNA ) ss

I, CLINTON GARNER 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]  
SIGNATURE OF APPOINTEE

STATE OF NEW MEXICO  
COUNTY OF LUNA

Subscribed and sworn before me by Mike Eby,  
Sheriff and CLINTON GARNER, appointee.  
This 6th day of November 2023.

[Signature]  
NOTARY

STATE OF NEW MEXICO  
NOTARY PUBLIC  
STEPHANIE YOUNG  
COMMISSION # 1119338  
EXPIRES AUGUST 11, 2025

Approved this \_\_\_\_\_ day of \_\_\_\_\_ 2023 A.D., by the Board of County Commissioners, Luna County, New Mexico.

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

# **LUNA COUNTY, NEW MEXICO**

## **ORDINANCE 117**

### **AFFORDABLE HOUSING**

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

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

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

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

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

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

#### **Section 1. SHORT TITLE.**

This article may be cited as the "Affordable Housing Ordinance." (Ord. No. 117)

#### **Section 2. PURPOSE.**

This ordinance is adopted to implement the County's Affordable Housing Plan. In accordance with the N.M. Constitution, Article IX, §14, the Affordable Housing Act, NMSA 1978, §6-27-1 et seq. (the "Act"), NMMFA Rules, the purpose of the Affordable Housing Ordinance is to:

1. Establish procedures to ensure that local housing assistance grantees are Qualifying

Grantees who meet the requirements of the Act and the Rules promulgated pursuant to the Act both at the time of the award and throughout the term of any grant or loan under the Program;

2. Establish an application and award timetable for local housing assistance grants or loans to permit the selection of the Qualifying Grantee(s) by .
3. In conjunction with the MFA, create an evaluation process to determine:
  - a. The financial and management stability of the Applicant;
  - b. The demonstrated commitment of the Applicant to the community;
  - c. A cost-benefit analysis of the project proposed by the Applicant;
  - d. The benefits to the community of a proposed project;
  - e. The type or amount of assistance to be provided;
  - f. The scope of the Affordable Housing Project;
  - g. Any substantive or matching contribution by the Applicant to the proposed project;
  - h. A performance schedule for the Qualifying Grantee with performance criteria; and
  - i. Any other rules or procedures the County believes are necessary for a full review and evaluation of the Applicant and the Application or which the MFA believes is necessary for a full review of the County's evaluation of the Applicant;
4. Require long-term affordability of the County's Affordable Housing Projects so that a project cannot be sold shortly after completion and taken out of the affordable housing market;
5. Require that a grant or loan for a project must impose a contractual obligation on the Qualifying Grantee that the affordable housing units in any project be occupied by persons of low or moderate income as defined in this Ordinance;
6. Provide for adequate security against the loss of public funds or property in the event that the Qualifying Grantee abandons or otherwise fails to complete the project;
7. Require review and approval of a housing grant project budget by the County and/or the MFA before any expenditure of grant funds or transfer of granted property;
8. Require that a condition of grant or loan approval be proof of compliance with all applicable State and local laws, rules and ordinances;
9. Provide definitions for "low-income" and "moderate-income" and set out requirements for verification of income levels;
10. Provide the city with a valid affordable housing program; and
11. Require that the County enter into a contract with the Qualifying Grantee consistent with the Act, which contract shall include remedies and default provisions in the event of the unsatisfactory performance by the Qualifying Grantee and which contract shall be subject to the review of the MFA in its discretion.

### **Section 3. DEFINITIONS.**

The following words and terms shall have the following meanings.

"Act" shall mean the Affordable Housing Act, NMSA 1978, §6-27-1 et seq.

"Affordable" shall mean consistent with minimum rent and/or income limitations set forth in the MFA Act and in guidelines established by MFA.

"Affordable Housing" means residential housing primarily for persons or households of low or moderate income.

"Affordable Housing Funds" shall mean any or all funds awarded or to be awarded, loaned or otherwise distributed under the Act.

"Affordable Housing Plan" or "Plan" shall mean a plan pursuant to detailed research and analysis of the community and housing profile, including a review of land use and policy regarding land use, which produces a housing needs assessment for low- and moderate-income households in that locality.

"Affordable Housing Program" or "Program" shall mean any programs the County establishes pursuant to the Act.

"Affordable Housing Project" or "Project" shall mean any work or undertaking, whether new construction, acquisition of existing Residential Housing, remodeling, improvement, rehabilitation or conversion, which may be developed in one or more phases, as approved by the County and/or the MFA for the primary purposes as allowed by the Act.

"Affordability Period" shall mean:

1. If the fair market value of any housing assistance grant or the total amount of affordable housing funds that have been awarded, loaned, donated, or otherwise conveyed to the qualifying grantee is from one dollar (\$1.00) to fourteen thousand nine hundred ninety-nine dollars and ninety-nine cents (\$14,999.99), then the affordability period shall be not less than five (5) years.
2. If the fair market value of any housing assistance grant or the total amount of affordable housing funds is from fifteen thousand dollars (\$15,000.00) up to and including forty thousand dollars (\$40,000.00), then the affordability period shall be not less than ten (10) years.
3. If the fair market value of any housing assistance grant or the total amount of affordable housing funds is greater than forty thousand dollars (\$40,000.00) up to and including one hundred thousand dollars (\$100,000.00), then the affordability period shall be not less than fifteen (15) years.
4. If the fair market value of any housing assistance grant or the total amount of affordable housing funds is greater than one hundred thousand dollars (\$100,000.00), then the affordability period shall be not less than twenty (20) years.

"Applicant" shall mean, an individual, a governmental housing agency, regional housing authority, a non-profit organization or a for-profit organization, including a corporation, limited liability company; partnership, joint venture, syndicate, or association meeting the appropriate criteria set by the County and/or the MFA.

"Application" shall mean an application to participate in one or more Affordable Housing Projects or Programs under the Act submitted by an Applicant to the County.

"Builder" shall mean an individual or entity licensed as a general contractor to construct Residential Housing in the State that satisfies the requirements of a Qualifying Grantee and has been approved by the County and/or the MFA to participate in an Affordable Housing Program. The term "Builder" shall also include an individual or entity that satisfies the requirements of a Qualifying Grantee and has been approved by the County and/or the MFA to participate in an Affordable Housing Program, who is not licensed as a general contractor in the State, provided such individual or entity contracts with a general contractor licensed in the State to construct Residential Housing.

"Building" shall mean a structure capable of being renovated or converted into Affordable Housing or a structure that is to be demolished and is located on land donated for use in connection with an Affordable Housing Project.

"County" shall mean Luna County, New Mexico, a unit of local government under the Constitution and laws of the State of New Mexico.

"Congregate Housing Facility" shall mean Residential Housing designed for occupancy by more than four Persons of Low- or Moderate-Income living independently of each other. The facility may contain group dining, recreational, health care or other communal living facilities and each unit in a Congregate Housing Facility shall contain at least its own living, sleeping, and bathing facilities.

"Federal Government" shall mean the United States of America and any agency or instrumentality, corporate or otherwise, of the United States of America.

"Household" shall mean one or more persons occupying a housing unit.

"Housing Assistance Grant" means the donation, provision or payment by the County of:

1. Land upon which affordable housing will be constructed; or
2. An existing Building that will be renovated, converted or demolished and reconstructed as Affordable Housing; or
3. The costs acquisition, development, construction, financing, and operating or owning Affordable housing; or
4. The costs of financing or infrastructure necessary to support Affordable Housing.

"HUD" shall mean the United States Department of Housing and Urban Development.

"Infrastructure" shall mean Infrastructure Improvements and Infrastructure Purposes.

"Infrastructure Improvement" includes, but is not limited to:

1. Sanitary sewage systems, including collection, transport, storage, treatment, dispersal, effluent use and discharge;

2. Drainage and flood control systems, including collection, transport, diversion, storage, detention, retention, dispersal, use and discharge;
3. Water systems for domestic purposes, including production, collection, storage, treatment, transport, delivery, connection and dispersal;
4. Areas for motor vehicle use for road access, ingress, egress and parking;
5. Trails and areas for pedestrian, equestrian, bicycle or other non-motor vehicle use for access, ingress, egress and parking;
6. Parks, recreational facilities and open space areas for the use of residents for entertainment, assembly and recreation;
7. Landscaping, including earthworks, structures, plants, trees and related water delivery systems;
8. Electrical transmission and distribution facilities;
9. Natural gas distribution facilities;
10. Lighting systems;
11. Cable or other telecommunications lines and related equipment;
12. Traffic control systems and devices, including signals, controls, markings and signs;
13. Inspection, construction management and related costs in connection with the furnishing of the items listed in this subsection; and
14. Heating, air conditioning and weatherization facilities, systems or services, and energy efficiency improvements that are affixed to real property.

"Infrastructure Purpose" shall mean:

1. Planning, design, engineering, construction, acquisition or installation of Infrastructure, including the costs of applications, impact fees and other fees, permits and approvals related to the construction, acquisition or installation of the Infrastructure, provided the County may determine it appropriate to reduce or waive building permit fees, sewer and water hook-up fees and other fees with respect to an Affordable Housing Project for which Affordable Housing Funds and/or Housing Assistance Grants are awarded, loaned, donated or otherwise distributed under the Act;
2. Acquiring, converting, renovating or improving existing facilities for Infrastructure, including facilities owned, leased or installed by the owner;
3. Acquiring interests in real property or water rights for infrastructure, including interests of the owner; and
4. Incurring expenses incident to and reasonably necessary to carry out the purposes specified in this subsection.

"MFA" shall mean the New Mexico Mortgage Finance Authority.

"MFA Act" shall mean the Mortgage Finance Authority Act, enacted as Chapter 303 of the Laws of 1975 of the State of New Mexico, as amended (being Sections 58-18-1 through 58- 18-27, inclusive, N.M.S.A (1978), as amended).

"Mortgage" shall mean a mortgage, mortgage deed, deed of trust or other instrument creating a lien, subject only to title exceptions as may be acceptable to the County and/or

the MFA, on a fee interest in real property located within the State or on a leasehold interest that has a remaining term at the time of computation that exceeds or is renewable at the option of the lessee until after the maturity day of the Mortgage Loan.

"Mortgage Lender" shall mean any bank or trust company, mortgage company, mortgage banker, national banking association, savings bank, savings and loan association, credit union, building and loan association and any other lending institution; provided that the mortgage lender maintains an office in the State, is authorized to make mortgage loans in the State of New Mexico and is approved by the County and/or the MFA and either the Federal Housing Authority, Veterans' Affairs, Federal National Mortgage Association (now known as Fannie Mae), or Federal Home Loan Mortgage Corporation (now known as Freddie Mac).

"Mortgage Loan" shall mean a financial obligation secured by a Mortgage, including a Mortgage Loan for a Project.

"Multiple Family Housing Project" shall mean Residential Housing that is designed for occupancy by more than four persons or families living independently of each other or living in a Congregate Housing Facility, at least sixty percent (60%) of whom are Persons of Low- or Moderate-Income, including without limitation Persons of Low- or Moderate-Income who are seniors and/or disabled as determined by the County and/or the MFA, provided that the percentage of low-income persons and families shall be at least the minimum, if any, required by federal tax law.

"Multi-Family Housing Program" shall mean a program involving a Congregate Housing Facility, a Multiple Family Housing Project, a Transitional Housing Facility or a Shelter used to provide emergency or transitional housing opportunities to Low-Income or Moderate-Income families who are or are at risk of becoming homeless.

"Ordinance" shall mean this ordinance (No. 117).

"Persons of Low- or Moderate-Income" shall mean persons and families who are determined to lack sufficient income to pay enough to cause private enterprise to build an adequate supply of decent, safe and sanitary residential housing in the County and whose incomes are below the income levels established by the MFA and the Plan to be in need of the assistance made available by the Act, taking into consideration, without limitation, such factors as defined under the Act. For purposes of this definition, the word "families" shall mean a group of persons consisting of, but not limited to, the head of a Household; his or her spouse, if any; and children, if any, who are allowable as personal exemptions for Federal income tax purposes. In accordance with the Plan, persons of low- and moderate-income who are eligible for assistance in accordance with the plan are as follows:

1. Persons of low-income shall mean persons in Households with annual gross incomes below 80% of Area Median Income for the County as approved and published each year by MFA and verified by the County.
2. Persons of Moderate Income shall mean persons in Households with annual gross incomes between 80% and 120% of Area Median Income for County as approved

and published each year by MFA and verified by the County.

3. For purposes of this definition, "annual gross income" shall mean the annual anticipated income from assets, regular cash or noncash contributions, and any other resources and benefits determined to be income by HUD, as defined in 24 CFR Section 5.609.

"Policies and Procedures" shall mean Policies and Procedures of the MFA, including but not limited to, Mortgage Loan purchasing, selling, servicing and reservation procedures, which the MFA may update and revise from time to time as the MFA deems appropriate.

"Public Service Agencies" shall include, but are not limited to, any entities that support Affordable Housing and which believe that the program or project proposed by the Applicant is worthy and advisable, but which are not involved, either directly or indirectly, in the Affordable Housing Program or Project for which the Applicant is applying.

"Qualifying Grantee" means:

1. An individual who is qualified to receive assistance pursuant to the Act, the Rules and this Ordinance and is approved by the County and MFA, as applicable; and
2. A governmental housing agency, regional housing authority, corporation, a limited liability company, partnership, joint venture, syndicate, association or a non-profit organization that:
  - a. Is organized under State or local laws and can provide proof of such organization;
  - b. If a non-profit organization, has no part of its net earnings inuring to the benefit of any member, founder, contributor, or individual;
  - c. Is qualified to receive assistance pursuant to the Act, the Rules, and this Ordinance; and
  - d. Is approved by the County and MFA, as applicable.

"Recertification" shall mean the recertification of Applicants and/or Qualifying Grantees participating in any Affordable Housing Programs or in any programs under the Act as determined necessary from time to time by the County and/or the MFA.

"Rehabilitation" shall mean the substantial renovation or reconstruction of an existing single-family residence or a Multi-Family Housing Project, which complies with requirements established by the MFA. Rehabilitation shall not include routine or ordinary repairs, improvements or maintenance, such as interior decorating, remodeling or exterior painting, except in conjunction with other substantial renovation or reconstruction.

"Residential Housing" shall mean any Building or portion thereof that is primarily occupied, or designed or intended primarily for occupancy, as a residence by one or more Households and any real property that is offered for sale or lease for the construction or location thereon of such a Building or portion thereof. "Residential Housing" includes congregate housing, manufactured homes and housing intended to provide or providing transitional or temporary housing for homeless persons.

"Residential Use" shall mean that the Building or the portion of the Building to benefit from the Affordable Housing Funds or Housing Assistance Grant is designed primarily for use as the principal residence of the occupant or occupants and shall exclude vacation or recreational homes.

"RFP" shall mean any request for proposals made by the County to solicit proposals for Affordable Housing Projects and related services.

"Rules" shall mean the New Mexico Mortgage Finance Authority Affordable Housing Rules adopted pursuant to Section 6-27-8(B) NMSA 1978.

"State" shall mean the State of New Mexico.

"County" shall mean Luna County, New Mexico, a unit of local government under the Constitution and laws of the State of New Mexico.

"Transitional Housing Facility" shall mean residential housing that is designed for temporary or transitional occupancy by Persons of Low- or Moderate-Income, or with special needs.

#### **Section 4. GENERAL REQUIREMENTS.**

The following requirements shall apply to all Housing Assistance Grants and/or Affordable Housing Funds awarded, loaned or otherwise distributed by the County under the Act to a Qualifying Grantee.

1. Request for Proposals. The County, in its discretion, may issue one or more RFPs to solicit applications from Applicants or shall otherwise identify a Qualifying Grantee for the use of any Affordable Housing Funds or Housing Assistance Grants to be awarded, loaned, donated or otherwise distributed under the Act.
2. Applicant Eligibility. The following Applicants are eligible under the Act to apply for Affordable Housing Funds or a Housing Assistance Grant to provide housing or related services to Persons of Low- or Moderate-Income in the community:
  - a. All individuals who are qualified to receive assistance pursuant to the Act, the Rules, and this Ordinance that are approved by the County and MFA, as applicable;
  - b. All regional housing authorities and any governmental housing agencies;
  - c. All for-profit organizations, including any corporation, limited liability company, partnership, joint venture, syndicate or association;
  - d. All non-profit organizations meeting the following requirements:
    - i. A primary mission of the non-profit organization must be to provide housing or housing-related services to Persons of Low- or Moderate-Income;

- ii. The non-profit organization must have received its 501(c)(3) designation prior to submitting an application;
    - iii. Have no part of its net earnings inuring to the benefit of any member, founder, contributor, or individual;
  - e. All non-individual Applicants must:
    - i. Be organized under State or local laws and can provide proof of such organization and be approved by the County;
    - ii. Have a functioning accounting system that is operated in accordance with generally accepted accounting principles (“GAAP”) or has designated an entity that will maintain such an accounting system consistent with GAAP;
    - iii. Have among its purposes significant activities related to providing housing or services to Persons or Households of Low or Moderate Income; and
    - iv. Have no significant outstanding or unresolved monitoring findings from the County, the MFA, or its most recent independent financial audit, or if it has any such findings, it has a certified letter from the County, the MFA, or auditor stating that the findings are in the process of being resolved.
- 3. Applications.
  - a. Process for Applying. Applicants wishing to apply for a Housing Assistance Grant, including the use of any Affordable Housing Funds, or to participate in any Affordable Housing Program are required to submit to the County the following (as applicable):
    - i. One original Application together with all required schedules, documents, or such other information which may be required by the County or in any RFP which may have been issued by the County;
    - ii. A proposal describing the nature and scope of the Affordable Housing Project proposed by the Applicant and for which the Applicant is applying for funds or a grant under the Act, and which documents the need for the requested funds or grant, describes the type and/or amount of assistance which the Applicant proposes to provide to Persons of Low- or Moderate-Income and documents the consistency of the proposal with the County's Affordable Housing Plan;
    - iii. Executive summary and project narrative(s) that address the evaluation criteria set forth in any RFP issued by the County for the Affordable Housing Funds or the Housing Assistance Grant for which the Applicant is applying;
    - iv. A proposed budget for the Affordable Housing Project for which the Applicant is applying for Affordable Housing Funds or for a Housing Assistance Grant;
    - v. A copy of its most recent independent financial audit;
    - vi. If the Applicant is a non-profit organization:
      - 1. Proof of 501(c)(3) tax status;
      - 2. Documentation that confirms that no part of its net earnings

inures to the benefit of any member, founder, contributor or individual;

vii. If an Applicant is a legal entity, including a non-profit organization:

1. A current annual budget for the Applicant, including all sources and uses of funds not just those related to relevant programs and/or a current annual budget only for the program for which the Applicant is applying for a Housing Assistance Grant, or as otherwise may be required by the County and/or the MFA in its discretion;
2. An approved mission statement that the Applicant has among its purposes significant activities related to providing housing or housing related services to Persons or Households of Low or Moderate Income;
3. A list of members of the Applicant's current board of directors or other governing body, including designated homeless participation, where required by the County;
4. Evidence (or a certification as may be allowed by the County) that the Applicant has a functioning accounting system that is operated in accordance with GAAP or has a designated entity that will maintain such an accounting system consistent with GAAP;
5. Evidence that the Applicant has no significant outstanding or unresolved monitoring findings from the County, the MFA, or its most recent independent financial audit; or if it has any significant outstanding or unresolved monitoring findings from the County, the MFA or its most recent independent financial audit, it has a certified letter from the County, the MFA or the auditor stating that the findings are in the process of being resolved;
6. An organizational chart, including job titles and qualifications for the Applicant's employees or as otherwise may be required by the County and/or the MFA in its discretion. Job descriptions may be submitted as appropriate;
7. Documentation that the Applicant is duly organized under State or local law and certification that the Applicant is in good standing with any State authorities, including the Public Regulation Commission and the Secretary of State;

viii. Information as may be required by the County and/or the MFA in order for it to determine the financial and management stability of the Applicant;

ix. Information as may be required by the County and/or the MFA in order for it to determine the demonstrated commitment of the Applicant to the community;

x. A completed cost-benefit analysis of the Affordable Housing Project proposed by the Applicant. Any cost-benefit analysis must include

documentation that clearly evidences that there is a need for the Housing Assistance Grant being requested from the County, that there is or will be a direct benefit from the project proposed by the Applicant to the community and/or to the purported beneficiaries of the project, consistent with the provisions of the Act, and that the Affordable Housing Project will meet the needs and affordability criteria defined in the County 's Affordable Housing Plan;

- xi. Information supporting the benefits to the community of the Affordable Housing Project proposed by the Applicant;
  - xii. Proof of substantive or matching funds or contributions and/or in-kind donations to the proposed Affordable Housing Project in connection with the Application for funds under the Act. Nothing contained herein shall prevent or preclude an Applicant from matching or using local, private, or federal funds in connection with a specific Housing Assistance Grant or a grant of Affordable Housing Funds under the Act;
  - xiii. Any certifications or other proof which the County may require in order for the County to confirm that the Applicant is in compliance with all applicable federal, State and local laws, rules and ordinances;
  - xiv. A verification signed by the Applicant before a notary public that the information provided, upon penalty of perjury, is true and correct to the best of the Applicant's information, knowledge and belief;
  - xv. Certifications as may be required by the County and signed by the chief executive officer, board president, or another authorized official of the Applicant;
  - xvi. Applicant shall submit adequate information, as required by the County and/or MFA, of the Affordable Housing Project proposed by the Applicant. The information provided must clearly evidence the need for the subsidy, that the value of the housing assistance grant reduces the housing costs to Persons of Low- or Moderate-Income, and that there will be a direct benefit from the project proposed by the Applicant to the community and/or to the purported beneficiaries of the project, consistent with the provisions of the Act, the Rules, and this Ordinance.
- b. Additional Requirements for Multi-Family Housing Projects Applicants who are submitting Applications in connection with a Multi-Family Housing Program. The Applicant must also submit to the County following additional information:
- i. A verified certificate that, among other things:
    - 1. Identifies every Multi-Family Housing Program, including every assisted or insured project of HUD, RHS, FHA and any other state or local government housing finance agency in which such Applicant has been or is a principal;
    - 2. States that, except as shown on such certificate:
      - a. No mortgage on a project listed on such certificate

- has ever been in default, assigned to the Federal Government or foreclosed, nor has any mortgage relief by the mortgagee been given;
- b. There has not been a suspension or termination of payments under any HUD assistance contract in which the Applicant has had a legal or beneficial interest;
- c. Such Applicant has not been suspended, debarred or otherwise restricted by any department or agency of the Federal Government or any state government from doing business with such department or agency because of misconduct or alleged misconduct; and
- d. The Applicant has not defaulted on an obligation covered by a surety or performance bond.

If such Applicant cannot certify to each of the above, such Applicant shall submit a signed statement to explain the facts and circumstances that such Applicant believes will explain the lack of certification. The County may then determine if such Applicant is or is not qualified.

- ii. The experience of the Applicant in developing, financing and managing Multiple-Family Housing Projects; and
- iii. Whether the Applicant has been found by the United States Equal Employment Opportunity Commission or the New Mexico Human Rights Commission to be in noncompliance with any applicable civil rights laws.
- c. Additional Requirements for Mortgage Lenders. If the Applicant is a Mortgage lender, the County shall consider, among other things:
  - i. The financial condition of the Applicant;
  - ii. The terms and conditions of any loans to be made;
  - iii. The aggregate principal balances of any loans to be made to each Applicant compared with the aggregate principal balances of the loans to be made to all other Applicants;
  - iv. The County's assessment of the ability of the Applicant or its designated servicer to act as originator and servicer of Mortgage Loans for any Multi-Family Housing Programs or other programs to be financed; and
  - v. Previous participation by the Applicant in the programs administered by the MFA, HUD, Federal Housing Authority or Rural Housing Service programs.
- d. Submission Procedure.
  - i. Time, Place and Method of Submission Delivery.
    - 1. If the County has issued an RFP, all Applications must be received by the County no later than the deadline set forth in the RFP; otherwise, all Applications must be received by the

County by the deadline the County has established in connection with the respective award or grant. So that any Qualifying Grantees may be selected prior to January of the year in which any Housing Assistance Grant would be made, the County shall issue any RFP's, solicit any Applications, or otherwise identify any Qualifying Grantees no later than October 15 of any year in order to allow sufficient time for prospective applicants to respond to any such RFP, solicitation, or otherwise, and further to allow the MFA not less than forty-five (45) days in which to review any such Applications or otherwise determine or confirm that an Applicant is a Qualifying Grantee under the Act and consistent with the Rules.

2. Applications shall be submitted by Applicants to the County in the form required by the County and shall contain all information which is required by this Ordinance and any RFP which may have been issued.

ii. Additional Factors.

1. Timely completion and submission to the County of an Application or other appropriate response to any solicitation by the County;
2. Timely submission of all other information and documentation related to the program required by the County as set forth in this Ordinance or as set forth in the Rules;
3. Timely payment of any fees required to be paid to the County at the time of submission of the Application; and
4. Compliance with program eligibility requirements as set forth in the Act, the Rules and this Ordinance.

iii. Submission Format.

1. County forms or MFA forms (if available) must be used when provided and no substitutions will be accepted; however, attachments may be provided as necessary.
2. An Applicant's failure to provide or complete any element of an application, including all requirements of the County or as may be listed on any RFP, may result in the rejection of the Application prior to review.
3. Illegible information, information inconsistent with other information provided in the application, and/or incomplete forms will be treated as missing information and evaluated accordingly.
4. County and the MFA reserve the right to request further information from any Applicant so long as the request is done fairly and does not provide any Applicant an undue advantage over another Applicant.
5. The County in its discretion may cancel any RFP or reject

any or all proposals in whole or part submitted by any Applicant.

6. The Applicant shall be responsible for any expenses incurred in preparing and submitting an Application. However, the County or the MFA, as applicable, may establish and collect fees from Applicants who file Applications. Notice that fees will be charged and the amount of any such fees shall be included by the County or the MFA, as applicable, in any RFP or otherwise shall be advertised as part of the Application solicitation process.

e. Review by the County. On receipt of an application, the County shall:

- i. Determine whether the application submitted by the Applicant is complete and responsive;
- ii. Determine whether the Applicant is a Qualifying Grantee as defined herein and in the Act;
- iii. Review and analyze whether the Applicant has shown a demonstrated need for activities to promote and provide affordable housing and related services to Persons of Low- or Moderate-Income and that the proposal is consistent with the County's adopted Affordable Housing Plan;
- iv. Determine whether the Applicant has demonstrated experience related to providing housing or services to Persons of Low- or Moderate-Income; as well as experience and/or the capacity of the Applicant to administer the Affordable Housing Program or Project for which the Applicant has applied;
- v. Determine whether the Applicant's proposal provides a plan for coordinating with other service providers in the community; whether the Applicant's proposal addresses how Persons of Low-Income or Moderate-Income in need of housing and/or housing related services can receive supportive services and referrals to federal, State and local resources; and, whether the Applicant's proposal addresses outreach efforts to reach the population to be served as identified by the County in any RFP, in the Affordable Housing Plan or otherwise;
- vi. Determine whether the Applicant has support from Public Service Agencies, or such other support as may be required by the County and/or the MFA in its discretion, for its proposed services in the community;
- vii. Ascertain the amount of any matching funds or in-kind services specific to the program that may be utilized by the Applicant in connection with the program;
- viii. Ascertain whether any local, private, or federal funds will be used by the Applicant in connection with the specific grant for which the Applicant is applying;
- ix. Ascertain whether the Applicant has and can demonstrate the capability to manage the implementation of the Program for which

- the Applicant is applying;
- x. If Applicant is a prior recipient of either a Housing Assistance Grant, Affordable Housing Funds and/or other Program funds, confirm that the Applicant had no outstanding findings or matters of non-compliance with program requirements from the County or the MFA, as applicable or if it has any such findings, it has a certified letter from the County, the MFA, or auditor stating that the findings are in the process of being resolved;
  - xi. If Applicant is a prior recipient of either a Housing Assistance Grant, Affordable Housing Funds and/or other Program funds, confirm that the Applicant reasonably committed and expended the funds under the prior Program and/or met anticipated production levels as set forth in any contract with the County or the MFA, as applicable, for those prior Program funds;
  - xii. Evaluate the Applicant's proposal in part based upon the Applicant's current financial audit;
  - xiii. Evaluate the Applicant's proposed budget for the Project for which the Applicant is applying for Affordable Housing Funds or a Housing Assistance Grant which proposed budget must be approved by the County before the Applicant can be approved as a Qualifying Grantee and any expenditure of grant funds under the Act or granted property is transferred to the Applicant;
  - xiv. On receipt of an Application from a Builder, the County will analyze the Builder's ability to construct and sell sufficient Residential Housing units to Persons of Low- or Moderate- Income within the time or times as may be required by the County.
  - xv. Consider other factors it deems appropriate to ensure a reasonable geographic allocation for all Affordable Housing Programs.
- f. Certification by the County to the MFA. The County shall certify an Application to the MFA in writing upon:
- i. Completion of its review of the Application;
  - ii. Determination that the Application is complete;
  - iii. Determination that the requirements of the Act, the Rules and this Ordinance have been satisfied; and
  - iv. Determination that the Applicant is a Qualifying Grantee.
- g. Discretionary Review by the MFA for Completeness. The MFA upon its receipt of the certification from the County may, in its discretion, review the application and any of the materials submitted by the Applicant to the County. The MFA may also request any additional information from the Applicant, which it may require in order to determine whether the Applicant is a Qualifying Grantee under the Act and the application is complete. The MFA will then notify the County of its determination of whether or not the application is complete and that the requirements of the Act and the Rules have been satisfied and the Applicant is a Qualifying Grantee. Unless the period is extended for good cause shown, the MFA shall act on an application within forty-five (45) days of its receipt of any application,

which the MFA deems to be complete, and, if not acted upon by the MFA, the application shall be deemed to be approved.

- h. Notification of Acceptance. The County, upon completion of its review of the Application and an evaluation of the criteria for approval of the Application as set forth in the this Ordinance and in any RFP issued by the County and upon its determination that the Applicant is a Qualifying Grantee, and upon its receipt of notification from the MFA that it agrees that the Application is complete and that the Act and Rules have been satisfied and the Applicant is a Qualifying Grantee, by written notice, shall notify each Applicant which has submitted an Application of the approval or disapproval of its Application. Upon approval of its Application, the Applicant shall be considered approved to participate in the Affordable Housing Program. The County's and the MFA's determination of any Application shall be conclusive.
4. Additional Requirements. Upon acceptance, the following additional requirements shall apply to any Applicant who is a Qualifying Grantee:
  - a. Contractual Requirements. The Qualifying Grantee shall enter into one or more contracts with the County, which contract(s) shall be consistent with the Act and subject to the review of the MFA, in its discretion, and which contract(s) shall include remedies and default provisions in the event of the unsatisfactory performance by the Qualifying Grantee.
  - b. Security Provisions; Collateral Requirements. In accordance with the Act, the Rules and this Ordinance, the County shall require the Qualifying Grantee to execute documents, which will provide adequate security against the loss of public funds or property in the event the Qualifying Grantee abandons or fails to complete the Affordable Housing Project, and which shall further provide, as may be permitted by law, for the recovery of any attorneys' fees and costs which the County and/or the MFA may incur in enforcing the provisions of this Ordinance, the Rules, the Act and/or any agreement entered into by the County and the Qualifying Grantee, and which documents may include, but are not limited to the following: note, mortgage, loan agreement, land use restriction agreement, restrictive covenant agreements and/or any other agreement which the County may require in order to allow for any funds which the Qualifying Grantee may receive under a Housing Assistance Grant or Affordable Housing Funds to be adequately secured and to allow the County and the MFA to ensure that such funds shall be used by the Qualifying Grantee in accordance with the Act, the Rules and this Ordinance.
  - c. Performance Schedule and Criteria. The Qualifying Grantee shall be required to abide by a reasonable performance schedule and performance criteria that the County, in its discretion, may establish.
  - d. Examination of Books and Records. The Qualifying Grantee shall submit to and the County shall cause to be made such examinations of the books and records of each Qualifying Grantee as the County and/or the MFA deems necessary or appropriate to determine the Qualifying Grantee's compliance with the terms of the Act, the Rules, this Ordinance and any

contracts between the Qualifying Grantee and the County. The County and/or the MFA may require each Qualifying Grantee to pay the costs of any such examination

e. Infrastructure Cost Reimbursement Contracts.

- i. Cost Reimbursements. Payment to a Qualifying Grantee under cost reimbursable contract provisions shall be made upon the County's receipt from the Qualifying Grantee of certified and documented invoices for actual expenditures allowable under the terms of any agreement between the Qualifying Grantee and the County.
- ii. Cost Reimbursements for Units of Service. Payment under any unit cost contract provisions shall be made upon the County's receipt from the Qualifying Grantee of a certified and documented invoice showing the number of units of service provided during the billing period.
- iii. Rate at which Costs Incurred. Under unit cost or cost reimbursable contracts, it is anticipated that costs will be incurred by the Qualifying Grantee at an approximate level rate during the term of any agreement between the Qualifying Grantee and the County. If the County determines that the Qualifying Grantee is underspending or overspending, then the County may reduce the budget and/or exercise such other budgetary fiscal controls it deems appropriate.
- iv. Invoices. Qualifying Grantees shall not submit invoices more than once a month, unless written approval is obtained in advance from the County. Failure to submit invoices within twenty (20) calendar days of the close of the month for which payment is sought may result in the non-availability of funds for reimbursement.
- v. No Dual Application of Costs. The Qualifying Grantee shall certify that any direct or indirect costs claimed by the Qualifying Grantee will not be allocable to or included as a cost of any other program, project, contract, or activity operated by the Qualifying Grantee and which has not been approved by the County in advance, in writing.
- vi. Prohibition of Substitution of Funds. Any Affordable Housing Funds or other amounts received by Qualifying Grantee may not be used by Qualifying Grantee to replace other amounts made available or designated by the State or local governments through appropriations for use for the purposes of the Act.
- vii. Cost Allocation. The Qualifying Grantee shall clearly identify and distribute all costs incurred pertaining to the Affordable Housing Project by a methodology and cost allocation plan at times and in a manner prescribed by, or acceptable to the County.
- viii. Additional Information. Qualifying Grantees shall provide the County with any and all information which the County may reasonably require in order for it to confirm that the Qualifying Grantees continue to satisfy the requirements of the Act, the Rules and this Ordinance throughout the term of any contract and/or any Affordability Period or otherwise as may be required by the County

or the MFA in its discretion. At a minimum, on an annual basis, the County shall certify to the MFA in writing that to the best of its knowledge the Qualifying Grantee is in compliance with applicable provisions of the Act, the Rules and this Ordinance.

5. Affordable Housing Requirements. All Affordable Housing Funds or Housing Assistance Grants awarded under the Act are to be used by Qualifying Grantees for the benefit of Persons of Low- or Moderate-Income subject to the provisions of the Act and with particular regard to their housing related needs.

- a. Single-Family Property.

- i. Qualifying Grantees shall agree that they shall maintain any single-family property which has been acquired, rehabilitated, weatherized, converted, leased, repaired, constructed, or which property has otherwise benefited from Affordable Housing Funds, including but not limited to any loans which have been repaid with Affordable Housing Funds and which loans previously were secured by such properties, as Affordable Housing for so long as any or all of the Affordable Housing Funds which have been awarded, loaned, or otherwise conveyed to the Qualifying Grantee are unpaid and outstanding or the Affordability Period, whichever is longer.
- ii. If any single-family properties are to be rehabilitated, weatherized, converted, leased, repaired, constructed or otherwise are to benefit from Affordable Housing Funds, and if the Qualifying Grantee intends to rent the single-family property out, those single-family properties shall be leased to Persons of Low- or Moderate-Income at the time of any such award. Grantees also shall agree that the Persons of Low- or Moderate-Income, who are tenants of those apartments, shall be allowed to remain tenants for so long as there are no uncured defaults by those tenants under their respective leases which must be compliant to the New Mexico Uniform Owner-Resident Relations Act (NMSA 1978 Sections 47-8-1 through 47-8-52) -- and provided that there is no just cause (as outlined in Section 47-8-33 NMSA 1978) for the landlord to terminate any lease agreement with those tenants.

- b. Multi-Family Property.

- i. Single Apartment within a Multi-Family Property. Qualifying Grantees shall agree that, if any single apartments are to be rehabilitated, weatherized, converted, leased, repaired, constructed or otherwise are to benefit from Affordable Housing Funds, those apartments shall be leased to Persons of Low- or Moderate-Income at the time of any such award. Qualifying Grantees, who are the landlords and/or owners of such properties, shall further agree to contribute at least sixty percent (60%) of the cost of the rehabilitation, weatherization, conversion, lease, repair, and/or construction. Qualifying Grantees also shall agree that the Persons of Low- or Moderate- Income, who are tenants of those apartments,

shall be allowed to remain tenants for so long as there are no uncured defaults by those tenants under their respective leases -- which must be compliant to the New Mexico Uniform Owner-Resident Relations Act (NMSA 1978 Sections 47-8-1 through 47-8-52) and provided that there is no just cause (as outlined in Section 47-8-33 NMSA 1978) for the landlord to terminate any lease agreement with those tenants.

- ii. Multiple Apartments. Qualifying Grantees shall agree that, if multiple apartments or an entire multi-family property are to be acquired, rehabilitated, weatherized, converted, leased, repaired, constructed or otherwise are to benefit from Affordable Housing Funds, including but not limited to any loans which have been repaid with Affordable Housing Funds and which loans previously were secured by such properties, they shall maintain not less than sixty percent (60%) of the housing units as Affordable Housing for so long as any or all of the Affordable Housing Funds which have been awarded, loaned, or otherwise conveyed to the Qualifying Grantee are unpaid and outstanding or the Affordability Period, whichever is longer.
- c. Non-Residential Property. Qualifying Grantees shall agree that they shall maintain any non-residential property which has been acquired, rehabilitated, weatherized, converted, leased, repaired, constructed, or which property has otherwise benefitted from Affordable Housing Funds, including but not limited to any loans which have been repaid with Affordable Housing Funds and which loans previously were secured by such properties, as a facility which provides housing related-services to Persons of Low- or Moderate-Income for so long as any or all of the Affordable Housing Funds which have been awarded, loaned, or otherwise conveyed to the Qualifying Grantee are unpaid and outstanding or the Affordability Period, whichever is longer.
- d. Housing Assistance Grant Affordability Requirements. Qualifying Grantees shall agree that they shall maintain any land or buildings received as a Housing Assistance Grant either as either single-family or multi-family Affordable Housing in accordance with Sections 4.E.(i) and (ii) of this Ordinance or as a facility which provides housing related- services to Persons of low- or Moderate-Income in accordance with Section 4.E.(iii) of this Ordinance (as applicable) for the duration of the Affordability Period. Qualifying Grantees shall agree that they shall maintain any land or buildings for which they have received the costs of Infrastructure as a Housing Assistance Grant either as either single- family or multi-family Affordable Housing or as a facility which provides housing related-services to Persons of low- or Moderate-Income (as applicable) for the duration of the Affordability Period. In calculating the Affordability Period for Housing Assistance Grants of either land or buildings, the fair market value of the land or buildings or the costs of Infrastructure at the time of the donation by the County shall apply.

- e. **Affordability Period.** The County, in its discretion, may increase the Affordability Period in any contract, note, mortgage, loan agreement, land use restriction agreement, restrictive covenant agreements and/or any other agreement which the County may enter into with any Qualifying Grantee or beneficiary of the Affordable Housing Funds or of the Housing Assistance Grant. (See definition of Affordability Period in Section 3.C. of this Ordinance.) Notwithstanding the foregoing, in the discretion of the MFA, weatherization funds conveyed from the State to the MFA and/or any other similar conveyances where an Affordability Period is not practical, shall not be subject to the Affordability Period requirements of this Section 4.E.; but nevertheless, any such conveyances may be subject to recapture on some pro-rated basis as determined by the County and/or the MFA.
6. **Consent to Jurisdiction.** Each Qualifying Grantee shall consent to the jurisdiction of the courts of the State over any proceeding to enforce compliance with the terms of the Act, the Rules and this Ordinance and any agreement between the Qualifying Grantee and the County and/or the MFA.
7. **Recertification Procedures.**
  - a. The Qualifying Grantee must meet the requirements of the Act, the Rules and this Ordinance both at the time of any award and throughout the term of any grant and contract related thereto.
  - b. The County may establish procedures for recertifying Qualifying Grantees from time to time.
  - c. Qualifying Grantees that fail to satisfy the requirements for Recertification shall cease to be eligible and shall be denied further participation in Affordable Housing programs until the requirements of the County and the MFA are satisfied.
8. **Compliance with the Law.** Qualifying Grantee shall provide the County with any certifications or other proof that it may require in order for the County and the MFA to confirm that the Qualifying Grantee and the Qualifying Grantee's proposed Project are in compliance with all applicable federal, State and local laws, rules and ordinances. At a minimum, on an annual basis, the Qualifying Grantee shall provide the County with certifications and proof of compliance, and the County shall certify to the MFA in writing that the Qualifying Grantee is still in compliance with the Act and the Rules.
9. **Extension of Affordable Housing Programs.** The MFA shall have the power to create variations or extensions of affordable housing programs, or additional programs that comply with the Act and the rules.
10. **County Grant Requirements.**
  - a. The County is authorized to make Housing Assistance Grants under the Act. Upon determination that the County will make a Housing Assistance Grant, including the use of any Affordable Housing Funds, the County shall provide the MFA with the following:
    - i. Documentation that confirms that the County has an existing valid Affordable Housing Plan;
    - ii. Documentation that confirms that the County has an existing valid Affordable Housing Ordinance which provides for the authorization

- of the Housing Assistance Grant, including the use of any Affordable Housing Funds;
  - iii. Written certification that the proposed grantee is in compliance with Act and the Rules so that the MFA may confirm that the Application is complete, and that the proposed grantee is a Qualifying Grantee under the Act and the Rules.
  - b. Prior to the submission of the application and project authorization to the Commission, the Commission must approve the budget submitted by the Applicant.
  - c. An action authorizing the County to make a Housing Assistance Grant and/or distribute Affordable Housing Funds:
    - i. Must authorize the grant, including use of Affordable Housing Funds, if any;
    - ii. Must state the requirements and purpose of the grant;
    - iii. Must authorize the transfer or disbursement to the Qualifying Grantee only after a budget is submitted to and approved by the Commission;
    - iv. Must comply with the Rules, as amended; and
    - v. May provide for matching or using local, private or federal funds either through direct participation with a federal agency pursuant to federal law or through indirect participation through the MFA.
  - d. The MFA shall act to approve the proposed Housing Assistance Grant authorized by the County within forty-five(45) days of its receipt of the documentation required above in Section 4.J.(i), (ii) and (iii) of this Ordinance.
  - e. The County, in its discretion, may also hold any award of Affordable Housing Funds or any Housing Assistance Grant made by the County in suspense pending the issuance by the County of any RFP or pending the award of the Affordable Housing Funds or of the Housing Assistance Grant by the County to the Qualifying Grantee without the issuance of an RFP by the County. Any award of Affordable Housing Funds or a Housing Assistance Grant by the County shall subject the Qualifying Grantee of the award or grant to the oversight of the County and the MFA under this Ordinance and the Rules.
11. School District and Public Post-Secondary Educational Institution Donations for Housing Projects. If a school district or a public post-secondary education institution intends to transfer land to the County to be further granted to a Qualifying Grantee as part or all of an Affordable Housing project, this transfer shall be subject to the limitations contained in the Act that the school district and the Commission enter into a contract that provides the school district with a negotiated number of affordable housing units that will be reserved for employees of the school district. Any transfer of land by a public post-secondary educational institution shall be subject to the additional limitations contained in the Act that:
- a. The property transferred shall be granted to a Qualifying Grantee by the County as part of a grant for an Affordable Housing project; and
  - b. The governing board of the public post-secondary educational institution

and the Commission enter into a contract that provides the public post-secondary educational institution with Affordable Housing units.

As used in this section, "public post-secondary educational institution" means a state university or a public community college. The County, in its discretion, may also hold any Housing Assistance Grant made by any school district or public post-secondary educational institution in suspense pending the issuance by the County of any RFP or pending the award of the Housing Assistance Grant by the County to the Qualifying Grantee without the issuance of an RFP by the County. Any award of a Housing Assistance Grant by a school district or a public post-secondary educational institution shall subject the Qualifying Grantee of the grant to the oversight of the County and the MFA under the Rules.

**Section 5. DISCRIMINATION PROHIBITED.**

The development, construction, occupancy and operation of an Affordable Housing Program or an Affordable Housing Project financed or assisted under the Act shall be undertaken in a manner consistent with principles of non-discrimination and equal opportunity, and the County shall require compliance by all Qualifying Grantees with all applicable federal and State laws and regulations relating to affirmative action, non-discrimination and equal opportunity.

**Section 6. ADMINISTRATION.**

The County shall administer any Affordable Housing programs in accordance with provisions of the Act, the Rules, this Ordinance, any applicable state and federal laws and regulations as each of which may be amended or supplemented from time to time. The County, in establishing, funding and administering the Affordable Housing Programs and by making, executing, delivering and performing any award, contract, grant or any other activity or transaction contemplated by the Act, shall not violate any provision of law, rule or regulation or any decree, writ, order, injunction, judgment, determination or award and will not contravene the provisions of or otherwise cause a default under any of its agreements, indentures, or other instruments to which it may be bound. Any proposed amendment to this ordinance shall be submitted to MFA for review prior to adoption by the Commission.

**Section 7. TERMINATION.**

The Commission may repeal this Ordinance and terminate the County's Affordable Housing Program and any or all contracts undertaken in its authority. Termination shall be by ordinance at a public hearing or in accordance with the terms of the contract. If an ordinance or a contract is repealed or terminated, all contract provisions of the contract regarding termination shall be satisfied.

**Section 8. REPEALER.**

All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent with this Ordinance are repealed by this Ordinance but only to the extent of that inconsistency. This repealer shall not be

construed to revive any bylaw, order, resolution or ordinance, or part thereof, previously repealed.

**Section 9. SEVERABILITY.**

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

**Section 10. EFFECTIVE DATE.**

This Ordinance shall be in full force and effect thirty (30) days after it is recorded with the County Clerk in accordance with Section 4-37-9 NMSA, 1978.

**DONE THIS 16<sup>th</sup> DAY OF NOVEMBER, 2023**

by the Board of County Commissioners of Luna County

**ATTEST:**

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John S. Sweetser, Chairperson  
Commissioner, District 3

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Berenda McWright,  
County Clerk

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Ray J. Trejo,  
Commissioner, District 1

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Colette M. Chandler,  
Commissioner, District 2

**RECORD OF PROCEEDINGS RELATING TO THE ADOPTION OF  
RESOLUTION NO. 23-79 OF THE  
BOARD OF COUNTY COMMISSIONERS  
OF THE LUNA COUNTY, NEW MEXICO  
NOVEMBER 16, 2023**

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

The Board of County Commissioners (the “Governing Body”) of Luna County, New Mexico (the “Borrower/Grantee”) met in a regular session in full conformity with the law and the rules and regulations of the Governing Body at 700 S. Silver Avenue, Deming, New Mexico 88030, being the meeting place of the Governing Body for the meeting held on the 16<sup>th</sup> day of November, 2023, at the hour of 10:00 a.m. Upon roll call, the following members were found to be present:

Present:

Chair:

Board of County Commissioners:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Absent:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Also Present:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Thereupon, there were officially filed with the County Clerk copies of a proposed Resolution and Water Project Fund Loan/Grant Agreement in final form, the proposed Resolution being as hereinafter set forth:

*[Remainder of page intentionally left blank.]*

**LUNA COUNTY, NEW MEXICO  
RESOLUTION NO. 23-79**

A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A WATER PROJECT FUND LOAN/GRANT AGREEMENT BY AND BETWEEN THE NEW MEXICO FINANCE AUTHORITY ("NMFA") AND LUNA COUNTY, NEW MEXICO (THE "BORROWER/GRANTEE"), IN THE TOTAL AMOUNT OF \$1,350,000, INCLUDING A LOAN IN THE AMOUNT OF \$135,000 EVIDENCING AN OBLIGATION OF THE BORROWER/GRANTEE TO UTILIZE THE LOAN/GRANT AMOUNT SOLELY FOR THE PURPOSE OF FINANCING THE COSTS OF DESIGN AND PLANNING OF FLOOD PREVENTION IMPROVEMENTS IN THE CHINA DRAW, ROCKHOUND AND EAST FLORIDA AREAS, AND SOLELY IN THE MANNER DESCRIBED IN THE LOAN/GRANT AGREEMENT; PROVIDING FOR THE PLEDGE AND PAYMENT OF THE LOAN AMOUNT AND AN ADMINISTRATIVE FEE SOLELY FROM FIFTY PERCENT (50%) OF THE REVENUES OF THE ONE-EIGHTH OF ONE PERCENT (0.125%) INCREMENT OF THE COUNTY LOCAL OPTION GROSS RECEIPTS TAX, IMPOSED BY THE BORROWER/GRANTEE'S TAX ORDINANCE NO. 21, AS AMENDED, WITH AN EFFECTIVE DATE OF JULY 1, 1993, WHICH TAXES HAVE BEEN DE-EARMARKED AND ARE NOW ENFORCEABLE UNDER NMSA 1978, § 7-20E-9, AS AMENDED; CERTIFYING THAT THE LOAN/GRANT AMOUNT, TOGETHER WITH OTHER FUNDS AVAILABLE TO THE BORROWER/GRANTEE, IS SUFFICIENT TO COMPLETE THE PROJECT; APPROVING THE FORM OF AND OTHER DETAILS CONCERNING THE LOAN/GRANT AGREEMENT; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS RESOLUTION; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN/GRANT AGREEMENT.

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

WHEREAS, the Borrower/Grantee is a legally and regularly created, established, duly organized and existing county under and pursuant to the laws of the State and more specifically, Section 4-16-1, NMSA 1978, as amended, is a qualifying entity under the Water Project Finance Act and is qualified for financial assistance as determined by the NMFA and approved by the Water Trust Board pursuant to the Board Rules, the Policies and the Act; and

WHEREAS, pursuant to the Board Rules the Water Trust Board has recommended the Project for funding as a Qualifying Project to the Legislature; and

WHEREAS, Chapter 82, Laws 2023, being House Bill 525 of the 2023 Regular, New Mexico Legislative Session, authorized the funding of the Project from the Water Project Fund; and

WHEREAS, the Water Trust Board has recommended that the NMFA enter into and administer the Loan/Grant Agreement in order to finance the Project; and

WHEREAS, the NMFA approved on May 25, 2023, that the Borrower/Grantee receive financial assistance in the form of the Loan/Grant; and

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

WHEREAS, the Loan/Grant Agreement shall not constitute a general obligation of the Borrower/Grantee, the Water Trust Board or the NMFA or a debt or pledge of the full faith and credit of the Borrower/Grantee, the Water Trust Board, the NMFA or the State; and

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

WHEREAS, the Governing Body hereby determines that the Additional Funding Amount is now available to the Borrower/Grantee to complete the Project; and

WHEREAS, the Borrower/Grantee has met or will meet prior to the first disbursement of any portion of the Loan/Grant Amount, the Conditions and readiness to proceed requirements established for the portion of the Loan/Grant Amount disbursed or caused to be disbursed by the NMFA, including but not limited to the requirements of Executive Order 2013-006; and

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

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

Section 1. Definitions. As used in this Resolution, the following terms shall, for all purposes, have the meanings herein specified, unless the context clearly requires otherwise (such meanings to be equally applicable to both the singular and the plural forms of the terms defined); and, any term not defined herein shall have the definition given it by the Loan/Grant Agreement:

“ACH Authorization” means the authorization for direct payment to the NMFA by ACH made by the Borrower/Grantee on the form required by the bank or other entity at which the account is held, from which the Pledged Revenues will be paid.

“Act” means the general laws of the State, particularly the Water Project Finance Act, NMSA 1978, §§ 724A1 through 724A11, and enactments of the Governing Body relating to the Loan/Grant Agreement, including this Resolution, all as amended and supplemented.

“Additional Funding Amount” means the amount to be provided by the Borrower/Grantee which includes the total value of the Soft Match or Hard Match (each as defined in Section 4.2 of the Policies) which, in combination with the Loan/Grant Amount and other moneys available to the Borrower/Grantee, is sufficient to complete the Project and to provide matching funds required to complete the Project. The Additional Funding Amount is \$150,000.

“Administrative Fee” or “Administrative Fee Component” means an amount equal to one-quarter of one percent (0.25%) per annum of the unpaid principal balance of the Loan Amount, taking into account both payments made by the Borrower/Grantee and hardship waivers of payments granted to the Borrower/Grantee pursuant to Section 5.1(a)(iii) of the Loan/Grant Agreement.

“Authorized Officers” means any one or more of the Chair, Vice Chair and County Clerk of the Borrower/Grantee.

“Board Rules” means Review and Eligibility of Proposed Water Projects, New Mexico Water Trust Board, 19.25.10 NMAC.

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

“Closing Date” means the date of execution and delivery of the Loan/Grant Agreement, by the Borrower/Grantee and the NMFA.

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

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

“Eligible Fiscal Agent Fees” has the meaning given to that term in the Loan/Grant Agreement.

“Eligible Items” means eligible Project costs for which grants and loans may be made pursuant to NMSA 1978, § 72-4A-7(C), as amended, of the Act, the Board Rules and applicable Policies, and includes, without limitation, Eligible Legal Costs and Eligible Fiscal Agent Fees.

“Eligible Legal Costs” has the meaning given to that term in the Loan/Grant Agreement.

“NMFA” means the New Mexico Finance Authority.

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

body acceptable to the Lender/Grantor establishing accounting principles applicable to the Borrower/Grantee.

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

“Grant” or “Grant Amount” means the amount provided to the Borrower/Grantee as a grant pursuant to the Loan/Grant Agreement for the purpose of funding the Project, and shall not equal more than \$1,215,000.

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

“Loan” or “Loan Amount” means the amount provided to the Borrower/Grantee as a loan pursuant to the Loan/Grant Agreement for the purpose of funding the Project, in the maximum amount of \$135,000.

“Loan/Grant” or “Loan/Grant Amount” means the combined amount partially provided to the Borrower/Grantee as the Grant Amount and partially borrowed by the Borrower/Grantee as the Loan Amount pursuant to the Loan/Grant Agreement for the purpose of funding the Project, and shall not equal more than \$1,350,000.

“Loan/Grant Agreement” means the Water Project Fund Loan/Grant Agreement entered into by and between the Borrower/Grantee and the NMFA as authorized by this Resolution.

“NMAC” means the New Mexico Administrative Code.

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

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

“Project” means the project(s) described on the Term Sheet.

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

“Qualifying Water Project” means a water project for (i) storage, conveyance or delivery of water to end-users; (ii) implementation of the federal Endangered Species Act of 1973 collaborative programs; (iii) restoration and management of watersheds; (iv) flood prevention or

(v) water conservation or recycling, treatment or reuse of water as provided by law; and which has been approved by the state legislature pursuant to NMSA 1978, § 72-4A-9(B), as amended.

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

“State” means the State of New Mexico.

“Tax Ordinance” means Ordinance No. 21, as amended, passed and approved by the Borrower/Grantee on September 11, 1992, pursuant to Section 7-20E-9, NMSA 1978, as amended, which imposes a one-eighth of one percent (0.125%) increment of County Local Option Gross Receipts Tax on the gross receipts of persons engaging in business within the Borrower/Grantee, effective January 1, 1993, originally imposed what was known as the third increment of County Local Option Gross Receipts Tax. Pursuant to Laws 2019, Chapter 274, § 16, the County Local Option Gross Receipts Tax imposed by Ordinance No. 21 is no longer identifiable as the third increment, and instead comprises one-eighth of one percent (0.125%) of the maximum rate of county gross receipts tax that may be imposed under Section 7-20E-9, NMSA 1978, as amended, of one and three-quarters percent (1.75%), fifty percent (50%) of which is pledged to the Loan.

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

“Useful Life” means the structural and material design life of the Project, including planning and design features, which shall not be less than twenty (20) years as required by the Act and the Board Rules.

“Water Project Fund” means the fund of the same name created pursuant to the Act and held and administered by the NMFA.

“Water Trust Board” or “WTB” means the water trust board created and established pursuant to the Act.

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

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

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

A. The Project is needed to meet the needs of the Borrower/Grantee and the public whom it serves.

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

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

D. The Borrower/Grantee will acquire and complete the Project with the proceeds of the Loan/Grant, the Additional Funding Amount and other amounts available to the Borrower/Grantee, and except as otherwise expressly provided by the Loan/Grant Agreement, will utilize, operate and maintain the Project for the duration of its Useful Life, which is not less than twenty (20) years, as required by NMSA 1978, § 72-4A-7(A)(1), as amended.

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

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

G. The Borrower/Grantee will acquire title to or easements or rights of way on the real property upon which the Project is being constructed or located as provided in the Loan/Grant Agreement.

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

A. Authorization. This Resolution has been adopted by the affirmative vote of at least a majority of the Governing Body. For the purpose of protecting the public health, conserving the property, and protecting the general welfare and prosperity of the constituent public served by the Borrower/Grantee and acquiring and completing the Project, it is hereby declared necessary that the Borrower/Grantee execute and deliver the Loan/Grant Agreement evidencing the Borrower/Grantee's acceptance of the Grant Amount of \$1,215,000 and borrowing the Loan Amount of \$135,000 to be utilized solely for Eligible Items necessary to complete the Project, and solely in the manner and according to the restrictions set forth in the Loan/Grant Agreement, the execution and delivery of which is hereby authorized. The Borrower/Grantee shall use the Loan/Grant Amount to finance the acquisition and completion of the Project.

B. Detail. The Loan/Grant Agreement shall be in substantially the form of the Loan/Grant Agreement presented at the meeting of the Governing Body at which this Resolution was adopted. The Grant shall be in the amount of \$1,215,000 and the Loan shall be

in the amount of \$135,000. Interest on the Loan Amount shall be zero percent (0%) per annum of the unpaid principal balance of the Loan Amount, and the Administrative Fee shall be one-quarter of one percent (0.25%) per annum of the unpaid principal balance of the Loan Amount, taking into account both payments made by the Borrower/Grantee and hardship waivers of payments granted to the Borrower/Grantee.

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

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

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

A. Project Account. The Borrower/Grantee hereby consents to creation of the Project Account by the NMFA. Until the Completion Date, the amount of the Loan/Grant credited to the Project Account shall be used and paid out solely for Eligible Items necessary to acquire and complete the Project in compliance with applicable law and the provisions of the Loan/Grant Agreement.

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

C. NMFA Not Responsible. Borrower/Grantee shall apply the funds derived from the Loan/Grant Agreement as provided therein, and in particular Article VII of the Loan/Grant Agreement. The NMFA shall not in any manner be responsible for the application or disposal by the Borrower/Grantee or by its officers of the funds derived from the Loan/Grant Agreement or of any other funds held by or made available to the Borrower/Grantee in connection with the Project. NMFA shall not be liable for the refusal or failure of any other agency of the State to transfer any portion of the Loan/Grant Amount in its possession, custody and control to the NMFA for disbursement to the Borrower/Grantee, or to honor any request for such transfer or disbursement of the Loan/Grant Amount.

Section 9. Payment of Loan Amount and ACH Authorization. Pursuant to the Loan/Grant Agreement, the Borrower/Grantee shall pay the Loan Amount and Administrative Fee directly from the Pledged Revenues to the NMFA as provided in the Loan/Grant Agreement

in an amount sufficient to pay principal and other amounts due under the Loan/Grant Agreement and to cure any deficiencies in the payment of the Loan Amount or other amounts due under the Loan/Grant Agreement. The Borrower/Grantee hereby consents to the creation of an ACH authorization agreement for the purpose of making regular electronic payments of the Loan Amount and Administrative Fee, if at any applicable point in time during the Agreement Term the Borrower/Grantee desires to use such payment method for the purposes of the Loan.

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

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

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

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

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

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

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

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

*[Remainder of page intentionally left blank.]*

*[Form of Notice of Adoption of Resolution for Publication]*

**LUNA COUNTY, NEW MEXICO  
NOTICE OF ADOPTION OF RESOLUTION**

Notice is hereby given of the title and of a general summary of the subject matter contained in Resolution No. 23-79, duly adopted and approved by the Board of County Commissioners of Luna County, New Mexico on November 16, 2023. A complete copy of the Resolution is available for public inspection during normal and regular business hours in the office of the County Clerk, at 700 S. Silver Avenue, Deming, New Mexico 88030.

The title of the Resolution is:

**LUNA COUNTY, NEW MEXICO  
RESOLUTION NO. 23-79**

A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A WATER PROJECT FUND LOAN/GRANT AGREEMENT BY AND BETWEEN THE NEW MEXICO FINANCE AUTHORITY ("NMFA") AND LUNA COUNTY, NEW MEXICO (THE "BORROWER/GRANTEE"), IN THE TOTAL AMOUNT OF \$1,350,000, INCLUDING A LOAN IN THE AMOUNT OF \$135,000 EVIDENCING AN OBLIGATION OF THE BORROWER/GRANTEE TO UTILIZE THE LOAN/GRANT AMOUNT SOLELY FOR THE PURPOSE OF FINANCING THE COSTS OF DESIGN AND PLANNING OF FLOOD PREVENTION IMPROVEMENTS IN THE CHINA DRAW, ROCKHOUND AND EAST FLORIDA AREAS, AND SOLELY IN THE MANNER DESCRIBED IN THE LOAN/GRANT AGREEMENT; PROVIDING FOR THE PLEDGE AND PAYMENT OF THE LOAN AMOUNT AND AN ADMINISTRATIVE FEE SOLELY FROM FIFTY PERCENT (50%) OF THE REVENUES OF THE ONE-EIGHTH OF ONE PERCENT (0.125%) INCREMENT OF THE COUNTY LOCAL OPTION GROSS RECEIPTS TAX, IMPOSED BY THE BORROWER/GRANTEE'S TAX ORDINANCE NO. 21, AS AMENDED, WITH AN EFFECTIVE DATE OF JULY 1, 1993, WHICH TAXES HAVE BEEN DE-EARMARKED AND ARE NOW ENFORCEABLE UNDER NMSA 1978, § 7-20E-9, AS AMENDED; CERTIFYING THAT THE LOAN/GRANT AMOUNT, TOGETHER WITH OTHER FUNDS AVAILABLE TO THE BORROWER/GRANTEE, IS SUFFICIENT TO COMPLETE THE PROJECT; APPROVING THE FORM OF AND OTHER DETAILS CONCERNING THE LOAN/GRANT AGREEMENT; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS RESOLUTION; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN/GRANT AGREEMENT.

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

*[End of Form of Notice of Adoption for Publication]*

PASSED, APPROVED AND ADOPTED THIS 16<sup>TH</sup> DAY OF NOVEMBER, 2023.

LUNA COUNTY, NEW MEXICO

By \_\_\_\_\_  
John Sweetser, Chair of the Board of County  
Commissioners

[SEAL]

ATTEST:

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

*[Remainder of page intentionally left blank.]*

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

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

Those Voting Aye:

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Those Voting Nay:

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Those Absent:

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

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

*[Remainder of page intentionally left blank.]*

LUNA COUNTY, NEW MEXICO

By \_\_\_\_\_  
John Sweetser, Chair of the Board of County  
Commissioners

[SEAL]

ATTEST:

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

*[Remainder of page intentionally left blank.]*

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

I, Berenda McWright, the duly qualified and acting County Clerk of Luna County, New Mexico (the “Borrower/Grantee”), do hereby certify:

1. The foregoing pages are a true, perfect, and complete copy of the record of the proceedings of the Board of County Commissioners of the Borrower/Grantee (the “Governing Body”), had and taken at a duly called regular meeting held at 700 S. Silver Avenue, Deming, New Mexico 88030, on November 16, 2023, at the hour of 10:00 a.m., insofar as the same relate to the adoption of Resolution No. 23-79 and the execution and delivery of the proposed Loan/Grant Agreement, a copy of which is set forth in the official records of the proceedings of the Governing Body kept in my office. None of the action taken has been rescinded, repealed, or modified.

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

3. Notice of the meeting was given in compliance with the permitted methods of giving notice of meetings of the Governing Body as required by the State Open Meetings Act, NMSA 1978, § 10-15-1, as amended, including the Borrower/Grantee’s open meetings Resolution No. 23-01, adopted and approved on January 12, 2023, in effect on the date of the meeting.

IN WITNESS WHEREOF, I have hereunto set my hand this 29<sup>th</sup> day of December, 2023.

LUNA COUNTY, NEW MEXICO

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

[SEAL]

**EXHIBIT "A"**

Notice of Meeting, Meeting Agenda and  
Affidavit of Publication of Notice of Adoption of Resolution

*Be it remembered that at a Regular Meeting of the Board of County Commissioners of Luna County in Deming New Mexico, on the 16<sup>th</sup> day of November, the following proceedings were had and entered of record.*

**RESOLUTION NO. 23-81**

**CALL TO AMEND ORDINANCE 2; LODGERS' TAX**

**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 2; Lodger's Tax, at the Regular Meeting on November 16<sup>th</sup> 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 2 before the Board of County Commissioners, including but not limited to, the publication of title and a general summary of the proposed adoptions and making a copy of the proposed available to interested persons beginning with the date of publication, but no later than two weeks prior to the meeting at which it will be considered.

**DONE THIS 16<sup>th</sup> DAY OF NOVEMBER, 2023**

by the Board of County Commissioners of Luna County

**ATTEST:**

---

John S. Sweetser, Chairperson  
Commissioner, District 3

---

Berenda McWright,  
County Clerk

---

Ray J. Trejo,  
Commissioner, District 1

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Colette M. Chandler,  
Commissioner, District 2

*Be it remembered that at a Regular Meeting of the Board of County Commissioners of Luna County in Deming New Mexico, on the 16<sup>th</sup> day of November, the following proceedings were had and entered of record.*

**RESOLUTION NO. 23-82**

**CALL TO AMEND ORDINANCE 5; BUSINESS REGISTRATION FEE**

**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 5; Business Registrations, at the Regular Meeting on November 16<sup>th</sup> 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 5 before the Board of County Commissioners, including but not limited to, the publication of title and a general summary of the proposed adoptions and making a copy of the proposed available to interested persons beginning with the date of publication, but no later than two weeks prior to the meeting at which it will be considered.

**DONE THIS 16<sup>th</sup> DAY OF NOVEMBER, 2023**

by the Board of County Commissioners of Luna County

**ATTEST:**

---

John S. Sweetser, Chairperson  
Commissioner, District 3

---

Berenda McWright,  
County Clerk

---

Ray J. Trejo,  
Commissioner, District 1

---

Colette M. Chandler,  
Commissioner, District 2

*Be it remembered that at a Regular Meeting of the Board of County Commissioners of Luna County in Deming New Mexico, on the 16<sup>th</sup> day of November 2023, the following proceedings were had and entered of record.*

**RESOLUTION NO. 22-83**

**CALL TO ADOPT ORDINANCE 118**

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

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

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of County Commissioners hereby give notice of its intent to consider the adoption of Ordinance 118: An Ordinance relating to Addressing, Road Naming, and Street Signs at the Regular Meeting on November 16<sup>th</sup> at 10:00 a.m. or as soon thereafter as the matter may be heard in the Luna County Courthouse, 700 S. Silver Ave., Deming, New Mexico.

**BE IT FURTHER RESOLVED** that the Luna County Manager is authorized to take all necessary action necessary to properly place the issue of the adoption of Ordinance 117 before the Board of County Commissioners, including but not limited to, the publication of title and a general summary of the proposed adoptions and making a copy of the proposed available to interested persons beginning with the date of publication, but no later than two weeks prior to the meeting at which it will be considered.

**DONE THIS 16<sup>th</sup> DAY OF NOVEMBER, 2023**

by the Board of County Commissioners of Luna County

**ATTEST:**

---

John S. Sweetser, Chairperson  
Commissioner, District 3

---

Berenda McWright,  
County Clerk

---

Ray J. Trejo,  
Commissioner, District 1

---

Colette M. Chandler,  
Commissioner, District 2



Stantec Consulting Services Inc.  
3400 Highway 180 East Suite A, Silver City NM 88061-7784

November 9, 2023

**Attention: Joanne Hethcox, Chief Procurement Officer**

Luna County  
700 S. Silver Avenue  
Deming, NM 88030

**Reference: Luna County  
Roadway and Drainage Improvements  
Majestic View, Paquime, Casas Grandes, La Paz,  
Tigua & Manzano Roads  
NMFA Colonias Infrastructure 5538-CIF & 5783-CIF  
Luna County Bid #112-01  
Stantec Project # 181709028 & 2042665503**

Dear Ms. Hethcox and Luna County Commission,

Bids were received on November 8, 2023, at 10:00 a.m. by Joanne Hethcox, Chief Procurement Officer, Luna County, Courthouse Chambers, 700 S. Silver Avenue, 3rd Floor, Deming, NM 88030, and read aloud shortly thereafter. A total of two bids were received. Bid reports and documents for the referenced project are attached.

The lowest responsible total bid (Bid Lots #1 - #7) was received from Deming Excavating Inc. of Deming, NM in the amount of \$1,675,207.75 plus applicable gross receipts tax (6.6250%) for a total bid amount of \$1,786,190.26

The Bid is in compliance with contract requirements and Deming Excavating Inc. is qualified to perform the required work but exceeds the current available construction budget of approximately \$978,800.00.

We recommend that the following items of work be awarded:

Bid Lot #1 - Roadway and Drainage (Majestic View, Paquime, Casas Grandes, W. La Paz, Tigua, and Beginning section of E. La Paz)	\$889,263.50
<b>TOTAL AMOUNT OF BID</b>	<b><u>\$889,263.50 w/o NMGR</u></b>

It is our recommendation that an award be made to Deming Excavating Inc. for Bid Lot #1 in the amount of \$889,263.50 plus applicable gross receipts tax (6.6250%) for a total project cost of \$948,177.21.

Sincerely,

**Esqueda,  
George**

Digitally signed by  
Esqueda, George  
Date: 2023.11.09  
16:08:40 -07'00'

**George A. Esqueda, Senior Project Manager**

Phone: 575-574-2211

Email: [george.esqueda@stantec.com](mailto:george.esqueda@stantec.com)

Attachment: Bid Opening Sign In Sheet  
Bid Opening Report  
Summary of Proposals  
Bid Tabulations



## CERTIFICATION OF CANVASS RESULTS

We, the undersigned Board of County Commissioners acting as the Board of Canvassers of Luna County, State of New Mexico, canvass the Local Election held in said county, November 7, 2023, certify that the canvass results text file sent to the office of secretary of state is a correct canvass of returns of said election.

WITNESS the Honorable Board of County Commissioners, \_\_\_\_\_  
Date

ATTEST:

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Member

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

SEAL

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

# Luna County

Canvass of Returns of Local Election  
Held on November 7, 2023 - State of New Mexico

## Summary Bucket Report

Ballots Cast	218	1	0	0	0	0	0	1072	0	0	0	1387	0	0	0	
	Absentee - Machine	Absentee - Hand	Absentee FWAB	Federal Overseas - Hand	Federal Overseas - Machine	Absentee Provisional - Hand	Absentee Provisional - Machine	Early - Machine	Early - Hand	Early Provisional - Hand	Early Provisional - Machine	Election Day - Machine	Election Day - Hand	Election Day Provisional - Hand	Election Day Provisional - Machine	Total
Mayor - MUNICIPAL DISTRICT 113																
ALEXI D JACKSON ()	35	0	0	0	0	0	0	140	0	0	0	191	0	0	0	366
BENNY L JASSO ()	55	0	0	0	0	0	0	249	0	0	0	272	0	0	0	576
MICHELE C SHILLITO ()	64	0	0	0	0	0	0	318	0	0	0	350	0	0	0	732
Mayor - MUNICIPAL DISTRICT 212																
ESEQUIEL SALAS ()	1	0	0	0	0	0	0	12	0	0	0	31	0	0	0	44
PHILIP H SKINNER ()	1	0	0	0	0	0	0	13	0	0	0	92	0	0	0	106
NICOLE SUSANNE STEFFEN ()	0	0	0	0	0	0	0	10	0	0	0	70	0	0	0	80
Councilor Districted - DEMING CITY COUNCIL DISTRICT 1																
JULIAN D MONJARAS ()	21	0	0	0	0	0	0	78	0	0	0	87	0	0	0	186
MONICA IVETT TOPHAM ()	10	0	0	0	0	0	0	65	0	0	0	72	0	0	0	147
Councilor Districted - DEMING CITY COUNCIL DISTRICT 4																
ALEX GREGORY VALDESPINO ()	21	0	0	0	0	0	0	118	0	0	0	148	0	0	0	287
STEPHEN R WESTENHOFER ()	26	0	0	0	0	0	0	194	0	0	0	138	0	0	0	358
Trustee - MUNICIPAL DISTRICT 212																
JERAD WILLIAM LOESCH ()	2	0	0	0	0	0	0	12	0	0	0	103	0	0	0	117
WILLIAM DEAN JOHNSON ()	1	0	0	0	0	0	0	14	0	0	0	85	0	0	0	100
ISABEL M GOMEZ ()	0	0	0	0	0	0	0	14	0	0	0	73	0	0	0	87

# Luna County

Canvass of Returns of Local Election  
Held on November 7, 2023 - State of New Mexico

## Summary Bucket Report

	Absentee - Machine	Absentee - Hand	Absentee FWAB	Federal Overseas - Hand	Federal Overseas - Machine	Absentee Provisional - Hand	Absentee Provisional - Machine	Early - Machine	Early - Hand	Early Provisional - Hand	Early Provisional - Machine	Election Day - Machine	Election Day - Hand	Election Day Provisional - Hand	Election Day Provisional - Machine	Total
WILSON EDWARD MOORE ()	0	0	0	0	0	0	0	9	0	0	0	85	0	0	0	94
JUAN C PADILLA ()	1	0	0	0	0	0	0	18	0	0	0	146	0	0	0	165
ROCIO A SIERRA ()	1	0	0	0	0	0	0	16	0	0	0	106	0	0	0	123
Municipal Judge - MUNICIPAL DISTRICT 212																
RACHEL GOMEZ ()	0	0	0	0	0	0	0	19	0	0	0	130	0	0	0	149
RAYMOND WILLIAM PERRON JR ()	2	0	0	0	0	0	0	12	0	0	0	55	0	0	0	69
School Board Member Districted - DEMING PUBLIC SCHOOLS BOARD 3																
ASHLEA A CRUMLEY ()	29	1	0	0	0	0	0	114	0	0	0	160	0	0	0	304
School Board Member Districted - DEMING PUBLIC SCHOOLS BOARD 4																
OLIVIA PAEZ ()	54	0	0	0	0	0	0	174	0	0	0	235	0	0	0	463
School Board Member Districted - DEMING PUBLIC SCHOOLS BOARD 5																
ROBERT M OROSCO ()	41	0	0	0	0	0	0	198	0	0	0	258	0	0	0	497
Soil & Water Supervisor - CABALLO SOIL & WATER CONSERVATION BOARD																
WILLIAM D WEAR ()	0	0	0	0	0	0	0	1	0	0	0	2	0	0	0	3
Soil & Water Supervisor - DEMING SOIL & WATER CONSERVATION BOARD																

# Luna County

Canvass of Returns of Local Election  
Held on November 7, 2023 - State of New Mexico

## Summary Bucket Report

	Absentee - Machine	Absentee - Hand	Absentee FWAB	Federal Overseas - Hand	Federal Overseas - Machine	Absentee Provisional - Hand	Absentee Provisional - Machine	Early - Machine	Early - Hand	Early Provisional - Hand	Early Provisional - Machine	Election Day - Machine	Election Day - Hand	Election Day Provisional - Hand	Election Day Provisional - Machine	Total
SETH R HYATT ()	122	0	0	0	0	0	0	554	0	0	0	656	0	0	0	1332
DANNY RAY MARTIN ()	77	1	0	0	0	0	0	419	0	0	0	589	0	0	0	1086
Soil & Water Supervisor - GRANT SOIL & WATER CONSERVATION BOARD																
DUSTON L HUNT JR ()	2	0	0	0	0	0	0	6	0	0	0	2	0	0	0	10
Soil & Water Supervisor (Landowner) - CABALLO SOIL & WATER CONSERVATION BOARD																
FRANK J GARAY ()	0	0	0	0	0	0	0	1	0	0	0	1	0	0	0	2
SAMANTHA MARIE GILLIS ()	0	0	0	0	0	0	0	0	0	0	0	2	0	0	0	2
Soil & Water Supervisor (Landowner) - DEMING SOIL & WATER CONSERVATION BOARD																
RICHARD DEAN HOLDRIDGE ()	105	0	0	0	0	0	0	601	0	0	0	814	0	0	0	1520
DIANNA G PETERSON ()	108	1	0	0	0	0	0	615	0	0	0	910	0	0	0	1634
Soil & Water Supervisor (Landowner) - GRANT SOIL & WATER CONSERVATION BOARD																
JOHN LLOYD MERINO ()	1	0	0	0	0	0	0	4	0	0	0	1	0	0	0	6
TYSON R BAYS ()	2	0	0	0	0	0	0	6	0	0	0	2	0	0	0	10

# Luna County

Canvass of Returns of Local Election  
Held on November 7, 2023 - State of New Mexico

## Summary Bucket Report

	Absentee - Machine	Absentee - Hand	Absentee FWAB	Federal Overseas - Hand	Federal Overseas - Machine	Absentee Provisional - Hand	Absentee Provisional - Machine	Early - Machine	Early - Hand	Early Provisional - Hand	Early Provisional - Machine	Election Day - Machine	Election Day - Hand	Election Day Provisional - Hand	Election Day Provisional - Machine	Total
PUBLIC SCHOOL CAPITAL IMPROVEMENT (\$2.00 MIL) TAX QUESTION: Shall the Board of Education of the Deming Public School District No. 1, County of Luna, State of New Mexico, be authorized to impose a property tax of \$2.00 on each \$1,000.00 of net taxable value of the property allocated to the District under the Property Tax Code for the property tax years 2025, 2026, 2027, 2028, 2029, and 2030 for capital improvements in the District including payments made with respect to lease-purchase arrangements as defined in the Education Technology Equipment Act [Chap - DEMING PUBLIC SCHOOLS 42																
Yes	109	0	0	0	0	0	0	536	0	0	0	804	0	0	0	1449
No	77	1	0	0	0	0	0	425	0	0	0	489	0	0	0	992

# Luna County

Canvass of Returns of Local Election  
Held on November 7, 2023 - State of New Mexico

## Summary Bucket Report

Ballots Cast	218	1	0	0	0	0	0	1072	0	0	0	1387	0	0	0	
	Absentee - Machine	Absentee - Hand	Absentee FWAB	Federal Overseas - Hand	Federal Overseas - Machine	Absentee Provisional - Hand	Absentee Provisional - Machine	Early - Machine	Early - Hand	Early Provisional - Hand	Early Provisional - Machine	Election Day - Machine	Election Day - Hand	Election Day Provisional - Hand	Election Day Provisional - Machine	Total
Mayor - MUNICIPAL DISTRICT 113																
ALEXI D JACKSON ()	35	0	0	0	0	0	0	140	0	0	0	191	0	0	0	366
BENNY L JASSO ()	55	0	0	0	0	0	0	249	0	0	0	272	0	0	0	576
MICHELE C SHILLITO ()	64	0	0	0	0	0	0	318	0	0	0	350	0	0	0	732
Mayor - MUNICIPAL DISTRICT 212																
ESEQUIEL SALAS ()	1	0	0	0	0	0	0	12	0	0	0	31	0	0	0	44
PHILIP H SKINNER ()	1	0	0	0	0	0	0	13	0	0	0	92	0	0	0	106
NICOLE SUSANNE STEFFEN ()	0	0	0	0	0	0	0	10	0	0	0	70	0	0	0	80
Councilor Districted - DEMING CITY COUNCIL DISTRICT 1																
JULIAN D MONJARAS ()	21	0	0	0	0	0	0	78	0	0	0	87	0	0	0	186
MONICA IVETT TOPHAM ()	10	0	0	0	0	0	0	65	0	0	0	72	0	0	0	147
Councilor Districted - DEMING CITY COUNCIL DISTRICT 4																
ALEX GREGORY VALDESPINO ()	21	0	0	0	0	0	0	118	0	0	0	148	0	0	0	287
STEPHEN R WESTENHOFER ()	26	0	0	0	0	0	0	194	0	0	0	138	0	0	0	358
Trustee - MUNICIPAL DISTRICT 212																
JERAD WILLIAM LOESCH ()	2	0	0	0	0	0	0	12	0	0	0	103	0	0	0	117
WILLIAM DEAN JOHNSON ()	1	0	0	0	0	0	0	14	0	0	0	85	0	0	0	100
ISABEL M GOMEZ ()	0	0	0	0	0	0	0	14	0	0	0	73	0	0	0	87

# Luna County

Canvass of Returns of Local Election  
Held on November 7, 2023 - State of New Mexico

## Summary Bucket Report

	Absentee - Machine	Absentee - Hand	Absentee FWAB	Federal Overseas - Hand	Federal Overseas - Machine	Absentee Provisional - Hand	Absentee Provisional - Machine	Early - Machine	Early - Hand	Early Provisional - Hand	Early Provisional - Machine	Election Day - Machine	Election Day - Hand	Election Day Provisional - Hand	Election Day Provisional - Machine	Total
WILSON EDWARD MOORE ()	0	0	0	0	0	0	0	9	0	0	0	85	0	0	0	94
JUAN C PADILLA ()	1	0	0	0	0	0	0	18	0	0	0	146	0	0	0	165
ROCIO A SIERRA ()	1	0	0	0	0	0	0	16	0	0	0	106	0	0	0	123
Municipal Judge - MUNICIPAL DISTRICT 212																
RACHEL GOMEZ ()	0	0	0	0	0	0	0	19	0	0	0	130	0	0	0	149
RAYMOND WILLIAM PERRON JR ()	2	0	0	0	0	0	0	12	0	0	0	55	0	0	0	69
School Board Member Districted - DEMING PUBLIC SCHOOLS BOARD 3																
ASHLEA A CRUMLEY ()	29	1	0	0	0	0	0	114	0	0	0	160	0	0	0	304
School Board Member Districted - DEMING PUBLIC SCHOOLS BOARD 4																
OLIVIA PAEZ ()	54	0	0	0	0	0	0	174	0	0	0	235	0	0	0	463
School Board Member Districted - DEMING PUBLIC SCHOOLS BOARD 5																
ROBERT M OROSCO ()	41	0	0	0	0	0	0	198	0	0	0	258	0	0	0	497
Soil & Water Supervisor - CABALLO SOIL & WATER CONSERVATION BOARD																
WILLIAM D WEAR ()	0	0	0	0	0	0	0	1	0	0	0	2	0	0	0	3
Soil & Water Supervisor - DEMING SOIL & WATER CONSERVATION BOARD																

# Luna County

Canvass of Returns of Local Election  
Held on November 7, 2023 - State of New Mexico

## Summary Bucket Report

	Absentee - Machine	Absentee - Hand	Absentee FWAB	Federal Overseas - Hand	Federal Overseas - Machine	Absentee Provisional - Hand	Absentee Provisional - Machine	Early - Machine	Early - Hand	Early Provisional - Hand	Early Provisional - Machine	Election Day - Machine	Election Day - Hand	Election Day Provisional - Hand	Election Day Provisional - Machine	Total
SETH R HYATT ( )	122	0	0	0	0	0	0	554	0	0	0	656	0	0	0	1332
DANNY RAY MARTIN ( )	77	1	0	0	0	0	0	419	0	0	0	589	0	0	0	1086
Soil & Water Supervisor - GRANT SOIL & WATER CONSERVATION BOARD																
DUSTON L HUNT JR ( )	2	0	0	0	0	0	0	6	0	0	0	2	0	0	0	10
Soil & Water Supervisor (Landowner) - CABALLO SOIL & WATER CONSERVATION BOARD																
FRANK J GARAY ( )	0	0	0	0	0	0	0	1	0	0	0	1	0	0	0	2
SAMANTHA MARIE GILLIS ( )	0	0	0	0	0	0	0	0	0	0	0	2	0	0	0	2
Soil & Water Supervisor (Landowner) - DEMING SOIL & WATER CONSERVATION BOARD																
RICHARD DEAN HOLDRIDGE ( )	105	0	0	0	0	0	0	601	0	0	0	814	0	0	0	1520
DIANNA G PETERSON ( )	108	1	0	0	0	0	0	615	0	0	0	910	0	0	0	1634
Soil & Water Supervisor (Landowner) - GRANT SOIL & WATER CONSERVATION BOARD																
JOHN LLOYD MERINO ( )	1	0	0	0	0	0	0	4	0	0	0	1	0	0	0	6
TYSON R BAYS ( )	2	0	0	0	0	0	0	6	0	0	0	2	0	0	0	10

# Luna County

Canvass of Returns of Local Election  
Held on November 7, 2023 - State of New Mexico

## Summary Bucket Report

	Absentee - Machine	Absentee - Hand	Absentee FWAB	Federal Overseas - Hand	Federal Overseas - Machine	Absentee Provisional - Hand	Absentee Provisional - Machine	Early - Machine	Early - Hand	Early Provisional - Hand	Early Provisional - Machine	Election Day - Machine	Election Day - Hand	Election Day Provisional - Hand	Election Day Provisional - Machine	Total
PUBLIC SCHOOL CAPITAL IMPROVEMENT (\$2.00 MIL) TAX QUESTION: Shall the Board of Education of the Deming Public School District No. 1, County of Luna, State of New Mexico, be authorized to impose a property tax of \$2.00 on each \$1,000.00 of net taxable value of the property allocated to the District under the Property Tax Code for the property tax years 2025, 2026, 2027, 2028, 2029, and 2030 for capital improvements in the District including payments made with respect to lease-purchase arrangements as defined in the Education Technology Equipment Act [Chap - DEMING PUBLIC SCHOOLS 42																
Yes	109	0	0	0	0	0	0	536	0	0	0	804	0	0	0	1449
No	77	1	0	0	0	0	0	425	0	0	0	489	0	0	0	992

# Indigent Hospital Claims Office

Chris A. Brice, County Manager

IHC Board Meeting November 16, 2023

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	0	\$0.00		
December	0	\$0.00		
Total	50	\$133,616.58	0	\$3,534.23
This Month's Total	Mimbres Memorial Hospital			\$15,884.03
This Month's Total	Gila Regional Medical Center			\$0.00
This Month's Total	Memorial Medical Center			\$0.00
This Month's Total	Deming Fire Dept./EMS			\$0.00
This Month's Total	All Other Services			\$0.00
Total				\$15,884.03
Year to Date Total	Mimbres Memorial Hospital			\$101,918.07
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				\$133,916.58
Care of Prisoners This Month - Not including SNCP Funds				\$211,350.24
Care of Prisoners Year to Date Indigent - Not including SNCP Funds				\$1,839,439.59
Care of Prisoners Year to Date Inmate Prescriptions/OTC Meds				\$78,523.78
Care of Prisoners Year to Date Dr. Bills				\$317,638.91
Total Cost of Care of Prisoners Year to Date				\$2,235,602.28
Monies Received - October 2023				\$94,987.06
Balance in IHC Fund as of October 31, 2023				\$1,965,012.22
Encumbrances as of October 31, 2023				\$387,886.75
		Date	Amount Approved	Amount Denied
	Signatures	11/16/2023	\$15,884.03	\$3,534.23
Ray J. Trejo				
Colette M. Chandler				
John S. Sweetser				

IHC Board Meeting	
-------------------	--

November 16, 2023

[illegible]

*Be it remembered that at the Special Meeting of the Board of County Commissioners of Luna County in Deming New Mexico, on the 16<sup>th</sup> day of November 2023, the following proceedings were had and entered of record.*

**RESOLUTION NO. 23-80**

**A RESOLUTION REQUESTING THE NEW MEXICO STATE TRANSPORTATION COMMISSION TO DESIGNATE CERTAIN SPECIFIC PORTIONS OF THE STATE HIGHWAY SYSTEM AS A DESIGNATED ROV ROUTE**

**WHEREAS**, the Board of County Commissioners of Luna County enacted Ordinance 112 addressing the use of off-highway vehicles on June 9, 2022;

**WHEREAS**, many recreational areas within the county are accessed by State Highways, including Hwy 418, 11 and 549;

**WHEREAS**, in Section 66-2-1011E, NMSA 1978 of the Off-Highway Motor Vehicle Act authorizes the State Transportation Commission to exercise its discretionary powers under Section 67-3-2D, NMSA 1978, to authorize the use of state highways by off-highway vehicles under terms and conditions established by statute and the State Transportation Commission; and

**WHEREAS**, the Board of County Commissioners of Luna County believe that it would benefit the local businesses and residents of and visitors to Luna County to request the State Transportation Commission to authorize specific segments of state highways for use by off-highway vehicles:

Highway 9; Highway 11; Highway 26; Highway 27; Highway 61; Highway 70; Highway 143; Highway 148; Highway 180; Highway 198; Highway 349; Highway 377; Highway 418; Highway 427; Highway 497; Highway 549; Dona Ana Road; J Street; McCan Road; Pine Street; Rockhound Road and Tapia Road.

**DONE THIS 16<sup>th</sup> DAY OF NOVEMBER, 2023**

by the Board of County Commissioners of Luna County

**ATTEST:**

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John S. Sweetser, Chairperson  
Commissioner, District 3

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Berenda McWright,  
County Clerk

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Ray J. Trejo,  
Commissioner, District 1

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Colette M. Chandler,  
Commissioner, District 2