

**MINUTES
WORK SESSION
LUNA COUNTY BOARD OF COUNTY COMMISSIONERS
Wednesday, January 05, 2022**

BE IT REMEMBERED that the Luna County Board of County Commissioners met at 9:00 a.m. on Wednesday, January 05, 2022 in Chambers of the Luna County Courthouse, Deming, New Mexico, for the purpose of conducting a Work Session.

CALL TO ORDER: Chair Reedy called the meeting to order at 9:32 a.m. and led the Pledge of Allegiance and the salute to the flag of New Mexico.

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

Barbara L. Reedy, Chair, District 1

Linda M. Smrkovsky, District 2

John S. Sweetser, District 3

DISCUSSION ITEM: American Rescue Plan Act Funding: (*Note: Items were presented for discussion only and no actions were taken.) County Manager Chris Brice explained that the County received a total of about \$4.6 million for the American Rescue Plan. The first part came July 2021 in the amount of \$2.3 million. The county will receive another \$2.3 million no sooner than June 30, 2022. After receiving this money, initially there was a very broad range of things this money could be spent on with very few rules. As time went on there have been more rules applied on how this money can be spent, and the rules are constantly changing. This meeting was to discuss and get some ideas of how this money should be spent.

Public Comment: Chair Reedy opened the floor to public comment: No public was forthcoming.

Upcoming Meeting (unless otherwise specified):

Regular Commission Meeting: January 13, 2022 @ 10:00 a.m.

Special Meeting: January 24, 2022 @ 9:00 a.m.

Work Session: January 24, 2022 @ 10:00 a.m.

ADJOURN: Chair Reedy adjourned the meeting at 10:10 a.m.

ATTEST:

**LUNA COUNTY BOARD OF
COUNTY COMMISSIONERS**

Berenda McWright, Luna County Clerk

Chair, Barbara L. Reedy, District 1

Approved:_____

Linda M. Smrkovsky, District 2

John S. Sweetser, District 3

**MINUTES
REGULAR MEETING
LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS
Thursday, January 13, 2022**

BE IT REMEMBERED that the Luna County Board of County Commissioners met in regular session at 10:00 a.m. on Thursday, January 13, 2022 in the Chambers of the Luna County Courthouse, Deming, New Mexico, for the purpose of conducting any and all business to come properly before the Board. Due to the Covid-19 Pandemic and the Governor's Orders regarding social distancing, the commission meeting was also conducted via teleconference and webcasting.

The following staff and elected officials were present: County Manager Chris Brice, Assistant to the County Manager Yossie Nieblas, Administrative Assistant Lupita Hernandez, IT Technician Nathan Ortberg, Clerk Berenda McWright, Chief Deputy Clerk Leslie Nabours, Deputy Clerk Pilar Salcido, Assessor Michelle Holguin, Treasurer Kristie Hobbs, Sherriff Kelley Gannaway, Captain Michael Brown, Detention Deputy Director Pablo Montoya, Road Department Director David Bailey, Economic Development & Community Director Christie Ann Harvey, Community Development Liaison Mary Mackey, County Attorney Charles Kretec, LCDC Director Lee Cook, Community Development Director Premal Patel, and Budget & Procurement Director Joanne Hethcox. Other directors and elected officials were present virtually.

CALL TO ORDER: Chair Reedy called the meeting to order at 10:00 a.m., and led the Pledge of Allegiance and the salute to the flag of New Mexico.

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

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

ELECT 2022 CHAIRPERSON: Commissioner Sweetser moved to nominate Commissioner Smrkovsky as the 2022 Chairperson. Chair Reedy seconded the motion which was unanimously approved.

APPROVAL OF AGENDA: Chair Smrkovsky entertained a motion to approve the agenda. Commissioner Sweetser moved to approve the agenda as submitted. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote.

MINUTES: Upon a motion made by Commissioner Reedy and a second by Commissioner Sweetser the Minutes for the Regular Meeting of December 9, 2021, were unanimously approved.

SERVICE AWARDS: Janet Pacheco was not present to receive her five years of service award. James McBurney was not present to receive his five years of service award. LCDC Director Lee Cook presented Dolores Gonzales with her five years of service award. LCDC Director presented to Mary Helen Allison a plaque in recognition of her retirement.

SPECIAL RECOGNITION AWARD: Betty Quiroz-LCDC Director Lee Cook recognized Ms. Quiroz for her constant commitment to LCDC.

PRESENTATION:

- Quarterly Restrictive Housing Unit Report: Mr. Cook reported the Quarterly Restrictive Housing Unit Report by following HB 364. From October 1, 2021, thru December 31, 2021, the Luna County Detention Center had twelve detainees who met the reporting requirements. Detainees had access to showers, television, medical attention, mental health attention and were seen by detention staff hourly.
- 9/11 Flag of Honor Presentation: Teresa Aguilera stated the Teen Court Program is presenting the 9/11 Flag of Honor to the County. The frame was designed, built, and assembled by Carlos Apodaca's Woodshop class at Deming High School. The 9/11 Flag of Honor will be placed on the wall by the DWI office.
- Market Volatility (Bond Refinancing): Mark Valenzuela presented possible options for refinancing bonds. With the interest rate market now there might be an opportunity to refinance the bonds and potentially save the county some money.

ELECTED OFFICIALS REPORTS: Assessor Michelle reported the office has mailed out their first mailing of the year all livestock and personal property have been sent out on December 31st. They are busy starting their rendering period for this year which includes manufactured homes and exemptions (family exemptions, veteran's exemptions, limitation freezes, other exemptions, and disabled veterans). Any personal property, livestock, and manufactured homes that are not rendered by the end of February will incur a 5% penalty. The exemptions and limitations can be rendered by the end of April. The Assessor's office has processed 3,459 documents for 2021. The appraisal staff is busy calculating for the end of the year and conducting last-minute reviews before they send out the Notice of Values at the end of March. Renee Rivera has just transferred from County Service Specialist to an Appraisal Associate. Ms. Rivera has passed her first IAAO course towards her goal of attaining her IAAO certification. Mary Perez has passed her third IAAO course, she only needs one more class to get her certification. The County Service Specialists are processing livestock and personal property statements received. They are also processing exemptions, limitations, manufactured home stickers, all the online forms and inquiries. They are also processing the last of the deeds for the year, change of addresses, affidavits, tax levies, and helping customers in the office and online. The GIS/Floodplain/911 Rural Addressing department is continually updating the maps, processing UPC's, processing year-end deeds, reviewing and signing off on flood plain inquiries for the County and the City. They continue to also process data inquiries, issuing of new addresses for the County, process address designation letters, continue to work on city limits subdivisions on the GIS map, scan subdivision plats in the system, and check surveys and descriptions for Claim of Exemptions. Ms. Holguin stated that online services continue to be temporarily down which has increased phone inquiries, and the public coming into the office. She asked that the public please be patient while this gets fixed.

County Clerk Berenda McWright reported they processed 35 in person voter registrations, 14 through the mail, and 223 online and removed 14. There is a total of 12,663 active voters, 5,202 are

Democrats, 4,230 are Republicans, 109 are Libertarians, and 3,122 declines to state. They have recorded 490 documents and have 3 new businesses registered and have a total of 235 registered businesses in Luna County. There were ten marriage licenses issued and eight filed. There were 11 probates opened, eight closed and eight updated. The Lodgers Tax collected was \$377.29 and the year to date total is \$3,270.34. There was one commission meeting recorded and minutes prepared. A total of 25 records requests were processed via e-mail. Many calls were received due to the records not being available online. They are ready to go to the Legislative Conference and take some classes.

Treasurer Kristie Hobbs reported her office is done with tax season. It was a very eventful tax season they usually gets two part-time employees to help but unfortunately one had a death in the family so they just had one part-time employee. They had an intern to help with the processing of the mail. This tax season they collected a total of 19,123 in-person payments. They did 4,954 credit card payments and they processed 13,869 scanner mail payments. They collected a total of \$9,467,314 for this tax season. Ms. Hobbs stated they now have a drop box located outside by the picnic table. Anyone who would like to drop off their taxes instead of mailing can use the box which is checked daily. If this drop box does well they may put another one somewhere around town, possibly at Peppers or at the Senior Citizens Center to make it convenient.

Sheriff Kelly Gannaway gave the monthly activity reports. Assaults, larcenies, vehicle theft, and robberies are up. Overall criminal yearly totals are up. Yearly total for non-criminal are down accidents are up, DWI is down. Overall totals for non-criminals are down. The yearly grand total for criminal and non-criminals are down. Deputy Moreno and Deputy Nunez are headed to the academy on the 24th of January. They will be there for 16 weeks. One Deputy is on medical leave and another one is going on medical leave soon. Attentively there is another Deputy who is possibly retiring on February 1st. Interviews are scheduled for tomorrow for the School Resource Officer position. He has three opened Deputy positions background checks are currently being done for those positions. The Security Resource Officer is responsible for patrolling three schools.

Commissioner Reedy thanked everyone for helping her in the last year as Chairperson. She believes many good decisions were made and she stated there is some personal pleasure in being a board member. She has enjoyed every minute of it. Commissioner Smrkovsky thanked Commissioner Reedy. Commissioner Reedy also stated she had a wonderful time at the detention center.

Chair Smrkovsky looks forward to being the Chair as this is her last year.

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

- Dispatch: Dispatch had a total of 6,742/911 calls and 228 warrants issued. The last working session allowed some of the money from the Rescue Act to go ahead and get the new CAD system and new radio system on track. Looking forward to getting quotes and going out to get the dispatchers a new CAD system.
- LCDC: There was a total of 367 people booked and 182 released. The average daily population was 379 with 243 Marshalls. They are well on track to exceed the annual expenses. Many counties in the State spend up to 20-40% of their general fund just to support

a detention center. The fact that they exceed and make money is a blessing that Luna County can be thankful for. The new maintenance building framing is up.

- Road Department: A total of 2,612 tires were received and 95.70 total miles bladed. Capital Outlay Agreement received \$500,000 for heavy equipment purchases. Colonias extension request approved ongoing work with Wilson on the addition of Scotch Pine Rd. They were able to get a lot more done than they anticipated. They finished installing four-way stop signs at Dona Ana & Hermanas Grade intersection. They have completed LGRF construction on Hermanas, Solana/8th, La Bajada, and NM DHS, that is the road that goes out to the dump west of town. They are working on other projects with BLM, NMDOT, and NM DHS.
- Budget and Procurement: GRT continues to be a bit higher than expected and they continue to work on the budget. Hopefully, Open Gov will be available soon.
- Human Resources: The department has on-boarded two LCDC officers and one dispatcher, off-boarded twelve individuals. The currently available positions are DO, Starmax cooks part time, healing House advocate part-time, domestic violence offender treatment & intervention facilitator part-time, and Health Equity Program Manager. Interviews have been scheduled for CASA Program Manager, Procurement Specialist, Adult Drug Court Monitor, Sheriff's Deputy, and County Services Specialist for the Assessors. The minimum wage is now \$11.50 an hour. The HR office has moved across from the Treasurer's office.
- Starmax: Sales for the month of December are \$14,623.25. Continue to do work on various issues including the fire suppression system. They are waiting on a cost estimate from the suppression system company. They are looking for bids for the refurbishment of the carpet and drapes in the theatres. The WNMU fiber optic system has been completed.
- Emergency Management: Emergency Manager Phillip Rodriguez continues to monitor the spread of Covid-19. The spread is at 10.95% which is down from 14.4%. They assisted the Department of Health and the New Mexico National Guard. A mass notification system for Luna County should be up and running by the end of January or the middle of February. Anyone who registers on their phones will be able to receive all emergency broadcasts and any updates. The County has administered 317 doses of the Pfizer vaccine. We are also working on the hazard mitigation plan. We currently have two bids we have out to request for proposal (RFP).
- Luna County Fire: They responded to thirteen fires. Two bush trucks were received from Pete's Equipment.
- Community Health and Well Being: There was four DWI arrest and they are tracking 84 misdemeanor DWI offenders. The Healing House currently has 23 clients sheltered, 23 BIP participants, and eight orders of protection. The Health Council has received certification to provide the community NARCAN training. There have been 45 at-home Covid test kits distributed. Casa is serving 38 kids in Luna, Hidalgo, and Grant Counties. PAT is serving 151 clients in Luna and Hidalgo Counties. They have donated and distributed eight car seats and have performed 302 home visits. JJIC has six families enrolled in Strengthening Families, Girls Circle had 26 participants, Boys council had 24 participants, and adult drug court had 15 participants.

- IT had a total of 888 work orders completed. There have been 1,673 plus attacks on our networks. They continue to work on multiple projects.
- Economic Development: Currently waiting on citizen input for land use ordinances. In the process of finalizing Schroeder's contract, pending license approval for Sunnyside Farms. Franzoy's issue appears to have been mitigated.
- Maintenance/Projects: Remodeling is being done in Park Plaza and multiple Courthouse offices. The Fire alarm system will need to be changed per the fire marshal at MVSEC. The fire block was installed in the fire suppression and partition fence constructed at Starmax.

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

Budget and Procurement Director Joanne Hethcox reported no claims for the month of December. The money received for the month of December was \$88,491.15 and the balance for the Indigent Claims Fund totaled \$1,817,921.43, of that \$604,213.26 is encumbered. Commissioner Sweetser motioned to approve the Indigent Claims Report as presented. Commissioner Reedy seconded the motion which carried unanimously.

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

COMMUNITY SUPPORT REPORT: Deming Luna County Mainstreet Executive Director Chelsea Evans and Deming-Luna County Chamber of Commerce Executive Director Debbie Troyer reported on upcoming events.

PUBLIC COMMENT: Chair Smrkovsky opened the floor to public comment. Several members of the public went before the board.

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

- a. Accounts Payable: \$1,735,885.80
- b. Payroll: \$1,693,673.64
- c. Resolution 22-01: Notice of Meetings
- d. Resolution 22-02: Timely Payments
- e. Resolution 22-04: Depositories, Board of Finance, and Media Designation
- f. Resolution 22-05: Right to Inspect Public Records
- g. Resolution 22-06: CDBG Annual Certifications and Commitments
- h. Resolution 22-07: Designating Treasurer to Require Collateralization
- i. Resolution 22-08: ADA Grievance Procedure

OLD BUSINESS:

- a. Letter of Interest for Marshall Memorial Library Board – Kelly Stimpson. Mr. Brice stated there were no other interested parties. Mr. Brice recommended the board approve Ms. Stimpson. Commissioner Reedy motioned to approve Kelly Stimpson on the Marshall

Memorial Library Board. Commissioner Sweetser seconded the motion which carried unanimously following a roll call vote.

NEW BUSINESS:

- a. **Resolution 22-03 Notice of Fees:** Mr. Brice explained two of the increases made are for the planning department and the road department. Commissioner Sweetser motioned to approve Resolution 22-03: Notice of Fees. The motion was seconded by Commissioner Reedy and was approved unanimously following a roll call vote.
- b. **Resolution 22-09 Budget Increases:** Ms. Hethcox explained the four proposed budget increases. Commissioner Reedy motioned to approve Resolution 22-09 Budget Increases. The motion was seconded by Commissioner Sweetser and approved unanimously following a roll call vote.
- c. **Resolution 22-10 Budget Transfers:** Ms. Hethcox explained there are three transfers this month. Commissioner Sweetser motioned to approve Resolution 22-10: Budget Transfers: The motion was seconded by Commissioner Reedy and carried unanimously following a roll call vote.

JAIL INSPECTION REPORT FROM JUNE 2021: Mr. Brice reported on the jail inspection held in June of 2021. Mr. Brice stated going forward they will be scheduling the jail inspections in December as to report on the inspection in January every year.

UPCOMING MEETINGS: Chair Smrkovsky announced the following upcoming meetings:

NM Legislature NMC: Santa Fe – January 17-20, 2022
Special Meeting: January 24, 2022 at 9:00 a.m.
Work Session: January 24, 2022 @ 10:00 a.m.
Silver Spikes: Santa Fe – January 30, 2022 – February 1, 2022
Regular Commission Meeting– February 10, 2022@ 10 a.m.

ADJOURN: The meeting was adjourned by Commissioner Reedy at 11:59 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

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

BE IT REMEMBERED that the Luna County Board of County Commissioners met in Special Session at 9:00 a.m. on Monday, January 24, 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, Clerk Berenda McWright, Chief Deputy Clerk Leslie Nabours, Deputy Clerk Pilar Salcido, Treasurer Kristy Hobbs, Assessor Michelle Holguin, Economic Development & Community Director Christy Ann Harvey, Community Development Liaison Mary Mackey, County Attorney Charles Kretec, IT Technician Nathan Ortberg

CALL TO ORDER: Chair Smrkovsky called the meeting to order at 9:00 p.m. and led the Pledge of Allegiance and the salute to the flag of the State of New Mexico.

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

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

PUBLIC COMMENT: Chair Smrkovsky opened the floor for public comment. No public was forthcoming.

NEW BUSINESS: CBDG Health Complex Bid Award: FY110-01- County Manager Chris Brice explained they have been working on this for about a year. This project is for a new Department of Health office renovation located on Slate Street. This building is owned by Luna County which was previously leased out and used as a physical therapy facility. Their current building is falling apart. The County has received Capital Outlay, CBDG, money left over from another project from a previous Capital Outlay project. All that money together did not come up to anywhere near the amount needed to refurbish this building. The CBDG Board in recognizing the fact that all costs have gone up asked all of the applicants for this project how much would be needed to get this project done. Mr. Brice stated they then requested another \$750,000. They did award the extra \$750,000 but when they received the award letter, it was only in the amount of \$500,000. Mr. Brice has sent a letter asking for the additional \$250,000. Even with that extra \$750,000 they still fall short of the bid amount. The bid came in, in the amount of \$2,367,500. They will need to request through the Rescue Act the amount of \$400,000, and then an additional \$250,000 as a 10% buffer just in case there are cost overruns on this project. Commissioner Smrkovsky motioned to award the CBDG Health Complex Bid to WestCon Commercial Industries. Commissioner Reedy seconded the motion which carried unanimously following a roll call vote.

ADJOURN: Upon a motion by Chair Smrkovsky the meeting was adjourned at 9:06 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

**MINUTES
WORK SESSION
LUNA COUNTY BOARD OF COUNTY COMMISSIONERS
MONDAY, JANUARY 24, 2022**

BE IT REMEMBERED that the Luna County Board of County Commissioners met at 10:00 a.m. on Monday, January 24, 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 10:00 a.m. and led the Pledge of Allegiance and the salute to the flag of New Mexico.

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

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

DISCUSSION ITEM:

- a. **Ordinance 23: Luna County Personnel:** Luna County Personnel was discussed in detail. More work sessions will be scheduled to discuss further. (*Note: Items were presented for discussion only and no actions were taken.)

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

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 February 10, 2022

Month	Number	Amount	Number	Denied
January	0	\$21,248.76	0	\$0.00
Feburary				
March				
April				
May				
June				
July				
August				
September				
October				
November				
December				
Total	0	\$21,248.76	0	\$0.00
This Month's Total	Mimbres Memorial Hospital			\$21,248.76
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				\$21,248.76
Year to Date Total	Mimbres Memorial Hospital			\$21,248.76
Year to Date Total	All Other Hospitals			
Year to Date Total	Deming Fire Dept./EMS			
Year to Date Total	All Other Services			
Total				\$21,248.76
Care of Prisoners This Month - Not including SNCP Funds				\$7,913.08
Care of Prisoners Year to Date Indigent - Not including SNCP Funds				\$700.00
Care of Prisoners Year to Date Inmate Prescriptions/OTC Meds				\$7,213.08
Care of Prisoners Year to Date Dr. Bills				\$0.00
Total Cost of Care of Prisoners Year to Date				\$7,913.08
Monies Received - January 2022				TBD
Balance in IHC Fund as of January 31, 2022				TBD
Encumbrances as of January 31, 2022				\$330,788.05
		Date	Amount Approved	Amount Denied
	Signatures	2/10/2022	\$21,248.76	\$0.00
Barbara L. Reedy				
Linda M. Smrkovsky				
John S. Sweetser				

[illegible]

LUNA COUNTY, NEW MEXICO

RESOLUTION NO. 22-11

DECLARING THE INTENT OF THE BOARD OF COUNTY COMMISSIONERS (THE "GOVERNING BODY") OF LUNA COUNTY, NEW MEXICO (THE "COUNTY") TO CONSIDER FOR ADOPTION AN ORDINANCE AUTHORIZING ISSUANCE OF UP TO \$8,500,000 (EIGHT AND A HALF MILLION DOLLARS) OF ITS GROSS RECEIPTS TAX REVENUE BONDS, SERIES 2022A - TAXABLE AND SERIES 2022B – TAX EXEMPT (COLLECTIVELY, THE "BONDS"), OR IN THE ALTERNATIVE, THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BY AND BETWEEN THE COUNTY AND A FINANCIAL INSTITUTION (THE "LOAN AGREEMENT"), EVIDENCING A SPECIAL LIMITED OBLIGATION OF THE COUNTY FOR THE PURPOSE OF PROVIDING FUNDS FOR REFUNDING, REFINANCING AND DEFEASING ALL OR A PORTION OF THE OUTSTANDING \$3,245,000 CORRECTIONAL FACILITY GROSS RECEIPTS TAX REVENUE BONDS, SERIES 2017 (THE "SERIES 2017 BONDS") AND FOR THE PURPOSE OF PROVIDING FUNDS FOR OPERATING, MAINTAINING, CONSTRUCTING, PURCHASING, FURNISHING, EQUIPPING, REHABILITATING, EXPANDING OR IMPROVING A JUDICIAL-CORRECTIONAL OR COUNTY CORRECTIONAL FACILITY OR THE GROUNDS OF A JUDICIAL-CORRECTIONAL OR COUNTY CORRECTIONAL FACILITY, INCLUDING ACQUIRING AND IMPROVING PARKING LOTS, LANDSCAPING OR A COMBINATION OF THE FOREGOING; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF, PREMIUM, IF ANY, AND INTEREST DUE UNDER THE BONDS OR LOAN AGREEMENT SOLELY FROM THE REVENUES DERIVED FROM ITS GROSS RECEIPTS TAX IMPOSED PURSUANT TO SECTION 7-20F-1 THROUGH 7-20F-6 NMSA 1978, AS AMENDED AND SUPPLEMENTED, AND COUNTY ORDINANCE NO. 60; AUTHORIZING AND DIRECTING THE PUBLICATION OF A NOTICE OF MEETING TO CONSIDER FINAL PASSAGE OF AN ORDINANCE AUTHORIZING BONDS AND A LOAN AGREEMENT IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN THE COUNTY.

WHEREAS, Sections 4-62-1 through 4-62-10, NMSA 1978, as amended (the "Act"), authorize New Mexico counties to issue gross receipts tax revenue bonds which, pursuant to the Act, may include loan agreements; and

WHEREAS, pursuant to Section 7-20F-1 through 7-20F-6, NMSA 1978, as amended and supplemented, and County Ordinance No. 60 adopted on December 29, 2006 (the "Gross Receipts Tax") the County is authorized to impose a County correctional facility gross receipts tax (with certain specified exemptions) of up to 1/8th of 1% of the gross receipts of persons engaging in business within all of the county (with certain specified exemptions); and;

WHEREAS, the County desires to consider for adoption an ordinance authorizing, in accordance with the Act (the "Ordinance"), the issuance of up to \$8,500,000 of its Gross Receipts Tax Revenue Bonds, Series 2022A - Taxable and Series 2022B – Tax Exempt (collectively, the "Bonds") or, in the alternative, the execution and delivery of a loan agreement by and between a

financial institution and the County (the "Loan Agreement") to provide funds to refund, refinance and defease all or a portion of its outstanding 2017 Bonds, which the Bonds or Loan Agreement shall be secured by a pledge of the revenues of the Gross Receipts Tax and to provide funds for operating, maintaining, constructing, purchasing, furnishing, equipping, rehabilitating, expanding or improving a judicial-correctional or county correctional facility or the grounds of a judicial-correctional or county correctional facility, including acquiring and improving parking lots, landscaping or a combination of the foregoing; and

WHEREAS, Section 4-37-7, NMSA 1978, requires that publication of the title and general summary of the subject matter of any proposed ordinance be made in a newspaper of general circulation within the County at least two weeks prior to the meeting of the Governing Body at which the ordinance is proposed for final passage.

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

Section 1. All action (not inconsistent with this Resolution) heretofore taken by the Board of County Commissioners of Luna County and the officers, employees and agents of the County thereof directed toward the issuance of the Bonds, or in the alternative, authorization, execution and delivery of a Loan Agreement for such purposes, be and the same is hereby ratified, approved and confirmed.

Section 2. The publication, in accordance with Section 4-37-7, NMSA 1978, as amended, in the *Deming Headlight*, a newspaper of general circulation within the County, of the following Notice at least two weeks prior to the meeting at which the Board of County Commissioners will consider the Ordinance, is hereby authorized.

[Form of Notice]

**Luna County, New Mexico
Notice of Meeting and Intent to Adopt Ordinance**

Luna County, New Mexico, hereby gives notice of a regular Board of County Commissioners meeting for Thursday, March 10, 2022 at 10:00 a.m., in the Luna County Courthouse Building, 700 S. Silver Avenue, Deming, New Mexico. At such meeting the Board of County Commissioners will hold a public hearing concerning and will consider for adoption the Ordinance described below. Complete copies of the proposed Ordinance are available for public inspection during the normal and regular business hours of the County Clerk, 700 S. Silver Avenue, in Deming, New Mexico.

The title (subject to amendment or substitution) of the proposed Ordinance is:

**LUNA COUNTY, NEW
MEXICO ORDINANCE NO. 109**

AUTHORIZING ISSUANCE OF UP TO \$8,500,000 (EIGHT AND A HALF MILLION DOLLARS) OF ITS GROSS RECEIPTS TAX REVENUE BONDS, SERIES 2022A – TAXABLE AND SERIES 2022B – TAX EXEMPT (COLLECTIVELY, THE “BONDS”), OR IN THE ALTERNATIVE, THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BY AND BETWEEN THE COUNTY AND A FINANCIAL INSTITUTION (THE “LOAN AGREEMENT”), EVIDENCING A SPECIAL LIMITED OBLIGATION OF THE COUNTY FOR THE PURPOSE OF PROVIDING FUNDS FOR REFUNDING, REFINANCING AND DEFEASING ALL OR A PORTION OF THE OUTSTANDING \$3,245,000 CORRECTIONAL FACILITY GROSS RECEIPTS TAX REVENUE BONDS, SERIES 2017 (THE “SERIES 2017 BONDS”) AND FOR THE PURPOSE OF PROVIDING FUNDS FOR OPERATING, MAINTAINING, CONSTRUCTING, PURCHASING, FURNISHING, EQUIPPING, REHABILITATING, EXPANDING OR IMPROVING A JUDICIAL-CORRECTIONAL OR COUNTY CORRECTIONAL FACILITY OR THE GROUNDS OF A JUDICIAL-CORRECTIONAL OR COUNTY CORRECTIONAL FACILITY, INCLUDING ACQUIRING AND IMPROVING PARKING LOTS, LANDSCAPING OR A COMBINATION OF THE FOREGOING; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF, PREMIUM, IF ANY, AND INTEREST DUE UNDER THE BONDS OR LOAN AGREEMENT SOLELY FROM THE REVENUES DERIVED FROM ITS GROSS RECEIPTS TAX IMPOSED PURSUANT TO SECTION 7-20F-1 THROUGH 7-20F-6 NMSA 1978, AS AMENDED AND SUPPLEMENTED, AND COUNTY ORDINANCE NO. 60; DELEGATING AUTHORITY TO THE DELEGATEE TO EXECUTE AND DELIVER A BOND PURCHASE AGREEMENT AND SALE CERTIFICATE FOR THE SALE OF THE BONDS TO THE PURCHASER PURSUANT TO THE SUPPLEMENTAL PUBLIC SECURITIES ACT AND ENTERING INTO CERTAIN COVENANTS AND AGREEMENTS IN THAT CONNECTION; AUTHORIZING AND DIRECTING THE PUBLICATION OF A NOTICE OF MEETING TO CONSIDER FINAL PASSAGE OF AN ORDINANCE AUTHORIZING BONDS AND A LOAN AGREEMENT IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN THE COUNTY; APPROVING THE FORM AND TERMS OF, AND OTHER DETAILS CONCERNING THE BONDS OR LOAN AGREEMENT; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTIONS INCONSISTENT WITH THIS ORDINANCE; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE 2022 BONDS OR LOAN AGREEMENT.

A general summary of the subject matter of the Ordinance is contained in its title. This notice constitutes compliance with Section 4-37-7, NMSA 1978, as amended.

[End of Form of Notice]

Section 3. The Bonds or Loan Agreement will provide a principal loan amount not to exceed \$8,500,000 and shall evidence a special, limited obligation to provide funds to refund, refinance and defease its 2017 Bonds, which the Bonds or Loan Agreement shall be secured by a pledge of the revenues of the Gross Receipts Tax and to provide funds for operating, maintaining, constructing, purchasing, furnishing, equipping, rehabilitating, expanding or improving a judicial-correctional or county correctional facility or the grounds of a judicial-correctional or county correctional facility, including acquiring and improving parking lots, landscaping or a combination of the foregoing.

Section 4. The Ordinance shall be filed with the County Clerk, and shall be considered by the County at a regular meeting of the County on Thursday, March 10, 2022 at 10:00 a.m., or as soon thereafter as the matter may be heard, in the Luna County Building, 700 S. Silver Avenue, Deming, New Mexico.

Section 5. Melendres & Melendres, P.C. is hereby engaged as bond counsel to the County in connection with the issuance of the Bonds. Bosque Advisors, LLC is hereby engaged as financial advisor to the County in connection with the issuance of the Bonds.

Section 6. If any section, paragraph, clause or provision of this resolution shall for any reason be held invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this resolution.

Section 7. All acts, orders and resolutions of the Issuer, and parts thereof, inconsistent with this resolution be, and the same hereby are, repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

Section 8. The resolution shall in full force and effect upon its passage and approval.

(Signature page follows)

APPROVED AND ADOPTED THIS 10th DAY OF FEBRUARY 2022.

**LUNA COUNTY
BOARD OF COMMISSIONERS**

Linda M. Smrkovsky, Chair
Commissioner, District 2

Berenda McWright, County Clerk
(SEAL)

Barbara L. Reedy,
Commissioner, District 1

John S. Sweetser,
Commissioner, District 3

STATE OF NEW MEXICO)
) ss.
COUNTY OF LUNA)

I, Berenda McWright, County Clerk of Luna County, New Mexico (the “County”), do hereby certify:

1. The foregoing pages are a true, correct and complete copy of the record of the proceedings of the Board of County Commissioners (the “Governing Body”) of the County, constituting the Governing Body of the County, had and taken at a duly called regular meeting of the Governing Body held in the Luna County Building, 700 S. Silver Avenue, in Deming, New Mexico, on February 10, 2022, at the hour of 10:00 a.m., insofar as the same relate to the publication of the title and general summary of a proposed ordinance, a copy of which is set forth in the official records of the proceedings of the Governing Body kept in my office. None of the action taken has been rescinded, repealed, or modified.

2. Said proceedings were duly had and taken as therein shown, the meeting thereon was duly held, and the persons therein named were present at said meeting as therein shown.

3. Notice of said meeting was given in compliance with the permitted methods of giving notice of meetings of the Governing Body as required by the open meetings standards presently in effect.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of said Luna County, New Mexico, this February 10, 2022.

(SEAL)

Berenda McWright, County Clerk

LUNA COUNTY, NEW MEXICO
RESOLUTION NO. 22-12

DECLARING THE INTENT OF THE BOARD OF COUNTY COMMISSIONERS (THE "GOVERNING BODY") OF LUNA COUNTY, NEW MEXICO (THE "COUNTY") TO CONSIDER FOR ADOPTION AN ORDINANCE AUTHORIZING ISSUANCE OF UP TO \$5,000,000 (FIVE MILLION DOLLARS) OF ITS TAXABLE REFUNDING CAPITAL OUTLAY GROSS RECEIPTS TAX REVENUE BONDS, SERIES 2022 (THE "2022 BONDS"), OR IN THE ALTERNATIVE, THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BY AND BETWEEN THE COUNTY AND A FINANCIAL INSTITUTION (THE "LOAN AGREEMENT"), EVIDENCING A SPECIAL LIMITED OBLIGATION OF THE COUNTY FOR THE PURPOSE OF REFUNDING, REFINANCING AND DEFEASING A PORTION OR ALL OF ITS OUTSTANDING \$6,185,000 TAXABLE CAPITAL OUTLAY GROSS RECEIPTS TAX REVENUE BONDS, SERIES 2015 (THE "SERIES 2015 BONDS"); PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF, PREMIUM, IF ANY, AND INTEREST DUE UNDER THE BONDS OR LOAN AGREEMENT SOLELY FROM THE REVENUES DERIVED FROM ITS ONE QUARTER OF ONE PERCENT CAPITAL OUTLAY GROSS RECEIPTS TAX IMPOSED PURSUANT TO SECTION 7-20E-21 AND SECTIONS 7-20E-1 THROUGH 7-20E-8 NMSA 1978, AS AMENDED, AND COUNTY ORDINANCE NUMBER 66; AUTHORIZING AND DIRECTING THE PUBLICATION OF A NOTICE OF MEETING TO CONSIDER FINAL PASSAGE OF AN ORDINANCE AUTHORIZING BONDS AND A LOAN AGREEMENT IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN THE COUNTY.

WHEREAS, Sections 4-62-1 through 4-62-10, NMSA 1978, as amended (the "Act"), authorize New Mexico counties to issue gross receipts tax revenue bonds which, pursuant to the Act, may include loan agreements; and

WHEREAS, pursuant to the Act, the County may secure its gross receipts tax revenue bonds with the revenues of the County's County Capital Outlay Gross Receipts Tax imposed by the County pursuant to Section 7-20E-21 and Sections 7-20E-1 through 7-20E-8 NMSA 1978 as amended, and County Ordinance Number 66 adopted on February 1, 2007 (the "County Capital Outlay Gross Receipts Tax") and approved by a majority of the qualified electors voting in a mail-in election on April 27, 2007, and;

WHEREAS, the County desires to consider for adoption an ordinance authorizing, in accordance with the Act (the "Ordinance"), the issuance of up to \$5,000,000 of its Taxable Refunding Capital Outlay Gross Receipts Tax Revenue Bonds, Series 2022 (the "2022 Bonds") or, in the alternative, the execution and delivery of a loan agreement by and between a financial institution and the County (the "Loan Agreement") to provide funds to refund, refinance, and defease all or a portion of its outstanding 2015 Bonds, which the 2022 Bonds or Loan Agreement shall be secured by a pledge of the revenues of the County Capital Outlay Gross Receipts Tax; and

WHEREAS, Section 4-37-7, NMSA 1978, requires that publication of the title and

general summary of the subject matter of any proposed ordinance be made in a newspaper of general circulation within the County at least two weeks prior to the meeting of the Governing Body at which the ordinance is proposed for final passage.

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

Section 1. All action (not inconsistent with this Resolution) heretofore taken by the Board of County Commissioners of Luna County and the officers, employees and agents of the County thereof directed toward the issuance of the 2022 Bonds, or in the alternative, authorization, execution and delivery of a Loan Agreement for such purposes, be and the same is hereby ratified, approved and confirmed.

Section 2. The publication, in accordance with Section 4-37-7, NMSA 1978, as amended, in the *Deming Headlight*, a newspaper of general circulation within the County, of the following Notice at least two weeks prior to the meeting at which the Board of County Commissioners will consider the Ordinance, is hereby authorized.

[Form of Notice]

**Luna County, New Mexico
Notice of Meeting and Intent to Adopt Ordinance**

Luna County, New Mexico, hereby gives notice of a regular Board of County Commissioners meeting for Thursday, March 10, 2022 at 10:00 a.m., in the Luna County Courthouse Building, 700 S. Silver Avenue, Deming, New Mexico. At such meeting the Board of County Commissioners will hold a public hearing concerning and will consider for adoption the Ordinance described below. Complete copies of the proposed Ordinance are available for public inspection during the normal and regular business hours of the County Clerk, 700 S. Silver Avenue, in Deming, New Mexico.

The title (subject to amendment or substitution) of the proposed Ordinance is:

**LUNA COUNTY, NEW
MEXICO ORDINANCE NO. 110**

AUTHORIZING ISSUANCE OF UP TO \$5,000,000 OF ITS TAXABLE REFUNDING CAPITAL OUTLAY GROSS RECEIPTS TAX BONDS, SERIES 2022 (THE “2022 BONDS”) OR, IN THE ALTERNATIVE, THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BETWEEN LUNA COUNTY (THE “COUNTY”) AND A FINANCIAL INSTITUTION (THE “LOAN AGREEMENT”), EVIDENCING A SPECIAL, LIMITED OBLIGATION OF THE COUNTY FOR THE PURPOSE OF REFUNDING, REFINANCING AND DEFEASING A PORTION OR ALL OF THE COUNTY’S OUTSTANDING \$6,185,000 TAXABLE CAPITAL OUTLAY GROSS RECEIPTS TAX REVENUE BONDS, SERIES 2015; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF, PREMIUM, IF ANY, AND INTEREST DUE SOLELY FROM THE REVENUES DERIVED FROM THE COUNTY’S ONE QUARTER OF ONE PERCENT CAPITAL OUTLAY GROSS RECEIPTS TAXES IMPOSED PURSUANT TO SECTION 7-20E-1 AND SECTIONS 70-20E-1 THROUGH 7-20E-8 NMSA AS AMENDED, AND COUNTY ORDINANCE NO. 66; DELEGATING AUTHORITY TO THE DELEGATEE TO EXECUTE AND DELIVER A BOND PURCHASE AGREEMENT AND SALE CERTIFICATE FOR THE SALE OF THE BONDS TO THE PURCHASER PURSUANT TO THE SUPPLEMENTAL PUBLIC SECURITIES ACT AND ENTERING INTO CERTAIN COVENANTS AND AGREEMENTS IN THAT CONNECTION; APPROVING THE FORM AND TERMS OF, AND OTHER DETAILS CONCERNING THE 2022 BONDS OR LOAN AGREEMENT; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTIONS INCONSISTENT WITH THIS ORDINANCE; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE 2022 BONDS OR LOAN AGREEMENT.

A general summary of the subject matter of the Ordinance is contained in its title. This

Notice constitutes compliance with Section 4-37-7, NMSA 1978, as amended.

[End of Form of Notice]

Section 3. The 2022 Bonds or Loan Agreement will provide a principal loan amount not to exceed \$5,000,000 and shall evidence a special, limited obligation to pay its principal amount, and premiums, if any, together with interest due under the 2022 Bonds or Loan Agreement.

Section 4. The Ordinance shall be filed with the County Clerk, and shall be considered by the County at a regular meeting of the County on Thursday, March 10, 2022 at 10:00 a.m., or as soon thereafter as the matter may be heard, in the Luna County Building, 700 S. Silver Avenue, Deming, New Mexico.

Section 5. Melendres & Melendres, P.C. is hereby engaged as bond counsel to the County in connection with the issuance of the 2022 Bonds. Bosque Advisors, LLC is hereby engaged as financial advisor to the County in connection with the issuance of the 2022 Bonds.

Section 6. If any section, paragraph, clause or provision of this resolution shall for any reason be held invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this resolution.

Section 7. All acts, orders and resolutions of the Issuer, and parts thereof, inconsistent with this resolution be, and the same hereby are, repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

Section 8. The resolution shall in full force and effect upon its passage and approval.

(Signature page follows)

APPROVED AND ADOPTED THIS 10th DAY OF FEBRUARY 2022.

**LUNA COUNTY
BOARD OF COMMISSIONERS**

ATTEST:

Linda M. Smrkovsky, Chair
Commissioner, District 2

Berenda McWright
County Clerk
(SEAL)

Barbara L. Reedy,
Commissioner, District 1

John S. Sweetser,
Commissioner, District 3

STATE OF NEW MEXICO)
) ss.
COUNTY OF LUNA)

I, Berenda McWright, County Clerk of Luna County, New Mexico (the “County”), do hereby certify:

1. The foregoing pages are a true, correct and complete copy of the record of the proceedings of the Board of County Commissioners (the “Governing Body”) of the County, constituting the Governing Body of the County, had and taken at a duly called regular meeting of the Governing Body held in the Luna County Building, 700 S. Silver Avenue, in Deming, New Mexico, on February 10, 2022, at the hour of 10:00 a.m., insofar as the same relate to the publication of the title and general summary of a proposed ordinance, a copy of which is set forth in the official records of the proceedings of the Governing Body kept in my office. None of the action taken has been rescinded, repealed, or modified.

2. Said proceedings were duly had and taken as therein shown, the meeting thereon was duly held, and the persons therein named were present at said meeting as therein shown.

3. Notice of said meeting was given in compliance with the permitted methods of giving notice of meetings of the Governing Body as required by the open meetings standards presently in effect.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of said Luna County, New Mexico, this February 10, 2022.

(SEAL)

Berenda McWright, County Clerk

LCBCC Meeting February 10, 2022

Accounts Payable

01/07/2022	\$200989.04
01/14/2022	\$347165.73
01/14/2022	\$8490.38
01/21/2022	\$81174.59
01/21/2022	\$1802.86
01/27/2022	\$435,698.63
01/27/2022	\$1133.18

P-Cards

September 2021	\$141375.24
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Total \$1,217,829.65

Luna County
Board of County Commissioners

AGENDA 02/10/2022

PAYROLL

01/14/2022	Register# 20220001	\$ 559,057.62
01/14/2022	*Register# 20220002	\$ 30,003.31
01/14/2022	*Register# 20220003	\$ 4,815.84
01/24/2022	*Register# 20220004	\$ 2,006.18
01/28/2022	Register# 20220005	\$ 552,318.70
01/28/2022	*Register # 20220006	\$ 17,585.40

Total\$ 1,165,787.05

* Special Assignment Pay

LUNA COUNTY RESOLUTION

Resolution No. 22-13

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

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

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

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

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

NOW THEREFORE, BE IT RESOLVED by the governing body of the County of Luna, that the County Chairperson, on behalf of the County and all participating entities is authorized to submit an application for Distribution and/or Grant Fiscal Year 2023 program funding under the regulations established by the Local Government Division.

APPROVED AND ADOPTED by the governing body at its meeting of February 10, 2022.

County Commission Chairperson

Attest:

DWI Planning Council Representative

County Clerk (SEAL)

MEMORANDUM OF UNDERSTANDING

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

The Division assures:

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

The Program agrees to:

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

monitoring research activities, and evaluation of LDWI Program interventions.

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

Linda M. Smrkovsky

County Commission Chairperson (or Designee)
(Please Print)

Signature

February 10, 2022

Date

Executed this _____ day of _____ 20_____.

Donnie Quintana, Director
Local Government Division

STATEMENT OF ASSURANCES

Local DWI Grant and Distribution Program

Fiscal Year 2023: July 1, 2022 – June 30, 2023

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

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

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

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

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

County Commission Chairperson (or Designee) (Please Print)

Signature

Date

**LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS**

**RESOLUTION NO. 22-14
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 110, July 1, 2021 through June 30, 2022 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 10th DAY OF FEBRUARY 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 10th day of February, 2022, the following budget adjustments are proposed and entered of record.

Budget Resolution Number 22-14

Proposed Inter/Intra FUND Budget Increase/Decrease

SCHEDULE OF BUDGET
ADJUSTMENTS

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	403/20800	Farm & Range	403/20800	\$ 8,037.00	403-11-2093 Controls - Predatory Animal	\$ 8,037.00	4th Quart FY2021 not carried over to FY 2022 Budget	\$ 40,250.00	\$ 48,287.00
Two	Increase	408/22300	DWI - Teen Court (JAF Grant)	408/22300	\$ (4,997.91)	408-77-1629 (Revenue)	\$ (4,997.91)	Increase in JAF Grant award to sustain Teen Court activities	\$ -	\$ (4,997.91)
					\$ 4,997.91	408-32-2005 Other Revenue Sources	\$ (4,997.91)	Increase in JAF Grant award to sustain Teen Court activities	\$ 2,788.75	\$ 1,650.00
						408-32-2009 Salaries - Overtime	\$ (1,138.75)	Increase in JAF Grant award to sustain Teen Court activities	\$ -	\$ 223.77
						408-32-2060 Office Supplies	\$ 223.77	Increase in JAF Grant award to sustain Teen Court activities	\$ 40.44	\$ 21.93
						Match - Medicare 1.45%	\$ (16.51)	Increase in JAF Grant award to sustain Teen Court activities	\$ 172.90	\$ 189.39
						408-32-2064 Match - FICA 6.2%	\$ (70.60)	Increase in JAF Grant award to sustain Teen Court activities	\$ -	\$ 6,000.00
						408-32-2101 Professional/Contract Services	\$ 6,000.00	Increase in JAF Grant award to sustain Teen Court activities	\$ -	\$ (4,000.00)
Three	Increase	415/21800	Community Services - Grant- MCH & INI	415/21800	\$ (4,000.00)	415-77-1354 (Revenue)	\$ (4,000.00)	Grant from CHI to pay for materials and address mental health issues hosting LC Health Council and committee meetings	\$ 55,669.47	\$ 59,669.47
					\$ 4,000.00	415-17-2363 Grant MCH 2363	\$ 4,000.00	Grant from CHI to pay for materials and address mental health issues hosting LC Health Council and committee meetings	\$ 125,000.00	\$ 225,000.00
Four	Increase	609/22600	Adult Detention	609/22600	\$ 100,000.00	609-21-2181 Inmate Housing	\$ 100,000.00	To pay for juveniles and adult detainees being housed out of Luna County	\$ -	\$ 331,958.56
					\$ 108,037.00		\$ 108,037.00		\$ 223,921.56	\$ 331,958.56

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 10th day of February 2022.

BOARD OF COUNTY COMMISSIONERS OF LUNA COUNTY

Barbara L. Reedy, District 1

Linda M. Smrkovsky, District 2

John S. Sweetser, District 3



ATTEST:

Berenda L. McWright, Luna County Clerk

Entered By:

Date

Checked By:

Date

**LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS**

**RESOLUTION NO. 22-15
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 110, July 1, 2021 through June 30, 2022 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 10th DAY OF FEBRUARY 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 10th day of February, 2022 the following budget adjustments are proposed and entered of record.

Budget Resolution Number 22-15

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	401/11000	General Fund - Maintenance	401-03-2011 Vehicle Expense	\$15,042.78	\$4,000.00	401-03-2116 Department Uniforms	\$4,000.00	To allow for spending where and as needed through remainder of fiscal year
Two	Transfer	401/11000	General Fund - Maintenance	401-03-2021 Other County Buildings	\$35,202.30	\$10,000.00	401-03-2022 Building Repairs	\$10,000.00	To allow for spending where and as needed through remainder of fiscal year
Three	Transfer	401/11000	General Fund - Bureau of Elections	401-05-2019 Other Election Expense	\$2,183.90	\$1,940.00	401-05-2010 Mileage/Per Diem	\$1,940.00	To allow for spending where and as needed through remainder of fiscal year
Four	Transfer	610/21800	Drug Investigation - HIDTA Grant	610-43-2101 Professional/Contract Services	\$7,423.55	\$2,845.23	610-43-2020 Supplies	\$2,845.23	To allow for spending where and as needed through remainder of fiscal year
Five	Transfer	801/59900	Starmax Entertainment Complex	801-80-2108 Film Rental Payments	\$236,705.01	\$80,000.00	801-80-2029 Capital Improvements	\$30,000.00	To allow for spending where and as needed through remainder of fiscal year
							801-80-2012 Equip/Supplies/ Mtn/Repairs	\$50,000.00	To allow for spending where and as needed through remainder of fiscal year
Six	Transfer	401/11000	General Fund - Assessors Office	401-06-2010 Mileage/Per Diem	\$17,430.00	\$12,430.00			To pay for printing of NOV's for 2022
				401-06-2026 Mapping	\$3,605.00	\$1,011.26	401-06-2008 Printing & Publishing	\$13,441.26	To pay for printing of NOV's for 2022
					\$317,592.54	\$112,226.49		\$112,226.49	

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 10th day of February 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

RESOLUTION NO. 22-16

A RESOLUTION BY THE COUNTY COMMISSIONERS, THE GOVERNING BODY OF LUNA COUNTY NEW MEXICO, WHEREBY THE COUNTY COMMISSION AUTHORIZES AND APPROVES SUBMISSION OF A COMPLETED APPLICATION FOR FINANCIAL ASSISTANCE AND PROJECT APPROVAL TO THE NEW MEXICO FINANCE AUTHORITY FOR THE COLONIAS INFRASTRUCTURE FUND.

WHEREAS, *Luna County* ("Governmental Unit") is a qualified entity under the New Mexico Finance Authority Colonias Infrastructure Act, Sections 6-30-1 through 6-30-8, NMSA 1978 ("Act"), and the *County Commissioners* ("Governing Body") is authorized to borrow funds and/or issue bonds for financing of public projects for benefit of the Governmental Unit; and

WHEREAS, the New Mexico Finance Authority ("Authority") has instituted a program for financing of projects from the Colonias Infrastructure Fund created under the Act and has developed an application procedure whereby the Governing Body may submit an application ("Application") for financial assistance from the Authority for public projects; and

WHEREAS, the Governing Body intends to undertake planning, design, and construction services for the Luna County Rockhound Road and McCan Road Roadway & Drainage ("Project") for the benefit of the Governmental unit and its citizens; and

NOW THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSIONERS, THE GOVERNING BODY OF LUNA COUNTY, NEW MEXICO that the project type falls under Roads/Drainage and proposes planning, design, and construction services for the Luna County Rockhound Road and McCan Road Roadway & Drainage Improvements project. The financial assistance requested is in the amount of \$1,080,000.00. Luna County hereby pledges the required 10% local match in the amount of \$108,000.00 in support of the application.

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

APPROVED AND ADOPTED this 10th day of February 2022.

Linda M. Smrkovsky, Chair
Commissioner, District 2

Berenda McWright,
Luna County Clerk

Barbara L. Reedy
Commissioner, District 1

John S. Sweetser
Commissioner, District 3

Be it remembered that at the Regular Meeting of the Board of County Commissioners of Luna County in Deming NM on the 10th day of February, 2022 the following proceedings were had and entered of record.

RESOLUTION 22-17

WHEREAS, Luna County, NM ("Governmental Unit") is a qualified entity made under the New Mexico Finance Authority Colonias Infrastructure Act, Sections 6-30-1 through 6-30-8, NMSA 1978 ("Act"), and the Luna County Commission ("Governing Body") is authorized to borrow funds and/or issue bonds for financing of public projects for benefit of the Governmental Unit; and

WHEREAS, Luna County proposes to seek funding for construction of roadway and drainage improvements, including construction surveying, new base course, and chip seal, on Majestic View, La Paz, Tigua, Paquime, Casas Grandes, and Manzano Streets; and

WHEREAS, Luna County seeks to apply for financial assistance from the Colonias Infrastructure Fund; and

WHEREAS, Rockhound is a designated Colonias in Luna County; and

WHEREAS, the New Mexico Finance Authority ("Authority") has instituted a program for financing of projects from the Colonias Infrastructure fund created under the Act and has developed an application procedure whereby the Governing Body may submit an application ("Application") for financial assistance from the Authority for public projects; and

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF Luna County, New Mexico, that the filing of an application to the NMFA 2022 Colonias Infrastructure Fund for street and drainage improvements for the above-mentioned roadways; and

BE IT FURTHER RESOLVED, that Luna County assures and certifies that it will comply with the regulations, policies, guidelines, loan and match requirements and any requires with respect to the acceptance and use of the Colonias Infrastructure Fund Program; and

BE IT FURTHER RESOLVED, that Luna County's Board of commissioners is hereby designating Chris Brice, County Manager as Luna County's representative to act on behalf of this application.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2022.

ATTEST:

Linda M. Smrkovsky, Chair
Commissioner, District 2

Berenda McWright,
County Clerk

Barbara L. Reedy
Commissioner, District 1

John S. Sweetser
Commissioner, District 3

NMFA APPLICATION RESOLUTION
(2017 Bond Refunding and Project)

RESOLUTION 22-18

**AUTHORIZING AND APPROVING SUBMISSION OF A COMPLETED
APPLICATION FOR FINANCIAL ASSISTANCE AND PROJECT APPROVAL TO
THE
NEW MEXICO FINANCE AUTHORITY.**

WHEREAS, Luna County, New Mexico ("Governmental Unit") is a qualified entity under the New Mexico Finance Authority Act, Sections 6-21-1 through 6-21-31, NMSA 1978 ("Act"), and the Board of Commissioners of Luna County ("Governing Body") is authorized to borrow funds and/or issue bonds for financing of public projects for the benefit of the Governmental Unit; and

WHEREAS, the New Mexico Finance Authority ("Finance Authority") has instituted a program for financing of projects from the public project revolving fund created under the Act and has developed an application procedure whereby the Governing Body may submit an application ("Application") for financial assistance from the Finance Authority for public projects; and

WHEREAS, the Governing Body intends to refund, refinance and defease the Governmental Unit's outstanding \$3,245,000 Luna County, New Mexico Correctional Facility Gross Receipts Tax Revenue Bonds, Series 2017 (the "Refunding Project") all for the benefit of the Governmental Unit and its residents; and

WHEREAS, the Governing Body intends to undertake the operating, maintaining, constructing, purchasing, furnishing, equipping, rehabilitating, expanding or improving of the judicial-correctional or county correctional facility or the grounds of a judicial-correctional or county correctional facility, including acquiring and improving parking lots, landscaping or a combination of the foregoing (the "2022 Project") (the "Refunding Project" and the "2022 Project" collectively the "Project") all for the benefit of the Governmental Unit and its residents; and

WHEREAS, the application prescribed by the Finance Authority has been completed and submitted to the Governing Body, and this resolution approving submission of the completed Application to the Finance Authority for its consideration and review is required as part of the Application.

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

Section 1. That all action (not consistent with the provision hereof) heretofore taken by the Governing Body and the officers and employees thereof directed toward the Application and the Project, be and the same is hereby ratified, approved and confirmed.

Section 2. That the completed Application submitted to the Governing Body, be and the same is hereby approved and confirmed.

Section 3. That the officers and employees of the Governing Body are hereby directed and requested to submit the completed Application to the Finance Authority for its review, and are further authorized to take such other action as may be requested by the Finance Authority in its consideration and review of the Application and to further proceed with arrangements for financing the Project.

Section 4. All acts and resolutions in conflict with this resolution are hereby rescinded, annulled and repealed.

Section 5. This resolution shall take effect immediately upon its adoption.

APPROVED AND ADOPTED this 10th day of February 2022.

LUNA COUNTY, NEW MEXICO

By:

Linda M. Smrkovsky, Chair
Commissioner, District 2

Barbara L. Reedy,
Commissioner, District 1

John S. Sweetser,
Commissioner, District 3

ATTEST:

Berenda McWright,
County Clerk

NMFA APPLICATION RESOLUTION
(2015 Bond Refunding)

RESOLUTION 22-19

**AUTHORIZING AND APPROVING SUBMISSION OF A COMPLETED
APPLICATION FOR FINANCIAL ASSISTANCE AND PROJECT APPROVAL TO
THE
NEW MEXICO FINANCE AUTHORITY.**

WHEREAS, Luna County, New Mexico ("Governmental Unit") is a qualified entity under the New Mexico Finance Authority Act, Sections 6-21-1 through 6-21-31, NMSA 1978 ("Act"), and the Board of Commissioners of Luna County ("Governing Body") is authorized to borrow funds and/or issue bonds for financing of public projects for the benefit of the Governmental Unit; and

WHEREAS, the New Mexico Finance Authority ("Finance Authority") has instituted a program for financing of projects from the public project revolving fund created under the Act and has developed an application procedure whereby the Governing Body may submit an application ("Application") for financial assistance from the Finance Authority for public projects; and

WHEREAS, the Governing Body intends to refund, refinance and defease the Governmental Unit's outstanding \$6,185,000 Luna County, New Mexico Capital Outlay Gross Receipts Tax Revenue Bonds, Series 2015 (the "Refunding Project") all for the benefit of the Governmental Unit and its residents; and

WHEREAS, the application prescribed by the Finance Authority has been completed and submitted to the Governing Body, and this resolution approving submission of the completed Application to the Finance Authority for its consideration and review is required as part of the Application.

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

Section 1. That all action (not consistent with the provision hereof) heretofore taken by the Governing Body and the officers and employees thereof directed toward the Application and the Refunding Project, be and the same is hereby ratified, approved and confirmed.

Section 2. That the completed Application submitted to the Governing Body, be and the same is hereby approved and confirmed.

Section 3. That the officers and employees of the Governing Body are hereby directed and requested to submit the completed Application to the Finance Authority for its review, and are further authorized to take such other action as may be requested by the Finance Authority in its consideration and review of the Application and to further proceed with arrangements for financing the Refunding Project.

Section 4. All acts and resolutions in conflict with this resolution are hereby rescinded, annulled and repealed.

Section 5. This resolution shall take effect immediately upon its adoption.

**APPROVED AND ADOPTED this 10th day of February 2022.
LUNA COUNTY, NEW MEXICO**

ATTEST:

Linda M. Smrkovsky, Chair
Commissioner, District 2

Berenda McWright, County Clerk

Barbara L. Reedy,
Commissioner, District 1

John S. Sweester
Commissioner, District 3

Proclamation 22-01
February as Teen Dating Violence Awareness Month

WHEREAS, Dating Violence is a reality for many youth and an issue that many are unaware of; and,

WHEREAS, Teen Dating Violence takes many forms, including physical or sexual assault, stalking, coercive and controlling behavior, emotional abuse, harassment and exploitation. It can occur in person, online, or through various forms of technology; and,

WHEREAS, 1 in 3 adolescents are affected by physical, sexual, emotional or verbal abuse, with 1 in 10 high school students reporting they've been purposefully hit, slapped or physically hurt by a boyfriend or girlfriend, with young women and LGBTQI+ youth facing the highest rate; and,

WHEREAS, Technologies such as cell-phones and the Internet have made dating abuse both persuasive and hidden, increasing the danger of dating violence and stalking; and,

WHEREAS, Teen dating violence is considered a serious public health issue placing adolescent victims at a greater risk for poor academic achievement, teen pregnancy, depression, risk of suicide, substance abuse, behaviors associated with violence, and adult re-victimization; and,

WHEREAS, Young people can choose better relationships when they understand that healthy relationships are based on respect and learn to identify early warning signs of an abusive relationships; and,

WHEREAS, Elimination of dating violence can be achieved through cooperation of individuals, organizations and communities; and,

THEREFORE, be it proclaimed by the Board of County Commissioners of Luna County, Luna County Staff and its residents; that the month of February is Teen Dating Violence Awareness month and we urge residents to work together to educate themselves and others about teen dating violence so that together we can stop it.

DONE THIS 10th DAY OF FEBRUARY, 2022

by the Board of County Commissioners of Luna County

ATTEST:

Linda M. Smrkovsky, Chair, District 2

Berenda McWright, County Clerk

Barbara L. Reedy, Commissioner, District 1

John S. Sweetser, Commissioner, District 3