

LUNA COUNTY BOARD OF COUNTY COMMISSIONERS

**Linda M. Smrkovsky
Chair**

**Barbara L. Reedy
Member**

**John S. Sweetser
Member**

Thursday, September 8, 2022

10:00 a.m.

Agenda

Regular Meeting

Luna County Courthouse

Meeting ID: meet.google.com/zyv-hhnh-pka To dial in: (US)+1 541-797-0423 PIN:357 394 004#

1. **Call to Order:** Chair Linda Smrkovsky to commence meeting (At this time, please silence your cell phones and any other electronic devices) Pledge of Allegiance, State Pledge.
2. **Roll Call:**
3. **Approval of Agenda:**
4. **Minutes:**
 - a. Regular meeting- August 11, 2022
 - b. Work Session – August 11, 2022

MOTION AND VOTE

5. Service Awards/Retirement:

- | | | |
|------------------|----------|----------|
| • Charles Kretek | Managers | 5 Years |
| • Pilar Salcido | Clerks | 5 Years |
| • Pablo Montoya | Managers | 10 Years |

6. Presentations:

- Swearing-in of LCDC Staff by Judge Davalos
- Lemonade Day Presentation by Debbie Troyer, Deming Chamber
- Presentation on Wind and Solar by James Townsend

7. Elected Officials' Report:

- Assessor
- Clerk
- Probate Judge
- Treasurer
- Sheriff
- Commissioners

8. County Manager's Report:

9. Indigent Claims Report:

- a. Recess as County Commission Convene as Claims Board

MOTION AND VOTE

- b. Presentation of Claims Report by Joanne Hethcox

- c. Consider Claims dated September 8, 2022 \$23,976.89

MOTION AND VOTE

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

MOTION AND VOTE

10. Community Support Reports:

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

12. Call for Ordinance:

- a. Resolution 22-59: Call to Amend Ordinance 53 - Luna County Wireless Telecommunications Ordinance.

MOTION AND ROLL CALL VOTE

13. Consent Agenda:

- a. Accounts Payable: \$1,494,965.78

- b. Payroll: \$1,230,431.22

MOTION AND ROLL CALL VOTE

14. New Business:

- a. Resolution 22-60 Budget Increases - Correction of Final Budget (LGBMS ONLY)

MOTION AND ROLL CALL VOTE

- b. Resolution 22-61 Budget Transfers - Correction of Final Budget (LGBMS ONLY)

MOTION AND ROLL CALL VOTE

- c. Resolution 22-62 Budget Increases

MOTION AND ROLL CALL VOTE

- d. Resolution 22-63 Budget Transfers

MOTION AND ROLL CALL VOTE

- e. Resolution 22-64 Disposal of Assets

MOTION AND ROLL CALL VOTE

- f. Resolution 22-65 Amending Resolution 21-49; Luna County SP Project: Participation in Local Government Road Funding Program Administered by NMDOT

MOTION AND ROLL CALL VOTE

- g. Resolution 22-66: Hazard Mitigation Plan for Luna County/City of Deming/Village of Columbus

MOTION AND ROLL CALL VOTE

- h. Luna County Volunteer Fire Department Departmental By-Laws Amended

MOTION AND ROLL CALL VOTE

- i. RFP #111-02 for Cooks Peak FD- Fire Protection Water System

MOTION AND ROLL CALL VOTE

15. Upcoming Meetings/ Events (unless otherwise specified):

Special Meeting: September 19, 2022 at 10 a.m.

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

Regular Meeting: October 13, 2022 at 10 a.m.

- 16. Executive Session:** Executive Session pursuant to Section 10-15-1H(2) NMSA 1978 limited personnel matter; and Section 10-15-1(H)(8) for the purpose of discussing the potential purchase, acquisition and disposal of certain parcels of real property

MOTION AND ROLL CALL VOTE

17. Adjourn:

**MINUTES
REGULAR MEETING
LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS
Thursday, August 11, 2022**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 10:00 a.m. on Thursday, August 11, 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, Chief Deputy Clerk Leslie Nabours, Deputy Clerk Toni Esparza, Elections Specialist Rachel Bishop, County Service Specialist Paula Granillo, Probate Judge Diana Diaz, Chief Deputy Assessor Isabelle Enciso, Treasurer Kristie Hobbs, Chief Deputy Treasurer John Richamond, DWI Program Manager Edith Vazquez, Planning Director Lupita Hernandez, Economic Development Director Christie Ann Harvey, Community Development Liaison Mary Mackey, Grant Administrator Heather Lutz, Road Department Director David Bailey, Director Lee Cook, Chief Andrew Gilmore, Captain Robert Apodaca, Detention Officer Linda Calderon, Sheriff Kelly Gannaway, Captain Michael Brown, IT Director Elizabeth El Bizri, GIS Coordinator/IT Judy Hatch, IT Technician JT Apodaca, IT Help Desk/Tech Assistant Debbie Seats.

CALL TO ORDER: Chair Smrkovsky called the meeting to order at 10:00 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 (Was not in attendance for this meeting)**

APPROVAL OF AGENDA: Chair Smrkovsky entertained a motion to approve the agenda. Commissioner Reedy moved to approve the agenda as submitted. Chair Smrkovsky seconded the motion which was unanimously approved.

MINUTES: Upon a motion made by Commissioner Reedy and a second by Chair Smrkovsky the Minutes for the Regular Meeting of July 14, 2022, Work Session for July 19, 2022, and Special Meeting for July 21, 2022, were unanimously approved.

SERVICE AWARDS/RETIREMENT:

- Rachel Bishop was presented with her five-year service pin by Chief Deputy Clerk Leslie Nabours.
- Ashley Kayser HIDTA Grant Secretary was not in attendance to receive her five-year service pin.

- Judy Hatch was presented with her 10-year service award by County Manager Chris Brice
- Linda Calderon was presented with her 20-year service award by Director Lee Cook and Chief of Security Andrew Gilmore.

PRESENTATIONS: Swearing in of LCDC staff by Judge Davalos- All new LCDC Detention Officers were sworn in by raising their right hand and taking an Oath. Each of the new officers was given a certificate that was signed by both Judge Davalos and each officer. Training Sergeant Fabian Chayrez presented an Academy Certification of Completion to Detention Officer Rebecca Diaz and Detention Officer Raelynn Flores.

ELECTED OFFICIALS REPORT:

- **Assessor:** Chief Deputy Assessor Isabelle Enciso presented the Assessor's Office monthly report. Ms. Enciso reported that the Assessor's Office has completed its 2022 Certification to Property Tax Division. She stated that the values will be sent off to the DFA (Department of Finance) to figure out the new tax rate for 2023 that will be disbursed on September 1, 2022. The Assessor's Office will be contacting the local realtors to schedule a meeting to open up communication for any questions they may have for their office. There were two protest hearings that took place on August 11, 2022 and were held in the basement conference room. Ms. Enciso was proud and pleased to announce that they now have four of their employees that passed the IAAO courses that they attended on July 18th-22nd. Ashley Gallegos passed all four of the required courses and is now a Certified Appraiser. Mary Pena also completed and passed the 4th of the required courses, and she too is now a Certified Appraiser. Renee Rivera completed the second of the four required courses toward her certification, and she is now an Appraiser II. Jacquelyn Tarazon has also completed the second of the four required courses, and she too is now an Appraiser II. The Assessor's Office now has five certified Appraisers, two Appraiser II, and one Appraiser I. The training will continue so that all of the Assessor's Office staff be better informed on their government work. Ms. Enciso also stated that the department is busy finalizing all their protests and getting ready to review permits, and affidavits, and finish calculating for 2023. The County Specialists are busy processing deeds, affidavits, address changes, and tax levies helping customers on the phone, online, and in the office as well. She reminded everyone that all online services are readily available for everyone. The GIS/Flood Plain Department is busy processing deeds, reviewing, and signing off on flood plain inquiries for the County and the City. They are also processing data inquiries and issuing new addresses in the County. She also encouraged everyone to reach out to their department by phone, email, or by coming into their office with any questions.
- **Clerk:** Chief Deputy Clerk Leslie Nabours gave the report for the month of July. She reported the Clerk's Office has been busy and Voter Registration has reopened. There have been 90 in-person Voter Registrations, 27 by mail, there were 79 were removable, this meaning that some are deceased, have moved out of the County, or were processed through the Eric Process. There has been 270 online voter registration processed. Ms. Nabours stated that Luna County currently has a total of 12,986 active voters, 5,236 Democrats, 4,363 Republicans, 123 Libertarians, and 3,264 DTS/other. The Clerk's Office processed a total of 462 recordings, and one new business was registered, one was canceled, with a total of 255 total Business Licenses. There were a total of 17 Marriage Licenses issued and 13 were filed. The Clerk's Office took in \$81.48 for Lodger's tax. It was also reported, that one regular meeting, one Work Session, and one Special Session were processed. Ms. Nabours stated that preparations have already begun for the General Election which will take place on November

8, 2022. She stated that Berenda, Rachel, and herself had attended election school in Albuquerque from August 1st -3rd. She also introduced that the Clerk's Office welcomed a new employee Paula Granillo, that will be at the front desk.

- **Probate Judge:** Probate Judge Diana Diaz reported that year to date there have been 13 new probates open for a total of 102 for the year. Ms. Diaz stated that there were two probates that went to District Court, the only two that she has ever had to go to that level. She reported that she performed five weddings since the last regular session, bringing the year-to-date total to 31.
- **Treasurer:** Treasurer Kristie Hobbs introduced her new Chief Deputy Treasurer John Richmond. Ms. Hobbs also gave special thanks to the Maintenance and IT departments for their help and support while their office was being remodeled.
- **Sheriff:** Sheriff Gannaway gave the monthly report for July. There were no homicides or rapes reported. Assaults are up a bit, as well as burglaries, and larcenies stayed the same. He reported Vehicle thefts are way up, there were no arsons, and no robberies to report. The overall totals for the criminal side are up as well. The Sheriff reported that the non-criminal paper service is way up. Accidents are high but still steady, and no DWI to report. The overall totals for non-criminals are up. The overall totals for both criminal and non-criminal are up as well. Sheriff Gannaway reported that he has four deputies attending the Academy, these deputies are as follows: Deputy Lozano, Deputy Mendez, Deputy Ochoa, and Deputy Rodriguez. The four Deputies should graduate sometime in November. He reported that the Sheriff's Department received another unit that was ready to be put out on the street. He reported that there are currently 16 active cases and two that are closed.
- **Commissioners:** Commissioner Reedy reported that she had received notice from the National Association of Counties that she was being appointed to two committees, one being the Immigration Reform Task Force and the other being the Programs and Services standing committee. Chair Smrkovsky reported that she was unable to attend the New Mexico Association of Counties meeting that took place on August 5, 2022.

COUNTY MANAGER'S REPORT: County Manager Chris Brice Reported for the month of July.

- **Dispatch:** Mr. Brice reported that Dispatch received 1,398 (911 calls), and there were 200 warrants that were processed. He stated that Motorola assigned a Program Manager to help kick off the programming of the radios and CAD system. Mr. Brice thanked Emergency Services Director Pablo Montoya for his certification and instruction all of the staff at Central Dispatch have been Basic Life Support and CPR re-certified.
- **LCDC:** Mr. Brice reported that the Otero County Manager sent out an email last week sometime, in a panic due to the fact that the Otero County Detention facility was about to be shut down due to being so short-staffed. She had asked if it would be possible for the Luna County Detention Center would agree to house 50 inmates and ended up only housing about 27. He said that this is a statewide problem within the New Mexico Detention Centers. He said that pay and incentives to be able to staff our Detention Center. Mr. Brice reported that our Marshall population is at 246 which he stated is a good number. The daily Per Diem rate for the Marshalls is still in renegotiation. Once the new rate has been established the other Counties including Sierra, Hidalgo, Grant, and some of the others, the daily Per Diem rate will be raised to whatever the Marshall's ends up being. Mr. Brice mentioned that there was a new body scanner that was received and the installation will begin soon.

- **Road Department:** Mr. Brice reported that 1,289 scrap tires had been received. There were about 160 miles that the Road Department bladed, he stated that this was a good number considering all the rain.
- **Budget and Procurement:** Budget and Procurement Director Joanne Hethcox is close to having OpenGov up and running. Mr. Brice stated that once it is completely ready to go this will solely and hopefully be used for next year's budget. Mr. Brice stated that he would like to start on the budget much earlier.
- **Safety/Risk Management:** Risk/Workers Comp Coordinator Joann Moorman has gotten all of the information she needed to put into the Origami system. This software system that New Mexico Counties uses to keep track of all of the equipment or assets. There have been two employees that have tested positive for Covid and there have been two Workers comp claims.
- **Emergency Management:** The free at-home Covid test kits are no longer available here in the Courthouse the reason being that the state is saving its stockpile for facilities such as Nursing Homes, Detention Centers, and Hospitals. The test kits are available through covidtests.gov, and this comes with four tests per household and they should still be free. Emergency Services Director Pablo Montoya and Emergency Safety Coordinator Phillip Rodriguez have come up with a fire inspection that will take place on an annual basis, to help catch things that need to be addressed before the Fire Marshall comes in so that the County is not caught off guard like at Starmax. There are four inspections for the Sheriff's Office, Detention Center, Courthouse, and District Court that are coming up soon. The panic notifications at the District Court and the Healing House have been upgraded. Mr. Brice stated that there was an estimate for upgrades to the elevator at \$107,265.00. This will upgrade the equipment so that it will be easier to replace and repair when needed. Mr. Montoya and the Sheriff's Department recovered three bodies on the East side of the Floridas recently.
- **Luna County Fire:** There were 22 Fire calls received. There will be a request for RFP in reference to a water project grant which will be for the hydrant over at Cook's Peak. Mr. Brice stated that the County will be applying for an FY-23 Fire Fund grant asking for a fire truck the max is \$300,00.00 and the cost for a fire truck is about \$600,00.00 with a wait time of two years.
- **Casa:** There are currently 14 children in Luna County, 20 in Grant County, and 1 in Hidalgo County. AOC was billed \$8,532.00 for the month of June. There were 9 events attended throughout the month of July.
- **PAT:** In FY-23 will serve 200 families with a total budget of \$1,200,00.00. This program in Luna County is always being recognized for being the best Parents as Teachers program in the state and they will be hiring one or two more people. There are 136 clients enrolled in Luna County and 50 in Hidalgo County. There have been 536 direct services for both Counties. Parents as Teachers also distribute car seats. There were 11 distributed. This program will teach parents how to use the car seats correctly and they are free just to make sure the children are safe.
- **Grant Administrator:** There have been updates made on the American Rescue Plan Act, also updates to the BERM Project, and applying for a Recreational Grant to cover some costs for the engineers.
- **IT:** The IT Department have had a total of 1,162 work orders submitted. A total of 1,108 were completed. 2,050 viruses were stopped by the email spam filter. There were a total of 32 iPhones that were given out.
- **Planning Department:** The Planning Department continues to work on the land use ordinance and solar policy. The Learning Center had 9 events in July and the pavilion had six

events there were 28 new address applications. The Planning Department is now accepting credit card payments.

- **DWI:** The department is tracking 85 misdemeanor DWI offenders. There are 4 new clients that were screened for substance abuse disorder. Teen Court has 22 participants right now. Griselda Milo is now the new Preventions Specialist.
- **Luna County Health Council:** The program has submitted the acceptance letter to DOH funding for FY-23 projected available funding is about \$12,952.00. The County participated in the Seamless Summer Meals for Kids by Deming Public Schools. The Health Equity Committee hosted a planning meeting to discuss goals for 2022-2023
- **Starmax:** Eric Roach submitted his letter of resignation. He will be working part-time. The Starmax Director position has been open. Also always looking for bartenders. Also in the works trying to get a concert together for Saturday night at the Duck Races. Mr. Brice stated that The County is trying to get a band and stage and about 100 seats for people to sit. A meeting with the Alcohol Board to see if Alcohol can be served at this event. Starmax is completely open.

INDIGENT CLAIMS REPORT: Upon a motion by Commissioner Reedy and a second by Chair Smrkovsky, the meeting of the Board of County Commissioners was unanimously recessed and the meeting of the Indigent Hospital Claims Board convened.

Budget and Procurement Director Joanne Hethcox reported for the month of July, that there were 22 claims at a cost of \$86,152.56, of these claims 9 were for the Detention Center. Ms. Hethcox reported that there was a total of \$97,439.97 in GRT collected. The ending tax balance is \$2,081,966.71 of this total \$1,545,000.00 was encumbered.

Commissioner Reedy motioned to consider the Claims Report presented on August 11, 2022, for \$86,152.56. The motion was seconded by Chair Smrkovsky the motion which was carried unanimously.

Commissioner Reedy motioned to recess as a Claims Board and reconvene as a County Commission. Chair Smrkovsky seconded the motion which was carried unanimously.

COMMUNITY SUPPORT REPORTS: Deming Mainstreet Director Chelsea Evans gave updates on the events that took place in the recent weeks and their success. Miss Evans stated that there would be a Market on Saturday, August 13, 2022, to be held outside at the Courthouse Park from 8:00 am -11:00 am. She mentioned that also this month The Great American Duck Race Parade will take place on August 27, 2022. There are new projects that Mainstreet is working on and are gearing up for Trunk-or-Treat in October.

PUBLIC COMMENT: Chair Smrkovsky opened the floor to public comment. Several members of the community brought forth comments but spoke of items that were not on the agenda.

PUBLIC HEARING: Luna County Infrastructure Capital Improvement Plan (ICIP) FY24-28.

Chair Smrkovsky was asked by a member of the public to give a brief explanation of what this ICIP Plan was and what it is used for.

CALL FOR ORDINANCE:

- a. Resolution 22-53: Call to Amend Ordinance 76-Tax Obligation for Land Transfers, Divisions, and Recombinations. County Attorney Charles Kretek explained that no property can be transferred without the taxes being current.

After a motion from Commissioner Reedy and a second for Chair Smrkovsky, the motion was carried out and unanimously approved following a roll call vote.

- b. Resolution 25-54: Call to Adopt Ordinance 113: Ordinance Approving a Local Economic Development Project for USDA-certified meat processing facility in Luna County. Mr. Brice gave a brief explanation of the benefit of this ordinance.

After a motion from Commissioner Reedy and a second by Chair Smrkovsky, the motion was carried out and unanimously approved following a roll call vote.

- c. Resolution 22-55 Call to Adopt Ordinance 114: An Ordinance Approving the Application for a loan from the New Mexico Clean Water State Revolving Fund.

After a motion from Commissioner Reedy and a second for Chair Smrkovsky, the motion was carried out and unanimously approved following a roll call vote.

CONSENT AGENDA:

- a. Accounts Payable: \$1,125,317.37
- b. Payroll: \$1,705,564.56

After a motion from Commissioner Reedy to approve the Consent Agenda as presented and a second by Chair Smrkovsky the motion was carried out and unanimously approved following a roll call vote.

OLD BUSINESS:

- a. Luna County 2022 Comprehensive Plan

After a motion from Commissioner Reedy and a second from Chair Smrkovsky, the motion was carried out and unanimously approved following a roll call vote.

NEW BUSINESS:

- a. Resolution 22-56: Agreement between Luna County and Southwestern NM Council of Governments & Appointment of Representatives

After a motion from Commissioner Reedy and a Second by Chair Smrkovsky, the motion was carried out and unanimously approved following a roll call vote.

- b. Resolution 22-57: Authorizing Submission of an Application to DFA for participation in the Juvenile Adjudication Fund Program.

After a motion by Commissioner Reedy and a second by Chair Smrkovsky the motion was carried out and unanimously approved following a roll call vote.

- c. Resolution 22-58: Luna County Infrastructure Capital Improvement Plan (ICIP) FY-24-28.

After a motion by Commissioner Reedy and a second by Chair Smrkovsky, the motion was carried out and unanimously approved following a roll call vote.

- d. Casa Mission Statement

After a motion by Commissioner Reedy and a Second by Chair Smrkovsky, the motion was carried out and unanimously approved following a roll call vote.

EXECUTIVE SESSION: Executive Session pursuant to Section 10-15-1H(8) for the purpose of discussing the potential purchase, acquisition, and disposal of certain parcels of real property. Commissioner Reedy motioned to enter into Executive Session pursuant to Section 10-15-1H(8) for the purpose of discussing the potential purchase, acquisition, and disposal; of certain parcels of real property. Chair Smrkovsky seconded the motion which was unanimously approved following a roll call vote.

Commissioner Reedy motioned to return from Executive Session where no other matters were discussed and no action was taken. Chair Smrovsky seconded the motion and the motion was unanimously passed following a roll call vote.

Upcoming Meetings/Events (Unless otherwise specified):

County Offices will be closed on September 5, 2022, in observance of Labor Day
Regular Meeting: September 8, 2022, at 10:00 a.m.

ADJOURN: Upon a motion by Chair Smrkovsky the meeting was adjourned at 12:24 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

**MINUTES
WORK SESSION
LUNA COUNTY BOARD OF COUNTY COMMISSIONERS
Thursday, August 11, 2022**

BE IT REMEMBERED that the Luna County Board of County Commissioners met at 9:16 a.m. on Thursday, August 11, 2022, in Chambers of the Luna County Courthouse, Deming, New Mexico, for the purpose of conducting a Work Session.

CALL TO ORDER: Chair Smrkovsky called the meeting to order at 9:16 a.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:

Barbara L. Reedy, District 1

Linda M. Smrkovsky-Chair, District 2

John S. Sweetser, District 3 (Was not in attendance for this Work Session)

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

Chair Smrkovsky opened the floor to public comment. No public comment was forthcoming.

DISCUSSION ITEM:

- a.** Luna County Infrastructure Capital Improvement Plan (ICIP) FY 24-28: Manager Chris Brice explained that this is a yearly discussion that was discussed with all directors and elected officials to show how this plan works and what it is used for. Mr. Brice explained that this is a list of projects, costs, and priorities of when the funding is available and steps that are taken to get them started. **(*Note: Items were presented for discussion only and no actions were taken.)**

Upcoming Meetings/Events (unless otherwise specified):

Regular Meeting: August 11, 2022, at 10:00 a.m.

ADJOURN: Chair Smrkovsky adjourned the meeting at 11:38 a.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 September 8, 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				
October				
November				
December				
Total	45	\$159,200.68	0	\$0.00
This Month's Total	Mimbres Memorial Hospital			\$23,976.89
This Month's Total	Gila Regional Medical Center			\$0.00
This Month's Total	Memorial Medical Center			\$0.00
This Month's Total	Deming Fire Dept./EMS			\$0.00
This Month's Total	All Other Services			\$0.00
Total				\$23,976.89
Year to Date Total	Mimbres Memorial Hospital			\$132,745.46
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			\$25,234.22
Total				\$159,200.68
Care of Prisoners This Month - Not including SNCP Funds				\$273,026.08
Care of Prisoners Year to Date Indigent - Not including SNCP Funds				\$1,364,058.78
Care of Prisoners Year to Date Inmate Prescriptions/OTC Meds				\$73,784.03
Care of Prisoners Year to Date Dr. Bills				\$3,162.22
Total Cost of Care of Prisoners Year to Date				\$1,441,005.03
Monies Received - August 2022				\$93,316.86
Balance in IHC Fund as of August 31, 2022				\$1,933,287.72
Encumbrances as of August 31, 2022				\$1,558,642.00
		Date	Amount Approved	Amount Denied
	Signatures	9/8/2022	\$23,976.89	
Barbara L. Reedy				
Linda M. Smrkovsky				
John S. Sweetser				

[illegible][illegible]

Be it remembered that at the Regular Meeting of the Board of County Commissioners of Luna County in Deming New Mexico, on the 8th day of September 2022, the following proceedings were had and entered of record.

RESOLUTION 22-59

CALL TO AMEND ORDINANCE 53

WHEREAS, pursuant to Section 4-37-1, NMSA 1978, grants Counties, through the Board of County Commissioners the power to make, publish and repeal ordinances;

WHEREAS, Section 4-37-7, NMSA 1978, Ordinances governs the proposal of ordinances.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners hereby give notice of its intent to consider the amendment of Ordinance 53; Luna County Wireless Telecommunications Ordinance, at the Regular Meeting on October 13, 2022, at 10:00 a.m. or as soon thereafter as the matter may be heard in the Luna County Courthouse, 700 S. Silver Ave., Deming, New Mexico.

BE IT FURTHER RESOLVED that the Luna County Manager is authorized to take all necessary action necessary to properly place the issue of the amended Ordinance 53 before the Board of County Commissioners, including but not limited to, the publication of title and a general summary of the proposed amendments and making a copy available to interested persons beginning with the date of publication, but no later than two weeks prior to the October 13, 2022 meeting.

DONE THIS 8th DAY OF SEPTEMBER, 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

**LUNA COUNTY, NEW MEXICO
ORDINANCE 53; SECOND AMENDMENT**

**AN ORDINANCE REGULATING THE SITING AND PERMITTING OF
WIRELESS TELECOMMUNICATION FACILITIES**

WHEREAS Luna County has determined that the regulation of the siting of wireless telecommunications facilities is necessary to protect the health, safety and welfare of the citizens of Luna County;

WHEREAS Luna County desires to minimize the negative impact Wireless Telecommunications Facilities may have on the citizens and real property use in Luna County by promoting the use of existing Wireless Telecommunications Facilities and by ensuring new Wireless Telecommunications Facilities are compatible with the existing character and environment of the location of the Facility;

WHEREAS Luna County wishes to provide an efficient, stream-lined and fair process for the review and approval of potential Wireless Telecommunications Facilities;

WHEREAS, pursuant to NMSA 1978 §§ 3-21-1 et seq. and §§ 4-37-1 et seq., and the Telecommunications Act of 1996, §704.47 U.S.C. § 332(c)(7), § 6409(a) of the Middle-Class Tax Relief and Job Creation Act of 2012 and recognizing the enactment of the New Mexico Wireless Consumer Advanced Infrastructure Act NMSA 1978 §§ 63-91-1 et. seq., the Board of County Commissioners of Luna County is empowered to enact regulations regarding the location, placement, construction, appearance, design, and modification of Wireless Telecommunications Antennae, Towers and other Wireless Telecommunications Facilities on lands and properties within the County;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LUNA COUNTY, AS THE GOVERNING BODY OF LUNA COUNTY, NEW MEXICO, that the contents of this Ordinance No. 53 Revised be implemented REGULATING THE SITING AND PERMITTING OF WIRELESS TELECOMMUNICATION FACILITIES:

Section 1. POLICY AND PROCEDURES

I. PURPOSE AND INTENT:

A. The purpose and intent of this Ordinance are to protect the health, safety, and welfare of the citizens of Luna County by minimizing the negative impact of Wireless Telecommunications Facilities, by establishing a fair and efficient process for review and approval of applications per Federal, State, and Local Regulations, by encouraging the use of existing facilities, by promoting the improved appearance and functionality of any new facilities and ensuring that all new facilities are constructed using current technologies that are designed to conceal the site and to accommodate future growth.

II. DEFINITIONS:

A. Abandonment – cessation of use of a wireless support structure for wireless

telecommunications activity for at least the minimum period specified by this Ordinance.

B. Administrative Approval – approval that the Administrator or designee is authorized to give.

C. Antenna – communications equipment that transmits, receives or transmits and receives electromagnetic radio signals used in the provisions of wireless telecommunications services.

D. Carrier on Wheels (COW) – a portable, self-contained wireless telecommunications facility that can be moved to a location and set up to provide wireless services on a temporary or emergency base.

E. Colocation – placement or installation of wireless facilities on existing structures, including electrical transmission towers, water towers, buildings, and other structures capable of supporting wireless facilities' attachment in compliance with all applicable codes and standards.

F. Concealed Wireless Facility – any wireless facility that is blended as an architectural feature of any existing structure or any new wireless support structure designed to camouflage or hide the presence of antennas or towers so that the purpose of the Facility or wireless support structure is not readily apparent to casual observation.

G. Eligible Facility request – a request for modification or colocation of an existing wireless tower that involves new transmission equipment or replacement of transmission equipment but does not include a substantial change of the existing structure.

H. Existing structure – a wireless support structure erected before the application for an eligible facility request, colocation, or modification under this Ordinance capable of supporting wireless facilities' attachment. The term includes but is not limited to electrical transmission towers, buildings, and water towers. The term shall not include any utility pole.

I. Set-back – the area in which a wireless support structure may be expected to fall in the event of a structural failure as defined by the Ordinance.

J. Small Wireless Facilities/Systems – One of several specialized systems that comprises mini-macro cells, Distributed Antenna Systems (DAS), or Wi-Fi Hot Spots specifically for outdoor coverage. Individual small cell sites typically cover a small radius (<2000'). However, they are used in conjunction with the "typical" cell sites or a group of other small cell sites, a system, to cover a broad area of dense usage requirements. These facilities' nature and character, their minimal impact, and typically permitted in quantity justify permitting considerations.

K. Tower – a structure, guided or freestanding, that supports one or more antenna.

L. Wireless Facility or wireless facilities – the set of equipment and network components exclusive of the underlying wireless support structure, including but not limited to antennas, accessory equipment, transmitters, receivers, base stations, power supplies, cabling, and associated equipment necessary to provide wireless

telecommunications services.

III. **APPLICABILITY:**

A. This Ordinance applies to all construction and expansion of wireless telecommunications facilities, except as provided in III B Exemptions

B. Exemptions:

- Fire, police, department of transportation, or other public service facilities owned and operated by Luna County, local, state, or federal government.
- Any facilities expressly exempt from the jurisdiction's citing, building, and permitting authority.
- Over-the-Air reception devices, including the reception antennas for direct broadcast satellites (DBS), multi-channel, multipoint distribution (wireless cable) providers (MMDS), television broadcast stations (TVBS), and other customer-end antennas that receive and transmit fixed wireless signals and are primarily used for reception.
- Facilities exclusively for private, non-commercial radio and television reception and private citizen's bands, and other similar non-commercial telecommunications.
- FCC-licensed amateur radio facilities require Administrative Approval and are exempt from all ordinance requirements except reasonable screening, set-back, placement, construction, tower height, and health and safety standards per New Mexico state law.
- Facilities that exclusively provide unlicensed spread spectrum technologies (such as IEEE 802.11a/b/g/n/ac/ax {Wi-Fi and Bluetooth}) where the Facility does not require a new tower.

IV. **PERMIT APPLICATION PROCESS AND OTHER REQUIREMENTS:**

A. All Applicants for Special Use Permits and Conditional Special Use Permits shall comply with the requirements outlined in this Article.

B. The Board of County Commissioners of Luna County designates the Luna County Planning Department (or other designee made by the County Manager) as the Administrator to whom applications for Special Use Permits and Conditional Special Use Permits must be made. The Administrator is authorized to review, analyze, evaluate, and make decisions with respect to granting, not granting, or revoking Permits.

C. The Applicant shall complete the following steps to assist the Administrator in expediting the completion of the process:

- **Optional Pre-Application Conference:** At the Administrator's discretion, applicants seeking a Telecommunications Permit will obtain and review this

Ordinance and meet with the Administrator, either electronically or in person, before submitting an application. Typically called for on more complex applications (new towers, 5G, etc), the meeting intends to review the ordinance requirements, processes, and method of submission with the Applicant. The pre-application session may include the following:

a) A discussion of potential best locations for the Telecommunications Facility, taking into consideration Luna County's defined priorities that meet the Applicant's requirements for service. The application process may require an explanation for a selected location not using the highest priority available to the Applicant. Luna County's priorities (listed from highest to lowest) are:

(1) On existing Towers or structures without increasing their height.

(2) On Luna County-owned properties.

(3) On properties zoned, or if not zoned, characterized predominantly by Industrial use.

(4) On properties zoned, or if not zoned, characterized predominantly by Commercial use.

(5) On properties zoned, or if not zoned, characterized predominantly by Residential use.

b) A discussion of issues to help expedite the review and permitting process;

c) A site visit to potential best location sites, if deemed necessary by the Administrator;

d) A determination of the type of application to be made;

e) A discussion of the defined information required to support the proposed location;

f) A discussion of the specific application requirements that are needed for review and consideration by the Administrator. Requirements for the Application may vary based on the specific location, type of facility selected, and the potential impact to Luna County and its citizens, and;

g) Any applicant desiring relief, waiver, or exemption from any Ordinance requirement may request such at the pre-application meeting. The burden of proving the need for the request lies solely with the Applicant. No request shall be approved unless the Applicant provides convincing evidence that the request will have no significant effect on the health, safety, and welfare of Luna County or its residents.

- **Application Process:** The Applicant shall complete the on-line application processes as defined by the Administrator at the outset of the process.

a) **All applications shall contain** a demonstration that the Telecommunications facility will be sited to be the least visually intrusive,

as reasonably possible.

b) In addition to demonstrating that the proposed modification, colocation, eligible facility, or new tower or telecommunications facility blends into the character and environment of the proposed location, **all applications shall contain** the following information and shall be submitted through the on-line system designated by Luna County:

- (1) Registration of an Agent, including the name, address, and telephone numbers of the designated Agent and his/her company;
- (2) Authorization of the Agent as an official and representative of the Applicant; then pending approval;
- (3) Complete a project description which shall include a general description of the Applicant's project and its proposed location;
- (4) Contact information including the name, address, and telephone number of the person or entity who will be responsible for the Applicant's construction and management of the project;
- (5) Contact information for the support structure project manager for the proposed location and contact information for any manager of the real property for the proposed site (e.g., building manager, tower owner);
- (6) Define the type of project (colocation, modification, new tower, etc.), and the specific site address and description of the project.
- (7) Completing a Tower/Wireless Facility Registration or, if a Tower/Wireless Facility Registration already exists for the proposed location, completing a Tower/Wireless Facility Registration Update, if needed. The Tower/Wireless Facility Registration shall include;

- (a) Name, address, and telephone contact number for the tower owner;
- (b) Name, address, and telephone contact number for the real property owner, if different than tower owner;
- (c) Current number and identification of co-locators on the tower/facility;
- (d) Site name, number, and physical address;
- (e) Documentation and specifics regarding the agreement terms (other than financial) demonstrating Applicant's right, title, or interest in the real property where the facility is to be sited, including the name, address, and phone number of the property owner;
- (f) Description of the tower/facility, including but not limited to height, set back, type of structure, and the number of existing co-locators;
- (g) Verifiable copy of the current tower inspection report using ANSI/TIA-222-G (or newer), including the expiration date, the company performing inspection, and ANSI standard used;

- (h) Contact information including name, address, and telephone number for the person or entity performing the most recent or current tower inspection;
- (i) A copy of the Soils Study Report including but not limited to the date completed, person or entity name performing the Soils Study, project number, identification of the Professional Engineer providing certification of the study with New Mexico registration or license number of the Professional Engineer, and;
- (j) Any other information deemed necessary or required by Luna County.

c) Applications for a modification, colocation, or eligible Facility to an existing structure, without an increase of height or size, shall include:

- (1) All items listed in Section b. above which do not exist or are no longer current or have not recently been updated;
- (2) Project name for the existing colocation site or project;
- (3) Names, addresses, and phone numbers of person or entity preparing the application;
- (4) A copy of the FCC license for the carrier and a signed statement from the owner or operator of the Facility attesting that the Facility complies with current FCC regulations;
- (5) Certified Site Plans using ANSI/TIA-222-G (or newer), including the Professional Engineer's name and New Mexico registration/license number, physical description of the current configuration of the site, physical description of the proposed design of the site, contacts, set-backs, grounding plans, security, parking, turnarounds, description of the components including the sizes of the components to determine that the proposal is the least visibly intrusive design;
- (6) Certified Structural Analysis using ANSI/TIA-222-G (or newer), including identification of the Professional Engineer's name and registration/license number providing the Analysis, a copy of all calculations, reference documents and results, percent loading, that include all components, structures, and foundations per Rigorous Standards. Loading may not exceed 100%.
- (7) Performance Bond including amounts as set by Luna County, to remain in place as long as the site remains active and in place and until the tower or facilities are removed as required by the Ordinance;
- (8) Copy of the Certificate of Insurance demonstrating that the requirements of the Ordinance;
- (9) Identification of the general contractor(s) with proof of current Luna County licensure as required by the State of New Mexico, and;
- (10) Projected start and completion dates of construction.

d) Applications to install a new tower or telecommunications

facility will include the following:

- (1) All information listed in Sections b. and c. above;
- (2) The number, type, and design of the tower(s) and antenna(s) proposed;
- (3) All reports, data, calculation, and design criteria which demonstrate the tower's capability to accommodate multiple users;
- (4) Demonstration of the Applicant's meaningful efforts to secure shared use of existing tower(s) or other structures within the defined parameter of one (1) mile including but not limited to copies of written requests and responses for shared use;
- (5) The new wireless Facility justification includes capacity information, the gap in coverage information, or other information demonstrating rationale for the application;
- (6) The Applicant will obtain a list of property owners and nearby home owner associations, to include their addresses, within fifteen hundred (1500') of the proposed site's property lines. This list of owners and addresses must be submitted early in the application process so specific notice of any needed or required hearing can be given to them at least 7 days prior to any needed or required hearing.
- (7) Public Hearing and Notification Requirements:
 - (a) In order that the County may notify nearby landowners, prior to the approval of any Application for a Telecommunications Permit for a New Tower, a public hearing shall be held by the County, notice of which shall be published in accordance with the New Mexico Open Meetings Act, and the annual Luna County Notice of Meetings Resolution, which sets the notice and type of publication for meetings, prior to the scheduled date of the public hearing.
 - (b) The County shall schedule the public hearing referred to in Subsection (a) of this section once it finds the Application is complete. The County, at any stage prior to issuing a Telecommunications Permit, may require such additional information as it deems necessary.
 - (c) All Public Hearings pursuant to this Ordinance are to be held before the Board of County Commissioners of Luna County unless specifically exempted by this Ordinance; and, for any appeal purposes, the decision of the Board of County Commissioners of Luna County is the final decision of the County.

e) **Applications to Install Small Wireless Facilities/Systems will include the following:** (Note: A special meeting with the agents/engineers/representatives of the Applicant may be needed to ensure that systems documentation requirements are fully understood.) Luna County's defined Small Wireless Facilities design requirements are made available to applicants by the Administrator in the Small Wireless Facility

Design Guidelines Resolution.

- (1) All information listed in Sections b. c. & d. above;
 - (2) The entire system and any associated groups of Small Wireless facilities, within limits defined by the on-line application, may be included in a single application process.
 - (3) Each component of the system must be represented in the on-line Application Process.
 - (4) Each system's unique components must be shown and include all the relevant data to complete the process. However, all like (virtually identical) nodes may be demonstrated once but must consist of all the physical locations for each node.
- **Review of Application:** The Administrator and the consultant(s) shall review the application within thirty (30) days of submission to determine if the application is complete and meets the Ordinance requirements. Luna County and the Applicant can, by a mutual written agreement, extend the period in which the review for completeness is conducted.
 - a) Incomplete applications will not be accepted for further review and processing;
 - b) Applications submitted without the payment of costs and fees as required by Luna County are incomplete and shall not be accepted for further review and processing;
 - c) **IF THE APPLICATION IS NOT COMPLETE:**
Luna County shall notify the Applicant in writing or via email of the provisions of the code, Ordinance, application process, or publicly stated procedures that were not completed and inform the Applicant that the application may be resubmitted.
 - d) **IF A RESUBMITTED APPLICATION IS NOT COMPLETE:**
Within ten (10) days of the resubmission of the application, Luna County shall notify the Applicant in writing or via email of whether the resubmission is complete and that the application may be resubmitted, and inform the Applicant of the code, Ordinance, application process or publicly stated procedures which remain incomplete.
 - e) **IF THE APPLICATION IS COMPLETE** and based on the review of the application, the Administrator shall, within the periods allowed under federal, state, and local law:
 - (1) Approve, approve with conditions or deny a Special Use or Conditional Special Use Permit;
 - (2) Issue a written decision within ten (10) days of deciding on the application, which is supported by evidence contained in the on-line information and records submitted by the Applicant;
 - (3) Place the burden of proof for the granting of the Permit upon the Applicant;
 - (4) Refer the application to the Board of County Commissioners of Luna County for review and consideration; once a variance or waiver is obtained or granted, the Administrator may request the Applicant update the application if the Administrator

deems it necessary to complete the application process.

- Public Hearing and Appeal of Administrator's Decision: The decision of the Administrator can be appealed by the Applicant or by Luna County by submitting written notification to the Administrator. The Notice of Appeal's content shall contain the Applicant's name and a description of the Wireless Telecommunications Facilities. The Applicant must submit the Notice of Appeal within 30 calendar days after the decision.
 - a) The hearing or appeal will be heard and considered at the next available meeting of the Board of Commissioners
 - b) For any application or appeal which is to be presented to the Board of County Commissioners of Luna County, the County Administrator must have all documentation prior to the time of the meeting to ensure that all proper notices can be sent out in a timely matter.

- Construction of the Proposed Facility: If an application is approved or approved with conditions, a Special Use or Conditional Special Use Permit will be issued to the Applicant:
 - a) The Applicant must comply with all requirements of the Special Use or Conditional Special Use Permit;
 - b) The Applicant will be required to meet and satisfy all building inspection processes generally needed for a construction project;
 - c) The Special Use or Conditional Special Use Permit shall not be assigned, transferred, or conveyed without written notification to and approval from Luna County within six (6) months;
 - d) The Special Use or Conditional Special Use Permit may be revoked, canceled, or terminated for violation of the Permit's conditions and provisions or for a material breach of this Ordinance as permitted by local Ordinance, state, and federal law;
 - e) Luna County will provide the permit holder written notice of an intent to revoke, cancel or terminate the Permit with identification of the violation(s) and give the holder of the Special Use or Conditional Special Use Permit with an opportunity for a hearing before the Board of County Commissioners of Luna County before revocation, cancellation or termination.
- Completion of Construction: When the Applicant completes the project's construction, the Applicant shall notify the Administrator of the need for a final inspection. Luna County or the consultant for Luna County will verify that the site is constructed in accordance with the application, meets all the requirements of the Ordinance, and that the applicant has paid all monies due to Luna County. If all requirements of this Ordinance and the Special Use or Conditional Special Use Permit have been met, Luna County will issue a Certificate of Compliance to the Applicant that allows operational use of the site.

V. GENERAL REQUIREMENTS OF WIRELESS TELECOMMUNICATIONS FACILITIES:

- A. **Lighting:** Telecommunications facilities shall not be lighted or marked unless required by law. If lighting is needed, Applicant shall provide a detailed plan for sufficient lighting as inoffensive as permissible under State and Federal regulations. The Applicant shall also comply with any local or State "Night Skies" requirements.
- B. **Materials:** Towers shall be galvanized or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings and shall be maintained for the Tower's life.
- C. **Set-back Requirements:** Stand-alone Wireless Telecommunications Facilities shall be no closer to any property line than the total height of the completed unit, plus ten percent (10%). The structure should not be capable of falling onto an adjacent property or building should the Facility collapse for any reason. The height is measured from the pre-existing grade to the highest point of the structure.

D. Security of Wireless Telecommunications Facilities: All Wireless Telecommunications Facilities and Antennas shall be located, fenced, or otherwise secured in a manner that prevents unauthorized access.

E. Signage: Telecommunications Facilities shall contain a sign to provide adequate notification to persons in the immediate area of the presence of RF radiation or to control exposure to RF radiation within a given area. A sign of the same size shall also be installed to contain the site identification number and emergency phone number(s). The sign shall be on the fence, equipment shelter, or cabinet and be visible from an access point outside the secured site area. On tower sites, an FCC registration sign shall also be present. The signs shall not be lighted unless required by law, rule, or regulation. No other signage, including advertising, shall be permitted.

F. Update of Signage: The Applicant or future owner of the site shall update the site identification number and emergency phone numbers of the Wireless Telecommunications Facility as displayed on the required sign within one month of any sale, assignment, or transfer.

G. Temporary Communications on Wheels (COW): In the event of an emergency or natural disaster which renders other forms of communication nonviable, thus necessitating a COW, Luna County and the Telecommunications provider shall agree to special terms and conditions as needed by Luna County and the Telecommunications provider:

- If a COW becomes inoperable due to force majeure or Acts of God, it must be removed from the site within 30 days of becoming unusable.
- Regarding a special event where a COW is used, it must be removed from the site within 48 hours of the conclusion of the event.

VI. **APPLICATION FEES and OTHER REQUIREMENTS:**

A. At the time a person applies for a Special Use or Conditional Special Use Permit for a new Tower or requires an increase in height to an existing Tower or for colocating on an existing Tower or other suitable structure, where no increase will occur in the height of the Tower or other appropriate structure, such Applicant shall pay a non-refundable application fee to Luna County.

B. In addition to the application fee, Luna County may retain the services of an expert consultant in connection with the processing and/or review of the application and the permitting and final inspection of site. The Applicant shall be responsible for reimbursing Luna County for all costs and amounts incurred by Luna County for such expert consultation.

C. The Applicant shall pay for the projected consultation costs to Luna County at the time of the application.

D. An application is incomplete until the Application Fee is paid, and the Applicant has paid the costs for the expert consultant.

E. The consultant shall provide Luna County with an invoice for the costs for of the

consultation. The amount invoiced by the consultant will be assessed to the Applicant as the Application Processing and Review Fee.

F. The Application Fees and Costs are defined by the Notice of Fees Resolution associated with this Ordinance; adopted, amended or replaced from time to time as the County Commission determines.

G. The Applicant, Luna County, and the consultant will comply with all state and local requirements concerning payment of the consultant's fees.

H. The Applicant and the owner of record of any proposed Wireless Telecommunications Facilities property site shall, at their cost and expense, be jointly required to execute and file with Luna County a bond, or other form of security acceptable to Luna County in at least the following amounts:

- Colocation or modification of an existing tower: \$25,000
- Small wireless facility: \$15,000
- New tower or other structure: \$75,000

Such sureties are deemed sufficient by Luna County to assure the faithful performance of the terms and conditions of this Ordinance and conditions of any Telecommunications Permit or Conditional Use Permit issued according to this Ordinance. The full amount of the bond or security shall remain in full force and effect throughout the term of the Telecommunications Permit, and any Conditional Use Permit has been fulfilled, and until any necessary site restoration is completed to restore the site to a condition comparable to that which existed before the issuance of the original Special Use or Conditional Special Use Permit.

I. A holder of a Special Use or Conditional Special Use Permit shall secure and at all times maintain public liability insurance for personal injuries, death, and property damage and umbrella insurance coverage for the duration of the Permit in amounts as set forth below:

- Commercial General Liability covering personal injuries, death, and property damage: \$1,000,000.00 per occurrence/\$2,000,000.00 aggregate;
- Automobile Coverage: \$1,000,000.00 per occurrence/\$2,000,000.00 aggregate;
- Workers Compensation and Disability: Amount required by New Mexico state law;
- Commercial General liability insurance policy shall specifically include Luna County and its officers, employees, agents, and consultants as additional named insureds;
- Insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the state and with a "Best's" rating of at least A;
- Insurance policies shall contain an endorsement obligating the insurance company to furnish Luna County with at least thirty (30) days prior written notice of the cancellation of the insurance;
- Renewal or replacement policies or certificates shall be delivered to Luna

County at least fifteen (15) days before the expiration of the insurance that such policies are to renew or replace;

- The Permit Holder shall provide Luna County a copy of the policies/certificates before construction and upon written request by Luna County.

VII. REMOVAL OF TOWER/ANTENNA/REVOCATION/DEFAULT:

A. Cessation of Operations/Abandonment/Disrepair: Luna County may require the removal of a Telecommunications Facility(ies) when: such item(s) with a permit have been abandoned or operations of Telecommunications Facility has ceased for a period exceeding ninety (90) consecutive days or a total of one hundred eighty (180) calendar days. All items and equipment subject to the Telecommunications Permit shall be removed within ninety (90) days of abandonment or the cessation of operations. If equipment or items subject to the Telecommunications Permit, fall into such disrepair that a health or safety hazard is created as determined according to a review by a State licensed engineer and such item are not repaired within sixty (60) days, or longer as necessary upon the permit holder demonstrating that despite good faith efforts, such disrepair could not be responsibly cured within the provided time, Luna County may require the removal of the item of the Telecommunications Facility.

B. Modification, location, or construction without Permit: If any equipment or item has been located, constructed, or modified without a permit, or in a manner inconsistent with the approved permit requirements, and the Facilities have been located, constructed, or modified without first obtaining, or in a way not authorized by the required Permit or any other necessary authorization, Luna County may require the removal of the item, equipment or the Telecommunications Facility.

C. Lack of Insurance: If a Permit holder has failed to comply with the liability insurance requirements required by Luna County, Luna County may require the removal of the item, equipment or the Telecommunications Facility.

D. Notification of Violation: If Telecommunications Facilities are repaired, rebuilt, placed, moved, relocated, modified, or maintained in a way not in compliance with this Ordinance or the Telecommunication Permit or the Conditional Use Permit, Luna County shall notify the Permit holder in writing of such violation. If the makes such a determination that removal of an item, equipment or Telecommunications Facility is required, then Luna County shall notify the Permit holder within forty-eight (48) hours that said items are to be removed. Luna County may approve an interim temporary use agreement/permit, such as to enable the removal and/or sale of the item.

E. Failure to Cure: After receiving notice of a violation, the permit holder shall have ninety (90) calendar days to cure or remove the violation. Luna County shall extend such cure period as necessary upon the Permit holder demonstrating that despite good faith efforts, such default cannot be reasonably cured.

E. Failure to Cure (Removal of an item, equipment, or Telecommunications Facility is not required): For all violations other than a violation which requires removal of an item, equipment, or Telecommunications Facility, a Permit holder has thirty (30) days to cure such violation(s) after notice has been mailed or delivered to the Permit holder's

address of record. Luna County may extend the cure period upon demonstration that the Permit holder has made good faith efforts to cure and that despite its good faith efforts, such default cannot be reasonably cured within the provided time.

F. Failure to Cure (Removal of the item, equipment, or (Telecommunications Facility is required): If the permit holder cannot cure the violation that involves removal of an item, equipment, or Telecommunications Facility within the cure period, the permit holder shall dismantle and remove such item, and any associated structures, from the site and restore the site to as close to its original condition as possible, reasonable wear and tear excepted, within ninety (90) days of the expiration of the cure period.

G. Removal by Luna County: If the item, equipment or Telecommunications Facility is not removed or substantial progress has not been made to remove it within ninety (90) days of the permit holder receiving notice, then Luna County may order officials or representatives of Luna County to remove the item at the sole expense of the owner or Permit holder.

H. Sale upon Abandonment: If Luna County removes or causes to be removed the item, and the owner does not claim and remove it from the site to a lawful location within one hundred twenty (120) days, then Luna County may take steps to declare the item abandoned, and sell it and its components.

I. Temporary Use Permit/Agreement: Notwithstanding anything in this Section to the contrary, Luna County may approve an interim use permit/agreement for the item for no more than ninety (90) days, during which time a suitable plan for removal, conversion or re-location of the affected item shall be developed by the holder of the Permit, subject to the approval of Luna County, and an agreement to such plan shall be executed by the holder of the Permit and Luna County. In the case that such a plan is not developed, approved, and completed within the ninety (90) day time period, Luna County may take possession of and dispose of the affected item in the manner provided in this Section.

J. Emergency Removal: If Luna County determines the item is hazardous, creates an emergency situation, or adversely affects public safety, Luna County may remove or cause to be removed the item after three (3) days written notice to the Permit holder or the holder of the Certificate of Compliance.

K. Failure to Cure: A Permit holder still in violation after the expiration of the cure period may be considered in default, subject to fines as outlined in this Ordinance, and the Permit is subject to revocation.

L. Fines: A Permit holder who violates this Ordinance may be fined up to \$500 for each violation, and each day that a violation exists shall be deemed to be a separate violation.

Section 2. REPEALER

All ordinances or parts of ordinances in conflict or inconsistent herewith are hereby repealed to the extent of such inconsistency. Specifically, Ordinance No. 53 Revised is hereby repealed and replaced with this Ordinance No. 53; Second Amendment. This repealer shall not be construed to revive any ordinance or part of any ordinance regarding the same subject matter heretofore repealed.

Section 3. SAVINGS CLAUSE

If any section, paragraph, clause, or provision of this Ordinance for any reason shall be held to be invalid or unenforceable, the invalidity or unenforceability of such Section, paragraph, clause, or provision shall not affect any other part of this Ordinance.

Section 4. EFFECTIVE DATE

All County Ordinances, immediately after their passage, shall be recorded and authenticated in the Clerk's office and shall take effect 30 days after the recording. Notwithstanding this provision, when a Board of County Commissioners declares that it is necessary for the public peace, health and safety that an Ordinance shall take effect immediately after passage, that Ordinance shall take effect immediately upon recording.

APPROVED AND ADOPTED THIS 8TH DAY OF SEPTEMBER, 2022

**BOARD OF COUNTY COMMISSIONERS
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**

LCBCC Meeting September 8, 2022

Accounts Payable

08/04/2022	\$330092.72
08/04/2022	\$8537.97
08/11/2022	\$631806.93
08/11/2022	\$8886.24
08/18/2022	\$135554.00
08/18/2022	\$19582.70
08/25/2022	\$239774.40
08/25/2022	\$5510.30

P-Cards
July 2022

\$115220.52

Total \$1,494,965.78

Luna County
Board of County Commissioners



Agenda 09/08/2022

PAYROLL

Date	Register	Amount
08/12/2022	20220125	\$573,436.17
08/12/2022	*20220126	\$22,847.26
08/26/2022	20220127	\$583,928.53
08/26/2022	*20220128	\$31,037.66
08/26/2022	*20220129	\$19,181.60

Total: \$1,230,431.22

* Special Assignment Pay

**LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS**

**RESOLUTION NO. 22-60
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 8th DAY OF SEPTEMBER 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

MEMO

To: County Manager/Commissioners
From: Joanne C. Hethcox, CPM®
Department: Business Office
Date: 08/29/2022

Total of Request

Re: Budget Request for a BUDGET TRANSFER [] \$

BUDGET INCREASE [x] \$-4237713.78

INCREASE TO

FUND or Line Item Number	Line Item Description	Current Line Balance	Proposed Transfer Amount
401-07-2005	Salaries – Overtime		700.00
401-20-2008	Printing & Publishing		200.00
405-06-2005	Salaries – Overtime		6500.00
407-07-2005	Salaries – Overtime		700.00
407-07-2010	Mileage/Per Diem		11920.00
407-07-2011	Vehicle Expense		1500.00
407-07-2036	Administrative Expense		1000.00
407-07-2060	Match – Medicare		256.89
407-07-2063	Match – PERA		2845.63
407-07-2064	Match – FICA		1098.81
407-07-2065	Match – Group Insurance		14732.22
407-07-2066	Workers' Comp Assmnt		27.60
407-07-2070	Match – RHCA		331.47
408-00-2002	Salaries – Full-Time		40666.08
408-00-2006	Postage		-1500.00
408-00-2007	Telephone		-2967.02
408-00-2008	Printing & Publishing		-630.32
408-00-2009	Office Supplies		-6982.37
415-17-2011	Vehicle Expense		-542.30
415-52-2063	Match – PERA		90637.70
415-52-2064	Match – FICA		36028.19
415-52-2065	Match – Group Insurance		93888.96
415-52-2066	Workers' Comp Assmnt		92.00
415-52-2069	Membership Dues/Subscriptions		28850.00
415-52-2070	Match – RHCA		10557.68
415-52-2101	Professional/Contract Services		22000.00
415-52-2321	St. Joseph's Good Neighbor Grant		125.00
421-00-2007	Telephone		1000.00
421-00-2008	Printing & Publishing		500.00
421-00-2009	Office Supplies		750.00
701-72-1761	ERROR – Bad Line Item (Remove if on LGBMS)		-4592000.00

Be it remembered that at a Regular meeting of the Board of County Commissioners of Luna County in Deming NM on the 8th day of September, 2022, the following budget adjustments are proposed and entered of record.

SCHEDULE OF BUDGET ADJUSTMENTS			Budget Resolution Number 22-60 Proposed Inter/Intra FUND Budget Increase/Decrease CORRECTIONS TO DFA LGBMS SYSTEM ONLY						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 - Treasurers	401/11000	\$ 700.00	401-07-2005 Salaries - Overtime	\$ 700.00	Formula correction for upload into DFA LGBMS System - ONLY ADJUSTING LGBMS BUDGET	\$ -	\$ 700.00
			General Fund - Dispatch	401/11000	\$ 200.00	401-20-2008	\$ 200.00	Formula correction for upload into DFA LGBMS System - ONLY ADJUSTING LGBMS BUDGET	\$ -	\$ 200.00
		405/20300	Re-Appraisal Fund	405/20300	\$ 6,500.00	405-06-2005 Salaries - Overtime	\$ 6,500.00	Formula correction for upload into DFA LGBMS System - ONLY ADJUSTING LGBMS BUDGET	\$ -	\$ 6,500.00
		407/29900	Treasurers - MH Fund	407/29900	\$ 700.00	407-07-2005 Salaries - Overtime	\$ 700.00	Formula correction for upload into DFA LGBMS System - ONLY ADJUSTING LGBMS BUDGET	\$ -	\$ 700.00
		407/29900	Treasurers - MH Fund	407/29900	\$ 11,920.00	407-07-2010 Mileage/Per Diem	\$ 11,920.00	Formula correction for upload into DFA LGBMS System - ONLY ADJUSTING LGBMS BUDGET	\$ -	\$ 11,920.00
		407/29900	Treasurers - MH Fund	407/29900	\$ 1,500.00	407-07-2011 Vehicle Expense	\$ 1,500.00	Formula correction for upload into DFA LGBMS System - ONLY ADJUSTING LGBMS BUDGET	\$ -	\$ 1,500.00
		407/29900	Treasurers - MH Fund	407/29900	\$ 1,000.00	407-07-2036 Administrative Expense	\$ 1,000.00	Formula correction for upload into DFA LGBMS System - ONLY ADJUSTING LGBMS BUDGET	\$ -	\$ 1,000.00
		407/29900	Treasurers - MH Fund	407/29900	\$ 256.89	407-07-2060 Match - Medicare 1.45%	\$ 256.89	Formula correction for upload into DFA LGBMS System - ONLY ADJUSTING LGBMS BUDGET	\$ -	\$ 256.89
		407/29900	Treasurers - MH Fund	407/29900	\$ 2,845.63	407-07-2063 Match - PERA 17.17%	\$ 2,845.63	Formula correction for upload into DFA LGBMS System - ONLY ADJUSTING LGBMS BUDGET	\$ -	\$ 2,845.63
		407/29900	Treasurers - MH Fund	407/29900	\$ 1,098.81	407-07-2064 Match - FICA 6.2%	\$ 1,098.81	Formula correction for upload into DFA LGBMS System - ONLY ADJUSTING LGBMS BUDGET	\$ -	\$ 1,098.81
		407/29900	Treasurers - MH Fund	407/29900	\$ 14,732.22	407-07-2065 Match - Group Insurance	\$ 14,732.22	Formula correction for upload into DFA LGBMS System - ONLY ADJUSTING LGBMS BUDGET	\$ -	\$ 14,732.22
		407/29900	Treasurers - MH Fund	407/29900	\$ 27.60	407-07-2066 Workers' Comp Assmnt	\$ 27.60	Formula correction for upload into DFA LGBMS System - ONLY ADJUSTING LGBMS BUDGET	\$ -	\$ 27.60
		407/29900	Treasurers - MH Fund	407/29900	\$ 331.47	407-07-2070 Match - RHCA 2.0%	\$ 331.47	Formula correction for upload into DFA LGBMS System - ONLY ADJUSTING LGBMS BUDGET	\$ -	\$ 331.47
		408/22300	DWI Grant	408/22300	\$ 40,666.08	408-00-2002 Salaries - Full-Time	\$ 40,666.08	Formula correction for upload into DFA LGBMS System - ONLY ADJUSTING LGBMS BUDGET	\$ -	\$ 40,666.08
		408/22300	DWI Grant	408/22300	\$ (1,500.00)	408-00-2006 Postage	\$ (1,500.00)	Formula correction for upload into DFA LGBMS System - ONLY ADJUSTING LGBMS BUDGET	\$ -	\$ (1,500.00)
		408/22300	DWI Grant	408/22300	\$ (2,967.02)	408-00-2007 Telephone	\$ (2,967.02)	Formula correction for upload into DFA LGBMS System - ONLY ADJUSTING LGBMS BUDGET	\$ -	\$ (2,967.02)

ITEM NO	Adjustment Type	Fund/ DFA Fund	Dept.	From	Amount	To	Amount	Purpose	Approved Budget Balance	Adjusted Budget Balance
		408/22300	DWI Grant	408/22300	\$ (630.32)	408-00-2008 Printing & Publishing	\$ (630.32)	Formula correction for upload into DFA LGBMS System - ONLY ADJUSTING LGBMS BUDGET	\$ -	\$ (630.32)
		408/22300	DWI Grant	408/22300	\$ (6,982.37)	408-00-2009 Office Supplies	\$ (6,982.37)	Formula correction for upload into DFA LGBMS System - ONLY ADJUSTING LGBMS BUDGET	\$ -	\$ (6,982.37)
		415/21800	Community Services - LC Health Council	415/21800	\$ (542.30)	415-17-2011 Vehicle Expense	\$ (542.30)	Formula correction for upload into DFA LGBMS System - ONLY ADJUSTING LGBMS BUDGET	\$ -	\$ (542.30)
		415/21800	Community Services - Parents As Teachers	415/21800	\$ 90,637.70	415-52-2063 Match - PERA 17 17%	\$ 90,637.70	Formula correction for upload into DFA LGBMS System - ONLY ADJUSTING LGBMS BUDGET	\$ -	\$ 90,637.70
		415/21800	Community Services - Parents As Teachers	415/21800	\$ 36,028.19	415-52-2064 Match - FICA 6.2%	\$ 36,028.19	Formula correction for upload into DFA LGBMS System - ONLY ADJUSTING LGBMS BUDGET	\$ -	\$ 36,028.19
		415/21800	Community Services - Parents As Teachers	415/21800	\$ 93,888.96	415-52-2065 Match - Group Insurance	\$ 93,888.96	Formula correction for upload into DFA LGBMS System - ONLY ADJUSTING LGBMS BUDGET	\$ -	\$ 93,888.96
		415/21800	Community Services - Parents As Teachers	415/21800	\$ 92.00	415-52-2066 Workers' Comp Assmnt	\$ 92.00	Formula correction for upload into DFA LGBMS System - ONLY ADJUSTING LGBMS BUDGET	\$ -	\$ 92.00
		415/21800	Community Services - Parents As Teachers	415/21800	\$ 28,850.00	415-52-2069 Membership Dues/ Subscriptions	\$ 28,850.00	Formula correction for upload into DFA LGBMS System - ONLY ADJUSTING LGBMS BUDGET	\$ -	\$ 28,850.00
		415/21800	Community Services - Parents As Teachers	415/21800	\$ 10,557.68	415-52-2070 Match - RHCA 2.0%	\$ 10,557.68	Formula correction for upload into DFA LGBMS System - ONLY ADJUSTING LGBMS BUDGET	\$ -	\$ 10,557.68
		415/21800	Community Services - Parents As Teachers	415/21800	\$ 22,000.00	415-52-2101 Professional/ Contract Services	\$ 22,000.00	Formula correction for upload into DFA LGBMS System - ONLY ADJUSTING LGBMS BUDGET	\$ -	\$ 22,000.00
		415/21800	Community Services - Parents As Teachers	415/21800	\$ 125.00	415-52-2321 St. Joseph's Good Neighbor Grant	\$ 125.00	Formula correction for upload into DFA LGBMS System - ONLY ADJUSTING LGBMS BUDGET	\$ -	\$ 125.00
		421/21800	Domestic Violence Shelter	421/21800	\$ 1,000.00	421-00-2007 Telephone	\$ 1,000.00	Formula correction for upload into DFA LGBMS System - ONLY ADJUSTING LGBMS BUDGET	\$ -	\$ 1,000.00
		421/21800	Domestic Violence Shelter	421/21800	\$ 500.00	421-00-2008 Printing & Publishing	\$ 500.00	Formula correction for upload into DFA LGBMS System - ONLY ADJUSTING LGBMS BUDGET	\$ -	\$ 500.00
		421/21800	Domestic Violence Shelter	421/21800	\$ 750.00	421-00-2009 Office Supplies	\$ 750.00	Formula correction for upload into DFA LGBMS System - ONLY ADJUSTING LGBMS BUDGET	\$ -	\$ 750.00
		701/59900	School Operations	701/59900	\$ (4,592,000.00)	701-72-1761 ERROR - BAD LINE ITEM	\$ (4,592,000.00)	Formula correction for upload into DFA LGBMS System - ONLY ADJUSTING LGBMS BUDGET	\$ -	\$ (4,592,000.00)
					\$ (4,237,713.78)		\$ (4,237,713.78)	DFA LGBMS System - ONLY ADJUSTING LGBMS BUDGET	\$ -	\$ (4,237,713.78)

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 8th day of September 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

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Purpose budget adjustment: (to pay for what?)

REASON FOR TRANSFER (why is current budget insufficient).

Correct final budget – where formula became off a line or was left out inadvertently.

Department Head Signature: Joanne C. Hethcox

**ADJUSTMENT ON LGBMS ONLY –
BUDGET CORRECTION MADE IN TRIADIC ON 08/26/2022**

**LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS**

**RESOLUTION NO. 22-61
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 8th DAY OF SEPTEMBER, 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 8th day of September, 2022 the following budget adjustments are proposed and entered of record.

Budget Resolution Number 22-61

Proposed Inter Department Transfer CORRECTIONS TO DFA LGBMS SYSTEM ONLY

ITEM NO	Adjustment Type	Fund/ DFA Fund	Dept.	From	FROM Current Balance	Transfer amount	TO Line Number	Transfer Amount	Purpose
One	Transfer	401/11000	General Fund - Assessors	401-06-2028 Capital Outlay		\$6,360.55	401-06-2060 Match - Medicare 1.45%	\$6,360.55	Formula correction for upload into DFA LGBMS System - ONLY ADJUSTING LGBMS BUDGET
				401-06-2060 Match - Medicare 1.45%		\$69,389.48	401-06-2063 Match - PERA 17.17%	\$69,389.48	Formula correction for upload into DFA LGBMS System - ONLY ADJUSTING LGBMS BUDGET
				401-06-2063 Match - PERA 17.17%		\$27,206.46	401-06-2064 Match - FICA 6.2%	\$27,206.46	Formula correction for upload into DFA LGBMS System - ONLY ADJUSTING LGBMS BUDGET
				401-06-2064 Match - FICA 6.2%		\$61,506.48	401-06-2065 Match - Group Insurance	\$61,506.48	Formula correction for upload into DFA LGBMS System - ONLY ADJUSTING LGBMS BUDGET
				401-06-2065 Match - Group Insurance		\$101.20	401-06-2066 Workers' Comp Assmnt	\$101.20	Formula correction for upload into DFA LGBMS System - ONLY ADJUSTING LGBMS BUDGET
				401-06-2066 Workers' Comp Assmnt		\$800.00	401-06-2069 Membership Dues/ Subscriptions	\$800.00	Formula correction for upload into DFA LGBMS System - ONLY ADJUSTING LGBMS BUDGET
				401-06-2069 Membership Dues/ Subscriptions		\$8,082.64	401-06-2070 Match - RHCA 2.0%	\$8,082.64	Formula correction for upload into DFA LGBMS System - ONLY ADJUSTING LGBMS BUDGET
				401-06-2070 Match - RHCA 2.0%		\$250.00	401-06-2271 Health/Safety Training	\$250.00	Formula correction for upload into DFA LGBMS System - ONLY ADJUSTING LGBMS BUDGET
					\$0.00	\$173,696.81		\$173,696.81	

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 8th day of September 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

MEMO

To: County Manager/Commissioners
From: Joanne C. Hethcox, CPM®
Department: Business Office
Date: 08/29/2022

Total of Request

Re: Budget Request for a BUDGET TRANSFER [X] \$ 0.00

BUDGET INCREASE [] \$

TRANSFER FROM

FUND or Line Item Number	Line Item Description	Current Line Balance	Proposed Transfer Amount
401-06-2028	Capital Outlay (Assessors)		-6360.55
401-06-2060	Match-Medicare		-69389.48
401-06-2063	Match-PERA		-27206.46
401-06-2064	Match-FICA		-61506.48
401-06-2065	Match-Group Insurance		-101.20
401-06-2066	Workers' Comp Assessment		-800.00
401-06-2069	Membership Dues/Subscriptions		-8082.64
401-06-2070	Match-RHCA		-250.00

TRANSFER TO

FUND or Line Item Number	Line Item Description	Current Line Balance	Proposed Transfer Amount
401-06-2060	Match – Medicare		6360.55
401-06-2063	Match – PERA		69389.48
401-06-2064	Match-FICA		27206.46
401-06-2065	Match-Group Insurance		61506.48
401-06-2066	Workers' Comp Assessment		101.20
401-06-2069	Membership Dues/Subscriptions		800.00
401-06-2070	Match-RHCA		8082.64
401-06-2271	Health/Safety/Training		250.00

Purpose budget adjustment: (to pay for what?)

REASON FOR TRANSFER (why is current budget insufficient).

Correct final budget – where formula became off a line or was left out inadvertently.

Department Head Signature: 

ADJUSTMENT ON LGBMS ONLY –
BUDGET CORRECTION MADE IN TRIADIC ON 08/26/2022

**LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS**

RESOLUTION NO. 22-62
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 8th DAY OF SEPTEMBER 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 8th day of September, 2022, the following budget adjustments are proposed and entered of record.

SCHEDULE OF BUDGET ADJUSTMENTS				Budget Resolution Number 22-62 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 - Sheriff's	401/11000	\$ 8,902.22	401-08-2074 Tort Liability	\$ 8,902.22	To adjust for claims paid from prior fiscal year claims	\$ 25,000.00	\$ 33,902.22
Two	Increase	401/1100	General Fund - Dispatch	401/11000	\$ (4,176.00)	401-77-1265 (Revenue) 911 Training Reimbursement	\$ (4,176.00)	To account for reimbursed funds from E-911 Funds from DFA	\$ -	\$ (4,176.00)
					\$ 4,176.00	401-20-2009 Office Supplies	\$ 1,000.00	To account for reimbursed funds from E-911 Funds from DFA	\$ 3,000.00	\$ 4,000.00
					\$ 3,176.00	401-20-2084 Safety/Equip/ Supplies/Training	\$ 3,176.00	To account for reimbursed funds from E-911 Funds from DFA	\$ 6,995.00	\$ 10,171.00
Three	Increase	605/21100	Law Enforcement Protection Fund	605/21100	\$ 11,148.77	605-08-2012 Equip/Supplies/ Mnt/Repairs	\$ 11,148.77	To allow for spending of all LEPPF funds and clear any carryover balance ALREADY ENTERED IN LGBMS	\$ 53,000.00	\$ 64,148.77
Four	Increase	610/21800	Drug Investigation - OHV Grant	610/21800	\$ (1,420.00)	610-77-1328 (Revenue) OHV Program Grant	\$ (1,420.00)	To account for OHV grant for this fiscal year as awarded	\$ (11,180.00)	\$ (12,600.00)
					\$ 1,420.00	610-44-2005 Salaries - Overtime	\$ 1,391.00	To account for OHV grant for this fiscal year as awarded	\$ 11,020.00	\$ 12,411.00
					\$ 29.00	610-44-2060 Match - Medicare 1.45%	\$ 29.00	To account for OHV grant for this fiscal year as awarded	\$ 159.79	\$ 188.79
Five	Increase	801/599	Entertainment Complex	801/59900	\$ 482,826.06	801-80-2029 Capital Improvements	\$ 353,489.73	Correct Final Budget - Formula was offset one line and carried over incorrect amounts.	\$ -	\$ 353,489.73
					\$ 7,441.04	801-80-2060 Match - Medicare 1.45%	\$ 7,441.04	Correct Final Budget - Formula was offset one line and carried over incorrect amounts.	\$ 362.50	\$ 7,803.54
					\$ 49,278.36	801-80-2063 Match - PERA 17.17%	\$ 49,278.36	Correct Final Budget - Formula was offset one line and carried over incorrect amounts.	\$ 4,292.50	\$ 53,570.86
					\$ 31,824.28	801-80-2064 Match - FICA 6.2%	\$ 31,824.28	Correct Final Budget - Formula was offset one line and carried over incorrect amounts.	\$ 1,550.00	\$ 33,374.28
					\$ 34,726.80	801-80-2065 Match - Group Insurance	\$ 34,726.80	Correct Final Budget - Formula was offset one line and carried over incorrect amounts.	\$ -	\$ 34,726.80
					\$ 450.80	801-80-2066 Workers' Comp Assmnt	\$ 450.80	Correct Final Budget - Formula was offset one line and carried over incorrect amounts.	\$ -	\$ 450.80
					\$ 5,615.05	801-80-2070 Match - RHCA 2.0%	\$ 5,615.05	Correct Final Budget - Formula was offset one line and carried over incorrect amounts.	\$ 625.00	\$ 6,240.05

ITEM NO	Adjustment Type	Fund/ DFA Fund	Dept.	From	Amount	To	Amount	Purpose	Approved Budget Balance	Adjusted Budget Balance
					\$ 502,877.05		\$ 502,877.05		\$ 94,824.79	\$ 597,701.84

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 8th day of September 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

MEMO

To: County Manager/Commissioners

From: Kelly Gannaway, Sheriff

Department: Sheriff's

Date: 08/25/2022

Total of Request

Re: Budget Request for a BUDGET TRANSFER [] \$

BUDGET INCREASE [✓] \$ 8902.22

TRANSFER FROM

FUND or Line Item Number	Line Item Description	Current Line Balance	Proposed Transfer Amount
401-77	General fund		8,902.22

TRANSFER TO

FUND or Line Item Number	Line Item Description	Current Line Balance	Proposed Transfer Amount
401-08-2074	Tort Liability	-8,902.22	8,902.22

Purpose budget adjustment: (to pay for what?)

Take line item out of negative. Paid NMCI for deductibles on two claims already this FY. We did not anticipate for this to occur.

REASON FOR TRANSFER (why is current budget insufficient).

Department Head Signature: Kelly Gannaway

MEMO

To: County Manager/Commissioners

From: Lauree Sanchez

Department: Central Dispatch

Date: 08/23/2022

Total of Request

Re: Budget Request for a BUDGET TRANSFER [✓] \$ 4,176.00

BUDGET INCREASE [] \$

TRANSFER FROM

FUND or Line Item Number	Line Item Description	Current Line Balance	Proposed Transfer Amount
401-77-1265	911 training reimbursement	4,176.00	4,176.00

TRANSFER TO

FUND or Line Item Number	Line Item Description	Current Line Balance	Proposed Transfer Amount
401202009	OFFICE SUPPLIES		1,000.00
401202084	SAFETY/EQUIP/SUPPLIES/TRAINING		3,176.00

Purpose budget adjustment: (to pay for what?)

Reimbursement for training from the state

REASON FOR TRANSFER (why is current budget insufficient).

reimbursement for training from the state

Department Head Signature: Lauree Sanchez

MEMO

To: County Manager/Commissioners

From: Joanne C. Hethcox

Department: Business Office

Date: 08/23/2022

Total of Request

Re: Budget Request for a BUDGET TRANSFER [] \$

BUDGET INCREASE [✓] \$ 11,148.77

TRANSFER FROM

FUND or Line Item Number	Line Item Description	Current Line Balance	Proposed Transfer Amount

TRANSFER TO

FUND or Line Item Number	Line Item Description	Current Line Balance	Proposed Transfer Amount
605-08-2012	Equipment/Supplies/Mtn/Repairs	\$49,515.00	\$11,148.77

Purpose budget adjustment: (to pay for what?)

To allow for spending all LEPP funds as required by DFA.

REASON FOR TRANSFER (why is current budget insufficient).

Already entered in LQBMS

Department Head Signature: Joanne C. Hethcox

MEMO

To: County Manager/Commissioners

From: Joanne C. Hethcox

Department: Business Office

Date: 08/22/2022

Total of Request

Re: Budget Request for a BUDGET TRANSFER [] \$

BUDGET INCREASE [✓] \$ 1,420.00

TRANSFER FROM

FUND or Line Item Number	Line Item Description	Current Line Balance	Proposed Transfer Amount

TRANSFER TO

FUND or Line Item Number	Line Item Description	Current Line Balance	Proposed Transfer Amount
610-77-1328	OHV Law Enforcement Grant Program	\$-11,180.00	\$-1,420.00
610-44-2005	Salareis - OT	\$11,020.00	\$1,391.00
610-44-2060	Match - Medicare 1.45%	\$159.79	\$29.00

Purpose budget adjustment: (to pay for what?)

To increase budget to match OHV award for this fiscal year.

REASON FOR TRANSFER (why is current budget insufficient).

Final award was unknown at final budget preparation.

Department Head Signature: _____

Joanne C. Hethcox

GRANT AGREEMENT

For the Luna County Sheriff's Office Grant #2022-2023-2

This AGREEMENT ("Agreement") entered into on _____, by and between the NEW MEXICO DEPARTMENT OF GAME AND FISH, an agency of the State of New Mexico, hereinafter called the "Department," and the, LUNA COUNTY SHERIFF'S OFFICE, hereinafter called the "Sheriff's Office", collectively, the "Parties".

WITNESETH:

WHEREAS, the Off-Highway Motor Vehicle Act ("Act"), NMSA 1978, Section 66-3-1018.B(8) directs the Department to accept and evaluate all applications for grants from the Trail Safety Fund ("Fund") for the implementation of the provisions of the Act;

WHEREAS, the Department recognizes that public Off Highway Vehicle (OHV) recreation plays an important role in promoting local economic and outdoor recreational activity;

WHEREAS, the Department has evaluated and reviewed a law enforcement plan submitted by the Sheriff's Office for OHV safety awareness patrols in Luna County. Patrols will focus on resource damage protection and safety equipment requirements, (the "Project");

WHEREAS, the Fund is presently capable of covering a portion of the costs associated with the Project, subject to and for the term of this agreement;

WHEREAS, both parties to this agreement desire to increase compliance of New Mexico's OHV Act as indicated in the approved Grant Application ("Grant Application"), attached hereto as "Attachment 1" and incorporated herein by reference.

NOW, THEREFORE, the Parties hereby agree as follows:

A. Purpose

The Parties enter into this agreement to memorialize their agreement concerning the granting of funds by the Department to the Sheriff's Office for the purpose of increasing compliance of New Mexico's OHV Act through the use of coordinated law enforcement patrol efforts on public lands by federal and state agencies.

B. Scope

1. The Sheriff's Office shall:

- a. Conduct highly visible OHV specific law enforcement and educational patrols

(patrols) on state and federal lands in law enforcement recreational off-highway vehicles and truck units. The focus of the Luna County Sheriff's Deputies will be enforcement of all State of New Mexico OHV violations to include juveniles with no safety equipment, operators with no spark arrestors, and vehicles with no registration.

- b. Certified officers must teach a minimum of one hands-on OHV safety trainings to the general public. Sheriff's deputies who have not attended an OHV Act certification must obtain training before performing any OHV related overtime activities.
- c. Utilize the funds granted via this agreement between July 1, 2022, and June 16, 2023, only for the purpose of conducting OHV law enforcement patrols and education on public lands.
- d. Provide copies of overtime time sheets, activity reports, including patrol summary (This form was included in the 2022-2023 OHV Law Enforcement Grant Application), patrol hours, OHV contacts, number of OHV citations, number of OHV warnings, number of non-OHV citations issued while on OHV patrol, and total number of each. A copy of accident reports and arrest reports will be included if applicable.
- e. Permit the Department, its employees or agents, to inspect the Project and all financial and related records at any and all reasonable times during the term of the agreement. This Project will be implemented by the Sheriff's Office in accordance with the goals, terms, and conditions of the approved Grant Application.
- f. Fully comply with all federal, state and local laws, rules, regulations, etc. applicable or related to this agreement.

2. The Sheriff's Office agrees:

- a. This agreement does not establish an employee/employer relationship between the Department and the Sheriff's Office nor any person employed by the Sheriff's Office for any purpose.
- b. To pay all required state, federal or local taxes and fees, including unemployment insurance and Workers Compensation Insurance or other assessments related to the employment of any person or individual by the Sheriff's Office.
- c. To provide the Department with the required documentation of the actual patrol hourly wage costs incurred while patrolling in the format and by the dates set forth below. The Sheriff's Office agrees to allow and permit Legislative or Department auditors' access to its records for the purpose of determining that the grant funding, which is the subject of this agreement, is administered in

accordance with the terms and conditions set forth in this agreement.

d. That no employee, officer, or agent of the Sheriff's Office shall participate in the selection, award, or administration of a contract supported by the Fund dollars under this agreement if a real or apparent conflict of interest would be involved. Goods or services may not be purchased by the Sheriff's Office from any business in which an employee or official of the Sheriff's Office has a financial or other interest.

e. And acknowledges that the Department may unilaterally terminate this agreement at any time due to the Sheriff's Office failure to comply with any of the provisions of this agreement.

3. The Department agrees:

a. To provide a maximum of \$12,600.00 to the Sheriff's Office for approved direct and documented patrols as identified in the approved Grant Application.

b. That grant funds may be provided in accordance with the following schedule:

i. For patrols conducted during the period of July 1, 2022 through September 30, 2022, the Sheriff's Office shall submit documentation as described in paragraph B.1.d no later than October 31, 2022.

ii. For patrols conducted during the period of October 1, 2022 through December 31, 2022, the Sheriff's Office shall submit documentation as described in paragraph B.1.d no later than January 31, 2023.

iii. For patrols conducted during the period of January 1, 2023 through March 31, 2023, the Sheriff's Office shall submit documentation as described in paragraph B.1.d no later than April 30, 2023.

iv. For patrols conducted during the period of April 1, 2023 through June 16, 2023, the Sheriff's Office shall submit documentation as described in paragraph B.1.d no later than June 16, 2023.

v. Upon approval of the submitted documentation the Department will reimburse the Sheriff's Office for approved expenditures not to exceed the cumulative maximum of \$12,600.00, as stated above. Such payment will be made not later than forty-five (45) days following approval of the submitted documentation.

c. That any funds not supported by adequate documentation shall not be paid and will be retained in the Fund.

C. General Provisions

1. **Liability and Sovereign Immunity.** By entering into this agreement, each party agrees that it shall be responsible for liability arising from personal injury or damage to property occasioned by its own agents or employees in the performance of this agreement, subject to the immunities and limitations of the New Mexico Tort Claims Act, NMSA 1978, Sections 41-4-1 through 41-4-29, and any amendments thereto. This section is intended only to define the liabilities between the parties hereto and is not intended to modify, in any way, the parties' liabilities as governed by common law and the New Mexico Tort Claims Act. The parties, and their "public employees" as defined in the New Mexico Tort Claims Act do not waive sovereign immunity and do not waive any defense of any limitation of liability pursuant to law. No provision of this agreement waives and/or modifies any provision of the New Mexico Tort Claims Act.
2. **Appropriations.** The terms of this agreement are contingent upon sufficient appropriation and authorization being made by the Legislature of New Mexico for the performance of this agreement. If sufficient appropriations and authorizations are not made by the Legislature, or withdrawn, this agreement shall terminate immediately. The Department's decision as to whether sufficient appropriations are available shall be accepted by the Sheriff's Office staff and shall be final.
3. **Department of Finance Approval.** This agreement may be subject to the approval of the New Mexico Department of Finance and Administration, and, if so required, shall not be effective until approved.
4. **Eligible activities.** The following activities and expenditures are not eligible for funding under this agreement:
 - a. projects that displace fish and wildlife species or reduce habitat;
 - b. trail projects on trails not approved by the appropriate land management agency or private landowner;
 - c. fulfillment costs, such as envelopes and supplies;
 - d. communication costs, such as telephone expenses;
 - e. administration expenses, including but not limited to salaries, per diem (travel expenses, mileage, gasoline, meals or lodging), over-run, entertainment, supplies, taxes, and other categories not attributable to on-the-ground law enforcement patrols;
 - f. costs for the purchase of equipment where rental opportunities can reasonably accommodate; and
5. **Notice and Communication.** All notices and communications required or permitted under this agreement shall be in writing and shall be delivered in person, by courier

service or by the U.S. mail, either first class or certified, return receipt requested, postage prepaid, as follows:

To the Department:

Street/Mailing address: 7816 Alamo Rd. NW, Albuquerque, NM 87120
Attention: Desi Ortiz

To the Luna County Sheriff's Office:

Mailing address: 2462 J Street SE, Deming, NM 88030
Attention: Lieutenant David Holguin

6. **Term.** The term of this agreement shall commence upon its full execution or upon approval of the Department of Finance and Administration if such approval is required, and shall end on June 16, 2023 unless sooner terminated under paragraph B.2.e or C.2, above.
7. **Termination.**
 - a. Either party may terminate this agreement for convenience or cause upon written notice of termination at least thirty (30) days prior to the intended date of termination.
 - b. Except as otherwise expressly allowed or provided under this agreement, the Department's sole liability upon termination shall be to pay for acceptable work performed prior to the Sheriff's Office receipt or issuance of a notice of termination; provided, however, that a notice of termination shall not nullify or otherwise affect either party's liability for pre-termination defaults under or breaches of this agreement. The Sheriff's Office shall submit an invoice for such work within thirty (30) days of receiving or sending the notice of termination. This provision is not exclusive and does not waive the party's other legal rights and remedies caused by the other party's default/breach of this agreement.
8. **Subcontracting.** The Contractor shall not subcontract any portion of the services to be performed under this agreement without the prior written approval of the Department. No such subcontract shall relieve the primary Contractor from its obligations and liabilities under this Agreement, nor shall any subcontract obligate direct payment from the Department.
9. **Release.** Final payment of the amounts due under this agreement shall operate as a release of the Department, its officers and employees, and the State of New Mexico from all liabilities, claims and obligations whatsoever arising from or under this agreement.
10. **Amendment.** This agreement shall not be altered, changed, or amended except by

instrument in writing executed by the Parties hereto and all other required signatories.

- 11. Indemnification.** The Sheriff's Office shall defend, indemnify and hold harmless the Department and the State of New Mexico from all actions, proceeding, claims, demands, costs, damages, attorneys' fees and all other liabilities and expenses of any kind from any source which may arise out of the performance of this agreement, caused by the negligent act or failure to act of the Sheriff's Office, its officers, employees, servants, subcontractors or agents, or if caused by the actions of any client of the Sheriff's Office resulting in injury or damage to persons or property during the time when the Sheriff's Office or any officer, agent, employee, servant or subcontractor thereof has or is performing activities pursuant to this agreement.
- 12. Enforcement of Agreement.** A party's failure to require strict performance of any provision of this agreement shall not waive or diminish that party's right thereafter to demand strict compliance with that or any other provision. No waiver by a party of any of its rights under this agreement shall be effective unless express and in writing, and no effective waiver by a party of any of its rights shall be effective to waive any other rights.
- 13. Authority.** If the Sheriff's Office is other than a natural person, the individual(s) signing this agreement on behalf of the Sheriff's Office represents and warrants that he or she has the power and authority to bind the Sheriff's Office, and that no further action, resolution, or approval from the Sheriff's Office is necessary to enter into a binding agreement.

New Mexico Department of Game and Fish

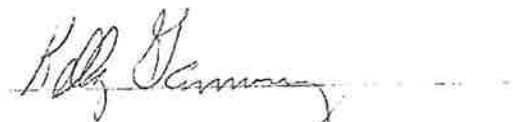


Michael Sloane, Director

7/21/2022

Date

Luna County Sheriff's Office



8-9-22

GRANT 12,600.00
OT- 12,411.00
Medicare- 189.00

MEMO

To: County Manager/Commissioners
From: Joanne C. Hethcox, CPM®
Department: Business Office
Date: 09/01/2022

Total of Request

Re: Budget Request for a BUDGET TRANSFER [] \$

BUDGET INCREASE [X] \$ 482,826.06

TRANSFER FROM

FUND or Line Item Number	Line Item Description	Current Line Balance	Proposed Transfer Amount

TRANSFER TO

FUND or Line Item Number	Line Item Description	Current Line Balance	Proposed Transfer Amount
801-80-2029	Capital Improvement	\$-18,195.94	\$353,489.73
801-80-2060	Match – Medicare 1.45%	\$-1,011.88	\$7,441.04
801-80-2063	Match – PERA 17.17%	\$-168.74	\$49,278.36
801-80-2064	Match – FICA 6.2%	\$-4,326.49	\$31,824.28
801-80-2065	Match – Group Insurance	\$-3,085.64	\$34,726.80
801-80-2066	Workers' Comp Assmnt	\$0.00	\$450.80
801-80-2070	Match – RHCA 2.0%	\$-138.96	\$5,615.05

Purpose budget adjustment: (to pay for what?) To fix final budget – a link was interrupted and went off-line causing several line items to be inaccurate. Capital Improvement was not carried over from prior fiscal year.

REASON FOR TRANSFER (why is current budget insufficient).

Department Head Signature: 

**LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS**

RESOLUTION NO. 22-63
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 8th DAY OF SEPTEMBER, 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 8th day of September, 2022 the following budget adjustments are proposed and entered of record.

Budget Resolution Number 22-63

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	415/21800	Community Services - LC Health Council	415-17-2363 Grant MCH	\$51,081.93	\$6,479.46	415-17-2063 Match - PERA 17.17%	\$5,803.46	To adjust budgt for employee benefits from part time to full time status
							415-17-2070 Match - RHCA 1.0%	\$676.00	To adjust budgt for employee benefits from part time to full time status
Two	Transfer	704/20900	LC VFD	704-00-2028 Capital Outlay	\$439,215.16	\$85,000.00	704-00-2011 Vehicle Expense	\$25,000.00	To allow for spending through remainder of fiscal year
							704-00-2075 Equip Operating Expense/Repair	\$15,000.00	To allow for spending through remainder of fiscal year
							704-00-2084 Safety/Equip/ Supplies/Training	\$45,000.00	To allow for spending through remainder of fiscal year
					\$490,297.09	\$91,479.46		\$91,479.46	

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 8th day of September 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

MEMO

To: County Manager/Commissioners
From: Joanne C. Hethcox, CPM®
Department: Business Office
Date: 08/29/2022

Total of Request

Re: Budget Request for a BUDGET TRANSFER [X] \$6479.46

BUDGET INCREASE [X] \$

TRANSFER FROM

FUND or Line Item Number	Line Item Description	Current Line Balance	Proposed Transfer Amount
415-17-2363	Grant MCH	56191.87	-6479.46

TRANSFER TO

FUND or Line Item Number	Line Item Description	Current Line Balance	Proposed Transfer Amount
415-17-2063	Match – PERA	0.00	5803.46
415-17-2070	Match – RHCA	0.00	676.00

Purpose budget adjustment: (to pay for what?) To allow for employees benefits that went from part-time to full-time status.

REASON FOR TRANSFER (why is current budget insufficient).

Department Head Signature: _____

Joanne C Hethcox

MEMO

To: County Manager/Commissioners
From: Joanne C. Hethcox, CPM®
Department: Business Office
Date: 09/01/2022

Total of Request

Re: Budget Request for a BUDGET TRANSFER [X] \$85,000.00

BUDGET INCREASE [] \$

TRANSFER FROM

FUND or Line Item Number	Line Item Description	Current Line Balance	Proposed Transfer Amount
704-00-2028	Capital Outlay	\$439,215.16	\$85,000.00

TRANSFER TO

FUND or Line Item Number	Line Item Description	Current Line Balance	Proposed Transfer Amount
704-00-2011	Vehicle Expense	\$-3,369.13	\$25,000.00
704-00-2075	Equip Operating Expense/Repair	\$-1,145.96	\$15,000.00
704-00-2084	Safety/Equip/Supplies/Training	\$-39,022.13	\$45,000.00

Purpose budget adjustment: (to pay for what?) To adjust budget to account for carryover encumbrances from prior fiscal year and allow for spending through the remainder of this fiscal year.

REASON FOR TRANSFER (why is current budget insufficient).

Department Head Signature: Joanne C. Hethcox

Be it remembered that at a Regular Meeting of the Board of County Commissioners of Luna County in Deming New Mexico, on the 8th day of September 2022, the following proceedings were had and entered of record.

LUNA COUNTY

RESOLUTION 22-64

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 8th day of September 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

STATE OF NEW MEXICO

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

08/04/2022

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

Subj: Disposal of Assets

Year	Make	Model	VIN	Inventory #	Mileage
2005	Ford	500	1FAFP23185G172206	G-00630	103430
	It is currently un operational due to the (TCM) transmission control module and no replacement was able to be located.				
Year	Make	Model	VIN	Inventory #	Mileage

Yossie Nieblas

Yossie Nieblas

County of Luna

Pablo Montoya

RESOLUTION NO.22- 65

Amended Resolution 21-49 Luna County SP Project

PARTICIPATION IN LOCAL GOVERNMENT ROAD FUND PROGRAM ADMINISTERED
BY NEW MEXICO DEPARTMENT OF TRANSPORTATION

WHEREAS, the County of Luna and the New Mexico Department of Transportation enter into a Cooperative Agreement.

WHEREAS, the total cost of the project will be \$78,667.00 to be funded in proportional share by the parties hereto as follows:

- a. New Mexico Department of Transportation's share shall be 75% or \$59,000.00

And

- b. Luna County's proportional matching share shall be 25% or \$19,667.00

TOTAL PROJECT COST IS \$78,667.00

Luna County shall pay all costs, which exceed the total amount of \$78,667.00.

Now therefore, be it resolved in official session that Luna County determines, resolves, and orders as follows:

That the project for this Cooperative agreement is adopted and has a priority standing.

The agreement terminates on December 31, 2022 and Luna County incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements and understandings have been merged into the written agreement.

NOW therefore, be it resolved by the Luna County to re-enter into Cooperative Agreement Control Number HW2 L100501 with the New Mexico Department of Transportation for LGRF Project for year 2021–2022 to change the termini and scope of this project to “Mill 10” existing chip seal, base and compact. Apply 3 lifts of chip seal to improve skid resistance, fog seal, and conform shoulders back to original condition, apply safety striping and signage of Lucca Rd SW from the intersection of Dona Ana Rd SW and Hermanas Grade SW south 7 miles to Sunshine Rd SW to EOP within the control of the Luna County in Deming, Luna County, New Mexico.

Luna County Board of Commissioners

Barbara L. Reedy, Chairman

DATE

Linda Smrkovsky, Member

DATE

John S Sweetser, Member

DATE

Be it remembered that at a regular meeting of the Luna County Board of Commissioners in Deming, New Mexico on the 8th day of September 2022, the following preceding's were had and entered of record.

Resolution 22-66

Hazard Mitigation Plan for Luna County/City of Deming/Village of Columbus

WHEREAS, the natural and man-made hazards exist within Luna County, the City of Deming, and Village of Columbus and these hazards have the potential of causing harm to the citizens, property, economy, and environment within Luna County; and

WHEREAS, the hazards identified for immediate consideration include drought, flooding, and hazardous material transport; and

WHEREAS, the Luna County, City of Deming, Village of Columbus Hazard Mitigation Plan is the result of a cooperative effort of governmental agencies and community input; and

WHEREAS, this Hazard Mitigation Plan updates and will replace all previously adopted plans approved by the Luna County Board of County Commissioners.

NOW, THEREFORE, BE IT RESOLVED, the Luna County Board of Commissioners adopts the Luna County, City of Deming, and Village of Columbus Hazard Mitigation Plan as Luna County's official plan. An official hard copy and an electronic copy of the Luna County, City of Deming, and Village of Columbus Hazard Mitigation Plan will be available at the County Manager's Office.

APPROVED AND ADOPTED THIS 8TH DAY OF SEPTEMBER 2022.

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

ATTEST:

Linda M. Smrkovsky, Chairperson
Commissioner, District 2

Berenda McWright
County Clerk

Barbra L. Reedy
Commissioner, District 1

John S. Sweetser
Commissioner, District 3



Luna County, New Mexico Multi-Jurisdictional Natural Hazard Mitigation Plan Update

August 2022

Encompassing the Jurisdictions of:

Luna County, the City of Deming, and the Village of Columbus, New Mexico



Prepared and submitted by:

James Woulfe, CBCP, PCP
Manager, Global Solutions

Matt Eyer, PMP, PCP, CBCP
Mitigation Project Lead

BOLDplanning Inc.
480 Duke Drive, Suite 130
Franklin, Tennessee 37067



Table of Contents

SECTION	PAGE
1.0 Planning Process.....	1
1.1 Introduction	1
1.2 Participating Jurisdictions	1
1.3 Assurances.....	2
1.4 2022 Plan Update	2
1.5 Planning Process.....	3
1.6 Mitigation Planning Committee	4
1.7 Plan Development	4
1.8 Project Timeline	6
1.9 Planning Meetings.....	6
1.10 Community Involvement.....	7
1.11 Adoption Resolutions	7
2.0 Plan Documentation, Development, and Maintenance	8
2.1 Planning Document Resources.....	8
2.2 Technical Resources.....	9
2.3 Continued Public Involvement.....	10
2.4 Plan Maintenance Process	10
2.5 HMP Incorporation.....	13
2.6 Hazard Mitigation Challenges.....	14
3.0 Planning Area	15
3.1 Introduction to the Planning Area	15
3.2 Demographics.....	18
3.3 Assessor Data.....	20
3.4 Community Risk Mapping	21
3.5 Land Use and Development Trends	26
3.6 Critical Facilities	28
3.7 Climate Change	32
4.0 Hazard Profiles	34
4.1 Introduction	34
4.2 Methodology	34
4.3 Declared Federal Disasters	34
4.4 Identified Potential Hazards	35
4.5 Hazard Profiles	36
4.6 Dam Failure	37
4.7 Drought.....	43
4.8 Extreme Heat.....	51
4.9 Flood/Flash Flood.....	56
4.10 Severe Thunderstorms.....	68
4.11 Wildfire	74
4.12 Winter Storms.....	83
5.0 Mitigation Strategy.....	89
5.1 Introduction	89
5.2 Identification of Goals.....	89
5.3 Mitigation Capabilities	90



SECTION

PAGE

5.4	Jurisdictional Compliance with NFIP	91
5.5	Classification of Mitigation Actions	91
5.6	Prioritization Mitigation Actions.....	93
5.7	Completed Mitigation Actions	94
5.8	Jurisdictional Mitigation Actions	94
5.9	Mitigation Action Implementation and Monitoring	104
5.10	Plan Integration	105
5.11	Mitigation Action Funding Sources	106

List of Appendices

A	Meeting Information
B	FEMA Approval Documentation
C	Adoption Resolutions
D	Critical Facilities



List of Commonly Used Acronyms

Acronym	Meaning
BRIC	Building Resilient Infrastructure and Communities
CFR	Code of Federal Regulations
CRS	Community Rating System
CWPP	Community Wildfire Protection Plans
DFRIM	Digital Flood Insurance Rate Map
DMA	Disaster Mitigation Act
FEMA	Federal Emergency Management Agency
HAZUS	FEMA Loss Estimation Software
HMGP	Hazard Mitigation Grant Program
HMP	Hazard Mitigation Planning
LEPC	Local Emergency Planning Committee
LCOEM	Luna County (New Mexico) Office of Emergency Management
MPC	Mitigation Planning Committee
NID	National Inventory of Dams
NCEI	National Centers for Environmental Information
NMDHSEM	New Mexico Department of Homeland Security and Emergency Management
NFIP	National Flood Insurance Program
NOAA	National Oceanic and Atmospheric Administration
NWS	National Weather Service
PDI	Palmer Drought Index
SFHA	Special Flood Hazard Area
SPI	Standardized Precipitation Index
WUI	Wildland Urban Interface



Section 1 – Planning Process

1.1 Introduction

Mitigation is commonly defined as sustained action taken to reduce or eliminate long-term risk to people and their property from hazards and their effects. Hazard mitigation planning provides communities with a roadmap to aid in the creation and revision of policies and procedures, and the use of available resources, to provide long-term, tangible benefits to the community. A well-designed hazard mitigation plan provides communities with realistic actions that can be taken to reduce potential vulnerability and exposure to identified hazards.

This Multi-Jurisdictional Natural Hazard Mitigation Plan (HMP) was prepared to provide sustained actions to eliminate or reduce risk to people and property from the effects of natural and man-made hazards. This plan documents Luna County and its participating jurisdictions planning process and identifies applicable hazards, vulnerabilities, and hazard mitigation strategies. This plan will serve to direct available community and regional resources towards creating policies and actions that provide long-term benefits to the community. Local and regional officials can refer to the plan when making decisions regarding regulations and ordinances, granting permits, and in funding capital improvements and other community initiatives.

Specifically, this hazard mitigation plan was developed to:

- Update the December 2014 Luna County Hazard Mitigation Plan
- Build for a safer future for all citizens
- Foster cooperation for planning and resiliency
- Identify, prioritize and mitigate against hazards
- Assist with sensible and effective planning and budgeting
- Educate citizens about hazards, mitigation and preparedness
- Comply with federal requirements

Federally approved mitigation plans are a prerequisite for mitigation project grants. Development and Federal Emergency Management Agency (FEMA) approval this plan will ensure future eligibility for federal disaster mitigation funds through the Hazard Mitigation Grant Program, Building Resilient Infrastructure and Communities, Repetitive Flood Claims, and a variety of other state and federal program.

In an effort to reduce natural disaster losses, the United States Congress passed the Disaster Mitigation Act of 2000 (DMA 2000) in order to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act). DMA 2000 amended the Stafford Act by repealing the previous Mitigation Planning section (409) and replacing it with a new Mitigation Planning section (322). Section 322 of the DMA makes the development of a hazard mitigation plan a specific eligibility requirement for any local government applying for Federal mitigation grant funds. This HMP was prepared to meet the requirements of the DMA 2000, as defined in regulations set forth by the Interim Final Rule (44 Code of Federal Regulations (CFR) Part 201.6).

This plan has been designed to be a living document, a document that will evolve to reflect changes, correct any omissions, and constantly strive to ensure the safety of Luna County's citizens.

1.2 Participating Jurisdictions

All eligible jurisdictions were invited to participate in the organization, drafting, completion, and adoption of this plan. The following Luna County jurisdictions elected to participate in this plan.

- Luna County
- City of Deming
- Village of Columbus



1.3 Assurances

Luna County and all participating jurisdictions certify that they will comply with all applicable Federal statutes and regulations during the periods for which it receives grant funding, in compliance with 44 CFR 13.11(c), and will amend its plan whenever necessary to reflect changes in State or Federal laws and statutes as required in 44 CFR 13.11(d).

This hazard mitigation plan was prepared to comply with all relevant the requirements of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, as amended by the DMA 2000. This plan complies with all the relevant requirements of:

- Code of Federal Regulation (44 CFR) pertaining to hazard mitigation planning
- FEMA planning directives and guidelines
- Interim final, and final rules pertaining to hazard mitigation planning and grant funding
- Relevant presidential directives
- Office of Management and Budget circulars
- Any additional and relevant federal government documents, guidelines, and rules.

1.4 2022 Plan Update

In 2021 Luna County and its participating jurisdictions began the process to update the Luna County HMP. It was determined that the Luna County Office of Emergency Management (LCOEM)'s Director would serve as the project manager, directing this plan update and acting as the primary point-of-contact throughout the project. The Director's primary roles included:

- Coordinating meetings and interviews
- Collecting data for the consultants to utilize
- Reviewing deliverables
- Monitoring the overall development of the plan

Luna County contracted with BOLDplanning to assist in updating the 2014 Luna County HMP. BOLDplanning's roles included:

- Ensure that the hazard mitigation plan meets all regulatory requirements
- Assist with the determination and ranking of hazards
- Assist with the assessment of vulnerabilities to identified hazards
- Assist with capability assessments
- Identify and determine all data needs and solicit the information from relevant sources
- Assist with the revision and development of the mitigation actions
- Development of draft and final planning documents

The Luna County HMP has undergone significant revision and upgrading since its last edition. Not only has the county made significant efforts to improve the functionality and effectiveness of the plan itself but it has significantly improved its hazard mitigation program. Additionally, the level of analysis and detail included in this risk assessment is greater than the previous edition of the plan. This grants the county's improved and robust hazard mitigation program a better base to further mold and improve its mitigation strategy over the next five years.

As part of this planning effort, each section of the previous mitigation plan was reviewed and completely revised. The sections were reviewed and revised against the following elements:

- Compliance with the current regulatory environment
- Completeness of data
- Correctness of data
- Capability differentials



- Current state environment

During this process, and after a thorough review and discussion with all participating jurisdictions and stakeholders, it was determined that the priorities of the overall community in relation to hazard mitigation planning have not changed during the five years of the previous planning cycle.

While the Luna County hazard mitigation program has matured over the years, an unfortunate lack of funding and grant opportunities has prevented the completion of any major hazard mitigation projects. As such, this revised plan reflects the static state of proposed mitigation actions.

1.5 Planning Process

Luna County and its participating jurisdictions (undertook the following steps to update and create a robust HMP:

- Review of the 2014 Hazard Mitigation Plan
- Review of current related planning documents
- Delivery of organizational and planning meetings
- Solicitation of public input as to plan development
- Assessment of potential risks
- Assessment of vulnerabilities and assets
- Development of the mitigation actions
- Development of a draft multi-hazard mitigation plan
- Implementation, adoption, and maintenance of the plan

The process established for this planning effort is based on DMA 2000 planning and update requirements and the FEMA associated guidance for hazard mitigation plans. The FEMA four step recommended mitigation planning process, as detailed below, was followed:

1. Organize resources
2. Assess risks
3. Develop a mitigation plan
4. Implement plan and monitor progress

To accomplish this, the following planning process methodology was followed:

- Inform, invite, and involve other mitigation plan stakeholders throughout the state, including federal agencies, state agencies, regional groups, businesses, non-profits, and local emergency management organizations.
- Conduct a thorough review of all relevant current and historic planning efforts
- Collect data on all related state and local plans and initiatives. Additionally, all related and relevant local plans were reviewed for integration and incorporation.
- Develop the planning and project management process, including methodology, review procedures, details about plan development changes, interagency coordination, planning integration, and the organization and contribution of stakeholders.
- Develop the profile of the county and participating jurisdictions.
- Complete a risk and vulnerability assessment using a Geographic Information System (GIS) driven approach using data from the Luna County, the State of New Mexico, FEMA, and other federal and state agency resources. Analyses were conducted at the county and jurisdictional level.
- Develop a comprehensive mitigation strategy effectively addressing their hazards and mitigation program objectives. This included identifying capabilities, reviewing pre and post disaster policies and programs, identifying objectives and goals, identifying mitigation actions and projects, and assessing mitigation actions and projects.



- Determination and implementation of a plan maintenance cycle, including a timeline for plan upgrades and improvements.
- Submission of the plan to FEMA for review and approval and the petition all participating jurisdictional governments for a letter of formal plan adoption.

1.6 Mitigation Planning Committee

Project initiation began with a selection and meeting of the primary stakeholders to establish the Mitigation Planning Committee (MPC). The core members of the MPC then established and wrote the projects operating procedures, established expectations, solidified the plan development timeline, and created project milestones. Additionally, the team reviewed and discussed how the plan would incorporate FEMA requirement and other emergency management planning efforts. The following participants were selected for the MPC.

Table 1: Mitigation Planning Committee

MPC Member	Title	Organization
Chris Brice	County Manager	Luna County
Phillip Rodriguez	Emergency Manager	Luna County
Aaron Sera	City Manager	City of Deming
Esequiel Salas	Mayor	Village of Columbus

Each MPC member was thoroughly interviewed regarding their jurisdiction's mitigation related activities. These interviews were invaluable in fully integrating the resources necessary to produce this plan, document mitigation activities, and document the mitigation resources available to better increase resiliency.

In general, all MPC members were asked to participate in the following ways:

- Attend and participate in meetings
- Assist with the collection of data and information
- Review planning elements and drafts
- Integrate hazard mitigation planning elements with other planning mechanisms
- Facilitate agency coordination and cooperation
- Assist with the revision and development of mitigation actions

MPC members who were unable to attend meetings due to budgetary or personnel constraints were contacted via email or phone to discuss hazard mitigation planning, including the process, goals, mitigation actions, local planning concerns and plan review.

1.7 Plan Development

All eligible jurisdictions were invited to participate in the organization, drafting, completion and adoption of this plan. Invited jurisdictions included, but were not limited to, elected officials, relevant State of New Mexico agencies, counties, cities, school districts, non-profit agencies, and businesses.

In order to have an approved hazard mitigation plan, DMA 2000 requires that each jurisdiction participate in the planning process. Each jurisdiction choosing to participate in the development of the plan were required to meet detailed participation requirements, which included the following:

- When practical and affordable, participation in planning meetings
- Provision of information to support the plan development
- Identification of relevant mitigation actions
- Review and comment on plan drafts
- Formal adoption of the plan



Based on the above criteria, the following jurisdictions participated in the planning process, and will individually as a jurisdiction adopt the approved hazard mitigation plan:

Table 2: Participating Jurisdictions

Jurisdiction	Meeting Attendance or Communication with MPC Representative	Data Submission	Mitigation Actions
Luna County	x	x	x
City of Deming	x	x	x
Village of Columbus	x	x	x

The Luna County MPC provided the opportunity for additional HMP stakeholders, including agencies involved in regulating and overseeing development, neighboring communities, agencies, businesses, academia, non-profits, and other interested parties to be involved in the mitigation planning process. Stakeholders were notified of the process through direct communication with the Luna County HMP project manager.

For Luna County, Deming, and Columbus, building permitting is regulated Construction Industries, a state New Mexico entity. Permits are submitted electronically for any project over 108 square feet and periodic inspections are conducted over the life of the building project. Development for all participating jurisdictions is regulated by Luna County, with representatives Manny Armadol from Luna County Planning Department, Javier Reyes from the Assessor's Office, and Christie Ann Harvey from Community & Economic Development Department providing planning guidance.

Emergency managers from neighboring New Mexico counties were personally invited to attend public meetings. Invited emergency managers include Amanda Bowen, Emergency Manager from Dona Ana County, Paul Tooley, Emergency Manager from Sierra County, Gilbert Helton, Emergency Manager from Grant County, and Scott Richens, Emergency Manager from Hidalgo County. Both Amanda Bowen from Dona Ana County and Scott Richins from Hidalgo County elected to attend.

The following table represents plan stakeholders:

Table 3: HMP Stakeholders

Name	Representing	Title
Barbara Reedy	Luna County	Commissioner
Lauree Sanchez	Luna County	Dispatch Director
Jose Martinez	Luna County	Sheriff's Office Captain
Eric Roach	Luna County	Director, Starmax
Pablo Montoya	Luna County	Fire Chief
David Bailey	Luna County	Road Department Director
Christie Ann Harvey	Luna County	Community & Economic Development Director
Manny Armadol	Luna County	Planning Department Planner
Javier Reyes	Luna County	Assessor's Office Floodplain Manager
Alex Valdespino	Deming	Chief of Police
Azucena Vargas	Deming	Public Works Administrative Secretary
Benny Jasso	Deming	Public Schools Director of Safety
Debbie Troyer	Deming	Chamber of Commerce Executive Director
Amanda Bowen	Dona Ana County	Emergency Management Coordinator
Scott Richins	Hidalgo County	Emergency Manager
Chris Archuleta	New Mexico Construction Industries	Plans and Permitting Manager



Name	Representing	Title
Catherine Watson	New Mexico Department of Homeland Security and Emergency Management (NMDHSEM)	Sub Grant Analyst
Sherri Paul	NMDHSEM	Emergency Management Specialist
Donna Richmond	American Red Cross	Disaster Program Manager
Joy Harrell	Mimbres Memorial Hospital	Chief Nursing Officer
Jacquie Saldana	Region II Healthcare Coalition	Emergency Manager
Grant Swiney	Olam Spices	Agricultural Operations Manager
Premal Patel	Citizens of Luna County	Citizen
Alberta Morgan	Citizens of Luna County	Citizen

Any jurisdiction not covered in this HMP is either covered under another plan or declined to participate.

1.8 Project Timeline

The following represents the HMP project timeline. Please note that Covid-19 interrupted the timeline due to demands on the Luna County MPC (indicated by red arrow in diagram).

Diagram 1 – Project Timeline



1.9 Planning Meetings

The Luna County MPC held various public meetings to discuss the mitigation planning process as well as gain public support and input for the plan update. The following is a brief synopsis of those meetings.

- **HMP Update Kick-Off and Public Information Meeting – June 21, 2021:** BOLDplanning virtually hosted a kick-off meeting for the Luna County HMP. Prior to the meeting, a public announcement was published in the newspaper. At the meeting, the public was invited to voice any concerns, ask questions, and provide input on the mitigation plan update. The Luna County MPC was formed during this meeting, and they reviewed the planning process, asked questions, and were assigned roles. BOLDplanning worked with the MPC to collect contact information, hazard history, facility information, and other pertinent jurisdictional information.
- **HMP Update Final Review Meeting – May 20, 2022:** BOLDplanning hosted a public final plan review meeting for the Luna County HMP. Prior to the meeting, a public announcement was announced on local radio stations and on the Luna County website. At the meeting, the public was invited to voice any concerns, ask questions, and provide input on the mitigation plan update. Additionally, members of the public were invited to review a draft copy of the Luna County HMP update posted to LCOEM's website for two weeks after the final meeting (May 20 through June 3, 2022), and prior to its submission to NMDHSEM.
- **HMP Update Adoption Signing – July 2022:** The Luna County HMP update adoption letters will be disseminated and signed by the participating jurisdictions. The signing of these resolutions codifies the adoption of the plan update by the participating jurisdictions.



Other planning events included conference phone calls with municipal and agency officials who could not attend scheduled meetings. Additionally, there were monthly situation report calls with Luna County and its participating jurisdictions to provide updates along the phases of plan development. These situation report calls were held at the beginning of each month and were facilitated by BOLDplanning via Zoom® web conferencing.

1.10 Community Involvement

As part of the overall planning process, the community were provided with numerous opportunities to contribute and comment on the creation and adoption of the plan. These opportunities included:

- Advertised meeting invitations
- Comment period upon completion of draft plan
- Online surveys

The public was notified of open meetings via Luna County's website and print media. Further, an online HMP survey was created for Luna County. The Luna County, NM Hazard Mitigation Plan – Open Comment Survey (<https://publicinput.com/Y1274>), allowed all MPC members, plan stakeholders, and the public to provide feedback and input on the HMP update prior to its submission to NMDHSEM and FEMA. Comments from this survey, from seven community members, are included in Appendix A.

Input from the general public provided the MPC with a clearer understanding of local concerns, increased the likelihood of citizen buy-in concerning proposed mitigation actions, and provided elected officials with a guide and tool to set regional ordinances and regulations. This public outreach effort was also an opportunity for adjacent jurisdictions and entities to be involved in the planning process.

Additionally, as citizens were made more aware of potential hazards and the local process to mitigation against their impacts, it was believed that they would take a stronger role in making their homes, neighborhoods, schools, and businesses safer from the potential effects of natural hazards.

Meeting information, including sign-in sheets and public notification documentation can be found in Appendix A.

1.11 Adoption Resolutions

Upon review and approved pending adoption status by FEMA Region VI adoption resolutions will be signed by the participating jurisdictions. FEMA approval documentation may be found in Appendix B. Jurisdictional adoption resolutions may be found in Appendix C.



Section 2 – Plan Documentation, Development, and Maintenance

2.1 Planning Document Resources

The hazard mitigation plan is an overarching document that is both comprised of, and contributes to, various other jurisdictional plans. In creating this plan, all the planning documents identified below were consulted and reviewed, often extensively. In turn, when each of these other plans is updated, they will be measured against the contents of the hazard mitigation plan.

Below is a list of the various planning efforts, sole or jointly administered programs, and documents reviewed and included in this hazard mitigation plan. While each plan can stand alone, their review and functional understanding was pivotal in the development of this plan and further strengthens and improves Luna County's resilience to disasters.

- **Luna County Comprehensive Plan, 2012**
The plan sets policies that help the county address critical issues facing the community, achieve goals based on priority, and coordinate public and private efforts for mutual success. It also provides the historical context, background and current data necessary to understand issues and choose solutions as well as seek various forms of funding.
- **City of Deming Comprehensive Plan, 2010**
The plan sets policies that help the city address critical issues facing the community, achieve goals based on priority, and coordinate public and private efforts for mutual success. It also provides the historical context, background and current data necessary to understand issues and choose solutions as well as seek various forms of funding.
- **Village of Columbus Comprehensive Plan, 2012**
The plan sets policies that help the village address critical issues facing the community, achieve goals based on priority, and coordinate public and private efforts for mutual success. It also provides the historical context, background and current data necessary to understand issues and choose solutions as well as seek various forms of funding.
- **Luna County Basin Community Wildfire Protection Plan (CWPP)**
Luna County's latest CWPP (2010) provided the local perspective basis for this plan's wildfire hazard profile and direction for the wildfire portion of its mitigation strategy.
- **Luna County Critical Facilities List**
The MPC compiled a list of critical facilities and pertinent information on those facilities. This list is used throughout the plan and is the basis for the vulnerability assessments and loss estimates. The complete list is posted in Appendix D.
- **Luna County Emergency Operations Plan**
LCOEM developed a countywide Emergency Operations Plan. Using a commercial template to follow best practice methodology, this plan is a living document that is continually being developed, tested, and updated.
- **Luna County Multi-Jurisdictional Natural Hazard Mitigation Plan**
Luna County is currently covered by a FEMA-approved HMP (2014). The previous HMP has been reviewed and is incorporated throughout this plan per FEMA requirements.
- **Luna County, New Mexico Interim Land Use Policy**
This plan addresses federal and state land use management issues for Luna County. Additionally, the plan guides Luna County on future growth and land usage.
- **State of New Mexico Hazard Mitigation Plan**
The purpose of the State of New Mexico Hazard Mitigation Plan (Update 2018) is intended to provide the framework for hazard mitigation. The first pertains to the recovery and reconstruction phase after a given disaster. The Plan Update will be used to increase awareness and initiate development of long-range,



interagency, multi- objective mitigation activities to be administered by NMDHSEM and the State Hazard Mitigation Planning Team for the State of New Mexico.

- **Southwest New Mexico Regional Water Plan – 2005**

The Southwest New Mexico Water Planning Region provides new and changed information related to water planning in the Luna County planning region and helps to evaluate projections of future water supply and demand for the region using a common technical approach.

- **New Mexico Drought Plan – 2018**

The New Mexico Drought Plan (2018) provides the state with an updated approach to address drought in order to protect its people and resources. It develops a drought response system that is adaptive to changing needs and conditions and capable of being continually upgraded through the incorporation of new information. The plan specifies that subsequent updates should be made every five years.

- **A Summary of the New Mexico Water Planning Drought Discussion – 2019**

Prepared by the New Mexico Water Resources Institute, the summary is a report detailing the discussions (based on notes and transcripts) from the series of meetings, called the Water Planning Discussions, held in March 2019. The purpose of the discussions was to inform New Mexico communities about water planning activities of the New Mexico Interstate Stream Commission, gather their input on drought impacts and needed drought resources, and present content on available drought resources.

- **Luna County and Participating Jurisdiction Planning Documents**

Luna County and its participating jurisdictions provided a host of planning, zoning, and development related documents. These documents were reviewed, assessed, and cataloged to compile each participating jurisdiction's capabilities.

Information from each of these plans and programs is utilized within the applicable hazard sections to provide data and fully inform decision making and prioritization.

2.2 Technical Resources

The Luna County MPC employed a variety of technical resources in its plan development. These technical resources were instrumental in completing an accurate vulnerability and risk assessment.

- **BOLDplanning Inc.**
With over 16 years of experience in hazard mitigation planning, BOLDplanning was the principal plan writer.
- **ESRI ArcGIS v10**
Each map developed for this plan, along with the HAZUS® models, were developed using ESRI's ArcGIS v10.
- **FEMA Digital Flood Insurance Rate Maps (DFIRMs) – Map Data Center**
FEMA's National Flood Hazard Layer data was instrumental in mapping floodplain locations and estimating potential flood impacts and loss estimates.
- **National Oceanic and Atmospheric Administration (NOAA)/National Centers for Environmental Information (NCEI)**
Weather data and historical events were primarily provided by NCEI.

In addition, relevant federal, regional, state, local, and any private and non-profit entities were also invited to provide input and utilized for information and technical expertise. The following table indicates these entities.

Table 4: Technical Input Agencies

Agency	Entities	Data Input
Federal Agencies	National Parks, NOAA, U.S. Army Corps of Engineers (USACE), U.S. Department of Agriculture National Resources Conservation Service, U.S.	Provided weather data, dam data, land use data, and geological data

**Table 4: Technical Input Agencies**

Agency	Entities	Data Input
	Geological Survey, National Weather Service	
State Agencies	NMDHSEM, Office of the State Engineer	Provided oversight and technical assistance; provided hazard records
Local Governments	Luna County Emergency Management, Participating Municipalities	Provided input as MPC members / principal subjects
Private Organizations	BOLDplanning	Directed planning effort as principal planners; provided input from various interests; Provided input – HAZUS® report

2.3 Continued Public Involvement

Luna County is dedicated to involving the public in the continual shaping of its mitigation plan and the development of its mitigation projects and activities.

The Luna County MPC will continue to keep the public informed about its hazard mitigation projects and activities through LCOEM's website. The public will also be invited to participate in annual MPC meetings to review and discuss the mitigation-related events of the past year.

Copies of the Luna County HMP will be available online at LCOEM's website and distributed to all the participating jurisdictions.

2.4 Plan Maintenance Process

The Luna County MPC has developed a method to ensure monitoring, evaluation, and updating of its mitigation plan. Upon adoption of the Luna County HMP update, LCOEM will utilize its Local Emergency Planning Committee (LEPC) to provide plan updates, revisions, and data collection for future HMP planning purposes. The LEPC chair will form a subcommittee for proposed mitigation projects comprised of LCOEM's director and jurisdictional representatives from the MPC. The chair of the subcommittee will be determined by a vote in the subcommittee. Additional members may be added based on necessity. The sub-committee will submit a quarterly report to the LEPC, which in turn, will submit an annual report to LCOEM. The Luna County HMP Update Quarterly Report is as follows:





**Local Emergency Planning Committee
Multi-Jurisdictional Natural Hazard Mitigation Plan
Evaluation Report**

Pre-Disaster Mitigation Plan Sub-Committee Chair: _____

Meeting Date: _____

Plan Approval Date: _____

Plan Expiration Date: _____

Have there been any disasters or training event since the last report? If so, list them below:

Disaster Number/ Training Event	Hazard Type(s)	Was the hazard expected or unforeseen?	Is a plan update required?
Example: DR-1000	Volcanic Eruption	Unforeseen	Yes
Example: Annual Training	Flash Flooding	Expected	No

Mitigation Projects:

Mitigation Project	Participating Jurisdictions	Proposed/Scheduled /In Progress/ Completed	Behind/Ahead/ On-Schedule	Estimated Completion Date
Example: Tornado Safe Room	Cash	In Progress	On-Schedule	1/1/2021

Miscellaneous Notes:

LCOEM may request a non-scheduled report on the monitoring, evaluation, or updating of any portion of the MHMP plan due to irregular progress on mitigation actions and or projects, in the aftermath of a hazard event, or for any reason deemed appropriate.



Plan Monitoring and Situational Change

Plan monitoring can be defined as the ongoing process by which stakeholders obtain regular feedback on the progress being made towards achieving their goals and objectives. In the more limited approach, monitoring may focus on tracking projects and the use of the agency's resources. In the broader approach, monitoring also involves tracking strategies and actions being taken by partners and non-partners, and figuring out what new strategies and actions need to be taken to ensure progress towards the most important results.

A monitoring report will be written and submitted for review to the LEPC and after the annual MPC meeting or when triggered by situational change. The monitoring report answers the following questions:

- Is the mitigation project under, over, or on budget?
- Is the mitigation project behind, ahead of, or on schedule?
- Are there any changes in Luna County's capabilities which impact the PDM plan?
- Are there any changes in Luna County's hazard risk?
- Has the mitigation action been initiated, or its initiation planned?
- Is the current process of prioritizing mitigation actions and projects appropriate and accurate?
- Has the current method of incorporating mitigation actions and projects yielded a comprehensive action and project strategy to address seen and unforeseen hazards?
- If applicable, has participation in a mitigation action's collaboration been regular?
- Was a negative result caused directly or indirectly by insufficient levels of public outreach?
- If any, what plan updates occurred, why they occurred, and what is their impact?

The plan maintenance process is cyclical and maintenance items can operate simultaneously within the process.

Plan Evaluating

A plan evaluation is a rigorous and independent assessment of either completed or ongoing activities to determine the extent to which they are achieving stated objectives and contributing to decision making.

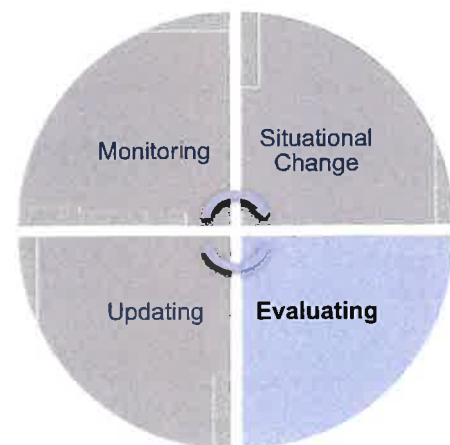
An evaluation report will be written and submitted to Luna County's LEPC when the situation dictates.

The following situations are typical examples of when an evaluation will be necessary.

- Post hazard event
- Post training exercise
- Post tabletop or drill exercise
- Significant change or completion of a mitigation project
- Significant change or completion of a mitigation action

An evaluation report will ask the following questions in response to the previously listed events.

- Do the mitigation objectives and goals continue to address the current hazards?
- Are there new or previously unforeseen hazards?





- Does a change in hazard vulnerability demand a change of or addition of mitigation actions or projects?
- Does a change in the mitigation strategy demand a change of or addition of mitigation actions or projects?
- Are current resources appropriate for implementing a mitigation project?
- Was the outcome of a mitigation action/project expected?
- Are there implementation problems?
- Was the public engaged to the point where they were satisfied with current engagement strategies?
- Did the public participate in a number that produced a positive yield on the plan, action, or project?
- Are there coordination problems?

Plan Updating

Typically, the updating of a HMP is initiated upon the completion of a plan evaluation and even then, only when the evaluation determines an update is appropriate. A plan update also occurs every five years per FEMA guidelines. Additionally, when new hazard data becomes available, it will be added to the HMP. New data will be confirmed or denied at annual MPC meetings. Additionally, a HMP update can be written any time it is deemed necessary by LCOEM.

According to FEMA DMA 2000 guidelines for mitigation planning, Luna County will begin the update process three years from this plan's adoption. It will do so under the direction of the County's Emergency Management Director. LCOEM will coordinate and facilitate a bi-annual meeting within the five-year cycle with stakeholders from participating jurisdictions and stakeholders from neighboring counties.



These meetings will allow LCOEM, the MPC Chair, MPC members, and stakeholders to gather relevant information needed for the next plan update. These meetings will ensure the appropriate status of certain goals (mitigation activities and projects) identified in mitigation strategy are up to date to include in the next FEMA-required, five-year plan update.

2.5 HMP Incorporation

The hazard mitigation plan is an overarching document that is both comprised of, and contributes to, various county and local plans. Unfortunately, previous versions of the Luna County HMP have not been incorporated into jurisdictional planning efforts. Under the leadership of the MPC, it is hoped that when future revisions occur to these other plans, they will be measured against the contents of this HMP.

Below is a list of the various jurisdictional planning efforts, either solely or jointly administered, and relevant planning documents. While each plan can stand alone, each participating jurisdiction, under the leadership of their MPC member, will actively work to incorporate relevant parts of this hazard mitigation plan into the following:

- Operations Plans
- Codes and Ordinances
- Emergency Operations Plans
- Comprehensive Plans
- Land and Resource Management Plans and Policies
- Critical Facility Plans
- Wildfire Protection Plans

Additionally, in cooperation with the MPC, each participating jurisdiction will be actively courted on incorporating elements of this hazard mitigation plan for any relevant plan, code or ordinance revision or creation.



Finally, each participating jurisdiction has committed to actively encourage all departments to implement actions that minimize loss of life and property damage from hazards. Whenever possible, each participating jurisdiction will use existing plans, policies, procedures and programs to aid in the implementation of identified hazard mitigation actions. Potential avenues for implementation may include:

- Operation plans
- General or master plans
- Ordinances
- Capital improvement plans
- Budget revisions or adoptions
- Hiring of staff
- Stormwater planning
- Land use planning

Where appropriate, Luna County will take the lead in integrating this HMP into overarching, countywide plans, code, ordinances and any other relevant documents, policies or procedures.

2.6 Hazard Mitigation Challenges

As always, challenges exist due to the day to day demands of the working environment including staffing issues, budget restrictions, and staffing turnover. These issues can, and do, impact the utilization and incorporation of the HMP and the completion of identified hazard mitigation projects. Additionally, a severe lack of funding remains a challenge as local tax revenues have been impacted by smaller populations and, recently, the Covid-19 pandemic. Identifying public-private partnerships and investigation and obtaining non-standard funding mechanisms would help alleviate these challenges.



Section 3 – Planning Area

3.1 Introduction to the Planning Area

Situated in the southwestern portion of New Mexico, Luna County was established in March 1901. According to the U.S. Census (2020), the county has approximately 2,965 square miles of land area, the majority of which is flat lowland, (either grassland or desert scrub), making it the 22nd largest county in the state by total area. It adjoins the New Mexico counties of Sierra (northeast), Grant (west), Doña Ana (east) and Hidalgo (west), and shares a 54-mile border with the Republic of Mexico.

Luna County is a region of desert and semiarid plains broken by isolated mountains and mountain ranges, in the Mexican Highland section of the Basin and Range Province. The Continental Divide crosses the western section of the county, which includes the Cooke, Good Sight, Victorio, Cedar Mountain, Florida, and Tres Hermanas ranges and the Carrizalillo Hills. The highest mountains are in the north, topped by 8,408-foot- (2,563-meter-) high Cooke's Peak.

The climate in Luna County reflects the desert extremes of hot, sunny days and cool, crisp evenings, combined with low levels of humidity. The summer high (July) is around 95 degrees, and the winter low (January) is 28 degrees. The county, on average, receives 11 inches of rain and two inches of snow per year.



Luna County has two municipalities, the City of Deming and the Village of Columbus and four rural community areas, Cookes Peak, Florida Mountains, Sunshine, and Savoy. In addition to these municipalities and communities, numerous remote ranches are located throughout the county. Unincorporated portions of Luna County are sparsely populated.

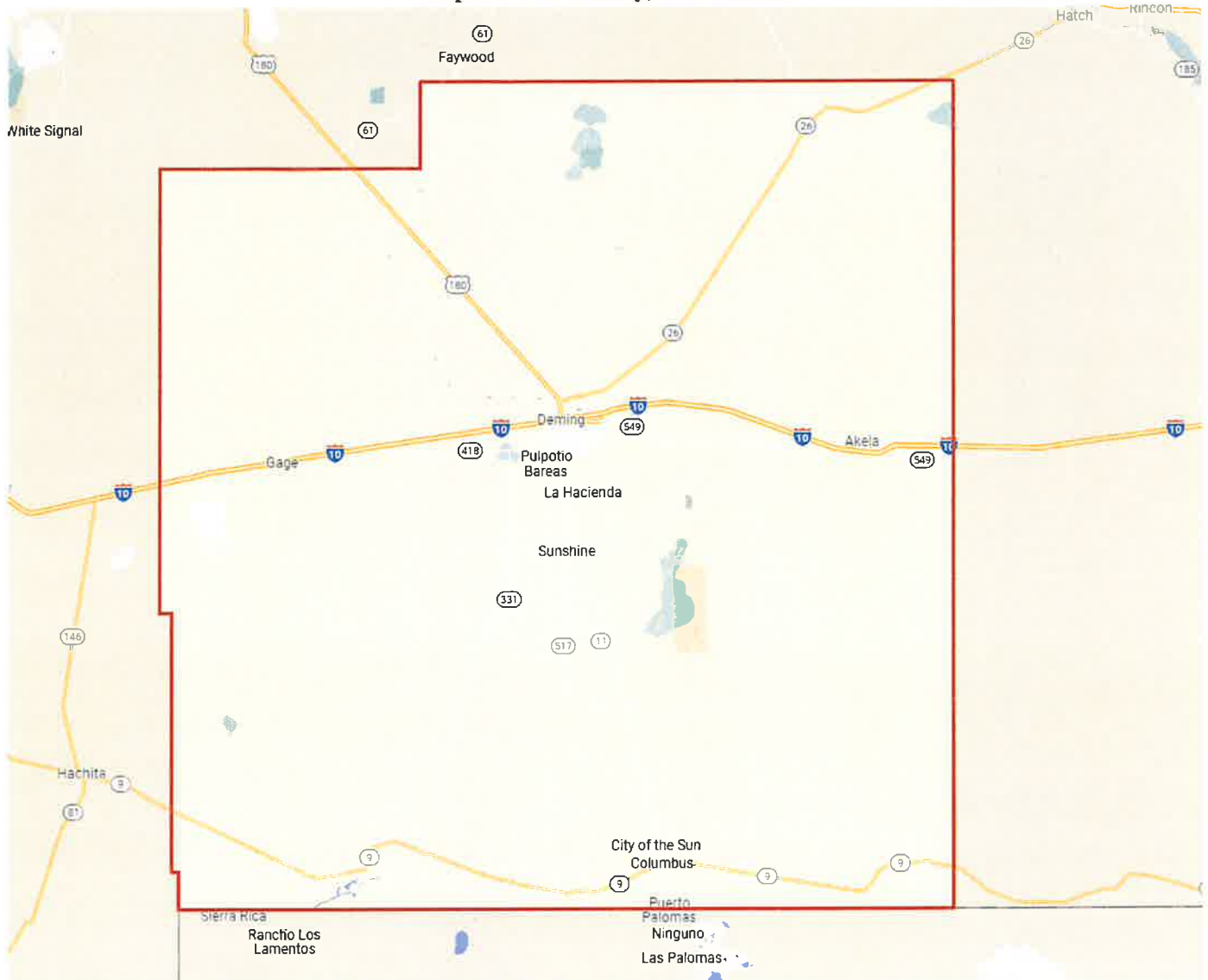
Luna County is a transportation hub with three railroads, an interstate highway, and an airport with a 6,626-foot-long asphalt-surfaced runway. A large International Port of Entry located three miles south of the Luna County Village of Columbus on State Highway 11, provides 24-hour per day service between the Mexican State of Chihuahua and the U.S.

Luna County is governed by a three-member elected County Commission. Day to day operations are administered by a County Manager, who is appointed by and reports to the Commission.

The following map details the Luna County planning area and participating jurisdictions.

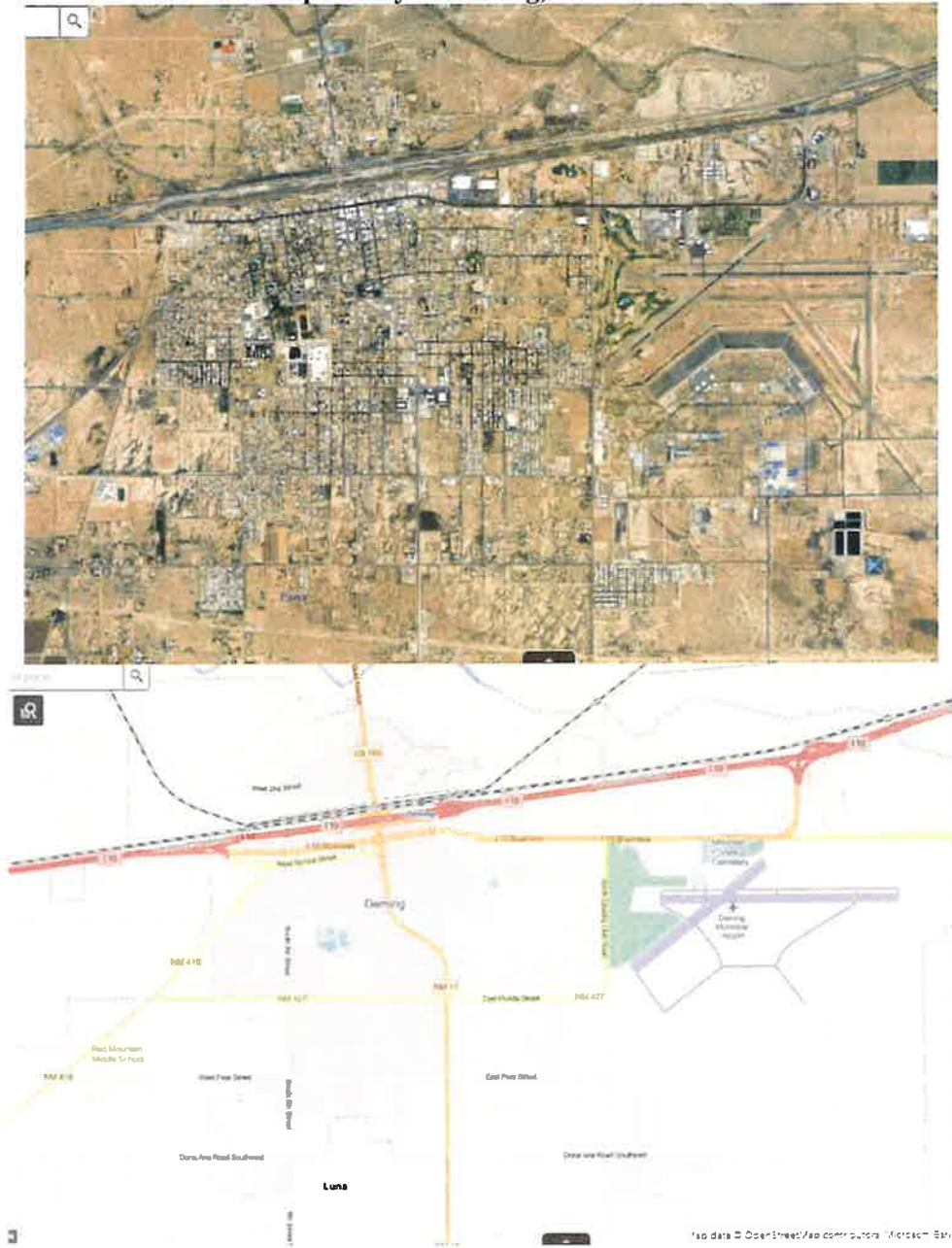


Map 1: Luna County, New Mexico



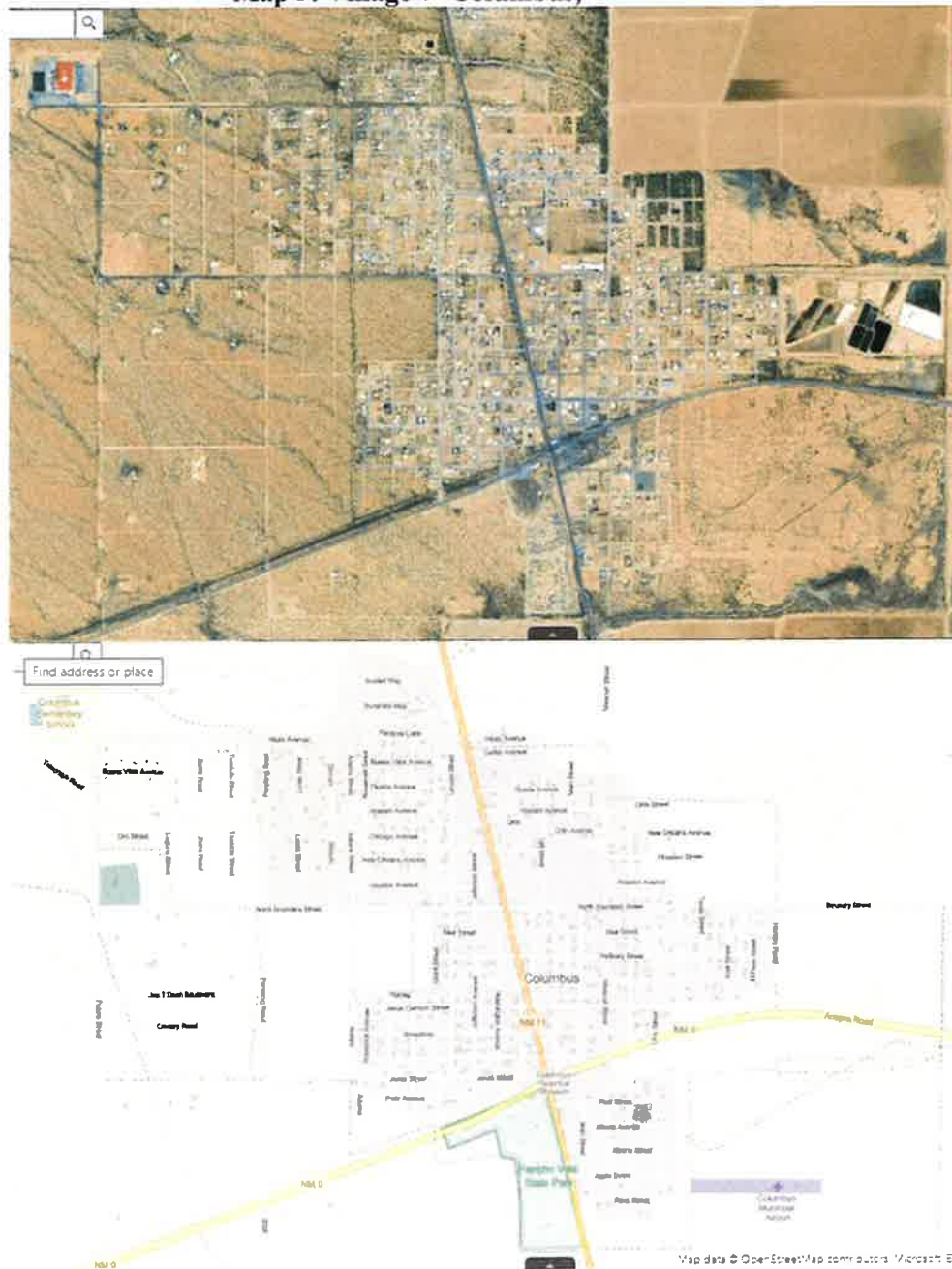


Map 2: City of Deming, New Mexico





Map 3: Village of Columbus, New Mexico



3.2 Demographics

In general, Luna County is a rural area with smaller sized urban centers. Of the 33 counties in the State of New Mexico, Luna County is ranked as number 30 in land area with 1,404.80 square miles and 12th in population size. According to the U.S. Census Bureau, the population of Luna County in 2022 is estimated to be 25,427. Data from the United States Census Bureau in the table below details the participating jurisdictions' demographic information.

Table 5: Population Data

Jurisdiction	Land Area (Sq. Mi.)	Population			Percentage Population Change	
		2000	2010	2020	2000-2010	2010-2020
Luna County	2,965	25,016	25,095	25,427	0.3%	1.6%
Deming	16.70	14,242	14,855	14,758	4.3%	(-0.65%)



Table 5: Population Data

Jurisdiction	Land Area (Sq. Mi.)	Population			Percentage Population Change	
		2000	2010	2020	2000-2010	2010-2020
Columbus	4.67	1,664	1,765	1,442	6.1%	(-18.3%)

Source: U.S. Census Bureau

Luna County and its jurisdictions have experienced slight population changes since 2010. Of note:

- Luna County has seen a 1.6% population increase for the period 2010-2020
- Deming has seen a (-0.65%) population decrease for the period 2010-2020
- Columbus has seen a (-18.3%) population decrease for the period 2010-2020

At risk populations may have difficulty with medical issues, poverty, extremes in age, and communications due to language barriers. Several principles may be considered when discussing potentially at-risk populations, including:

- Not all people who are considered at risk are at risk
- Outward appearance does not necessarily mark a person as at risk
- The hazard event will, in many cases, affect at risk population in differing ways

The National Response Framework defines at risk populations as "populations whose members may have additional needs before, during, and after an incident in functional areas, including but not limited to: maintaining independence, communication, transportation, supervision, and medical care." The following tables present information on potential at risk populations within Luna County.

Table 6: Potential at Risk Population Data

Jurisdiction	Population 5 and Under (2021)	Population Over 65 (2021)	Speak a Language Other Than English (2021)	Estimated People in Poverty (2021)
Luna County	1,861	5,226	12,749%	6,145
Deming	1,343	3,232	7,984	3,955
Columbus	37	198	1,145	492

Source: United States Census Bureau 2021

-: Data unavailable

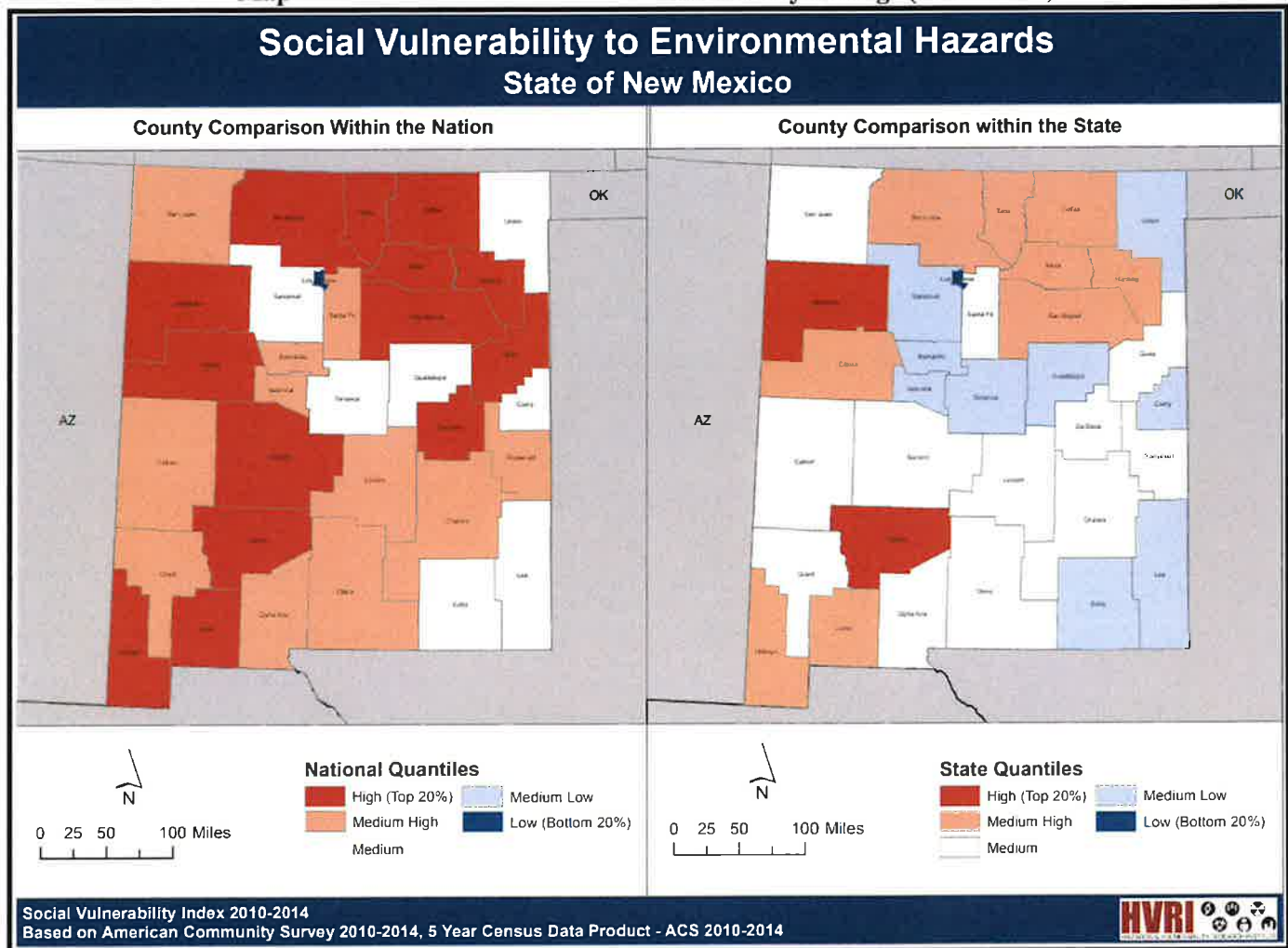
The Social Vulnerability Index 2010 - 2014 compiled by the Hazards and Vulnerability Research Institute in the Department of Geography at the University of South Carolina measures the social vulnerability of counties to environmental hazards. The index synthesizes 30 socioeconomic variables, including social, economic, demographic, and housing characteristics, which may contribute to reduction in a community's ability to prepare, respond and recover from a hazard. The major data source for this index is primarily the United States Census Bureau.

After obtaining the relevant data, a principal components analysis is used to reduce the data into set of components. All components are added together to determine a numerical value that represents the social vulnerability for each county. Scores in the top 20% of the United States are more vulnerable counties (red) and scores in the bottom 20% of the United States indicate the least vulnerable counties (blue).

The following map illustrates social vulnerability rating for Luna County.



Map 4: State of New Mexico Social Vulnerability Ratings (20010-2014)



Source: Hazards and Vulnerability Research Institute, University of South Carolina

3.3 – Assessor Data

This section quantifies the buildings exposed to potential hazards in Luna County. In general, the higher a jurisdiction's housing stock, the higher their vulnerability to specific hazards.

Data from the Luna County Assessor's Office indicates the following assessed property value, including improvements for residential and non-residential properties to be \$1,501,264,554.

Additionally, the following data from HAZUS indicates the total value of property within Luna County.

Table 7: Luna County HAZUS Valuations

Ag.	Comm.	Gov.	Indust.	Res.	Ed.	Religious
\$22,068,000	\$252,382,000	\$24,021,000	\$36,399,000	\$1,230,006,000	\$21,842,000	\$32,054,000

Source: FEMA HAZUS

The total HAZUS estimated value for real property in Luna County is estimated at \$1,618,772,000.

Data from the United States Census Bureau in the table below details the participating jurisdictions' housing information.



Table 8: Luna County Housing Data

Jurisdiction	Housing Units (2010)	Housing Units (2020)	Numerical Change in Housing Units (2010-2020)	Percentage Change in Housing Units (2010-2020)
Luna County	10,999	11,355	356	3.2%
Deming	6,226	6,595	485	5.9%
Columbus	787	661	104	15.3%

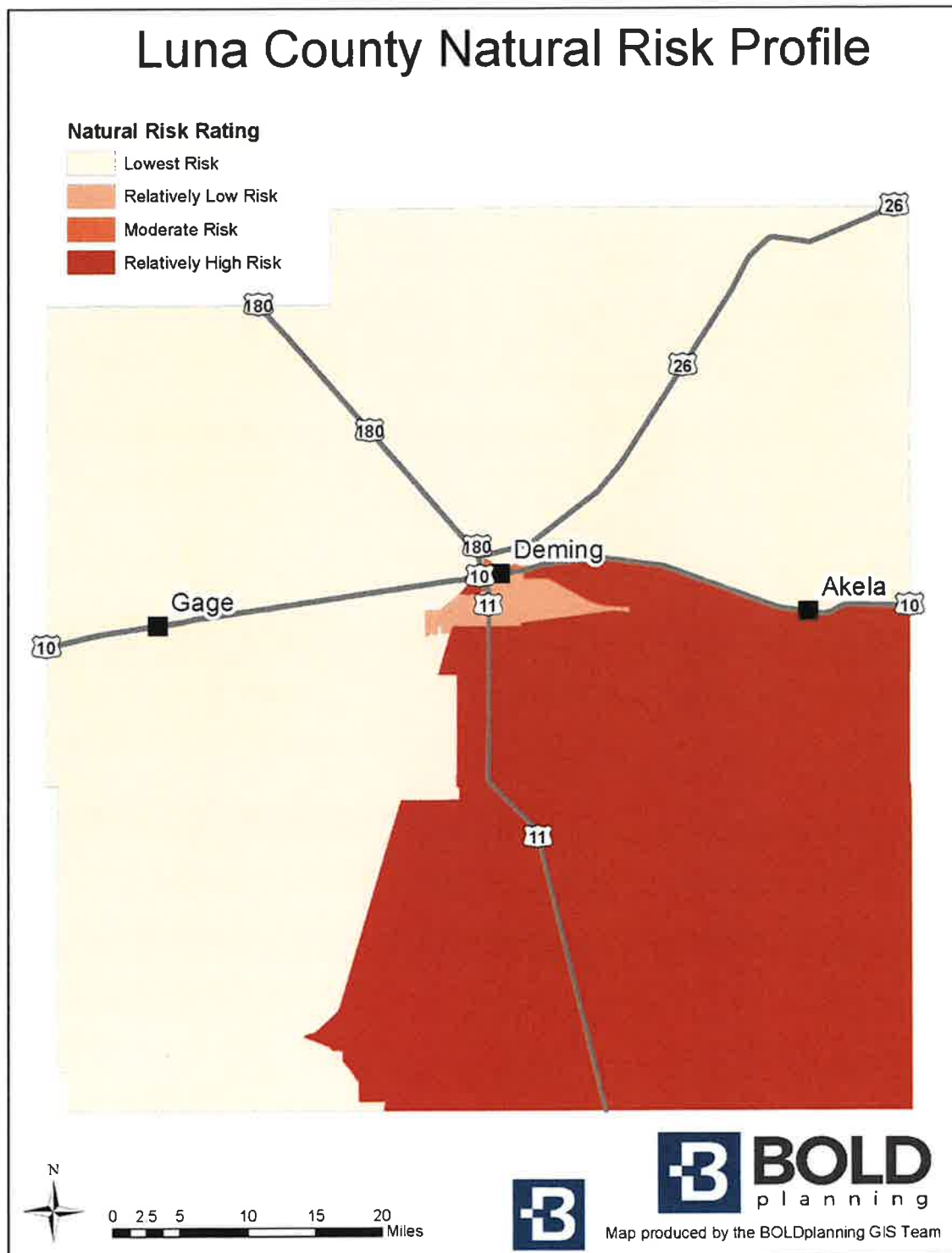
Source: United States Census Bureau

3.4 – Community Risk Mapping

Using available census, economic, and development data, the following maps were developed to indicate community risk, community resilience, and community vulnerability to a hazard event.



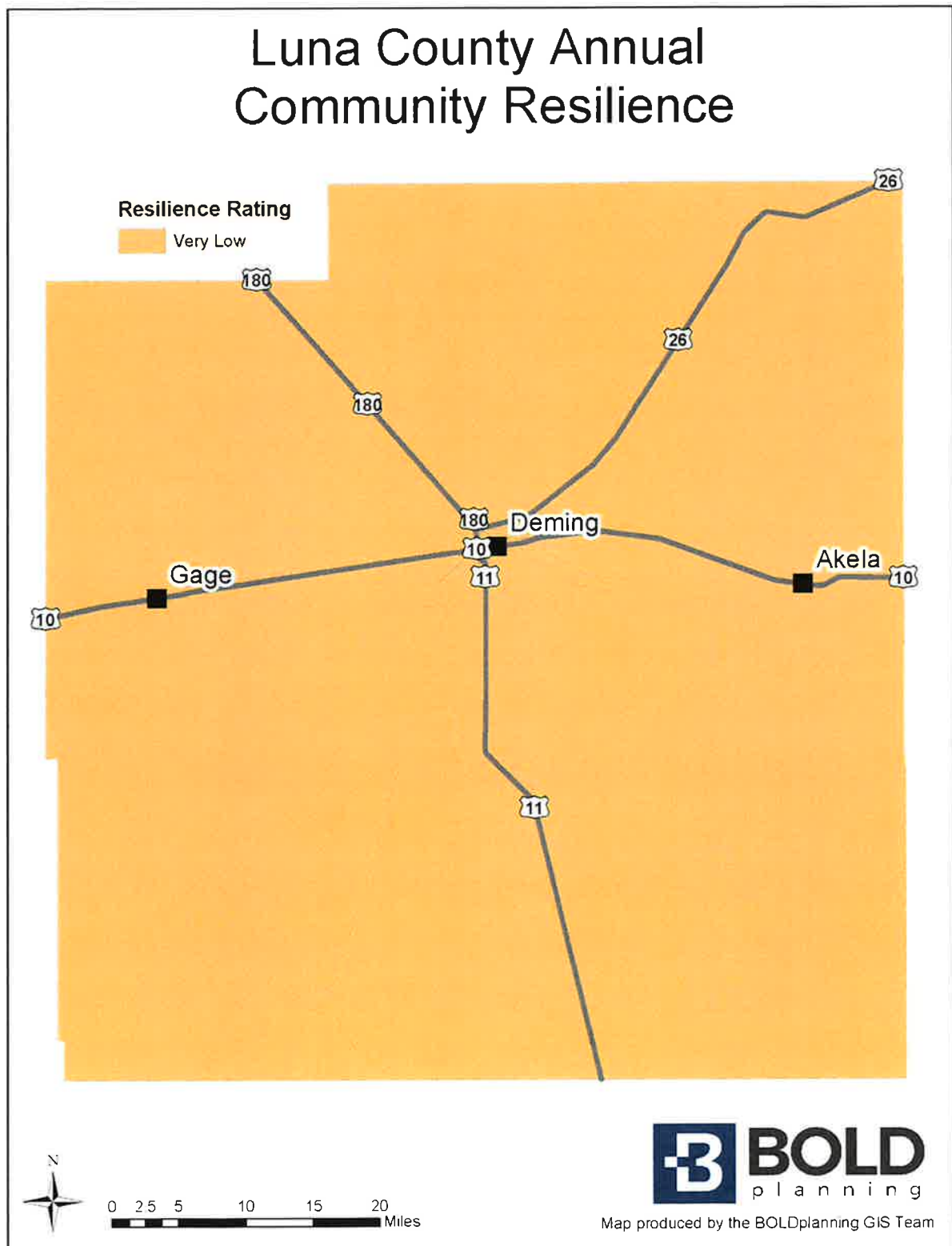
Map 5: FEMA Natural Risk Index Map – Luna County



Map/Data Source: FEMA National Risk Index Map, map produced by BOLDplanning



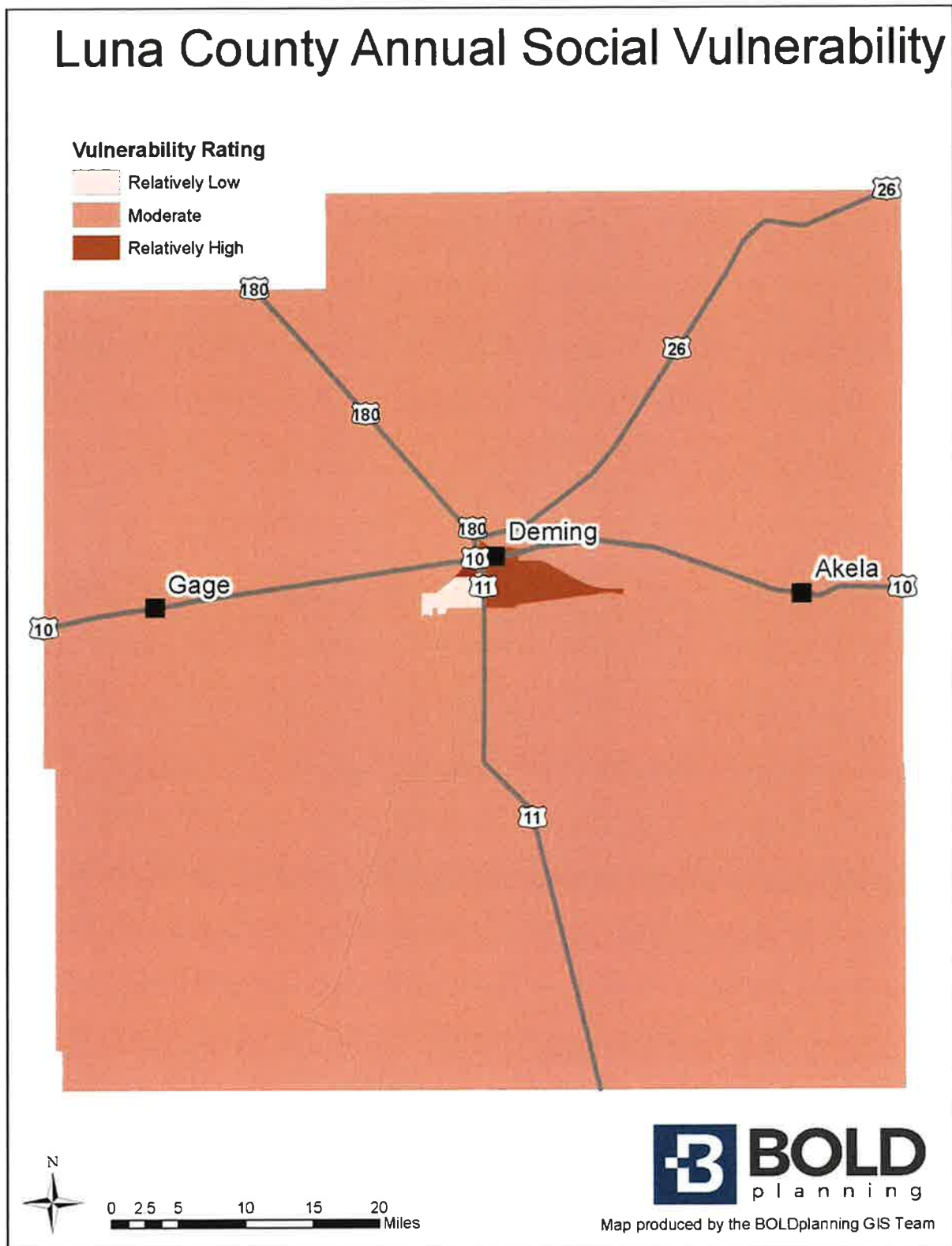
Map 6: FEMA Community Resilience, Luna County



Map/Data Source: FEMA National Risk Index Map, map produced by BOLDplanning



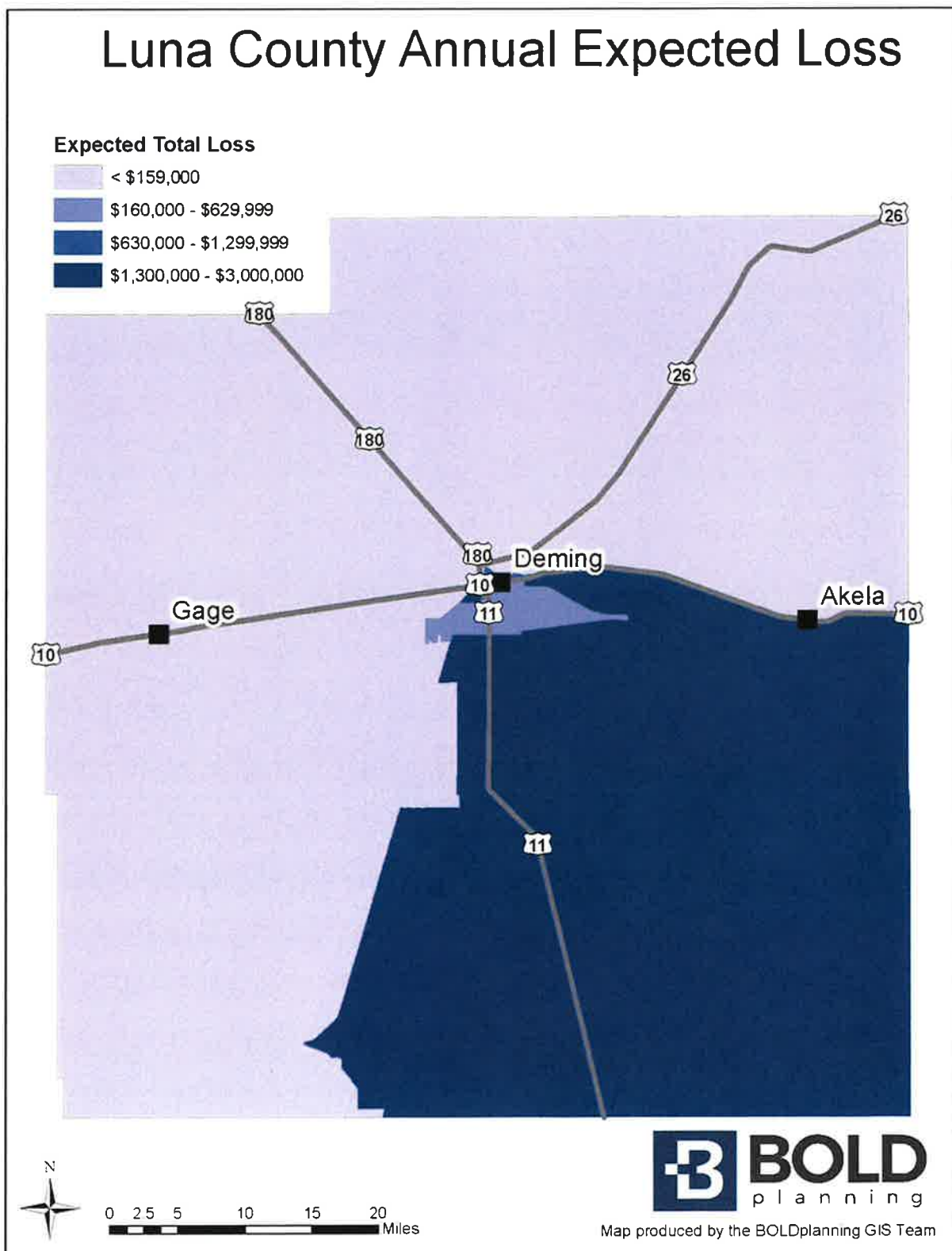
Map 7: FEMA Social Vulnerability, Luna County



Map/Data Source: FEMA National Risk Index Map, map produced by BOLDplanning

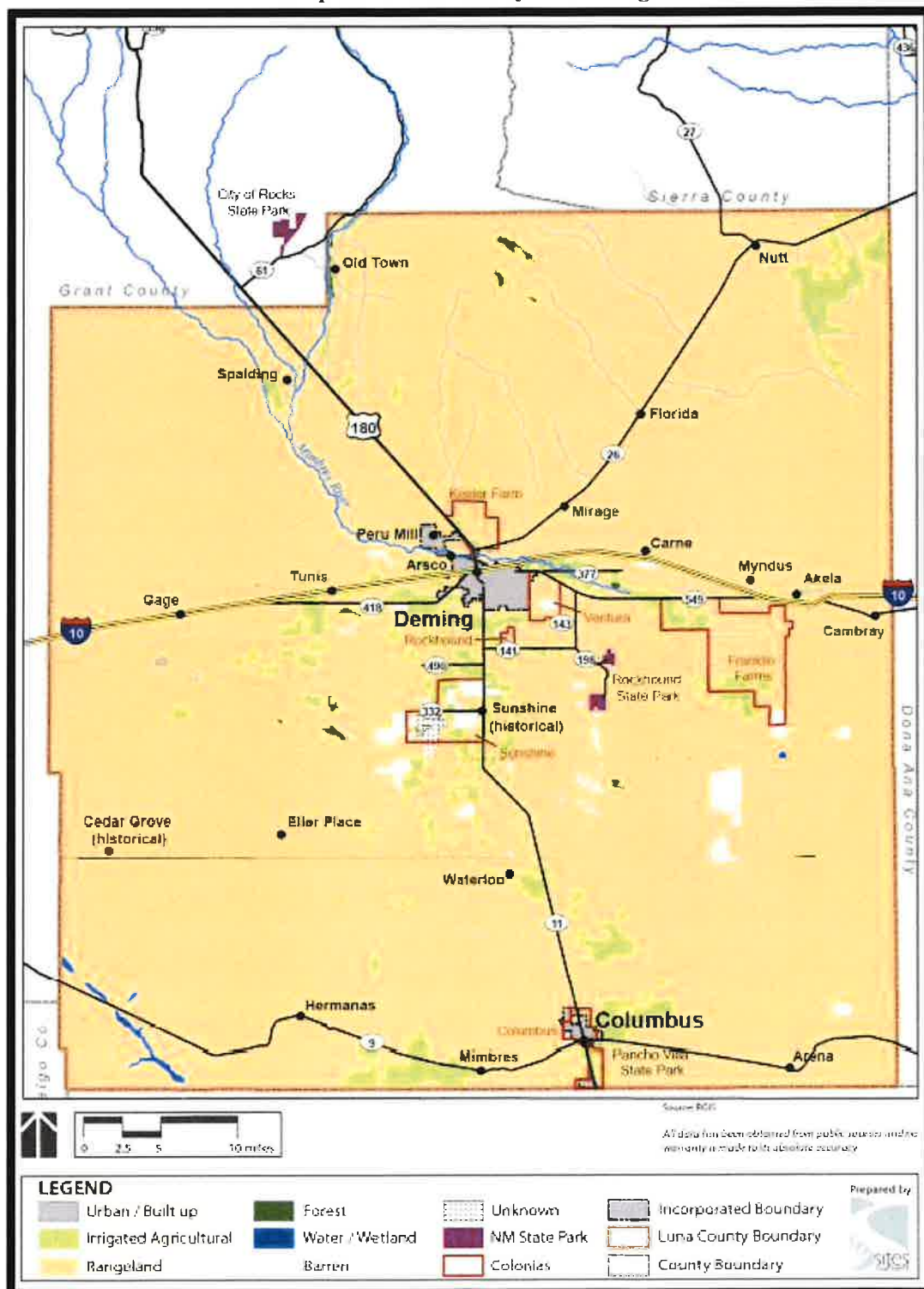


Map 8: FEMA Expected Annual Loss, Luna County



Map/Data Source: FEMA National Risk Index Map, map produced by BOLDplanning



**Map 10: Luna County Land Usage**

Map Source: Luna County

According to the USDA 2017 Census of Agriculture, the majority of land in Luna County is used for grazing, with 94% of the agricultural land identified as pastureland, followed by a small percentage irrigated agricultural land. The top crop items by acres farmed are vegetables harvested for sale, forage, cotton, peppers (primarily Chile) and corn for silage. Farming and ranching are on the decline in the county, due to economics, the aging of farmers and ranchers, and



diminishing water due to drought and mining of the aquifer. The amount of land in farms dropped 12% for the 10-year period of 2007 to 2017, from 653,558 acres in 2007 to 575,844 acres in 2017, the last year for which data were available.

A summary assessment for land use, development trends, and growth as they apply to changes in a jurisdiction's vulnerability and risk, can be broken down into two categories, area -wide hazards and point hazards. Area-wide hazards indiscriminately impact the entire planning area. Since it is beyond scientific measurement where an area-wide hazard, such as winter storms, will impact, and likely it will impact everywhere, it is reasonable to assume any significant growth and development will increase vulnerability and risk. Additionally, if a jurisdiction develops or populates a known hazard area (point hazard) that jurisdiction's vulnerability and risk increase by an amount equal to the development or growth that now exists in that identified hazard area.

Based on the available data, Luna County will retain its mostly rural and agricultural character during the life of this plan. Based on demographic data Luna County and all participating jurisdictions will see a static, or slightly decreased risk to identified hazards due to changing demographics.

3.6 Critical Facilities

Certain facilities have a net positive value on the community, that is, they contribute to the public good by facilitating the basic functions of society. These facilities maintain order, public health, education, and help the economy function. Additionally, there are infrastructure and facilities integral to disaster response and recovery operations. Conversely, some infrastructure and facilities are of extreme importance due to the negative externalities created when they are impacted by a disaster. What fits these definitions will vary slightly from community to community, but the definitions remain as a guideline for identifying critical facilities and infrastructure. For Luna County and its participating jurisdictions, the table below lists the identified critical facilities and infrastructure. A complete list can be found in Appendix D.

Table 9: Luna County Critical Facilities

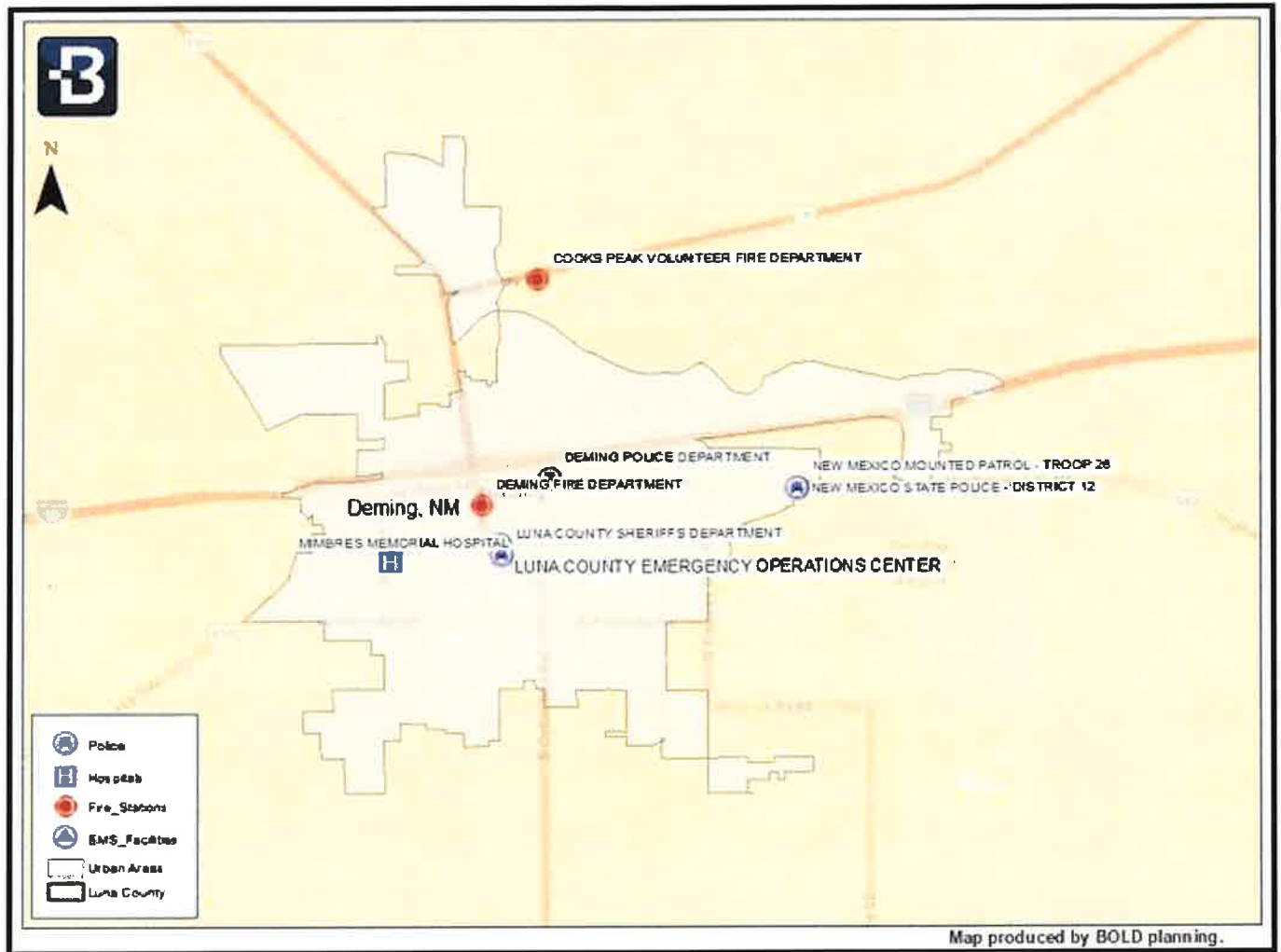
	Luna County	Deming	Columbus	Total
Fire Station	3	2	1	6
Sherriff's Department	1	0	0	1
Emergency Operations Center	1	0	0	1
Police Station	0	1	0	1
Hospital	0	1	0	1
Public Health Department	1	0	0	1
Medical Transport	0	2	0	2
Senior Living Center	0	1	0	1
Dialysis Center	0	1	0	1
Pharmacies	0	3	0	3
Major Government Building	0	3	1	4
Electrical Providers	2	1	0	3
Internet Provider	0	2	0	2
Water Infrastructure	0	2	0	2
Transportation Hub	0	1	0	1
Educational Facilities	0	11	1	12

Source: Luna County and Participating Jurisdictions

The following maps detail critical facility locations.



Map 11: Luna County Critical Facilities, Security

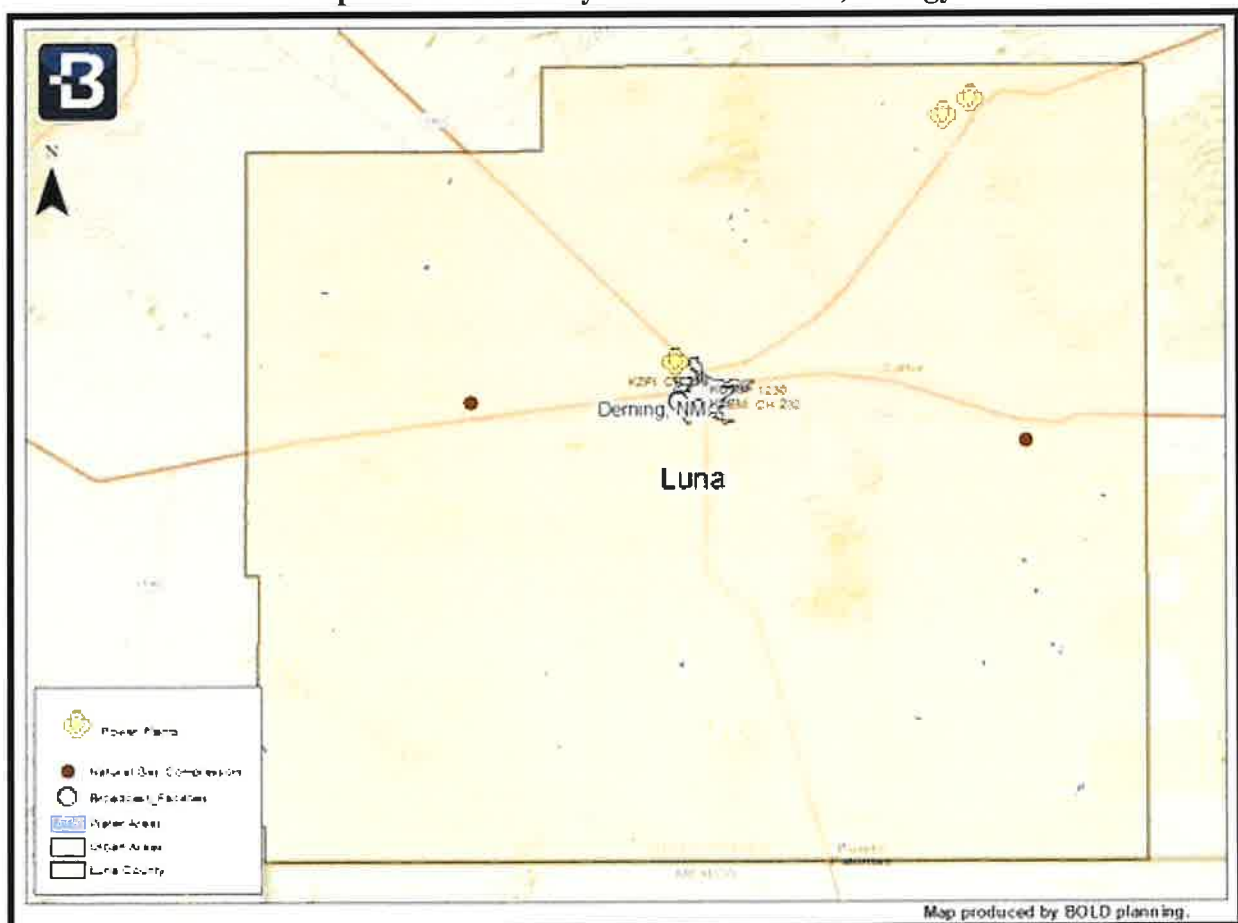




Map 12: Luna County Critical Facilities, Medical

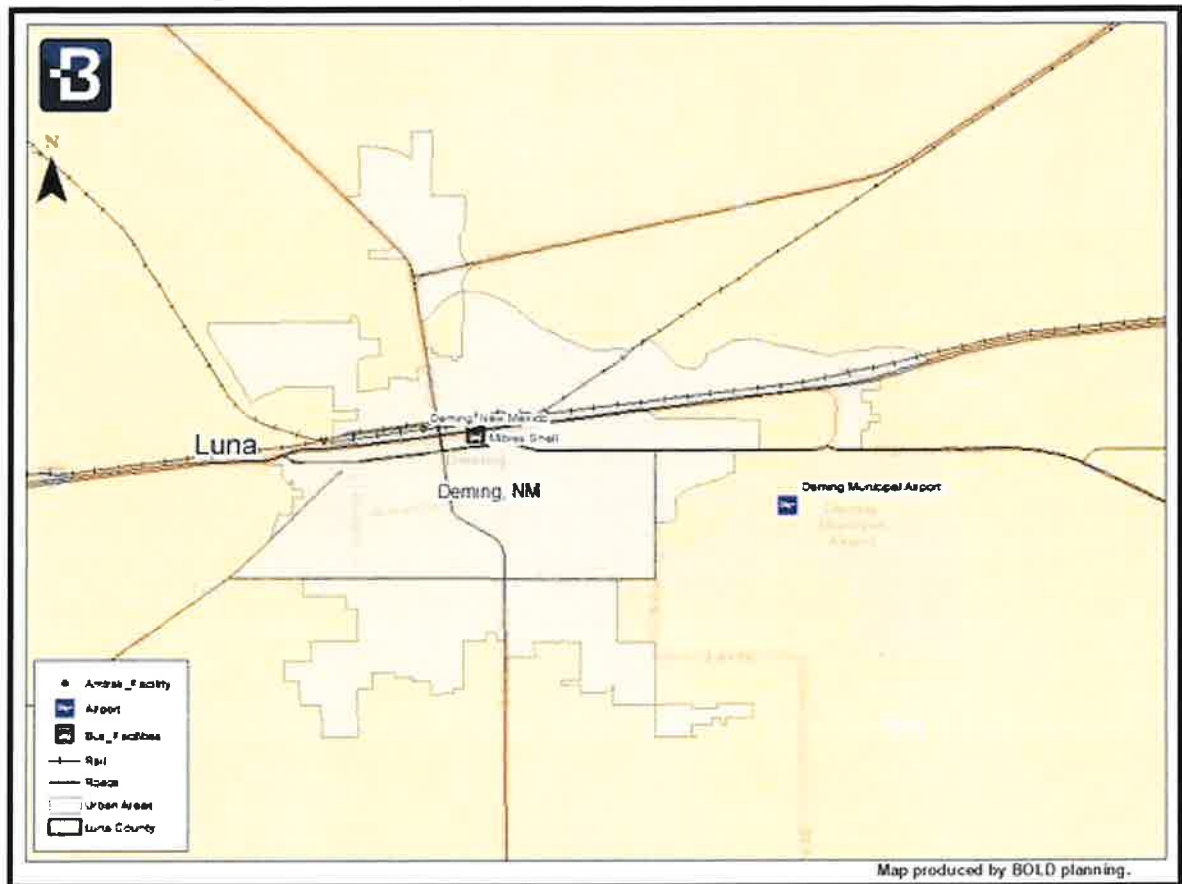


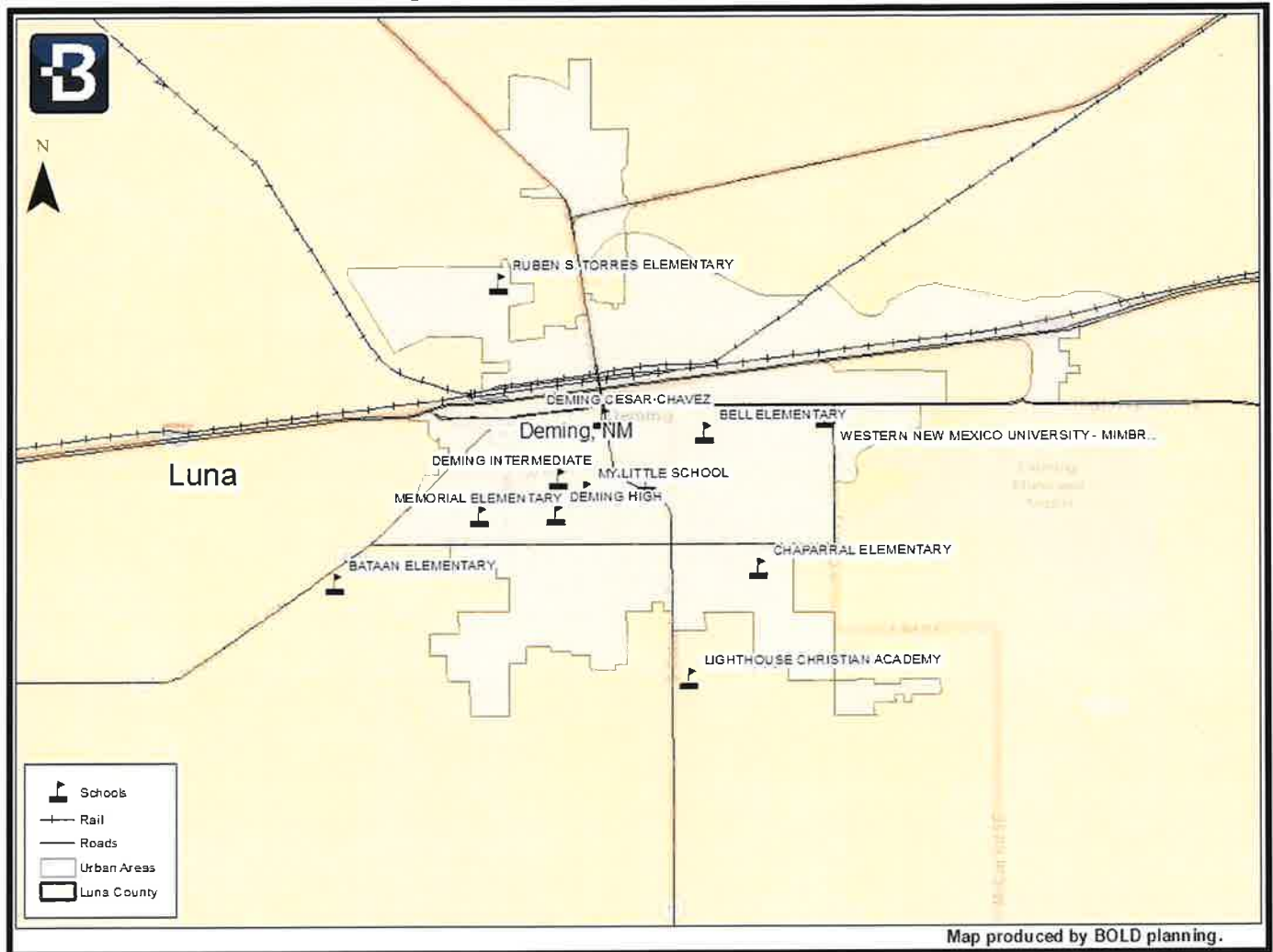
Map 13: Luna County Critical Facilities, Energy





Map 14: Luna County Critical Facilities, Transportation Hubs



**Map 15: Deming Critical Facilities, Schools**

3.7 Climate Change

For hazards related to weather patterns, climate change may cause significant changes in patterns and event frequency. There is a scientific consensus that climate change is occurring, and recent climate modeling results indicate that extreme weather events may become more common. Rising average temperatures produce a more variable climate system which may result in an increase in the frequency and severity of some extreme weather events, including:

- Longer and hotter heat waves
- An increased risk of wildfires
- Higher wind speeds
- Greater rainfall intensity
- Increased tornado activity

According to the United States Environmental Protection Agency:

- Every part of the U.S. Southwest experienced higher average temperatures between 2000 and 2020 than the long-term average (1895–2020). Some areas were more than 2°F warmer than average.
- Large portions of the Southwest have experienced drought conditions since weekly Drought Monitor records began in 2000. For extended periods from 2002 to 2005 and from 2012 to 2020, nearly the entire region was abnormally dry or even drier



- Based on the long-term Palmer Index, drought conditions in the Southwest have varied since 1895. Since the early 1900s, the Southwest has experienced wetter conditions during three main periods: the 1900s, 1940s, and 1980s. Drier conditions occurred through the 1920s/1930s, again in the 1950s, and since 1990, when the Southwest has seen some of the most persistent droughts on record.

Specifically, according to the United State Environmental Protection Agency's "What Climate Change Means for New Mexico:"

- Most of the state has warmed at least one-degree Fahrenheit in the last century. Heat waves are becoming more common, and snow is melting earlier in spring. In the coming decades, our changing climate is likely to decrease the flow of water in the Colorado, Rio Grande, and other rivers; threaten the health of livestock; increase the frequency and intensity of wildfires; and convert some rangelands to desert.
- Increasing droughts and higher temperatures are likely to interfere with New Mexico's farms and cattle ranches. Hot weather can threaten cows' health and cause them to eat less, grow more slowly, and produce less milk. Livestock operations could also be impaired by fire and changes in the landscape from grassland to woody shrubs more typical of a desert. Reduced water availability would create challenges for ranchers, as well as farmers who irrigate fruits, vegetables, pecans, and other nut trees
- Wildfires and Changing Landscapes Higher temperatures and drought are likely to increase the severity, frequency, and extent of wildfires, which could harm property, livelihoods, and human health. On average, more than 2 percent of the land in New Mexico has burned per decade since 1984. Wildfire smoke can reduce air quality and increase medical visits for chest pains, respiratory problems, and heart problems.
- The changing climate is likely to increase the need for water but reduce the supply. Warmer temperatures increase the rate at which water evaporates (or transpires) into the air from soils, plants, and surface waters. Irrigated farmland would thus need more water. But less water is likely to be available, because precipitation is unlikely to increase enough to make up for the additional water lost to evaporation. Annual rainfall is more likely to decrease than increase. So soils are likely to be drier, and periods without rain are likely to become longer, making droughts more severe.



Section 4 – Hazard Profiles

4.1 Introduction

The ultimate purpose of this HMP is to minimize the loss of life and property. To accomplish this, all relevant hazards and vulnerabilities Luna County and its participating jurisdictions face have been identified. Once this identification has been completed, Luna County and all participating jurisdictions can use the accumulated data to assist in the development of and prioritization of mitigation action to defend against these potential risks.

4.2 Methodology

Each hazard that has historically, or could potentially, affect Luna County and its participating jurisdictions is reviewed and discussed in detail. In general, each hazard details the following information:

- Hazard Description
- Location and Extent
- Previous Occurrences
- Probability of Future Events
- Potential Vulnerability and Impact
- Critical Facilities and Infrastructure
- Land Use and Development Trends
- Unique and Varied Risk

Data sets used for this HMP were designed to follow the lead of the 2014 Luna County Hazard Mitigation Plan. Twenty-year data sets from the National Oceanic and Atmospheric Administration (NOAA) National Centers for Environmental Information (NCEI) were used, where applicable, for hazard occurrence and impact data. Where data sets were unavailable for a hazard, local reporting from participating jurisdictions was relied upon.

4.3 Declared Federal Disasters

Historical events of significant magnitude or impact can result in a Secretarial or Presidential Disaster Declaration. The MPC reviewed the historical federal disaster declarations to assist in hazard identification.

Luna County has experienced one Major Disaster Declaration, two Emergency Declarations, and one Fire Management Assistance Grants. Smaller incidents are more frequent and are not reflected in the table.

Table 10: Luna County Presidential Disaster Declarations

Designation	Incident Period	Incident Type
DR-1301	07/16/1999 – 08/07/1999	Severe Ice Storms, Flooding, & Heavy Rains
DR-1659	07/26/2006 – 09/18/2006	Severe Storms & Flooding
DR-4148	07/23/2013 – 07/28/2013	Severe Storms & Flooding
DR-4529	01/20/2020 - Continuing	COVID-19 Pandemic

Source: FEMA

Table 11: Luna County Emergency Declarations / Fire Assistance Management Grants

Designation	Incident Period	Incident Type
EM-3154	05/05/2000 – 07/07/2000	Severe Fire Threat
EM-3229	08/29/2005 – 10/01/2005	Hurricane Katrina Evacuation
EM-3460	01/20/2020 – 01/05/2021	COVID-19 Pandemic

Source: FEMA



4.4 Identified Potential Hazards

The first step in developing a hazard assessment is to identify the hazards that have a reasonable risk of occurring in Luna County and its participating jurisdictions. Proper identification allows for appropriate and well-planned action in order to mitigate the extent and cascading impacts of an incident. Furthermore, while not all disaster contingencies can be planned for, applying an all-hazards approach to the mitigation process does yield greater awareness and better preparedness for unforeseen hazard incidents overall. The following table lists the hazards identified in the 2018 New Mexico Hazard Mitigation Plan and indicates if they are included in the Luna County HMP.

Table 12: State of New Mexico Identified Hazards

State Plan Identified Hazard	Luna County HMP
Dam Failure	Included
Drought	Included
Earthquake	Excluded
Expansive Soils	Excluded
Extreme Heat	Included
Flood/Flash Floods	Included
Landslide	Excluded
Land Subsidence	Excluded
Severe Thunderstorms (Lightning, Thunderstorm Wind, and Hail)	Included
Tornadoes	Excluded
Volcanoes	Excluded
Wildfires	Included
Winter Storms	Included

Based on discussion with the MPC, a lack of identified risk or history, and geographic improbability, numerous FEMA identified hazards such as coastal erosion, hurricane, and tsunami were not included in the scope of this plan. Numerous other hazards include in the State of New Mexico Hazard Mitigation Plan, detailed below, were not included for the enumerated reasons:

- **Earthquake:** There have been no recorded damaging earthquakes in Luna County. The 2018 State of New Mexico Hazard Mitigation Plan indicates the region surrounding Luna County has had seven 4.5+ magnitude earthquakes in the past 153 years. Additionally, mapping the 2018 State of New Mexico Hazard Mitigation Plan indicates that Luna County would expect very low damage from an earthquake. Due to a lack of documented impact history, the MPC opted to not allocate potential resources or funding to mitigate against this hazard in favor of prioritizing other hazards.
- **Expansive Soils:** The 2018 State of New Mexico Hazard Mitigation Plan indicates Luna County does not have high clay content soil with high swelling potential, a marker for expansive soils. As such, the MPC opted to not allocate potential resources or funding to mitigate against this hazard in favor of prioritizing other hazards.
- **Landslide:** There have been no recorded damaging landslide events in Luna County. Additionally, the 2018 State of New Mexico Hazard Mitigation Plan indicates that Luna County possesses low susceptibility for landslide and rockfall hazard.
- **Land Subsidence:** While there is potential for land subsidence events to occur in Luna County, there have been no recorded damaging subsidence events in Luna County. Due to a lack of documented history, the MPC opted to not allocate potential resources or funding to mitigate against this hazard in favor of prioritizing other hazards.
- **Tornadoes:** Data indicates that Luna County has had two tornado events over the past 20 years, neither of which caused any document property damage, injury, or loss of life. Due to a lack of documented impact history, the MPC opted to not allocate potential resources or funding to mitigate against this hazard in favor of prioritizing other hazards.
- **Volcano:** There have been no geologically recent recorded damaging volcanic events in Luna County in recent history. Additionally, the 2018 State of New Mexico Hazard Mitigation Plan indicates the State of New Mexico has a 1% chance of a volcanic eruption in the next 100 years. Due to a lack of documented history, the MPC



opted to not allocate potential resources or funding to mitigate against this hazard in favor of prioritizing other hazards.

4.5 Hazard Profiles

Each identified hazard is profiled in the subsequent sections, with the level of detail varying based on available information. Sources of information are cited in the detailed hazard profiles below.

With each update of this plan, new information will be incorporated to provide for better evaluation and prioritization of the hazards.

The following hazards are presented in alphabetical order, and not by planning significance, for ease of reference.



4.6 Dam Failure

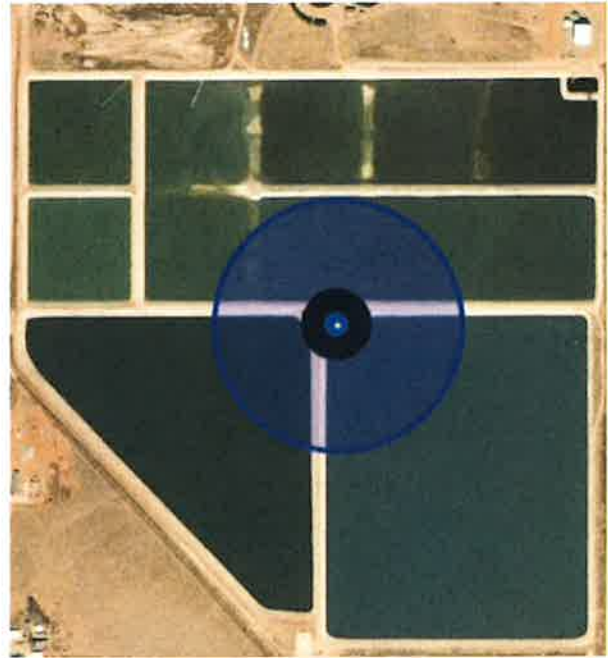
4.6.1 Hazard Description

A dam is a barrier across flowing water that obstructs, directs, or slows down the flow, often creating a reservoir, lake, or impoundment. Most dams have a section called a spillway or weir, over or through, which water flows, either intermittently or continuously. Dams commonly come in two types, embankment (the most common) and concrete (gravity, buttress, and arch), as well as sizes. They also serve a number of purposes and provide essential benefits, including drinking water, irrigation, hydropower, flood control, and recreation.

Large or small, dams have a powerful presence that is frequently overlooked until a failure occurs. Dams fail in two ways: 1) a controlled spillway release done to prevent full failure, or 2) the partial or complete collapse of the dam itself. In each instance, an overwhelming amount of water, and potentially debris, is released. Dam failures are rare, but when they do occur, they can cause loss of life and immense damage to property, critical infrastructure, and the environment.

Possible reasons for dam failure include but are not limited to:

- Sub-standard construction materials/techniques
- Spillway design error
- Geological instability caused by changes to water levels during filling or poor surveying
- Sliding of a mountain into the reservoir
- Poor maintenance, especially of outlet pipes
- Human, computer, or design error
- Internal erosion, especially in earthen dams
- Earthquakes
- Terrorism



There are three classifications of dam failure, hydraulic, seepage, and structural. The following is an explanation of each these failure classifications:

- **Hydraulic:** This failure is a result of an uncontrolled flow of water over and around the dam structure as well as the erosive action on the dam and its foundation. The uncontrolled flow causing the failure is often classified as wave action, toe erosion, or gullying. Earthen dams are particularly susceptible to hydraulic failure because earthen materials erode more quickly than other materials, such as concrete and steel. This type of failure constitutes approximately 40% of all dam failures.
- **Seepage:** Seepage is the velocity of an amount of water controlled to prevent failure. This occurs when the seepage occurs through the structure to its foundation, where it begins to erode within. This type of failure accounts for approximately 4% of all dam failures.
- **Structural:** A failure that involves the rupture of the dam or the foundation by water movement, earthquake, or sabotage. When weak materials construct dams (large, earthen dams) are the primary cause of this failure. Structural failure occurs with approximately 30% of dam failures.



4.6.2 Location & Extent

New Mexico's Dam Safety Program is managed by the Dam Safety Bureau. The Dam Safety Bureau operates the program based on Title 19 Natural Resources and Wildlife, Chapter 25 Administration and Use of Water - General Provisions, Part 12 Dam Design, Construction and Dam Safety. This program is responsible for developing and maintaining an inventory of dams, classifying dams, and ensuring the compliance of all regulated dams. The Dam Safety Bureau uses the following definitions for state regulated dams:

- **Dam:** A man-made barrier constructed across a watercourse or off-channel for the purpose of storage, control or diversion of water.
- **Jurisdictional dam:** A dam 25 feet or greater in height, which impounds more than 15 acre-feet of water or a dam that impounds 50 acre-feet or more of water and is 6 feet or greater in height. For purposes of these regulations, reference to a dam means a jurisdictional dam unless otherwise noted. See figure of jurisdictional dam size.
- **Non-jurisdictional dam:** Any dam not meeting the height and storage requirements of a jurisdictional dam. The state engineer does not regulate the design, construction and operation of a non-jurisdictional dam unless the dam is unsafe and there is a threat to life or property, as determined by the state engineer. Waters impounded by a non-jurisdictional dam may not be exempt from water right permit requirements; therefore a separate state engineer water right permit for the water impounded in the reservoir created by a non-jurisdictional dam may be required. Non-jurisdictional dams shall meet the requirements of 19.26.2.15 NMAC unless otherwise exempt. The structures listed below are considered non-jurisdictional dams:

Dams in the State of New Mexico are ranked by Dam Hazard Classification, which is determined by the potential for infrastructure and property damages downstream if a dam failure were to occur. Current Dam Hazard Classifications are:

Table 13: Dam Hazard Potential Classification

Hazard Potential	Definition
High	Dams where failure or mis-operation will probably cause loss of human life.
Significant	Dams where failure or mis-operation will probably not result in loss of human life but can cause economic loss, environmental damage, disruption of lifeline facilities, or can impact other concerns. Significant hazard potential classification dams are often located in predominantly rural or agricultural areas but may be located on populated areas with significant infrastructure.
Low	Dams where failure or mis-operation results in no probable loss of life but may result in low economic or environmental losses. Losses would be principally limited to dam owner's property.

The U.S. Army Corps of Engineers National Inventory of Dams (NID) program indicates that there are eight dams in Luna County, all classified as low hazard, as detailed in the following table:

Table 14: Luna County Dams

Dam Name	NID Number	Owner Names	Hazard Rank	Dam Type	Year	Capacity (acre feet)	Condition Assessment
Luna Energy Facility Evaporation Ponds 1 & 2	NM00639	PNM, Tuscon Electric & Freeport MCM Cooper & Gold	Low	Earth	2002	158	Fair



Table 14: Luna County Dams

Dam Name	NID Number	Owner Names	Hazard Rank	Dam Type	Year	Capacity (acre feet)	Condition Assessment
Starvation Draw Detention Dam #5	NM00094	DOI BLM	Low	Gravity	1956	101.5	Fair
Starvation Draw Detention Dam #2	NM00091	DOI BLM	Low	Gravity	1955	53	Unsatisfactory
Starvation Draw Detention Dam #4	NM00093	DOI BLM	Low	Gravity	1956	72.8	Poor
Palomas Red Hill Detention	NM00102	DOI BLM	Low	Gravity	1969	450	Not Rated
Starvation Draw Detention Dam #3	NM00092	DOI BLM	Low	Gravity	1958	79.9	Poor
Miller Gibson Dam #1	NM00095	DOI BLM	Low	Gravity	1956	282.1	Poor
Palomas #7	NM00099	DOI BLM	Low	Gravity	1957	92	Not Rated

Source: NID

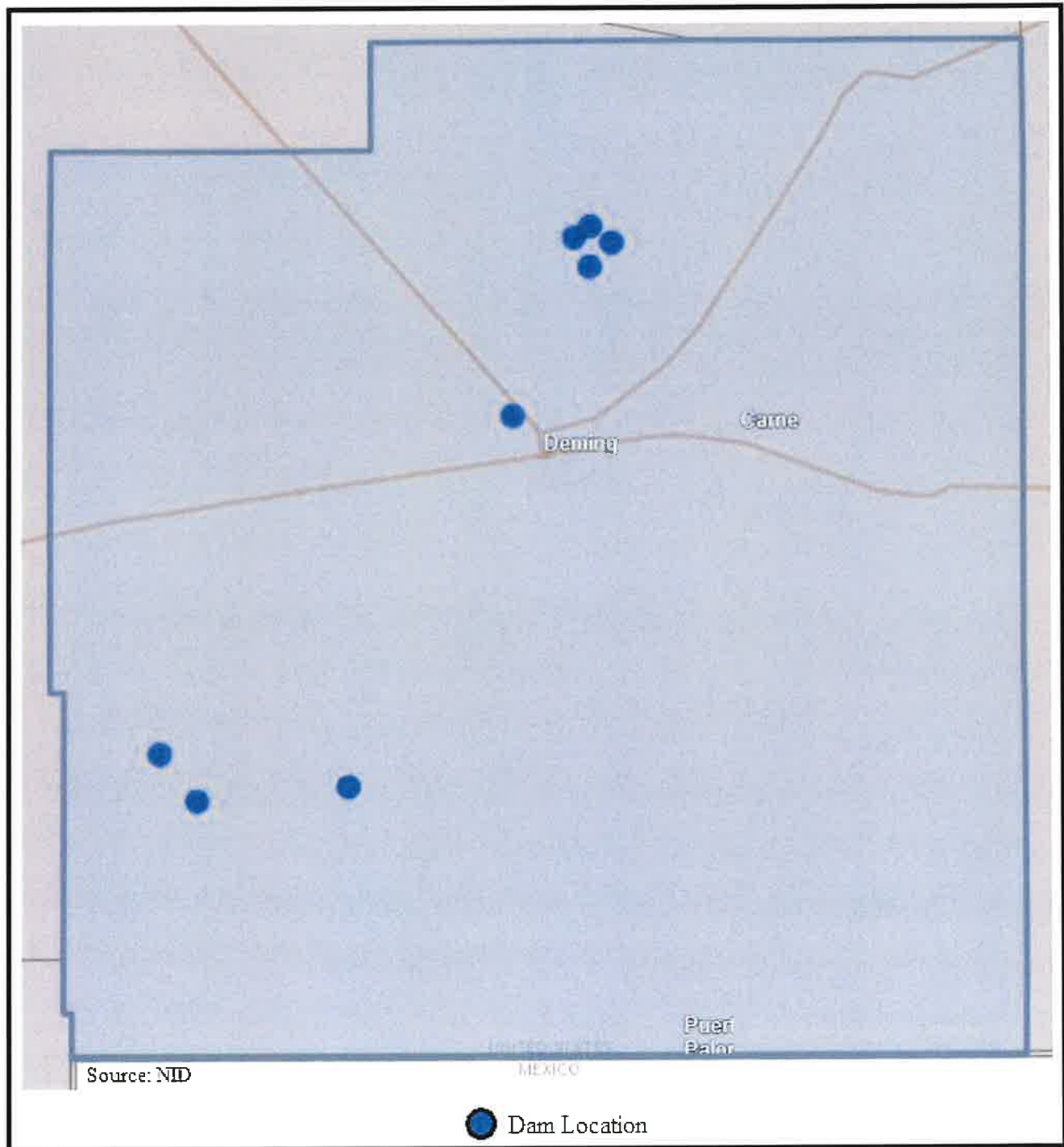
The definition of dam condition assessment are as follows:

- **Satisfactory:** No existing or potential dam safety deficiencies are recognized. Acceptable performance is expected under all loading conditions in accordance with state engineer's rules and regulations for dams or tolerable risk guidelines.
- **Fair:** No existing dam safety deficiencies are recognized for normal loading conditions. Rare or extreme hydrologic and/or seismic incidents may result in a dam safety deficiency. Risk may be in the range to take further action.
- **Poor:** A dam safety deficiency is recognized for loading conditions, which may realistically occur. Remedial action is necessary. A POOR condition is used when uncertainties exist as to critical analysis parameters, which identify a potential dam safety deficiency. Further investigations and studies are necessary.
- **Unsatisfactory:** A dam safety deficiency is recognized that requires immediate or emergency remedial action for problem resolution.

The following maps detail the locations of identified Luna County dams.



Map 16 - Luna County Summary of Dams



Map Source: NID

Inundation mapping for these dams has not been completed, and so no data exists to delineate the impact of a potential failure. To alleviate this deficiency, Luna County will look to complete an inundation survey for all identified dams.

All identified dams are classified as Low Hazard by the U.S. Army Corps of Engineers NID, As such, a failure would likely result in “no probable loss of life but may result in low economic or environmental losses. Losses would be principally limited to dam owner’s property.”



4.6.3 Previous Occurrences

There is no single, comprehensive source of open-source information about a dam failure in the State of New Mexico. However, according to the New Mexico State Hazard Mitigation Plan, there have been no instances of dam failure in Luna County.

4.6.4 Probability of Future Incidents

As previously stated there can be advanced warning to no warning at all for a dam failure event. At present, there is no history of a dam failure of any size in Luna County or its participating jurisdictions. In lieu of any historical events, the next best prediction tool would be based on the structural state of the dam. However, maintenance and structural information on the dams in Luna County and its participating jurisdictions is not available for public use. Available historic occurrence data suggests that there is a near zero percent probability of dam failure in a given year. However, it is important to note that the lack of past incidents does not protect against future incidents.

4.6.5 Vulnerability & Impact

Luna County and its participating jurisdictions have recorded no incidences of dam failure. Still, a dam failure could have an impact on the planning area, including the environment, much like a flood event. While difficult to quantify, as the impacts of a dam failure will be determined by many factors, in general the following impacts may be expected:

Table 15: Economic Impact of Dam Failure

Jurisdiction	Crop Loss	Job Loss	Income Loss	Tax Revenue Loss
Luna County	No	No	No	No
Deming	No	No	No	No
Columbus	No	No	No	No

Table 16: Social Impact of Dam Failure

Jurisdiction	Population Migration	Loss of Life or Injury	Health Risk	Reduced Quality of Life
Luna County	No	No	No	No
Deming	No	No	No	No
Columbus	No	No	No	No

Vulnerability of Facilities

Luna County facilities will typically not see an impact from a dam failure due to their distance from the dams in the planning area but, due to data limitations related to dam inundation zones for the planning area, it is not entirely clear what the impacts of a dam failure would realistically be.

Vulnerability of Population

The greatest vulnerability of a jurisdiction's population is the inability to predict a dam failure and evacuate potential inundation areas in a timely manner. However, no dams in Luna County are near major population centers, and no injuries or deaths have been recorded as a direct result of dam failure.

Vulnerability of Systems

Table 17: Vulnerability of Systems to Dam Failures

Community Lifeline	Vulnerability
Safety and Security	First responders may be exposed to flooding hazards or hazardous materials releases. Mutual Aid Resources will be needed from outside the local jurisdiction to support.
Food, Water, Shelter	Flooding may cause water contamination. Flooding may damage shelters or make roads to shelters impassible.
Health and Medical	may cause water contamination. Healthcare resources may be expended responding to the community's healthcare needs.



Table 17: Vulnerability of Systems to Dam Failures

Community Lifeline	Vulnerability
Energy	Power generation may be affected by a dam failure to an energy provider's resources. Infrastructure may be damaged by flooding and the available pool of water to support Steam could be unavailable.
Communications	Communication infrastructure may be damaged by flooding.
Transportation	Roads and rail lines may be damaged or impassible due to flooding.
Hazardous Materials	Hazardous materials may be released at fixed sites due to flooding.

4.6.6 Critical Facilities & Infrastructure

Critical infrastructure is not anticipated to be impacted from a dam failure beyond possible power loss and transportation route disruption.

4.6.7 Land Use & Development Trends

Development near dams will increase vulnerability to dam failures. However, the generally static, or declining, nature of population growth during the past ten years in all participating jurisdictions indicates that both current and future development may decline. As such, the vulnerability to dam failure will likely continue to decrease.

4.6.8 Unique & Varied Risk

Citizens of Luna County living near dams are at an increased risk for injury, death and property loss due to dam failures. None of the identified participating jurisdictions (Deming or Columbus) are at increased risk



4.7 Drought

4.7.1 Hazard Description

Drought is defined as an abnormally dry period lasting months or years when an area has a deficiency of water and precipitation in its surface and or underground water supply. It is, however, a normal, seasonal, and recurrent feature of climate that occurs in virtually all climate zones—typically in late spring through early fall. The duration of drought varies widely. There are cases when drought develops relatively quickly and lasts a very short period of time, exacerbated by extreme heat and/or wind, and there are other cases when drought spans multiple years, or even decades. The hydrological imbalance can be grouped into the following non-exclusive categories:



- **Agricultural:** When the amount of moisture in the soil no longer meets the needs of previously grown crops
- **Hydrological:** When surface and subsurface water levels are significantly below their normal levels
- **Meteorological:** When there is a significant departure from the normal levels of precipitation
- **Socio-Economic:** When the water deficiency begins to significantly affect the population

When below average, little or no rain falls, soil can dry out, and plants can die. If unusually dry weather persists and water supply problems develop, the time period is defined as a drought. Human activity such as over-farming, excessive irrigation, deforestation, and poor erosion controls can exacerbate a drought's effects. It can take weeks or months before the effects of below average precipitation on bodies of water are observed. Depending upon the region, droughts can happen more quickly, noticed sooner, or have their effects naturally mitigated. The more humid and wet an area is, the faster the effects will be realized. A naturally dry region, which typically relies more on subsurface water will take more time to actualize its effects.

Periods of drought can have significant environmental, agricultural, health, economic, and social consequences. The effects vary depending upon vulnerability and regional characteristics. Droughts can also reduce water quality through a decreased ability for natural rivers and streams to dilute pollutants and increase contamination. The most common effects are diminished crop yield, increased erosion, dust storms, ecosystem damage, reduced electricity production due to reduced flow through hydroelectric dams, shortage of water for industrial production, and increased risk of wildland fires.

Droughts are regularly monitored by multiple federal agencies using a number of different indices. Among them are the U.S. Drought Monitor, the Palmer Drought Index, and the Standardized Precipitation Index, as next described.

The U.S. Drought Monitor provides a summary of drought conditions across the U.S. and Puerto Rico. Often described as a blend of art and science, the map is updated weekly by combining a variety of data-based drought indices and indicators, along with local expert input, into a single composite drought indicator.

The Palmer Drought Index (PDI), devised in 1965, was the first drought indicator to assess moisture status comprehensively. It uses temperature and precipitation data to circulate water supply and demand; incorporates soil moisture; and is considered most effective for non-irrigated cropland. It primarily reflects long-term drought and has been used extensively to initiate drought relief.

Table 18: Palmer Drought Severity Index

Category	Range (Per Year)
Extremely Wet	4.0 or more
Very Wet	3.0 to 3.99
Moderately Wet	2.0 to 2.99



Table 18: Palmer Drought Severity Index

Category	Range (Per Year)
Slightly Wet	1.0 to 1.99
Incipient Wet Spell	0.5 to 0.99
Near Normal	0.49 to -0.49
Incipient Dry Spell	-0.5 to -0.99
Mild Drought	-1.0 to -1.99
Moderate Drought	-2.0 to -2.99
Severe Drought	-3.0 to -3.99
Extreme Drought	-4.0 or less

Source: U.S. Drought Monitor

The Standardized Precipitation Index (SPI) is a way of measuring drought that is different from the PDI. Like the PDI, this index is negative for drought, and positive for wet conditions. However, the SPI is a probability index that considers only precipitation, while PDI indices are water balance indices that consider water supply (precipitation), demand (evapotranspiration) and loss (runoff).

Table 19: Standard Precipitation Index

Category	Range (Per Year)
Extremely Wet	2.0+
Very Wet	1.5 to 1.99
Moderately Wet	1.0 to 1.49
Near Normal	-.99 to .99
Moderately Dry	-1.0 to -1.49
Severely Dry	-1.5 to -1.99
Extremely Dry	-2 and less

Source: U.S. Drought Monitor

One of the best indicators of historic drought periods is provided by the U.S. Drought Monitor, which lists weekly drought conditions for the State of New Mexico. The following table details the U.S. Drought Monitor categories.

Table 20: U.S. Drought Monitor Categories

Rating	Described Condition
None	No drought conditions
D0	Abnormally Dry
D1	Moderate Drought
D2	Severe Drought
D3	Extreme Drought
D4	Exceptional Drought

Source: U.S. Drought Monitor

4.7.2 Location & Extent

Drought is a persistent problem across the State of New Mexico, as evidenced by its widespread presence in 2022. The U.S. Drought Monitor is currently reporting that for February 2022, the Majority of the State of New Mexico is impacted by drought conditions.

Drought can impact the entire planning area, and as indicated in the following maps, at the time of this plan, 100% of Luna County is impacted at a moderate drought or severe drought rating.

Luna County Volunteer Fire Department

Deming, New Mexico

Departmental By-Laws

Amending:

Article 1: Organization

Section 1: This organization shall be known as the Luna County Volunteer Fire Department (LCVFD).

Section 2: This organization shall have as its purposes the prevention and control of fires within the Luna County Fire Protection District; the provision of assistance, whenever possible and practical, to residents in, and commuters through the Luna County Protection District in emergencies; the provision of assistance, upon request, to other public safety agencies.

Article 2: Meetings and Training

Section 1: On January, March, June, September, and December, shall be designated as the General Membership Meetings. The date and time of the meeting will be announced by the Fire Chief with a minimum of a 72-hour notice. All officers may call for Special Meetings and workshops, as needed. Meetings will be conducted by Robert's Rules of Order, an abridged version. (Amended October 4, 2016)

Section 2: A training shall be held once a month. The time and activities of this meeting shall be announced by the Fire Chief and/or Deputy Chief. A makeup training shall be held once a month, as an alternative opportunity to acquire credit for attending that month's training.

Section 3: A Special Meeting may be called at any time by the Fire Chief or his designee. All Members of the LCVFD shall be given three days' advance notice of a Special Meeting. Such notice shall be by telephone and posted upon the Fire Department Notice Board.

Section 4: An Emergency Meeting of the LCVFD may be called as necessary by the Fire Chief or designee by notification of all members who can be reached.

Article 3: Officers

Section 1: The LCVFD shall have the following line officers if adequate numbers of qualified candidates are available:

1. Fire Chief
2. Deputy Chief
3. An appropriate number of Captains
4. An appropriate number of Lieutenants
5. A Safety Officer (May be combined with another officer's position)

Section 2: Qualifications of officers:

1. Fire Chief: Must have the training, experience, and knowledge appropriate to the duties of Chief, as determined by the Luna County Manager.
2. Deputy Chief: Must have a minimum of four years of appropriate firefighting experience and a minimum of Firefighter 1 certification.
3. All other line officers must have a minimum of one year of appropriate firefighting experience and a minimum of Firefighter 1 certification, or certifiable.
4. All officers must be active members of the LCVFD.
5. Individuals without the required length of experience but who meet the minimum requirement of Firefighter 1 certification may be appointed in an "acting" capacity.

Note: The duties of the officers are as described in Article 5.

Article 4: Membership Classifications and Qualifications

Section 1 with: A member is defined as an individual who has attended at least 2/3 of the total annual monthly training. Continued membership is contingent upon the following: within 2 years of becoming a member, the individual has either completed Firefighter 1, or in house introductory training requirements in the following skills: Orientation of the Fire Service, Fire Fighter Safety, Fire Service Communications, Incident Command System, Fire Behavior, Building Construction, Portable Fire Extinguishers, Fire Fighter Tools and Equipment, Ropes and Knots, Response and Size-Up, Forcible Entry, Ladders, Search and Rescue, Ventilation, Water Supply, Fire Hoses, Nozzles, Streams and Foam, Fire Fighter Survival, Salvage and Overhaul, Fire Fighter Rehabilitation, Wildland and Ground Fires, Fire Suppression, Pre-incident Planning, Fire and Emergency Medical Care including CPR, Vehicle Rescue, and Extrication, Hazardous Materials Awareness, Ethics of the Public Servant.

Membership: after meeting the first two years' requirements membership is maintained by attending at least 2/3 of the annual monthly training. Individuals, who were members before this amendment, can provide proof of successful completion of the introductory training requirements, or meet the requirements within two years. A member who does not meet or exceed the minimum requirements of membership is no longer a member of the Luna County Volunteer Fire Department and must promptly return all Luna County property assigned to them for the administration of their duties as a firefighter.

Section 2: An active member is defined as an individual who has participated monthly in the preventative maintenance checks of at least one piece of LCVFD equipment, and attended at least 2/3 of the regular meetings and training during the preceding 12 months except that a member with less than 12 months service shall have attended 2/3 of the regular meetings and drills held since the member joined.

Section 3: A member of the Luna County Volunteer Fire Department may become eligible for New Mexico Public Retirement Association benefits. The laws determining firefighter eligibility sometimes change. Minimum requirements for the current calendar year may be found on the New Mexico Public Retirement Association website or with the help of an administrative employee of Luna County. Members are encouraged to take an active part in monitoring their eligibility and benefits.

Section 4: All members shall be notified of all membership meetings.

Section 5: Any part of these By-Laws that conflicts with the Luna County Ordinance, or the New Mexico State Statute, will be superseded by the greater authority.

Section 6: All other officers shall be appointed by the Fire Chief.

Article 5: Duties of Officers

Section 1: The duties of the Fire Chief shall be as provided in Luna County Ordinance: 23 Personnel Policy and job description.

Section 2: The Deputy Chief shall assist the Chief in all aspects of the operation of the Department and shall assume the responsibilities and authority of the Chief when the Chief is absent.

Section 3: The Captains shall be next in line of authority after the Deputy Chief and shall assume command in the absence of superior officers.

Section 4: The lieutenants shall be next in line of authority and shall assume command in the absence of superior officers.

Section 5: The Safety Officer shall monitor all activities to ensure that all members are working within their capabilities and are appropriately using the proper equipment.

Article 6: Firefighter

Section 1: A candidate for a Firefighter shall be at least eighteen (18) years of age and shall otherwise conform to the qualifications described herein, Luna County Volunteer Fire Department Standard Operating Procedures and Standard Operating Guidelines, and by NFPA standards.

Section 2: Upon completion of the proper application and after review by the Chief, or another officer designated by the Chief, the candidate shall immediately begin appropriate duties with the LCVFD. The probationary period for any new firefighter is 12 months. If during the probationary period, the candidate's behavior and performance are judged by any officer of the Department to be unsatisfactory, it shall be the responsibility of the Chief to take appropriate action, including the discharge of the candidate from further association with the Department.

Section 3: The probationary period of an experienced firefighter with proof of training and experience can be waived by the Fire Chief with the concurrence of the Luna County Governing Body.

Article 7: Impeachment of Officers

Section 1: An officer of the LCVFD may be impeached for failure to perform his official duties for conduct unbecoming of an officer or conviction of a felony occurring during his tenure in office.

Section 2: The method for the impeachment of an officer shall be as follow: An impeachment charge shall be made in writing and submitted to the Fire Chief. The Chief will consult with HR Director, County Attorney, and County Manager before a decision is made.

Section 3: In case of death, resignation, or impeachment of any officer, a replacement officer shall be appointed by the Chief. In the event of a vacancy in the Fire Chief position, the Luna County Manager shall appoint a replacement.

Article 8: Duties and Discipline of Members

Section 1: Each member of the Luna County Volunteer Fire Department shall adhere to the principles outlined in the Luna County Volunteer Fire Department Departmental By-Laws. In addition, the individual shall be subject to and follow the orders of a Line Officer during all alarms, training sessions, practice, or other departmental functions. He/she shall answer alarms and attend regular departmental meetings, practices, and required training sessions except when he shall be excused by an officer. He/she shall not leave the scene of an alarm, practice, or training session until excused by the officer in charge. No firefighter may respond to a fire scene without their full personal protective equipment.

Section 2: Except when serving as the designee of the Chief, no member shall represent the Department nor convey information or questions about Departmental matters to any outside person or agency.

Section 3: A member may be subject to expulsion for the following acts: willful and continued insubordination, conduct detrimental to the Fire Department, its members, the public or property, excessive absence, leaving the scene of a fire or rescue call without the permission of the officer in charge or appearing at any alarm, practice or training session while under the influence of alcohol or any other mind-altering substance, or without their appropriate personal protective equipment. Any witness may submit a written witness statement or proof of these acts to the Fire Chief or Deputy Chief. Any witness statement or proof will be made available to the member or members in question, and become a part of the member's or members' volunteer file(s). Expulsion is a closed personnel matter and at the sole discretion of the Fire Chief. A member may submit an appeal of the Fire Chief's decision to the Luna County Manager.

Section 4: All Uniforms, personal protective equipment, and other items issued to a member, remain the property of Luna County and will be returned upon discontinuance of membership, or at such time that the item must be removed from service. Loss or damage of Luna County property must be promptly reported to the Deputy Chief, in writing, by the person who took custody of said property. All items issued to serve as Firefighters may only be worn by a member when authorized to act on behalf of Luna County.

Article 9: Training

Section 1: All members shall be expected to work towards New Mexico Firefighter 1 certification or its equivalent.

Section 2: All members shall be trained in First Aid, CPR, and AED.

Section 3: All members shall participate in monthly training sessions unless specifically excused.

Article 10: Rights of Members

Section 1: Any member shall have the right to attend all recreational functions of the Fire Department. They shall have the right to submit an item for the General Membership Meeting agenda for discussion and action. A member shall have the right to attend all departmental meetings, schools, or training programs that are designed for the general membership.

Section 2: An active member shall have the right to invite a guest or guests to the Fire Department and specific social functions. These guests shall be his responsibility. The guest or guests shall leave at the same time the host member leaves.

Article 11: Retirement

Section 1: A member of the LCVFD may be granted Retired status upon reaching at least 10 years of active membership within the Department according to New Mexico Public Retirement Association benefits.

Section 2: A retired firefighter shall retain all Fire Department privileges and they shall be included in all social functions of the Fire Department. They may attend meetings but shall not vote. They shall not actively participate in any of the alarms or operations of the Fire Department. As with the lawful, emergent recruitment of a non-member, the retired firefighter may be called upon to return to service as circumstances demand and allow. Should any retired firefighter consistently abuse their rights and privileges, they may be subject to loss of said rights and privileges or any part of them at the discretion of the Fire Chief.

Section 3: Retired members may keep the rank held at retirement with the addition of the word, "Retired", e.g., "Captain, Retired".

Article 12: Resignation

Section 1: A member may resign from the LCVFD at any time upon written notice to the Fire Chief. A member who resigns must return all departmental equipment to the LCVFD and forfeits all rights and privileges of membership except as hereinafter provided. A member resigning because of ill health which prevents him from continuing his duties as an active firefighter may be given all of the rights and privileges granted to a retired firefighter by a majority vote of the members of the LCVFD at a regular meeting.

Section 2: A member who has resigned may be reinstated as an active member upon the recommendation of the Chief. The Chief shall present his recommendation at the next regular

meeting of the department. An affirmative vote of two-thirds of the active members present shall constitute confirmation of reinstatement.

Article 13: Leave of Absence

Section 1: Any member may obtain a leave of absence under a written request to the Fire Chief.

Section 2: The circumstances that will justify the granting of a leave of absence are:

- A. Job requirements such as extra hours or temporary relocation
- B. Temporary seasonal relocation
- C. Personal illness
- D. Family emergency

Section 3: Upon beginning a leave of absence, the member shall return all equipment to the Fire Department. Such equipment shall be reissued upon the member's return to service.

Section 4: Departmental officers who take a leave of absence shall maintain their rank provided the leave of absence does not exceed 3 months.

Article 14: Grievances

Section 1: If a firefighter has a complaint or grievance concerning themselves, another member, or members, that is a closed (private) personnel issue. The aggrieved party will bring the said matter to the Fire Chief, privately and in writing.

Section 2: If the complaint or grievance is against the Fire Chief, the aggrieved party will bring the said matter to the Human Resources Director, privately and in writing.

Article 15: Honorary Members

Section 1: An honorary member shall be a person, not a firefighter, who has rendered valuable service to the LCVFD. Honorary membership shall not confer on the recipient any of the rights or obligations of an active member.

Article 16: Committees

Section 1: Appropriate committees shall be appointed from time to time by the Fire Chief. A committee shall exist for the duration set by the Chief and shall submit reports as requested.

Article 17: Amendments to By-Laws

Section 1: A member or members who wish to propose an amendment to these By-Laws shall submit the proposed amendment to the Fire Chief at any time. The Chief will review and consult with County personnel before a decision is made.

Article 18: Conduct of Meetings

Section 1: All meetings of the Luna County Volunteer Fire Department will be chaired by the highest-ranking member present, and conducted by generally accepted Rules of Order.

Article 19: This document hereby acknowledges revisions that were made in June 2022.

Article 20: All amendments to the Luna County Volunteer Fire Department, Departmental By-Laws will be included within the body of the document, followed by a notation of amendment and date of the amendment.

ADOPTED this ____ day of _____, 2022

BOARD OF COUNTY COMMISSIONER OF
LUNA COUNTY, NEW MEXICO

ATTEST:

LUNA COUNTY

Brenda, McWright, County Clerk

Linda M. Smrkovsky, Chair

Barbara L. Reedy, Commissioner

John S. Sweetser, Commissioner

STATE OF NEW MEXICO
County of Luna

Barbara L. Reedy
Chair, District 1

Linda M. Smrkovsky
Commissioner, District 2



John S. Sweetser
Chairman, District 3

Chris A. Brice
County Manager

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www.lunacountynm.us

June 17, 2021

To the Luna County Board of County Commissioners

The evaluations for RFP #111-02 for Cooks Peak Fire Department – Fire Protection Water System have taken place and the following recommendation for award is:

CRG International
ATTN: Xavier “Cob” Rios
220 W Walnut
Deming, NM 88030
Phone: 575-546-6761
Cell: 575-494-1715
Email: crgi2004@msn.com

The review committee makes this recommendation contingent upon the ability to use the existing well in place.

Respectfully Submitted by:

A handwritten signature in blue ink that reads "Joanne C. Hethcox".

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

Approved:

Chairperson