

LUNA COUNTY BOARD OF COUNTY COMMISSIONERS

Linda M. Smrkovsky
Chair

Barbara L. Reedy
Member

John S. Sweetser
Member

Thursday, June 9, 2022
10:00 a.m.
Agenda
Regular Meeting
Luna County Courthouse

Meeting ID: meet.google.com/wcm-iczv-vnr To dial in: 1 414-909-4972 PIN: 939 182 389#

1. **Call to Order:** Chair Linda Smrkovsky to commence meeting (At this time, please silence your cell phones and any other electronic devices) Pledge of Allegiance, State Pledge.
2. **Roll Call:**
3. **Approval of Agenda:**
4. **Minutes:**
 - a. Regular meeting- May 12, 2022
 - b. Work Session- May 23, 2022
 - c. Special Meeting- May 26, 2022

MOTION AND VOTE
5. **Service Awards/Retirement:**

• Stephanie Young	Sheriff's	5 Years
• Maria Rudloff	Clerks	30 Years
6. **Special Recognition:**
 - Kathy Sayre 14 years of Service Healing House
 - Tina Cabrera Presented by Lee Cook- Jordan
7. **Presentations:**
 - SunZia Transmission Line Presentation- John Strand
 - KFOX TV & CBS 4 presentation on Luna County Advertising Plan- Candice MacBlain

8. Elected Officials' Report:

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

9. County Manager's Report:

10. Indigent Claims Report:

- a. Recess as County Commission Convene as Claims Board

MOTION AND VOTE

- b. Presentation of Claims Report by Chris Brice
c. Consider Claims dated June 9, 2022 \$0.00

MOTION AND VOTE

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

MOTION AND VOTE

11. Community Support Reports:

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

13. Public Hearing

- a. Ordinance 112: An Ordinance addressing Off Highway Vehicles

PUBLIC HEARING

MOTION AND ROLL CALL VOTE

14. Consent Agenda:

- a. Accounts Payable:\$1,624,581.14
b. Payroll: \$1,175,350.48

MOTION AND ROLL CALL VOTE

15. New Business:

- a. Resolution 22-38: Authorizing the Budget and Procurement Department to make final necessary intra departmental line item transfers before end of fiscal year

MOTION AND ROLL CALL VOTE

- b. Resolution 22-39: Budget Increases

MOTION AND ROLL CALL VOTE

- c. Resolution 22-40: Budget Transfers

MOTION AND ROLL CALL VOTE

- d. Resolution 22-41: Disposition of Personal Property

MOTION AND ROLL CALL VOTE

- e. Resolution 22-42: Certification of Fixed Assets

MOTION AND ROLL CALL VOTE

- f. Resolution 22-43: Procurement Policy Amendment - New Travel Rates

MOTION AND ROLL CALL VOTE

- g. Resolution 22-44: Luna County Cooperative Agreement Project (SP)

MOTION AND ROLL CALL VOTE

- h. Resolution 22-45: Luna County School Bus Routes Project (SBR)

MOTION AND ROLL CALL VOTE

- i. Resolution 22-46: Luna County Arterial Projects (CAP)

MOTION AND ROLL CALL VOTE

- j. Resolution 22- 47 Request for Sunzia Transmission LLC To Use Certain Roads in Luna County and Other Matters

MOTION AND ROLL CALL VOTE

- k. Resolution 22-48: Authorizing the Purchase of Property (Little Vineyards Subdivision)

MOTION AND ROLL CALL VOTE

- l. Resolution 22:49: Authorizing the Purchase of Property (1110 W Florida St. Deming, NM)

MOTION AND ROLL CALL VOTE

- m. Proclamation 22-06: Supporting all Economic Development in Luna County (SunZia Transmission Project)

MOTION AND ROLL CALL VOTE

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

Special Meeting: June 13,2022 @10:00 a.m.

Regular Meeting: July 14, 2022 @ 10:00 a.m.

17. Adjourn:

**MINUTES
REGULAR MEETING
LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS
Thursday, May 12, 2022**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 10:00 a.m. on Thursday, May 12, 2022, in the Chambers of the Luna County Courthouse, Deming, New Mexico, for the purpose of conducting any and all business to come properly before the Board. The commission meeting was also conducted via teleconference and webcasting.

The following staff and elected officials were present: Director of Emergency Management Pablo Montoya, Assistant to the County Manager Yossie Nieblas, Administrative Assistant Malarie Villegas, IT Technician Nathan Ortberg, Deputy Clerk Pilar Salcido, Assessor Michelle Holguin, Chief Deputy Assessor Isabelle Enciso, Treasurer Kristie Hobbs, Sheriff Kelley Gannaway, LCDC Director Lee Cook, Chief of Security Andrew Gilmore, Road Department Director David Bailey, Planning Supervisor Lupita Hernandez, Development Liaison Mary Mackey, Grants Administrator Heather Seats, County Attorney Charles Kretek, and Budget & Procurement Director Joanne Hethcox. Other directors and elected officials were present virtually.

CALL TO ORDER: Chair Smrkovsky called the meeting to order at 10:01 a.m. and led the Pledge of Allegiance and the salute to the flag of New Mexico.

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

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

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

MINUTES: Upon a motion made by Commissioner Reedy and a second by Commissioner Sweetser the Minutes for the Regular Meeting of April 27, 2022, were unanimously approved.

ELECTED OFFICIALS REPORTS:

Assessor: Assessor Michelle Holguin reported that the rendering period for livestock, personal property, and manufactured homes ended on February 28, 2022. Anything rendered now for livestock and Personal Property will be assessed a 5% penalty.

The rendering period for exemptions and limitations freeze ended May 2, 2022. This includes Family/Head of Household, Standard Veterans, 100% Disabled Veterans Exemptions, 65 and older and disabled limitation freeze, and other exemptions. Ms. Holguin stated that along with the mailing of the Notices of Values were informational inserts for the public to register online for the Online Notice of Values for 2023. (The online services provided once the public signs up will be an archive for your personal records). This is only for anyone interested in getting their Notice of Values emailed to them rather than mailed each year. The Assessor's Office received 33 protests this year and the Appraisal staff is busy working up those protests which are scheduled for hearing on August 10th and 11th, 2022. There will be seven of the employees attending IAAO courses online from July 18th -22nd 2022. Two employees will be taking their last course for certification, three employees are taking their 2nd course, and two employees are taking their 1st course. The County Service Specialists are busy processing livestock, personal property, deeds, affidavits, address changes, tax levies, and helping customers on the phone, online, and in the office. Online services are readily available for everyone. The GIS/911 Rural Addressing/Flood Plain Department is busy processing deeds, reviewing and signing off on flood plain inquiries for the county and the city, processing parcel data inquiries, issuing new addresses in the county, processing address designation letters, continuing to work on city limits subdivision on the GIS map, scanning subdivision plats in the system and checking surveys and descriptions for Claim of Exemptions. The evaluation process is complete with Property Tax Division, and they are waiting for their results. We are currently working on the budget for 2023. The public is encouraged to reach out to the Assessor's Office by phone, email, or by coming into the office with any questions.

Treasurer: Treasurer Kristie Hobbs reported they just finished collecting the second half of the property taxes which were due by May 10th. The online services worked well this year and the drop box was appreciated and used.

Sheriff: Sheriff Kelly Gannaway gave the monthly activity reports for April. There was one homicide no rapes or assaults, burglaries are up and larcenies are the same. Vehicle thefts stayed the same, with no arsons or robberies to report. Overall totals for criminals are up from last month. Non-Criminal paper service is up. Accidents and DWIs are down. The overall totals for non-criminals are up and the grand totals for both criminal and non-criminals are up as well. Sheriff Gannaway praised his Detectives Holguin, Tyler and Seats, and Lara and Fetrow from the Deming Police Department for their participation in solving a homicide.

Commissioners: Chair Smrkovsky reported that NM Counties met last week. Joy Esparsen who is the Deputy Director was selected as the new Executive Director for the NM Association of Counties effective October 2022. Because of the fires in New Mexico, the meeting locations had to be changed from Las Vegas to Santa Fe.

COUNTY MANAGER'S REPORT: Director of Emergency Management Pablo Montoya (on behalf of County Manager Chris) reported on the following:

- **Dispatch:** 7,292 calls were received, and 169 warrants were issued.

- **LCDC:** There are a total of 427 people were booked and 199 were released. The average daily population was 420 with 273 Marshalls.
- **Road Department:** A total of 1,395 tires were received, and 160 total miles were bladed. They received approval for the 2022-2023 Colonias Funding for the construction and repair of Majestic View and Rockhound. They have finalized the roads being selected for 2022-2023.
- **Budget and Procurement:** They are currently working on the preliminary budget and preparing the annual ARPA report.
- **Human Resources:** One dispatcher was hired, five in LCDC, and three for Starmax. They currently have openings for a Starmax cook, Detention Officers, County Services Specialist, Dispatchers, Truck Driver, Bartender, and a Juvenile Justice Program Manager.
- **Starmax:** Construction has begun. The carpets are currently being worked on. They intend to have theaters 1 and 2 open by late May.
- **Planning Department:** The Planning Department is working on finalizing the solar policy.
- **Emergency Management:** Phillip is currently assisting the Emergency Manager at the fire location. He is also currently monitoring Title 42 as it may be lifted effective May 23rd.
- **Safety Management:** The Safety Department is working on updating the safety policy, and working with the State Fire Marshall's Office for the Plan of Actions regarding the findings.
- **Luna County Fire:** They had a total of 13 calls. They assisted law enforcement with road closures due to the recent dust storms. They had a big fire off of I-10 at mile marker 55 in which 243 acres were burned.
- **Community Health and Well Being:** All Community Health and Well Being programs are running properly and accordingly.
- **IT:** A total of 771 work orders were completed. They are still working on the project for iPhones. A total of 1,442 viruses were stopped.

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

Budget and Procurement Director Joanne Hethcox reported zero claims for the month of April. She stated there are three incomplete applications. The money received for the Month of April was \$94,775.15 and the balance for the Indigent Claims Fund was \$1,823,921.30, of that \$363,595.66 is encumbered. Chair Smrkovsky asked Ms. Hethcox if they are looking at redoing the plan to utilize these funds. Ms. Hethcox explained they will increase this coming year with the safety net care pool because it is going to be a big hit in the GRT. The LCDC contract is very large and a good portion will go for that. Commissioner Sweetser motioned to approve the Indigent Claims Report as presented. Commissioner Reedy seconded the motion which carried unanimously.

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

COMMUNITY SUPPORT REPORT: Deming-Luna County Chamber of Commerce Executive Director Debbie Troyer reported on upcoming events. Debbie welcomed the newest Chamber members, Hebar Hay, Mototech Power Sports, Cactus Café, and Dune's Automotive Supplies. The Chamber of Commerce is currently serving 245 business members. Ms. Troyer reported that memberships have

dropped from about 274 mostly due to Covid. The Best Tasting Contest for Lemonade day had a good turnout. The next big event for Lemonade Day will be held on May 21, 2022. The Lemonade day event will go on all day long, at all locations in Luna County. Each child will be able to choose where their lemonade stand will be set. Location is everything. The public will probably see a lot of stands on Silver Street, Gold Street, and at the Courthouse Park. The Chamber of Commerce has started taking nominations for the Kingdom of the Sun Awards held annually. This event is tied to the annual meeting. There is a survey link provided on the Chamber's website. The public can nominate any favorite business on Facebook. The Chamber of Commerce page has a calendar where anyone can add upcoming community events being a member or a nonmember. This Calendar is being shared with the Columbus news channels to hopefully all get on the same calendar.

PUBLIC COMMENT: Chair Smrkovsky opened the floor to public comment. Susan Shifner provided comments concerning storage containers.

CALL FOR ORDINANCE:

- a. **Resolution 22-32: Call to adopt Ordinance 100: Land Use Ordinance.** County Attorney Charles Kretek explained this ordinance will replace 11 outdated ordinances. They will no longer have formal zoning but will have Use Districts. They will not have an ETZ. They will have an Urban Use District instead. There is not anything earth-shattering, he believes they are standard provisions. They are updating some of them and will have a new provision on the addressing and naming of roads that they had not had before. They will issue the call for the ordinance today and the vote will not take place until July at the earliest. Commissioner Reedy motioned to approve Resolution 22-32: Call to adopt Ordinance 100: Land Use Ordinance. The motion was seconded by Commissioner Sweetser and was approved unanimously following a roll call vote.
- b. **Resolution 22-36: Call to adopt Ordinance 112: OHV Ordinance.** Mr. Kretek explained the draft has been created. They will issue the draft to the constituents who expressed interest previously for their review. Then they will issue the publication which at that point is ready for the public. Commissioner Reedy motioned to approve Resolution 22-36: Call to adopt Ordinance 112: OHV Ordinance. The motion was seconded by Commissioner Sweetser and was approved unanimously following a roll call vote.

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

- a. Accounts Payable: \$1,216,064.56
- b. Payroll: \$1,155,746.78
- c. Oath of Office for Elian B. Lozano; Deputy Sheriff

NEW BUSINESS:

- a. **Resolution 22-33: Budget Increase:** Ms. Hethcox explained in detail the eight budget increases and one decrease. The first budget increase is for an agreement with the Secretary of State for reimbursement of Primary Election costs in the amount of \$22,800. The second is to the Treasurer's Fund for the remodeling of their office in the amount of \$16,000. The third is a decrease of fund 411 by \$743,451 to remove a grant that was carried over by mistake. The fourth is clean-up for the body armor grant received in the amount of \$165,600. The fifth is a new grant the County received as a pass-through fiscal

agent for the Village of Columbus. Commissioner Smrkovsky asked about the Columbus project for the RV's. Ms. Hethcox stated Luna County is the pass-through fiscal agent and this will not be added to the agreement with the Village of Columbus. This is just a pass-through grant whereas we purchase the RV's for them and they become our assets unless we do an agreement with the Village of Columbus. They have an agreement to buy eight RV's. This is not going through a housing organization but purchasing the RV's from a company in Albuquerque that Columbus had contracted with. The sixth increase was for the Mimbres Valley Learning Center to pay for the fire suppression system. Lastly, Casa collected donations in the amount of \$1,000. Casa received additional funds from the Office of the Courts in the amount of \$4,000. Commissioner Reedy motioned to approve Resolution 22-33: Budget Increase. The motion was seconded by Commissioner Sweetser and was approved unanimously following a roll call vote.

- b. Resolution 22-34 Budget Transfers:** Ms. Hethcox explained they had ten budget transfers for this month. They are all intra fund and cleaning up line items. Commissioner Sweetser motioned to approve Resolution 22-34 Budget Transfers. The motion was seconded by Commissioner Reedy and carried unanimously following a roll call vote.
- c. Resolution 22-35: Banning and Restricting the use or sale of certain fireworks:** Mr. Montoya explained this resolution is to ban aerial fireworks because the Fourth of July is coming around. This is a resolution that has been done over the last couple of years. Commissioner Sweetser motioned to approve Resolution 22-35: Banning and Restricting the use or sale of certain fireworks. The motion was seconded by Commissioner Reedy and was approved unanimously following a roll call vote.

UPCOMING MEETINGS: Chair Smrkovsky announced the following upcoming meetings:

Work Session – May 23, 2022 @ 9:00 a.m.
Special Meeting – May 26, 2022 @ 10:00 a.m.
Regular Commission Meeting – June 9, 2022 @ 10 a.m.

ADJOURN: Chair Smrkovsky entertained a motion to adjourn the meeting. Commissioner Reedy motioned to adjourn the meeting. The motion was seconded by Commissioner Sweetser and carried unanimously. The meeting was adjourned by Chair Smrkovsky at 10:36 a.m.

ATTEST:

**LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS**

BERENDA MCWRIGHT, LUNA COUNTY CLERK

BARBARA L. REEDY, DISTRICT 1

APPROVED: _____

CHAIR, LINDA M. SMRKOVSKY, DISTRICT 2

JOHN S. SWEETSER, DISTRICT 3

**MINUTES
WORK SESSION
LUNA COUNTY BOARD OF COUNTY COMMISSIONERS
MONDAY, MAY 23, 2022**

BE IT REMEMBERED that the Luna County Board of County Commissioners met at 9:00 a.m. on Monday, May 23, 2022, in Chambers of the Luna County Courthouse, Deming, New Mexico, for the purpose of conducting a Work Session.

CALL TO ORDER: Chair Smrkovsky called the meeting to order at 9:05 a.m. and led the Pledge of Allegiance and the salute to the flag of New Mexico.

ROLL CALL: Deputy Clerk Pilar Salcido called roll. The following Commissioners constituting a quorum were present:

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

PUBLIC COMMENT: Chair Smrkovsky opened the floor to public comment. No public comment was forthcoming.

DISCUSSION ITEM:

- a. **2022-2023 Preliminary Budget Review:** The Luna County Board of County Commissioners discussed budget items with County Manager Chris Brice and Budget and Procurement Director Joanne Hethcox. The discussion centered on the different community organizations that the County provides funding for. One main item discussed, was that PERA will increase by 1% (a half percent increase to the employee and a half percent increase to the County.) Ms. Hethcox stated that the increase would continue to take place for the next 4 years. Mr. Brice discussed the Merit Raise Process being based on an employee evaluation. When the time comes, the Director from each department would come before a panel mid-year (January) and ask for a raise for any employee, all will have to be justified from the highest performance to the lowest. They also discussed bringing the salaries for the Newly Elected Officials up to the amount approved by the State Legislature in 2018. Respectively, both Mr. Brice and Ms. Hethcox stood for questions and explanations. (*Note: Item was presented for discussion only and no actions were taken.)
- b. **Ordinance 112: OHV:** Ordinance 112 for Off-Highway Vehicles would allow for the operation of off-highway vehicles on County-owned and controlled roadways. In general, the discussion was in regards to the concern for the number of new calls that Law Enforcement entities will receive, the accidents, and the deaths that may occur from the lack of compliance from the riders.

Upcoming Meeting:

Special Meeting: May 26, 2022 at 10:00 a.m.

Regular Meeting: June 9, 2022, at 10:00 a.m.

ADJOURN: Chair Smrkovsky adjourned the meeting at 10:56 a.m.

ATTEST:

**LUNA COUNTY BOARD OF
COUNTY COMMISSIONERS**

Berenda McWright, Luna County Clerk

Barbara L. Reedy, District 1

Approved: _____

Chair, Linda M. Smrkovsky, District 2

John S. Sweetser, District 3

**MINUTES
SPECIAL MEETING
LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS
Thursday, May 26, 2022**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in Special Session at 10:00 a.m. on Thursday, May 26, 2022 in the County Commission Chambers of the Luna County Courthouse, Deming, New Mexico, for the purpose of conducting any and all business to come properly before the Board.

The following staff and elected officials were present: County Manager Chris Brice, Administrative Assistant Malarie Villegas, Clerk Berenda McWright, Deputy Clerk Pilar Salcido, Deputy Clerk Toni Esparza, Treasurer Kristie Hobbs, Assessor Michelle Holguin, Chief Deputy Assessor Isabelle Enciso, Economic Development & Community Director Christie Ann Harvey, Community Development Liaison Mary Mackey, Attorney Charles Kretek, IT Technician Nathan Ortberg, HR Director Rosa Porras, Emergency Services Director Pablo Montoya, Director Lee Cook, Budget & Procurement Director Joanne Hethcox, Planning Supervisor Lupita Hernandez, Sherriff Gannaway,

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

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

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

PUBLIC COMMENT: Chair Smrkovsky opened the floor for public comment. Several members of the community came forward and offered comments.

NEW BUSINESS:

- a. **2022-2023 Preliminary Fiscal Budget FY111:** Chair Smrkovsky spoke of the new positions to be added to the budget, and title changes. The Business Office Director is now the Chief Financial Officer. Chair Smrkovsky explained that there will be 3 to 4 custodial positions opening up due to the fact that the cost of bidding out for a cleaning service to come in to clean was costly. The HR Recruiting and Training Specialist position will be an assistant to the HR Director. The Maintenance Director will be the supervisor overseeing both the Custodial and Maintenance Crew. IT will need to add another technician to its department. Chair Smrkovsky reported that there is also an Administrative Assistant position being added in the Planning and Zoning Department. The director position for Planning and Zoning was done away

with and Lupita Hernandez is now the Planning Supervisor. A GIS Mapping Department will be added no sooner than the fall. The department will consist of a GIS Director and two GIS Technicians. The preliminary budget will be sent to the Department of Finance for approval and will be sent back to make the necessary changes. The budget includes a 5% to 7% increase across the board for employee raises due to inflation. Assessor Michelle commented for the Board to really consider that all newly elected officials be brought up to the amount approved by the Legislature in 2018. Commissioner Sweetser motioned to approve the 2022-2023 Preliminary Fiscal Budget FY11. It was decided that the 5% increase would be put into place. If Inflation becomes worse the topic to move to the 7% increase can be revisited in six months and changes can be made at that time. The motion was seconded by Commissioner Reedy and was approved unanimously following a roll call vote.

- b. Resolution 22-37: Authorizing the Sale of County Property:** County Manager Chris Brice explained that the deal with the Presbyterian Health Clinic property on Diamond Street was that they would be rent-free based on the fact they were providing health care to county residents and to the LCDC. The county now has multiple rural health care providers including Ben Archer and some others. They negotiated with Presbyterian to start leasing the building otherwise it would be considered a donation for what they do. They agreed to the lease but then in turn decided to purchase the property instead. This resolution, Mr. Brice explained, is to give him permission to be able to negotiate the sale of this location. The appraisal for this building came back at approximately \$422,000. Chair Smrkovsky entertained a motion to approve Resolution 22-37; Authorizing the Sale of County Property. Commissioner Reedy motioned to approve Resolution 22-37. The motion was seconded by Commissioner Sweetser and was approved unanimously following a roll call vote.
- c. Luna County Comprehensive Plan: This item is for Discussion only:** Deputy Director of Southwest New Mexico Council of Governments Emily Gojkovich gave an extensive update on the Luna County Comprehensive plan.
- d. Award of RFP 110-04 Fire Protection Water System:** County Manager Chris Brice recommended this item be tabled due to cost. Chair Smrkovsky entertained a motion to table the Award of RFP 110-the 04 Fire Protection Water System. Commissioner Reedy motioned to table this item due to increased cost. The motion to table was seconded by Commissioner Sweetser and was approved unanimously following a roll call vote.

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

The Commissioners went into Executive Session at 10:53 a.m. and returned from Executive Session at 1:33 p.m.

Commissioner Reedy moved to return from Executive Session is pursuant to Section 10-15-1H (2) NMSA 1978- limited personnel matters. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.

Chair Smrkovsky entertained a motion to increase County Managers Chris Brice's salary by 5% effective June 1, 2022, with a two-year renewable contract. Commissioner Reedy motioned to approve the 5% salary increase for County Manager Chris Brice. The motion was seconded by Commissioner Sweetser and carried unanimously following a roll call vote.

Upcoming Meetings/Events (Unless otherwise specified):

Regular Meeting: June 9, 2022 at 10:00 a.m.

Special Zoom Meeting: June 13, 2022 at 10: a.m.

ADJOURN: Upon a motion by Chair Smrkovsky the meeting was adjourned at 1:36 p.m.

ATTEST:

**LUNA COUNTY BOARD OF
COUNTY COMMISSIONERS**

Berenda McWright, Luna County Clerk

Barbara L. Reedy, District 1

Approved: _____

Chair, Linda M. Smrkovsky, District 2

John S. Sweetser, District 3

Indigent Hospital Claims Office				
Chris A. Brice, County Manager				
IHC Board Meeting June 9, 2022				
Month	Number	Amount	Number	Denied
January	4	\$21,248.76	0	\$0.00
Feburary	1	\$90.00		
March	14	\$27,732.47		
April	0	\$0.00		
May	0	\$0.00		
June				
July				
August				
September				
October				
November				
December				
Total	19	\$49,071.23	0	\$0.00
This Month's Total	Mimbres Memorial Hospital			\$0.00
This Month's Total	Gila Regional Medical Center			\$0.00
This Month's Total	Memorial Medical Center			\$0.00
This Month's Total	Deming Fire Dept./EMS			\$0.00
This Month's Total	All Other Services			\$0.00
Total				\$0.00
Year to Date Total	Mimbres Memorial Hospital			\$38,334.49
Year to Date Total	All Other Hospitals			
Year to Date Total	Deming Fire Dept./EMS			\$1,221.00
Year to Date Total	All Other Services			\$9,515.74
Total				\$49,071.23
Care of Prisoners This Month - Not including SNCP Funds				\$122,372.27
Care of Prisoners Year to Date Indigent - Not including SNCP Funds				\$524,666.80
Care of Prisoners Year to Date Inmate Prescriptions/OTC Meds				\$32,694.77
Care of Prisoners Year to Date Dr. Bills				\$3,162.22
Total Cost of Care of Prisoners Year to Date				\$560,523.79
Monies Received - May 2022				\$80,420.08
Balance in IHC Fund as of May 31, 2022				\$2,006,487.23
Encumbrances as of May 31, 2022				\$370,814.66
		Date	Amount Approved	Amount Denied
	Signatures	6/9/2022	\$0.00	
Barbara L. Reedy				
Linda M. Smrkovsky				
John S. Sweetser				

June 9, 2022

[illegible]

LUNA COUNTY, NEW MEXICO

ORDINANCE 112

AN ORDINANCE ADDRESSING OFF-HIGHWAY VEHICLES

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 are empowered to enact regulations which provide for health, safety, prosperity and improvement of order, comfort and convenience of the citizens of Luna County;

WHEREAS, the powers of a county as a body politic and corporate are exercised through the Board of County Commissioners pursuant to Section 4-38-1, NMSA 1978;

WHEREAS, the Board of County Commissioners desires to establish the rules allowing for operation of off-highway vehicles on streets and roadways owned and controlled by the County.

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

SECTION 1 PURPOSE AND APPLICABILITY

1.1 This Ordinance shall apply to the operation of off-highway vehicles on County owned and controlled roadways consistent with the provisions of the Off-Highway Vehicle Act, Section 66-3-1001 through 1021, NMSA 1978.

1.2 This Ordinance is only applicable to those areas in Luna County outside the incorporated municipalities of the City of Deming and Village of Columbus.

1.3 Nothing contained in this ordinance applies to or affects operation of off-highway vehicles on private property nor does it authorize operation on roads or highways owned or controlled by the State of New Mexico or federal government or agencies thereof.

SECTION 2 DEFINITIONS

2.1 County Owned or Controlled Roadway included within the scope of this Ordinance includes all designated County roads, both maintained and not maintained by the County, rights-of-way and easements that were constructed, signed and maintained for regular passenger-car use by the general public.

2.2 Off-Highway Motor Vehicle (OHV) is a motorized vehicle designed by the manufacturer for operation off the highway or road and includes:

2.2.1 All-Terrain Vehicle (ATV) which is a motorized vehicle, fifty (50) inches or less in width, having an unladen dry weight of one thousand (1,000) pounds or less, travelling on three or more low-pressure tires and having at least one seat designed to be straddled by the operator and handle-bar type steering control;

2.2.2 Off-Highway Motorcycle (OHM) which is a motorized vehicle travelling on not more than two (2) tires and having a seat designed to be straddled by the operator with handle-bar type steering control;

2.2.3 Recreational Off-Highway Vehicle (UTV) which is a motorized vehicle designed for travel on four or more non-highway tires, for use by one or more persons, and being eighty (80) or less inches in overall width, exclusive of accessories, a Gross Vehicle Weight Rating not greater than one thousand seven hundred and fifty (1,750) pounds, an engine displacement of less than one thousand 1,000 cubic centimeters, maximum speed capability in excess of thirty-five (35) miles per hour, and having one or more nonstraddle seating, a steering wheel for steering control and identification by means of a seventeen (17) character Vehicle Identification Number.

2.2.4 Any other vehicle identified or described by the New Mexico Department of Game and Fish or the Off-Highway Motor Vehicle Advisory Board fitting the general profile of vehicle operated off the highway for recreational purposes.

2.3 Off-Highway Motor Vehicle Act refers to Sections 66-3-1001 through 1021, NMSA 1978, and may be referred to herein as "the Act" or "OHMVA".

SECTION 3 OHV OPERATION ON COUNTY ROADWAY

3.1 An OHV may be operated on a County Owned or Operated Roadway if:

3.1.1 The vehicle has one or more headlights and one or more taillights that comply with the OHMVA;

3.1.2 The vehicle has brakes, mirrors and mufflers;

3.1.3 The operator has valid driver's license or permit as required under the Motor Vehicle Code and off-highway motor vehicle safety permits as required under the OHMVA;

3.1.4 The operator is insured in compliance with the provisions of the Mandatory Financial Responsibility Act;

3.1.5 The operator of the vehicle is using eye protection that complies with the OHMVA;

3.1.6 The vehicle complies with the registration, license plate, validation stickers and display requirements of the OHMVA; and

3.1.7 The vehicle is equipped by a spark arrester approved by the United States Forest Service.

3.2 Operators of OHVs under the age of eighteen (18) years must also comply with the following:

3.2.1 Must be at least thirteen (13) years of age and have a valid motorcycle license and off-highway vehicle safety permit or be at least fifteen (15) years of age and have a valid driver's license, instruction permit or provisional license and off-highway vehicle safety permit;

3.2.2 Must be accompanied by or under the direct supervision of a parent, guardian, custodian of certified safety/OHV instructor;

3.2.3 May not operate while carrying a passenger under the age of eighteen (18) years; and

3.2.4 Must wear a safety helmet that complies with the OHMVA.

3.3 All operators shall be subject to the applicable requirements and penalties for moving and parked vehicles of the Motor Vehicle Code, except for those provisions in conflict with the OHMVA, including provisions relating to driving while under the influence of intoxicating liquor or drugs and to the penalty provisions of the OHMVA (Section 66-3-1020, NMSA 1978).

SECTION 4 RESTRICTIONS AND PROHIBITIONS ON OHV OPERATION

4.1 No person may operate an OHV on any limited-access highway, freeway or interstate except to cross, after coming to a complete stop prior to crossing and yielding the right of way to all oncoming traffic .

4.2 ATVs and OHMs operated pursuant to this ordinance shall be subject to a speed limit of 35

mph or the posted speed limit, whichever is less, and only on the right-hand side of the roadways.

4.3 UTVs operated pursuant to this ordinance shall be subject to a speed limit of 45 mph or the posted speed limit, whichever is less.

4.4 Operators of OHVs shall ride only on the permanent and regular seat attached thereto and shall not carry any passenger unless such vehicle is designed to carry more than one person on permanent and regular seating attached to the OHV.

4.5 Operators of OHVs may not carry any person, package, bundle or other items which prevent the Operator from keeping both hands on the steering mechanism or which interferes with the operation of the OHV or obstructs the Operator's view.

4.6 OHVs may not be used on County Owned or Controlled Roadways in the pursuit with the intent to hunt or take a game animal except as allowed by the New Mexico State Game Commission.

4.7 No Operator shall use any OHV in the pursuit of or harassment of livestock belonging to another person or entity, except in the course of valid agricultural operations, nor in any manner that has a direct negative effect on or interferes with persons engaged in agricultural practices.

4.8 OHVs may not be operated on land owned, controlled or administered by the New Mexico State Game Commission or the New Mexico State Parks Division except as specifically authorized by law.

SECTION 5 MISCELLANEOUS

5.1 The provisions of this ordinance shall not apply to persons who operate OHVs on privately held land or to OHVs that are:

5.1.1 owned and operated by an agency or department of the United States, the State of New Mexico or a political subdivision of this state;

5.1.2 owned by nonresidents and used in this state only for organized competition purposes, provided that the use is not on a rental basis, unless a holding a valid non-resident permit;

5.1.3 brought into this state by manufacturers or distributors for wholesale purposes and not used for demonstrations;

5.1.4 in the possession of dealers as stock-in-trade and not used for demonstration purposes;

5.1.5 farm tractors, as defined by Section 66-1-4.6, NMSA 1978, special mobile equipment, as defined by 66-1-16, NMSA 1978, or OHVs being used for agricultural operations; or

5.1.6 used exclusively on private closed courses.

5.2 This ordinance does not authorize OHV use anywhere other than County Owned or Controlled Roadways and specifically does not authorize operation on private lands or roads without the express permission of the landowner or leaseholder of such lands.

APPROVED AND ADOPTED THIS _____ DAY OF _____, 2022.

**BOARD OF COUNTY COMMISSIONERS
LUNA COUNTY, STATE OF NEW MEXICO**

ATTEST:

**Linda M. Smrkovsky, Chair
Commissioner, District 2**

**Berenda McWright,
County Clerk**

**Barbara L. Reedy,
Commissioner, District 1**

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

LCBCC Meeting June 9, 2022

Accounts Payable

05/06/2022	\$450520.86
05/06/2022	\$2171.71
05/13/2022	\$516984.70
05/13/2022	\$4335.76
05/19/2022	\$303403.93
05/19/2022	\$8046.95
05/24/2022	\$3177.04
05/26/2022	\$53801.67
05/26/2022	\$4602.62

P-Cards

April 2022	\$277,536.40
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Total \$1,624,581.14

Luna County
Board of County Commissioners



Agenda 06/09/2022

PAYROLL

Date	Register	Amount
5/06/2022	20220021	\$561,243.10
5/06/2022	*20220022	\$28,204.71
5/20/2022	20220023	\$569,584.45
5/20/2022	*20220024	\$16,318.22

Total: \$1,175,350.48

* Special Assignment Pay

**LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS**

RESOLUTION NO. 22-38

**Authorizing the
Budget and Procurement Director
To Make Final Intra-Departmental
Line Item Transfers**

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that the Board of County Commissioners of Luna County hereby adopts the changes to the County's Fiscal Year 110, July 1, 2021 through June 30, 2022 Budget proposed by the County's management staff by authorizing the entry of final intra-departmental line item adjustments at end of fiscal year, as amendments to the previously adopted operating budget.

PASSED, APPROVED AND ADOPTED THIS 9th DAY OF JUNE 2022.

BOARD OF COUNTY COMMISSIONERS OF LUNA COUNTY

ATTEST:

Barbara L. Reedy
Commissioner, District 1

Berenda McWright, County Clerk

Linda M. Smrkovsky
Commissioner, District 2

John S. Sweetser
Commissioner, District 3

**LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS**

**RESOLUTION NO. 22-39
Proposed Inter/Intra Fund Budget Increases**

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

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

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

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

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Luna County hereby adopts the changes to the County's Fiscal Year 110, July 1, 2021 through June 30, 2022 Budget proposed by the County's management staff and attached hereto in spreadsheet form, as amendments to the previously adopted operating budget.

PASSED, APPROVED AND ADOPTED THIS 9th DAY OF JUNE 2022.

BOARD OF COUNTY
COMMISSIONERS OF LUNA
COUNTY

Barbara L. Reedy, District One

Linda M. Smrkovsky, District Two

ATTEST:

Berenda L. McWright, Luna County Clerk

John S. Sweetser, District Three

Be it remembered that at a Regular meeting of the Board of County Commissioners of Luna County in Deming NM on the 9th day of June, 2022, the following budget adjustments are proposed and entered of record.

SCHEDULE OF BUDGET ADJUSTMENTS				Budget Resolution Number 22-39 Proposed Inter/Intra FUND Budget Increase/Decrease					Entity Code DFA Resolution Number	
ITEM NO	Adjustment Type	Fund/ DFA Fund	Dept.	From	Amount	To	Amount	Purpose	Approved Budget Balance	Adjusted Budget Balance
One	Increase	401/11000	General Fund - Clerks	401/11000	\$ (999.00)	401-77-1262 Reimbursements to County	\$ (999.00)	Reimbursement from SOS for Primary Election School expenses	\$ (41,343.74)	\$ (42,344.74)
					\$ 999.00	401-05-2010 Mileage/Per Diem	\$ 999.00	Allow for spending reimbursement from SOS for Primary Election School expenses	\$ 14,835.74	\$ 15,834.74
Two	Increase	401/11000	General Fund - Emergency Management	401/11000	\$ 6,459.00	401-41-2005 Salaries - Overtime	\$ 6,000.00	To pay for OT for EM to help with wild fires as requested by NMDHS - to be reimbursed.	\$ 2,100.00	\$ 8,100.00
						401-41-2060 Medicare - 1.45%	\$ 87.00	To pay for OT for EM to help with wild fires as requested by NMDHS - to be reimbursed.	\$ 853.63	\$ 940.63
						401-41-2064 Match - FICA 6.2%	\$ 372.00	To pay for OT for EM to help with wild fires as requested by NMDHS - to be reimbursed.	\$ 3,651.31	\$ 4,023.31
						411-00-2467 NMSU-BLM Integrated Weed Mgmt Pro	\$ 6,210.00	To carryover FY2021 4th quarter payment not transferred.	\$ 40,000.00	\$ 46,210.00
Three	Increase	411/21800	Community Improvements	411/21800	\$ 6,210.00					
					\$ 12,669.00		\$ 12,669.00		\$ 20,094.94	\$ 32,763.94

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

Done at Deming New Mexico this Thursday the 9th day of June 2022.

BOARD OF COUNTY COMMISSIONERS OF LUNA COUNTY

Barbara L. Reedy, District 1

Linda M. Smrkovsky, District 2

John S. Sweetser, District 3



ATTEST:

Brenda L. McWright, Luna County Clerk

Entered By:

Date

Checked By:

Date

**LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS**

**RESOLUTION NO. 22-40
Proposed Inter Department/Fund Transfers**

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

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

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

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

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Luna County hereby adopts the changes to the County's Fiscal Year 110, July 1, 2021 through June 30, 2022 Budget proposed by the County's management staff and attached hereto in spreadsheet form, as amendments to the previously adopted operating budget.

PASSED, APPROVED AND ADOPTED THIS 9th DAY OF JUNE, 2022.

BOARD OF COUNTY
COMMISSIONERS OF LUNA
COUNTY

Barbara L. Reedy, District One

Linda M. Smrkovsky, District Two

ATTEST:

Berenda L. McWright, Luna County Clerk

John S. Sweetser, District Three

Be it remembered that at a Regular meeting of the Board of County Commissioners of Luna County in Deming NM on the 9th day of June, 2022 the following budget adjustments are proposed and entered of record.

Budget Resolution Number 22-40

Proposed Inter Department Transfer

ITEM NO	Adjustment Type	Fund/ DFA Fund	Dept.	From	FROM Current Balance	Transfer amount	TO Line Number	Transfer Amount	Purpose
One	Transfer	401/11000	General Fund - Dispatch	401-20-2012 Equip/Supplies/ Mtn/Repairs	\$2,170.00	\$800.00	401-20-2069 Membership Dues/ Subscriptions	\$800.00	To allow for spending where and as needed through remainder of fiscal year
Two	Transfer	401/11000	General Fund - Sheriff's Department	401-08-2065 Match - Group Insurance	\$37,309.40	\$6,000.00	401-08-2005 Salaries - Overtime	\$6,000.00	To allow for spending where and as needed through remainder of fiscal year
				401-08-2022 Building Repairs	\$8,230.00	\$6,000.00	401-08-2005 Salaries - Overtime	\$6,000.00	To allow for spending where and as needed through remainder of fiscal year
Three	Transfer	401/11000	General Fund - Sheriff's Department	401-08-2074 Tort Liability	\$25,000.00	\$4,000.00	401-08-2037 Transportation/ Extradiction	\$4,000.00	To allow for spending where and as needed through remainder of fiscal year
Four	Transfer	401/11000	General Fund - IT Department	401-09-2084 Safety/Equip/ Supplies/Training	\$9,857.01	\$7,000.00	401-09-2013 Equipment Rental	\$7,000.00	To allow for spending where and as needed through remainder of fiscal year
				401-09-2027 Office Equipment	\$218,531.68	\$5,200.00	401-09-2007 Telephone	\$5,200.00	To allow for spending where and as needed through remainder of fiscal year
Five	Transfer	402/20400	Road Department	402-10-2205 Special Projects	\$67,721.11	\$23,000.00	402-10-2002 Salaries - Full-Time	\$4,000.00	To allow for spending where and as needed through remainder of fiscal year
							402-10-2005 Salaries - Over Time	\$3,000.00	To allow for spending where and as needed through remainder of fiscal year
							402-40-2002 Salaries - Full-Time (Solid Waste)	\$7,000.00	To allow for spending where and as needed through remainder of fiscal year
							402-40-2005 Salaries - Over Time (Solid Waste)	\$9,000.00	To allow for spending where and as needed through remainder of fiscal year
Six	Transfer	415/21800	Community Services - JJCS	415-13-2011 Vehicle Expense	\$1,173.99	\$1,114.61	415-13-2002 Salaries - Full-Time	\$952.08	To allow for spending where and as needed through remainder of fiscal year
				415-13-2020 Supplies	\$1,752.52	\$1,845.93	415-13-2003 Salaries - Part-Time	\$2,683.80	To allow for spending where and as needed through remainder of fiscal year
				415-13-2275 After School Programs	\$2,772.54	\$1,863.13	415-13-2060 Match - Medicare 1.45%	\$222.62	To allow for spending where and as needed through remainder of fiscal year
							415-13-2064 Match - FICA 6.2%	\$950.92	To allow for spending where and as needed through remainder of fiscal year
							415-13-2065 Match - Group Insurance	\$5.00	To allow for spending where and as needed through remainder of fiscal year
							415-13-2066 Workers' Compensation Assmnt	\$9.25	To allow for spending where and as needed through remainder of fiscal year

ITEM NO	Adjustment Type	Fund/ DFA Fund	Dept.	From	FROM Current Balance	Transfer amount	TO Line Number	Transfer Amount	Purpose
Seven	Transfer	415/21800	Community Services - Adult Drug Court	415-72-2020 Supplies	\$6,396.71	\$2,455.00	415-72-2003 Salaries - Part-Time	\$2,275.00	To allow for spending where and as needed through remainder of fiscal year
							415-72-2060 Match - Medicare 1.45%	\$35.00	To allow for spending where and as needed through remainder of fiscal year
							415-72-2064 Match - FICA 6.2%	\$145.00	To allow for spending where and as needed through remainder of fiscal year
Eight	Transfer	421/21800	Domestic Violence Shelter	421-00-2003 Salaries - Part-Time	\$37,752.40	\$6,000.00	421-00-2007 Telephone	\$5,000.00	To allow for spending where and as needed through remainder of fiscal year.
							421-00-2025 Utilities	\$1,000.00	To allow for spending where and as needed through remainder of fiscal year.
Nine	Transfer	428/21800	CASA	428-54-2010 Mileage/Per Diem	\$2,030.69	\$1,000.00	428-54-2020 Supplies	\$1,000.00	To allow for spending where and as needed through remainder of fiscal year.
Ten	Transfer	609/22600	Adult Detention	609-21-2002 Salaries - Full-Time	\$774,011.27	\$28,200.00	609-21-2004 Salaries - Holiday Pay	\$12,500.00	To allow for spending where and as needed through remainder of fiscal year.
							609-21-2005 Salaries - Over Time	\$15,000.00	To allow for spending where and as needed through remainder of fiscal year.
							609-21-2008 Printing and Publishing	\$700.00	To allow for spending where and as needed through remainder of fiscal year.
Eleven	Transfer	609/22600	Adult Detention	609-21-2002 Salaries - Full-Time	\$745,811.27	\$200,000.00	609-21-2005 Salaries - Over Time	\$200,000.00	To allow for spending where and as needed through remainder of fiscal year.
Twelve	Transfer	704/20900	Volunteer Fire Department	704-00-2028 Capital Outlay	\$165,446.11	\$10,000.00	701-00-2075 Equip Operating Expense/Repair	\$10,000.00	To allow for spending where and as needed through remainder of fiscal year.
Thirteen	Transfer	704/20900	Volunteer Fire Department	704-00-2028 Capital Outlay	\$155,446.11	\$88,000.00	704-00-2011 Vehicle Expense	\$3,000.00	To allow for spending where and as needed through remainder of fiscal year.
							704-00-2025 Utilities	\$10,000.00	To allow for spending where and as needed through remainder of fiscal year.
							704-00-2084 Safety/Equip/ Supplies/Training	\$75,000.00	To allow for spending where and as needed through remainder of fiscal year.
					\$2,261,412.81	\$392,478.67		\$392,478.67	

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

Done at Deming New Mexico this Thursday the 9th day of June 2022.

BOARD OF COUNTY COMMISSIONERS OF LUNA COUNTY

Barbara L. Reedy, District 1

Linda M. Smrkovsky, District 2

John S. Sweetser, District 3



ATTEST:

Entered By:

Date

Berenda L. McWright, Luna County Clerk

Checked By:

Date

Be it remembered that at a Regular Meeting of the Board of County Commissioners of Luna County in Deming New Mexico, on the 9th day of June 2022, the following proceedings were had and entered of record.

LUNA COUNTY

RESOLUTION 22-41

DISPOSITION OF PERSONAL PROPERTY

WHEREAS, pursuant to Section 4-38-1, NMSA 1978, the powers of a county as a body politic and corporate shall be exercised by a Board of County Commissioners;

WHEREAS, Section 4-38-13, NMSA 1978, provides that the Board of County Commissioners shall have the power at any session to make such orders concerning the property belonging to the county as they may deem expedient;

WHEREAS, Section 13-6-1, NMSA 1978 declares that a County may dispose of tangible personal property and delete it from the public inventory upon a specific finding that each item is of current resale value of five thousand dollars (\$5,000.00) or less and is worn out, unusable or obsolete to the extent that the item is no longer economical or safe for continued use;

WHEREAS, a designated committee of three Luna County Officials has declared that all of the tangible personal property that is the subject of this resolution meets the criteria set for in Section 13-6-1, NMSA 1978; and

WHEREAS, pursuant to Section 13-6-2, NMSA 1978, the personal property will be disposed of by live or online auction open to the public or by an inter-governmental transfer to another state agency or local public body.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board of County Commissioners of Luna County:

1. Finds that the property described in the Attachments hereto and incorporated by reference into this Resolution consists of property owned by the County of Luna with varying resale values, which is worn-out, unusable or obsolete to the extent that the items are no longer economical or safe for continued use by the County;
2. A copy of this Resolution and Attachments shall be sent to the State Auditor and the Local Government Division of the Department of Finance and Administration at least thirty (30) days before the disposal of the property, pursuant to Section 13-6-1(B)(2), NMSA 1978;
3. A copy of this Resolution and Attachments shall be made a permanent part of the official minutes of Luna County and maintained as a public record subject to the Inspection of Public Records Act.
4. All of the personal property will be disposed of by live or online auction process open to the public or through inter-governmental transfer.

Done at Deming, New Mexico this 9th day of June 2022.

BOARD OF COUNTY COMMISSIONERS OF LUNA COUNTY

ATTEST:

Barbara L. Reedy
Commissioner, District 1

Berenda McWright, County Clerk

Linda M. Smrkovsky
Commissioner, District 2

John S. Sweetser
Commissioner, District 3

Be it remembered that at a Regular Meeting of the Board of County Commissioners of Luna County in Deming New Mexico, on the 9th day of June 2022, the following proceedings were had and entered of record.

LUNA COUNTY

RESOLUTION 22-42

CERTIFICATION OF FIXED ASSETS

and

DISPOSITION OF PERSONAL PROPERTY

WHEREAS, pursuant to Section 4-38-1, NMSA 1978, the powers of a county as a body politic and corporate shall be exercised by a Board of County Commissioners;

WHEREAS, Section 4-38-13, NMSA 1978, provides that the Board of County Commissioners shall have the power at any session to make such orders concerning the property belonging to the county as they may deem expedient;

WHEREAS, Luna County conducted an annual physical inventory of equipment on the attached list per §12-6-10 NMSA 1978 and the New Mexico 2022 Audit Rule §2.2.2.10 W(2) and hereby certify such assets with a cost over \$5,000.00;

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. Certifies that the attached property list of fixed assets having a cost over \$5,000.00 and have been physically inventoried;
2. Finds that the property described in the Attachments hereto as items to be removed from Fixed Assets 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;

3. 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;
4. 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.
5. 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 9th day of June 2022.

BOARD OF COUNTY COMMISSIONERS OF LUNA COUNTY

ATTEST:

Barbara L. Reedy
Commissioner, District 1

Berenda McWright, County Clerk

Linda M. Smrkovsky
Commissioner, District 2

John S. Sweetser
Commissioner, District 3

Be it remembered that at the Regular Meeting of the Board of County Commissioners of Luna County in Deming New Mexico, on the 9th day of June 2022, the following proceedings were had and entered of record.

RESOLUTION 22-43

PROCUREMENT POLICY AMENDMENT

WHEREAS, the Board of County Commissioners of Luna County enacted the Luna County Procurement Policy on June 8, 2017, to establish appropriate purchasing, fixed assets and travel procedures;

WHEREAS, the Board of County Commissioners of Luna County enacted the Luna County Procurement Policy Amendment on April 9, 2020, to amend Sections 2.7A and 2.7B of the purchasing procedures regarding purchasing dollar limits;

WHEREAS, the Board of County Commissioners of Luna County enacted the Luna County Procurement Policy Amendment on November 10, 2021, to amend Section VII: Reimbursement of Public Officials and Employees for Travel Expenses and Attending Meetings;

WHEREAS, the Board of County Commissioners of Luna County insists on maintaining the integrity of all Luna County purchases and expenditures but recognizes that the Luna County Procurement Policy needs to be amended, within the confines of the New Mexico Procurement Code, Section 13-1-28 through 13-1-199, NMSA 1978 and the New Mexico Mileage and Per Diem Act, Section 10-8-1 through 10-8-8, NMSA 1978, and

WHEREAS, the Luna County Procurement Policy, as amended herein, will continue to apply to all travel, purchasing and procurement activities of all Luna County Elected Officials, Department Directors and Employees.

NOW, THEREFORE, BE IT RESOLVED that the following subsections shall be substituted as follows, with all other provisions of the Policy remaining in full force and effect:

SECTION VII: REIMBURSEMENT OF PUBLIC OFFICIALS AND EMPLOYEES FOR TRAVEL EXPENSES AND ATTENDING MEETINGS

A county employee or officer may elect to use a Luna County issued Purchase card (P-Card) for actual expenses incurred while traveling on official business. Actual itemized receipts must accompany the monthly expense report. The following limits apply while using your P-Card for travel:

Lodging: Standard GSA government rate as determined by destination of travel. County Manager must approve any amounts higher than the standard GSA rate for lodging prior to travel.

Limit for meals:

\$59.00 maximum for every 24-hour period traveling in state (meals only)

\$59.00 maximum for every 24-hour period traveling out of state (meals only)

Gratuities: Employees may tip for meals up to a maximum of twenty percent (20%) of the meal cost for every 24-hour period. This amount is above the provided limit for meals.

Limit for return from overnight travel (partial day):

Up to \$20.00 for 2.00 to 5.99 hours beyond the last 24-hour period (meals only)

Up to \$42.00 for 6.00 to 11.99 hours beyond the last 24-hour period (meals only)

A county employee or officer may elect to receive per diem without regard to whether expenses are actually incurred.

Overnight Travel Per Diem Rates:

\$155.00 within the state but away from home (meals and lodging);

\$202.00 in Santa Fe County (Special Area) (meals and lodging);

\$155.00 outside the state on official business.

Non-Overnight Travel Per Diem Rates for number of hours worked above 8 in a 9-hour period:

Up to \$20.00 for 2.00 to 5.99 hours beyond the normal work day (meals only)

Up to \$42.00 for 6.00 to 11.99 hours beyond the normal work day (meals only)

Up to \$59.00 for 12.00 hours or more beyond the normal work day (meals only)

A county employee or officer may elect to receive reimbursement of actual expenses in lieu of per diem rates. **Actual itemized receipts must** accompany the reimbursement request. Employee must obtain County Manager or designee approval for any lodging above the Standard GSA government rate (prior to travel date). If the employee chooses to receive actual reimbursement instead of receiving per diem, the following limits apply.

Lodging: Standard GSA government rate as determined by destination of travel. County Manager must approve any amounts higher than the standard GSA rate for lodging prior to travel.

Limit for meals:

\$59.00 maximum for every 24-hour period traveling in state (meals only)

\$59.00 maximum for every 24-hour period traveling out of state (meals only)

Limit for return from overnight travel:

Up to \$20.00 for 2.00 to 5.99 hours beyond the last 24-hour period (meals only)

Up to \$42.00 for 6.00 to 11.99 hours beyond the last 24-hour period (meals only)

Limit for meals for non-overnight travel (for the number of hours worked above 8, in a 9-hour period):

Up to \$20.00 for 2.00 to 5.99 hours beyond the normal work day (meals only)

Up to \$42.00 for 6.00 to 11.99 hours beyond the normal work day (meals only)

Reimbursement for mileage:

80% of The Internal Revenue Service ("IRS") standard mileage rate set January 1st of the previous year for each mile traveled in a privately-owned vehicle, and only with prior approval of LCBCC/County Manager. For FY 2023 the mileage reimbursement rate is \$0.47 per mile (\$0.585 x 80%).

Miscellaneous Other Expenses: Reasonable expenses for ordinary and necessary business costs with approval of the Department head.

Travel advances are authorized by the Board in hardship cases approved by the County Manager, for no more than 80% of the anticipated per diem costs, for trips lasting more than 3 days (72 hours) but less than 7 days. Any refunds or overages shall be repaid within 5 working days of return. Travel advances may also be authorized for approved out of state travel. Requests for travel advances shall be made in writing at least 2 weeks in advance of the proposed travel.

Done at Deming, New Mexico this 9th day of June, 2022.

Luna County Board of County Commissioners

ATTEST:

**Barbara L. Reedy,
Commissioner, District 1**

Berenda L. McWright, County Clerk

**Linda M. Smrkovsky,
Commissioner, District 2**

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

Be it remembered that at the Regular Meeting of the Luna County Board of County Commissioners in Deming New Mexico, on the 9th day of June 2022, the following proceedings were had and entered of record.

RESOLUTION NO. 22-44

Luna County SP Project

**PARTICIPATION IN LOCAL GOVERNMENT ROAD FUND PROGRAM ADMINISTERED
BY NEW MEXICO DEPARTMENT OF TRANSPORTATION**

WHEREAS, the County of Luna and the New Mexico Department of Transportation enter into a Cooperative Agreement.

WHEREAS, the total cost of the project will be \$101,937.00 to be funded in proportional share by the parties hereto as follows:

- a. New Mexico Department of Transportation's share shall be 75% or \$76,453.00

And

- b. Luna County's proportional matching share shall be 25% or \$25,484.00

TOTAL PROJECT COST IS \$101,937.00

Luna County shall pay all costs, which exceed the total amount of \$101,937.00.

NOW, THEREFORE, be it resolved in official session that Luna County determines, resolves, and orders as follows:

That the project for this Cooperative agreement is adopted and has a priority standing.

The agreement terminates on December 31, 2023 and Luna County incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements and understandings have been merged into the written agreement.

NOW THEREFORE, be it resolved by the Luna County to enter into Cooperative Agreement Control Number HW2 L100530 with the New Mexico Department of Transportation for LGRF Project for year 2022–2023 to “Mill 10” base, compact, remove cattle guard structure, backfill and compact, base course, PEP Prime and base grade, install 2 lifts of ½ chips to improve skid resistance, conform shoulders and ditches back to original condition, and install signage and safety striping on Geranio Rd SE from the intersection of Solana Rd SE south 1.1 miles EOP./” within the control of Luna County in Deming, Luna County, New Mexico.

APPROVED AND ADOPTED THIS 9TH DAY OF JUNE, 2022.

**BOARD OF COUNTY COMMISSIONERS
LUNA COUNTY, STATE OF NEW MEXICO**

ATTEST:

Linda M. Smrkovsky, Chairperson
Commissioner, District 2

Berenda McWright
County Clerk

Barbara L. Reedy
Commissioner, District 1

John S. Sweetser
Commissioner, District 3

Be it remembered that at the Regular Meeting of the Luna County Board of County Commissioners in Deming New Mexico, on the 9th day of June 2022, the following proceedings were had and entered of record.

RESOLUTION NO. 22-45

Luna County SBR Project

**PARTICIPATION IN LOCAL GOVERNMENT ROAD FUND PROGRAM ADMINISTERED
BY NEW MEXICO DEPARTMENT OF TRANSPORTATION**

WHEREAS, the County of Luna and the New Mexico Department of Transportation enter into a Cooperative Agreement.

WHEREAS, the total cost of the project will be \$189,836.00 to be funded in proportional share by the parties hereto as follows:

- a. New Mexico Department of Transportation's share shall be 75% or \$142,377.00.

And

- b. Luna County's proportional matching share shall be 25% or \$47,459.00.

TOTAL PROJECT COST IS \$189,836.00.

Luna County shall pay all costs, which exceed the total amount of \$189,836.00.

NOW, THEREFORE, be it resolved in official session that Luna County determines, resolves, and orders as follows:

That the project for this Cooperative agreement is adopted and has a priority standing.

The agreement terminates on December 31, 2023 and Luna County incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements and understandings have been merged into the written agreement.

NOW, THEREFORE, be it resolved by the Luna County to enter into Cooperative Agreement Control Number HW2 L100546 with the New Mexico Department of Transportation for LGRF Project for year 2022–2023 to “Subgrade processing 6” achieving optimum moisture and 95% density on New Frontier Rd SW from Cottonwood Rd SW to Prairie Rd SW, place 4” base course and compact, apply PEP Prime on New Frontier Rd SW from Cottonwood Rd SW to Prairie Rd SW, to place 1st lift of chip seal from Cottonwood Rd SW to existing chip seal on Prairie Rd SW, 2nd chip seal lift from Cottonwood Rd SW to Brazil Rd SE and micro-seal Sunshine Rd SE to improve skid resistance, fog seal and conform shoulders and ditches to original condition, install signage and safety striping on New Frontier Rd SW from the intersection of Cottonwood Rd SW to Brazil Rd SE, and Sunshine Rd SE from Maverick Rd SE to NM Highway 11 to EOP, within the control of Luna County in Deming, Luna County, New Mexico.

APPROVED AND ADOPTED THIS 9th DAY OF JUNE, 2022.

**BOARD OF COUNTY COMMISSIONERS
LUNA COUNTY, STATE OF NEW MEXICO**

ATTEST:

Linda M. Smrkovsky, Chairperson
Commissioner, District 2

Berenda McWright
County Clerk

Barbara L. Reedy
Commissioner, District 1

John S. Sweetser
Commissioner, District 3

Be it remembered that at the Regular Meeting of the Luna County Board of County Commissioners in Deming New Mexico, on the 9th day of June 2022, the following proceedings were had and entered of record.

RESOLUTION NO. 22-46

Luna County CAP Project

**PARTICIPATION IN LOCAL GOVERNMENT ROAD FUND PROGRAM ADMINISTERED
BY NEW MEXICO DEPARTMENT OF TRANSPORTATION**

WHEREAS, the County of Luna and the New Mexico Department of Transportation enter into a Cooperative Agreement.

WHEREAS, the total cost of the project will be \$434,099.00 to be funded in proportional share by the parties hereto as follows:

- a. New Mexico Department of Transportation's share shall be 75% or \$325,574.00

And

- b. Luna County's proportional matching share shall be 25% or \$108,525.00

TOTAL PROJECT COST IS \$434,099.00

Luna County shall pay all costs, which exceed the total amount of \$434,099.00.

Now therefore, be it resolved in official session that Luna County determines, resolves, and orders as follows:

That the project for this Cooperative agreement is adopted and has a priority standing.

The agreement terminates on December 31, 2023 and Luna County incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements and understandings have been merged into the written agreement.

NOW THEREFORE, be it resolved by the Luna County to enter into Cooperative Agreement Control Number HW2 L100541 with the New Mexico Department of Transportation for LGRF Project for year 2022–2023 to “Mill 10” existing chip seal, construct a new roadway subgrade base and compact, apply 1 lift PEP prime and 2 lifts of chip seal, conform shoulders back to original condition, improve drainage, and apply safety striping and signage on McCan Rd SE from the intersection of ½ mile North of Dona Ana Rd SE to Wagon Wheel Rd SE (3 miles), Lucca Rd SW from the intersection of Monte Vista Rd SW south to Sunshine Rd SW to EOP (3 miles)” within the control of the Luna County in Deming, Luna County, New Mexico.

APPROVED AND ADOPTED THIS 9th DAY OF JUNE, 2022.

**BOARD OF COUNTY COMMISSIONERS
LUNA COUNTY, STATE OF NEW MEXICO**

ATTEST:

Linda M. Smrkovsky, Chairperson
Commissioner, District 2

Berenda McWright
County Clerk

Barbara L. Reedy
Commissioner, District 1

John S. Sweetser
Commissioner, District 3

Be it remembered that at the Regular Meeting of the Board of County Commissioners of Luna County in Deming New Mexico, on the 9th day of June 2022, the following proceedings were had and entered of record.

RESOLUTION NO. 22-47

**APPROVING REQUEST OF
SUNZIA TRANSMISSION LLC TO USE CERTAIN ROADS IN
LUNA COUNTY AND OTHER MATTERS**

WHEREAS, SunZia Transmission LLC (including its successors and assigns, “**Sunzia**”) contemplates constructing up to two high voltage electric transmission lines (each a “**Transmission Line**” and collectively, the “**Transmission Lines**”) across portions of Luna County (the “**County**”);

WHEREAS, the construction, operation and maintenance of the Transmission Lines will require access to, ingress and egress to and from, and crossings of County owned right-of-way and County held right-of-way easements and other public ways of County, including shoulders, designated for the purpose of vehicular traffic and under the jurisdiction of the County as identified in Exhibit A attached hereto (the “**County Roads**”), including the right of SunZia and its contractors, subcontractors, employees, agents, and representatives (the “**SunZia Parties**”) to use the County Roads to transport structures, materials, construction equipment and supplies related to the construction of the Transmission Lines, and, if necessary, to improve same (the “**Road Usage**”) and to cross over the County Roads with the conductors and cables of the Transmission Lines (the “**Overhead Crossings**”);

WHEREAS, by the County’s dedication, use, and/or maintenance of the County Roads and the County’s ownership of the right-of-way of the County Roads, the Board of Commissioners of the County has the authority on behalf of the County to permit such Road Usage and Overhead Crossings; and

WHEREAS, the County and SunZia anticipate that the additional volume of traffic on the county roads due to Road Usage may result in repairs, improvements and associated expenses to the County, and the County desires to provide certain conditions to SunZia regarding the Road Usage so that the County Roads will remain in as good a state of repair as existing before the Road Usage and that SunZia be responsible for repairing any damage done the County Roads as a result of the Road Usage; and

WHEREAS, SunZia desires to comply with any applicable and currently existing rules, ordinances, permits, or regulations of the County (the “**County Requirements**”) in the construction, operation, and maintenance the Transmission Lines within the County and for the Road Usage, and seeks verification through this resolution of its compliance with any such County Requirements; and

WHEREAS, there are no County Requirements that would compel SunZia to obtain zoning approval, a permit, or an authorization for the construction, operation or maintenance of the Transmission Line within the County. There are no County rules or ordinances regarding

buffer zones; noise restrictions; shade, shadow, or visibility restrictions; or other zoning rules or regulations affecting the proposed construction, operation, or maintenance of Transmission Lines in the County;

WHEREAS, SunZia seeks the County's permission for such Road Usage and Overhead Crossings, and the County has agreed to grant said permission, subject to the provisions hereof.

NOW, THEREFORE, BE IT ORDERED BY THE BOARD OF COMMISSIONERS OF LUNA COUNTY, NEW MEXICO:

1. That the findings and recitals in the preamble to this Resolution and Order are found to be true and correct and are hereby **RATIFIED, APPROVED and ADOPTED**.
2. That the Board of Commissioners hereby grants permission to SunZia during the planning and construction phases of the Transmission Lines, and thereafter during the operation and maintenance phase of the Transmission Lines, until the Transmission Lines are completely abandoned and/or removed, to use the County Roads for the Road Usages described herein, including, but not limited to, for access and egress to and from the Transmission Lines and for crossings of said County Roads with the Overhead Crossings.
3. That the permission granted in Paragraph 2 includes an authorization to conduct geo-technical and other preliminary construction analysis of such County Roads where necessary and to determine whether upgrades to the County Roads (the **"Upgrades"**) are necessary to permit the Road Usage.
4. SunZia will be responsible for reshaping, repair, and/or modification of the County Roads that must be performed on the County Roads resulting from the Road Usage that is in excess of the usual and customary maintenance operations performed as routine maintenance by the County (the **"Additional SunZia Maintenance"**).
5. SunZia agrees to conduct a pre-construction assessment of the County Roads (the **"Assessment"**) for each Transmission Line to determine the current suitability for the Road Usage. At a minimum, the Assessment will document the following items for the County Roads: current load bearing capacity of the County Roads and their bridges or culverts, drainage damage/distress, pavement damage/distress, bridge damage/distress, and any required expansion of private road entrances from the County Roads. In addition, the Assessment will include the type and classification of vehicles requiring special permitting that will be used by the SunZia Parties as part of the Road Usage. The Assessment will describe the Additional SunZia Maintenance to be performed by SunZia during the construction of a Transmission Line and any Upgrades required, including any construction specifications for any additional material added to the County Roads or cuts or widening of the County Roads or private entrances as part of the Upgrades. The Assessment will be provided to the County Road Department Director (the **"County Representative"**) at least sixty (60) days prior to the commencement of construction of a Transmission Line in the County. The County Representative shall have twenty (20) days to submit any proposed changes or revisions to the Assessment with respect to the proposed SunZia Additional Maintenance and any Upgrades

identified and SunZia will incorporate such changes to the extent commercially reasonable and if consistent with the obligations of SunZia as set forth herein.

6. As a result of the Assessment, if any of the Road Usage requires Upgrades, SunZia will perform such Upgrades at its cost. The County may inspect such Upgrades after completion thereof, and SunZia will perform additional work if needed to cause the Upgrades to meet the same or better road standards as in effect at the commencement of such Upgrades.
7. In addition, SunZia must repair any damage to the County Roads caused by its Road Usage so that the County Roads will meet the same or better road standards as in effect as of the date of such damage to the County Roads.
8. Under no circumstances will SunZia be responsible or liable for any accident, injury, tort, or other theory of liability to any third party solely by virtue of this Resolution and Order. Furthermore, no third party beneficiary may claim or assert any benefit or right, either directly or indirectly, by or through this Resolution. The County agrees that this Resolution does not alter or in any way shift responsibility for ensuring the safety of the County Roads from the County to SunZia.
9. SUNZIA AGREES TO DEFEND, INDEMNIFY AND HOLD HARMLESS THE COUNTY, ITS COMMISSIONS, AGENCIES, AGENTS, REPRESENTATIVES AND EMPLOYEES (COLLECTIVELY THE "INDEMNITEES") AGAINST ANY AND ALL LOSSES, DAMAGES, CLAIMS, EXPENSES AND LIABILITIES, INCLUDING WITHOUT LIMITATION, PHYSICAL DAMAGE TO THE ROADS OR PROPERTY OF THE COUNTY, WHICH DIRECTLY OR INDIRECTLY, IN WHOLE OR IN PART, ARISE OUT OF, ARE CAUSED BY, OR ARE AS RESULT OF (1) ANY NEGLIGENT, INTENTIONAL, OR MALICIOUS ACT OR OMISSION OF THE SUNZIA PARTIES ARISING OUT OF THE ROAD USAGE; OR (2) ANY BREACH OF THIS RESOLUTION AND ORDER BY THE SUNZIA PARTIES (COLLECTIVELY THE "LIABILITIES"). THIS INDEMNITY SHALL INCLUDE, BUT NOT BY WAY OF LIMITATION, THE PAYMENT OF, OR REIMBURSEMENT TO, THE COUNTY OF ALL COSTS, EXPENSES, REASONABLE ATTORNEY'S FEES, DAMAGE AWARDS WHICH MAY BE INCURRED, OR RESULT IN ANY MANNER, FROM ANY LIABILITIES. THIS INDEMNITY AGREEMENT SHALL SURVIVE THE TERMINATION OF THIS RESOLUTION AND ORDER.
10. SunZia agrees to provide insurance at all times during construction and such insurance will include: (1) if any employees, Worker's Compensation insurance in compliance with the laws of the State of New Mexico (2) Commercial General Liability insurance with minimum limits of \$1,000,000.00 per occurrence, and (3) Automobile Liability insurance. Certificates of Insurance will be provided to the County.
11. SunZia shall be responsible for obtaining any other permits or agreements which any governmental entity other than the County may require to operate or move its vehicles on the County Roads.

12. This Resolution shall not serve to relieve any operator of a SunZia Party vehicle from complying with applicable speed limits or weight restrictions.
13. Any widening or cuts occurring inside the existing County Road rights-of-way as a result of the Upgrades shall remain in place after construction of the Transmission Line, unless the County specifically requests that such cuts or widening be removed.
14. Upon request of the County, the SunZia Parties shall obtain and post traffic signs at various locations as an aid to traffic management. All such signage or postings shall comply with the applicable County Requirements.
15. The SunZia Parties shall provide, erect and maintain all necessary barricades, suitable and sufficient lights, hazard beacons, other signs, and provide a sufficient number of flaggers and take all necessary precautions for the protection of the work and the safety of the public during the construction of a Transmission Line.
16. The County Representative and/or its designee shall have reasonable access to the County Roads for inspection of such roads, culverts and adjacent ditches.
17. SunZia shall comply with all Federal, State, and local laws and regulations related to the construction of the Transmission Lines.
18. In the event that a County Road becomes impassable due to reasons outside of the reasonable control of the SunZia Parties which requires access on or across other County roads or rights of way other than the County Roads, the County grants the SunZia Parties the right to use such other roads for so long as the County Roads are impassible, provided that the SunZia Parties shall be responsible for repairing any damage done to such roads as a result of such use by the SunZia Parties.
19. Upon the completion of SunZia's construction operations of a Transmission Line, SunZia, at its own cost and expense, shall within sixty (60) days restore the portions of the County Roads used by SunZia to the same or better condition as existed prior to the commencement of SunZia's construction operations. Should SunZia fail to restore the roadways to the condition existing prior to the execution of this Resolution within sixty (60) days from the date of completion of SunZia's construction operations of a Transmission Line, SunZia hereby agrees to reimburse and indemnify the County for all costs and expenses incurred by the County to repair, restore or resurface the portions of the County Roads used by SunZia to the same condition which existed prior to SunZia's construction operations. In addition, emergency repairs resulting from SunZia's construction operations and determined to be necessary by the County, may be made by the County with SunZia to reimburse the County for all reasonable costs incurred by the County in making such emergency repairs.
20. Any Overhead Crossing shall meet the minimum overhead clearance of the New Mexico Department of Transportation for such County Road crossed or the latest version of the National Electrical Safety Code (NESC).

21. All notices and oral or written communications relating to this Resolution and Order shall be forwarded as follows:

To SunZia:

Name: SunZia Transmission, LLC
Address: 3610 N. 44th Street, Suite 250
Phoenix, AZ 85018
Attn: David Getts
Phone: (602) 808-2004

To the County:

Name: Luna County
Address: 700 S. Silver Ave.
Deming, NM 88030
Attn: Chris A. Brice
Phone: (575)-546-0494

22. If any portion of this Resolution is held invalid, it shall have no effect upon the validity of the remaining portions of this Resolution.
23. This Resolution shall be binding upon the parties hereto, their heirs, executors, administrators, successors and assigns. This Resolution may be partially assigned to the New Mexico Renewable Energy Transmission Authority, a public body of the State of New Mexico, politic and corporate, separate and apart from the State ("RETA") constituting a governmental instrumentality for the performance of essential public functions, and SunZia (excluding RETA) agrees to continue to be bound by the terms and conditions of this Resolution and Order.
24. This Resolution shall be interpreted and controlled by the laws of the State of New Mexico. Any action arising out of or related to this Resolution and Order shall be brought only in the 6th Judicial District Court for the State of New Mexico.

DONE THIS 9th DAY OF JUNE, 2022

by the Board of County Commissioners of Luna County

ATTEST:

Linda M. Smrkovsky, Chairperson
Commissioner, District 2

Berenda McWright,
County Clerk

REVIEWED FOR LEGAL SUFFICIENCY:

Barbara L. Reedy,
Commissioner, District 1

Charles C. Kretek, County Attorney

John S. Sweetser,
Commissioner, District 3

Be it remembered that at the Regular Meeting of the Board of County Commissioners of Luna County in Deming New Mexico, on the 9th day of June 2022, the following proceedings were had and entered of record.

RESOLUTION 22-48

AUTHORIZING THE PURCHASE OF PROPERTY

WHEREAS, Luna County, by and through the Board of County Commissioners, intends to purchase the property located in, Deming, Luna County;

- A legal description of Little Vineyards Subdivision, Block 11, Lot 2;

NOW THEREFORE, BE IT RESOLVED by signature of the Board of Commissioners of Luna County, it is agreed to authorize the County Manager to purchase the property by process and in compliance with the laws of the State of New Mexico and Luna County Ordinances and Resolutions, policies and procedures, including entering into an agreement and take all other action necessary.

Done at Deming, New Mexico this 9th day of June, 2022

Board of County Commissioners of Luna County

ATTEST:

Linda M. Smrkovsky, Chairperson
Commissioner, District 2

Berenda McWright,
County Clerk

Barbara L. Reedy,
Commissioner, District 1

John S. Sweetser,
Commissioner, District 3

Be it remembered that at the Regular Meeting of the Board of County Commissioners of Luna County in Deming New Mexico, on the 9th day of June 2022, the following proceedings were had and entered of record.

RESOLUTION 22-49

AUTHORIZING THE PURCHASE OF PROPERTY

WHEREAS, Luna County, by and through the Board of County Commissioners, intends to purchase the property located at 1110 West Florida Street, Deming, Luna County;

- 2.5 acres in the NHNEQ of Section 4, Township 24S, Range 9W, more particularly described in Attachment A;

NOW THEREFORE, BE IT RESOLVED by signature of the Board of Commissioners of Luna County, it is agreed to authorize the County Manager to purchase the property by process and in compliance with the laws of the State of New Mexico and Luna County Ordinances and Resolutions, policies and procedures, including entering into an agreement and take all other action necessary.

Done at Deming, New Mexico this 9th day of June, 2022

Board of County Commissioners of Luna County

ATTEST:

Linda M. Smrkovsky, Chairperson
Commissioner, District 2

Berenda McWright,
County Clerk

Barbara L. Reedy,
Commissioner, District 1

John S. Sweetser,
Commissioner, District 3

ATTACHMENT A

the following described real estate in LUNA County, New Mexico:

A tract of land situate in the North Half of the Northeast Quarter (N¹/₂NE¹/₄) of Section 4, Township Twenty-four (24) South, Range Nine (9) West of the N.M.P.M., Luna County, New Mexico and being described as follows:

Beginning at the NE corner of this tract; which point bears N89°56'19"W, 683.60 feet from the NE corner of said Section 4; Thence S0°22'06"E, 440.00 feet to the SE corner of this tract; Thence N89°56'19"W, 250.00 feet to the SW corner of this tract, Thence N0°22'06"W, 440.00 feet to the NW corner of this tract; Thence S89°56'19"E, 250.00 feet to the point of beginning.

Be it remembered that at the Regular Meeting of the Board of County Commissioners of Luna County in Deming New Mexico, on the 9th day of June 2022, the following proceedings were had and entered of record.

PROCLAMATION 22-06

SUPPORTING ALL ECONOMIC DEVELOPMENT IN LUNA COUNTY (SunZia Transmission Project)

WHEREAS, Luna County has long suffered from exceptionally high unemployment rates compared to the statewide and nationwide rates;

WHEREAS, it is the goal of the Board of County Commissioners of Luna County to create a business environment that is free of bureaucratic roadblocks to economic development and to create an atmosphere that invites, welcomes and promotes economic development by both established businesses and new businesses in Luna County;

WHEREAS, the Bureau of Land Management (BLM), on April 29th, completed an extensive environmental evaluation and issued a Draft Environmental Impact Statement (DEIS) which included an updated Preferred Alternative Route (PAR), including a substation and more than 50 miles of transmission corridor located in Luna County;

WHEREAS, SunZia's two 500 kilovolt transmission lines will provide new transmission capacity for electrical energy resources, particularly solar and wind renewable energy, that can be developed in Luna County and other counties in New Mexico;

WHEREAS, the Board of County Commissioners of Luna County reiterates its support for this project that seeks to improve the lives of the citizens of Luna County through employment opportunities, construction and the purchase of goods and services in Luna County.

NOW, THEREFORE, BE IT PROCLAIMED, by the Board of County Commissioners of Luna County, on behalf of employees and citizens of Luna County, that Luna County supports SunZia and encourages the BLM to complete the DEIS and expeditiously approve a final transmission corridor so that SunZia can commence construction and operations.

DONE THIS 9th DAY OF JUNE, 2022

by the Board of County Commissioners of Luna County

ATTEST:

**Linda M. Smrkovsky, Chairperson
Commissioner, District 2**

**Berenda McWright,
County Clerk**

**Barbara L. Reedy,
Commissioner, District 1**

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