

LUNA COUNTY-NM  
BERENDA MCWRIGHT, CLERK  
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BY TONI

## ORDINANCE 111



### AN ORDINANCE ADDRESSING THE NAMING OF COUNTY OWNED PROPERTY

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

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

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

**WHEREAS**, the Board of County Commissioners has the power at any session to make such orders concerning the property belonging to the County as they may deem expedient; and

**WHEREAS**, the Board of County Commissioners desires to establish an equitable procedure governing the naming on County buildings, facilities and property.

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

#### **SECTION 1 PURPOSE AND APPLICABILITY**

**1.1** This Ordinance shall apply to the consideration of conferring a specific name to any county owned or operated building, facility or property, excluding streets and roads.

**1.2** This Ordinance shall also apply to when preparing an official comment or recommendation of Luna County to other entities, public or private. This includes contemplating the naming or dedication of buildings, facilities or property owned or operated by an entity other than Luna County.

**1.3** "County Owned Property" included within the scope of this Ordinance includes:

**1.3.1** Buildings and structures, including overpasses and bridges;

**1.3.2** Real property, including open spaces, parks and undeveloped or raw land.

**1.4** This Ordinance shall not apply to historically registered properties for which a name has been indicated on a nomination form or accepted for use on any historic register.

**1.5** This Ordinance shall not apply to public art installations that have been commissioned and/or accessioned with a title that serves as the name of the artwork.

#### **SECTION 2 INITIAL PROCEDURE FOR NAMING REQUESTS**

**2.1** Requests to name or rename County Owned Property must be in writing and submitted to the Luna County Clerk for consideration by the Board of County Commissioners of Luna County.

**2.2** Any Luna County resident, property owner, business operator or elected official representing any part of Luna County may submit a request to name or rename County Owned Property.

- 2.3** Requests shall include:
- 2.3.1 Map illustrating the property that is the subject of the request;
  - 2.3.2 The name of any existing place, street, facility or property affected by the request or similar in name;
  - 2.3.3 Any common usage names, nicknames for the subject property, as well as any nearby topographical, geological or archaeological landmarks;
  - 2.3.4 An overview of any public outreach or support for the request;
  - 2.3.5 A statement explaining the reason or basis for the request and historic, cultural, community or other significance of the request;
  - 2.3.6 Statements of support or endorsement of the request;
  - 2.3.7 An overview of any opposition or criticism of the request;
  - 2.3.8 A description of any plans, promotions, advertising, signage, markers, plaques, etc anticipated or planned by the sponsor of the request.
- 2.4** Upon receipt, the Luna County Clerk will deliver the request to the Board of County Commissioners at the County Manager's Office.
- 2.5** Within thirty (30) days of delivery, the County Manager, or designee, will review the request for completeness and notify the sponsor:
- 2.5.1 That the request is complete and has been accepted;
  - 2.5.2 That the request is not complete, listing the deficiencies and has been rejected and returned to the sponsor; or
  - 2.5.3 That additional information is requested regarding the request or its sponsor.
  - 2.5.4 Deficiencies or requests for additional information must be resolved within thirty (30) days or the request will be deemed denied.
- 2.6** Accepted requests will be forwarded to the Luna County Historical Society for review and comment on the historical, cultural or community significance and propriety of the request. The analysis and review shall be submitted to the Board of County Commissioners within sixty (60) days as a non-binding recommendation regarding disposition of the request.

### **SECTION 3 ACTION ON REQUESTS**

- 3.1** After expiration of sixty (60) days from submission to or upon receipt of the non-binding recommendation from the Luna County Historical Society, a public hearing for consideration of the request shall be scheduled before the Board of County Commissioners.
- 3.2** Notice and hearing shall be in substantially the same manner as the approval of ordinances, see Sections 4-37-6 and 7, NMSA 1978.
- 3.3** Prior to or at the public hearing on the request, any Luna County resident, property owner, business operator or elected official representing any part of Luna County may submit a public comment in writing at the County Manager's Office or at the public hearing.
- 3.4** All public comments shall be compiled and made part of the record of the public hearing prior to the vote of the Board of County Commissioners.
- 3.5** After due consideration of the request, recommendation from the Luna County Historical Society and all public comments, the Board of County Commissioners, in its discretion, may vote to accept, reject, modify or remand the recommendation for additional information, comments or other requested action.
- 3.6** Once approved, changes to the name or dedication of any County Owned Property is strongly discouraged and may only be granted when a material and substantial change in circumstances since the approval of the initial request or the discovery of previously unknown adverse information that materially and substantially affects the previously granted approval.

### **SECTION 4 FACTORS FOR CONSIDERATION OF REQUESTS**

When considering the merits of a request to name or rename County Owned Property, the Board of County Commissioners shall consider the following:

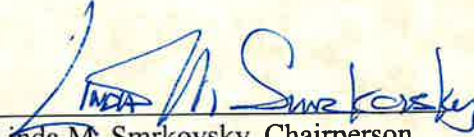
- 4.1 Whether the proposed name is a duplication or creates a confusing similarity to existing buildings, facilities, cities or other named landmarks;
- 4.2 For requests to rename or remove an existing name, the existence of a material and substantial change in circumstances since the approval of the initial request or the discovery of previously unknown adverse information that materially and substantially affects the previously granted approval;
- 4.3 For names of individuals, the honoree must have been deceased at least one (1) year prior to the request and contributed outstanding civic service to Luna County resulting in the well-being and betterment of the County and its citizens;
- 4.4 Whether the proposed named is offensive, vulgar, inappropriate or culturally insensitive;
- 4.5 The recommendation of the Luna County Historical Society;
- 4.6 The direct relation or contextual connection of the proposed name to Luna County;
- 4.7 Whether the proposed name is one of common usage or colloquial names attached to the County Owned Property;
- 4.8 Whether the proposed name is based on or related to a distinctive, predominant or defining natural or geological feature of Luna County;
- 4.9 Absent a significant historical basis, proposed names must be secular and/or non-partisan;
- 4.10 Whether the proposed name is associated with a historically significant event in Luna County;
- 4.11 Whether the proposed name reflects broad historical patterns in Luna County history;
- 4.12 Whether the name is associated with the life or lives of persons of historical significance in Luna County, past or present;
- 4.13 Whether the name reflects a distinctive achievement in or connected to Luna County;
- 4.14 Whether the proposed name is connected to an individual or organization significantly facilitated, donated or bought the County Owned Property to be named;
- 4.15 If a portion, room or something less than the entirety of a named property is the subject of the request, whether the proposed name is consistent with the overall name of the property;
- 4.16 Whether the proposed name is part of a larger coordinated and planned effort supported by the community or another political subdivision;
- 4.17 Whether the proposed name is consistent with use or purpose of the subject property;
- 4.18 Whether the proposed name engenders a positive public image and is not unduly divisive or controversial; and
- 4.19 Whether the proposed name is free of religious symbols or connotations, partisan political symbols or connotations and racist or discriminatory symbols or connotations.

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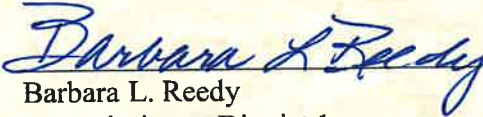
APPROVED AND ADOPTED THIS 27<sup>th</sup> DAY OF April, 2022.

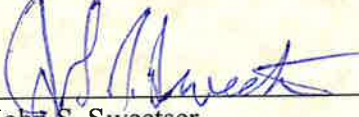
**BOARD OF COUNTY COMMISSIONERS  
LUNA COUNTY, STATE OF NEW MEXICO**

ATTEST:

  
Linda M. Smrkovsky, Chairperson  
Commissioner, District 2

  
Berenda McWright  
County Clerk

  
Barbara L. Reedy  
Commissioner, District 1

  
John S. Sweetser  
Commissioner, District 3

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