

# **LUNA COUNTY BOARD OF COUNTY COMMISSIONERS**

**Barbara L. Reedy  
Member**

**Linda M. Smrkovsky  
Member**

**John S. Sweetser  
Member**

**Thursday, January 14, 2021**

**10:00 a.m.**

**Agenda**

**Regular Meeting**

**Luna County Courthouse**

Meeting ID: <https://meet.google.com/wcm-iczv-vnr> To dial in: 617-675-4444 PIN: 309 156 665 9554

1. **Call to Order:** Chair Sweetser 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. **Elect 2021 Chairperson:**

**MOTION AND VOTE**

4. **Minutes:**

- a. Regular Meeting December 10, 2020

**MOTION AND VOTE**

5. **Service Awards:**

• Isabelle Enciso	Assessor's Office	20 years
• Arturo Baeza	Sheriff's Department	10 years
• David Holguin	Sheriff's Department	10 years
• Daniel Acosta	Sheriff's Department	10 years
• Edith Vazquez	DWI Program	10 years
• Cody Garcia	Dispatch	10 years
• Michael Milo	LCDC	10 years
• Crystal Lessau	LCDC	10 years
• Linda Martinez	LCDC	5 years

6. **Retirements:**

• Marty Miller	Road Department.	28 years
• Mike Hatch	Road Department	23 years
• Dora	Treasurer's Office	20 years
• Andrea	Clerk's Office	29 years
• Gloria	Treasurer's Office	49 years

7. **Recognition Award:**

• Senator John Arthur Smith	Legislator	31 years
• Kelly Gannaway	Sheriff's Department	30 years
• Robert Ramirez	Sheriff's Department	Deputy of the Year

8. **Presentations:**

- Quarterly Restrictive Housing Unit Report by Pablo Montoya
- Columbus Land Port of Entry Diversion Berm and Flood Control Project Presentation Update by Wilson Company

9. **Elected Officials Report:**

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

11. **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 January 14, 2021 \$0.00

**MOTION AND VOTE**

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

**MOTION AND VOTE**

12. **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.

13. **Consent Agenda:**

- a. Accounts Payable: \$1,412,601.55
- b. Payroll: \$1,651,008.89
- c. Resolution 21-01 Notice of Meetings
- d. Resolution 21-02 Timely Payments
- e. Resolution 21-04 Depositories, Board of Finance, and Media Designation
- f. Resolution 21-05 Right to Inspect Public Records
- g. Resolution 21-06 CDBG Annual Certifications and Commitments
- h. Resolution 21-07 Designating Treasurer to Require Collateralization
- i. Resolution 21-08 DWI Participation
- j. Resolution 21-09 ADA Grievance Procedure
- k. Statement of Assurances Local DWI Grant and Distribution Program
- l. Memorandum of Understanding between Luna County DWI and New Mexico Department of Finance and Administration/ Local Government Division

**MOTION AND ROLL CALL VOTE**

14. **New Business:**

- a. Resolution 21-03 Notice of Fees  
**MOTION AND ROLL CALL VOTE**
- b. Resolution 21-10 Budget Increases  
**MOTION AND ROLL CALL VOTE**
- c. Resolution 21-11 Budget Transfers  
**MOTION AND ROLL CALL VOTE**
- d. Resolution 21-12 Disposition of Personal Property  
**MOTION AND ROLL CALL VOTE**
- e. Resolution 21-13 Labor/ Management Relations Board Meetings Notice  
**MOTION AND ROLL CALL VOTE**
- f. PlaySharity Funding Request  
**MOTION AND ROLL CALL VOTE**

15. **Upcoming Meetings (unless otherwise specified):**

Regular Commission Meeting: February 11, 2021 at 10:00 a.m.

16. **Adjourn:**

**MINUTES  
REGULAR MEETING  
LUNA COUNTY BOARD OF COUNTY  
COMMISSIONERS  
Thursday, December 10, 2020**

**BE IT REMEMBERED** that the Luna County Board of County Commissioners met in regular session at 10:00 a.m. on Thursday, December 10, 2020 in the Chambers of the Luna County Courthouse, Deming, New Mexico, for the purpose of conducting any and all business to come properly before the Board. Due to the Covid-19 Pandemic and the Governor's Orders regarding social distancing, the commission meeting was also conducted via teleconference and webcasting with a minimum in attendance from the public and staff.

**The following staff and elected officials were present:** County Manager Chris Brice, Assistant to the County Manager Yossie Nieblas, Administrative Assistant Lupita Hernandez, IT Technician Joseph Apodaca, Deputy Clerk Pilar Salcido, Probate Judge Diana May-Diaz, Sherriff Kelley Gannaway, Community Development Director Premal Patel, and Budget & Procurement Director Joanne Hethcox. Other directors and elected officials were present virtually.

**CALL TO ORDER:** Chair Sweetser called the meeting to order at 10:04 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, District 2  
John S. Sweetser, Chair District 3**

**MINUTES:** Upon a motion made by Commissioner Reedy and a second by Commissioner Smrkovsky

Minutes for the Regular Meeting of November 12, 2020 were unanimously approved following a roll call vote. Upon a motion made by Commissioner Reedy and a second by Commissioner Smrkovsky the minutes of the Special Meeting held on November 19, 2020 were unanimously approved following a roll call vote.

**SERVICE AWARDS:**

- Richard Casillas was presented his five year service pin by Detention Lieutenant Javier Gallegos.
- Gabriel Pena from Luna County Detention Center was not present to receive his five year pin.

**RETIREMENT:**

- Joseph Vigil served 31 years at the Luna County Sherriff's Office. Sherriff Gannaway presented Officer Vigil with his retirement plaque.

**ELECTED OFFICIALS REPORTS:** Sherriff Kelly Gannaway reported assault and larcenies are up and burglaries are down. The totals for criminal are the same as last month. Sherriff Gannaway reported they received the Stonegarden grant in the amount of \$979,875 for fiscal year 2020. Sheriff Gannaway stated he still had four deputies pending training and he was waiting to see where the training will be held.

Probate Judge Diana Diaz reported in person meetings are suspended indefinitely.

Commissioner Smrkovsky gave her report regarding a conference she attended with New Mexico Counties Association.

**COUNTY MANAGER'S REPORT:** County Manager Chris Brice reported:

- Dispatch: Dispatch had a total of 10,326/911 calls and 103 warrants. New recorders have been installed for calls and traffic. A proposal for a new CAD system is pending. We are leaning on Motorola system for the new CAD system.
- LCDC: There was a total of 242 people booked and 127 released. Average day population 243 with 155 Marshalls. There are currently 10 detention officer openings.
- Road Department: Two positions will open up with Jose Ramos and Mike Hatch retiring on January 2021. A total of 132 miles of roads have been bladed with high traffic areas taking priority. A total of 1,536 tires were received and we need to find out exactly where these tires are coming from.
- Budget and Procurement: Working on agency responses and corrective action plan regarding audit results. The plan is to upgrade the current Open Gov system the County is currently using to include budgeting. This new program can be accessed remotely and accessible anytime. This program will cost \$40,000 a year.
- Human Resources: Current posted positions are for detention officers and a full time dispatcher. Newly hired, David Bailey for the road department, two dispatchers Jessica Gomez and Angela Lucero and two seasonal temporary workers Humberto Romero and Samuel Layton.
- Starmax: This facility is running phenomenally. Covid testing is taking place on site at Starmax. Many good changes and upgrades are happening throughout the facility. Sales for November is \$3,695.25.
- Emergency Management: Assisted with surge testing site, we collected over 500 tests in Luna County, also assisted Department of Health and NM National Guard with the "Red to Green" test site being set up. The site will run seven days a week from 10:00 a.m. to 3 p.m. until our County is back to green. Testing will be held in Columbus. Working on purchasing MASS notification system for our County. The system should be up and running by January.
- Safety and Risk: Joann Moorman is making sure the County is in compliance. She is working on updating Action Plan & Safety Program policy. The training calendar is available on the intranet.
- Luna County Fire: They have assisted the City Fire Department. They responded to two trash fires, two vehicle fires, and one mobile home fire. Training has been held and wildland gear has been received.

- **DWI:** They are tracking 98 misdemeanor DWI offenders.
- **Community Health and Well Being:** There are lots of issues that need to be addressed at the Healing House. The Healing House Board is almost non-existent and non-responsive. If we are providing a service to the community we need to be doing it right. CASA is serving twelve volunteers. Parents as Teachers are serving 107 clients in Luna County, 52 in Hidalgo. A total of 500 food boxes were distributed to Hidalgo and Luna Counties by this organization.
- **IT:** There were a total of 669 work orders submitted with 654 of them completed. The PDS server has been configured and set up. Looking into getting the sound to work in the Chambers. The IT area are working on multiple projects.
- **Economic Development:** The second Cares Act Grant is available for business owners. This grant is issued straight to the business. We are willing and able to help out with the application at no charge. Multiple projects are in the works for the planning department including, Starmax, Dollar General, a meat market opening up south of town and lots of solar projects. They are also seeking more grants and getting ordinances updated.
- **Maintenance/Projects:** The Health Complex design has been finalized. The tempered glass is being installed. They are starting the Helping Hands flooring renovation. The Park Plaza electrical design has been upgraded. Trees are being cut.

**INDIGENT CLAIMS REPORT:** Upon a motion by Commissioner Reedy and a second by Commissioner Smrkovsky, 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 four claims for the month of November. The total expenditures for the month of November was \$18,719.74. The total for this year has been \$113,700.62. The money received for the month of November \$214,697.67 and the balance for the Indigent Claims Fund totaled \$1,529,138.15, of that \$598,123.88 is encumbered. Commissioner Smrkovsky 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 Smrkovsky seconded the motion which carried unanimously.

**PUBLIC COMMENT:** Chair Sweetser opened the floor to public comment. Alberta Morgan went before the board and commended the County for their response to the pandemic and discussed some of her theories regarding the issue. She also commended the current Board of Commissioners and Mr. Brice for the improvements to the roads and other accomplishments.

#### **CALL TO AMEND ORDINANCE:**

**Resolution 20-53 Call to Amend Ordinance 54; Relating to Collective Bargaining for Luna County, New Mexico; Providing Rights, Responsibilities, and Procedures in the Employment Relationship between Employees and the Employer:** Mr. Brice explained that the collective bargaining units have put a real big push to enhance their foothold in counties and municipalities throughout the state and strengthen collective bargaining power. The New Mexico Association of Counties and the Municipal League have really pushed back because it would be detrimental to

county and city governments. Dina Holcomb who is the attorney in the state for collective bargaining went to bat for us. In the end some of the state statutes for collective bargaining did change. So we are amending ours to reflect the changes that have happened through the legislature. Commissioner Smrkovsky motioned to approve Resolution 20-53 Call to Amend Ordinance 54; Relating to Collective Bargaining for Luna County, New Mexico; Providing Rights, Responsibilities, and Procedures in the Employment Relationship Between Employees and the Employer. The motion was seconded by Commissioner Reedy and approved unanimously following a roll call vote.

#### **PUBLIC HEARING:**

**Ordinance 54 Second Amended – Relating to Collective Bargaining for Luna County, New Mexico; Providing Rights, Responsibilities, and Conditions of Continued Existence and Transfer of Authority upon Termination of Local Board:** There was no public comment forthcoming. Commissioner Smrkovsky motioned to approve Ordinance 54 Second Amended Relating to Collective Bargaining for Luna County, New Mexico; Providing Rights, Responsibilities, and Conditions of Continued Existence and Transfer of Authority upon Termination of Local Board. The motion was seconded by Commissioner Reedy and carried unanimously following a roll call vote.

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

- a. Accounts Payable: \$509,589.03
- b. Payroll: \$1,132,151.52

#### **NEW BUSINESS:**

- a. **Resolution 20-60 Budget Increases:** Budget & Procurement Director/Indigent Claims Administrator Joanne Hethcox explained. Commissioner Reedy motioned to approve Resolution 20-60 Budget Increases as presented. The motion was seconded by Commissioner Smrkovsky and approved unanimously following a roll call vote.
- b. **2021 Luna County Holiday Schedule:** Mr. Brice explained the hours for Luna County will revert back to previous schedule eight hours a day. Commissioner Reedy motioned to approve 2021 Luna County Holiday Schedule. The motion was seconded by Commissioner Smrkovsky and carried unanimously following a roll call vote.
- c. **Replat Request: Two Tracts within Blocks 9, Units 25 Ranchettes; S26, T24S, R9W:** Economic Development Director Premal Patel explained the subject properties are two tracts within Block 9, Units 25 Ranchettes: S26, T24S R9W in the County jurisdiction. Commissioner Smrkovsky motioned to approve Replat Request, Two Tracts within Blocks 9, Units 25 Ranchettes; S26, T24S, R9W. The motion was seconded by Commissioner Reedy and was approved unanimously following a roll call vote.
- d. **Variance Request on 3425 Cabrito Rd SE; Brasas Meats:** Economic Development Director Premal Patel explained the subject property is 3425 Cabrito Rd. SE and falls under County Ordinances. The applicant Bernardo Rabago is seeking a variance for a shared well to operate a retail and wholesale meat retail outlet Brasas Meat.

Commissioner Smrkovsky has concerns if the septic for this business will also be shared. Mr. Patel explained this request is only for the shared well. Commissioner Reedy motioned to approve Variance Request on 3425 Cabrito Rd SE; Brasas Meats with the recommendation from staff. The motion was seconded by Commissioner Smrkovsky and carried unanimously following a roll call vote.

- e. **Resolution 20-61: Disposition of Personal Property:** Budget & Procurement Director/Indigent Claims Administrator Joanne Hethcox explained the assets to be disposed of are Caimon Multi-Terrain Vehicle and the Irwin Farm Property which includes 653 acres of land and improvements only. Ownership of the 600 acres of water rights in Southern Luna County will be retained by Luna County per agreement. Commissioner Reedy motioned to approve Resolution 20-61; Disposal of Assets. Chair Sweetser seconded the motion which carried unanimously following a roll call vote.
- f. **Resolution 20-62: Legislative Senate Finance Committee Representation:** Mr. Brice recommended the appointment of Senator Crystal Diamond to the Legislative Finance Committee to continue the long history of representation of southern and southwestern New Mexico. Commissioner Reedy motioned to approve Resolution 20-62; Legislative Senate Finance Committee Representation. The motion was seconded by Commissioner Smrkovsky and carried unanimously following a roll call vote.

**UPCOMING MEETINGS:** Chair Sweetser announced the following upcoming meetings:

Swearing-In Ceremony at 1:30 p.m. today  
Regular Commission Meeting – January 14, 2020 @ 10 a.m.

**ADJOURN:** The meeting was adjourned by Chair Sweetser at 11:48 a.m.

**ATTEST:**

**LUNA COUNTY BOARD OF COUNTY  
COMMISSIONERS**

\_\_\_\_\_  
**ANDREA RODRIGUEZ, LUNA COUNTY CLERK**

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

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

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**LINDA M. SMRKOVSKY, DISTRICT 2**

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





## **Luna County Detention Center**

1700 E. 4<sup>th</sup>  
Deming, New Mexico 88030  
Phone (575) 543-6701  
Fax (575) 544-7272

January 5, 2021

From: Pablo Montoya, Interim Director  
To: Luna County Board of County Commissioners

Subj: RHU Quarterly report IAW HB 364 (New Mexico's Restricted Housing Act)

This report is being submitted in accordance with HB 364, New Mexico's Restricted Housing Act's reporting requirements.

During the period of October 1<sup>st</sup>, 2020 thru December 31<sup>st</sup>, 2020. The Luna County Detention Center had four detainees who met the reporting requirements under this act. Please see the attached report.

A copy of this report will be submitted electronically to the legislative council service library IAW HB 364.

Respectfully,



Pablo Montoya, Interim Director

# Indigent Hospital Claims Office

Chris A. Brice, County Manager

IHC Board Meeting January 14, 2021

Month	Number	Amount	Number	Denied
January	9	\$20,649.49	0	\$0.00
Feburary	4	\$20,700.21	0	\$0.00
March	0	\$0.00		
April	11	\$30,846.52		
May	5	\$6,257.04		
June	2	\$8,013.26		
July	1	\$1,103.03		
August	3	\$7,411.33	1	\$4,273.26
September	0	\$0.00		
October	0	\$0.00		
November	4	\$18,719.74		
December		\$0.00		
Total	39	\$113,700.62	1	\$4,273.26
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			\$91,632.67
Year to Date Total	All Other Hospitals			\$0.00
Year to Date Total	Deming Fire Dept./EMS			\$500.00
Year to Date Total	All Other Services			\$21,567.95
Total				\$113,700.62
Care of Prisoners This Month - Not including SNCP Funds				\$204,119.57
Care of Prisoners Year to Date Indigent - Not including SNCP Funds				\$1,481,964.26
Care of Prisoners Year to Date Inmate Prescriptions/OTC Meds				\$121,266.91
Care of Prisoners Year to Date Dr. Bills				\$370.00
Total Cost of Care of Prisoners Year to Date				\$1,603,601.17
Monies Received for December 2020				\$84,598.79
Balance in IHC Fund as of December 31, 2020				\$1,622,091.22
Encumbrances as of Decembet 31, 2020				\$374,617.86
		Date	Amount Approved	Amount Denied
	Signatures	1/14/2021	\$0.00	\$0.00
Barbara L. Reedy				
Linda M. Smrkovsky				
John S. Sweetser				

LCBCC Meeting January 14, 2020  
Accounts Payable

12/08/2020	\$163,307.82
12/08/2020	\$266.27
12/18/2020	\$6,812.53
12/18/2020	\$663,595.48
12/23/2020	\$116,559.83
12/30/2020	\$383,307.42

P-Cards

November 2020

\$78,752.20

Total    \$1,412,601.55

*Luna County*  
*Board of County Commissioners*

**AGENDA 01/14/2021**

**PAYROLL**

12/04/2020	*Register # 20200121	\$ 544,778.80
12/04/2020	*Register # 20200122	\$ 28,271.41
12/18/2020	Register # 20200123	\$ 521,428.86
12/18/2020	*Register # 20200124	\$ 42,057.58
12/31/2020	Register # 20200125	\$ 473,544.04
12/31/2020	*Register # 20200126	\$ 40,928.20

**Total \$ 1,651,008.89**

\* Special

*Be it remembered that at a regular meeting the Luna County Board of County Commissioners in Deming New Mexico, on the 14<sup>th</sup> day of January 2021, the following proceedings were had and entered of record.*

## **RESOLUTION #21-01**

### **NOTICE OF MEETINGS**

**WHEREAS**, the Open Meetings Act, Section 10-15-1 to 4 NMSA 1978, as amended is in effect:  
and

**WHEREAS**, meetings of the Luna County Board of County Commissioners desire to comply with the provisions of the aforementioned Act; and

**WHEREAS**, Section 10-15-1 (D) of the Open Meetings Act requires that the Luna County Board of County Commissioners shall annually make a determination regarding what shall be considered reasonable notice to the public meetings:

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. All meetings shall be held in the County Commission Chambers of the Luna County Courthouse, 700 S. Silver Avenue, Deming, New Mexico or as indicated in the meeting notice.
2. Unless otherwise specified, regular meetings shall be held on the 2<sup>nd</sup> Thursday of each month at 10:00 a.m. An agenda will be available 72 hours prior to the meeting on the county website and in the office of the County Manager, Luna County Courthouse, at 700 S. Silver Avenue, Deming, New Mexico. Notice of changes to the scheduled date of a regular meeting will be given ten (10) days in advance of the meeting date. The notice shall indicate how a copy of the agenda may be obtained.
  - a. Any member of the Board of County Commissioners or the County Manager is authorized to determine those items to be placed on the agenda of a regular meeting.
3. A work session may be called by the Chairperson or a majority of the Commission members upon 72 hours (3 days) notice. The notice shall include an agenda for the meeting or information on how members of the public may obtain a copy of the agenda. The agenda shall be available to the public at least 72 hours before any special meeting.

4. Special meetings may be called by the Chairperson or a majority of the Commission members upon 72 hours (3 days) notice. The notice shall include an agenda for the meeting or information on how members of the public may obtain a copy of the agenda. The agenda shall be available to the public at least 72 hours before any special meeting.
5. Emergency meetings will be called only under unforeseen circumstances which may demand immediate action to protect the health, safety and property of citizens, or to protect the public body from substantial financial loss. The Luna County Board of County Commissioners will avoid emergency meetings whenever possible. Emergency meetings may be called by the Chairperson or a majority of the Commission members upon 24 hour notice, unless threat of personal injury or property damage requires less notice. The notice shall include an agenda for the meeting or information on how members of the public may obtain a copy of the agenda. The notice for all emergency meetings will be posted in the Luna County Manager's Office and the Luna County Clerks' Office and notification will be given to the media. A report of any action taken in an emergency meeting shall be sent to the Office of the Attorney General within 10 days unless a state or national emergency has been declared.
6. During the pendency of the COVID-19 declared emergency, a member of the Board of County Commissioners or any of its Boards may participate in a meeting by means of a conference telephone, internet or other similar communications equipment when necessary as a COVID Safe Practice. While mass gatherings are prohibited by the NM Public Health Order, meetings will not be physically open to the public. All members of the public will be able to attend and listen to the meeting via google meets with the link published on the agenda. Public comment may be made during that time and will be entered and/or read into the meeting minutes (if under 3 minutes). Comments must contain the author's name.

**Done at Deming, New Mexico this 14<sup>th</sup> day of January 2021**

**Luna County Board of County Commissioners**

**ATTEST:**

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

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**Berenda McWright, County Clerk**

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

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

*Be it remembered that at a regular meeting the Luna County Board of County Commissioners in Deming New Mexico, on the 14<sup>th</sup> day of January 2021, the following proceedings were had and entered of record.*

**RESOLUTION #21-02**

**TIMELY PAYMENTS RESOLUTION**

**WHEREAS**, IT IS SOMETIMES NECESSARY TO PAY BILLS AND MAKE PAYMENTS BETWEEN MEETINGS OF THE Luna County Board of County Commissioners to take advantage of discounts and make payments in a timely manner; and

**WHEREAS**, the Luna County Business Office is and has been the central purchasing office since 1974, and handles the purchasing of goods and services and payment of bills;

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** that the Luna County Board of County Commissioners does hereby direct the Luna County Manager or Designee to approve vouchers and issue warrants as necessary for signature by the Commission Chairman when the Board is not in session, and that a summary of these vouchers be presented to the Commissioners at their next meeting.

**Done at Deming, New Mexico this 14<sup>th</sup> day of January, 2021**

**Luna County Board of County Commissioners**

**ATTEST:**

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

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**Berenda McWright, County Clerk**

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

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



*Be it remembered that at a regular meeting of the Luna County Board of County Commissioners in Deming, New Mexico, on the 14<sup>th</sup> day of January 2021, the following proceedings were had and entered of record.*

**RESOLUTION #21-04**

**DEPOSITORIES, BOARD OF FINANCE AND MEDIA DESIGNATION**

**BE IT RESOLVED AND ORDERED** by the Luna County Board of County Commissioners, the following establishments and persons be designated or appointed in the following capacities of the County of Luna, subject to further order of this Board.

OFFICIAL DEPOSITORIES OF COUNTY FUNDS

First New Mexico Bank,  
Wells Fargo Bank N.A. New  
Mexico, Deming, NM,  
Moreton Capital Markets, LLC

COUNTY BOARD OF FINANCE

All County Commissioners,  
County Treasurer as Executing  
Officer, and County Clerk as  
the Clerk of the Board of  
Finance

OFFICIAL NEWSPAPER AND OTHER MEDIA

Deming Headlight  
KOTS/KDEM Radio Station

**Done at Deming, New Mexico this 14<sup>th</sup> day of January, 2021  
Luna County Board of County Commissioners**

**ATTEST:**

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

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**Berenda McWright, County Clerk**

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

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

*Be it remembered that at a regular meeting of the Luna County Board of County Commissioners in Deming, New Mexico, on the 14<sup>th</sup> day January, 2021, the following proceedings were had and entered of record.*

**RESOLUTION #21-05**

**NOTICE OF RIGHT TO INSPECT PUBLIC RECORDS**

**WHEREAS**, Luna County Government shall comply with the Inspection of Public Records Act of New Mexico, Section 14-2-1 through 12, NMSA 1978;

**WHEREAS**, any person wishing to inspect public records may submit an oral or written request to the Custodian of Public Records. However, the procedures set forth in the Act shall be in response to a written request. The failure to respond to an oral request shall not subject the custodian to any penalty. If a person requesting inspection would like a copy of a public record, a reasonable fee set by the annual Notice of Fees Resolution will be applicable;

**WHEREAS**, nothing in the Inspection of Public Records Act shall be construed to require a public body to create a public record;

**WHEREAS**, a written request shall provide the name, address and telephone number of the person seeking access to the records and shall identify the records sought with reasonable particularity. No person requesting records shall be required to state the reason for inspecting the records;

**WHEREAS**, the custodian receiving a written request shall permit the inspection immediately or as soon as is practicable under the circumstances, but not later than fifteen days after receiving a written request. If the inspection is not permitted within three business days, the custodian shall explain in writing when the records will be available for inspection or when the public body will respond to the request. The three-day period shall not begin until the written request is delivered to the office of the custodian;

**WHEREAS**, in the event that a written request is not made to the custodian having possession of or responsibility for the public records requested, the person receiving the request shall promptly forward the request to the custodian of the requested public records, if known, and notify the requester. The notification to the requester shall state the reason for the absence of records from that person's custody or control, the records' location and the name and address of the custodian;

**WHEREAS**, for the purposes of the Act, "written request" includes an electronic communication, including email or facsimile; and

**WHEREAS**, requests to inspect public records should be submitted to the Custodian of Public Records.

**NOW THEREFORE BE IT RESOLVED**, the Luna County Board of County Commissioners designates the Luna County Manager's Office as the Custodian of Public Records. Contact information is as follows:

Yossie Nieblas, IPRA Coordinator  
700 S. Silver Avenue  
Deming, NM 88030  
Phone: (575) 546-0494  
Fax: (575) 544-4293  
ipra@lunacountynm.us

**Done at Deming, New Mexico this 14<sup>th</sup> day of January, 2021**

**Luna County Board of County Commissioners**

**ATTEST:**

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

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

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

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

Grantee Name: County of Luna

CDBG Project Number: \_\_\_\_\_

RESOLUTION # 21-06

**ADOPTION OF REQUIRED  
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)  
CERTIFICATIONS AND COMMITMENTS**

**WHEREAS**, municipalities, counties or other entities that accept Community Development Block Grant (CDBG) funds must adopt certain required federal regulations; and

**WHEREAS**, the County of Luna (hereinafter referred to as the Grantee) wishes to ensure compliance with federal regulations by adopting the following required certifications and commitments:

<b>Citizen Participation</b>	certifies its commitment to citizen participation by preparing and adopting a Citizen Participation Plan that includes ways to encourage public input using various methods to reach the public and assures that citizens are provided reasonable notice and timely access to local meetings, per the Open Meetings Act (NMSA 1978, Chapter 10, Article 15)
<b>Fair Housing</b>	certifies its commitment to the Fair Housing Act of 1968 to affirmatively further fair housing, which prohibits discrimination in the sale, rental, leasing and financing of housing or land to be used for the construction of housing on the basis of race, color, religion, sex, disability, familial status, or national origin
<b>Residential Anti-Displacement &amp; Relocation Assistance</b>	certifies its compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, whose purpose is to provide uniform, fair, and equitable treatment for persons whose real property is acquired or for persons displaced as a result of a CDBG-funded project or activity
<b>Section 3</b>	certifies its commitment to Section 3, a provision of the Housing and Urban Development (HUD) Act of 1968, which requires recipients of certain HUD financial assistance, to the greatest extent feasible, provide job training, employment, and contracting opportunities for low and very low income residents in connection with projects and activities in their community. Attached is the Grantee Section 3 hiring information.
<b>Procurement</b>	certifies its compliance with federal procurement code (24 CFR Part 85.36) and New Mexico Procurement Code (§13-1-120 NMSA 1978) by adopting a procurement policy for CDBG projects.

## GRANTEE SECTION 3 PLAN CHART

- Chart for Section 3 Plan **MUST** be filled out for job classifications that result from this CDBG funding. If this project will not create jobs, this chart will not be applicable. Attach additional job classifications as necessary.

County of Luna ANTICIPATED/ACTUAL HIRES			2021 HIRING YEAR	
PLANNED			ACTUAL	
Job Classification	# of Positions to be Filled	# of Positions to be Filled by Lower Income County of Luna Residents	# of Positions Filled	Positions Filled by Lower Income County of Luna Residents
County of Luna				

**NOW, THEREFORE, BE IT RESOLVED**, that the Grantee adopts the above CDBG certifications through the term of the CDBG grant agreement with the Department of Finance and Administration, as amended, if applicable.

**PASSED, APPROVED, SIGNED, AND ADOPTED** at a duly called and convened regular meeting of the governing body of the \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**SIGNED:** \_\_\_\_\_, Chief Elected Official

**ATTEST:**

\_\_\_\_\_  
(Name and Title)

# EXHIBIT 1-Z

## CDBG FEDERAL REQUIREMENTS

### CITIZEN PARTICIPATION REQUIRED ELEMENTS

In accordance with the 1987 revisions to the Housing and Community Development Act and in an effort to further encourage citizen participation, The County of Luna has prepared and adopted this Citizen Participation Plan.

#### Objective A

The County of Luna will provide for and encourage citizen participation within its area of jurisdiction, with particular emphasis on participation by persons of low and moderate income. *Action items:*

1. *Adopt and circulate an Open Meetings Resolution which provides citizens with reasonable notice of county/municipality upcoming meetings, actions and functions.*
2. *Develop press releases on county/municipality meetings, actions and hearings, and circulate to newspapers, radio and television media.*
3. *Develop and maintain listing of groups and representative of low and moderate income persons, and include on mailing lists of announcements, notices, press releases, etc.*

#### Objective B

The County of Luna will provide citizens with reasonable and timely access to local meetings, information and records relating to the proposed and actual use of CDBG funds. *Action items:*

1. *Public notices, press releases, etc., should allow for a maximum length of notice to citizens.*
2. *Appropriate information and records relating to the proposed and actual use of CDBG funds must be available upon request to all citizens. Personnel and income records may be exempted from these requirements.*
3. *Meetings, hearing, etc., should be conducted at times and locations conducive to public attendance, e.g., evenings, Saturdays.*

#### Objective C

The County of Luna will provide technical assistance to groups and representatives of low and moderate income persons that request assistance in developing proposals. *Note: the level and type of assistance is to be determined by the county/municipality. Action items:*

1. *Low and moderate income groups should be advised that technical assistance, particularly in the area of community development, is available from the county/municipality upon request.*
2. *Document technical assistance provided to such groups and has documentation available for review.*

#### Objective D

The County of Luna \_\_\_\_\_ will provide a minimum of two public hearings to obtain citizen participation and respond to proposals and questions at all stages of the Community Development Block Grant Program. *Action items:*

1. *Advise citizens of the CDBG program objectives, range of activities that can be applied for and other pertinent information.*
2. *Conduct a minimum of two public hearings:*
  - a. *One public hearing will be held to advise citizens of the program objectives and range of activities that can be applied for, and to obtain the citizen's views on community development and housing needs, to include the needs of low and moderate income people. This hearing will take place prior to the selection of the project to be submitted to the state for CDBG funding assistance.*
  - b. *A second public hearing will be held to review program performances, past use of funds and make available to the public its community development and housing needs, including the needs of low and moderate income families, and the activities to be undertaken to meet such needs.*
3. *Publish public hearing notices in the non-legal section of newspapers or in other local media. Evidence of compliance with these regulations will be provided with each CDBG application, i.e., hearing notice minutes of public meetings, list of needs and activities to be undertaken, etc. Amendments to goals, objectives and applications are also subject to public participation.*

#### Objective E

The County of Luna \_\_\_\_\_ will provide timely written answers to written complaints and grievances within 15 working days where practical. *Action items:*

1. *Adopt complaint handling procedures or policies to insure that complaints or grievances are responded to within 15 days, if possible.*
2. *Allow for appeal of a decision to a neutral authority.*
3. *File a detailed record of all complaints or grievances and responses in one central location with easy public access.*

#### Objective F

The County of Luna \_\_\_\_\_ will identify how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of residents can be reasonably expected to participate. *Action items:*

1. *Identify areas where large majorities of non-English speaking persons reside and make appropriate provisions when issues affecting these areas are to be discussed at public meetings, hearings, etc. Appropriate provisions will include having interpreters available at the meeting and having briefing material available in the appropriate language.*
2. *Maintain records/rosters of public hearing attendees and proceedings to verify compliance with this objective.*

## FAIR HOUSING REQUIRED ELEMENTS

A resolution of the \_\_\_\_\_ Board of Commissioners \_\_\_\_\_ of the \_\_\_\_\_ County \_\_\_\_\_ of \_\_\_\_\_ Luna County \_\_\_\_\_, adopting a fair housing policy, making known its commitment to the principle of fair housing, and describing actions it shall undertake to affirmatively further fair housing.

WHEREAS; the Housing and Community Development act of 1974 as amended requires that all applicant for Community Development Block Grants funds certify that they shall affirmatively further fair housing; and

WHEREAS; the Civil Rights Act of 1968 (commonly known as the Federal Fair Housing Act) and the Fair Housing Amendments Act of 1988 declare a national policy to prohibit discrimination in the sale, rental, leasing and financing of housing or land to be used for the construction of housing or in the provision of brokerage services, on the basis of race, color, religion, sex, disability, familial status or national origin; and

WHEREAS; fairness is the foundation of the American system and reflects traditional American values; and

WHEREAS; discriminatory housing practices undermine the strength and vitality of America and its people;

NOW, THEREFORE, BE RESOLVED THAT the \_\_\_\_\_ Board of Commissioners \_\_\_\_\_ of the \_\_\_\_\_ County \_\_\_\_\_ of \_\_\_\_\_ Luna County \_\_\_\_\_ hereby wish all persons living, working, doing business in or traveling through this \_\_\_\_\_ County \_\_\_\_\_ to know that: discrimination in the sale, rental, leasing, and financing of housing or land to be used for construction of housing, or in the provision of brokerage services on the basis of race, color, religion, sex, handicap, familial status or national origin is prohibited by Title VIII of the Fair Housing Act Amendments of 1988; and that it is the policy of the \_\_\_\_\_ County \_\_\_\_\_ of \_\_\_\_\_ Luna County \_\_\_\_\_ to implement programs, within the constraints of its resources, to ensure equal opportunity in housing for all persons regardless of race, color, religion, sex, handicap, familial status or national origin; and within available resources the \_\_\_\_\_ County \_\_\_\_\_ of \_\_\_\_\_ Luna County \_\_\_\_\_ will assist all persons who feel they have been discriminated against in housing issues on the basis of race, color, religion, sex, handicap, familial status or national origin to seek equality under existing federal and state laws to file a complaint with the New Mexico Attorney General's Office or the U.S. Department of Housing and Urban Development; and that the \_\_\_\_\_ County \_\_\_\_\_ of \_\_\_\_\_ Luna County \_\_\_\_\_ shall publicize this Resolution and thereby encouraging owners of rental properties, developers, builders and others involved with housing to become aware of their respective responsibilities and rights under the Fair Housing Amendments Act of 1988 and any applicable state or local laws or ordinances; and that the \_\_\_\_\_ County \_\_\_\_\_ of \_\_\_\_\_ Luna County \_\_\_\_\_ shall undertake the following actions to affirmatively further fair housing:



(List all such actions to include: mailing copies of this resolution to the real estate community, banks, developers, community organizations and local media; posting copies of this resolution at identified locations; distributing flyers; sponsoring schools)

List actions here

## RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE REQUIRED ELEMENTS

### I. Background/Introduction

Section 104(d) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5304(d)(4)), Section 105(b)(16) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705(b)(16)), and implementing regulations at 24 CFR Part 42, specify that a grantee under the Community Development Block Grant (CDBG) must certify that it has in effect and is following a "residential Anti-displacement and relocation assistance plan" (Plan). As a CDBG grantee, The County of Luna must certify to State of New Mexico Department of Finance and Administration Local Government Division that it has and is following such a Plan.

The Plan must include three components: 1) one-for-one replacement requirements for lower-income housing units, 2) relocation assistance, and 3) a description of the steps The County of Luna will take to minimize displacement.

### II. Activities Covered by the Plan

All activities involving the use of CDBG funds that cause displacement as a direct result of demolition or conversion of a lower-income dwelling are subject to the requirements specified in the Plan. Activities for which funds are first obligated on or after September 30, 1988 are subject to the requirements specified in the Plan, without regard to the source year of the funds.

### III. Uniform Relocation Act

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA) govern displacement that directly results from acquisition, rehabilitation, or demolition of real property when federal funds are used. The County of Luna's Residential Anti-displacement and Relocation Assistance Plan is in no way intended to supersede the URA. CDBG assisted activities may still be subject to the requirements of the URA.

### IV. One-for-One Replacement Units

All occupied and vacant occupiable lower-income dwelling units that are demolished or converted to a use other than as lower-income dwelling units in connection with an assisted activity must be replaced with comparable lower-income units. Replacement lower-income dwelling units may be provided by any governmental agency or private developer and must meet the following requirements:

- A. The units must be located within The County of Luna to the extent feasible, the units shall be located within the same neighborhood as the units replaced

- B. The units must be sufficient in number and size to house no fewer than the number of occupants who could have been housed in the units that are demolished or converted. The number of occupants who could have been housed in the units shall be in accordance with applicable local housing occupancy codes. The units may not be replaced with smaller units (e.g., a 2-bedroom unit with two 1-bedroom units), unless The County of Luna has provided information demonstrating that such a proposed replacement is consistent with the needs assessment contained State of New Mexico Department of Finance and Administration Local Government Division HUD-approved Consolidated Plan.
- C. The units must be in standard condition and must at a minimum meet Section 8 Program Housing Quality Standards. Replacement lower-income units may include units brought from a substandard condition to standard condition if: 1) no person was displaced from the unit; and 2) the unit was vacant for at least 3 months before execution of the agreement between The County of Luna and the property owner.
- D. The units must initially be made available for occupancy at any time during the period beginning 1 year before the recipient makes public the information required under Section F below and ending 3 years after the commencement of the demolition or rehabilitation related to the conversion.
- E. The units must be designed to remain lower-income dwelling units for at least 10 years from the date of initial occupancy. Replacement lower-income dwelling units may include, but are not limited to, public housing or existing housing receiving Section 8 project-based assistance
- F. Before The County of Luna enters into a contract committing it to provide CDBG funds for any activity that will directly result in the demolition of lower-income dwelling units or the conversion of lower-income dwelling units to another use, The County of Luna must make public and submit in writing to State of New Mexico Department of Finance and Administration Local Government Division the following information:
- 1 A description of the proposed assisted activity;
  - 2 The location on a map and number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than for lower-income dwelling units as a direct result of the assisted activity;
  - 3 A time schedule for the commencement and completion of the demolition or conversion;
  - 4 The location on a map and the number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units. If such data is not available at the time of the submission to State of New Mexico Department of Finance and Administration Local Government Division, the submission shall identify the general location on an area map and the approximate number of dwelling units by size, and information identifying the specific location and number of dwellings units by size shall be submitted and disclosed to the public as soon as it is available;
  - 5 The source of funding and time schedule for the provision of replacement dwelling units;
  - 6 The basis for concluding that each replacement unit will remain a lower-income dwelling unit for at least 10 years from the date of initial occupancy; and
  - 7 Information demonstrating that any proposed replacement of dwelling units with smaller dwelling units is consistent with the needs assessment contained in

the State of New Mexico Department of Finance and Administration Local  
Government Division Consolidated Plan.

- G. The one-for-one replacement requirements may not apply if HUD determines, based on objective data, that there is an adequate supply of vacant lower-income dwelling units in standard condition available on a non-discriminatory basis within The County of Luna. In making such a determination, State of New Mexico Department of Finance and Administration Local Government Division will consider such factors as vacancy rates, numbers of lower-income units in The County of Luna and the number of eligible families on the Section 8 waiting list.

V. Relocation Assistance

Each lower-income person who is displaced as a direct result of CDBG assisted demolition or conversion of a lower-income dwelling shall be provided with relocation assistance.

Relocation assistance includes advisory services and reimbursement for moving expenses, security deposits, credit checks, other moving expenses, including certain interim living costs, and certain replacement housing assistance.

Displaced persons have the right to elect, as an alternative to the benefits described in this Plan, to receive benefits under the URA, if they determine that it is in their best interest to do so. The following relocation assistance shall be available to lower-income displacement persons:

- A. Displaced lower-income persons will receive the relocation assistance required under 49 CFR 24, Subpart C (General Relocation Requirements) and Subpart D (Payment for Moving and Related Expenses) whether the person elects to receive assistance under the URA or the assistance required by CDBG regulations. Relocation notices must be distributed to the affected persons in accordance with 49 CFR 24.203 of the URA;
- B. The reasonable and necessary cost of any security deposit required to rent the replacement dwelling unit and for credit checks required to rent or purchase the replacement dwelling unit;
- C. Actual reasonable out-of-pocket costs incurred in connection with temporary relocation, including moving expenses and increased housing costs, if:
  - 1. The person must relocate temporarily because continued occupancy of the dwelling unit constitutes a substantial danger to the health or safety of the person or the public; or
  - 2. The person is displaced from a lower-income dwelling unit, none of the comparable replacement units to which the person has been referred qualifies as a lower-income dwelling unit, and a suitable lower-income dwelling unit is scheduled to become available through one-for-one replacement requirements
- D. Replacement Housing Assistance. Displaced persons are eligible to receive one of the following two forms of replacement housing assistance:
  - 1. Each person shall be offered rental assistance equal to 60 times the amount necessary to reduce the monthly rent and estimated average monthly cost of

utilities for a replacement dwelling to the "Total Tenant Payment", as determined under 24 CFR 813.107. All or a portion of this assistance may be offered through a certificate or housing voucher for rental assistance under the Section 8 program. Where Section 8 assistance is provided to the displaced person,

The County of Luna must provide the person with referrals to comparable units whose owners are willing to participate in Section 8 program to the extent that cash assistance is provided, it will be provided in installments.

2. In lieu of the housing voucher, certificate or cash assistance described above, the person may elect to receive a lump sum payment allowing them to secure participation in a housing cooperative or mutual housing association. This lump sum payment shall be equal to the capitalized value of 60 monthly installments of the amount that is obtained by subtracting the

"Total Tenant Payment", as determined under 24 CFR 813.107, from the monthly cost of rent and average monthly cost of utilities at a comparable replacement dwelling unit. To compute the capitalized value, the installments shall be discounted at the rate of interest paid on passbook savings in a federally insured financial institution conducting business within The County of Luna.

Displaced lower-income tenants shall be advised of their right to elect relocation assistance pursuant to the URA and the regulations at 49 CFR 24 as an alternative to the relocation assistance available under CDBG regulations.

#### VI. Eligibility for Relocation Assistance

A lower-income person is eligible for relocation assistance if they are considered to be a "displaced person" as defined in 24 CFR 42.305. A displaced person means a lower-income person who, in connection with an activity assisted under the CDBG program, permanently moves from real property or permanently moves personal property from real property as a direct result of demolition or conversion of a lower-income dwelling.

For purposes of this definition, a permanent move includes a move made permanently and:

- A. After notice by the owner to move from the property, if the move occurs on or after the date of the submission of a request to The County of Luna for CDBG assistance that is later approved for the requested activity; or
- B. After notice by the owner to move from the property, if the move occurs on or after the date of the initial official submission to HUD of the consolidated plan under 24 CFR Part 91 describing the assisted activity; or
- C. Before the dates described in A & B above, if The County of Luna or State of New Mexico Department of Finance and Administration Local Government Division determines that the displacement was a direct result of conversion or demolition in connection with a CDBG assisted activity; or
- D. By a tenant-occupant of a dwelling unit, if any one of the following three situations occurs:
  1. The tenant moves after execution of the CDBG agreement covering the acquisition, rehabilitation or demolition and the move occurs before the tenant is

provided written notice offering the tenant the opportunity to lease and occupy a suitable, decent, safe and sanitary dwelling in the same building/complex upon completion of the project under reasonable terms and conditions, including a monthly rent and estimated average monthly utility costs that do not exceed the greater of the tenant's monthly rent before such agreement, or the total tenant payment as determined under 24 CFR 813.107 if the tenant is lower-income, or 30 percent of gross household income if the tenant is not lower-income.

2. The tenant is required to relocate temporarily, does not return to the building/complex, and either is not offered payment for all reasonable out-of-pocket expenses incurred in connection with the temporary relocation, or other conditions of the temporary relocation are not reasonable.
3. The tenant is required to move to another dwelling unit in the same building/complex but is not offered reimbursement for all reasonable out-of-pocket expenses incurred in connection with the move, or other conditions of the move are not reasonable.

If the displacement occurs on or after the appropriate date described in A & B above, the lower-income person is not eligible for relocation assistance if:

- A. The person is evicted for cause based upon a serious or repeated violation of the terms and conditions of the lease or occupancy agreement, violation of applicable federal, State or local law, or other good cause, and the The County of Luna determines that the eviction was not undertaken for the purpose of evading the obligation to provide relocation assistance;
- B. The person moved into the property on or after the date described in A & B above after receiving written notice of the expected displacement; or
- C. The County of Luna determines that the displacement was not a direct result of the CDBG assisted activity and the State of New Mexico Department of Finance and Administration Local Government Division concurs with this determination.

## VII. Minimizing Displacement

The CDBG regulations regarding the demolition or conversion of lower-income dwelling units are designed to ensure that lower-income persons are provided with adequate, affordable replacement housing. Naturally, involuntary displacement should be discouraged whenever a reasonable alternative exists. Involuntary displacement is extremely disruptive and disturbing, especially to lower-income persons who do not have the means to locate alternative housing.

There are various ways that displacement can be minimized. The following are steps that will be taken to minimize the involuntary displacement of lower-income persons when CDBG funds are involved:

- A. **Screening of Applications** All CDBG applications will be reviewed to determine whether involuntary displacement is likely to occur. Those applications involving displacement will receive a lower priority recommendation for funding unless it can be shown that alternatives are not available.
- B. **Acquisition of Property** Applicants who apply for CDBG funds to acquire property for the

development of lower-income housing will be encouraged to purchase vacant land. In the case of in-fill and other projects where this is not feasible and the project involves potential displacement, the applicant shall agree to allow the displaced lower-income person(s) to occupy the new housing at an affordable rent.

Applicants who utilize CDBG funds to rehabilitate or convert a lower-income unit to a non-residential use will be required to supply replacement housing consistent with paragraph IV, as well as relocation assistance.

- C. Cost of Relocation Assistance The cost of any required relocation assistance and the provision of replacement housing will be borne by the applicant and may be paid for out of CDBG funds awarded to the project.

#### VIII. Definitions

- A. "Comparable replacement dwelling unit" means a dwelling unit that:
- 1 Meets the criteria of 49 CFR 24.2(d)(1) through (6); and
  - 2 Is available at a monthly cost for rent plus estimated average monthly utility costs that does not exceed the "Total Tenant Payment" determined under 24 CFR 813.107 after taking into account any rental assistance the household would receive.
- B. "Lower-income dwelling unit" means a dwelling unit with a market rental (including utility costs) that does not exceed the applicable Fair Market Rent (FMR) for existing housing and moderate rehabilitation established under 24 CFR Part 888.
- C. "Standard condition" means units that at a minimum meet the Existing Housing Quality Standards of the Section 8 rental subsidy program.
- D. "Substandard condition suitable for rehabilitation" means units with code violations that can be brought to Section 8 Housing Quality Standards within reasonable monetary amounts.
- E. "Vacant occupiable dwelling unit" means a dwelling unit that is in a standard condition; a vacant dwelling unit that is in substandard condition, but is suitable for rehabilitation; or a dwelling unit in any condition that has been occupied (except by a squatter) at any time within the period beginning 3 months before the date of execution of the agreement by The County of Luna covering the rehabilitation or demolition.

#### IX. Grievances

The The County of Luna will provide timely written answers to written complaints and grievances within 15 working days where practical. Action items:

- A. Adopt complaint handling procedures or policies to insure that complaints or grievances are responded to within 15 days, if possible.
- B. Allow for appeal of a decision to a neutral authority.
- C. File a detailed record of all complaints or grievances and responses in one central location with easy public access.

## SECTION 3 PLAN REQUIRED ELEMENTS

The County of Luna is committed to comply with Section 3 of the Housing and Urban Development Act of 1968. This Act encourages the use of small local businesses and the hiring of low income residents of the community.

The County of Luna has appointed Rosa Porras as the Section 3 Coordinator, to advise and assist key personnel and staff on Section 3, to officially serve as focal point for Section 3 complaints, and as the on-site monitor of prime contractors and sub-contractors to insure the implementation and enforcement of their Section 3 plans. The approval or disapproval of the Section 3 plan is the ultimate responsibility of the County of Luna. Documentation of efforts will be retained on file for monitoring by the state.

Therefore, the County of Luna shall:

1. Hiring
  - a. Advertise for all County of Luna positions in local newspapers
  - b. List all County of Luna job opportunities with the State Employment Service
  - c. Give preference in hiring to lower income persons residing in the County of Luna. This means that if two equally qualified persons apply and one is a resident of the County of Luna and one is not, the resident will be hired
  - d. Maintain records of County of Luna hiring as specified in the CDBG Resolution to Adopt CDBG Requirements (Exhibit 1-Y). Note: Chart for Section 3 Plan MUST be filled out in its entirety and updated with a CDBG grant agreement.
2. Contracting
  - a. The County of Luna will compile a list of businesses, suppliers and contractors located in the County of Luna.
  - b. These vendors will be contacted for bid or quotes whenever the County of Luna requires supplies, services or construction.
  - c. Preference will be given to small local businesses. This means if identical bids/quotes are received from a small business located within the County of Luna and one from outside the County of Luna, the contract will be awarded to the business located within the community.



### 3. Training

The County of Luna shall maintain a list of all training programs operated by the County of Luna and its agencies and will direct them to give preference to County of Luna residents. The County of Luna will also direct all CDBG sponsored training to provide preference to County of Luna residents.

### 4. CDBG Contracts

All CDBG bid proposals and contracts shall include the following Section 3 language.

- a. The work to be performed under this contract is on a project assisted under a program providing direct federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that the greatest extent feasible, opportunities for training and employment be given lower income residents of the project areas, and contracts for work in connection with the project be awarded to business concerns residing in the project area.
- b. The parties to this contract will comply with the provision of said Section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR and all applicable rules and orders of the Department issued there-under prior to the execution of this contract. The parties to this contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.
- c. The contractor will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of his commitments under the Section 3 clause, and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.
- d. The contractor will include this Section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for, or recipient of federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR 135. The contractor will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR 135, and will not let any subcontract unless the subcontractor has first provided it with the requirements of these regulations.
- e. Compliance with the provisions of Section 3, the regulations set forth in 24 CFR 135, and all applicable rules and orders of the Department, issued thereunder prior to the execution of the contract, shall be a condition of the federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractors and subcontractors, its successors and assigns to those sanctions specified by the grant or loan agreement or contract through which federal assistance is provided, and to such sanctions as are specified by 24 CFR 135.

The \_\_\_\_\_ County of Luna \_\_\_\_\_ shall require each contractor to prepare a written Section 3 plan as a part of their bids on all jobs exceeding \$100,000. All Section 3 plans shall be reviewed and approved by the City's Equal Opportunity Section 3 Compliance Officer and retained for monitoring by the state.

The \_\_\_\_\_ County of Luna \_\_\_\_\_ will maintain all necessary reports and will insure that all contractors and subcontractors submit required reports.

#### LOWER INCOME CLARIFICATION

A family who resides in \_\_\_\_\_ County of Luna \_\_\_\_\_ and whose income does not exceed the income limit for the size of family as per the attached Section 8 Income Limit for \_\_\_\_\_ County of Luna \_\_\_\_\_. Information contained in our Section 3 Plan reflects the status of the \_\_\_\_\_ County of Luna \_\_\_\_\_ employees regarding lower income considerations based on their salary paid by the \_\_\_\_\_ County of Luna \_\_\_\_\_.

#### Certification

This Federal Requirements Plan hereby incorporates all of the State of New Mexico CDBG requirements to include Citizen Participation, Fair Housing, Residential Anti-Displacement & Relocation as well as Section 3. The \_\_\_\_\_ The County of Luna \_\_\_\_\_ herewith certifies to follow the CDBG Federal Requirements Plan described above and adopt the plan by resolution once throughout the term of the CDBG grant agreement.

PASSED AND ADOPTED BY THE \_\_\_\_\_ Board of Commissioners \_\_\_\_\_ of the \_\_\_\_\_ County \_\_\_\_\_  
of \_\_\_\_\_ Luna County \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_.

ATTEST:

APPROVED AS TO FOR:

\_\_\_\_\_  
\_\_\_\_\_ County \_\_\_\_\_ Clerk

\_\_\_\_\_  
\_\_\_\_\_ County \_\_\_\_\_ Attorney

Plan Adoption Date: \_\_\_\_\_ Rosa Porras \_\_\_\_\_

Adoption Instrument: \_\_\_\_\_

Certified By: \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chief Official Name

\_\_\_\_\_  
Official Title

Copy to Local Government Division with attachments

*Be it remembered that at a regular meeting of the Luna County Board of County Commissioners in Deming New Mexico, on the 14th day of January 2021, the following proceedings were had and entered of record.*

**RESOLUTION #21-07**

**DESIGNATING TREASURER TO REQUIRE COLLATERALIZATION**

**WHEREAS**, the Official Depositories of the funds of Luna County are required by law to deposit collateral security for such public funds; and

**WHEREAS**, it appears that deposits by the Luna County Treasurer and other public funds will fluctuate from time to time; and

**WHEREAS**, the Luna County Board of County Commissioners do not meet frequently enough to be able to keep available funds invested;

**NOW THEREFORE, BE IT RESOLVED AND ORDERED** that the Luna County Treasurer, Kristie Hobbs, with consultation of the Chairman of the Board or, in their absence, the County Manager, be authorized by this Board, sitting as the Luna County Board of Finance, to require and direct the Luna County official depositories to adjust their collateral securities to 75% to compensate and to authorize the Luna County Treasurer to make investments of Luna County funds as monies are available to do so.

**Done at Deming, New Mexico this 14th day of January, 2021**

**Luna County Board of County Commissioners**

**ATTEST:**

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

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**Berenda McWright, County Clerk**

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

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

LUNA COUNTY RESOLUTION

Resolution No. 21-08

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

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

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

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

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

**NOW THEREFORE, BE IT RESOLVED** by the governing body of the County of Luna, that the County Chairperson, on behalf of the County and all participating entities is authorized to submit an application for Distribution and/or Grant Fiscal Year 2022 program funding under the regulations established by the Local Government Division.

**APPROVED AND ADOPTED** by the governing body at its meeting of January 14th, 2021.

\_\_\_\_\_  
County Commission Chairperson

Attest:

\_\_\_\_\_  
DWI Planning Council Representative

\_\_\_\_\_  
County Clerk (SEAL)

*Be it remembered that at a regular meeting of the Luna County Board of County Commissioners in Deming New Mexico, on the 14th day of January 2021, the following proceedings were had and entered of record.*

**RESOLUTION #21-09**

**ADA GRIEVANCE PROCEDURE**

Luna County has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the US Department of Justice Regulations implementing Title II of the 'Americans with Disabilities Act'. Title II states, in part, that no otherwise qualified individual shall solely by reason of such disability, be excluded from participation, or be denied the benefits of, or be subjected to discrimination in programs or activities sponsored by a public entity.

**COMPLAINTS SHOULD BE ADDRESSED TO:**

Risk Manager  
County of Luna  
P.O. Drawer 551  
Deming, NM 88031-0551

1. A complaint should be filed, preferably in writing, and contain the name, address and telephone number of the complainant, with a brief description of the alleged violation.
2. The complaint should be filed immediately, but no later than 180 days after the complainant becomes aware of the alleged violation. Alleged allegations occurring prior to the posting of this procedure will be considered on an individual case basis.
3. An informal but thorough investigation shall be conducted by the Risk Manager in a timely manner, affording all interested parties and their representatives, if any, an opportunity to submit evidence relevant to the complaint.
4. A written determination as to the validity of the complaint and resolution, if applicable, shall be issued by the Risk Manager with a copy forwarded to the complainant upon completion of the investigation.
5. The Risk Manager shall maintain files and records relating to any complaint filed.
6. The complainant may request reconsideration of the case by the County Manger provided such request is received in writing within ten (10) working days of the receipt of the initial determination.
7. The right of a person to a prompt and equitable resolution of any complaint filed shall not be impaired by the filing of an ADA complaint with a responsible Federal Department/Agency. Use of this Grievance Procedure is not a prerequisite to the pursuit of other remedies.
8. These rules shall be construed to protect the substantive rights of interested persons to meet appropriate due process standards and to assure Luna County's compliance with the ADA Act and the implementation of applicable regulations.
9. The Board of County Commissioners shall be the final appeals entity.

**Done at Deming, New Mexico this 14<sup>th</sup> day of January, 2021.**

**Luna County Board of Commissioners**

**ATTEST:**

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

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

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

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

## STATEMENT OF ASSURANCES

### Local DWI Grant and Distribution Program

Fiscal Year 2022: July 1, 2021 – June 30, 2022

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

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

specify all capital purchases. **The ten percent cap for capital purchases does not exist with detoxification funding grants.**

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



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

John Sweetser

County Commission Chairperson (or Designee) (Please Print)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## MEMORANDUM OF UNDERSTANDING

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

The Division assures:

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

The Program agrees to:

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

monitoring research activities, and evaluation of LDWI Program interventions.

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

John Sweetser

\_\_\_\_\_  
County Commission Chairperson (or Designee)  
(Please Print)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Executed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Donnie Quintana, Director  
Local Government Division

*Be it remembered that at a regular meeting of the Luna County Board of County Commissioners in Deming New Mexico, on the 14<sup>th</sup> day of January 2021, the following proceedings were had and entered of record.*

**RESOLUTION #21-03**

**NOTICE OF FEES**

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

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

**General Fees:**

- |    |   |         |
|----|---|---------|
| 1. | Copies of documents, single sided, black and white or electronic:                     |         |
|    | Letter size, (8 1/2" x 11"), legal size, (8" 1/2 x 14"), or tabloid size, (11" x 17") | \$0.50  |
|    | Color Copies  | \$1.00  |
| 2. | Above tabloid size (11" x 17") up to three (3') feet by four (4') feet                |         |
|    | Black and white paper map size:   | \$10.00 |
|    | Color Print:  | \$20.00 |
| 3. | Above three (3') feet by four (4') feet up to six (6') feet                           |         |
|    | Black and white paper map:  | \$25.00 |
|    | Color Print:  | \$35.00 |
| 4. | CD's:   | \$5.00  |
| 5. | USB Flash Drive   | \$25.00 |
|    | Each Additional Layer of GIS Data   | \$5.00  |

Requests for Specialty Maps, Data, or Data Sheets shall be detailed in writing to the 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.

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 ad valorem taxes is authorized by Sections 7-38-51 through 56, NMSA 1978.

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

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

- (1) **Delinquent personal property letter service fee** **\$10.00**  
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: \$50.00

<u>Building Permit Value</u>	<u>Permit Fee</u>
\$2,000 and less	\$30.00
\$2,001.00 to \$3,000.00	\$30.00 + \$5.00 per \$500.00 increment in value over \$ 1,001.00
\$3,001.00 and over	\$40.00 + \$1.75 per \$1,000.00 increment in value
Unpermitted Construction	up to \$150.00
Unpermitted Mobile Home	up to \$100.00
Demolition Permit	up to \$100.00

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	\$25.00
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**LCDC Department Fees:**

Bond Fee	\$10.00
Notary Fee	\$1.00

**DWI Program Fees:**

Screening Fee	Up to: \$75.00
Treatment Fee	\$240.00
Compliance Fee	Up to: \$30.00/monthly

**Sheriff's Department Fees:**

Civil Process Fee/address/person	\$40.00
Report Fee	\$.50/page
VIN Inspection fee	\$35.00

**Domestic Violence Shelter Fees:**

--Batterer Intervention Program--

Assessment Fee	\$50.00
Program Fee	\$200.00
Workbook Replacement Fee	\$20.00

**Road Department Fees:**

Tire Disposal Fees	\$1.10/passenger \$5.00/truck \$10.00/tractor
Utility Easement Application Fee	\$200.00

**Subdivision Ordinance Fees:**

See Attachment A

## **ATTACHMENT A**

### **Schedule of Administrative Fees for Administering the Luna County Subdivision Ordinance**

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

**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.**



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

**Done at Deming, New Mexico this 14<sup>h</sup> day of January, 2021**

**Luna County Board of County Commissioners**

**ATTEST:**

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

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**Berenda McWright, County Clerk**

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

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

**LUNA COUNTY BOARD OF COUNTY  
COMMISSIONERS**

**RESOLUTION NO. 21-10  
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 109, July 1, 2020 through June 30, 2021 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 14<sup>th</sup> DAY OF JANUARY 2021.**

LUNA COUNTY

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Chairperson

ATTEST:

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Berenda McWright, Luna County Clerk

Be it remembered that at a Regular meeting of the Luna County Board of County Commissioners in Deming NM on the 14th day of January, 2021, the following budget adjustments are proposed and entered of record.

## Budget Resolution Number 21-10

Proposed Inter/Intra FUND Budget Increase/Decrease

Entity Code  
DFA  
Resolution  
Number

SCHEDULE OF BUDGET  
ADJUSTMENTS

ITEM NO	Adjustment Type	Fund/ DFA Fund	Dept.	From	Amount	To	Amount	Purpose	Approved Budget Balance	Adjusted Budget Balance
One	Decrease	610/21800	Drug Investigation - USMS Grant	610/21800	\$ 2,131.60	610-77-1481 US Marshal Service - Grant	\$ 2,131.60	To close out FY20 USMS Grant.	\$ (5,200.00)	\$ (3,068.40)
					\$ (2,087.12)	610-74-2005 Salaries-Full-time	\$ (2,057.29)	To close out FY20 USMS Grant.	\$ 5,125.68	\$ 3,068.39
						610-74-2060 Match - Medicare 1.45%	\$ (29.83)	To close out FY20 USMS Grant.	\$ 74.32	\$ 44.49
Two	Increase	610/21800	Drug Investigation - USMS Grant		\$ (5,000.00)	610-77-1481 US Marshal Service - Grant	\$ (5,000.00)	USMS Joint Law Enforcement Operations Task Force FY 2021 Grant for officer OT	\$ (3,068.40)	\$ (8,068.40)
					\$ 5,000.00	610-69-2005 Salaries - Full-Time	\$ 4,928.54	USMS Joint Law Enforcement Operations Task Force FY 2021 Grant for officer OT	\$ 3,068.39	\$ 7,996.93
						610-69-2060 Match - Medicare 1.45%	\$ 71.46	USMS Joint Law Enforcement Operations Task Force FY 2021 Grant for officer OT	\$ 44.49	\$ 115.95
Three	Increase	708/22200	Fire Fund- County Only 1/4%	708/22200	\$ 300,000.00	708-00-2028 Capital Outlay	\$ 300,000.00	To purchase two new brush trucks for the Volunteer Fire Departments.	\$ -	\$ 300,000.00
					\$ 300,044.48			\$ 300,044.48	\$ 44.48	\$ 300,088.96

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 14th day of January 2021.**

LUNA COUNTY BOARD OF COUNTY COMMISSIONERS

Barbara L. Reedy, District 1

Linda M. Smrkovsky, District 2

John S. Sweetser, District 3



ATTEST

Berenda McWright, Luna County Clerk

Entered By

Checked By

Date

Date

**LUNA COUNTY BOARD OF COUNTY  
COMMISSIONERS**

**RESOLUTION NO. 21-11  
Proposed Inter Department/Fund 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 109, July 1, 2020 through June 30, 2021 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 14<sup>th</sup> DAY OF JANUARY 2021.**

LUNA COUNTY

\_\_\_\_\_  
Chairperson

ATTEST:

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

Be it remembered that at a Regular meeting of the Luna County Board of County Commissioners in Deming NM on the 14th day of January, 2021 the following budget adjustments are proposed and entered of record.

**Budget Resolution Number 21-11**  
Proposed Inter Department Transfer

**Budget Resolution Number 21-11**  
Proposed Inter Department Transfer

[illegible]

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 14th day of January 2021.**

LUNA COUNTY BOARD OF COUNTY COMMISSIONERS

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

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 14th day of January 2021.**

LUNA COUNTY BOARD OF COUNTY COMMISSIONERS

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

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 14th day of January 2021.**

LUNA COUNTY BOARD OF COUNTY COMMISSIONERS

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

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 14th day of January 2021.**

LUNA COUNTY BOARD OF COUNTY COMMISSIONERS

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

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 14th day of January 2021.**

LUNA COUNTY BOARD OF COUNTY COMMISSIONERS

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

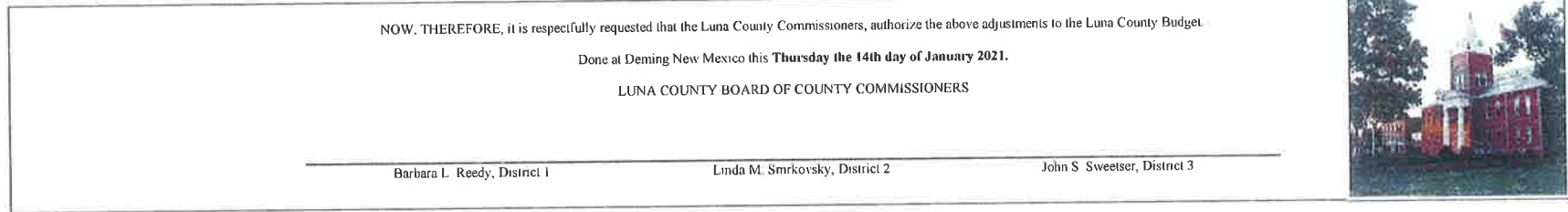
NOW, THEREFORE, it is respectfully requested that the Luna County Commissioners, authorize the above adjustments to the Luna County Budget.

Done at Deming New Mexico this **Thursday the 14th day of January 2021.**

LUNA COUNTY BOARD OF COUNTY COMMISSIONERS

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



ATTEST:

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

ATTEST:

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

Entered By: \_\_\_\_\_ Date: \_\_\_\_\_

Checked By: \_\_\_\_\_ Date: \_\_\_\_\_

Entered By: \_\_\_\_\_ Date: \_\_\_\_\_

Checked By: \_\_\_\_\_ Date: \_\_\_\_\_

Checked By: \_\_\_\_\_ Date \_\_\_\_\_

Checked By: \_\_\_\_\_ Date \_\_\_\_\_

*Be it remembered that at a regular meeting the Luna County Board of County Commissioners in Deming New Mexico, on the 14<sup>th</sup> day of January 2021, the following proceedings were had and entered of record.*

## **RESOLUTION #21-13**

### **Labor/ Management Relations Board Notice of Meetings**

**WHEREAS**, the Open Meetings Act, NMSA 1978 Section 10-15-1(B) to, states that except as otherwise provided in the New Mexico Constitution or provisions of the Open Meetings Act all meetings of a quorum of the members of any board, council, commission, administrative adjudicatory body, or other policy making body of any state or local public agency held for the purpose of formulating public policy, discussing public business or taking any action within the authority of, or delegated authority of, and any other policy making body are declared to be public meetings open to the public at all times and;

**WHEREAS**, any meetings subject to the Open Meetings Act at which the discussion or adoption of any proposed resolution, rule, regulation, or formal action occurs shall be held only after reasonable notice of the public; and

**WHEREAS**, NMSA 1978 Section 10-15-1 (D) of the Open Meetings Act requires that the Luna County Labor/ Management Board to determine at least annually in a public meeting what constitutes reasonable notice of its public meetings.

#### **NOW, THEREFORE, BE IT RESOLVED THAT:**

1. All meetings shall be held in the County Commission Chambers of the Luna County Courthouse, 700 S. Silver Avenue, Deming, New Mexico or as indicated in the meeting notice.
2. Regular meetings and special meetings may be called at the discretion of the Chairperson or a majority of the members upon 72 hours (3 days) notice. The notice shall include an agenda for the meeting or information on how members of the public may obtain a copy of the agenda. The agenda shall be available to the public at least 72 hours and may be amended up to twenty- four (24) hours in advance of the meeting.
3. Emergency meetings will be called only under unforeseen circumstances which may demand immediate action to protect the health, safety and property of citizens, or to protect the public body from substantial financial loss. The Luna County Labor management Relations Board will avoid emergency meetings whenever possible. Emergency meetings may be called by the Chair or a majority of the members upon 24 hour notice, unless threat of personal injury or property of the citizens requires less

notice. The notice shall include an agenda for the meeting or information on how members of the public may obtain a copy of the agenda. The notice for all emergency meetings will be posted as soon as practical for the circumstances in the Luna County Manager's Office and the Luna County Clerks' Office and notification will be given to the media. A report of any action taken in an emergency meeting shall be sent to the Office of the Attorney General within 10 days unless a state or national emergency has been declared.

4. For purposes of regular meetings and special meetings described in paragraph 2 of this resolution, notice requirements are met if the date, time, place, and agenda are posted on the Luna County's website (<http://www.lunacountynm.us>), unless impractical due to computer or manpower difficulties. Copies of the notice and agenda shall be mailed, faxed, and or e-mailed to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation which have made a written request for notice of public meetings.
5. For purposes of emergency and special meetings described in paragraph 2 & 3 of this resolution, notice requirements are met if the date, time, place, and agenda is provided by telephone, or e-mail to newspaper of general circulation in the County and posted on the Luna County's website (<http://www.lunacountynm.us>), unless impractical due to computer or manpower difficulties. Copies of the notice and agenda shall also be given by telephone facsimile, or e-mailed to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation which have made a written request for notice of public meetings.
6. In addition to the information specified above, all agendas shall include the following language;  

'If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing of meeting, please contact the Luna County Manager's Office, 700 S. Silver Avenue, Deming, New Mexico, 88030, (575)-546-0494; facsimile (575)-544-4293; at least one (1) week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats.'
7. The Luna County Labor/ Management Relations Board may close a meeting to the public if the subject matter of such discussion or action is exempt from the open meeting requirement under Section 10-15-1 (H) of the Open Meetings Act.
  - A. If a meeting is closed to the public during a duly noticed open meeting, such closure shall be approved by a majority vote of quorum of the Luna County/ Labor/Management Relations Board taken during the open meeting. The

authority for the closure and the subjects to be discussed shall be stated with reasonable specificity in the motion of closure. The vote of each individual member regarding closure of the meeting shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in a closed meeting.

- B. If the decision to hold a closed meeting is made when the Luna County Labor/ Management Relations Board is not in a duly noticed open meeting, the closed meeting shall not be held until public notice, appropriate under the circumstances, is given to the members and to the general public. The notice shall state the specific provision of law authorizing the closed meeting and the subjects to be discussed with reasonable specificity.
  - C. Following completion of any closed meeting, the minutes of the open meeting that was closed, or the minutes of the next open meeting if the closed meeting was separately scheduled, shall state whether the matters discussed in the closed meeting were limited only to those specified in the motion of notice for closure.
  - D. Except as provided in Section 10-15-1 (H) of the Open Meetings Act, any action taken as a result of discussions in a closed meeting shall be made by vote of the Luna County Labor/Management Relations Board in an open, public meeting.
8. A member of the Luna County Labor/ Management Relations Board may participate in a meeting by means of conference telephone or other similar communications equipment when it is otherwise difficult or impossible for the member to attend the meeting in person, provided that each member so participating can be identified when speaking, all participants are able to hear each other at the same time, and members of the public attending the meeting are also able to hear any member of the public body who speaks during the meeting.



**Done at Deming, New Mexico this 14<sup>th</sup> day of January, 2021**

**Luna County Board of County Commissioners**

**ATTEST:**

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

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**Berenda McWright, County Clerk**

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

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

**Luna County Labor/ Management Relations Board Members**

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**Mark Myers, Labor**

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**John Strand, Management**

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**Gary Jefferys, Independent**



Play Sharity Foundation, 501C3 Public Nonprofit Organization  
301 S. Tin St Deming, NM 88030  
PO Box 1287 Deming, NM 88031  
[www.playsharity.org](http://www.playsharity.org)  
EIN: 83-1991442

Luna County Commissioners,

Thank you for your continued support of Play Sharity. We are writing to request the reinstatement of the \$50,000 annual community service partnership. This support is critical to help us continue our Play Sharity programming which includes a resource library, tutoring services, assistance to families, and community improvement projects.

Thank you for your time and consideration.

Sincerely,

The Play Sharity Executive and Honorary Board

*Be it remembered that at a Regular Meeting of the Luna County Board of County Commissioners in Deming New Mexico, on the 14<sup>th</sup> day of January 2021, the following proceedings were had and entered of record.*

## **LUNA COUNTY**

### **RESOLUTION 21-12**

#### **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 14<sup>th</sup> day of January 2021.**

**LUNA COUNTY BOARD OF COMMISSIONERS**

**ATTEST:**

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

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**Berenda McWright, County Clerk**

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

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