

LUNA COUNTY BOARD OF COUNTY COMMISSIONERS

Barbara L. Reedy
Member

Linda M. Smrkovsky
Chairperson

John S. Sweetser
Member

Thursday, May 10, 2018
10:00 a.m.
Regular Meeting
Luna County Courthouse

1. **Call to Order:** Chair Smrkovsky to commence meeting (At this time, please silence your cell phones and any other electronic devices) Pledge of Allegiance, State Pledge.
2. **Roll Call:**
3. **Approval of Agenda:**
4. **Minutes:**
 - a. Special Meeting- April 10, 2018
MOTION AND VOTE
 - b. Work Session- April 12, 2018
MOTION AND VOTE
 - c. Regular Meeting- April 12, 2018
MOTION AND VOTE
5. **Elected Officials Report:**
6. **County Manager's Report:**
7. **Call to Repeal Ordinance:** Repealing Ordinance Number 6- Salaries for County Elected Officials
MOTION AND ROLL CALL VOTE
8. **Indigent Claims Report:**
 - a. Recess as County Commission, Convene as Claims Board
MOTION AND VOTE
 - b. Presentation of Claims Report by Joanne Hethcox
 - c. Consider Claims dated May 10, 2018 in the amount of \$17,234.79
MOTION AND VOTE
 - d. Recess as Claims Board, Re-Convene as County Commission
MOTION AND VOTE

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

10. Consent Agenda:

- a. Accounts Payable: \$1,490,726.11
- b. Payroll: \$1,020,821.52
- c. Resolution 18-21 Budget Increases
- d. Resolution 18-22 Budget Transfers
- e. Resolution 18-03 Amended Notice of Fees
- f. Authorizing Prior Year's Financial Adjustment on the Luna County Treasurer's Report
- g. Disposal of Assets- Luna County's Road Department Equipment
- h. US Border Patrol's 94th Anniversary Proclamation

MOTION AND ROLL CALL VOTE

11. New Business:

- a. Resolution 18-23 Elected Officials Salaries

MOTION AND ROLL CALL VOTE

- b. Approving New Management Member of Labor Relations Board

MOTION AND ROLL CALL VOTE

- c. Resolution 18-24 A Resolution declaring the intent of Luna County to issue industrial revenue bonds in an aggregate principal amount of up to \$223,000,000, in connection with a proposed project for a combustion turbine facility to be located in Luna County, for the purpose of inducing Southern Power Company to acquire the project.

MOTION AND ROLL CALL VOTE

- d. Resolution 18-25 A Resolution declaring the intent of Luna County to issue industrial revenue bonds in an aggregate principal amount of up to \$427,000,000, in connection with a proposed project for a natural gas power generation facility to be located in Luna County, for the purpose of inducing Southern Power Company to acquire the project.

MOTION AND ROLL CALL VOTE

12. Upcoming Meetings:

Special Meeting- May 23, 2018 at 9:00 a.m.

Work Session- June 14, 2018 at 9:00 a.m.

Regular Meeting- June 14, 2018 at 10:00 a.m.

13. Adjourn:

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

**MINUTES
SPECIAL MEETING
LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS
Tuesday, April 10, 2018**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in Special Session at 6:00 p.m. on Tuesday, April 10, 2018 in the Andres Silva Conference Center, 119 E. Pine Street, Deming New Mexico, for the purpose of conducting a joint meeting with the Deming Board of Education and the City of Deming to consider a joint resolution between County Of Luna, City Of Deming, Village of Columbus & Deming Public Schools for a pre-k program.

The following Luna County staff were present: County Manager Ira Pearson, Assistant County Manager Glory Juarez, Administrative Assistant Yossie Nieblas, Chief Deputy Clerk Berenda McWright, and Deputy Clerk Myrna Duarte.

The following members the Deming Board of Education were present: Bayne Anderson, Matt Robinson, Sophia Cruz, Ron Wolfe, and Superintendent Dr. Arsenio Romero.

And the following members of the City of Deming City Council were present: Benny Jasso, Victor Cruz, Joe Milo, David L. Sanchez, Roxanne Rincon and City Administrator Aaron Sera.

The Village of Columbus was not present.

CALL TO ORDER: The meeting was called to order by Assistant Luna County Manager Glory Juarez and each entity called their own roll.

ROLL CALL: Deputy Clerk Myrna Duarte 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**

NEW BUSINESS:

APPROVING JOINT RESOLUTION 18-19 BETWEEN COUNTY OF LUNA, CITY OF DEMING, VILLAGE OF COLUMBUS & DEMING PUBLIC SCHOOLS FOR A PRE-K PROGRAM: Deming Public Schools Superintendent Arsenio Romero and Executive Director of Curriculum and Instruction Frank Parker discussed the importance of preschool programs for three to four-year-old children in Luna County and recommended approval of the joint resolution which would allow the schools to take advantage of funding appropriated for pre-k education at the 2018 state legislative session.

The boards discussed the possibility of making changes to Resolution 18-19 Joint Resolution between the City of Deming, Luna County, Village of Columbus and Deming Public Schools for a Pre-K Program to specifically include the Children Youth and Families Division. City of Deming Administrator Aaron Sera suggested including CYFD as a joint participant in the title of the resolution. School Board Member Matt Robinson suggested removing the word "is" in the third paragraph and adding a number eight sentence under the third Whereas stating "Support cooperation with other early childhood programs including but not limited to CYFD and Head Start."

Crystal Pena the Deming Coordinator for HELP NM Office urged the panel to have CYFD added to the joint resolution. With Ms. Pena's request arose debate on if the government entities were to add CYFD to the resolution would it cause a problem with future funding, seeing as CYFD is a state program. There was also concern that adding CYFD to the joint resolution could cause a problem if any other early childhood education providers were excluded.

Sophia Cruz Secretary for the Deming Public Schools Board of Education, advised that number two in the third paragraph states, "Provide continuity and coordination between local early childhood programs and schools". Mrs. Cruz stated the language in the section includes all early childhood pre-k programs and/or organizations, so there is no need for the board to add CYFD to the resolution.

The Schools and the City motioned to approve the resolution with the language which includes adding CYFD into the body of the resolution.

Mr. Pearson stated that he was uncomfortable with making major last minute changes to the resolution. Chair Smrkovsky also expressed concerns with the possibility of excluding other entities.

Upon a motion made by Dr. Cruz, the City of Deming approved the resolution with the changes as presented by Matt Robinson.

Board of Education President Matt Robinson motioned to approve the resolution with the changes and the motion died due to lack of a second.

Commissioner Smrkovsky entertained a motion to approve the resolution with the suggested changes and there was no motion or second forthcoming.

Luna County Manager Ira Pearson suggested changing the joint resolution by replacing the word "program" with "education" to make the resolution work for any entity applying for funds.

The School Board approved the resolution with the changes suggested by Mr. Pearson.

Commissioner Smrkovsky entertained a motion to approve the resolution with the changes suggested by Mr. Pearson. Barbara Reedy so moved. The motion was seconded by Commissioner Sweetser and unanimously approved following a roll call vote.

The debate continued between the City, the County and the School Board with Mr. Robinson of the School Board and City Councilor Cruz campaigning in favor of specifically including CYFD in the body of the resolution.

School Board Superintendent Romero stated that he was not opposed to having CYFD included in the resolution.

The City rescinded their original resolution and motioned to approve the resolution with the changes suggested by Mr. Pearson and the changes suggested by Mr. Robinson.

The School Board approved the resolution with the changes suggested by Mr. Pearson and the changes suggested by Mr. Robinson with a three to one vote.

Commissioner Smrkovsky entertained a motion to rescind their previous approval of the resolution. Barbara Reedy so moved and the Commissioner Sweetser seconded.

Commissioner Smrkovsky entertained a motion to approve Joint Resolution 18-19 between County of Luna, City of Deming, Village of Columbus and Deming Public School for pre-K Education, with the changes suggested by Mr. Pearson and the changes suggested by Mr. Robinson. Commissioner Sweetser so moved. Commissioner Reedy seconded the motion and the motion was unanimously approved following a roll call vote.

ADJOURN: Upon a motion made by Commissioner Sweetser and a second made by Commissioner Reedy. Chair Smrkovsky adjourned the meeting at 7:35 p.m.

ATTEST:

**LUNA COUNTY BOARD OF
COUNTY COMMISSIONERS**

Andrea Rodriguez, 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
Thursday, April 12, 2018**

BE IT REMEMBERED that the Luna County Board of County Commissioners met at 9:00 a.m. on Thursday, April 12, 2018, 2018 in the County Commission 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 9:02 a.m. and led the Pledge of Allegiance and the salute to the flag of New Mexico.

ROLL CALL: Deputy Clerk Myrna Duarte 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**

SERVICE AWARDS: Community Health and Well Being Director Jessica Jara presented an award to Healing House Shelter Manager Kathleen Sayre for ten years of service.

PRESENTATIONS:

- **Update on Deming/ Luna County Mainstreet Program by Kristie Ann Harvey:** Kristie Ann Harvey gave an update on all of the activities of the New Mexico Luna County Mainstreet Program. Ms. Harvey announced that they have received approval to change the boundaries to include the Courthouse. She also reported that the Program is still in the process of filling the Executive Director Position held by Laurie Findley.
- **NMSU Funding Request Presentation by Jack Blandford and Lanee Kuenstler:** Jack Blandford, Luna County Program Director Agriculture/4H Agent gave an extensive presentation regarding all of the different County Extension Programs and requested continued financial support for the 2018 – 2019 fiscal year.

Lanee Kuenstler, Family and Consumer Sciences/4-H Agent, gave a brief presentation regarding free classes that she hosts for the community to help diabetic residents learn to cook.

COMMISSIONERS AND STAFF DISCUSSION ON REGULAR MEETING AGENDA ITEMS: The Luna County Board of County Commissioners presented the Regular Meeting Agenda items for presentation and discussion by attending members of the public. *(*Note: Items were presented for discussion only and no actions were taken.)*

- Jessica Etcheverry, Director of Economic Development, announced several upcoming events.
- Laurie Findley thanked Kristie Ann Harvey for all her dedication to the Deming Luna County Mainstreet Program.

ADJOURN: Upon motion made by Commissioner Sweetser and a second made by Commissioner Reedy. Chair Smrkovsky adjourned the meeting at 10:02 a.m.

ATTEST:

**LUNA COUNTY BOARD OF
COUNTY COMMISSIONERS**

Andrea Rodriguez, Luna County Clerk

Barbara L. Reedy, District 1

Approved: _____

Chair, Linda M. Smrkovsky, District 2

John S. Sweetser, District 3

**MINUTES
REGULAR MEETING
LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS
Thursday, April 12, 2018**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 10:00 a.m. on Thursday, April 12, 2018 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 Ira Pearson, Assistant County Manager Glory Juarez, Administrative Assistant Yossie Nieblas, County Attorney Charles C. Kretek, Clerk Andrea Rodriguez, Chief Deputy Clerk Berenda McWright, Deputy Clerk Myrna Duarte, Treasurer Gloria Rodriguez, Chief Deputy Treasurer Dora Madrid, Sheriff Kelly Gannaway, Budget & Procurement Director/Indigent Claims Administrator Joanne Hethcox.

CALL TO ORDER: Chair Smrkovsky called the meeting to order at 10:06 a.m., and led the Pledge of Allegiance and the salute to the flag of New Mexico.

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

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

Approval of Agenda: Commissioner Reedy motion to approve the agenda. Commissioner Sweetser seconded the motion which was unanimously approved.

MINUTES: Upon a motion made by Commissioner Reedy, seconded by Commissioner Sweetser, the Minutes of the March 8, 2018 Work Session were unanimously approved. Upon a motion made by Commissioner Sweetser, seconded by Commissioner Reedy, the Minutes of the March 8, 2018 Regular Meeting were unanimously approved. Upon a motion made by Commissioner Reedy, seconded by Commissioner Sweetser, the Minutes of the April 5, 2018 Special Meeting were unanimously approved.

ELECTED OFFICIALS REPORTS: Treasurer Gloria Rodriguez announced her department has now collected sixty three percent of the 2017 taxes. The New Mexico State Property Tax Division will be holding a public auction the following week. A total of 148 properties were initially up for sale and that number has decreased. Mrs. Rodriguez welcomed the board to please drop by the Treasurer's office at any time.

Clerk Andrea Rodriguez announced that the Clerk's Office is preparing for the Primary Election in June and is anticipating nine new election tabulators. Business Registration collections begin next month. The Clerk's Office has been busy working on fundraising for the Celebration of Life, they will be holding a yard sale this Saturday, April 14, 2018.

Sheriff Gannaway reported the statistics for the month of March. The County is in the process of getting bids for auctioneers to for the vehicle auction. Sheriff Gannaway attended the Southwest Border Sheriff's Conference in Las Cruces, where he spoke with the U. S. Attorney General Jeff Sessions. No word on when or if the National Guard will be sent to the Port of Entry to provide extra security during the new construction of the Port of Entry.

COUNTY MANAGER'S REPORT: County Manager Ira Pearson reported on the following items:

Dispatch: The new CAD system has been up and running since February. Dispatch Director Lauree Sanchez advised staff has adapted to the new system well.

Land Line 911 Calls: 119 **Wireless 911 Calls:** 1120

Detention Center: Daily average population for March:

- Number of Inmates Incarcerated – 432
- Number of Inmates Released - 384
- Average Daily Population- -274
- USMS Daily Population – - 138
- Local Population - 136
- Inmate Average Length of Stay – – 18

Road Department: The department has started working on the Colonia's Project off Country Club Rd, where several roads will be chip sealed. They have done a lot of work on the newly leased gravel pit and they are close to completing the fence. The department has received a new water truck, and as of March 31, 2018 Bruce Taylor has officially retired with twenty four years of service.

Budget: Mr. Pearson announced a budget work session will be held on May 8, 2018 at 9:00a.m.

Maintenance: The department has encountered several plumbing issues that are being addressed at the Luna County Detention Center and Dispatch. Updates will be announced at a later date.

Starmax: VPN PROGRAM: A balance of \$33,628.12 is remaining to pay off the loan. The original loan amount was \$388,661. March sales are estimated at \$122,508.

Volunteer Fire Department: The Volunteer Fire Department has dealt with numerous brush fires and the urge the public to be cautious.

Ghost Hunters out of El Paso: Mr. Pearson received a phone call from Ghost Hunters out of El Paso, requesting to research the Court House in the future.

INDIGENT CLAIMS REPORT: Upon motion of 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 recommended approval of eight claims dated March, 2018 totaling \$123,904.10. The balance for Indigent claims fund totaled \$948,953.63, of that \$377,003.39 is encumbered. Commissioner Sweetser motioned to approve the Indigent Claims Report as submitted. Commissioner Reedy seconded the motion which carried unanimously. Commissioner Reedy

motioned to recess as a Claims Board and reconvene as a County Commission. The motion was unanimously approved.

PUBLIC COMMENT: Chair Smrkovsky opened the floor to Public Comment. Vivian Silva Director of the KASA Program and Crystal Pena thanked the board for signing the Proclamation for National Child Abuse Prevention Month and invited everyone to attend their 5th Annual Child Abuse Awareness event on April 27, 2018.

CONSENT AGENDA: Upon motion of Commissioner Sweetser, seconded by Commissioner Reedy, the following items on the Consent Agenda were unanimously approved following a roll call vote.

- a. **Accounts Payable: \$2,689,264.46**
- b. **Payroll: \$1,473,720.46**
- c. **Resolution 18-15 Budget Increases**
- d. **Resolution 18-16 Budget Transfers**
- e. **Resolution 18-17 Juvenile Adjudication Fund Application**
- f. **Resolution 18-18 Designation Treasurer to Require Collateralization**
- g. **Fair Housing Proclamation**
- h. **National Child Abuse Prevention Month Proclamation**
- i. **Give Grandly Proclamation**
- j. **Motorcycle Awareness Month Proclamation**

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

- a. **Oath of Office and Appointment of Deputy Sheriff:** Sheriff Gannaway presented the Oath of Office and appointment of Deputies James McBurney and David Sias.
- b. **Resolution 18-20 Authorization to take all necessary actions to dispose of two small parcels of County land located in the City of Deming:** Mr. Pearson recommended approval of the resolution which would authorize the County to dispose of two parcels of land that are basically not of use to the County. The property consist of two small parcels that are each twenty two feet wide by eleven feet. The County is looking into several options on what to do with the property. Commissioner Reedy motioned to approve Resolution 18-20 Authorization to take all necessary actions to dispose of two small parcels of County land located in the City of Deming. Commissioner Sweetser, seconded the motion and the motion was unanimously approved following a roll call vote.

ANNOUNCE NEXT MEETING: Chair Smrkovsky announced a Work Session will be held on May 10, 2018 at 9:00 a.m., followed by a Regular Meeting at 10:00 a.m. Also a Budget Work Session will be held on May 8, 2018 at 9:00 a.m.

ADJOURN: Upon a motion made by Commissioner Sweetser and a second made by Commissioner Reedy the meeting was adjourned at 10:34 a.m.

ATTEST:

**LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS**

ANDREA RODRIGUEZ, LUNA COUNTY CLERK

BARBARA L. REEDY, DISTRICT 1

APPROVED: _____

LINDA M. SMRKOVSKY, DISTRICT 2

JOHN S. SWEETSER, DISTRICT 3

LUNA COUNTY
BOARD OF COUNTY COMMISSIONERS

AN ORDINANCE
#6

ESTABLISHING SALARIES FOR COUNTY
ELECTED OFFICIALS;
DECLARING AN EMERGENCY

STATE OF NEW MEXICO } SS.
County of Luna
I certify that this instrument was filed
for record at 11:00 A. M.

FEB 14 1983

and recorded in book 14 Page 229-23

of Miss.
Teresa G. Hand, County Clerk
Natalie Kachner Deputy
Exemption No. 83-00548

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS IN AND FOR THE
COUNTY OF LUNA, STATE OF NEW MEXICO:

Section 1: TITLE AND AUTHORITY.--This ordinance may be cited as the
" Luna County Elected Officials Salary Ordinance"
and is adopted pursuant to Section 4-37-1 NMSA 1978 (being Laws 1975,
Chapter 312) and Section 4-44-____ NMSA 1978 (being Laws 1982, Chapter 39).

Section 2: DECLARATION OF PURPOSE.--Article X, Section 1 of the New
Mexico Constitution requires the Legislature to classify counties and fix
salaries for county officers. Sections 4-44-1 and 4-44-2 NMSA 1978
classify counties and fix the procedure for notification to counties of
this classification; Sections 4-44-4 through 4-44-12 and 4-44-14 NMSA 1978
set the maximum salaries authorized by the Legislature for the variously
classified counties.

It is therefore the purpose of this ordinance to establish salaries
for elected county officers which do not exceed the maximum salaries
established by law.

Section 3: SALARIES.--The following annual salaries are established
for the year beginning January 1, 1983, and all years following, unless

changes are made by law that would require an amendment of this ordinance.

A. Commissioners:	6,497.00
B. Treasurer:	19,491.00
C. Assessor:	19,491.00
D. Sheriff:	20,339.00
E. Clerk:	19,491.00
F. Probate Judge:	4,509.00
G. Surveyor:	-

Section 4: DECLARATION OF EMERGENCY; EFFECTIVE DATE.--This ordinance is necessary to establish salaries for county officers whose terms of office begin January 1, 1983; and there is an immediate danger to the public health, safety, and welfare requiring its passage without regard to the publication requirements of Section 4-37-7 NMSA 1978. This County Elected Officials Salary Ordinance shall be in full force and effect immediately upon its passage, and shall govern salaries for county elected officials whose terms begin January 1, 1983.

Indigent Hospital Claims Office

Ira T. Pearson, County Manager

IHC Board Meeting May 10, 2018

Month	Number	Amount	Number	Denied
January	7	\$1,844.07	0	\$0.00
Feburary	0	\$0.00		
March	8	\$2,404.52		
April	22	\$17,234.79		
May	0	\$0.00		
June	0	\$0.00		
July	0	\$0.00		
August	0	\$0.00		
September	0	\$0.00		
October	0	\$0.00		
November	0	\$0.00		
December	0	\$0.00		
Total	37	\$21,483.38	0	\$0.00
This Month's Total	Mimbres Memorial Hospital			\$16,626.51
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			\$608.28
Total				\$17,234.79
Year to Date Total	Mimbres Memorial Hospital			\$20,875.10
Year to Date Total	All Other Hospitals			\$0.00
Year to Date Total	Deming Fire Dept./EMS			\$0.00
Year to Date Total	All Other Services			\$608.28
Total				\$21,483.38
Care of Prisoners This Month - Not including SNCP Funds				\$73,013.87
Care of Prisoners Year to Date Indigent - Not including SNCP Funds				\$195,559.04
Care of Prisoners Year to Date Inmate Prescriptions/OTC Meds				\$12,848.05
Care of Prisoners Year to Date Dr. Bills				\$4,189.38
Total Cost of Care of Prisoners Year to Date				\$212,596.47
Monies Received for April 2018				\$47,765.95
Balance in IHC Fund as of April 30, 2018				\$860,715.60
Encumbrances as of April 30, 2018				\$302,099.70
	Signatures	Amount Approved	Date	Denied
Barbara L. Reedy		\$17,234.79	5/10/2018	\$0.00
Linda M. Smrkovsky				
John S. Sweetser				

May 10, 2018

28	American Accts for Deming EMS
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[illegible]

\$0.00

LCBCC Meeting May 10th, 2018
Accounts Payable

04/05/2018	\$162,495.60
04/05/2018	\$4,630.85
04/05/2018	\$3,673.09
04/12/2018	\$59,101.36
04/12/2018	\$6,957.94
04/12/2018	\$3,470.80
04/18/2018	\$956,202.16
04/18/2018	\$14,526.65
04/18/2018	\$3,426.53
04/19/2018	\$522.90
04/25/2018	\$121,535.03
04/25/2018	\$7,884.96
04/25/2018	\$4,047.01

P-Cards

March 2018	\$142,251.23
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Total \$ 1,490,726.11

Luna County
Board of County Commissioners

AGENDA 05/10/2018

PAYROLL

04/13/2018	Register # 20180014	\$491,215.85
04/13/2018	*Register # 20180015	\$13,278.90
04/13/2018	*Register # 20180016	\$2,192.78
04/27/2018	Register # 20180017	\$488,542.96
04/27/2018	*Register # 20180018	\$25,338.07
04/27/2018	*Register # 20180019	\$252.96

Total \$1,020,821.52

* Special

**LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS**

**RESOLUTION NO. 18-21
Proposed Inter/Intra Fund Budget Increases**

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

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

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

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

NOW THEREFORE BE IT RESOLVED that the Luna County Board of County Commissioners hereby adopts the changes to the County's Fiscal Year 106, July 1, 2017 through June 30, 2018 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 10th DAY OF MAY, 2018.

LUNA COUNTY

Chairperson

ATTEST:

Andrea Rodriguez, Luna County Clerk

Be it remembered that at a Regular meeting of the Luna County Board of County Commissioners in Deming NM on the 10th day of May, 2018, the following budget adjustments are proposed and entered of record.

SCHEDULE OF BUDGET ADJUSTMENTS			Budget Resolution Number 18-21 Proposed Inter/Intra FUND Budget Increase						Entity Code DFA Resolution Number	
ITEM NO	Adjustment Type	Fund/ DFA Fund	Dept.	From	Amount	To	Amount	Purpose	Approved Budget Balance	Adjusted Budget Balance
One	Increase	406/220	Indigent Health Care	406/220	\$ 1,200.00	406-19-2270 Indigent Burial	\$ 1,200.00	To pay for indigent burials through remainder of fiscal year.	\$ 5,400.00	\$ 6,600.00
Two	Decrease	428/218	CASA	428/218	\$ 2,590.00	428-77-1621 (Revenue) VOCA-CASA	\$ 2,590.00	To decrease amount of funding for this fiscal year.	\$ (51,313.00)	\$ (48,723.00)
					\$ (2,590.00)	428-54-2065 Match - Group Insurance	\$ (2,590.00)	To decrease expenditures in accordance with the decrease in VOCA funding.	\$ 5,070.24	\$ 2,480.24
Three	Increase	401/101	General Fund - Sheriff's Department	401/101	\$ 6,300.00	401-08-2001 Salaries - Elected Officials	\$ 6,210.00	To adjust for oversight in pay when new Sheriff was appointed.	\$ 59,698.86	\$ 65,908.86
						401-08-2060 Match - Medicare 1.45%	\$ 90.00	To adjust for oversight in pay when new Sheriff was appointed.	\$ 23,520.18	\$ 23,610.18
Four	Increase	415/218	Community Services - Healthy Kids NM Grant	415/218	\$ (5,000.00)	415-77-1330 (Revenue) Healthy Kids NM Grant	\$ (5,000.00)	To increase amount of funding award for this fiscal year.	\$ (94,000.00)	\$ (99,000.00)
					\$ 5,000.00	415-17-2330 Healthy Kids NM Grant	\$ 5,000.00	To adjust for spending of increased revenue award for Healthy Kids New Mexico Grant.	\$ 74,300.24	\$ 79,300.24
Five	Decrease	415/218	Community Services - Parents As Teachers	415/218	\$ (3,731.25)	415-52-2321 St. Joseph's Good Neighbor Grant	\$ (3,731.25)	To adjust budget for expenditures that were made in FY 2017.	\$ 5,275.75	\$ 1,544.50
Six	Increase	401/101	General Fund - Dispatch	401/101	\$ (1,400.00)	401-77-1629 (Revenue) Other Revenue Sources	\$ (1,400.00)	To adjust for additional funds from Deming/Luna Crime Stoppers to pay for tip line.	\$ (10,000.00)	\$ (11,400.00)
					\$ 1,400.00	401-20-2069 (Dispatch) Membership Dues/ Subscriptions	\$ 1,400.00	To pay for tip line as provided by Deming/Luna Crime Stoppers	\$ 3,820.00	\$ 5,220.00
Seven	Increase	428/218	CASA	428/218	\$ (350.00)	428-77-1629 (Revenue) Other Revenue Sources	\$ (350.00)	To adjust for donations for Child Abuse Awareness events.	\$ (176.00)	\$ (526.00)
					\$ 350.00	428-54-2020 Supplies	\$ 350.00	To allow for spending of donations for Child Abuse Awareness events for bicycles.	\$ 8,851.04	\$ 9,201.04

ITEM NO	Adjustment Type	Fund/ DFA Fund	Dept.	From	Amount	To	Amount	Purpose	Approved Budget Balance	Adjusted Budget Balance
					\$ 3,768.75		\$ 3,768.75		\$ 30,447.31	\$ 34,216.06

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

Done at Denning New Mexico this **Thursday the 10th day of May, 2018.**

LUNA COUNTY BOARD OF COUNTY COMMISSIONERS

Barbara L Reedy, District 1

Linda M. Smrkovsky, District 2

John S. Sweetser, District 3



ATTEST:

Andrea Rodriguez, Luna County Clerk

Entered By:

Date

Checked By:

Date

**LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS**

RESOLUTION NO. 18-22
Proposed Intra/Inter Department Transfers

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

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

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

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

NOW THEREFORE BE IT RESOLVED that the Luna County Board of County Commissioners hereby adopts the changes to the County's Fiscal Year 106, July 1, 2017 through June 30, 2018 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 10th DAY OF MAY, 2018.

LUNA COUNTY

Chairperson

ATTEST:

Andrea Rodriguez, Luna County Clerk

Be it remembered that at a Regular meeting of the Luna County Board of County Commissioners in Deming NM on the 10th day of May, 2018 the following budget adjustments are proposed and entered of record.

Budget Resolution Number 18-22

Proposed Intra/Inter Department Transfer

ITEM NO	Adjustment Type	Fund/ DFA Fund	Dept.	From	FROM Current Balance	Transfer amount	TO Line Number	Transfer Amount	Purpose
One	Transfer	401/101	General Fund - Dispatch	401-20-2008 Printing & Publishing	\$651.10	\$120.00	401-20-2174 Pre- Employment Physicals	\$120.00	To allow for spending through remainder of fiscal year.
Two	Transfer	428/218	CASA	428-54-2065 Group Insurance	\$2,480.24	\$575.00	428-54-2002 Salaries - Full-Time	\$185.00	To allow for spending through remainder of fiscal year.
							428-54-2060 Match - Medicare 1.45%	\$74.00	To allow for spending through remainder of fiscal year.
							428-54-2064 Match - FICA 6.2%	\$316.00	To allow for spending through remainder of fiscal year.
Three	Transfer	428/218	CASA	428-54-2006 Postage	\$603.00	\$603.00			
				428-54-2007 Telephone	\$1,250.07	\$700.00			
				428-54-2008 Printing & Publishing	\$1,552.34	\$1,395.00			
				428-54-2025 Utilities	\$1,937.92	\$1,600.00			
				428-54-2101 Professional/Contract Services	\$748.42	\$650.00	428-54-2020 Supplies	\$4,948.00	To allow for spending through remainder of fiscal year.
Four	Transfer	801/500	Starmax Entertainment Complex	801-80-2002 Salaries - Full-Time	\$49,337.51	\$30,000.00	801-80-2003 Salaries - Part-Time	\$55,000.00	To allow for spending through remainder of fiscal year.
				801-80-2063 Match - PERA - 16.42%	\$19,498.82	\$10,000.00	801-80-2101 Professional/ Contract Services	\$1,000.00	To allow for spending through remainder of fiscal year.
				801-80-2108 Film Rental Payments	\$80,029.76	\$20,000.00	801-80-2046 Janitorial Supplies	\$2,000.00	To allow for spending through remainder of fiscal year.
							801-80-2106 Food Supplies	\$2,000.00	To allow for spending through remainder of fiscal year.
Five	Transfer	605/211	Law Enforcement Protection Fund	605-08-2010 Mileage/ Per Diem	\$1,103.05	\$1,103.05	605-08-2012 Equip/Supplies/Mtn	\$1,103.05	To allow for spending through remainder of fiscal year.
Six	Transfer	706/209	Sunshine Volunteer Fire Department	706-00-2028 Capital Outlay	\$34,535.30	\$1,500.00	706-00-2023 Grounds	\$1,500.00	To allow for spending through remainder of fiscal year.
Seven	Transfer	402/204	Road Department	402-10-2184 School Bus Agreement	\$3,680.79	\$2,500.00	402-40-2005 (Solid Waste) Salaries - Overtime	\$2,500.00	To allow for spending through remainder of fiscal year.
Eight	Transfer	402/204	Road Department	402-10-2184 School Bus Agreement	\$1,180.79	\$1,180.79	402-40-2075 (Solid Waste) Equipment Operating Expense	\$1,180.79	To allow for spending 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
Nine	Transfer	402/204	Road Department	402-10-2160 Agreements - County Arterial	\$23,223.93	\$23,223.93			
				402-10-2102 Agreements - Coop	\$11,021.28	\$11,021.28	402-10-2079 Road Construction/ Maintenance	\$34,245.21	To allow for spending through remainder of fiscal year.
Ten	Transfer	405/203	Re-Appraisal Department	405-06-2012 Equip/Supplies/Mtn/ Repairs	\$5,500.00	\$3,500.00	405-06-2010 Mileage/Per Diem	\$3,500.00	To allow for spending through remainder of fiscal year.
Eleven	Transfer	401/101	General Fund - Assessors	401-06-2026 Mapping	\$4,095.67	\$1,000.00	401-06-2010 Mileage/Per Diem	\$1,000.00	To allow for spending through remainder of fiscal year.
Twelve	Transfer	428/218	CASA	428-54-2008 Printing & Publishing	\$157.34	\$157.34			
				428-54-2009 Office Supplies	\$692.91	\$692.91			
				428-54-2011 Vehicle Expense	\$4,434.44	\$3,900.00	428-54-2010 Mileage/Per Diem	\$4,519.68	To allow for spending through remainder of fiscal year.
				428-54-2025 Utilities	\$337.92	\$100.00	428-54-2060 Match - Medicare 1.45%	\$50.00	To allow for spending through remainder of fiscal year.
				428-54-2065 Match - Group Insurance	\$1,905.24	\$1,300.00	428-54-2020 Supplies	\$1,580.57	To allow for spending through remainder of fiscal year.
Thirteen	Transfer	610/218	Drug Investigation - HIDTA	610-43-2007 Telephone	\$1,339.10	\$27.28	610-43-2041 Confidential Informants	\$7,700.00	To allow for spending through remainder of fiscal year.
				610-43-2011 Vehicle Expense	\$4,940.20	\$2,000.00	610-43-2010 Mileage/Per Diem	\$889.03	To allow for spending through remainder of fiscal year.
				610-43-2025 Utilities	\$1,463.65	\$1,087.75	610-43-2020 Supplies	\$2,794.50	To allow for spending through remainder of fiscal year.
				610-43-2101 Professional/ Contract Services	\$14,827.62	\$10,800.00	610-43-2005 Salaries - Overtime	\$2,531.50	To allow for spending through remainder of fiscal year.
Fourteen	Transfer	610/218	Drug Investigation - HIDTA	610-43-2060 Match - Medicare - 1.45%	\$1,408.67	\$1,135.00			
				610-43-2063 Match - PERA 16.42%/22.975%	\$7,575.07	\$4,822.83			
				610-43-2064 Match - FICA 6.2%	\$423.65	\$107.00			
				610-43-2065 Match - Group Insurance	\$8,532.65	\$5,228.77			
				610-43-2066 Workers' Compensation Assmnt	\$23.00	\$18.40	610-43-2002 Salaries - Full- Time	\$2,440.00	To allow for spending through remainder of fiscal year.
				610-43-2070 Match - RHCA 2.0%/2.5%	\$683.89	\$373.49	610-43-2005 Salaries - Overtime	\$468.71	To allow for spending through remainder of fiscal year.
				610-43-2028 Capital Outlay	\$1,130.00	\$1,130.00	610-43-2395 HIDTA - Silver City	\$9,906.78	To allow for spending 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
Fifteen	Transfer	402/204	Road Department	402-40-2002 (Solid Waste) Salaries - Full-Time	\$39,746.79	\$25,000.00	402-10-2005 Salaries - Overtime	\$10,000.00	To allow for spending through remainder of fiscal year.
							402-10-2028 Capital Outlay	\$15,000.00	To allow for spending through remainder of fiscal year.
Sixteen	Transfer	415/218	Community Services - Healthy Kids NM Grant	415-17-2330 Healthy Kids NM Grant	\$49,004.96	\$3,000.00	415-17-2002 Salaries - Full-Time	\$2,379.63	To allow for spending through remainder of fiscal year.
							415-17-2060 Match - Medicare 1.45%	\$34.50	To allow for spending through remainder of fiscal year.
							415-17-2063 Match - PERA 16.42%	\$390.74	To allow for spending through remainder of fiscal year.
							415-17-2064 Match - FICA 6.2%	\$147.54	To allow for spending through remainder of fiscal year.
							415-17-2070 Match - RHCA 2.0%	\$47.59	To allow for spending through remainder of fiscal year.
					\$381,057.09	\$171,552.82		\$171,552.82	

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

Done at Deming New Mexico this **Thursday the 10th day of May, 2018.**

LUNA COUNTY BOARD OF COUNTY COMMISSIONERS

Barbara L. Reedy, District 1

Linda M. Smrkovsky, District 2

John S. Sweetser, District 3



ATTEST:

Andrea Rodriguez, Luna County Clerk

Entered By:

Date

Checked By:

Date

Be it remembered that at a regular meeting of the Luna County Board of County Commissioners in Deming New Mexico, on the 10th day of May 2018, the following proceedings were had and entered of record.

AMENDED RESOLUTION #18-03

NOTICE OF FEES

WHEREAS, the Luna County Board of County Commissioners find it necessary to implement certain fees pertaining to copying, recording, business registrations, transaction within the Treasurer's Office, building permit fees, manufactured home/mobile home installation permit fees, and plan review fees, rural addressing service fees; and

NOW THEREFORE, BE IT RESOLVED that the Luna County Board of County Commissioners has determined that the above-mentioned fees be charged as followed:

Copying Fees:

1. Copies of documents, single sided, black and white:
Letter size, (8 1/2" x 11"), legal size, (8" 1/2 x 14"), or tabloid size, (11" x 17") \$0.50
2. Black and white paper map size:
Above tabloid size (11" x 17") up to three (3') feet by four (4') feet \$10.00
3. Black and white paper map size:
Above three (3') feet by four (4') feet up to six (6') feet \$25.00
4. Luna County Addressing Atlas:
Black and White Version \$40.00
Color Version \$60.00
USB Flash Drive \$25.00
Each Additional Layer of Data \$5.00

Requests for Specialty Maps, Data, or Data Sheets shall be detailed in writing to the Office of the County Planner for pricing, which will vary depending on complexity and density of layered information, data type, media type, and production time.

Recording Fees:

DOCUMENTS RECORDED IN THE OFFICE OF THE COUNTY CLERK ARE PUBLIC RECORDS, SUBJECT TO INSPECTION AND DISCLOSURE.

Recording fees are established pursuant to Section 14-8-13 through 17, et seq., NMSA, 1978 . Unless otherwise specified by law, the county clerk shall collect a recording fee of twenty-five dollars (\$25.00) for each document filed or recorded by the county clerk. If the document being filed or recorded contains more than ten

entries to the county recording index, the county clerk shall collect an additional fee of twenty-five dollars (\$25.00) for each additional block of ten or fewer entries to the county recording index from the document. For each fee of twenty-five dollars (\$25.00) collected by the county clerk, eighteen dollars (\$18.00) shall be deposited in the county general fund and seven dollars (\$7.00) shall be deposited in the county clerk recording and filing fund.

If a document being filed or recorded contains fewer than ten entries to the county recording index and is filed or recorded in person in the office of the county clerk by one of the interested persons named on the document, the county clerk shall collect a fee of ten dollars (\$10.00). For each fee of ten dollars (\$10.00) collected by the county clerk, three dollars (\$3.00) shall be deposited in the county general fund and seven dollars (\$7.00) shall be deposited in the county clerk recording and filing fund.

Amounts collected from the equipment recording fee shall be deposited into a restricted account to be used as authorized by Section 14-8-12.2, NMSA, 1978 .

Business Registration Fees:

The annual business registration fee is \$25.00 pursuant to Ordinance No. 5 as Amended.

All licensed locations or premises in Luna County, outside the corporate limits of the City of Deming and the village limits of the Village of Columbus, beginning June 1 each year for the ensuing year, shall pay the following license tax:

(1)	Dispenser's License (Bar and Winery)	\$200.00
(2)	Retailer's License (Package Store)	\$100.00
(3)	Club License.....	\$ 50.00

This fee is due and payable to the County Clerk's Office at the time each business registration is issued on July 1.

Fees for Transactions within Treasurer's Department:

Return payment checks for correct amount **\$5.00**

This fee will partially cover the cost of returning advalorem tax payment checks that are unsigned or are for an incorrect amount.

Return item (NSF) charges **\$30.00**

This fee will not be less than current bank charges. This charge will cover the processing cost of the return items.

Cost to Luna County-Personal Property (Mobile Home) Sale

The administration and enforcement of delinquent personal property advalorem taxes is authorized by Sections 7-38-51 through 56, NMSA 1978.

The delinquent personal property tax sale is authorized by Sections 7-38-57, 58, 59, NMSA 1867.

The County Treasurer is authorized to recover any cost incurred in preparing for the sale. To cover all additional costs of preparing for the personal property tax sale, the Luna County Treasurer hereby imposes the following fees:

- (1) **Delinquent personal property letter service fee** **\$10.00**
This charge would be for all accounts that are delinquents more than 60 days.
- (2) **Demand Warrant Processing Fee** **\$25.00**
This charge would be for all accounts that are delinquent over 180 days.
- (3) **Penalty and Interest**
The P & I charge on accounts that are more than 180 days delinquent will be retained by Luna County to defray the cost of the personal property tax sales.

Building Permit Fees:

Manufactured Home/Mobile Home Installation Permit (MHIP) fee: \$45.00
Manufactured Home/Mobile Installation Permit (MHIP) additional charge if moved without initial permit: \$45.00

<u>Building Permit Value</u>	<u>Permit Fee</u>
\$1,000 and less	\$20.00
\$1,001.00 to \$3,000.00	\$20.00 + \$5.00 per \$500.00 increment in value over \$ 1,001.00
\$3,001.00 and over	\$40.00 + \$1.50 per \$1,000.00 increment in value

Plan review fee is waived for standard residential construction projects. Complex residential and all Commercial construction project plan reviews will be +20% of permit fee.

Failure to obtain an approved building permit prior to beginning construction will result in the immediate discontinuance of further work on the project and shall be required to pay double the normal permit fee before a permit is issued.

Rural Addressing Service Fee (new residents):

Administrative processing	\$10.00
<u>Address placards</u>	<u>\$ 5.00</u>

Subdivision Ordinance Fees:

See Attachment A

NOW, THEREFORE BE IT RESOLVED THAT, this resolution shall be reviewed periodically to determine if revisions are necessary.

Done at Deming, New Mexico this 10th day of May, 2018

Luna County Board of County Commissioners

ATTEST:

Barbara Reedy, Member

Andrea Rodriguez, County Clerk

Linda M. Smrkovsky, Chair

John S. Sweetser, Member

ATTACHMENT A

Schedule of Administrative Fees for Administering the Luna County Subdivision Ordinance

Summary Review Application	\$100.00 or \$10.00 per lot
Preliminary Plat Application	\$200.00 or \$15.00 per lot
RE-submittal of revised or corrected plat application	\$100.00
Final Plat Application	\$100.00 or \$25.00 per lot
Replat	(Same as preliminary and final plat)
Vacation of Plat (including partial vacation)	\$75.00
Vacation of Easement	\$50.00
Variance	\$100.00 per variance
Appeals to County Commission	\$50.00
Claim of Exemption	\$25.00

Where additional review by the County is required above and beyond normal review requirements due to complex, unforeseen, or unique circumstances relating to the proposed plan or plat, then the County may charge additional fees to defray the cost of such reviews.

STATE OF NEW MEXICO

COUNTY OF LUNA

700 SOUTH SILVER AVENUE
P.O. DRAWER 551 DEMING, NEW MEXICO 88031-0551
(575) 546-0494 FAX (575) 546-4708



To: Luna County Board of County Commissioners
CC: Ira T. Pearson, County Manager

From: Joanne C. Hethcox, Budget and Procurement Director

Date: Friday, May 04, 2018

Subject: Disposal of Assets

The attached is a list of assets Luna County would like to dispose of with LCBCC approval at the May 10, 2018 meeting. Assets shall be disposed of by an either live or online auction process open to the public.

SEE ATTACHED LIST

ATTEST:

Approved by the Luna County
Board of County Commissioners
Date: May 10, 2018

Andrea Rodriguez, Luna County Clerk

By _____
Linda M. Smrkovsky, Chairperson

“Luna County Government exists to provide structure and order to enable the people to address their common need for safety, wellness and community development.”

[illegible]

[illegible]

LUNA COUNTY
RESOLUTION 18-23

ESTABLISHING SALARIES FOR ELECTED OFFICIALS

WHEREAS, Section 4-44-1, NMSA 1978 establishes classification of counties for the purpose of fixing salaries of public officer on a biennial basis, pursuant to Section 4-44-2, NMSA 1978; and

WHEREAS, Luna County is classified as a B Over County and as such, the Luna County Board of Commissioners shall establish salaries not to exceed salaries set by the Legislature, Section 4-44-4.1, NMSA 1978;

WHEREAS, The Luna County Board of Commissioners last addressed the salaries of elected officials at the Regular Meeting on December 1, 2016 as follows:

Position	Salary Prior to 01/2017	Salary After 01/2017 (Eligible Officials)	Cap 4-44-4.1, NMSA 1978
Assessor	\$57,265.00	\$61,559.94	\$65,855.00
Clerk	\$57,265.00	\$61,559.94	\$65,855.00
Commissioner	\$22,831.90	\$25,544.26	\$26,257.00
Probate Judge	\$20,023.94	\$21,525.66	\$23,028.00
Sheriff	\$59,697.82	\$64,175.28	\$68,654.00
Treasurer	\$54,418.00	\$61,559.94	\$65,855.00

WHEREAS, Luna County Board of Commissioners sets salaries effective January 1, 2019 as follows:

Position	Salary Prior to 01/2019	Salary After 01/2019 (Eligible Officials)	Cap 4-44-4.1, NMSA 1978
Assessor	\$61,559.94	\$61,559.94	\$75,733.00
Clerk	\$61,559.94	\$61,559.94	\$75,733.00
Commissioner	\$24,544.26	\$24,544.26	\$30,196.00
Probate Judge	\$21,525.66	\$21,525.66	\$26,482.00
Sheriff	\$64,175.28	\$64,175.28	\$78,952.00
Treasurer	\$61,559.94	\$61,559.94	\$75,733.00

WHEREAS, the New Mexico Constitution, Article IV, Section 27, prohibits changing the salary of any elected official during the term of office in which the change is made.

NOW THEREFORE BE IT RESOLVED, the Luna County Board of Commissioners approve the above listed salaries for the fiscal year 2019 and applied to eligible elected officials and shall amend this resolution annually prior to the approval of annual preliminary budget.

DONE THIS 10TH DAY OF MAY, 2018
LUNA COUNTY BOARD OF COMMISSIONERS

ATTEST:

LUNA COUNTY:

Andrea Rodriguez, County Clerk

Linda M. Smrkovsky, Chairperson

Barbara L. Reedy, Member

John S. Sweetser, Member

PROCLAMATION

“BORDER PATROL’S 94th ANNIVERSARY”

Whereas, the U. S. Commissioner General of Immigration assigned a small group of mounted guards to patrol the southern border after the turn of the century in 1900 who were headquartered in El Paso, Texas; and

Whereas, on May 28, 1924, Congress passes an Act that creates the U. S. Border Patrol with 450 officers that are headquartered in El Paso, Texas and a sector in Marfa, Texas; and

Whereas, in 1927, the Deming Station was established with the assignment of two inspectors responsible for patrolling 135 miles of the international boundary from the Portrillo Mountains to the Arizona border using automobiles and horses; and

Whereas, in 1934, patrol officers attend the first training school at Camp Chigas, in El Paso, Texas. Locations of training schools soon spread throughout the country; and

Whereas, the U. S. Border Patrol protects the ideal of America and the fidelity of Democracy; while protecting and defending the Homeland;

Whereas, in 2018, the U. S. Border Patrol has approximately 19,000 agents, 20 sectors and 141 Border Patrol stations; and

Whereas, in every place where Border Patrol employees serve, they take time for fellowship and camaraderie, remembering their fallen celebrating their lives lived well with a commitment to serving the public; and

Now, Therefore, Be It Proclaimed:

“BORDER PATROL’S 94th ANNIVERSARY”

Happy Birthday and Honor First!

Dated this 10th day of May, 2018

Linda M. Smrkovsky, Chair

RESOLUTION NO. 18-24

A RESOLUTION DECLARING THE INTENT OF LUNA COUNTY, NEW MEXICO TO ISSUE INDUSTRIAL REVENUE BONDS ENTITLED LUNA COUNTY, NEW MEXICO INDUSTRIAL REVENUE BONDS (SOUTHERN POWER COMPANY PROJECT), SERIES 2018, IN AN AGGREGATE PRINCIPAL AMOUNT OF UP TO \$223,000,000 IN CONNECTION WITH A PROPOSED PROJECT TO BE LOCATED IN LUNA COUNTY, NEW MEXICO, FOR THE PURPOSE OF INDUCING SOUTHERN POWER COMPANY AND/OR ITS AFFILIATES OR THEIR SUCCESSORS OR ASSIGNS, TO ACQUIRE THE PROJECT AND TO REIMBURSE TEMPORARY ADVANCES MADE FOR CAPITAL EXPENDITURES FROM PROCEEDS OF THE BONDS AND RELATED MATTERS.

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

WHEREAS, the County desires to promote industry and develop trade or other economic activity to secure and maintain a balanced and stable economy in the County and to promote public health, welfare, safety, convenience and prosperity; and

WHEREAS, Southern Power Company (together with its affiliates, successors and assigns, the “**Company**”) has made a proposal to the County (the “**Proposal**”) whereby the County would acquire, through acquisition of leasehold title to land, and fee title to certain facilities and equipment located in the County, a combustion turbine facility for use by the Company for its operations (the “**Project**”); and

WHEREAS, the Company is the only company that has requested that the County adopt an intent resolution regarding the issuance of industrial revenue bonds for a combustion turbine facility; and

WHEREAS, the Company has requested that the Project be considered by the Commission and that the Commission indicate its intent to proceed with the issuance of taxable industrial revenue bonds (the “**Bonds**”) for the financing of the Project by adopting an Inducement Resolution; and

WHEREAS, in connection with the Project, the Company has requested that the County issue Bonds in an amount of up to \$223,000,000; and

WHEREAS, the issuance of Bonds in one or more series by the County to finance all or a part of the Project, will constitute one of the inducements whereby the Company will determine to acquire land and acquire, construct, renovate and equip a facility in the County; and

WHEREAS, the Commission constitutes the governing body of the County within the meaning of the Act; and

WHEREAS, the Project has been considered by the Commission and it has been determined by the Commission that the Project (A) will be located on a site that does not require County approval (other than a building permit) for the development, installation and operation of the Project and (B) will promote the local health, general welfare, safety, convenience and prosperity of the inhabitants of the County, and the Commission desires to indicate its intent to proceed with the issuance of the Bonds for the financing of the Project; and

WHEREAS, concurrently with the issuance of the Bonds, the Company will enter into a leasing or other financing agreement with the County (the "Lease") providing for the payment of lease rentals or other payments on the Project sufficient to pay the debt service on the Bonds, subject to the prior adoption by the Commission of an ordinance approving such agreement and authorizing issuance of the Bonds (the "Bond Ordinance"); and

WHEREAS, the County and the Company understand that the adoption of this Resolution shall not obligate the County to issue the Bonds or obligate the Company to proceed with the Project, except pursuant to the terms of a Bond Ordinance to be adopted by the County and related bond documents in form and substance satisfactory to the County prior to the issuance of the Bonds;

WHEREAS, Section 4-37-7 NMSA 1978 requires that publication of the title and a general summary of the subject matter of any proposed ordinance be made in a newspaper of general circulation within the County at least two weeks prior to the meeting of the Board of County Commissioners at which the ordinance is proposed for final passage.

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

Section 1. All actions (not inconsistent with the provisions hereof) heretofore taken by the Commission and the officers and employees of the County, related to the Proposal, the acquisition of the Project, and the sale and issuance of the Bonds therefore, be and the same hereby are ratified, approved and confirmed.

Section 2. The Commission has been informed by the Company that:

(A) The Project will consist of leased land, facilities and equipment for a combustion turbine facility;

(B) The maximum aggregate par amount of obligations to be issued with respect to the Project is \$223,000,000;

(C) The initial developer of the Project will be the Company and/or its

affiliates, or their permitted successors or assigns, as will be set forth in the Bond Ordinance;

(D) The initial operator of the Project will be the Company and/or its affiliates or their permitted successors or assigns;

(E) The Project is located in an unincorporated area of the County;

(F) The Company will make all necessary arrangements with the proposed bond purchaser for the purchase of the Bonds and the County shall have no responsibility to make such arrangements; and

(G) The Company has agreed to pay or reimburse the County for all reasonable and prudent independent bond counsel legal fees of the County related to the adoption of this Resolution, the Bond Ordinance and the issuance of the Bonds. The Company has agreed to such payment or reimbursement irrespective of whether the Bonds are issued.

Section 3. In order to promote the local health and general welfare, safety, convenience and prosperity of the inhabitants of the County, it is the Commission's intent to take all necessary and advisable steps to effect the issuance of the Bonds in an aggregate principal amount up to \$223,000,000 in one or more series in order to defray part or all of the costs of the Project. The Bonds are to be entitled substantially as follows "Luna County, New Mexico Industrial Revenue Bonds (Southern Power Company Project), Series 2018."

Section 4. The Bonds shall be payable from the revenues of the Project or other moneys payable by the Company, with respect thereto, and shall not constitute a debt or indebtedness of the County within the meaning of any provision or limitation of the Constitution or statutes of the State of New Mexico. In addition, if the Bonds are issued, the Company shall indemnify and hold harmless the County, the Commission and their respective officers, employees, designated representatives and agents (collectively, the "Indemnified Persons") from and against any liability to the Company, or to any third parties that may be asserted against the County with respect to the County's ownership of or leasehold interest in the Project or the issuance of the Bonds. Nothing contained in this Resolution or in any other instrument shall be considered as obligating the County to any pecuniary liability or a charge upon the general credit of the County or against its taxing power, it being understood that no costs are to be borne by the County and that all costs incurred by the County in connection with the Bonds are to be promptly paid or reimbursed by the Company. The County's adoption of this Resolution shall not be deemed a conclusion or expression of approval by the County or any Indemnified Person of the Company or the Project.

Section 5. The Company as agent for the County and consistent with Taxation and Revenue Department Regulation 3.2.212.22 NMAC Renumbered, will acquire the Project.

The Company will, acting as agent for the County, request delivery of Type 9 Nontaxable Transaction Certificates (“Certificates”) for the Project from the Taxation and Revenue Department. The Company will deliver a Certificate to each person selling tangible personal property to the Company for the Project as applicable under the New Mexico Gross Receipts and Compensating Tax Act. The Company shall not use the Certificates other than for the purchase of capital equipment and other tangible personal property, nor shall the Company use such Certificates after the completion of the Project. No costs, expenses or other monetary relief will be recoverable from the County by vendors generation equipment.

Section 6. When the Project is approved, the County intends to enter into an agreement with the Company pursuant to which the Company will pay to the County and the Deming Public School District (the “School District”) certain annual payments in lieu of ad valorem taxes levied on the Project property and such agreement shall be included in the Lease to be entered into by the County and the Company.

Section 7. The County Commissioners and other appropriate County officials and employees are hereby authorized and empowered to take such steps and to do such things as may be necessary to achieve the purposes of this Resolution; provided, however, the issuance of the Bonds and the execution and delivery of any documents to which the County is a party in connection therewith shall be subject to the approval and authorization of the Commission pursuant to the Bond Ordinance, to be adopted following public notice of the Commission’s intent to adopt such Ordinance at least fourteen (14) days prior to the consideration of the Ordinance by the Commission at a public meeting, such public notice to specify the time, date and place of the Commission’s meeting. In particular, no provision of this Resolution shall in any way obligate the County or any other person to issue the Bonds, any other bonds or in any way finance the Project; and the County retains full and complete discretion with respect thereto.

Section 8. This Resolution shall not give rise to a pecuniary liability of the County and shall not give rise to a charge against its general credit or taxing powers.

Section 9. The issuance of the Bonds and the execution and delivery of any documents to which the County is a party in connection therewith shall be subject to the approval and authorization by the Commission pursuant to the Bond Ordinance following reasonable public notice of the time, date and place of the public hearing to be held on the proposed adoption of the Bond Ordinance. The County Clerk is hereby authorized to publish notice of the title and a general summary of the subject matter of the Bond Ordinance, in substantially the form attached hereto as Exhibit B, one time in a newspaper of general circulation within the County at least two weeks before the meeting of the Commission at which the Bond Ordinance is to be adopted. This authorization is in

compliance with Section 4-37-7 NMSA 1978. In connection with this Resolution, the Commission understands that the Company is not obligated to proceed with the Project and additionally, the Commission has been informed that a failure or refusal of the Commission, however arising, to adopt the Bond Ordinance will have the effect of voiding any benefits to the Company under the Act, including revoking the authority of the Company to act as agent for the County in connection with the solicitation of nontaxable transaction certificates for the Project from Taxation and Revenue, voiding the nontaxable transaction certificates issued to the Company for Project purchases and making such purchases subject to whatever tax would be due if such certificates had not been issued.

Section 10. 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 11. All orders and resolutions, or parts thereof, in conflict with this Resolution are hereby repealed; this repealer shall not be construed to revive any order, resolution or part thereof, heretofore repealed.

PASSED, ADOPTED, SIGNED AND APPROVED this __ day of
_____, 2018.

BOARD OF COUNTY
COMMISSIONERS OF LUNA COUNTY,
NEW MEXICO

[SEAL]

Barbara Reedy, District 1 Commissioner

Linda Smrkovsky, District 2 Commissioner

John Sweetser, District 3 Commissioner

ATTEST:

County Clerk

EXHIBIT A
Schedule A
(Proposed PILOT payments)

Year (commencing on the one year anniversary of the IRB lease Agreement)	County PILOT Payments*
1	0
2	0
3	\$0
4**	\$103,500
5	\$103,500
6	\$103,500
7	\$103,500
8	\$103,500
9	\$103,500
10	\$103,500
11	\$103,500
12	\$103,500
13	\$103,500
14	\$103,500
15	\$103,500
16	\$103,500
17	\$103,500
18	\$103,500
19	\$103,500
20	\$103,500
21	\$103,500
22	\$103,500
23	\$103,500
24	\$103,500
25	\$103,500
26	\$103,500
27	\$103,500
28	\$103,500
29	\$103,500
30	\$103,500
Total	\$2,794,500

* In addition to the foregoing, by December 31, 2022, the Company will make a one-time community benefit payment of \$150,000 to the County if the IRB closing occurs.

** Proposal assumes that PILOT payments begin in 2022 – the first year the facility is operational

EXHIBIT B

**FORM OF NOTICE OF INTENT TO ADOPT
INDUSTRIAL REVENUE BOND ORDINANCE FOR PUBLICATION**

LUNA COUNTY, NEW MEXICO

NOTICE OF INTENT TO ADOPT INDUSTRIAL REVENUE BOND ORDINANCE

Notice is hereby given of the title and general subject matter contained in an ordinance which the Board of County Commissioners of Luna County, New Mexico, the governing body of the County, intends to adopt at a meeting on _____, _____, 2018 at the hour of _____ a.m. at the Luna County Courthouse Commission Chambers, 700 S. Silver Ave, Deming, New Mexico 88030 relating to the authorization, issuance and sale by Luna County, New Mexico of its industrial revenue bonds.

The title of the proposed Ordinance is:

AUTHORIZING THE ISSUANCE AND SALE OF LUNA COUNTY, NEW MEXICO TAXABLE INDUSTRIAL REVENUE BONDS (SOUTHERN POWER COMPANY PROJECT) SERIES 2018, IN A MAXIMUM PRINCIPAL AMOUNT OF \$223,000,000 IN ONE OR MORE SERIES TO PROVIDE FUNDS TO FINANCE THE ACQUISITION, CONSTRUCTION, AND EQUIPPING OF AN INDUSTRIAL REVENUE BOND PROJECT FOR USE BY SOUTHERN POWER COMPANY OR ITS AFFILIATES, SUCCESSORS OR ASSIGNS; AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDENTURE, A LEASE, A BOND PURCHASE AGREEMENT, THE BONDS AND OTHER DOCUMENTS IN CONNECTION WITH THE ISSUANCE OF THE BONDS AND THE PROJECT; MAKING CERTAIN DETERMINATIONS AND FINDINGS RELATING TO THE BONDS AND THE PROJECT; RATIFYING CERTAIN ACTIONS TAKEN PREVIOUSLY; AND REPEALING ALL ACTIONS INCONSISTENT WITH THIS ORDINANCE.

As proposed in the Ordinance: (1) the Bonds will be issued under the authority of the New Mexico County Industrial Revenue Bond Act, Chapter 4, Article 59, NMSA 1978, as amended; (2) the proceeds of the Bonds will finance the acquisition, construction and equipping of a combustion turbine facility located in unincorporated Luna County, New Mexico (the "Project") for the use by Southern Power Company, or its affiliates, successors or assigns (the "Company"); and (3) the Project will be leased by the County to the Company.

Under the terms of a proposed Lease Agreement (the "Lease") between the County and the Company, the Company will be obligated to pay rent for the Project sufficient to pay, when due, the principal of, interest on and redemption price, if any, of the Bonds and to make certain other payments as provided in the Lease. The Bonds will be issued pursuant to an Indenture (the

“Indenture”) among the County and a trust depository. The Bonds will be sold to a bond purchaser pursuant to the terms of a proposed Bond Purchase Agreement.

THE PRINCIPAL OF, INTEREST ON AND REDEMPTION PRICE OF THE BONDS WILL NEVER CONSTITUTE AN INDEBTEDNESS OF THE COUNTY WITHIN THE MEANING OF ANY PROVISION OR LIMITATION OF THE CONSTITUTION OR LAWS OF THE STATE OF NEW MEXICO. THE BONDS WILL NEVER CONSTITUTE NOR GIVE RISE TO A PECUNIARY LIABILITY OF THE COUNTY OR A CHARGE AGAINST ITS GENERAL CREDIT OR TAXING POWERS.

The Bonds will mature, bear interest, be subject to prior redemption and contain other terms and provisions all in accordance with the Indenture and the Ordinance.

A copy of the Ordinance in draft form is on file in the office of the County Clerk at 700 S. Silver Ave, Deming, New Mexico 88030 and will be available for inspection during normal business hours. All members of the public are invited to attend the hearing, and will be provided opportunity to ask questions about, and to express their opinions concerning, the proposed Ordinance.

This notice is given pursuant to Section 4-37-7 NMSA 1978.

Dated: _____ 2018.

County Clerk

(To be published once in a newspaper of general circulation in Luna County at least two weeks before consideration of Bond Ordinance)

RESOLUTION NO. 18-25

A RESOLUTION DECLARING THE INTENT OF LUNA COUNTY, NEW MEXICO TO ISSUE INDUSTRIAL REVENUE BONDS ENTITLED LUNA COUNTY, NEW MEXICO INDUSTRIAL REVENUE BONDS (SOUTHERN POWER COMPANY PROJECT), SERIES 2018, IN AN AGGREGATE PRINCIPAL AMOUNT OF UP TO \$427,000,000 IN CONNECTION WITH A PROPOSED PROJECT TO BE LOCATED IN LUNA COUNTY, NEW MEXICO, FOR THE PURPOSE OF INDUCING SOUTHERN POWER COMPANY AND/OR ITS AFFILIATES OR THEIR SUCCESSORS OR ASSIGNS, TO ACQUIRE THE PROJECT AND TO REIMBURSE TEMPORARY ADVANCES MADE FOR CAPITAL EXPENDITURES FROM PROCEEDS OF THE BONDS AND RELATED MATTERS.

WHEREAS, the New Mexico legislature has passed the "County Industrial Revenue Bond Act" (the "**Act**"), Sections 4-59-1 to 4-59-16 inclusive, NMSA 1978, as amended, which authorizes Luna County, New Mexico (the "**County**") to issue industrial revenue bonds and to acquire projects as defined in the Act; and

WHEREAS, the County desires to promote industry and develop trade or other economic activity to secure and maintain a balanced and stable economy in the County and to promote public health, welfare, safety, convenience and prosperity; and

WHEREAS, Southern Power Company (together with its affiliates, successors and assigns, the "**Company**") has made a proposal to the County (the "**Proposal**") whereby the County would acquire, through acquisition of leasehold title to land, and fee title to certain facilities and equipment located in the County, a natural gas power generation facility for use by the Company for its operations (the "**Project**"); and

WHEREAS, the Company is the only company that has requested that the County adopt an intent resolution regarding the issuance of industrial revenue bonds for a natural gas power generation facility; and

WHEREAS, the Company has requested that the Project be considered by the Commission and that the Commission indicate its intent to proceed with the issuance of taxable industrial revenue bonds (the "**Bonds**") for the financing of the Project by adopting an Inducement Resolution; and

WHEREAS, in connection with the Project, the Company has requested that the County issue Bonds in an amount of up to \$427,000,000; and

WHEREAS, the issuance of Bonds in one or more series by the County to finance all or a part of the Project, will constitute one of the inducements whereby the Company will determine to acquire land and acquire, construct, renovate and equip a facility in the County; and

WHEREAS, the Commission constitutes the governing body of the County within the meaning of the Act; and

WHEREAS, the Project has been considered by the Commission and it has been determined by the Commission that the Project (A) will be located on a site that does not require County approval (other than a building permit) for the development, installation and operation of the Project and (B) will promote the local health, general welfare, safety, convenience and prosperity of the inhabitants of the County, and the Commission desires to indicate its intent to proceed with the issuance of the Bonds for the financing of the Project; and

WHEREAS, concurrently with the issuance of the Bonds, the Company will enter into a leasing or other financing agreement with the County (the "Lease") providing for the payment of lease rentals or other payments on the Project sufficient to pay the debt service on the Bonds, subject to the prior adoption by the Commission of an ordinance approving such agreement and authorizing issuance of the Bonds (the "Bond Ordinance"); and

WHEREAS, the County and the Company understand that the adoption of this Resolution shall not obligate the County to issue the Bonds or obligate the Company to proceed with the Project, except pursuant to the terms of a Bond Ordinance to be adopted by the County and related bond documents in form and substance satisfactory to the County prior to the issuance of the Bonds;

WHEREAS, Section 4-37-7 NMSA 1978 requires that publication of the title and a general summary of the subject matter of any proposed ordinance be made in a newspaper of general circulation within the County at least two weeks prior to the meeting of the Board of County Commissioners at which the ordinance is proposed for final passage.

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

Section 1. All actions (not inconsistent with the provisions hereof) heretofore taken by the Commission and the officers and employees of the County, related to the Proposal, the acquisition of the Project, and the sale and issuance of the Bonds therefore, be and the same hereby are ratified, approved and confirmed.

Section 2. The Commission has been informed by the Company that:

(A) The Project will consist of leased land, facilities and equipment for a natural gas power generation facility;

(B) The maximum aggregate par amount of obligations to be issued with respect to the Project is \$427,000,000;

(C) The initial developer of the Project will be the Company and/or its

affiliates, or their permitted successors or assigns, as will be set forth in the Bond Ordinance;

(D) The initial operator of the Project will be the Company and/or its affiliates or their permitted successors or assigns;

(E) The Project is located in an unincorporated area of the County;

(F) The Company will make all necessary arrangements with the proposed bond purchaser for the purchase of the Bonds and the County shall have no responsibility to make such arrangements; and

(G) The Company has agreed to pay or reimburse the County for all reasonable and prudent independent bond counsel legal fees of the County related to the adoption of this Resolution, the Bond Ordinance and the issuance of the Bonds. The Company has agreed to such payment or reimbursement irrespective of whether the Bonds are issued.

Section 3. In order to promote the local health and general welfare, safety, convenience and prosperity of the inhabitants of the County, it is the Commission's intent to take all necessary and advisable steps to effect the issuance of the Bonds in an aggregate principal amount up to \$427,000,000 in one or more series in order to defray part or all of the costs of the Project. The Bonds are to be entitled substantially as follows "Luna County, New Mexico Industrial Revenue Bonds (Southern Power Company Project), Series 2018."

Section 4. The Bonds shall be payable from the revenues of the Project or other moneys payable by the Company, with respect thereto, and shall not constitute a debt or indebtedness of the County within the meaning of any provision or limitation of the Constitution or statutes of the State of New Mexico. In addition, if the Bonds are issued, the Company shall indemnify and hold harmless the County, the Commission and their respective officers, employees, designated representatives and agents (collectively, the "Indemnified Persons") from and against any liability to the Company, or to any third parties that may be asserted against the County with respect to the County's ownership of or leasehold interest in the Project or the issuance of the Bonds. Nothing contained in this Resolution or in any other instrument shall be considered as obligating the County to any pecuniary liability or a charge upon the general credit of the County or against its taxing power, it being understood that no costs are to be borne by the County and that all costs incurred by the County in connection with the Bonds are to be promptly paid or reimbursed by the Company. The County's adoption of this Resolution shall not be deemed a conclusion or expression of approval by the County or any Indemnified Person of the Company or the Project.

Section 5. The Company as agent for the County and consistent with Taxation and Revenue Department Regulation 3.2.212.22 NMAC Renumbered, will acquire the Project.

The Company will, acting as agent for the County, request delivery of Type 9 Nontaxable Transaction Certificates (“Certificates”) for the Project from the Taxation and Revenue Department. The Company will deliver a Certificate to each person selling tangible personal property to the Company for the Project as applicable under the New Mexico Gross Receipts and Compensating Tax Act. The Company shall not use the Certificates other than for the purchase of capital equipment and other tangible personal property, nor shall the Company use such Certificates after the completion of the Project. No costs, expenses or other monetary relief will be recoverable from the County by vendors generation equipment.

Section 6. When the Project is approved, the County intends to enter into an agreement with the Company pursuant to which the Company will pay to the County and the Deming Public School District (the “School District”) certain annual payments in lieu of ad valorem taxes levied on the Project property and such agreement shall be included in the Lease to be entered into by the County and the Company.

Section 7. The County Commissioners and other appropriate County officials and employees are hereby authorized and empowered to take such steps and to do such things as may be necessary to achieve the purposes of this Resolution; provided, however, the issuance of the Bonds and the execution and delivery of any documents to which the County is a party in connection therewith shall be subject to the approval and authorization of the Commission pursuant to the Bond Ordinance, to be adopted following public notice of the Commission’s intent to adopt such Ordinance at least fourteen (14) days prior to the consideration of the Ordinance by the Commission at a public meeting, such public notice to specify the time, date and place of the Commission’s meeting. In particular, no provision of this Resolution shall in any way obligate the County or any other person to issue the Bonds, any other bonds or in any way finance the Project; and the County retains full and complete discretion with respect thereto.

Section 8. This Resolution shall not give rise to a pecuniary liability of the County and shall not give rise to a charge against its general credit or taxing powers.

Section 9. The issuance of the Bonds and the execution and delivery of any documents to which the County is a party in connection therewith shall be subject to the approval and authorization by the Commission pursuant to the Bond Ordinance following reasonable public notice of the time, date and place of the public hearing to be held on the proposed adoption of the Bond Ordinance. The County Clerk is hereby authorized to publish notice of the title and a general summary of the subject matter of the Bond Ordinance, in substantially the form attached hereto as Exhibit B, one time in a newspaper of general circulation within the County at least two weeks before the meeting of the Commission at which the Bond Ordinance is to be adopted. This authorization is in

compliance with Section 4-37-7 NMSA 1978. In connection with this Resolution, the Commission understands that the Company is not obligated to proceed with the Project and additionally, the Commission has been informed that a failure or refusal of the Commission, however arising, to adopt the Bond Ordinance will have the effect of voiding any benefits to the Company under the Act, including revoking the authority of the Company to act as agent for the County in connection with the solicitation of nontaxable transaction certificates for the Project from Taxation and Revenue, voiding the nontaxable transaction certificates issued to the Company for Project purchases and making such purchases subject to whatever tax would be due if such certificates had not been issued.

Section 10. 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 11. All orders and resolutions, or parts thereof, in conflict with this Resolution are hereby repealed; this repealer shall not be construed to revive any order, resolution or part thereof, heretofore repealed.

PASSED, ADOPTED, SIGNED AND APPROVED this __ day of
_____, 2018.

BOARD OF COUNTY
COMMISSIONERS OF LUNA COUNTY,
NEW MEXICO

[SEAL]

Barbara Reedy, District 1 Commissioner

Linda Smrkovsky, District 2 Commissioner

John Sweetser, District 3 Commissioner

ATTEST:

County Clerk

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EXHIBIT A
Schedule A
(Proposed PILOT payments)

Year (commencing on the one year anniversary of the IRB lease Agreement)	County PILOT Payments*
1	0
2	0
3	\$0
4**	\$195,130
5	\$195,130
6	\$195,130
7	\$195,130
8	\$195,130
9	\$195,130
10	\$195,130
11	\$195,130
12	\$195,130
13	\$195,130
14	\$195,130
15	\$195,130
16	\$195,130
17	\$195,130
18	\$195,130
19	\$195,130
20	\$195,130
21	\$195,130
22	\$195,130
23	\$195,130
24	\$195,130
25	\$195,130
26	\$195,130
27	\$195,130
28	\$195,130
29	\$195,130
30	\$195,130
Total	\$5,268,510

* In addition to the foregoing, by December 31, 2022, the Company will make a one-time community benefit payment of \$150,000 to the County if the IRB closing occurs.

** Proposal assumes that PILOT payments begin in 2022 – the first year the facility is operational

EXHIBIT B

**FORM OF NOTICE OF INTENT TO ADOPT
INDUSTRIAL REVENUE BOND ORDINANCE FOR PUBLICATION**

LUNA COUNTY, NEW MEXICO

NOTICE OF INTENT TO ADOPT INDUSTRIAL REVENUE BOND ORDINANCE

Notice is hereby given of the title and general subject matter contained in an ordinance which the Board of County Commissioners of Luna County, New Mexico, the governing body of the County, intends to adopt at a meeting on _____, _____, 2018 at the hour of _____ a.m. at the Luna County Courthouse Commission Chambers, 700 S. Silver Ave, Deming, New Mexico 88030 relating to the authorization, issuance and sale by Luna County, New Mexico of its industrial revenue bonds.

The title of the proposed Ordinance is:

AUTHORIZING THE ISSUANCE AND SALE OF LUNA COUNTY, NEW MEXICO TAXABLE INDUSTRIAL REVENUE BONDS (SOUTHERN POWER COMPANY PROJECT) SERIES 2018, IN A MAXIMUM PRINCIPAL AMOUNT OF \$427,000,000 IN ONE OR MORE SERIES TO PROVIDE FUNDS TO FINANCE THE ACQUISITION, CONSTRUCTION, AND EQUIPPING OF AN INDUSTRIAL REVENUE BOND PROJECT FOR USE BY SOUTHERN POWER COMPANY OR ITS AFFILIATES, SUCCESSORS OR ASSIGNS; AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDENTURE, A LEASE, A BOND PURCHASE AGREEMENT, THE BONDS AND OTHER DOCUMENTS IN CONNECTION WITH THE ISSUANCE OF THE BONDS AND THE PROJECT; MAKING CERTAIN DETERMINATIONS AND FINDINGS RELATING TO THE BONDS AND THE PROJECT; RATIFYING CERTAIN ACTIONS TAKEN PREVIOUSLY; AND REPEALING ALL ACTIONS INCONSISTENT WITH THIS ORDINANCE.

As proposed in the Ordinance: (1) the Bonds will be issued under the authority of the New Mexico County Industrial Revenue Bond Act, Chapter 4, Article 59, NMSA 1978, as amended; (2) the proceeds of the Bonds will finance the acquisition, construction and equipping of a natural gas power generation facility located in unincorporated Luna County, New Mexico (the "Project") for the use by Southern Power Company, or its affiliates, successors or assigns (the "Company"); and (3) the Project will be leased by the County to the Company.

Under the terms of a proposed Lease Agreement (the "Lease") between the County and the Company, the Company will be obligated to pay rent for the Project sufficient to pay, when due, the principal of, interest on and redemption price, if any, of the Bonds and to make certain other payments as provided in the Lease. The Bonds will be issued pursuant to an Indenture (the

“Indenture”) among the County and a trust depository. The Bonds will be sold to a bond purchaser pursuant to the terms of a proposed Bond Purchase Agreement.

THE PRINCIPAL OF, INTEREST ON AND REDEMPTION PRICE OF THE BONDS WILL NEVER CONSTITUTE AN INDEBTEDNESS OF THE COUNTY WITHIN THE MEANING OF ANY PROVISION OR LIMITATION OF THE CONSTITUTION OR LAWS OF THE STATE OF NEW MEXICO. THE BONDS WILL NEVER CONSTITUTE NOR GIVE RISE TO A PECUNIARY LIABILITY OF THE COUNTY OR A CHARGE AGAINST ITS GENERAL CREDIT OR TAXING POWERS.

The Bonds will mature, bear interest, be subject to prior redemption and contain other terms and provisions all in accordance with the Indenture and the Ordinance.

A copy of the Ordinance in draft form is on file in the office of the County Clerk at 700 S. Silver Ave, Deming, New Mexico 88030 and will be available for inspection during normal business hours. All members of the public are invited to attend the hearing, and will be provided opportunity to ask questions about, and to express their opinions concerning, the proposed Ordinance.

This notice is given pursuant to Section 4-37-7 NMSA 1978.

Dated: _____ 2018.

County Clerk

(To be published once in a newspaper of general circulation in Luna County at least two weeks before consideration of Bond Ordinance)