

**MINUTES
REGULAR MEETING
LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS
Thursday, January 12 2023**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 10:00 a.m. on Thursday, January 12, 2023, 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, Executive Assistant Malarie Villegas, Executive Assistant Yossie Nieblas, County Attorney Charles Kretek, HR Director Rosa Porras, Emergency Management Director Pablo Montoya, Clerk Berenda McWright, Deputy Clerk Pilar Salcido, Deputy Clerk Toni Esparza, Probate Judge Diana Diaz, Assessor Michelle Holguin, Chief Deputy Assessor Isabelle Enciso, Treasurer Kristie Hobbs, Chief Deputy Treasurer Johnathan Richmond, DWI Program Manager Edith Vazquez, Dispatcher Heidi Brown, Dispatcher Manuel Chacon, Road Department Director David Bailey, Sheriff Mike Eby, Captain Michael Brown, Sheriff Patrol LT Isreal Valdez, SRO Britney Valdez, LCDC Director Lee Cook, Operations Captain Robert Apodaca, Starmax Director Tyler Massey, IT Technician Joseph Apodaca, IT Tech Nathan Ortberg.

CALL TO ORDER: County Manager Chris Brice called the meeting to order at 10:00 a.m. stating that the first item on the agenda would be to elect the new chairperson for 2023 after 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:

**Ray Trejo, District 1
Colette M Chandler, District 2
John S. Sweetser, Chair District 3**

Elect 2023 Chairperson: Mr. Brice stated that the Chairperson is elected by the other Commissioners and conducts the meetings, signs a few documents as chairperson, etc. Mr. Brice opened up the nominations for the chair to the Commission Board. Commissioner Chandler asked Commissioner Sweetser if he would like to be Chair of the Commission Board since he has been there the longest. Commissioner Sweetser accepted. With that being said Commissioner Trejo motioned to nominate Commissioner Sweetser as Chairperson. The motion was seconded by Commissioner Candler and was approved unanimously.

Approval of Agenda: Commissioner Trejo motioned to approve the agenda as presented. The motion was seconded by Commissioner Chandler and was approved unanimously.

MINUTES: Commissioner Chandler motioned to approve the Minutes for the Regular Meeting of December 19, 2022, as submitted. The motion was seconded by Commissioner Trejo and was approved unanimously following a roll call vote.

SERVICE AWARDS/RETIREMENT:

- Clerk Berenda McWright was presented with her award for 10 years of service by County Manager Chris Brice.
- Dispatcher Heidi Brown was presented with her award for 10 years of service by Dispatcher Manny Chacon.
- Mario Carbajal was not present to receive his Retirement award.

PRESENTATIONS:

- LCDC Director Lee Cook presented the Restrictive Housing Quarterly Report. Mr. Cook stated that this report is how the Detention Center is to report problematic or suicidal detainees who are put into solitary confinement or as it is now called Restrictive Housing. Mr. Cook also stated that while in Restrictive Housing the detainees are supposed to have two hours of rotation within a 24-hour period, if this requirement is not met then it is reported to the Commission Board.

ELECTED OFFICIALS REPORT:

- **Assessor:** Assessor Michelle Holguin reported that it is currently a rendering period in the Assessor's Office, this is the time when all of the information must be turned in, picked up, and reported. Ms. Holguin reported that 1,507 livestock and personal property statements along with business rental information sheets were mailed out. Ms. Holguin stated that it is also time for manufactured home stickers to be picked up. Ms. Holguin stated that all personal property and livestock must be returned to the Assessor's Office and manufactured home stickers must be picked up before the last day in February or a five percent penalty will be assessed. Ms. Holguin explained that the Assessor's Office offers several exemptions that must be done now through the end of April including Family Head of Household exemption, Veterans Exemption, Veterans 100% Disabled Exemption, Widow's Veteran Exemption, and other exemptions including 65 and older disabled limitation. Ms. Holguin encouraged the public to call or come into the Assessor's Office with any questions.
- **Clerk:** Clerk Berenda McWright extended an invitation to the newly Elected Officials to come to the Clerk's Office at any time. Ms. McWright explained that she had prepared a report with all of the numbers, such as Voter Registrations and registered voters, but suggested that the Board have a public forum or a work session to determine what the Commission meeting should be like and to make some changes to improve the process. Ms. McWright stated that one big project that is keeping her office busy is the School Board redistricting which consists of updating the maps.
- **Probate Judge:** Judge Diana Diaz reported that last year there were 57 marriages. Ms. Diaz stated that from November to December there were 18 new probates opened and of those 18, 11 of them were foreign this means that these 11 probates were open out of state. Ms. Diaz stated that COVID changed the probate process, the main change being that now consent from siblings or other family members for the appointment of the personal representative of an estate. Ms. Diaz reported that last year ended with a total of 143 probates.
- **Treasurer:** Treasurer Kristie Hobbs extended an invitation to the newly Elected Officials to visit the Treasurer's Office. Ms. Hobbs stated that other than reporting that her office is busy and running smoothly she had nothing else to report.
- **Sheriff:** Sheriff Eby reported his activity report for December. Sheriff Eby reported that there were 20 motor vehicle accidents, three assaults and batteries, four burglaries, six larcenies, one arsen, one rape, one DWI arrest, and no robberies or motor vehicle thefts.

Sheriff Eby stated that his office had to do a budget adjustment for Undersheriff Jimmy Garcia and should be starting to work on January 17, 2023. Commissioner Trejo asked the Sheriff for an update on vacancies in the Sheriff's Department. Sheriff Eby could not report on that at the moment but did state that there was one new hire starting with the department.

- **Commissioners:** There were no comments or questions from the Commission Board forthcoming.

COUNTY MANAGER'S REPORT:

- **Dispatch:** Mr. Brice reported for Dispatch that the County is on track with replacing the CAD system and radios. Mr. Brice stated that Motorola will be working with the County once Central Dispatch is moved into the armory. The Armory will be the new Emergency Management Center. Motorola will be working to make sure all of the equipment is moved, set up, and working properly. Mr. Brice reported that the County is still waiting for the Deed or Title for the Armory building before beginning any kind of design work. Mr. Brice stated that the County is working with the Armory Board to get this done.
- **LCDC:** Mr. Brice reported that Marshall's ADP is at 244 which he stated is a good number. Mr. Brice also reported that Marshall's intake has slowed down a bit but he is confident that LCDC will be ok funding-wise. Mr. Brice stated that the LCDC Medical Contract is still being worked on. Mr. Brice reported that LCDC is about 22 employees short and encourages anyone that is interested in a job with Detention or law enforcement to apply.
- **Road Department:** Mr. Brice reported that the Road Department had two truck driver positions open that have been filled.
- **Projects/Grants:** Mr. Brice commended Road Department David Bailey on how much funding the Road Department is getting through grants and other projects. Mr. Brice reported that the Scotch Pine Road Project has begun, this project is the last of the Colonias-funded projects with the funding awarded two years ago. Mr. Brice stated that the Scotch Pine Project should go on for a period of about 60 days for completion to help with the flooding in that area. Mr. Brice also reported that the work on the Keeler Water Coop is still in progress, the design work is just about complete. The next step will be going out to get construction money to get this water coop on City water. Mr. Brice reported that City Administrator Aaron Sera has agreed to provide water for this project as long as the County figures out the funding to get it all set up on City water. Mr. Brice reported that the Lucca and Solana project is complete. Mr. Brice stated that the TPS is still working with Wilson on the Industrial Park Roads in Columbus. One of the Mayor of Columbus's main concerns is the school bus route, there are a lot of potholes and a lot of flooding that happens on this road. Mr. Brice stated that the County is going to see if, during the construction of the roads for the Industrial Park, something can also be done to fix the roads or the school bus as well. Mr. Brice stated that the County is working with the Water Trust Board on the major BERM Project also in Columbus. Mr. Brice stated that the County is still in the process of purchasing property and is still in negotiation on pricing with some of the landowners. Mr. Brice stated that this project will help with the flooding issues that occur when it rains.
- **Budget and Procurement:** Mr. Brice reported that Starmax received \$411,000 from the digital reimbursement program. The reimbursement program was created because movie producers got away from using the old movie reels and went to digital movies instead. The cost was so high that some of the smaller communities and theaters could not afford it. Mr. Brice stated that with this program the communities that did agree to go digital would be reimbursed for the investment of making the change. Starmax Director Tyler Massey has

made much-needed changes with the remaining \$33,000. Mr. Brice stated that the Elected Officials should soon be seeing an invitation for the new program OpenGov Budget System, which will allow all directors and department heads the ability to go into their budgets at any given time, and also to give input on the new budget.

- **Risk Management:** Mr. Brice reported that the Safety program is in the process of an update which until now did not really exist. Mr. Brice stated that there were 10 COVID-positive employees last month.
- **Safety/Emergency Management:** Mr. Brice reported that Pablo Montoya Director of Safety/ Emergency Management put together a breakfast for all of the heads of law enforcement yesterday morning that Mr. Brice attended. Mr. Brice stated that this is a good opportunity for all of the law enforcement entities to get together and get to know each other, so this will be a monthly event. Mr. Brice stated that there were two active shooter exercises that took place at DCCCHS while the building was vacant for the holidays. This worked out really well for all of the law enforcement agencies that participated, and there were simulated walk-throughs. Mr. Brice stated that this was very good practice and the County is now working with the Mayor to go through Deming Public Schools as they close down for small periods of time to do the same drills at all of the schools.
- **Luna County Fire:** Mr. Brice stated that there were 227 fire calls received for the period of 2022.
- **Casa:** Mr. Brice reported that there are currently eight volunteers, and the program is still in need of more. Mr. Brice stated that there are 20 Children in Luna County, 20 in Grant County, and 1 in Hidalgo County. Mr. Brice stated that this program is doing very well.
- **PAT:** Mr. Brice reported that this is another phenomenal program that the County oversees. PAT currently has a total of 140 clients in Luna County and in Hidalgo County 50.
- **JJCS:** Mr. Brice reported that Boy's council and Girl's circle finished their Fall session with a total of 16 boys and 8 girls. Mr. Brice stated that whether you have a problem in your family or not the Strengthening Families program is really good. Mr. Brice explained that this program teaches parenting and communication skills to kids and parents.
- **IT:** Mr. Brice reported that there were a total of 958 work orders submitted and 922 of those were completed.
- **Planning Department:** Mr. Brice stated that the department is currently looking at a lot of solar policies. Mr. Brice stated that there is a total of about 45 solar companies looking at coming to Luna County. Mr. Brice reported that the New Code Enforcement trucks have been equipped with GPS trackers. Mr. Brice also reported that Code Enforcement had 16 new cases.
- **Luna County Health Council:** No report was given.
- **Starmax:** Mr. Brice reported that there was a total of 25 parties with an average attendance of 30 people. Mr. Brice also reported that Brigette Vega was hired as Assistant Manager for Starmax.
- **HR:** Mr. Brice reported that the current open positions are for Detention Officers, a Dispatcher, Maintenance workers, one Court Compliance Officer, and Court Security for District Court, in house positions include- Cpl for LCSO and HIDTA. Mr. Brice reported that 13 people left and six new people were hired. Mr. Brice stated that the new companies that are coming into the community and offering higher starting pay will cause the County to look at the pay for certain positions in law enforcement, dispatch, and detention in order to remain fully staffed. Mr. Brice stated that the new Personnel Ordinance was approved and will become effective on January 19, 2023.

- **DWI:** Mr. Brice reported tracking 82 misdemeanor DWI offenders.
- **Teen Court:** Mr. Brice reported 21 participants.
- Mr. Brice reported that next week (Jan. 16-19) Elected Officials and some staff will be attending New Mexico Counties Legislative Session in Santa Fe. Mr. Brice stated that at the end of the month of January Silver Spikes will take place in Santa Fe, which is a meet and greet with more Cabinet Secretaries and a face-to-face meeting with the Governor, this is the chance to go and relay our county needs. Mr. Brice stated that County College meetings will take place monthly beginning at the end of January 2023 highlighting a different department each month, the end of this month will begin with Manager's Office and County Commissioners, the public is welcome to attend. Mr. Brice stated that the Strategic Planning Conference is coming up in March.
- **Luna County Health Council:** No report was given.

INDIGENT CLAIMS REPORT: Commissioner Trejo motioned to recess as County Commission and convene as Claims Board. The motion was seconded by Commissioner Chandler and was approved unanimously. Mr. Brice reported that there were no claims for the month of December, and the balance in the Indigent Health Care Fund is 1,812,302.02 of that total, as of December 31st \$1,229,227.95 is encumbered leaving about \$600,000 unencumbered right now. Commissioner Trejo motioned to consider claims dated January 12, 2023: \$0.00. The motion was seconded by Commissioner Chandler, the motion was unanimously approved. Commissioner Chandler motioned to recess as a Claims Board and reconvene as County Commission. The motion was seconded by Commissioner Trejo, the motion was unanimously approved.

COMMUNITY SUPPORT REPORTS: Kirstie Ann Harvey, Executive Director of the Council explained that this is a non-profit organization that represents Luna County's economic development interests. Ms. Harvey stated that Early College High School and the Small Business Development Center at Mimbres Valley Learning Center are very active in working with students and economic development to bring people to our region in an effort to try to produce students that have an interest in staying in Luna County to start new careers, working for businesses. Ms. Harvey stated that the Small Development Center works with businesses to try to create higher-paying jobs for our population. Ms. Harvey stated that she became aware of an event in early December in the planning stages called Film Symposium, which would bring Hollywood to Luna/Deming. Ms. Harvey and Mr. Brice both thought that it would be a good idea for both the Council and the County to sponsor this event. Ms. Harvey stated that with both organizations sponsoring this event, the County was able to bring Natalia Lee, the armor for the award-winning show Game of Thrones, and Iman Shervington, a documentarian both, of whom came from California. Ms. Harvey reported that Iman Shervington is very interested in doing a production here in Luna County, which would be a documentary that would encompass life on the border. Ms. Harvey stated that the outreach that is being done is critical to Luna County's economic development efforts because Luna County needs the exposure to bring people who have money, that will attend our outdoor events and come explore our trails, etc. Ms. Harvey reported that she continues in the Broadband efforts here with the County as far as bringing affordable high-speed Broadband here, Mr. Brice allowed the Council to hire Finley Engineering. Ms. Harvey stated that Finley is an expert in Broadband and Broadband outreach design and deployment. They are on board now, and there was a kickoff meeting about a week ago. Finley is helping with the preparation of the B grant that will start in many months. Ms. Harvey stated that the B grant is a product of MTI which is an outcome of the Infrastructure Act by the President which brings \$42.45 Billion to the entire country.

Out of that, a share will be given to New Mexico and through the B grant Luna County will be able to access a part of those funds. Executive Director of Deming Main Street Chelsea Evans reported that 2022 was a very good year for Deming Main Street. From April 2022 through December 2022 there were a total of 18 different events organized and hosted by the organization. One of which was one of Deming Main Street's first-ever three-day day events. Ms. Evans reported that the organization started and/or completed a total of five different projects last year including two new Mimbres Murals, one in Pie Alley and the other in Art's Park. Ms. Evans reported that the Gold Avenue facade improvement projects that Deming Main Street is involved in are near completion. Ms. Evans stated that Deming Main Street is currently working on its annual Calendar. Executive Director of the Deming Chamber of Commerce, Debbie Troyer announced the first new business members of 2023 were First Presbyterian Church, Microbiome and Medicaid for all. Ms. Troyer stated that there are a total of 269 businesses. She was pleased to welcome their new Board of Directors for 2023 and the first meeting will be held on January 24. Ms. Troyer stated that the Passport to fun game will end at the end of January and the winners will be announced on February 1, 2023. The Deming Chamber of Commerce is also planning for Lemonade Day which was a huge event last year. Ms. Troyer stated the plan is a Lemonade Day twice the size of the first one. She stated that Deming Public Schools are involved, which will have afterschool classes to go through the Lemonade Day books provided by National. Ms. Troyer stated that the Community date for the event will be May 13, 2023.

PUBLIC COMMENT: Wesley Light spoke in opposition to the Industrial Revenue Bonds. Alberta Morgan commented on the County needing to provide a teen center for teens to get help with any problems that they are having, help with homework, etc. Ms. Morgan also commented that the solar panels need to be raised off of the ground to be able to have farming and ranching underneath. Susan Shiffner commented on the fact that the McCann Rd project has been going on for a year, and is also in opposition to solar. Ed Apodaca commented on a public safety hazard concern in District two on Country Club Road from Pine Street all the way to Rockhound Road where vehicles are traveling in excess of 45 miles per hour. Mr. Apodaca suggested that there be a four-way stop at Country Club and Solana Rd and a three-way stop and Country Club and O'Kelly to assist in slowing down the traffic, and also to implement a walking path all the way down to Rockhound. Phillip Butts requested the reinstatement of the Luna County Planning Commission which was originally created by Ordinance 29 in 1996, as stated in ordinance section two, the purpose of the Planning Commission shall be to carry out and promote County planning as provided by section 4-57-2 NMSA 1978, including all matters incidental thereto, due to the many decisions that County staff are making in conjunction with land use, renewable energy projects, industrial development, and economic development. Mr. Butts recommended that the new Board of County Commissioners reinstate the Planning Commission to provide Luna County citizens a voice in the decision-making process of the County and provide the Commission and staff with a selection of expertise and knowledge that will enhance the decision-making of the selected body. Mr. Butts also commented on the zero visibility on McCann Rd due to the road work that is being done and suggested that maybe something can be done to keep the dust down until the project is completed. Shawn Blane commented on the revision of Ordinance number 76. Linda Harmon requested to make Luna County a Sanctuary for babies.

CONSENT AGENDA:

- Accounts Payable: \$4,222,927.99
- Payroll: \$1,810,820.32
- Resolution 23-01: Notice of Meetings
- Resolution 23-02: Timely Payments

- Resolution 23-03: Notice of Fees
- Resolution 23-04: Depositories; Board of Finance, and Media Designation
- Resolution 23-05: Notice of Right to Inspect Public Records
- Resolution 23-06: CDBG Annual Certification and Commitments
- Resolution 23-07: Designating Treasurer to Require Collateralization
- Resolution 23-08: ADA Grievance Procedure

Commissioner Trejo motioned to approve the consent agenda as presented. The motion was seconded by Commissioner Chandler and unanimously approved following a roll call vote.

PUBLIC HEARING: Special Use Permit to Solar PV Development NM 18 I LLC. Phillip Butts spoke in opposition to the Special Use Permits for this solar development and any future ones and requested that this agenda item be tabled. County Attorney Charles Kretek explained that under New Mexico Statue 31832 a county shall not restrict the installation of solar collectors on private property. Ben Luxinberg spoke on the project South Peak Solar which has been in the works since 2019. Wesley Light spoke in opposition to the Industrial Solar power companies and commented that in regard to contracts with solar power companies, he has found that a lot of the important things that are talked about do not go into the contract and that these companies are looking for subsidies and tax breaks, and also asked for a delay of action in the approval of this project. Linda Harmon spoke in opposition to solar power due to the fact that this will endanger animals. Commissioner Chandler motioned to table Special Use Permit to Solar PV Development NM 18 I LLC with the reason being to see if the County would like to put any outside restrictions on how many of these companies are allowed into Luna County and establish parameters. Commissioner Chandler also stated that she would like to look at Ordinance Number 29 and discuss it with the Commissioners and decide whether or not Ordinance 29 is something that is to be reinstated. Commissioner Chandler motioned to table Special Use Permit to Solar PV Development NM 18 I LLC, in order to get community input on this matter. The motion was seconded by Commissioner Trejo and was unanimously tabled.

CALL FOR ORDINANCE: Resolution 23-17: Call to Revise Ordinance 76; Tax Obligations for Land Transfers, Division, and/or Recombinations. Commissioner Chandler motioned to approve Resolution 23-17: Call to revise Ordinance 76; Tax Obligations for Land Transfers, Division, and/or Recombinations. The motion was seconded by Commissioner Trejo and unanimously approved following a roll call vote.

NEW BUSINESS:

- **Resolution 23-09: Authorizing the Execution of the Water Project Fund Grant Agreement by and between the NM Finance Authority and Luna County; WPF-5674:** Mr. Brice reported that this is the water reclamation project for the Lescomb's Winery and that the Clean Water State Revolving Fund loans money to the County, where in turn the County loans the money to the Lescomb's Winery at a very low-interest rate in order to start water reclamation projects throughout the County and save that resource. Commissioner Trejo motioned to approve Resolution 23-09: Authorizing the Execution of the Water Project Fund Grant Agreement by and between the NM Finance Authority and Luna County; WPF-5674. The motion was seconded by Commissioner Chandler and unanimously approved following a roll call vote.
- **Resolution 23-10: Authorizing the Execution of the Colonias Infrastructure Project Fund Loan/Grant Agreement by and between the NM Finance Authority and Luna**

County; Rockhound (Majestic View) Colonias- CIF-5783: Commissioner Trejo motioned to approve Resolution 23-10: Authorizing the Execution of the Colonias Infrastructure Project Fund Loan/Grant Agreement by and between the NM Finance Authority and Luna County; Rockhound (Majestic View) Colonias-CIF-5783. The motion was seconded by Commissioner Chandler and unanimously approved following a roll call vote.

- **Resolution 23-11: Budget Increases:** Mr. Brice reported that there was a budget increase to the Sheriff's Department to include funding for the undersheriff that Sheriff Eby would like to bring on in the amount of \$37,525, there was also an increase of \$10,000 in the planning and zoning fund to pay for new wireless applications for the remainder of this year and an increase of \$34,000 for DWI Distribution for DWI enforcement activity throughout the year this is from the DWI grant. The County just received the Grant agreements from the new Capital Outlays that were approved at the last Legislative Session one year ago. The County is adding those to the budget in the amount of \$250,000 to purchase road equipment for the Road Department, \$250,000 for the design of the new DA's building, \$250,000 to run new fiber line throughout County buildings, 2.066 Million this being the Capital Outlay that was given to the County to remodel the new Emergency Operations Center from the Governor's Capital Outlay from last year, a \$40,000.00 subtraction from the County but an addition to the Senior Center that was approved during the last Commission meeting, \$20,000 for the Domestic Violence Shelter (Healing House) which was approved at the last Commission Meeting just being put into the budget now. Commissioner Chandler motioned to approve Resolution 23-11: Budget Increases as listed. The motion is seconded by Commissioner Trejo and unanimously approved following a roll call vote.
- **Resolution 23-12: Budget Transfers:** Mr. Brice stated that these budget transfers are inter-departmental \$6,000 from the General Fund for the Maintenance Department for the purchase of new uniforms, \$110 will be moved within safety equipment for supplies for Phillip in the Emergency Management Association, \$30,000 is being transferred out of the Emergency Management Grant for spending and tracking of the Department of Health Isolation quarantine and grant funds, PAT is moving \$12,000 into different funds that are getting low (salaries, printing, and publishing, etc), Dual Detention moving \$4,500 out of the Capital Outlay that has not been spent yet to put a new medal detector in the front part of the jail, \$100 is being moved for Starmax from Capital Improvements into actual equipment and supplies and daily operations. Commissioner Trejo motioned to approve Resolution 23-12: Budget Transfers. The motion was seconded by and was approved following a roll call vote.
- **Resolution 23-13: Disposal of Assets:** Mr. Brice requested approval to remove a 2006 Ford Van and a 2006 Ford Fusion that are no longer repairable to be put up for auction. Commissioner Chandler motioned to approve Resolution 23-13: Disposal of Assets. The motion was seconded by Commissioner Trejo and unanimously approved following a roll call vote.
- **Resolution 23-14: Authorizing the Purchase of Property (LPOE Berm Project):** Mr. Brice stated that this is to get permission from the Board of County Commissioners for Mr. Brice to authorize the purchase of property to begin the BERM Project. Commissioner Chandler motioned to approve Resolution 23-14: Authorizing the Purchase of Property (LPOE BERM Project). The motion was seconded by Commissioner Trejo and was unanimously approved following a roll call vote.
- **Resolution 23-15: Authorizing filing an application for financial assistance to the New Mexico Colonias Infrastructure Board:** Mr. Brice stated that this resolution is the new application requesting the funding for the actual project to connect the Keeler Water Coop to

City water, and the next one is to repair Keeler Farm Colonias road ways (North part of town). Commissioner Trejo motioned to approve Resolution 23-15: Authorizing filing an application for financial assistance to the New Mexico Colonias Infrastructure Board. The motion was seconded by Commissioner Chandler and was unanimously approved following a roll call vote.

- **Resolution 23-16: Authorizing the purchase of property (Majestic View Pond):** Mr. Brice stated that this was the 10 acre track that the County is looking at purchasing to create a water retention pond to aid in flood control on Solana and Majestic View, which is part of the construction of the roads in this area. Commissioner Trejo motioned to approve Resolution 23-16: Authorizing the purchase of property (Majestic View Pond). The motion was seconded by Commissioner Chandler and unanimously approved following a roll call vote.
- **Luna County Community and Commercial Energy Project Policy:** Mr. Brice stated that this policy is for all energy production. Commissioner Chandler motioned to approve Luna County Community and Commercial Energy Project Policy. The motion was seconded by Commissioner Trejo and was unanimously approved following a roll call vote.
- **Proclamation 23-01: Supporting Economic Development in Luna County:** Mr. Brice stated that this is to support economic development in respect to the South Line which has been a project for about 10 to 15 years and runs on the South side of Arizona into the Southern part of New Mexico and eventually the east side of the Florida Mountains. Commissioner Trejo motioned to approve Proclamation 23-01: Supporting Economic Development in Luna County. The motion was seconded by Commissioner Chandler and was unanimously approved following a roll call vote.
- **Proclamation 23-02: A Proclamation of Support by Luna County with Deming Solar, LLC to Collaborate in a Community Benefit Partnership Program.** Commissioner Trejo motioned to approve Proclamation 23-02: A Proclamation of Support by Luna County with Deming Solar, LLC to Collaborate in a Community Benefit Partnership Program. The motion was seconded by Commissioner Chandler and was unanimously approved following a roll call vote.

Upcoming Meetings/Events (Unless otherwise specified):

Luna County Offices Closed; Martin Luther King, Jr. Day: January 16, 2023

NM Edge & NMC Legislative Conference: Santa Fe- January 16-January 19, 2023

Silver Spikes: Santa Fe- January 30, 2023-January 31, 2023

Regular Meeting; February 9, 2023, at 10:00 a.m.

Luna County Offices Closed; President's Day: February 20, 2023

Mr. Brice announced that the Commission Board would recess for the jail inspection and the meeting would be adjourned from LCDC after the inspection was complete.

ADJOURN: Upon a motion by Chair Sweetser the meeting was adjourned at 3:16 P.M. from the Luna County Detention Center.

ATTEST:

**LUNA COUNTY BOARD OF
COUNTY COMMISSIONERS**

Berenda McWright, Luna County Clerk

Ray J. Trejo, District 1

Approved: _____

Collette M. Chandler, District 2

John S. Sweetser, District 3

**MINUTES
WORK SESSION
LUNA COUNTY BOARD OF COUNTY COMMISSIONERS
Wednesday, January 25, 2023**

BE IT REMEMBERED that the Luna County Board of County Commissioners met at 4:00 p.m. on Wednesday, January 25, 2023, in Chambers of the Luna County Courthouse, Deming, New Mexico, for the purpose of conducting a Work Session.

CALL TO ORDER: Chair Sweetser called the meeting to order at 4:00 p.m. 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:

**Ray J. Trejo, District 1
Colette M. Chandler, District 2
John S. Sweetser Chair, District 3**

PUBLIC COMMENT: Chair Sweetser opened the floor to public comment. There were no Public comments forthcoming.

DISCUSSION ITEM: Solar and Industrial Revenue Bond Training. Luna County Attorney Charles Kretek explained the application process for a company to go through in order to receive a Special Use Permit. Mr. Kretek stated that the County does in fact see the lease between the solar company and the land owner only to make sure that the project complies with Luna County requirements. Mr. Kretek stated that the way the Solar Policy works is that the Planning Department is contacted and a two-page application is then filled out which lists the size, location, and who owns the property that will be used for the project, etc. Mr. Kretek also stated that these types of projects will not decrease the value of any property if anything a project like this may increase its value. Mr. Wesley Light was also a part of this discussion trying to get a better understanding of the solar process. **(*Note: Items were presented for discussion only and no actions were taken.)**

Upcoming Meetings/Events (unless otherwise specified):

County College: Managers/Commissioners Department Jan. 25, 2023, at 5:00 p.m.
Silver Spikes: Santa Fe-January 30, 2023 – January 31, 2023
Regular Meeting: February 9, 2023, at 10:00 a.m.
Luna County offices closed; President's Day: February 20, 2023

ADJOURN: Chair Sweetser motioned to adjourn. The meeting was Adjourned at 5:03 p.m.

ATTEST:

**LUNA COUNTY BOARD OF
COUNTY COMMISSIONERS**

Berenda McWright, Luna County Clerk

Ray J. Trejo, District 1

Approved: _____

Colette M. Chandler, District 2

Chair, John S. Sweetser, District 3

LCBCC Meeting February 9, 2023

Accounts Payable

1/06/2023	\$298,942.91
1/06/2023	\$3,948.32
1/13/2023	\$5,120.12
1/13/2023	\$830,272.82
1/19/2023	\$28,764.06
1/20/2023	\$83,964.57
1/27/2023	\$6,295.84
1/27/2023	\$356,789.33
1/30/2023	\$433,721.69

P-Cards

December 2022	\$136,487.59
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Total \$2,184,307.25

Luna County
Board of County Commissioners



Agenda 2/9/2023

PAYROLL

Date	Register	Amount
1/13/2023	20230001	\$627,179.48
1/13/2023	*20230002	\$26,531.16
1/25/2023	20230003	\$3,383.34
1/27/2023	20230004	\$618,526.38
1/27/2023	*20230005	\$14,723.60

Total: \$1,290,343.96

* Special Assignment Pay

**LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS**

RESOLUTION NO. 23-18
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 9th DAY OF FEBRUARY, 2023.

BOARD OF COUNTY
COMMISSIONERS OF LUNA
COUNTY

Ray J. Trejo, District One

Colette M. Chandler, 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 9th day of February, 2023, the following budget adjustments are proposed and entered of record.

Budget Resolution Number 23-18

Proposed Inter/Intra FUND Budget Increase/Decrease

Entity Code
DFA
Resolution
Number

SCHEDULE OF BUDGET ADJUSTMENTS

ITEM NO	Adjustment Type	Fund/ DFA Fund	Dept.	From	Amount	To	Amount	Purpose	Approved Budget Balance	Adjusted Budget Balance
One	Increase	401/11000	General Fund - Manager's	401/11000	\$ 10,000.00	401-01-2012 Equip/Supplies/ Mtn/Repairs	\$ 10,000.00	To pay for outfitting the new HR Building with additional office equipment, training/conference tables and training equipment.	\$ 1,000.00	\$ 11,000.00
Two	Increase	406/22000	Indigent Fund	406/22000	\$ 150,000.00	406-19-2269 Indigent Claims - Payments	\$ 150,000.00	To pay for indigent claims for the remainder of the fiscal year.	\$ 75,000.00	\$ 225,000.00
Three	Increase	413/29900	Mimbres Valley Learning Center	413/29900	\$ 35,000.00	413-00-2081 Special Events Center Expense	\$ 35,000.00	To pay for refunds of deposits through the remainder of the fiscal year due to increased usage.	\$ 40,000.00	\$ 75,000.00
Four	Increase	428/21800	CASA Program	428/21800	\$ 20,000.00	428-54-2020 Supplies	\$ 5,000.00	To pay for equipment/supplies, etc for CASA Gala in April 2023.	\$ 7,025.00	\$ 12,025.00
						428-54-2101 Professional/ Contract Services	\$ 15,000.00	To pay for services needed through remainder of the fiscal year.	\$ 232.30	\$ 15,232.30
Five	Increase	432/21200	LE Retention Fund (NEW)	432/21200	\$ (9,335.27)	432-77-1547 (REVENUE - NEW) LE Retention Fund	\$ (9,335.27)	To account for revenue and expense from the LE Retention Fund as awarded.	\$ -	\$ (9,335.27)
					\$ 9,335.27	432-08-2060 (NEW) Match - Medicare 1.45%	\$ 133.42	To account for revenue and expense from the LE Retention Fund as awarded.	\$ -	\$ 133.42
						432-08-2098 (NEW) LE Retention Stipend	\$ 9,201.85	To account for revenue and expense from the LE Retention Fund as awarded.	\$ -	\$ 9,201.85
Six	Increase	708/22200	Fire Fund - 1/4% GRT County Only	708/22200	\$ 364,000.00	708-00-2028 Capital Outlay	\$ 364,000.00	To pay for the purchase of a new fire engine which was supplemented by a \$300,000 grant from the SFM.	\$ 11,699.00	\$ 375,699.00
Seven	Decrease	610/21800	Drug Investigation - Operation BuckleUp	610/21800	\$ (109.48)	610-62-2005 Salaries - Overtime	\$ (103.48)	To close out FY 2022 BuckleUp Program Grant before entering FY 2023 Award.	\$ 414.00	\$ 310.52
						610-62-2060 Match - Medicare 1.45%	\$ (6.00)	To close out FY 2022 BuckleUp Program Grant before entering FY 2023 Award.	\$ 6.00	\$ -
Eight	Decrease	610/21800	Drug Investigation - STEP Program	610/21800	\$ (7,928.74)	610-65-2005 Salaries - Overtime	\$ (7,850.95)	To close out FY 2022 STEP Program Grant before entering FY 2023 Award.	\$ 18,835.00	\$ 10,984.05
						610-65-2060 Match - Medicare 1.45%	\$ (77.79)	To close out FY 2022 STEP Program Grant before entering FY 2023 Award.	\$ 273.11	\$ 195.32

ITEM NO	Adjustment Type	Fund/ DFA Fund	Dept.	From	Amount	To	Amount	Purpose	Approved Budget Balance	Adjusted Budget Balance
Nine	Decrease	610/21800	Drug Investigation - ENDWI	610/21800	\$ (7,538.34)	610-67-2005 Salaries - Overtime	\$ (7,442.00)	To close out FY 2022 ENDWI Program Grant before entering FY 2023 Award.	\$ 9,167.00	\$ 1,725.00
						610-67-2060 Match - Medicare 1.45%	\$ (96.34)	To close out FY 2022 ENDWI Program Grant before entering FY 2023 Award.	\$ 132.92	\$ 36.58
Ten	Increase	610/21800	Drug Investigation - Operation BuckleUp	610/21800	\$ 288.00	610-62-2005 Salaries - Overtime	\$ 283.00	To account for FY 2023 Operation BuckleUp Grant Award.	\$ 310.52	\$ 593.52
						610-62-2060 Match - Medicare 1.45%	\$ 5.00	To account for FY 2023 Operation BuckleUp Grant Award.	\$ -	\$ 5.00
Eleven	Increase	610/21800	Drug Investigation - STEP Program	610/21800	\$ 19,104.00	610-65-2005 Salaries - Overtime	\$ 18,830.00	To account for FY 2023 STEP Grant Award.	\$ 10,984.05	\$ 29,814.05
						610-65-2060 Match - Medicare 1.45%	\$ 274.00	To account for FY 2023 STEP Grant Award.	\$ 195.32	\$ 469.32
Twelve	Increase	610/21800	Drug Investigation - ENDWI	610/21800	\$ 9,312.00	610-67-2005 Salaries - Overtime	\$ 9,178.00	To account for FY 2023 ENDWI Grant Award.	\$ 1,725.00	\$ 10,903.00
						610-67-2060 Match - Medicare 1.45%	\$ 134.00	To account for FY 2023 ENDWI Grant Award.	\$ 36.58	\$ 170.58
					\$ 592,127.44		\$ 592,127.44		\$ 177,035.80	\$ 769,163.24

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

Done at Deming New Mexico this Thursday the 9th day of February, 2023.

BOARD OF COUNTY COMMISSIONERS OF LUNA COUNTY

Ray J Trejo, District 1

Colette M Chandler, District 2

John S Sweetser, District 3



Berenda L. McWright, Luna County Clerk

Entered By

Date

Checked By

Date

**LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS**

RESOLUTION NO. 23-19
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 9th DAY OF FEBRUARY, 2023.

BOARD OF COUNTY
COMMISSIONERS OF LUNA
COUNTY

Ray J. Trejo, District One

Colette M. Chandler, 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 9th day of February, 2023 the following budget adjustments are proposed and entered of record.

Budget Resolution Number 23-19

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	801-80-2029 Capital Improvements	\$328,556.62	\$184,500.00	801-80-2005 Salaries - Overtime	\$1,500.00	To allow for spending through remainder of fiscal year.
							801-80-2007 Telephone	\$3,000.00	Upgrade equipment and to allow for spending through remainder of fiscal year.
							801-80-2012 Equip/Supplies/ Mtn/Repair	\$100,000.00	Upgrade/replace aging equipment and to allow for spending through remainder of fiscal year.
							801-80-2101 Professional/ Contract Services	\$80,000.00	To allow for spending through remainder of fiscal year.
					\$328,556.62	\$184,500.00			

LUNA COUNTY RESOLUTION

Resolution No. 23-21

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

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

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

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

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

NOW THEREFORE, BE IT RESOLVED by the governing body of the County of Luna, that the County Chairperson, on behalf of the County and all participating entities is authorized to submit an application for Distribution and/or Grant Fiscal Year 2024 program funding under the regulations established by the Local Government Division.

APPROVED AND ADOPTED by the governing body at its meeting of February 9th, 2023.

County Commission Chairperson

Attest:

DWI Planning Council Representative

County Clerk (SEAL)

MEMORANDUM OF UNDERSTANDING

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

The Division assures:

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

The Program agrees to:

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

monitoring research activities, and evaluation of LDWI Program interventions.

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

County Commission Chairperson (or Designee)
(Please Print)

Signature

Date

Donnie Quintana, Director
Local Government Division

Date

STATEMENT OF ASSURANCES

Local DWI Grant and Distribution Program

Fiscal Year 2024: July 1, 2023 – June 30, 2024

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

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

specify all capital purchases. The **ten percent cap for capital purchases does not apply to the Detoxification Grants.**

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

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

John S. Sweetser

County Commission Chairperson (or Designee) (Please Print)

Signature

Date

APPOINTMENT OF JIMMY GARCIA

STATE OF NEW MEXICO)
COUNTY OF LUNA) ss

This is to certify that I have on this 16 day of January, 2023 A.D. appointed Jimmy Garcia as my UNDERSHERIFF in and for the County of Luna, State of New Mexico, hereby authorizing him/her to discharge all duties of said appointment of UNDERSHERIFF, according to the law.

WITNESS MY HAND THIS 16 DAY OF JANUARY, 2023 A.D.

Mike Eby
SHERIFF, LUNA COUNTY, NEW MEXICO

OATH OF OFFICE

STATE OF NEW MEXICO)
COUNTY OF LUNA) ss

I, Jimmy Garcia, having received the above appointment as UNDERSHERIFF in and for the County of Luna, State of New Mexico, do solemnly swear that I will support the Constitution of the United States, and also the Constitution of the State of New Mexico, and that I will faithfully, impartially, and to the best of my ability discharge all the duties of said office and appointment.

[Signature]
SIGNATURE OF APPOINTEE

STATE OF NEW MEXICO
COUNTY OF LUNA

Subscribed and sworn before me by Mike Eby,
Sheriff and Jimmy Garcia, appointee.
This 16 day of January, 2023.

[Signature]
NOTARY

STATE OF NEW MEXICO
NOTARY PUBLIC
STEPHANIE YOUNG
COMMISSION # 1119338
EXPIRES AUGUST 11, 2025

Approved this _____ day of _____ 2023 A.D., by the Board of County Commissioners, Luna County, New Mexico.

CHAIRMAN, BOARD OF LUNA COUNTY COMMISSIONERS

APPOINTMENT OF ISAAC LENHARDT

STATE OF NEW MEXICO)
COUNTY OF LUNA) ss

This is to certify that I have on this 12th day of January, 2023 A.D. appointed Isaac Lenhardt as my DEPUTY SHERIFF in and for the County of Luna, State of New Mexico, hereby authorizing him/her to discharge all duties of said appointment of DEPUTY SHERIFF, according to the law.

WITNESS MY HAND THIS 12th DAY OF January, 2023 A.D.

Mike Eby
SHERIFF, LUNA COUNTY, NEW MEXICO

OATH OF OFFICE

STATE OF NEW MEXICO)
COUNTY OF LUNA) ss

I, Isaac Lenhardt, having received the above appointment as DEPUTY SHERIFF in and for the County of Luna, State of New Mexico, do solemnly swear that I will support the Constitution of the United States, and also the Constitution of the State of New Mexico, and that I will faithfully, impartially, and to the best of my ability discharge all the duties of said office and appointment.

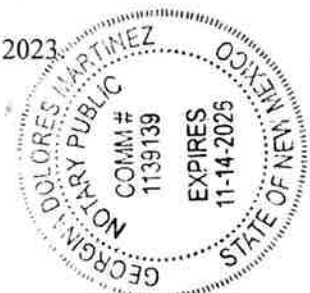
Isaac Lenhardt
SIGNATURE OF APPOINTEE

STATE OF NEW MEXICO
COUNTY OF LUNA

Subscribed and sworn before me by Mike Eby,
Sheriff and Isaac Lenhardt, appointee.

This 12th day of January, 2023.

Gregory D. Martinez
NOTARY



Approved this _____ day of _____ 2023 A.D., by the Board of County Commissioners, Luna County, New Mexico.

CHAIRMAN, BOARD OF LUNA COUNTY COMMISSIONERS

Be it remembered that at a Regular Meeting of the Board of County Commissioners of Luna County in Deming New Mexico, on the 9th day of February, 2023, the following proceedings were had and entered of record.

LUNA COUNTY

RESOLUTION 23-20

DISPOSITION OF PERSONAL PROPERTY

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

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

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

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

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

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

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

Done at Deming, New Mexico this 9th day of February, 2023.

BOARD OF COUNTY COMMISSIONERS OF LUNA COUNTY

ATTEST:

Ray J. Trejo
Commissioner, District 1

Berenda McWright, County Clerk

Colette M. Chandler
Commissioner, District 2

John S. Sweetser, Chair
Commissioner, District 3

STATE OF NEW MEXICO

County of Luna

Barbara L. Reedy
Commissioner, District 1

Linda M. Smrkovsky
Commissioner, District 2



Chris Brice
County Manager

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: 01/06/2023

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
981222	2006	Ford	500	1FAFP23166G17752	57877
Explanation for Disposal	Vehicle is Obsolete and has been replaced				
Inventory #	Year	Make	Model	VIN	Mileage
Explanation for Disposal					
Inventory #	Year	Make	Model	VIN	Mileage
Explanation for Disposal					

Michelle M Holguin

Michelle M Holguin

STATE OF NEW MEXICO

County of Luna

Barbara L. Reedy
Commissioner, District 1

Linda M. Smrkovsky
Commissioner, District 2



Chris Brice
County Manager

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: 01/04/2023

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
981224	2006	Ford	van	ID4GP25B76B750625	UNK
Explanation for Disposal	Vehicle is in extremely poor condition, not drivable				
Inventory #	Year	Make	Model	VIN	Mileage
981208	2006	Ford	Fusion	1FAFP34N86W178568	UNK
Explanation for Disposal	Vehicle is in extremely poor condition, not drivable				
Inventory #	Year	Make	Model	VIN	Mileage
Explanation for Disposal					

Yossie Nieblas

Yossie Nieblas

Be it remembered that at the Regular Meeting of the Board of County Commissioners of Luna County in Deming New Mexico, on the 9th day of February 2023, the following proceedings were had and entered of record.

RESOLUTION 23-22

AUTHORIZING THE PURCHASE OF PROPERTY

WHEREAS, Luna County, by and through the Board of County Commissioners, intends to purchase the property necessary for the CIF Rockhound Colonias Project.

- A tract of land on the East half of Section 25, Township 24S, Range 09W;

See Exhibit A for the full legal description

NOW THEREFORE, BE IT ORDERED BY THE BOARD OF COMMISSIONERS OF LUNA COUNTY, NEW MEXICO that the County Manager, or his designee, is authorized to purchase the property in compliance with applicable New Mexico law and Luna County Ordinances, and take all necessary action to accomplish the acquisition of said parcel.

Done at Deming, New Mexico this 9th day of February 2023.

LUNA COUNTY BOARD OF COMMISSIONERS

ATTEST:

Ray J. Trejo,
Commissioner, District 1

Berenda McWright, County Clerk

Colette M. Chandler,
Commissioner, District 2

John S. Sweetser, Chairperson
Commissioner, District 3

EXHIBIT A

The Property

A tract of land lying in the East half (E1/2) of Section Twenty-five (25), Township Twenty-four (24) South, Range Nine (9) West, N.M.P.M., Luna County, New Mexico, being more particularly described as follows:

Beginning at a point on the East line of said Section 25, which point is also the Southeast corner of this tract of land described in Deed to O'Kelly Sand & Gravel Inc., recorded January 8, 1987 in Book 155 at Page 563 of Deeds, in the Office of the County Clerk of Luna County, thence West a distance of 1080.23 feet along the South line of said land to a point at an existing fence corner; thence S. $0^{\circ}55'02''$ W., a distance of 1504.47 feet along a line of a barbed wire fence to a point at an existing fence corner; thence S. $89^{\circ}59'12''$ E., a distance of 1110.42 feet to a point; thence N. $0^{\circ}13'57''$ W., along the East boundary line of Section 25, a distance of 1504.30 feet to the point and place of beginning.

RESOLUTION NO. 23-23

**Resolution Appointing the Chairperson or Designee to Serve on the Region IV
Chief Elected Officials Board of the Southwestern Area of the State of New Mexico for the Year 2023**

WHEREAS, the Workforce Innovation and Opportunity Act (WIOA) empowers State and Local elected officials, and private sector-led workforce boards to provide oversight of funding and programming; and

WHEREAS, Region IV Chief Elected Officials (CEO) Board of the Southwestern Area (Local Area) is comprised of seven counties including Catron, Dona Ana, Grant, Hidalgo, Luna, Sierra, and Socorro; and

WHEREAS, it is the responsibility of the Local Area Chief Elected Officials to carry out the following duties:

- A. Serve as the grant recipient for the funds allocated to the Local Area under WIOA and retain fiscal responsibility and liability.
- B. Appoint members to the Southwestern Area Workforce Development Board (SAWDB) and shall exercise oversight of the SAWDB.
- C. Review and approve the operating budget developed by the SAWDB for carrying out its duties.
- D. Shall designate the Fiscal Agent for the Local Area to disburse the fund for workforce activities directed by the SAWDB, pursuant to the requirement of WIOA.

NOW, THEREFORE, BE IT RESOLVED, THAT the Luna County Board of County Commissioners hereby appoints _____ (NAME), _____ (TITLE) to serve as the Chief Elected Official for the purpose of WIOA governance.

Passed and Approved this _____ day of _____, 2023 in _____, New Mexico.

ATTEST:

APPROVED:

County Clerk

Chairperson

2500 J Street SE - Post Office Box 551
Deming, New Mexico 88031
Phone (575) 546-2703 Fax (575) 546-0603

CERTIFIED MAIL - _____

March 09, 2023

Mr. Robert S. Young
New Mexico Department of Transportation
Capital Programs/Investment Division, SB-2
P.O. Box 1149
Santa Fe, NM 87504-1149

LUNA COUNTY
PUBLIC ROADS MAINTAINED BY COUNTY AS OF APRIL 1, 2023
IN CONFORMANCE WITH SECTION 67-3-28.3 NMSA 1988:
TOTAL MILES MAINTAINED BY LUNA COUNTY 1852.83

WE HEREBY CERTIFY THAT THE MILEAGE LISTED IS MAINTAINED BY THE LUNA
COUNTY ROAD DEPARTMENT:

BOARD OF COUNTY COMMISSIONERS
LUNA COUNTY, NEW MEXICO

CHAIRPERSON: _____
John S. Sweetser, District 3

MEMBER: _____
Ray J. Trejo, District 1

MEMBER: _____
Colette M. Chandler, District 2

ROAD DIRECTOR: _____
David E. Bailey

COUNTY CLERK: _____
Berenda McWright

2500 J Street SE - Post Office Box 551

Deming, New Mexico 88031
Phone (575) 546-2703 Fax (575) 546-0603

CERTIFIED MAIL - _____

March 09, 2023

Mr. Robert S. Young
New Mexico Department of Transportation
Capital Programs/Investment Division, SB-2
P.O. Box 1149
Santa Fe, NM 87504-1149

Dear Mr. Young:

Please find enclosed Luna County's Certification of Mileage and a Luna County map.

The grand total of Sunshine Valley & Deming Ranchettes, other Subdivisions and Districts A, B, C, and D for 2023 is 1852.83 miles.

Should you have any questions or require further information, please contact our Road Department Director, Mr. David E. Bailey at the numbers listed above.

Sincerely,

BOARD OF COUNTY COMMISSIONERS

John S. Sweetser
Chairman. District 3

Enclosed, as listed
cc: David E. Bailey, Road Department Director

Indigent Hospital Claims Office

Chris A. Brice, County Manager

IHC Board Meeting February 9, 2023

Month	Number	Amount	Number	Denied
January	2	\$1,544.97	0	\$0.00
Feburary	0	\$0.00		
March	0	\$0.00		
April	0	\$0.00		
May	0	\$0.00		
June	0	\$0.00		
July	0	\$0.00		
August	0	\$0.00		
September	0	\$0.00		
October	0	\$0.00		
November	0	\$0.00		
December	0	\$0.00		
Total	2	\$1,544.97	0	\$0.00
This Month's Total	Mimbres Memorial Hospital			\$544.97
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			\$1,000.00
Total				\$1,544.97
Year to Date Total	Mimbres Memorial Hospital			\$544.97
Year to Date Total	All Other Hospitals			\$0.00
Year to Date Total	Deming Fire Dept./EMS			\$0.00
Year to Date Total	All Other Services			\$1,000.00
Total				\$1,544.97
Care of Prisoners This Month - Not including SNCP Funds				\$134,285.51
Care of Prisoners Year to Date Indigent - Not including SNCP Funds				\$115,540.33
Care of Prisoners Year to Date Inmate Prescriptions/OTC Meds				\$18,745.18
Care of Prisoners Year to Date Dr. Bills				\$0.00
Total Cost of Care of Prisoners Year to Date				\$134,285.51
Monies Received - January 2023				\$132,618.43
Balance in IHC Fund as of January 31, 2023				\$2,069,916.91
Encumbrances as of January 31, 2023				\$650,110.54
		Date	Amount Approved	Amount Denied
	Signatures	2/9/2023	\$1,544.97	
Ray J. Trejo				
Colette M. Chandler				
John S. Sweetser				

February 9, 2023

[illegible]