

**MINUTES
REGULAR MEETING
LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS
Thursday, October 6, 2022**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 10:00 a.m. on Thursday, October 6, 2022, in the County Commission Chambers of the Luna County Courthouse, Deming, New Mexico, for the purpose of conducting any and all business to come properly before the Board.

The following staff and elected officials were present: County Manager Chris Brice, Administrative Assistant Malarie Villegas, Executive Assistant Yossie Nieblas, Budget and Procurement Director Joanne Hethcox, County Attorney Charles Kretek, Emergency Management Director Pablo Montoya, Risk/Workers Comp Coordinator Joann Moorman, Deputy Clerk Toni Esparza, Chief Deputy Assessor Isabelle Enciso, Treasurer Kristie Hobbs, Chief Deputy Treasurer John Richmond, Road Department Director David Bailey, Director Lee Cook, Captain Robert Apodaca, Sheriff Kelly Gannaway, Captain Michael Brown, IT Technician JT Apodaca, IT Help Desk/Tech Assistant Luis Ortega .

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

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

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

APPROVAL OF AGENDA: Chair Smrkovsky entertained a motion to approve the agenda as presented. Commissioner Reedy motioned to approve the agenda as presented. The motion was seconded by Commissioner Sweetser seconded the motion which was approved unanimously.

MINUTES: Commissioner Sweetser motioned to approve the Minutes for the Regular Meeting of September 8, 2022, and the Special Meeting of September 19, 2022. The motion was seconded by Commissioner Reedy and was approved unanimously.

SERVICE AWARDS/RETIREMENT:

- Safety/Risk Coordinator Joann Moorman was presented with her five-year service pin by Emergency Services Director Pablo Montoya.
- Detention Officer Dolores Gonzales was not present to receive her retirement award.
- Chair Linda Smrkovsky was presented with an award for her seven years of service to the NM Counties Board of Directors. County Manager Chris Brice presented the award on the Board's behalf.

PRESENTATIONS:

- Restrictive Housing Quarterly Report: LCDR Director Lee Cook reported a total of two inmate incidents.
- Luna County Expansion: Christie Ann Harvey introduced Kitty Clemens who gave an explanation on expanding broadband to improve communication. The pilot program will launch in the Village of Columbus. She explained due to the fact that when Covid hit, the Village was the spot that took the hardest hit. This pilot program is focused on giving the public the opportunity to take advantage of telemedicine, remote learning, apply for jobs, and use platforms that can help with daily life.

ELECTED OFFICIALS REPORT:

- **Assessor:** Chief Deputy Assessor Isabelle Enciso presented the Assessor's Office monthly Report. Ms. Enciso stated that the tax rates for October were received from the DFA (Department of Finance). The Assessor's Office has completed the Abstract to Property Tax Division and has submitted that warrant to the Treasurer. She stated that the E notice sign-up has been added to the Assessor's website, letting the public know that anyone interested in receiving their Notice of Value online is encouraged to sign-up for this, and will receive an email with the requested information. Ms. Enciso explained that with the passing of Ordinance 76, first revised, their office has been contacting local companies, realtors, and banks and placed a notice on the website notifying the public that with the passing of the Ordinance that all taxes will have to be paid in order for any transfer of property to take place. The Appraisal Department is finalizing permits, and affidavits, and is calculating all new charges for 2023. She stated that the County specialists in the Assessor's Office are processing deeds, affidavits, address changes, and helping customers on the phone, online, and in the office. She also wanted to remind the public that online services are readily available, but if there are more questions or concerns for the public to feel free to call or come into the office.
- **Clerk:** No Report was given
- **Probate Judge:** No Report was given
- **Treasurer:** Treasurer Kristie Hobbs reported that the Treasurer's Office had received the warrant from the Assessor's Office and put in the order to start the tax bills. The tax bills will be sent out beginning on October 12, 2022. There are a total of 58,679 tax bills. Ms. Hobbs stated that from last year when the system was changed to where the public was able to receive their tax bills online, there is a total of 1,258 people who are now receiving their tax bills online at this time. This service is very beneficial to the people (snowbirds) in the way that the information can be accessed from anywhere. Ms. Hobbs explained that there is a place on the website for the public to sign-up and are able to see the whole history of properties owned. Also, if there are properties owned in other counties and those counties use this same system the customer is able to see those tax bills as well, which includes location and Notice of Value. She said that she has been in touch with the State to see when an auction would be possible. There is an auction planned for December 13, and December 14, 2022. Ms. Hobbs explained that it has been about five years since the last auction putting everything really behind. The State is hoping to auction off about 400 properties which are all abandoned Deming Ranchettes. She stated that her office will be concentrating on the units of property that are in 10 years of being delinquent. The

Treasurer's Office is also selling Cancer Support Ribbons for \$2.00 to honor friends or loved ones. The Ribbons will be placed on the front window in the Treasurer's Office.

- **Sheriff:** Sheriff Gannaway gave the monthly report for September. There were no homicides or rapes reported. Assaults are up a bit, burglaries are down, and larcenies are down as well. He reported Vehicle thefts are up, there were no arsons, and no robberies to report. The overall totals for the month of September are down. The Sheriff reported that the non-criminal paper service is down. Accidents are down, and there are no DWI's to report. The overall totals for non-criminals are down. The overall totals for both criminal and non-criminal are down as well. Sheriff Gannaway reported that two new vehicles have been ordered and are waiting for the equipment for these vehicles to come in and are hoping to receive it soon. He stated that Captain Martinez and Deputy Valdez attended a School Resource Officer school last week in Albuquerque. The main topic of this training was active shooting training in our schools. The Sheriff stated that the hiring of Shannon Rodriguez puts the department up to speed and at full strength. On another note, he discussed that Shop with a Cop will take place on December 10, 2022, at Walmart. Some of the activities that will be taking place are a golf tournament on October 29, 2022, at the Rio Mimbres Golf Course. There will be a Cornhole tournament on November 7, 2022, at Boogie's, and a Bowling tournament on November 12, 2022, at Starmax. He also stated that there are about 15 raffles in the works and they are in hopes of getting more. The raffles will be at \$50.00 a piece with the drawing to be taking place on December 23, 2022.
- **Commissioners:** Commissioner Reedy reported on the Candidate Forum which she said was very well attended. Commissioner Reedy also stated that she had been talking to different people to talk about their thoughts on going back to the five-member Commission Board. The benefits of a five-member Commission that Commissioner Reedy feels would be beneficial to the public is that it would make it easier to get out and talk to a lot more people in their districts. Chair Smrkovsky suggested that records from the Clerk's office be pulled to see the outcome of the previous time this was done, and also the see how some of the other counties are going about it.

COUNTY MANAGER'S REPORT: County Manager Chris Brice Reported.

- **Dispatch:** Mr. Brice reported that Dispatch received 1,374 (911 calls), and there were 186 warrants that were processed. Four dispatchers attended the Communications Training Officer Course for new hires, there were two openings but those were filled at the hiring event recently held. The kick-off meeting for the new CAD system and radios was held on September 27, 2022, and the new CAD system is scheduled to go live in June 2023. The Armory Board did get in touch with the County to advise that the Armory Board meeting had been rescheduled.
- **LCDC:** There were 446 people booked, the average daily population for Marshalls is about 255, which Mr. Brice stated is a good number. He said that at the moment there are staffing issues and there is a total of about 14 to 15 people needed.
- **Road Department:** The repair on Solana Road and Lucca Road has begun. At this time there is one layer of chip seal down and they are preparing to put down the second layer. There were 245 miles of road that were bladed. The Road Department is trying to catch up on the blading of the roads due to the rainfall and the washed-out roads. There were almost 2,000 tires collected and shredded and 223 tons of trash hauled to the landfill. Mr.

Brice reported that Road Department Director David Bailey reported to him that the brand-new loader broke down on the first day of use.

- **Budget and Procurement:** The RFP for the water system for the Volunteer Fire Department has been awarded, which will start very soon. Budget and Procurement Director Joanne Hethcox attended and completed the New Mexico Procurement Professional master class. The final budget has been completed and uploaded, there are a few little things that need to be done, but for the most part, it is complete. Mr. Brice stated that the County is out to RFP on the Detention Center Medical Services, and there have been responses received that are very extensive, and they are hoping to have answers out by late October or early November time frame. He stated they are looking to have the current provider or a new one in by December. There is a statewide struggle with Health Care in Detention Centers at this time.
- **Safety/Risk Management:** There was only one employee that tested positive for Covid, and only one Worker's Comp Claim. Mr. Brice stated that there will be Reasonable Suspicion training for County supervisors because of the new Marijuana laws. He said that Marijuana testing for County employees has stopped, due to the fact that marijuana is now legal. Reasonable Suspicion Training is heavily focused on other things such as alcohol and/or other drugs. If an employee is not acting in a normal state the supervisor can send the employee to get tested.
- **Emergency Management:** Safety/Risk Management and Emergency Management did a fire extinguisher training and active shooter training out at Starmax for all of the employees. Fire inspection was done on Dispatch, Parents as Teachers, and the DA's Office. Mr. Brice stated that a few of the County Employees did attend the fire chief's conference in Ruidoso which was very informative. There were fire alarm activations for The Learning Center and Starmax.
- Mr. Brice stated that a quote for the elevator has been received for upgrades needed, and the PO for that will be done this month. Johnson Control was hired to conduct fire alarm inspections and backflow testing at the Sheriff's Office, Courthouse, and District Court to make sure that all County buildings are up to code.
- **Luna County Fire:** There were 12 fire calls received.
- **Casa:** The CASA Program currently has 18 children in Luna, 15 in Grant, and one in Hidalgo County. Casa will have a booth at the fair if there is anyone interested in volunteering. Volunteers are always needed. There were 19 events that were attended in the month of September.
- **PAT:** Parents as Teachers has 125 Clients in Luna, and 50 in Hidalgo. There are a total of 178 families that enrolled in July. The Organization also attended the National Conference in Denver Colorado.
- **JJCS:** This program currently has 10 clients. SWAG group ended in September with a total of 24 graduates. There are 19 children in Luna County, 25 in Grant, and one in Hidalgo County.
- **Grant Administrator:** No Report Given
- **IT:** IT had 1,035 work orders submitted, and 1,001 that were completed.
- **Planning Department:** Mr. Brice explained that there are three agenda items that are to be tabled due to the fact that Ordinance 53 for wireless telecommunications is being worked on in order to be able to further discuss these items. He said that there are eleven property donations so far that are in County possession, and four new applications received. The applications are put in place when someone is looking to get rid of property in their possession. The owner must pay the property taxes up-to-date before it can be donated. He

explained that the County is trying to consolidate as many properties as possible to be able to use for certain projects or to sell in bigger parcels. Since the Ranchettes are small maybe more than one parcel can be put together and package them up into five-acre lots for people to want to buy.

- **DWI:** No Report Given
- **Luna County Health Council:** No Report Given.
- **Starmax:** Is in the process of updating its emergency procedure policy. Spooky golf has been set up. The miniature golf course has been decorated for Halloween and has had a lot of positive reviews. Mr. Brice stated that the roof at Starax is an issue, there is a company that will be coming in to do a survey on the roof to see how much water is trapped under it, and also to see if the roof can be repaired in sections or if a full reroof is needed. A hiring event was held and about 100 people attended.
- Mr. Brice stated that he had been in Santa Fe attending the last Taskforce meeting on the Senate and House Memorial on Corrections and Detention and prepared to go in front of the Legislature to testify on that soon and this will be the last in-person meeting for this. He said that the Detention Affiliate is next week and quite a few employees will attend this meeting. An Infrastructure Conference will be held at the end of October which both Budget and Procurement Director Joanne Hethcox and Mr. Brice will be attending. The Behavioral Health will be attended by Mr. Brice and Emergency Services Director Pablo Montoya.

INDIGENT CLAIMS REPORT:

Commissioner Reedy motioned to recess as County Commission and Convene as Claims Board. The motion was seconded by Commissioner Sweetser and was approved unanimously. Budget and Procurement Director Joanne Hethcox reported that there were two claims in the amount of \$1,324.12, which she stated were both for the Luna County Detention Center. There was a total of \$112,780.34 in GRT collected. There is a cash balance of \$1.7 million, and of that \$1.4 million is encumbered. Commissioner Sweetser motioned to approve the indigent Claims Report as presented by Ms. Hethcox. The motion was seconded by Commissioner Reedy and was approved unanimously. Commissioner Reedy motioned to recess as a Claims Board and reconvene as a Commission Board. The motion was seconded by Commissioner Sweetser and was approved unanimously following a roll call vote.

COMMUNITY SUPPORT REPORTS: Rebecca Lescombs came forward on behalf of the Silver Spikes, and announced that there is to be a ceremony to reveal the bench that has been placed in front of the County Clerk's Office as a tribute to former Senator John Arthur Smith. The Ceremony is to take place Sunday, October 16, 2022, at 11:30 a.m. at the Courthouse Park.

PUBLIC COMMENT: Chair Smrkovsky opened the floor to public comment. Linda Harmon, Alberta Morgan, Susan Schiffner, and Rebecca Lescombs came forth with comments and concerns.

CONSENT AGENDA: Commissioner Reedy motioned to approve the Consent Agenda. The motion was seconded by Commissioner Sweetser and was approved unanimously following a roll call vote.

NEW BUSINESS:

- a. **Resolution 22-73: Budget Increases.** Ms. Hethcox reported that there were a total of six budget increases. The Sheriff's Office had total of \$12,000 for extradition. Other increases were for the following: The Road Department to pay for a part-time Intern

about 10 hrs. a week; DWI for the expenditures from June that carried over into July; the local ICIP will get \$2.2 million for local economic development projects; Casa will get \$4,000 into their supply line item; Sherriff's Office will get the one eighth receipt tax to purchase a new pursuit vehicle. Commissioner Sweetser motioned to approve Resolution 22-73: Budget Increases. The motion was seconded by Commissioner Reedy and was approved unanimously following a roll call vote.

- b. **Resolution 22-74: Budget Transfers.** Budget and Procurement Director Joanne Hethcox reported that there were only three intra-fund transfers from After School Programs Community Services into Professional Services and over time, from the Law Enforcement Protection Fund from their supplies into their Capital Outlay to pay for any purchases for the rest of the year, and a fund to fund from General Fund into the Local ICIP to support the increase that was approved in the previous resolution. Commissioner Reedy motioned to approve Resolution 22-74 Budget Transfers. The motion was seconded by Commissioner Sweetser and was approved unanimously following a roll call vote.
- c. **Resolution 22-75: Disposal of Assets.** Ms. Hethcox stated that this resolution is to dispose of a 2005 Dodge Caravan that has been inoperable for many years and can no longer be repaired. Commissioner Sweetser motioned to approve Resolution 22-75: Disposal of Assets. The motion was seconded by Commissioner Reedy and was approved unanimously following a roll call vote.
- d. **Resolution 22-76: Luna County and Cattleman's Agreement.** Mr. Brice reported that this agreement is for the purchase of the property on Stirrup Road where the Beef Processing Plant will be located. Commissioner Reedy motioned to approve Resolution 22-76 Luna County and Cattleman's agreement. The motion was seconded by Commissioner Sweetser and was approved unanimously following a roll call vote.
- e. **Resolution 22-77: Small Wireless Facility Design Guidelines.** Mr. Brice suggested that this item be tabled until the ordinance has been put into place.
- f. **Resolution 22-78: Application for Sun State Towers to construct a 150' monopole at 130000 Silver City Highway.** Mr. Brice suggested that this item be tabled until the ordinance has been put into place.
- g. **Amended Resolution 22-03: Notice of Fees** Mr. Brice suggested that this item be tabled until the ordinance has been put into place.
- h. **Amended Resolution 22-37: Authorizing the Sale of County Property (PMS Building).** Mr. Brice explained that this resolution is being amended to satisfy the sale of the property. Commissioner Reedy motioned to approve Resolution 22-37: Authorizing the Sale of County Property (PMS Building). The motion was seconded by Commissioner Sweetser and was approved unanimously following a roll call vote.
- i. **Collective Bargaining Agreement for LCDC-AFSCME #2061.** Mr. Brice stated that this was the updated agreement, As of August 16, 2022 everyone is in agreement. This will allow the distribution of the five percent increase that was approved in July to the collective bargaining unit and detention officers. Commissioner Sweetser motioned to

approve Collective Bargaining Agreement for LCDC-AFSCME #2061. The motion was seconded by Commissioner Reedy and was approved unanimously following a roll call vote.

- j. **Proclamation 22-07; October as Domestic Violence Awareness Month.** Commissioner Reedy motioned to approve Proclamation 22-07; October as Domestic Violence Awareness Month. The motion was seconded by Commissioner Sweetser and was approved unanimously following a roll call vote.

Upcoming Meetings/Events (Unless otherwise specified):

Indigenous People's Day: October 10, 2022-Offices Closed

Special Meeting: October 24, 2022, at 2:00 PM

Candlelight Vigil Ceremony: October 28, 2022, at 6:30 PM, Courthouse Park

Regular Meeting: November 10, 2022

EXECUTIVE SESSION: Executive Session Pursuant to 10-15-1hH(7) NMSA 1978 two matters of pending litigation opioids; Ruiz; Thomas; Punchall; Valencia; Purvis; Higgins; Declaratory Judgement; Code Enforcement Gate; Section 10-15-1(H)(8) for the purpose of discussing the potential purchase, Acquisition, and disposal of certain parcels of real property. Commissioner Sweetser motioned to enter into Executive Session Pursuant to 10-15-1hH(7) NMSA 1978 two matters of pending litigation opioids; Ruiz; Thomas; Punchall; Valencia; Purvis; Higgins; Declaratory Judgement; Code Enforcement Gate; Section 10-15-1(H)(8) for the purpose of discussing the potential purchase, Acquisition, and disposal of certain parcels of real property. The motion was seconded by Commissioner Reedy and was approved unanimously following a roll call vote.

Commissioner Sweetser motioned to return from Executive Session where no other matters were discussed and no action was taken. The motion was seconded by Commissioner Reedy and was approved unanimously following a roll call vote.

ADJOURN: Upon a motion by Chair Smrkovsky the meeting was adjourned at 1:16 PM

ATTEST:

**LUNA COUNTY BOARD OF
COUNTY COMMISSIONERS**

Berenda McWright, Luna County Clerk

Barbara L. Reedy, District 1

Approved: _____

Chair, Linda M. Smrkovsky, District 2

John S. Sweetser, District 3

**MINUTES
SPECIAL MEETING
LUNA COUNTY BOARD OF COUNTY COMMISSIONERS
Monday, October 24, 2022**

BE IT REMEMBERED: The Luna County Board of County Commissioners met at 2:00 pm on Monday, October 24, 2022, in the Chambers of the Luna County Courthouse, Deming, New Mexico, for the purpose of conducting a Special Session.

CALL TO ORDER: Chair Smrkovsky called the meeting to order at 2:05 pm and led the Pledge of Allegiance and the salute to the flag of New Mexico.

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

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

AGENDA: Commissioner Sweetser motioned to approve the agenda as presented. The motion was seconded by Commissioner Reedy and was approved unanimously.

PUBLIC COMMENT: Chair Smrkovsky opened the floor to public comment. Joel Chinkes and Alberta Morgan offered comments in favor of a five-member Commission Board. Chelsea Newman with Play Sharity Board was not on the agenda but was invited to give the Play Sharity quarterly report. Darren Albrecht offered comment on Resolution 22-78: Application for Sun State Towers to construct a 150' Monopole at 130000 Silver City Highway. Darren Albrecht stated that this would be of good benefit to the people out in that area since there is poor communication and a dead zone in that area. He stated that putting this Monopole out in this area would be the solution.

ORDINANCE:

Ordinance 53: Luna County Wireless Telecommunications: County Attorney Charles Kretek explained that this would be to update the changing of Federal Laws. Chair Smrkovsky opened the floor for public comment. Commissioner Reedy motioned to approve Ordinance 53: Luna County Wireless Telecommunications. The motion was seconded by Commissioner Sweetser and was approved unanimously following a roll call vote.

OLD BUSINESS:

Resolution 22-77: Small Wireless Facility Design Guidelines. Planning and Zoning Director Lupita Hernandez explained that this Resolution goes hand in hand with Ordinance 53 to update the changing of Federal Laws. Commissioner Sweetser motioned to approve Resolution 22-77: Small Wireless Facility Design Guidelines. The motion was seconded by Commissioner Reedy and was approved unanimously following a roll call vote.

Resolution 22-78: Application for Sun State Towers to construct a 150' monopole at 130000 Silver City Highway. Mr. Albrecht explained that all of the studies for the design have been submitted. This is a 150' monopole with no guidewires, and the offset for the monopole is off of the highway and away from any structures. Commissioner Reedy motioned to approve Resolution 22-78 Application for Sun State Towers to construct a 150' monopole at 130000 Silver City Highway. The motion was seconded by Commissioner Sweetser and was approved unanimously following a roll call vote.

Amended Resolution 22-03: Notice of Fees. Mr. Kretek explained that these fees are to be added to Ordinance 53. Commissioner Sweetser motioned to approve Amended Resolution 22-03: Notice of Fees. The motion was seconded by Commissioner Reedy and was approved unanimously following a roll call vote.

Resolution 22-79: Authorizing the assignment of Official Representative and Signatory Authorities. Mr. Kretek explained that this Resolution is a follow-up to the ordinance passed last month authorizing the County to submit an application for the Lescombs water project and would give County Manager Chris Brice the Authority to sign off on the necessary paperwork to execute that directive. The main point of contact for this would be Mr. Brice and the financial point of contact would be Budget and Procurement Director Joanne Hethcox. Commissioner Reedy motioned to approve Resolution 22-79: authorizing the assignment of Official Representatives and Signatory Authorities. The motion was seconded by Commissioner Sweetser and was approved unanimously following a roll call vote.

Discussion Items:

Luna County Personnel Ordinance No. 23: Discussion Only. County Manager Chris Brice suggested that this agenda item be tabled for now. Mr. Brice stated that he would be meeting individually with all Elected Officials to answer questions or concerns. Mr. Brice also stated that he would be meeting with the Commission Board after meeting with all Elected Officials.

Increasing the size of the Board of County Commissioners to Five Members: Discussion Only. Commissioner Reedy thanked Mr. Chinkes and Ms. Morgan for speaking in favor of increasing the size of the Board of County Commissioners to five Members. County Clerk Berenda McWright spoke and expressed her concern about the expense this would bring with having to redistrict. Commissioner Sweetser spoke out against increasing the Board of County Commissioners and also suggested leaving the decision to the new Commission Board. Commissioner Reedy stated that the benefit of passing this now would give the Board the opportunity to appoint the other two Commissioners to the five-member board.

Call for Ordinance:

Resolution 22-80: Call to Amend Ordinance 101; Procedure for Accepting Donations of Real Property. Mr. Kretek stated that amending this ordinance would change the fact that the individual who is donating the property would not be obligated to pay the \$25.00 filing fee for the new property deed to be recorded. Mr. Kretek stated that the wording when the ordinance was first put into place was being misinterpreted. For this reason, Ordinance 101 is being amended. Commissioner Sweetser motioned to approve Resolution 22-80: Call to Amend Ordinance 101; Procedure for Accepting Donations of Real Property. The motion was seconded by Commissioner Reedy and was approved unanimously following a roll call vote.

Resolution 22-81: Call to Amend Ordinance 23; Luna County. Commissioner Reedy motioned to approve Resolution 22-81: Call to Amend Ordinance 23; Luna County. The motion was seconded by Commissioner Sweetser and was approved unanimously following a roll call vote.

New Business:

Resolution 22-82: Local Emergency/Disaster Declaration. Mr. Brice explained that this disaster declaration is due to all of the rains and flooding that Luna County has had. Mr. Brice, Road Department Director David Bailey, Emergency Management Director Phillip Rodriguez, and Brian Stevenson from the State Engineer's Office bring FEMA out to take pictures as well as drone video to assess the flood damage. FEMA and State Emergency Management came out to look at the damage to be able to declare the affected area a disaster to obtain funding from FEMA. Once FEMA has declared the area a disaster, then the Governor must do the same in order to apply for funding. Mr. Brice stated that the County has applied for about \$847,000 in FEMA funds. Mr. Bailey provided the Board with the pictures that were taken of the area. Mr. Bailey also explained that he and FEMA representatives did a walk-through of Columbus to include Black Hill Road, North Boundary, Rockhound Rd, Lewis Flats, Hwy 549, Mimbres, Hwy 377, and Keeler Farm Rd. Commission Reedy motioned to approve Resolution 22-82: Local Emergency/Disaster Declaration. The motion was seconded by Commissioner Sweetser and approved unanimously following a roll call vote.

Upcoming Meetings/Events (unless otherwise specified):

Regular Meeting: October 14, 2022, at 10:00 a.m.
Veteran's Day: November 11, 2022; Luna County Offices are closed
Thanksgiving Holiday, November 23, 2022; Luna County Offices close at Noon
Thanksgiving Holiday, November 24, 2022; Luna County Offices Closed
Personal Day, November 25, 2022; Luna County Offices Closed

ADJOURN: Commissioner Reedy motioned to adjourn. The motion was seconded by Commissioner Sweetser and was approved unanimously. The meeting was adjourned at 2:53 p.m.

ATTEST:

**LUNA COUNTY BOARD OF
COUNTY COMMISSIONERS**

Berenda McWright, Luna County Clerk

Barbara L. Reedy, District 1

Approved: _____

Chair, Linda M. Smrkovsky, District 2

John S. Sweetser, District 3

Indigent Hospital Claims Office

Chris A. Brice, County Manager

IHC Board Meeting November 14, 2022

Month	Number	Amount	Number	Denied
January	4	\$21,248.76	0	\$0.00
Feburary	1	\$90.00		
March	14	\$27,732.47		
April	0	\$0.00		
May	0	\$0.00		
June	0	\$0.00		
July	22	\$86,152.56		
August	4	\$23,976.89		
September	2	\$1,324.12		
October	1	\$1,611.00		
November				
December				
Total	48	\$162,135.80	0	\$0.00
This Month's Total	Mimbres Memorial Hospital			\$0.00
This Month's Total	Gila Regional Medical Center			\$0.00
This Month's Total	Memorial Medical Center			\$0.00
This Month's Total	Deming Fire Dept./EMS			\$0.00
This Month's Total	All Other Services			\$1,611.00
Total				\$1,611.00
Year to Date Total	Mimbres Memorial Hospital			\$134,069.58
Year to Date Total	All Other Hospitals			
Year to Date Total	Deming Fire Dept./EMS			\$1,221.00
Year to Date Total	All Other Services			\$26,845.22
Total				\$162,135.80
Care of Prisoners This Month - Not including SNCP Funds				\$11,816.49
Care of Prisoners Year to Date Indigent - Not including SNCP Funds				\$1,768,993.36
Care of Prisoners Year to Date Inmate Prescriptions/OTC Meds				\$96,739.59
Care of Prisoners Year to Date Dr. Bills				\$9,157.22
Total Cost of Care of Prisoners Year to Date				\$1,874,890.17
Monies Received - October 2022				\$88,754.85
Balance in IHC Fund as of October 31, 2022				\$1,900,302.02
Encumbrances as of October 31, 2022				\$986,351.70
		Date	Amount Approved	Amount Denied
	Signatures	11/14/2022	\$1,611.00	
Barbara L. Reedy				
Linda M. Smrkovsky				
John S. Sweetser				

IHC Board Meeting

November 14, 2022

[illegible]

Be it remembered that at a Regular Meeting of the Board of County Commissioners of Luna County in Deming New Mexico, on the 14th day of November 2022, the following proceedings were had and entered of record.

RESOLUTION NO. 22-84

CALL TO ADOPT ORDINANCE 115; AN ORDINANCE APPROVING AN IRB BETWEEN LUNA COUNTY AND SOLAR PV DEVELOPMENT NM 18 II LLC AND CARNE ENERGY STORAGE LLC FOR THE CARNE SOLAR PROJECT; SERIES 2022A AND ORDINANCE 116; AN ORDINANCE APPROVING AN IRB BETWEEN LUNA COUNTY AND SOLAR PV DEVELOPMENT NM 18 II LLC AND CARNE ENERGY STORAGE LLC FOR THE CARNE SOLAR PROJECT; SERIES 2022B

WHEREAS, the New Mexico legislature has enacted the County Industrial Revenue Bond Act, NMSA 1978, Sections 4-59-1 to 16 (1975, as amended through 2021) (the "Act"), which authorizes Luna County, New Mexico (the "County") to issue industrial revenue bonds and to acquire projects as defined in the Act; and

WHEREAS, the County, acting through its Board of County Commissioners, desires to promote industry and trade by inducing manufacturing, industrial and commercial enterprises to locate or expand in the County, to promote the use of the natural resources of the County, and to promote a sound and proper balance in the County and the State of New Mexico (the "State") between agriculture, commerce and industry, and to promote the health, safety, security, general welfare, convenience and the prosperity of the inhabitants of the County; and

WHEREAS, the Act, at NMSA 1978, Section 4-59-2(F) (2020), defines the term "project" to include, among other things, a commercial enterprise in storing, warehousing, distributing or selling products of agriculture, mining or industry, including any electric generation or transmission facility other than one for which both location approval and a certificate of convenience and necessity are required prior to commencing construction or operation of the facility, pursuant to the Public Utility Act, NMSA 1978, Chapter 62, Articles 1 through 6 and 8 through 13; and

WHEREAS, Carne Energy Storage, LLC, a Delaware limited liability company authorized to do business in the State (the "Company") has made a proposal to the County (the "Proposal") for acquisition by the County from the Company currently planned facilities and equipment and other tangible personal property to be located in the County relating to an approximately 130 megawatt ("MW") solar energy generating system and associated approximately 65 MW battery energy storage system which will each constitute an authorized project under the Act to be developed by the Company in one or more phases (each a "Project" and collectively the "Projects"); and

WHEREAS, the County will acquire each Project, through acquisition of leasehold interests, easements, rights-of-way, fee title, and other property rights and interests in land, title, including fee title, to facilities and capital equipment and other tangible personal property to be located in the County, but outside the boundaries of any incorporated municipality; and

WHEREAS, the issuance of taxable industrial revenue bonds in one or more series for the Projects (collectively, the "Bonds") by the County necessary to finance all or a part of the Projects, and tax incentives associated therewith, are inducements whereby the Company will determine to acquire, construct, equip and install the Projects; and

WHEREAS, the Board of County Commissioners of the County constitutes the governing body of the County (the "Governing Body") within the meaning of the Act; and

WHEREAS, the Projects have been considered by the Governing Body and the Governing Body has determined that each of the Projects will promote the health, safety, security and general welfare of the citizens of the County, and the Governing Body desires to indicate its intent to proceed with the issuance of the Bonds for the financing of each of the Projects; and

WHEREAS, concurrently with the issuance of the Bonds, the Company will enter into lease agreements with the County providing for the payment by the Company of lease rentals on its Projects sufficient to pay the debt service on the Bonds, subject to the prior adoption by the Governing Body of one or more ordinances approving such agreements and other related documents and authorizing issuance of the Bonds (individually, a "Bond Ordinance" and collectively, the "Bond Ordinances"); and

WHEREAS, prior to issuing the Bonds and acquiring a Project, the Company will negotiate an annual in-lieu tax payment to be made, in compliance with the Act (collectively, the "PILOTS"); and

WHEREAS, the County and the Company understand that the adoption of this resolution (the "Resolution") shall not obligate the Governing Body or the County to adopt the Bond Ordinances or a Bond Ordinance for any Project, to issue the Bonds or obligate the Company to proceed with any Project, except pursuant to the terms of the Bond Ordinance or Bond Ordinances and related bond documents in forms satisfactory to the County as presented by the Company prior to the issuance of the Bonds.

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

Section 1. All actions not inconsistent with the provisions hereof heretofore taken by the Governing Body and the officers, employees and designated representatives and agents of the County related to the Proposal, the acquisition, construction, equipping and installation of the Projects, and the sale and issuance of the Bonds therefor, are hereby ratified, approved and confirmed.

Section 2. The Governing Body has been informed by or on behalf of the Company that:

A. The Projects will be located in the unincorporated portions of the County, at the general locations previously described by the Company to the County, although the boundaries of the Projects have not yet been definitively determined. The Projects will consist of leased land, easements, rights-of-way and other property rights and all necessary and useful

facilities and capital equipment and other tangible personal property for a solar energy generation project, including but not limited to, all solar thermal energy collection, concentration and heat transfer and conversion equipment; solar tracking hardware and software; photovoltaic panes and inverters; support structures; turbines and associated electrical generating equipment used to generate electricity from solar thermal energy and to store such electricity; and related equipment, as well as transformers, circuit breakers and switching and metering equipment and supporting structures and improvements, electrical lines and related assets for use in the generation, storage and transportation of electricity.

B. The Projects will consist of solar energy projects and are proposed to have the collective nameplate installed generating capacity of up to approximately 130 MW, with battery storage capacity of approximately 65 MW, with each Project to be developed, constructed and operated by the Company.

C. The proposed project sites are located in the unincorporated areas of the County outside the boundaries of any incorporated municipality.

D. The maximum aggregate face amount of the Bonds to be issued with respect to the Projects is \$335,000,000.

E. The Company will make all necessary arrangements with proposed bond purchasers for purchase of the Bonds, and the County shall have no responsibility to make such arrangements.

F. The Company has agreed to pay or reimburse the County for the reasonable costs of its county attorney, independent bond counsel, financial advisors of the County engaged in connection with issuance of the Bonds, and all other expenses of the County directly related to processing the application for issuance of the Bonds, adoption of this Resolution, consideration and adoption of the Bond Ordinance or Bond Ordinances and issuance of the Bonds. The Company has agreed to such payment or reimbursement of such processing fees and expenses irrespective of whether the Bonds are issued.

G. The Company has proposed to make PILOTs, which shall be as set forth in the Bond Ordinance or Bond Ordinances or in the transaction documents approved by the Bond Ordinance or Bond Ordinances, not later than the date on which the Project Property (referred to below) is acquired by the County.

H. The development, installation and operation of the Projects are subject to land use regulation and approval by the County, which approval the County has provided to the Company in the County's issuance of its final approval of the energy production facility permit on November 14, 2022.

Section 3. In order to promote the health, safety, security, general welfare, convenience and prosperity of the inhabitants of the County, it is the Governing Body's intent, subject to the conditions provided in Sections 10 and 11 below, to take all necessary and advisable steps to consider and, if appropriate, to effect the issuance of the Bonds in one or more series in an aggregate principal not to exceed \$335,000,000 in order to defray part or all of the

costs of the Projects. The Bonds are to be entitled substantially as follows “Luna County, New Mexico Taxable Industrial Revenue Bonds (Carne Solar Project), Series [series designation],” similar to “Series 2022A,” or “Series 2022B,” as applicable, provided however, that in the Bond Ordinance or Bond Ordinances the County may designate different Bond titles, including but not limited to the series designation. This expression of the Governing Body’s intent is conditioned upon the issuance of the Bonds on or before five (5) years from the date of the adoption of this Resolution.

Section 4. The Bonds shall be payable solely from the revenues derived from the lease of the property and property rights acquired with the proceeds of the Bonds with respect to each Project (the “Project Property” or “Leased Property”) or other moneys payable by the Company with respect thereto, and shall not constitute a debt or indebtedness of the County within the meaning of any provision or limitation of the Constitution or statutes of the State. In addition, if the Bonds are issued, the Company shall indemnify and hold harmless the County, the Governing Body and their respective officers, employees, designated representatives and agents (collectively, the “Indemnified Persons”) from and against any liability to the Company or to any third parties that may be asserted against the County, the Governing Body or other Indemnified Persons with respect to the County’s legal ownership of or leasehold interest in the Projects and the Project Property of each Project or the County’s issuance of the Bonds. Nothing contained in this Resolution or in any other instrument shall be considered as obligating the County to any pecuniary liability or a charge upon the general credit of the County or against its taxing power, it being understood by the Company that no costs are to be borne by the County and that all costs incurred by the County directly related to the adoption of this Resolution, negotiations with the Company and the issuance of the Bonds are to be promptly reimbursed by the Company, as applicable. The County’s adoption of this Resolution shall not be deemed a conclusion or expression of approval by the County or any Indemnified Person of the Company or the Projects.

Section 5. The County understands that the Company does not intend that interest on the Bonds be excludable from gross income of the holders of the Bonds under the Internal Revenue Code of 1986, as amended. The County further understands and requires that the Bonds will not be sold to investors other than an affiliate or parent of the Company, i.e., the Projects will be internally or “self-funded” by or through the parents or affiliates of the Company and that the related bond documents to be approved at the time of adoption of the Bond Ordinance or Bond Ordinances will require purchase of the Bonds by an affiliate or parent of the Company.

Section 6. The Company will act as agent for the County with respect to the Projects and in the acquisition of the Project Property. The County authorizes the Company to act as agent for the purchase of solar generation equipment used to generate electricity from solar energy and related equipment as defined in NMSA 1978, Section 7-9-54.3 (2010) with respect to the Projects. The Company, as agent for the County and consistent with Taxation and Revenue Department Regulation 3.2.212.22 NMAC (the “Regulation”), will acquire, construct, equip and install the Projects. The Company will, consistent with State law and as agent for the County,

apply to the Taxation and Revenue Department for Type 9 Nontaxable Transaction Certificates (the "Certificates"). The Company will deliver the Certificates to each person selling capital equipment and other tangible personal property to the Company for the Projects as applicable under the New Mexico Gross Receipts and Compensating Tax Act and the Regulation. As required by the Regulation, by adoption of this Resolution, the County authorizes the Company or an affiliate acquiring, constructing, equipping and installing a Project, to act as agent for the County with respect to the purchase of capital equipment and other tangible personal property for the Projects. The Company shall not use the Certificates other than for the purchase of capital equipment and other tangible personal property, nor shall it use such Certificates after the completion of the Projects. Prior to the use of such Certificates by the Company as agent for the County, the County Manager and the Company will agree to certain procedures regarding the use of the Certificates and protection of the County from any unfunded tax liability. This Resolution is intended to be an "inducement resolution" as that term is used in, and for the purposes of, the Regulation. The Company will indemnify the County for any taxes or penalties that may be levied or assessed against the County pertaining to use of the Certificates.

Section 7. It is the intention of the Governing Body that the Bonds will be issued with a term not to exceed thirty (30) years. The County intends to enter into an agreement for lease of each Project with the Company providing that all ad valorem (property) taxes will be abated during the term of the Bonds, subject to payment by the Company of annual payments in lieu of ad valorem (property) taxes (i.e., the PILOTs). The County intends that the amount and terms of the annual payments in lieu of ad valorem (property) taxes, mutually satisfactory to the County will be negotiated and agreed prior to the date on which the Project Property is acquired by the County, and such agreement shall be included in the Bond Ordinance or Bond Ordinances or the leases of the Projects to be entered into by the County and the Company. The County Manager and County Attorney are hereby authorized and directed to negotiate such payments with the Company, the details of which shall be included in the Bond Ordinance or Bond Ordinances and/or the forms of the transaction documents approved therein.

Section 8. The County Commissioners, County Clerk or Deputy County Clerk and other appropriate County officials and employees are hereby authorized and empowered to take such steps and to do such things as may be necessary to achieve the purposes of this Resolution; provided, however, the issuance of a series of Bonds and the execution and delivery of any documents to which the County is a party in connection therewith shall be subject to the approval and authorization by the Governing Body pursuant to the Bond Ordinance or Bond Ordinances, adopted following public notice of the Governing Body's intent to adopt such Bond Ordinances at least fourteen days prior to the consideration of the Bond Ordinance or Bond Ordinances by the Governing Body at a public meeting, such public notice to contain the title and a general summary of the subject matter of the Bond Ordinance or Bond Ordinances. In connection with this Resolution, the Company has expressed its understanding that a failure or refusal of the Governing Body, however arising, to adopt a Bond Ordinance for any of the Projects will have the effect of voiding any Certificates issued to the Company for that Project following adoption of this Resolution for capital equipment and other tangible personal property purchases and

making such purchases subject to whatever tax would be due if such Certificates had not been issued.

Section 9. This Resolution shall not in any way obligate the County or any other person to issue the Bonds, obligate the County to issue any other bonds or in any other way to finance the Projects; and the County retains full and complete discretion with respect thereto.

Section 10. The issuance of the Bonds and the execution and delivery of any documents to which the County is a party in connection therewith shall be subject to the approval and authorization by the Governing Body pursuant to the Bond Ordinance or Bond Ordinances following reasonable public notice of the time, date and place of the public hearing to be held on the proposed adoption of the Bond Ordinance or Bond Ordinances.

Section 11. The Bond Ordinances shall be adopted following reasonable public notice of the Governing Body's intent to adopt such Bond Ordinances at least fourteen days prior to the consideration of each Bond Ordinance by the Governing Body at a public meeting, such public notice to specify the time, date and place of the Governing Body's public hearing on the Bond Ordinance and the meeting at which the Bond Ordinance will be considered, upon consultation with the Company. The County Attorney is hereby directed, in accordance with NMSA 1978, Section 4-37-7 (1981), to publish in Gannett Legals, a newspaper of general circulation within the County, the title and general summary of the Bond Ordinances at least two weeks prior to the meeting at which the Governing Body will consider each Bond Ordinance. The County Attorney may undertake such publication upon his own initiative, following consultation with the County Manager, and the Company having addressed the amounts and terms of the PILOTs to be made by the Company to the County's satisfaction. The publications described in this Section 11 shall be in substantially in the forms attached hereto as EXHIBIT A, and EXHIBIT B, with such changes as are not inconsistent herewith and approved by the County Manager. The County Manager is hereby authorized to put the consideration of the adoption of the Bond Ordinances on the agenda for the meeting of the Governing Body at which each Bond Ordinance will be considered in accordance with County procedures and to make such agenda available to the public at least 72 hours in advance of such meeting in accordance with the County's resolutions pertaining to notice of public meetings of the County.

Section 12. The County Manager is hereby authorized and directed to give notice of the County's intent to consider the Bond Ordinance or Bond Ordinances for adoption, which notice shall be provided to the County Assessor and each entity located within the County authorized to levy taxes on property in the County, so that comments can be transmitted by such entities to the County, such notice to be provided by certified mail, return receipt requested, at least 30 calendar days prior to the meeting at which final action is to be taken on the Bond Ordinance or Bond Ordinances, as required by NMSA 1978, Section 4-59-4.1(A) (2011).

Section 13. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

Section 14. All orders and resolutions, or parts thereof, in conflict with this Resolution are hereby repealed; provided, however, this repealer shall not be construed to revive any order, resolution or part thereof, heretofore repealed.

Section 15. The adoption of this Resolution shall not require any further action by the Governing Body on behalf of the County regarding the issuance of the Bonds or the terms and conditions of their issuance, such action, including adoption of the Bond Ordinance or Bond Ordinances, being at the full and complete discretion of the Governing Body on behalf of the County.

Section 16. This Resolution shall take effect immediately upon its adoption and approval by the Governing Body.

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DONE THIS 14th DAY OF NOVEMBER, 2022

by the Board of County Commissioners of Luna County

BOARD OF COUNTY COMMISSIONERS
LUNA COUNTY, NEW MEXICO

ATTEST:

Linda M. Smrkovsky, Chairperson
Commissioner, District 2

Berenda McWright,
County Clerk

Barbara L. Reedy,
Commissioner, District 1

John S. Sweetser,
Commissioner, District 3

LCBCC Meeting November 14, 2022

Accounts Payable

10/06/2022	\$180812.29
10/06/2022	\$3605.21
10/14/2022	\$133953.64
10/14/2022	\$11966.55
10/14/2022	\$445852.52
10/14/2022	\$10568.81
10/31/2022	\$342333.84
10/31/2022	\$17899.07

P-Cards

September 2022	\$473,599.15
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Total \$1,620,591.08

Luna County
Board of County Commissioners



Agenda 11/14/2022

PAYROLL

Date	Register	Amount
10/07/2022	20220134	\$596,321.88
10/07/2022	*20220135	\$26,639.01
10/11/2022	20220136	\$1,774.42
10/21/2022	20220137	\$591,354.41
10/21/2022	*20220138	\$18,956.09

Total: \$1,235,045.81

* Special Assignment Pay

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 November 2022, the following proceedings were had and entered of record.

**LUNA COUNTY, NEW MEXICO
ORDINANCE 101; FIRST AMENDMENT**

WHEREAS, pursuant to NMSA 1978 Section 4-38-1 (1884) the powers of a county as a body politic and corporate shall be exercised by a Board of County Commissioners; and,

WHEREAS, NMSA 1978, Section 4-38-13 (1953) provides that Board of County Commissioners shall have power at any session to make such orders concerning the property belonging to the county as they may deem expedient; and,

WHEREAS, Section 4-37-1 et seq. NMSA 1978 provides that counties may adopt those resolutions and ordinances, not inconsistent with statutory or constitutional limitations placed on counties, to discharge those powers necessary and proper to provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of the county and its inhabitants; and,

WHEREAS, Article 9 Section 14 of the New Mexico Constitution, referred to as the anti donation clause, which provides "[n]either the state, nor any county, school district, or municipality ... shall directly or indirectly lend or pledge its credit, or make any donation to or in aid of any person, association, or public or private corporation"; and,

WHEREAS, the ownership of real property and the management of such real property has the potential of imposing unacceptable risks and liabilities on the County of Luna if the property is remote, contains environmental hazards or has a clouded chain of title; and,

WHEREAS, the Board of County Commissioners of Luna County has determined that it is in the best interest of the County to adopt a resolution that embodies the policies and procedures to be employed by the County regarding the acceptance of gifts of real property in order to safeguard the County against accepting gifts of real property that are difficult to sell or are encumbered with defects that could put the County at risk once it is in the chain of title; and,

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Luna County that this Ordinance be enacted pursuant to New Mexico law and codified and to read as follows:

Title 9: Land Use Regulations

Chapter 5: Procedure to Accept Real Property Gifts

9.05.010 General

Luna County shall consider accepting title to real property as a gift if the donated real property can be sold to realize its cash value, if it can be held for future sale or if the property is located in an area where the real property may be used to meet the operational needs of the County Government.

9.05.020 Procedure to Accept Real Property Gifts.

9.05.020.001 Establishing County Interest:

The process of establishing Luna County interest in accepting a gift of real estate shall begin once the following information is provided to the Planning Department

The name, address, telephone number, e-mail address and signature of the proposed donor submitted on the Application & Checklist for Accepting Property Donations.

A statement of the reasons for the donor's desire to make the gift.

A general description of the property including the exact location, any structures (above and below ground), past uses of the property, location characteristics and/or pictures.

Proof of donor's ownership of the property in the form of a copy of the donor's deed to the real property. If the owner of record of the real property is deceased, a copy of the Court's Appointment of the donor/applicant as Personal Representative/ Executor of the estate will be required.

A statement as to whether the contribution is of the donor's complete or partial interest in the property. Luna County will not accept as a gift a partial, fractional or minority interest in real property.

A list of any personal property to be included with the gift.

Copies of current property tax bills and special assessment bills. Applicants will be required to satisfy the tax debt on the real property. NMSA 1978 Section 7-38-37(1973) provides that taxes owed remain the personal obligation of the owner even after the owner sells or donates the property.

9.05.020.002 Review By County Departments

If based on the information obtained in Control 1 it is determined by the Planning Department that

the County will not benefit from the real property, the Planning Department shall inform the donor, in writing, that the County rejects the donation.

If the Planning Department determines, based on the information obtained in Control 1 that the County may potentially benefit from this donation of real property, the following additional steps will be followed by County Departments before the donation is finalized:

A recent legal description and survey of the property showing any easements and right-of-ways, an up to date appraisal report, and a chain of title report, if necessary, will be provided by the Assessor's Office. A ten-year tax search will be provided by the Treasurer's Office.

A site inspection for potential environmental hazards by Code Enforcement Department.

The Planning Department reserves the right to request additional information from the donor

as determined necessary for the Administrative Review.

9.05.020.003 Administrative Review & Initial Acceptance

If after review, the Planning Department finds that accepting the property would be in the County's best interest, the Planning Department may, at their discretion, accept the real property on behalf of the Board.

9.05.030 Final Acceptance

9.05.030.001 If the Planning Department accepts property, the donor must transfer the real property, by Warranty Deed to County of Luna within 90 days of the vote or the acceptance will be considered null and void. Luna County will not accept a Quit Claim Deed.

9.05.030.002 The executed final deed will be recorded in the Clerk's Office, thus finalizing the transaction. If the Planning Department elects not to accept the donation, the Planning Department shall inform the donor, in writing, that the County rejects the donation.

The donor is subject to and required to pay the taxes for the current year in which the transfer was completed. County of Luna will be responsible for the taxes for subsequent years. No real property shall be considered accepted or owned by the County of Luna unless it is formally accepted pursuant to this resolution or by other formal acceptance by the Board of County Commissioners.

9.05.040 Appeal

Upon the receipt of a letter of denial a potential donor may request the denial to be re-considered at a regular meeting of the Board of County Commissioners.

DONE THIS 14TH DAY OF NOVEMBER, 2022

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

ATTEST:

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

Berenda McWright, County Clerk

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

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

**LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS**

**RESOLUTION NO. 22-85
Proposed Inter/Intra Fund Budget Increases**

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

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

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

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

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Luna County hereby adopts the changes to the County's Fiscal Year 111, July 1, 2022 through June 30, 2023 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 14th DAY OF NOVEMBER, 2022.

BOARD OF COUNTY
COMMISSIONERS OF LUNA
COUNTY

Barbara L. Reedy, District One

Linda M. Smrkovsky, District Two

ATTEST:

John S. Sweetser, District Three

Berenda L. McWright, Luna County Clerk

Be it remembered that at a Regular meeting of the Board of County Commissioners of Luna County in Deming NM on the 14th day of November, 2022, the following budget adjustments are proposed and entered of record.

SCHEDULE OF BUDGET ADJUSTMENTS				Budget Resolution Number 22-85 Proposed Inter/Intra FUND Budget Increase/Decrease					Entity Code	
									DFA Resolution Number	
ITEM NO	Adjustment Type	Fund/ DFA Fund	Dept.	From	Amount	To	Amount	Purpose	Approved Budget Balance	Adjusted Budget Balance
One	Increase	401/11000	General Fund	401/11000	\$ 5,855.00	401-00-2062 Audit	\$ 5,855.00	To pay for additional work required by audit to correct prior fiscal year single audit.	\$ 45,236.00	\$ 51,091.00
Two	Increase	401/11000	General Fund - Bureau of Elections	401/11000	\$ (18,000.00)	401-77-1262 (Revenue) Reimbursements to County	\$ (18,000.00)	Reimbursement for Secretary of State for all expenses related to conducting the 2022 General Election.	\$ -	\$ (18,000.00)
					\$ 18,000.00	401-05-2005 Salaries - Overtime	\$ 1,000.00	Reimbursement for Secretary of State for all expenses related to conducting the 2022 General Election.	\$ 2,800.00	\$ 3,800.00
						401-05-2008 Printing and Publishing	\$ 1,000.00	Reimbursement for Secretary of State for all expenses related to conducting the 2022 General Election.	\$ 3,000.00	\$ 4,000.00
						401-05-2018 Printing and Publishing - Spanish	\$ 1,000.00	Reimbursement for Secretary of State for all expenses related to conducting the 2022 General Election.	\$ 3,000.00	\$ 4,000.00
						401-05-2019 Other Election Expense	\$ 4,500.00	Reimbursement for Secretary of State for all expenses related to conducting the 2022 General Election.	\$ 2,000.00	\$ 6,500.00
						401-05-2030 Precinct Board Judge	\$ 10,000.00	Reimbursement for Secretary of State for all expenses related to conducting the 2022 General Election.	\$ 13,000.00	\$ 23,000.00
						401-05-2060 Match - Medicare 1.45%	\$ 200.00	Reimbursement for Secretary of State for all expenses related to conducting the 2022 General Election.	\$ 229.10	\$ 429.10
						401-05-2064 Match - FICA 6.2%	\$ 300.00	Reimbursement for Secretary of State for all expenses related to conducting the 2022 General Election.	\$ 979.60	\$ 1,279.60
Three	Increase	401/11000	General Fund - Sheriff's	401/11000	\$ 4,000.00	401-08-2012 Equipment/Supplie/ Mtn/Repairs	\$ 4,000.00	Certification of fire alarm and suppression system for LCSO building.	\$ 49,000.00	\$ 53,000.00
Four	Increase	401/11000	General Fund - Sheriff's	401/11000	\$ (9,210.88)	401-77-1225 (Revenue) Sheriff's Salary Reimbursements	\$ (9,210.88)	Reimbursement fo special OT patrol during construction on I-10 from MSCI.	\$ -	\$ (9,210.88)

					\$ 9,210.88	401-08-2005 Salaries - Overtime	\$ 9,079.23	To allow the expenditure of the reimbursement fo special OT patrol during construction on I-10 from MSCI.	\$ 80,000.00	\$ 89,079.23
ITEM NO	Adjustment Type	Fund/ DFA Fund	Dept.	From	Amount	To	Amount	Purpose	Approved Budget Balance	Adjusted Budget Balance
						401-08-2060 Match - Medicare 1.45%	\$ 131.65	To allow the expenditure of the reimbursement fo special OT patrol during construction on I-10 from MSCI.	\$ 1,500.00	\$ 1,631.65
Five	Increase	401/11000	General Fund - Sheriff's	401/11000	\$ (9,531.04)	401-77-1225 (Revenue) Sheriff's Salary Reimbursements	\$ (9,531.04)	Reimbursement fo special OT patrol during construction on I-10 from MSCI.	\$ (9,210.88)	\$ (18,741.92)
					\$ 9,531.04	401-08-2005 Salaries - Overtime	\$ 9,394.82	To allow the expenditure of the reimbursement fo special OT patrol during construction on I-10 from MSCI.	\$ 89,079.23	\$ 98,474.05
						401-08-2060 Match - Medicare 1.45%	\$ 136.22	To allow the expenditure of the reimbursement fo special OT patrol during construction on I-10 from MSCI.	\$ 1,631.65	\$ 1,767.87
Six	Increase	411/21800	Community Improvements	411/21800	\$ (769,431.44)	411-77-1502 (REVENUE) 2021 DOT-TPF - Columbus	\$ (769,431.44)	Awarded additional "shortfall" funding to complete project per Contract Nu. D19105/1.	\$ (4,873,065.85)	\$ (5,642,497.29)
					\$ 769,431.44	411-00-2502 2021 DOT-TPF - Columbus	\$ 769,431.44	Awarded additional "shortfall" funding to complete project per Contract Nu. D19105/1.	\$ 4,873,065.85	\$ 5,642,497.29
Seven	Increase	411/21800	Community Improvements	411/21800	\$ (213,750.00)	411-77-1507 (REVENUE) (NEW) 2023 TPF-Camino Doce Roadway	\$ (213,750.00)	2023 TPF Grant for Camino Doce Roadway & Drainage Project.	\$ -	\$ (213,750.00)
					\$ 225,000.00	411-00-2507 (NEW) 2023 TPF-Camino Doce Roadway	\$ 225,000.00	2023 TPF Grant for Camino Doce Roadway & Drainage Project including Luna County 5% match.	\$ -	\$ 225,000.00
Eight	Increase	411/21800	Community Improvements	411/21800	\$ (285,000.00)	411-77-1508 (REVENUE) (NEW) 2023 TPF-Camino Doce Roadway	\$ (285,000.00)	2023 TPF Grant for Camino Doce Roadway & Drainage Project.	\$ -	\$ (285,000.00)
					\$ 300,000.00	411-00-2508 (NEW) 2023 TPF-Camino Doce Roadway	\$ 300,000.00	2023 TPF Grant for Camino Doce Roadway & Drainage Project including Luna County 5% match.	\$ -	\$ 300,000.00
Nine	Increase	411/21800	Community Improvements	411/21800	\$ (2,986,249.12)	411-77-1544 (REVENUE) (NEW) LATCF Grant	\$ (2,986,249.12)	Local Assistance and Tribal Consistency Fund (LATCF) grant awared by US Treasury.	\$ -	\$ (2,986,249.12)
					\$ 2,986,249.12	411-00-2544 (NEW) LATCF Grant	\$ 2,986,249.12	Expenditure of Local Assistance and Tribal Consistency Fund (LATCF) grant awared by US Treasury.	\$ -	\$ 2,986,249.12

ITEM NO	Adjustment Type	Fund/ DFA Fund	Dept.	From	Amount	To	Amount	Purpose	Approved Budget Balance	Adjusted Budget Balance
Ten	Increase	431/21800	NMBA - CSFTRF Grant	431/21800	\$ (9,500,000.00)	431-77-1545 (REVENUE) - (NEW) NMBA - CSFTRF Grant	\$ (9,500,000.00)	NM Border Authority agreement to facilitate economic development at international ports of entry and the border region per agreement.	\$ -	\$ (9,500,000.00)
					\$ 9,500,000.00	431-49-2545 (REVENUE) - (NEW) NMBA - CSFTRF Grant	\$ 9,500,000.00	NM Border Authority agreement to facilitate economic development at international ports of entry and the border region per agreement.	\$ -	\$ 9,500,000.00
Eleven	Increase	608/79900	LCDC - Commissary Fund	608/79900	\$ 100,000.00	608-21-2052 Commissary Fund	\$ 100,000.00	To pay for new uniforms and mattresses for LCDC detainees.	\$ 500,000.00	\$ 600,000.00
Twelve	Increase	609/22600	Adult Detention	609/22600	\$ 261,000.00	609-21-2008 Printing and Publishing	\$ 1,000.00	To correct negative line item balances and allow for spending through remainder of fiscal year.	\$ 1,000.00	\$ 2,000.00
						609-21-2011 Vehicle Expense	\$ 10,000.00	To correct negative line item balances and allow for spending through remainder of fiscal year.	\$ 45,000.00	\$ 55,000.00
						609-21-2022 Building Repairs	\$ 50,000.00	To correct negative line item balances and allow for spending through remainder of fiscal year.	\$ 25,000.00	\$ 75,000.00
						609-21-2181 Inmate Housing	\$ 200,000.00	To correct negative line item balances and allow for spending through remainder of fiscal year.	\$ 200,000.00	\$ 400,000.00
Thirteen	Decrease	412/21800	KLCB	412/21800	\$ 13,400.00	412-77-1315 (REVENUE) NM Clean & Beautiful	\$ 13,400.00	To decrease budget to reflect correct grant award.	\$ (35,300.00)	\$ (21,900.00)
					\$ (13,400.00)	412-00-2315 Grants - NM Beautiful - Non-Salary	\$ (13,400.00)	To decrease budget to reflect correct grant award.	\$ 35,300.00	\$ 21,900.00
Fourteen	Decrease	428/21800	CASA	428/21800	\$ 3,382.00	428-77-1621 (REVENUE) VOCA-CASA	\$ 3,382.00	To decrease budget to reflect correct grant award.	\$ (48,723.00)	\$ (45,341.00)
					\$ 400,487.00		\$ 400,487.00		\$ 1,004,521.70	\$ 1,405,008.70

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

Done at Deming New Mexico this Thursday the 14th day of November, 2022.

BOARD OF COUNTY COMMISSIONERS OF LUNA COUNTY

Barbara L. Reedy, District 1

Linda M. Smrkovsky, District 2

John S. Sweetser, District 3



ATTEST:

Berenda L. McWright, Luna County Clerk

Entered By:

Date

Checked By:

Date

**LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS**

RESOLUTION NO. 22-86
Proposed Inter Department/Fund Transfers

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

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

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

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

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Luna County hereby adopts the changes to the County's Fiscal Year 111, July 1, 2022 through June 30, 2023 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 14th DAY OF NOVEMBER, 2022.

BOARD OF COUNTY
COMMISSIONERS OF LUNA
COUNTY

Barbara L. Reedy, District One

Linda M. Smrkovsky, District Two

ATTEST:

Berenda L. McWright, Luna County Clerk

John S. Sweetser, District Three

Be it remembered that at a Regular meeting of the Board of County Commissioners of Luna County in Deming NM on the 14th day of November, 2022 the following budget adjustments are proposed and entered of record.

Budget Resolution Number 22-86

Proposed Inter Department Transfer

ITEM NO	Adjustment Type	Fund/ DFA Fund	Dept.	From	FROM Current Balance	Transfer amount	TO Line Number	Transfer Amount	Purpose
One	Transfer	801/59900	Entertainment Complex	801-80-2106 Food Supplies	\$141,619.24	\$3,000.00	801-80-2015 Exterminating Services	\$3,000.00	To pay for exterminating services.
Two	Transfer	610/21800	HIDTA	610-43-2011 Vehicle Expense	\$13,803.55	\$2,100.00	610-43-2002 Salaries - Full-time	\$2,100.00	To allow for employee PTO buy back.
							610-43-2060 Match - Medicare 1.45%	\$100.00	To allow for employee PTO buy back.
Three	Fund to Fund Transfer	401/11000	General Fund	401/11000 Cash Reserves		\$250,000.00	411/21800 Cash Reserves	\$250,000.00	To allow for additional grant matches for this fiscal year.
					\$155,422.79	\$255,100.00		\$255,200.00	

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

Done at Deming New Mexico this Thursday the 14th day of November, 2022.

BOARD OF COUNTY COMMISSIONERS OF LUNA COUNTY

Barbara L. Reedy, District 1

Linda M. Smrkovsky, District 2

John S. Sweetser, District 3



ATTEST:

Entered By:

Date

Berenda L. McWright, Luna County Clerk

Checked By:

Date

Be it remembered that at a Regular Meeting of the Board of County Commissioners of Luna County in Deming New Mexico, on the 6th day of October, 2022, the following proceedings were had and entered of record.

LUNA COUNTY

RESOLUTION 22-87

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 14th day of November, 2022.

BOARD OF COUNTY COMMISSIONERS OF LUNA COUNTY

ATTEST:

Barbara L. Reedy
Commissioner, District 1

Berenda McWright, County Clerk

Linda M. Smrkovsky
Commissioner, District 2

John S. Sweetser
Commissioner, District 3

County of Luna

Barbara L. Reedy
Commissioner, District 1

Chris Brice
County Manager

Linda M. Smrkovsky
Commissioner, District 2

John S. Sweetser, Chair
Commissioner, District 3



700 South Silver Avenue • Post Office Box 551 • Deming, New Mexico 88031
Telephone (575) 546-0494 Facsimile (575) 544-4293

Date: 11/08/2022

To: Luna County Board of County Commissioners
From: Joanne C. Hethcox, Budget and Procurement Director
CC: Chris Brice, County Manager

Subj: Disposal of Assets

Inventory #	Year	Make	Model	VIN	Mileage
982535	2013	FORD	Fusion	3FAHP08G4CR446078	134625
Explanation for Disposal	Unit was involved in an accident. and demined total loss.				
Inventory #	Year	Make	Model	VIN	Mileage
Explanation for Disposal					
Inventory #	Year	Make	Model	VIN	Mileage
Explanation for Disposal					

State of New Mexico
County of Luna

Barbara L. Reedy
Commissioner, District 1

Linda M. Smrkovsky
Commissioner, District 2



John S. Sweetser
Chairman, District 3

Chris A. Brice
County Manager

700 South Silver Avenue • Post Office Box 551 • Deming, New Mexico 88031
Telephone (575) 546-0494 Facsimile (575) 544-4293
www.lunacountynm.us

Oct 27th, 2022

Budget and Procurement
700 S Silver
Deming NM 88030

Re: Request to transfer vehicle title to NMAC

County vehicle:

Make & Model: Ford Fusion
VIN # 3FAHP0HG4CR446078
Plate # 628RKS
Year: 2012

Was involved in a wreck and has been deemed totaled by Luna Counties insurance carrier, NMAC. NMAC will need the vehicle title signed and transferred to finalize transport for salvage procedures. Vehicle is currently at Silver City Police Department.

Address to send vehicle title:

NM Counties
Attn: 006960-1
444 Galisteo St
Santa fe, NM 87501

Claim, appraisal and all other supporting documentation are attached to this memo.

STATE OF NEW MEXICO
County of Luna

Barbara L. Reedy
Commissioner, District 1

Linda M. Smrkovsky
Commission Chair,
District 2



John S. Sweetser
Commissioner, District 3

Chris A. Brice
County Manager

700 South Silver Avenue • Post Office Box 551 • Deming, New Mexico 88031-0551
Telephone (575) 546-0494 Facsimile (575) 544-4293
www.lunacountynm.us

November 14, 2022

To the Luna County Board of County Commissioners

The evaluation committee has met, gone over proposals and conducted interviews for RFP #111-01 Medical and Behavioral Health Services for the Luna County Detention Center. The following recommendation for award and to begin contract negotiations is:

WellPath
ATTN: C. J. Whitfield
3340 Perimeter Hill Drive
Nashville, TN 37211
Phone: 800-592-2974

The review committee makes this recommendation contingent upon the ability to successfully negotiate contract terms and conditions based upon the RFP and proposal responses.

Respectfully Submitted by:

A handwritten signature in blue ink, reading "Joanne C. Hethcox", is written over a horizontal line.

Joanne C. Hethcox, CPM®, CPPO, CPO
Budget and Procurement Director

Approved:

Chairperson

Be it remembered that at the Regular Meeting of the Board of County Commissioners of Luna County in Deming New Mexico, on the 14th day of November 2022, the following proceedings were had and entered of record.

RESOLUTION 22-88

Resolution Supporting the New Mexico Counties 2023 Legislative Priorities

WHEREAS, in September 2022, the New Mexico Counties Board of Directors approved four legislative priorities for consideration by the New Mexico Legislature at its 2023 session; *and*

WHEREAS, NMC has requested that the Board of County Commissioners in each of the state's 33 counties discuss and approve support for NMC's legislative priorities as an important step in assuring maximum understanding of NMC's legislative priorities at the county level; *and*

WHEREAS, county support enables NMC to demonstrate strong local and statewide support to the state legislature for the following issues:

1. HB 2 Appropriations

Detention Reimbursement Fund

Increase the County Detention Facilities Reimbursement Act fund to reimburse counties for the cost of housing New Mexico Corrections Department (NMCD) inmates.

- Currently the fund is \$5 million.
- According to the New Mexico Sentencing Commission, the five-year average cost to house NMCD inmates is \$7.5 million.

Prisoner Transport and Extradition

Create a line item in the DFA budget with \$750,000 to reimburse counties that provide transportation for state prisoners.

- Statute 4-44-18C NMSA requires the state to make such payment.
- Counties should not be responsible to pay for state prisoner extradition.

Emergency Medical Services

Create a line item in the Department of Health Emergency Medical Services (EMS) Bureau budget with \$10 million to assist local government emergency medical services.

- Emergency medical services in New Mexico have been significantly underfunded for years.
- Current state appropriations, taxes collected through local GRT increments, and other sources of revenue do not provide sufficient support to local governments to meet community needs, especially in rural areas of the state.
- Emergency medical services are vital to the health and welfare of New Mexico citizens.

2. Public Safety Package

Return to Work

- Local governments struggle to fill critical public safety positions.
- Allowing able and willing retirees to return to work would create a pool of qualified applicants to fill essential public safety positions.

Recruitment and Retention

- Sufficient numbers of detention staff are essential to a safe and well-operated detention facility which is directly correlated to community safety.
- A public safety recruitment and retention fund would provide local governments with much needed resources to provide detention services to their communities.

Staffing Crisis in Fire & EMS

Create a Fire and EMS fund at \$50 million to support volunteer and paid staff.

- Many New Mexico fire departments are volunteer or combination departments; number of volunteers has greatly declined.
- Call volume and large events continues to rise in New Mexico.

3. Courthouse Funding

Create a fund for construction and renovation for state district courthouses.

4. IPRA Election Related Records & Data

Clearly define how IPRA relates to election records and data.

- Need clear guidance on many aspects related to elections records and data that may be subject to IPRA.
- (2) NMSA 1-12-69. A. and G. 1-12-70.

NOW, THEREFORE, BE IT RESOLVED that the [County Name] Board of County Commissioners does hereby support NMC's legislative priorities as set forth above and urges that legislation incorporating these priorities be enacted by the state legislature during its 2023 session.

DONE THIS 14th DAY OF NOVEMBER, 2022

by the Board of County Commissioners of Luna County

ATTEST:

Barbara L. Reedy,
Commissioner, District 1

Berenda McWright,
County Clerk

REVIEWED FOR LEGAL SUFFICIENCY:

Linda M. Smrkovsky, Chairperson
Commissioner, District 2

Charles C. Kretek, County Attorney

John S. Sweetser,
Commissioner, District 3

American Legion Grant Proposal



Prepared for: Luna County

Prepared by: American Legion
Post 4

American Legion Post 4

Dear Luna County,

The American Legion Bataan Post 0004 kindly requests \$10,000 for help with a new roof at 619 W Spruce St, the American Legion Post 4. We look forward to partnering with you in what we believe will be an impactful project for our entire community and an important step in continuing the safety, well being and community development for the veterans of Luna County.

The main objective of our proposed project is to reconstruct the roof for the American Legion Post 0004, which is in dire need. We plan to complete this as soon as possible, and though we have been asking for donations and trying to do fundraisers, we are not hitting our goal fast enough for the repairs needed. We plan to achieve this by hiring a contractor to complete the work effectively and quickly. We would like to see measurable progress in just a few months, and we'll specifically be looking at the construction as our key success indicators.

With your funding, we will be able to:

Repair the roof which has severe water damage and to repair the kitchen and auxiliary room ceilings that were caused by the leaks in the roof.

We appreciate Luna County taking the interest in helping our local community and for considering investing in our program. Please give me a call at 575-494-8663 if you have any questions or require additional information.

Sincerely,

Randall Meyers

Financial Officer

American Legion Bataan Post 0004

STATE OF NEW MEXICO
County of Luna

Barbara L. Reedy
Commissioner, District
1

Linda M. Smrkovsky
Chair, District 2



John S. Sweetser
Commissioner, District
3

Chris A. Brice
County Manager

Planning & Zoning
700 S. Silver Ave.
PO DRAWER 551 DEMING NEW MEXICO 88031-0551
(575) 543-6620 FAX (575) 544-3455

Date: November 14th, 2022

RE: Conditional Use Permit for Community Solar

Applicant: SolarStone Development

Agent Name: Gordon Simanton

Site Location: Area of East 4th and Jewel Streets (ETZ Area)

Project Name and Description: North Deming Solar Facility; 5 MWac Community Solar

Dear: Mr. Simanton,

The Luna County Planning Department has approved a Conditional Use Permit for **SolarStone Development** pertaining to the above referenced project. This permit is valid contingent upon the Project receiving an award of Community Solar Program capacity from the PRC. If it does not, the permit is automatically revoked.

The assigned address for the location of the project is: Address has not yet been assigned. Upon issuance, address letter will be provided to the Company.

-Property will be unaddressed if project is not awarded-

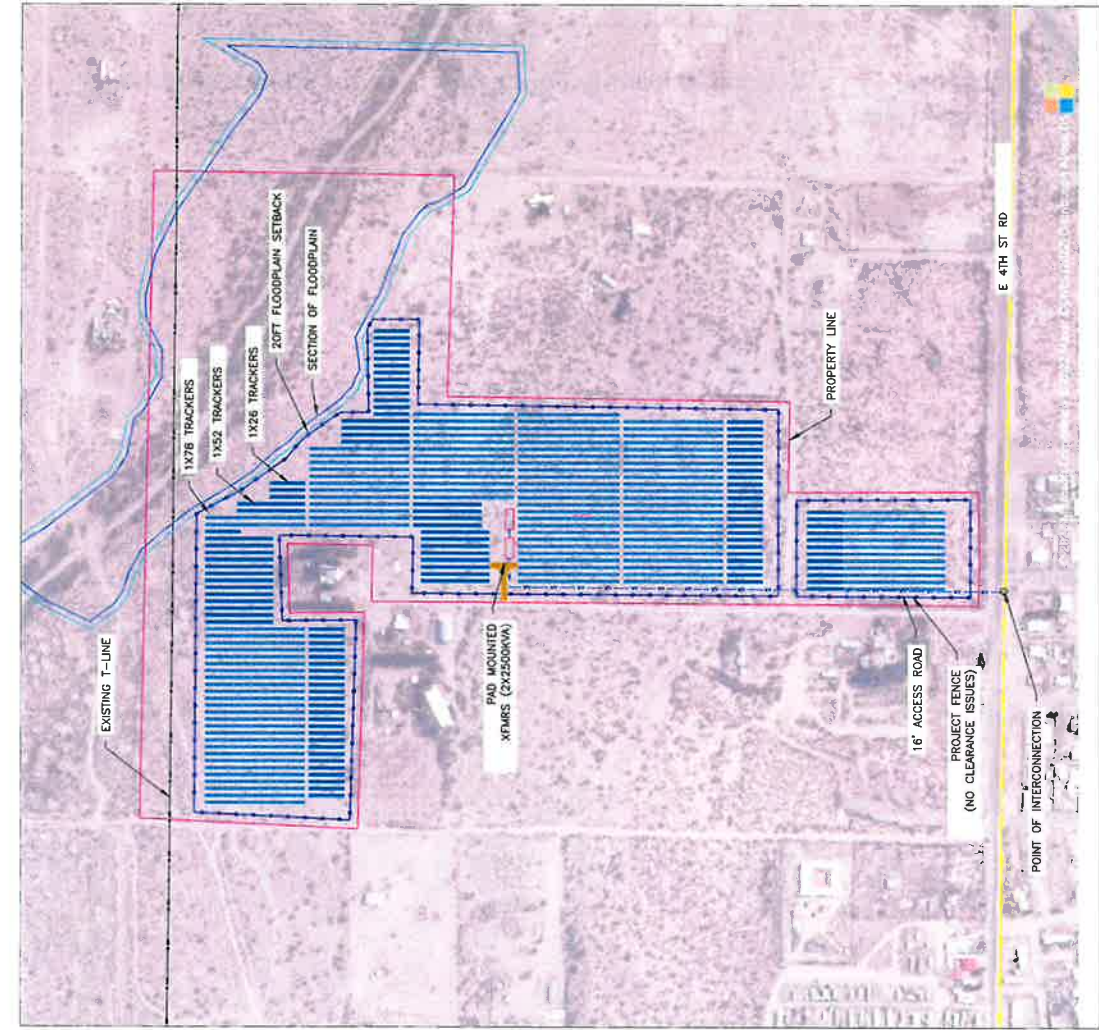
SolarStone Development is authorized to obtain any other required permits as needed and begin construction. The building permit can be obtained from Construction Industries Division at 505 S. Main St., Suite 150 Las Cruces, NM 88004; telephone number 575-524-6320 Extension 101. Please let me know if you have any questions. We appreciate your cooperation with the process.

Sincerely,

Lupita Hernandez
Planning Department Supervisor

Chris Brice
County Manager

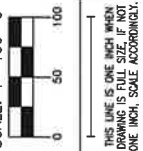
Charles Krettek
County Attorney





NORTH DEMING SOLAR LAYOUT
SYSTEM SIZE: 5,000,000 WATTS
SYSTEM SIZE AC: 5,000,000 WATTS
DC/AC RATIO: 1.32
MODULE: JINKO EAGLE G59 530 WATTS
TOTAL # OF MODULES: 12,532
TOTAL # OF STRINGS: 482
MODULES PER STRING: 26
SINGLE ACCESS TRACKERS:
TOTAL # OF 1 X 26 TRACKERS: 114
TOTAL # OF 1 X 52 TRACKERS: 31
TOTAL # OF 1 X 26 TRACKERS: 78
GROUND COVERAGE RATIO: 35%
INVERTERS: SUNGROW SG 250 KVA
TOTAL # OF INVERTERS: 20
PROJECT LOCATION:
SITE ADDRESS: VACANT LAND NEAR E 4TH
ST RD, DEMING, NM
PERMIT COORDINATES
32°15'40"N 107°45'21"W

NOTES:
20FT PROPERTY LINE SETBACK
20FT FLOODPLAIN SETBACK
75FT T-LINE SETBACK

SCALE: 1"=100'-0"



PRELIMINARY

 SOLARSTONE		 CONSULTING ENGINEERS GROUP <i>Engineering. Powerful Solutions.</i>		<div>SITE ADDRESS: VACANT LAND NEAR E 4TH ST RD, DEMING, NEW MEXICO, NM 86030 32°15'40"N 107°45'21"W</div>		<div>REVISIONS</div> <table><thead><tr><th>REV</th><th>DATE</th><th>BY</th><th>CHK</th><th>DESCRIPTION</th></tr></thead><tbody><tr><td>A</td><td>07/22/22</td><td>JD</td><td>NG</td><td>PRELIMINARY</td></tr><tr><td>B</td><td>08/03/22</td><td>NG</td><td>NG</td><td>UPDATE ACCESS ROAD</td></tr><tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr></tbody></table>		REV	DATE	BY	CHK	DESCRIPTION	A	07/22/22	JD	NG	PRELIMINARY	B	08/03/22	NG	NG	UPDATE ACCESS ROAD																NORTH DEMING SOLAR SITE PLAN		LA LUNA COUNTY NEW MEXICO, NM PROJECT# CEGSS01 REV NO. B DWG NO. SS-NDM-E.1	
REV	DATE	BY	CHK	DESCRIPTION																																					
A	07/22/22	JD	NG	PRELIMINARY																																					
B	08/03/22	NG	NG	UPDATE ACCESS ROAD																																					

Be it remembered that at a Regular Meeting of the Board of County Commissioners of Luna County in Deming New Mexico, on the 14th day of November 2022, the following proceedings were had and entered of record.

RESOLUTION NO. 22-89

APPROVAL AND TERMS OF THE CARNE SOLAR PROJECT FOR SOLAR PV DEVELOPMENT NM 18 II LLC AND CARNE ENERGY STORAGE LLC

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, the Board of County Commissioners of Luna County has the statutory authority to approve special uses within Luna County;

WHEREAS, the energy production facility special use permit (the "Permit") application submitted on September 22, 2022, by Solar PV Development NM 18 II LLC and Carne Energy Storage, LLC (together, as the "Applicant", or "Carne Solar"), relates to an approximately 130 megawatt ("MW") solar energy generating system and associated approximately 65 MW battery energy storage system (the "Project");

WHEREAS, the Permit application was prepared in coordination with Luna County officials per its energy production facility application and approval process (the "Pilot Program") that was implemented in accordance with Luna County's Ordinance 107 addressing energy production facilities. Luna County's Ordinance 107 was adopted on August 12, 2021 to "govern the placement, construction, use, modification, decommissioning and reclamation of energy production facilities" in unincorporated Luna County, and it provides that by separate policy, a "process for requesting and obtaining a permit for the placement, construction, use, modification, decommissioning and reclamation of an energy production facility and the standards applicable thereto" will be established; and

WHEREAS, Carne Solar's Permit application included Luna County's Solar Project Application questionnaire and supplemental application material, and address request application, which together serve as the application structure and requirements for the Pilot Program to ensure that the County is fully informed regarding the proposed Project (together, the "Solar Project Application").

NOW, THEREFORE, BE IT RESOLVED, Luna County hereby approves the Solar Project Application and issues to Carne Solar a final approval of the Permit for the Project, which Permit shall expire on December 31, 2053. This Resolution serves as the Permit. Henceforth, Carne Solar shall be "grandfathered," meaning that the Project will remain approved and permitted, and exempt from any new or different requirements of any final solar policy that is adopted pursuant to Luna County's Ordinance 107 or which are adopted to supersede and replace the Pilot Program until December 31, 2053 or further extended upon the mutual agreement of Carne Solar and Luna County; and

BE IT FURTHER RESOLVED Luna County hereby acknowledges and agrees that any requested extension or modification of the Permit will be reviewed by Luna County Planning Department staff and granted or denied solely pursuant to the Planning Department's administrative procedure, and exempt from any new or different requirements of any final solar policy that is adopted pursuant to Luna County's Ordinance 107 or which are adopted to supersede and replace the Pilot Program. Any extension or modification of the Permit related to the Project shall not be treated as and shall not require a new permit application.

DONE THIS 14th DAY OF NOVEMBER, 2022

by the Board of County Commissioners of Luna County

ATTEST:

Linda M. Smrkovsky, Chairperson
Commissioner, District 2

Berenda McWright,
County Clerk

Barbara L. Reedy,
Commissioner, District 1

John S. Sweetser,
Commissioner, District 3

STATE OF NEW MEXICO
County of Luna

Barbara L. Reedy
Commissioner, District
1

Linda M. Smrkovsky
Chair, District 2



John S. Sweetser
Commissioner, District
3

Chris A. Brice
County Manager

Planning & Zoning

700 S. Silver Ave.

PO DRAWER 551 DEMING NEW MEXICO 88031-0551
(575) 543-6620 FAX (575) 544-3455

Date: November 14th, 2022

RE: Special Use Permit for Industrial Solar

Applicant: Solar PV Development NM 18 II LLC & Carne Energy Storage LLC

Agent Name: Meghan Whitley

Site Location (legal description): A tract of land in the NEQSWQ of section 9, Township 23 South, Range 8 West

Project Name and Description: Carne Solar; 130 MWac and 65 MW battery energy storage Industrial Solar Project

Dear: Ms. Whitley,

The Luna County Planning Department has approved a Special Use Permit for **Solar PV Development NM 18 II LLC & Carne Energy Storage LLC** pertaining to the above referenced project. This permit is valid contingent upon the Project receiving an award of Community Solar Program capacity from the PRC. If it does not, the permit is automatically revoked.

The assigned address for the location of the project is **6160 Hatch Hwy NE**

-Property will be unaddressed if project is not awarded-

Solar PV Development NM 18 II LLC & Carne Energy Storage LLC is authorized to obtain any other required permits as needed and begin construction. The building permit can be obtained from Construction Industries Division at 505 S. Main St., Suite 150 Las Cruces, NM 88004; telephone number 575-524-6320 Extension 101. Please let me know if you have any questions. We appreciate your cooperation with the process.

Sincerely,

Lupita Hernandez
Planning Department Supervisor

Chris Brice
County Manager

Charles Kretek
County Attorney

Be it remembered that at the Regular Meeting of the Board of County Commissioners of Luna County in Deming New Mexico, on the 14th day of November 2022, the following proceedings were had and entered of record.

RESOLUTION # 22-90

A RESOLUTION BY THE COUNTY COMMISSIONERS, THE GOVERNING BODY OF LUNA COUNTY NEW MEXICO, WHEREBY THE COUNTY COMMISSION INSTRUCTS COUNTY STAFF TO SUBMIT AN APPLICATION FOR AVAILABLE FUNDS THROUGH THE NEW MEXICO DEPARTMENT OF TRANSPORTATION FOR PLANNING ALONG THE I-10 & I-40 CORRIDORS.

WHEREAS, *Luna County* (“Governmental Unit”) is a qualified entity and the *County Commission* (“Government Body”) has the authority to authorize public projects for benefit of the Governmental Unit; and

WHEREAS, the New Mexico Department of Transportation (“Board”) has instituted a program for financing of projects and has developed an application procedure whereby the Governing Body may submit an application (“Application”) for financial assistance from the Board for public projects; and

WHEREAS, the Governing Body recommends that an application be filed with the New Mexico Department of Transportation for Planning along the I-10 corridor.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSIONERS, THE GOVERNING BODY OF LUNA COUNTY, NEW MEXICO that the filing of an application to the New Mexico Department of Transportation for funding in the 2022-2023 funding cycle is hereby authorized. The project type falls under planning for potential construction within the I-10 corridor.

1. That all action (not consistent with the provision hereof) heretofore taken by the Governing body and the officers and employees thereof directed toward the Application and the Project, and the same is hereby ratified, approved, and confirmed.
2. That the Application authorized by the Governing Body, be and the same is hereby approved and confirmed.
3. That the officers and employees of the Governing Body are hereby directed and requested to submit the completed Application to the Board for its review, and are further authorized to take such other actions as may be requested by the Board in its consideration and review of the Application and to further proceed with arrangements for financing the Project.
4. All acts and resolutions in conflict with this resolution are hereby rescinded, annulled, and repealed.
5. This resolution shall take effect immediately upon its adoption.

DONE THIS 14th DAY OF NOVEMBER, 2022

by the Board of County Commissioners of Luna County

ATTEST:

Barbara L. Reedy,
Commissioner, District 1

Berenda McWright,
County Clerk

Linda M. Smrkovsky, Chairperson
Commissioner, District 2

John S. Sweetser,
Commissioner, District 3