

**COUNTY OF LINCOLN**  
**New Mexico**  
**Regular Meeting**  
**Board of County Commissioners**

**Jackie Powell**, Chairwoman

**Mark Doth**, Member

**Dallas Draper**, Member

**Glenna N. Robbins**, Treasurer

**Rhonda B. Burrows**, Clerk

**Preston Stone**, Vice Chair

**Kathryn L. Minter**, Member

**Robert Shepperd**, Sheriff

**Paul Baca**, Assessor

**Stirling Spencer**, Probate Judge

**Nifa Taylor**, County Manager

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**AGENDA**

**Commission Chambers, Tuesday, January 14, 2014 @ 8:30 A.M.**

1. Call to Order
2. Roll Call
3. Invocation
4. Pledge of Allegiance
  - a. Pledge – U.S. A. Flag
  - b. Salute – N.M. Flag (“I salute the flag of the State of New Mexico, the Zia Symbol of perfect friendship among united cultures”)
5. Approval of Agenda
6. Approval of Minutes- December 17, 2013 Regular Commission Meeting  
January 2, 2014 Special Commission Meeting
7. Approval of Consent Agenda
  - a. Payroll/Accounts Payable/Budget/ Expenditures
  - b. Treasurer’s Financial Report for the Month ending December 31, 2013
8. Smokey Bear District Ranger Update
9. Greentree Solid Waste Authority (GSWA) Update
10. Lincoln County Detention Center Update
11. Consideration and Approval of Limited Suspension of Section 501B.8. and 501B.9.C. of the Personnel Policy
12. Consideration and Approval for the Renewal of Contracts for Voting System Technicians

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PLEASE NOTE: ALL SUBJECTS LISTED ON THIS AGENDA ARE TO BE CONSIDERED ACTION ITEMS BY THE BOARD OF COUNTY COMMISSIONERS UNLESS OTHERWISE INDICATED.

13. Consideration and Approval to Dispose of County Property by Auction – Resolution 2013-28
14. Consideration and Approval to Authorize the Village of Ruidoso to Submit an Application to the Department of Finance & Administration, Local Government to Participate in the Local DWI Grant and Distribution Program by Resolution 2013-27
15. Consideration and Approval to Submit an Application to NMFA for a Grant to Build an Asset Management Plan
16. **9:30 A.M.:** PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY OFFICIALS (Items are for discussion only – no action will be taken)
17. Consideration and Approval of Bid Award 13-14-005 Lower Rio Bonito Sediment and Debris Basin
18. Consideration of Approval or Disapproval of Indigent Health Care Claims
19. Manager's Report
20. Water issues/Forest/Wildlife Health Programs/Land and Natural Resources Advisory Committee (LANRAC)

### **11:30 a.m. Inspection of Detention Center**

21. Authorization to Schedule Public Hearing to Consider Other Outdated or New Lincoln County Ordinance
  - a. Ordinance No. 2011-5 Flood Damage Prevention
  - b. Ordinance No. 2013-04 Personnel Policy
22. Consideration of Appointments and Removals from Boards/Commissioners/Committees:
  - a. Coalition of Counties
  - b. Interstate Stream Commission
  - c. New Mexico County Insurance Authority - Worker's Compensation
  - d. New Mexico Insurance Authority – Multi-Line Pool
  - e. Tabled - Planning Commission
23. Consideration and Approval of Resolution 2013-29 Requesting the State of New Mexico to Protect County Government Revenue Streams
24. Amend Resolution 2013-15 Designation of Polling Places for Precincts by Resolution 2013-30

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25. Lease Agreement with Presbyterian Healthcare Services for the Lincoln County Medical Center Complex
26. Consideration and Approval of Road Review Request to vacate a 16' Alley Block 19 in the White Oaks Townsite by Ernest (Roy) and Marie Huffmyer.
27. Executive Session Pursuant to the Open Meetings Act: Discussion of all Threatened and/or Pending Litigation Section 10-15-1, Sub-Paragraph H.(7); and Discussion of the purchase, acquisition or disposal of real property or water rights by the public body, Section 10-15-1, Sub-Paragraph H.(8).
28. Consideration and action on Hiring Legal Counsel for County's Withdrawal from GSWA
29. Signing of Official Documents
30. Next meetings:
  - a. February 18, 2014 Regular Commission Meeting
31. Adjourn

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PLEASE NOTE: ALL SUBJECTS LISTED ON THIS AGENDA ARE TO BE CONSIDERED ACTION ITEMS BY THE BOARD OF COUNTY COMMISSIONERS UNLESS OTHERWISE INDICATED.

## **Agenda Item No. 6**

### **SUBJECT**

Approval of Minutes:

1. December 17, 2013 Regular Commission Meeting
2. January 2, 2014 Special Commission Meeting

1 **COUNTY OF LINCOLN**

2 **New Mexico**  
3 **Regular Meeting**  
4 **Board of County Commissioners**

5  
6 **Jackie Powell, Chair**  
7 **Preston Stone, Vice Chair**

**Kathryn Minter, Member**  
**Dallas Draper, Member**  
**Mark Doth, Member**

8  
9 **Minutes**  
10 **Tuesday, December 17, 2013**

11  
12 Minutes of the Regular Meeting of the Lincoln County Commission held at 8:30 AM on  
13 December 17, 2013 in the County Commission Chambers, Lincoln County Courthouse, in  
14 Carrizozo, New Mexico.

15  
16 **1. Call to Order**

17  
18 Chair Powell called the Regular Meeting of the Board of County Commissioners to order at  
19 8:35:11 AM.

20  
21 **2. Roll Call**

22  
23 **Roll Call.**

24 **Present:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth,  
25 Commissioner Draper.

26  
27 Others present included Nita Taylor, County Manager; Alan Morel, County Attorney; and  
28 Rhonda Burrows, County Clerk.

29  
30 **3. Invocation**

31  
32 The invocation was presented by Pastor Hayden Smith.

33  
34 **4. Pledge of Allegiance**

- 35  
36 a. Pledge – U.S. A. Flag – Commissioner Powell  
37 b. Salute – N.M. Flag – Commissioner Doth

38  
39 **5. Approval of Agenda**

40  
41 **Motion:** Acceptance of the Agenda and authorized the Chair to move items as necessary.  
42 **Action:** Approve, **Moved by** Commissioner Doth, **Seconded by** Commissioner Minter.  
43 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).  
44 **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth,  
45 Commissioner Draper.

46  
47 **6. Approval of Minutes**  
48

**Motion:** Approve the minutes of the November 19, 2013 Regular Commission Meeting,

**Action:** Approve, **Moved by** Commissioner Minter, **Seconded by** Commissioner Doth.

**Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).

**Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth, Commissioner Draper.

## 7. Approval of Consent Agenda

- a. Payroll/Accounts Payable/Budget/ Expenditures
- b. Treasurer's Financial Report for the Month ending November 30, 2013
- c. Quay County Joint Powers Agreement for Housing Prisoners

**Motion:** Approval of Consent items as presented, **Action:** Approve, **Moved by** Commissioner Minter, **Seconded by** Commissioner Doth.

**Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).

**Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth, Commissioner Draper.

**SEE EXHIBIT A:** Copies of Consent Items are attached hereto in reference thereto made a part hereof.

## 8. DFA Acknowledgement of Mid-Year Budget Adjustments

Ms. Taylor reminded NM State Statute required the Board of County Commissioners acknowledge receipt of the NM Department of Finance and Administration's (DFA) approval of the mid-year budget adjustments for Fiscal Year 2013-2014.

**Motion:** Acknowledge receipt of DFA approval of FY 2013-2014 mid-year budget adjustments, **Action:** Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Doth.

**Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).

**Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth, Commissioner Draper.

## 9. Greentree Solid Waste Authority (GSWA) Update

Ms. Taylor provided copy of the Notice of Intent of the County of Lincoln to withdraw from Greentree Solid Waste Authority (GSWA) dated December 6, 2013. Ms. Taylor stated notice was given to the Village of Capitan, the Town of Carrizozo, the Village of Corona, the Village of Ruidoso and the City of Ruidoso Downs. Ms. Taylor stated several of the municipalities had shown interest in holding additional discussions after receipt of the County's notice.

Ms. Taylor stated Attorney Morel had informed the New Mexico Finance Authority (NMFA) of the County's intent to withdraw and had requested a meeting to discuss potential issues and options related to the withdrawal. Attorney Morel stated he had received no response from NMFA as of this date.

Commissioner Minter volunteered to attend the next GSWA meeting along with the Manager. Commissioner Doth requested GSWA provide a full and complete inventory of all assets

99 including dumpsters, roll-offs, and poly carts. Ms. Taylor stated she would initiate a public  
100 information request for the information.

101  
102 **11. Consideration and Action on Bid Award 13-14-003 Annual Base Course Supply**  
103

104 Ms. Taylor informed bids were solicited to secure sources of aggregate material at various  
105 locations to be used for construction projects in all parts of the County. Ms. Taylor stated bids  
106 were due December 16, 2013 with one bid being received from Southwest Paving and Grading  
107 d/b/a Ruidoso Sand and Gravel as follows:  
108

- 109 • \$11.50 per ton to be picked up at supplier's site by County personnel
- 110 • \$15.50 per ton to be delivered to County Road Yard in Capitan

111  
112 **Motion:** Award Bid 13-14-003 to Ruidoso Sand and Gravel, **Action:** Approve, **Moved by**  
113 **Commissioner Minter, Seconded by Commissioner Doth.**

114 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).

115 **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth,  
116 Commissioner Draper.

117  
118 **12. Manager's Report**  
119

120 1. **Hats Off:** The Manager stated high praise was received for Whitney Whitaker, Bureau  
121 of Elections Clerk from Ms. Charlotte Clements for her assistance in researching  
122 declarations for a condominium association.

123  
124 2. **Lincoln County Medical Center:**

125 a. **Lease Agreement:** The Manager stated the County and LCMC were finalizing the  
126 LCMC lease agreement and anticipated presentation to the Commission for  
127 consideration and approval at the next meeting. The Manager reminded once the  
128 lease agreement and DFA review of the market appraisal were final the County  
129 would request State Board of Finance approval.

130  
131 b. The Manager stated the Village of Ruidoso (VOR) notified LCMC the parking  
132 requirements for the LCMC professional office building were not in compliance with  
133 municipal code. According to the VOR Municipal Code, the site must include 96  
134 spaces with 3 spaces being designated as accessible. The Manager stated the  
135 Village and LCMC had scheduled a meeting to discuss a possible solution.  
136  
137

138 Commissioner Doth questioned why the code violation was just now identified as the VOR had  
139 reviewed the master plan prior to construction. Ms. Taylor explained several of the parking  
140 spaces indicated on the master plan were situated on an adjacent property for which the County  
141 and Presbyterian terminated the purchase agreement thus leading to a reduced number of  
142 available parking spaces.

143  
144 3. **FEMA Updates**  
145

146 a. **Hazard Mitigation Grant – 4047:** The Manager informed on ongoing work with the  
147 NM Department of Homeland Security and FEMA on the application for the \$3.5  
148 million Hazard Mitigation Grant. The Manager stated FEMA directed the County to  
149 split the single multi-phased application into two separate applications: 1) for

150 education and outreach including the purchase of the SIMS table and public  
151 education about fire hazards and 2) for implementation and treatment of  
152 approximately 1800 acres per year for two years. The Manager anticipated the  
153 amended application would be submitted to NMDHS and FEMA by the end of  
154 January.  
155

156 Commissioner Minter questioned the expected grant amount for education. The Manager  
157 estimated approximately \$200,000 of the \$3.5 million would be for education.  
158

159 Curt Temple, Planning Director explained the grant funds must be used on private land and a  
160 collaborative group worked to identify large tracts of private land which would provide maximum  
161 fire protection to other more populated areas. Commissioner Doth commented on the  
162 advantage of treating larger areas with a single owner rather than seeking agreement from  
163 multiple owners of small lots. Mr. Temple stated it was hoped the treatment of these larger  
164 areas would help educate small tract owners about the benefits of thinning.  
165

166 b. FEMA Disaster 4152: The Manager stated the formal kick-off meeting for FEMA  
167 Declaration 4152 was held December 10, 2013 starting the 60-day timeline under  
168 which all projects to remedy damage from September rain events must be  
169 identified and turned into FEMA.  
170

171 Carl Palmer, Road Superintendent stated his department identified approximately \$120,000 in  
172 damage to Skeen Road, Picacho Road, and Alamo Canyon. Mr. Palmer stated there was also  
173 some damage to Cora Dutton and Bonito Road. Mr. Palmer noted approximately 60 -70% of  
174 the damage was repaired and the County was seeking to recover repair costs.  
175

#### 176 4. Legislative Initiatives.

177

178 a. Lincoln County Legislators' Panel for Capital Outlay Requests. The Manager  
179 reported Representative Zach Cook, Representative Nora Espinoza and Senator  
180 Bill Burt attended the Capital Outlay and "Meet Your Legislators" event in Ruidoso  
181 on December 12, 2013. The Manager and Commissioner Draper presented the  
182 top five Lincoln County project requests as identified on the ICIP.  
183

184 b. The Manager stated the Legislative Health and Human Services Committee would  
185 meet on December 19<sup>th</sup> and 20<sup>th</sup>. The Manager anticipated discussion regarding  
186 Hospital Funding and County Indigent Fund.  
187

188 Scott Annala, IHC Administrator expressed belief the NM Department of Human Services would  
189 be successful in initiating legislation to intercept at least 1/16<sup>th</sup> of the Indigent GRT tax.  
190

191 There was a general consensus to continue to oppose the intercept. The Manager stated she  
192 would send a letter to Lincoln County legislators regarding the County's position.  
193

194 c. The Manager provided copy of the announcement for Lincoln County Day in Santa  
195 Fe, sponsored by the Ruidoso Valley Chamber of Commerce on February 5, 2014.  
196

#### 197 5. Registering on State Website of County Chief Procurement Officer.

198

199 The Manager stated NM State law passed in 2013 required each county to register a  
200 Chief Procurement Officer responsible for the control of procurement of items or

201 tangible personal property, services or construction. The law requires that, on or  
202 before January 1, 2015, a certification program shall be established that includes initial  
203 certification and recertification every two years; and that the chief procurement officer  
204 shall pass a recertification examination approved by the secretary of general services.  
205 The Manager noted Orlando Samora currently serves as the County Procurement  
206 Officer with updates to be provided as requirements were identified.  
207

208 **10. 9:30 A.M.: PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY**  
209 **OFFICIALS**  
210

211 Commissioner Minter informed Corona was awarded funding through the Southeast Regional  
212 Planning Organization (SERPO) to plan and complete work on sidewalks in the municipality to  
213 accommodate changes after the Highway 54 renovations.  
214

215 Commissioner Stone reported on his meeting with Gary Caruthers, President of NMSU  
216 regarding funding for County 4-H extension agents. Commissioner Stone reminded ten  
217 counties experience funding cuts in the prior year resulting in the need for five counties  
218 including Lincoln to provide additional funding to sustain the positions within their county and  
219 with five other counties losing their agent positions for lack of funding. Commissioner Stone  
220 reported NMSU requested an additional \$674,000 for funding in the next year. Commissioner  
221 Stone expressed disappointment with apparent USDA staff recommendations for expending of  
222 the additional funding and expressed frustration with the lack of clarity as to the final budget  
223 administration. Commissioner Stone stated he had hoped some of the additional funds would  
224 alleviate the additional cost to the counties. There was a general consensus to send a letter of  
225 request for any additional funding to be distributed to 4H programs. Ms. Taylor agreed to  
226 research appropriate contacts.  
227

228 Commissioner Draper stated the Ruidoso Chamber of Commerce had provided some funding to  
229 local 4H programs as part of their community support efforts.  
230

231 Rhonda Burrows, Clerk; Paul Baca, Assessor; and Glenna Robbins, Treasurer acknowledged  
232 the efforts of all County staff who continued to assist the public during inconveniences  
233 associated with the ongoing courthouse renovations.  
234

235 Ms. Taylor provided copy of Warden Arthur Anderson's monthly report regarding the Detention  
236 Center as he was unavailable to present the monthly report.  
237

238 Chair Powell recessed the Regular Meeting at 9:48:45 AM and reconvened at 10:04:48 AM.  
239

240 **13. Consideration and Potential Action on Tower Site Contract with Trans World Network**  
241

242 Ms. Taylor stated the Office of Emergency Services (OES) had to relocate two-way radio  
243 equipment located on Gallinas Peak due to the destruction of the existing tower during  
244 inclement weather. Ms. Taylor stated the proposed agreement with Trans World Network  
245 Corporation would provide for location of the equipment on an existing tower on site. Ms.  
246 Taylor stated the tower might also be utilized in the future for additional communications  
247 equipment. Ms. Taylor stated the proposed agreement was reviewed by the County Attorney.  
248

249 **Motion:** Approve the tower site contract with Trans World Network, **Action:** Approve, **Moved**  
250 **by** Commissioner Stone, **Seconded by** Commissioner Doth.  
251

252 Joe Kenmore, Director of the Office of Emergency Services (OES) explained the tower, located  
253 ten miles southwest of Corona, blew over during a wind event last week causing a loss of  
254 emergency radio services in the area. Mr. Kenmore stated with the assistance of Spencer  
255 Baldwin of OES and others the two antennas were relocated and services were restored by the  
256 following day.

257  
258 **Vote:** Motion carried by unanimous vote (summary: Yes = 5).

259 **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth,  
260 Commissioner Draper.

261  
262 **14. Consideration and Potential Action on new FEMA Grant Application Supported by**  
263 **Lincoln County OES to Equip and Gear the new All Hazard Incident Management**  
264 **Team**

265  
266 Ms. Taylor informed OES submitted a grant application to FEMA for equipment and gear  
267 required sustaining the County's All Hazards Mitigation Team for several days in the event of an  
268 emergency. Ms. Taylor stated the grant amount was \$19,220 with FEMA providing 90% of the  
269 funding and necessitating a 10% or \$1,925 match from the County.

270  
271 Spencer Baldwin, OES Emergency Coordinator explained the funds were for purchase of  
272 personal protective equipment and additional equipment which would allow the team to stay on  
273 scene for several days.

274  
275 **Motion:** Approve \$1,925 funding for FEMA grant match, **Action:** Approve, **Moved by**  
276 **Commissioner Doth, Seconded by Commissioner Minter.**

277 **Vote:** Motion carried by unanimous vote (summary: Yes = 5).

278 **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth,  
279 Commissioner Draper.

280  
281 **15. Consideration and Action of Indigent Health Care Claims**

282  
283 Scott Annala, IHC Administrator presented the Sole Community Provider/Lincoln County  
284 Medical Center claims for approval. Mr. Annala processed 55 claims with 52 recommended for  
285 approval and 3 recommended for disapproval for a total authorization of \$105,899 and a year to  
286 date authorization of \$637,351. Mr. Annala noted the average monthly hospital claims to date  
287 was \$106,225 with a projected annual approval for FY 2013-2024 of approximately \$1.27  
288 million.

289  
290 Mr. Annala presented the Indigent Health Care Payments request for the month. Mr. Annala  
291 processed 55 claims with 52 recommended for approval and 3 recommended for disapproval.  
292 Mr. Annala stated the total of claims recommended for payment this month was \$27,965 for a  
293 year to date total of \$128,585. Mr. Annala noted the average monthly indigent claims to date  
294 were \$21,431 with a projected annual expenditure of \$257,172. Mr. Annala reminded the FY  
295 2013 -2014 budget for Indigent claims was \$393,278.

296  
297 Mr. Annala discussed the expansion of Medicaid beginning January 1, 2014 and anticipated a  
298 slowdown in the number of Indigent claims after the transition. Mr. Annala provided charts and  
299 graphs for comparison of current payments to prior fiscal years.

300  
301 **Motion:** Approval and denial of the claims as indicated for Sole Community Provider and  
302 Indigent Health Care Program payments as recommended

303 **Action:** Approve, **Moved by** Commissioner Doth, **Seconded by** Commissioner Minter.  
304 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).  
305 **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth,  
306 Commissioner Draper.

307  
308 **SEE EXHIBIT B:** Copies of the Sole Community Provider and Indigent Health Care Payments  
309 are attached hereto in reference thereto made a part hereof.  
310

311 **16. Water Issues/Forest/Wildlife Health Programs/Land and Natural Resources Issues**  
312

313 1. Water Right Notices: Ms. Taylor stated no new water rights notices were posted on the  
314 State Engineer's website since November. Ms. Taylor reported on a meeting attended  
315 by herself and Chair Powell with the District II State Engineer's staff. Ms. Taylor  
316 inquired about the agency's publication requirements and the process by which  
317 applications filed under "Emergency Status" were processed. Ms. Taylor stated based  
318 on the discussion the County might wish to formally request documents through the  
319 Inspection of Public Records Act (IPRA). Ms. Taylor noted none of the notices posted  
320 in November were as yet published in the Ruidoso News. Ms. Taylor stated the  
321 application seeking to divert water from the Bonito River to the Rio Ruidoso was  
322 withdrawn and the other applications were amended since initial posting.  
323

324 Chair Powell discussed plans by the State Engineer to consider the posted applications for  
325 transfers by the Village of Ruidoso under the "Lease Act" rather than as Emergency transfers  
326 and without public input. Chair Powell presented photos of multiple sites along the Rio Ruidoso  
327 documenting "impairment" of the stream and stated under current State Engineer rules such  
328 transfers should not be approved if a stream is "impaired". Chair Powell stated the State  
329 Engineer would not acknowledge her claims of "impairment" and maintained "conditions varied"  
330 along the stream. Chair Powell expressed concern about the disregard for senior water right  
331 holders and quoted language from the State Engineer's Administrative Rules which defined the  
332 duties of the office including the duty to protect senior water right holders. Chair Powell stated  
333 the proposed transfers amounted to "impairment" with significant impact to other water right  
334 holders.  
335

336 Chair Powell suggested the Board of Commissioners send a letter of objection to the State  
337 Engineer requesting a review of the transfers in light of apparent impairment. Chair Powell also  
338 discussed proposals to "pool" all water rights in the watershed and opined this plan would not  
339 work with three separate streambeds.  
340

341 Commissioner Doth questioned Attorney Morel as to existing State court cases defining  
342 "impairment". Attorney Morel stated he believed case law existed related to "impairment" and  
343 stated he would research and provide information for future discussion.  
344

345 Chair Powell further requested the County initiate an IPRA request for information to the State  
346 Engineer's office for documentation related to the impairment decision.  
347

348 There was a general consensus to send a formal letter of complaint to the State Engineer  
349 objecting to transfers under the Leasing Act, to request consideration of the current  
350 "impairment" conditions, and to object to any plan to pool the water rights on streambeds with  
351 copies to the Governor and local state representation.  
352

353 2. EPA Wetlands Guidance Process: Ms. Taylor reminded comments were  
354 submitted on behalf of the County regarding the EPA's draft scientific report titled  
355 "Connectivity of Streams and Wetlands to Downstream Waters: A Review and Synthesis of  
356 Scientific Evidence." Ms. Taylor informed excerpts from the County's submission were  
357 picked up and reported by Fox News. Ms. Taylor stated she would update as to next steps  
358 at the next meeting.  
359

360 3. Mexican Wolf Environment Impact Study: Ms. Taylor reported on the formal  
361 hearing held on November 20, 2013 which she attended on behalf of the County. Ms.  
362 Taylor noted a large attendance with the vast majority of comments favoring the protection  
363 of wolves. Ms. Taylor stated Commissioner Stone attended a Cooperating Agency IPT  
364 Meeting on December 10, 2014.  
365

366 Ms. Taylor reminded Lincoln County along with Luna, Hidalgo, McKinley, Sierra and San  
367 Miguel counties had signed Memorandums of Understanding (MOUs) along with the  
368 Arizona/New Mexico Coalition of Counties to participate in the ongoing process. Ms. Taylor  
369 stated she would provide updates after upcoming meetings.  
370

371 Commissioner Stone stated belief the wolves were "going to be here" and suggested the County  
372 should work through the MOU process to deal with issues.  
373

#### 374 **16a. Consideration and Potential Action on NRCS Matching Fund Obligation**

375

376 Ms. Taylor reminded of the discussion during the November 17, 2013 Regular Commission  
377 Meeting regarding utilization of an NRCS Emergency Watershed Protection Grant to take  
378 corrective action in four area of the County which were damaged by the Little Bear Fire  
379

380 Ms. Taylor stated the Eagle Creek and Villa Madonna project would protect public infrastructure  
381 with the installation of jersey barriers and the excavation and restoration of local channel  
382 capacity. Ms. Taylor stated because this particular project of \$94,500 would also protect  
383 downstream public infrastructure she requested approval for the 25% match to be provided by  
384 the County.  
385

386 Commissioner Minter questioned the scope of the project. Ms. Taylor noted the full scope of  
387 work was not complete but timing was critical to complete projects by mid-January. Curt  
388 Temple, Planning Director clarified the project would be conducted on private land to protect  
389 public infrastructure. Ms. Taylor stated the original costs associated with the grant had changed  
390 and the current anticipated total EWP grant was \$194,947 with the request being for the match  
391 of 25% of \$94,500 for this particular project.  
392

393 Commissioner Minter expressed concern about providing matching funds for work on private  
394 land. Ms. Taylor stated attempts would continue to get landowner agreements to cover portions  
395 of the match but noted there was uncertainty if this could be accomplished within the time  
396 frame. Commissioner Minter suggested seeking funding from Village of Ruidoso to assist with  
397 the project. Commissioner Doth clarified the request was for approval of a "funding guarantee".  
398

399 **Motion:** Approve funding the 25% match based on the need for a guarantee to meet time  
400 requirements but continue to pursue landowner funding for the match, **Action:** Approve, **Moved**  
401 **by** Commissioner Doth, **Seconded by** Commissioner Draper.  
402

403 Commissioner Stone questioned if the NRCS had committed to defining the scope of work and  
404 the work itself within the timeline. Ms. Taylor confirmed NRCS was committed to the timeline.  
405

406 Attorney Morel expressed concern about the possibility of extending the benefit of government  
407 funding to particular landowners but not to others which might give rise to questions of  
408 differential treatment. Commissioner Stone stated belief landowner's who benefited from  
409 governmental funded improvements should contribute as owners.  
410

411 **Vote:** Motion passed (**summary:** Yes = 3, No = 2, Abstain = 0).

412 **Yes:** Chair Powell, Commissioner Doth, Commissioner Draper.

413 **No:** Commissioner Minter, Commissioner Stone.  
414

415 **16b. Consideration and Potential Action to Initiate an Investigation Re: Cibola National**  
416 **Forest – Mountainair District's Suspension or Reduction of Active Grazing**  
417 **Allotments for limited periods of time.**  
418

419 Ms. Taylor discussed prior actions related to the suspension or reduction of active grazing of  
420 allotments on the Cibola National Forest. Ms. Taylor reminded of pertinent information  
421 obtained by Commissioner Stone and of discussions in prior Commission Meetings which  
422 resulted in the Board of Commissioner's instruction to Attorney Morel to file a request for a  
423 Congressional Investigation.  
424

425 Ms. Taylor stated since that time Elaine Kohrman the Cibola National Forest Supervisor, other  
426 Cibola Forest personnel, a representative from Congressman Pearce's office, and members of  
427 the Range Task Force participated in a teleconference. Ms. Taylor stated Supervisor Kohrman  
428 had provided copy of a notice dated December 2, 2014 which rescinded the prior notice of June  
429 2013. Ms. Taylor stated the letter further authorized stocking to the full permitted number of  
430 livestock allotted for the permit. Ms. Taylor stated Supervisor Kohrman expressed an interest in  
431 meeting with the Commission to address issues and concerns.  
432

433 Ms. Taylor stated she, Attorney Morel and Commissioner Stone agreed concerns remained  
434 about past and possible future actions by the Cibola Ranger District and they recommended the  
435 Attorney continue to initiate an investigation of the Mountainair Ranger District's June 2013 de-  
436 stocking and removal of livestock notice.  
437

438 **Motion:** Continue to initiate an investigation into actions taken by the Cibola National Forest,  
439 **Action:** Approve, **Moved by** Commissioner Stone, **Seconded by** Commissioner Draper.  
440

441 Commissioner Doth questioned the goal of the proposed investigation. Attorney Morel stated  
442 because allotment holders and others affected by similar decisions agreed science did not  
443 support this past decision to remove grazing livestock, they were concerned the USFS might  
444 take similar action utilizing other administrative tools. Attorney Morel stated the County could  
445 seek assurance that the USFS would consider recommendations from the Range Task Force  
446 before taking any similar action. Commissioner Stone stated the precedent set by initiating an  
447 investigation might serve to thwart ongoing efforts by the USFS to reduce the rights of grazing  
448 allotment holders in this and other Ranger Districts.  
449

450 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).

451 **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth,  
452 Commissioner Draper.  
453

454 **17. Consideration of Vacation of Subdivision Plat for Pollard Tracts located within**  
455 **Sections 29 and 30, Township 1 South, Range 12 East. Fred and Cheryl Haller**  
456

457 Curt Temple, Planning Director presented the request for consideration of the vacation of the  
458 Pollard Tracts Subdivision. Mr. Temple stated the current owners had recombined the original  
459 multiple tracts into one tract and at this time wished to formally remove the subdivision name  
460 and restrictive covenants.

461  
462 Attorney Morel questioned how the property was currently assessed. Paul Baca, Assessor  
463 informed the 360 acres were assessed as agriculture land.

464  
465 **Motion:** Approve the vacation of the one tract Pollard subdivision and the associated Restrictive  
466 Covenants and Disclosure Statement. **Action:** Approve, **Moved by** Commissioner Doth,  
467 **Seconded by** Commissioner Minter.

468 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).

469 **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth,  
470 Commissioner Draper.

471  
472 **18. Authorization to Schedule Public Hearing to Consider Other Outdated or New**  
473 **Lincoln County Ordinance**  
474

475 Commissioner Minter questioned if Attorney Morel had an opportunity to review State Statute  
476 related to the Lodger's Tax Ordinance and the funding of events based in other counties.  
477 Attorney Morel stated in reviewing the current ordinance, he found it to be in compliance with  
478 State Statute. Attorney Morel opined while Lincoln County Lodger's Tax could not be used to  
479 fund events in other counties, the previously discussed motorcycle rally based in Otero County  
480 had multiple associated events within Lincoln County which could justify expenditure of funds for  
481 promotion.

482  
483 Chair Powell requested the Sheriff be provided a copy of the 2007 Wolf Ordinance for his  
484 review.

485  
486 **19. Consideration of Appointments and Removals from Boards /Commissioners/  
487 Committees:**

488  
489 a. Planning Commission

490  
491 No action was taken.

492  
493 b. Chaves County Community Action Program

494  
495 **Motion:** Appoint Chair Powell, **Action:** Approve, **Moved by** Commissioner Draper, **Seconded**  
496 **by** Commissioner Doth.

497 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).

498 **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth,  
499 Commissioner Draper.

500  
501 c. Joint Municipal-County Zoning Authority-City of Ruidoso Downs

502  
503 **Motion:** Appoint Commissioner Doth and Commissioner Draper, **Action:** Approve, **Moved by**  
504 **Chair Powell, Seconded by** Commissioner Draper.

505 **Vote:** Motion carried by unanimous vote (summary: Yes = 5).  
506 **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth,  
507 Commissioner Draper.  
508  
509

510 d. Lincoln Historic Preservation Board  
511

512 **Motion:** Reappoint Bill Strausser, **Action:** Approve, **Moved by** Chair Powell, **Seconded by**  
513 Commissioner Doth.

514 **Vote:** Motion carried by unanimous vote (summary: Yes = 5).

515 **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth,  
516 Commissioner Draper.  
517

518 e. Senior Citizens Olympic Committee  
519

520 **Motion:** Reappoint Jim Clements and Gene Nitz, **Action:** Approve, **Moved by** Chair Powell,  
521 **Seconded by** Commissioner Doth.

522 **Vote:** Motion carried by unanimous vote (summary: Yes = 5).

523 **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth,  
524 Commissioner Draper.  
525

526 20. **Consideration of Attorney Contract Renewal (contract ends December 31, 2013)**  
527

528 Attorney Morel provided an itemized comparison of actual billable time of work as compared to  
529 contractual fee reimbursement. Attorney Morel noted in 2012 the County benefited from the flat  
530 fee payment for services in the amount of \$66,652 and commented for the first eleven months  
531 of 2013 the benefit was \$53,063. Attorney Morel reminded there was no request for an  
532 increase last year and requested a \$500 per month increase for the new contract year  
533

534 **Motion:** Approve the contract as presented, **Action:** Approve, **Moved by** Commissioner Stone,  
535 **Seconded by** Chair Powell.  
536

537 Commissioner Minter questioned the genesis of the additional work. Attorney Morel explained  
538 the requested increase would narrow the gap between the actual work hours and work  
539 reimbursed under the flat fee. Commissioner Minter questioned when a bid for services would  
540 be reissued. Attorney Morel explained bids were solicited two years ago and this was the third  
541 year of a four year contract. Commissioner Minter requested the County Manager research  
542 what other similar sized counties pay for legal services whether in house or out.  
543

544 **Vote:** Motion carried by unanimous vote (summary: Yes = 5).

545 **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth,  
546 Commissioner Draper.  
547

548 21. **Executive Session Pursuant to the Open Meetings Act: Discussion of all**  
549 **Threatened and/or Pending Litigation Section 10-15-1, Sub-Paragraph H.(7); and**  
550 **Discussion of the purchase, acquisition or disposal of real property or water**  
551 **rights by the public body, Section 10-15-1, Sub-Paragraph H.(8).**  
552

553 **New or Updated Matters since last report = \***  
554

- 555 1. Lodger=s Tax Issue B Casa del Cocinero B making regular payments

- 556 2. *Cooper, Gale and DeBaca County News v. County of Lincoln, Sheriff of Lincoln County,*  
557 *et al.* D-1329-CV-200701364. Suit filed: October 15, 2007. Verified Complaint for  
558 Declaratory Judgment Ordering Production of Certain Records and Information. Hearing  
559 to rule on plaintiff=s motions for cost, sanctions and production of records was  
560 scheduled Dec. 13, 2013.
- 561 3. *Michael Wheaton v Paul F. Baca, Lincoln County Assessor, et. al.* D-1226-CV-2011-  
562 00341. Suit filed October 18, 2011. Notice of Appeal of Final Order of the Lincoln  
563 County Valuation Protests Board.-Attorney has agreed to stay the case pending the  
564 decision from the Court of Appeals.
- 565 4. *Coble Constructors, LLC, et al v Carl Kelley Construction Ltd. Co, et al.* D-1226-CV-  
566 2012-00003. Suit filed January 15, 2012. Complaint to Foreclose Mechanic=s Lien.  
567 Order granting motion for resetting 4/17/13. Waiting on court date.
- 568 5. *Alto Lakes Golf & Country Club, Inc. v. Barbara Fleming, and Jesus and Maria*  
569 *Guardiola, et al.* D-1226-CV-2011-00044. Suit filed February 18, 2011. Complaint to  
570 Foreclose Lien. Counterclaim and Crossclaim suit filed by Washington Federal Savings  
571 on September 21, 2012 naming Board of Commissioners of Lincoln County and Lincoln  
572 County Solid Waste Authority. \*Stipulated and Default Judgment, Decree for  
573 Foreclosure, Order of Sale, and Appointment of Special Master, entered by the Court on  
574 8-12-13. L.C.=s lien was not extinguished and is still a valid lien against the subject  
575 property. Order approving sale and Special Master=s Report filed Oct. 23, 2013
- 576 6. *Johnathan Warren v. Lincoln County Detention Center, Emerald Healthcare Systems, et*  
577 *al.* 2:12-CV-01086-CG-LAM. Suit filed October 19, 2012. Complaint for the Recovery  
578 of Damages Caused by the Deprivation of Civil Rights.
- 579 \*7. *Greentree Solid Waste Authority v. Lincoln County, et. al.* D-0101-CV-2013-00104. Suit  
580 filed January 9, 2013. Petition for Declaratory Judgment, Preliminary and Permanent  
581 Injunction. \*Order Granting ALW&SD=s Motion for Judgment on the Pleadings and for  
582 Summary Judgment entered by the court on 6-15-13. Mediation with Mr. Walker Nov.  
583 11, 2013 was unsuccessful. Hearing for plaintiff's Motion to Reconsider scheduled with  
584 Judge Singleton Jan. 24, 2013.
- 585 \*8. *Rio Grande-Alameda, Ltd. v Paul Baca, Lincoln County Assessor* D-1226-CV-2013-  
586 00005. Suit filed January 9, 2013. Complaint for Refund of Taxes Paid. Defendant=s  
587 first motion to dismiss or Summary Judgment filed August 29, 2013, with plaintiff=s  
588 response filed Oct. 4, 2013. Defendant=s Reply to Motion to Dismiss or for Summary  
589 Judgment filed Oct. 21, 2013 Hearing scheduled Jan. 6, 2014.
- 590 \*9. *Washington Federal Savings v. Timothy Rose; Chanda Rose; and Lincoln County* D-  
591 1226-CV-2013-00105. Suit filed April 15, 2013. Complaint for Foreclosure. July 29,  
592 2013 Ltr to Bishop, White, Marshall & Weibel, P.S. advising of payoff amount through  
593 Aug. 5, 2013. Lots 139, 169, 170 paid in full. Stipulated and Default Judgment ordering  
594 foreclosure filed Nov. 22, 2013
- 595 10. *Wells Fargo Bank, NA, et al v. Jerry Turner, Board of County Commissioners of the*  
596 *County of Lincoln, New Mexico, et al.* D-1226-CV-2013-00129. Suit filed May 6, 2013.  
597 First Amended Complaint for Foreclosure filed by Morel on June 21, 2013.
- 598 \*11. *State of New Mexico (Lincoln County) v. Stephen Gore* M-30-MR-2013-00113. Citation  
599 filed June 17, 2013. Lincoln County Solid Waste Ordinance 2009-03 Violation. Notice of  
600 Sentencing Hearing scheduled for Dec. 4, 2013. Documentation was supplied showing  
601 Mr. Gore in in compliance. Dismissal filed Dec. 4, 2013.
- 602 \*12. *Steven Miller, et al. v. State Forestry Division, NM Energy, Minerals, and Natural*  
603 *Resources Department, County of Lincoln, et al.* D-1226-CV-2013-00160. Suit filed  
604 June 15, 2013. Lincoln County Manager and Commissioners served July 9, 2013.  
605 Complaint for Negligence, Injury and Damages. On August 2, 2013, NMAC advised  
606 Attorney Bryan Evans has been assigned as counsel for Lincoln County. Peremptory

607 challenge of Judge Angie Schneider filed by Commission Chair Jackie Powell. Judge  
608 Waylon Counts has been assigned the case Oct. 25, 2013. Hearing requested Nov. 25,  
609 2013 for state's motion to dismiss  
610 13. *Barbara Diane Latham, et al v. Neal Cox, Ben Hazen, Lincoln County Sheriff=s*  
611 *Department and the County of Lincoln. D-1226-CV-2013-00191.* Suit filed July 19,  
612 2013. Complaint for Violation of Civil Rights, Wrongful Death and Damages by Attorney  
613 Gary Mitchell. LCSO and LC Manager were served on August 5, 2013. Tort Claim  
614 Notice was filed on October 27, 2011. Advised NMAC has assigned the case to Brennan  
615 and Sullivan Law Firm 9/5/13. Case has been moved to Federal Court August 30, 2013.  
616

#### 617 **Tort Claims Notices Received or Threatened**

#### 618 **2013**

621 **Allen, Katherine Elizabeth-** Notice of Tort Claim against Lincoln County Detention  
622 Center for alleged injuries sustained during transport.

623 **Borrego, Albert** - Tort Claim Notice received from attorney Gary Mitchell on June 14,  
624 2013, alleging continued harassment to Albert G. Borrego by police while responding to a noise  
625 complaint at Mr. Borrego=s residence on February 28, 2013, and a separate incident resulting  
626 in Mr. Borrego's arrest on March 5, 2013, due to an outstanding warrant, during which Mr.  
627 Borrego allegedly sustained injuries while in custody due to an existing broken back injury.

628 **Espinoza, Robert B** Tort Claim Notice received from Robert Espinoza on June 4, 2013,  
629 alleging property damage from vehicle accident while Linda Mullins, driving the LC Senior  
630 Center meal delivery van ran off road hitting chain link fence, poles and railroad ties.

631 **\*Harrisburg Documents-** Attempts to recover Lincoln County documents illegally taken  
632 from the county. County Clerk Rhonda Burrows has been in contact with Harrisburg, PA in  
633 recovery efforts.

634 **Montoya, Emilia L.** - Tort Claim Notice received by attorney Freda Howard McSwane  
635 on April 23, 2013, alleging injuries sustained by Ms. Montoya when a physical altercation took  
636 place at the LCDC.

637 **Ramos, Aaron** - Tort Claim Notice received by attorney Robert J. Beauvais on April 18,  
638 2013, (correspondence dated September 13, 2011) alleging concerns about Mr. Ramos= safety  
639 and welfare and violation of his U.S. Constitutional rights.

640 **Silva, Elmo B** Tort Claim Notice received from attorney Richard Marquez November 6,  
641 2013. Alleges false imprisonment for Mr. Silva, who was sentenced in the 12<sup>th</sup> Judicial District  
642 Court to 38 years notice filed on July 3, 1990.

643 **\*Prins, Chad** - Tort Claim Notice received from attorney Anne-Kathryn Ziehe on Nov.  
644 15, 2013. Alleges negligence, great bodily harm and damages by the employees of Lincoln  
645 County Detention Center during Mr. Prins' incarceration. This case was not accepted for filing  
646 with NMAC due to the Detention Center's private management, and has been passed to a  
647 private attorney.  
648

#### 649 **2012**

651 **Cathy and Steve Altstatt** Telephone conference with Cathy Altstatt on April 19, 2012,  
652 concerning their unbuildable and unsellable Deer Park Valley lot due to lot size, septic tank set  
653 back requirements, and an easement granted to Alto Lakes Water & Sanitation District for a  
654 water well.

655 **Riordan, J.T. B** Correspondence received from Theresa Riordan on March 28, 2012,  
656 concerning her son's treatment and detention conditions while being held in LCDC.

657           **Sheridan, Michael B** Tort Claim Notice received from Attorney, Jennifer Burrill on  
658 February 21, 2012, claiming the Lincoln County Sheriff's Department forced him to register as a  
659 sex offender when he did not meet the requirements.

660           **Biggs, M. Jolene B** Tort Claim Notice received from Attorney, Adam Rafkin on February  
661 6, 2012, claiming liability by the County of Lincoln by failing to maintain the surface of the  
662 parking lot across from the Lincoln County Courthouse in Carrizozo, NM.  
663

664 **Action:** Approve, **Moved by** Commissioner Doth, **Seconded by** Commissioner Draper.

665 **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5).

666 **Yes:** Chair Powell, Commissioner Doth, Commissioner Draper, Commissioner Minter,  
667 Commissioner Stone.  
668

669 Chair Powell recessed the Regular Meeting and convened the Closed Session at 11:33:43 AM.  
670

671 Chair Powell adjourned the Closed Session and reconvened the Regular Meeting at 1:06:13  
672 PM.  
673

674 Commissioner Doth attested that no action was taken during the closed session and items  
675 discussed were limited to those as stated in the motion for closure.  
676

677 **22. Consideration and Potential Action on Lincoln County Medical Center Lease**  
678 **Agreement**

679 No action was taken.  
680

681 **23. Signing of Official Documents**

682 **24. Next meeting:**

683  
684 January 2, 2014 – Special Commission Meeting  
685 January 14, 2014 - Regular Commission Meeting  
686  
687  
688

689 **25. Adjournment**

690  
691 There being no further business to come before the Board of County Commissioners, Chair  
692 Powell adjourned the meeting at 1:06:47 PM.  
693

694 Respectfully submitted by,

695  
696 Rhonda B. Burrows  
697 Lincoln County Clerk

1 **COUNTY OF LINCOLN**

---

2 **New Mexico**  
3 **Special Meeting**  
4 **Board of County Commissioners**  
5

6 **Jackie Powell**, Chair  
7 **Preston Stone**, Vice Chair

**Kathryn Minter**, Member  
**Mark Doth**, Member  
8 **Dallas Draper**, Member  
9

10 **Minutes**  
11 **Thursday January 2, 2014**  
12

13 Minutes of the Special Meeting of the Lincoln County Commission held at 8:00 AM on January  
14 2, 2014 in the County Commission Chambers, Lincoln County Courthouse, in Carrizozo, New  
15 Mexico.

16  
17 **1. Call to Order**  
18

19 Chair Powell called the Special Meeting of the Board of County Commissioners to order at  
20 8:01:38 AM.  
21

22 **2. Roll Call**  
23

24 **Roll Call.**

25 **Present:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth,  
26 Commissioner Draper.  
27

28 Others present included Nita Taylor, County Manager; Alan Morel, County Attorney; and  
29 Rhonda Burrows, County Clerk.  
30

31 **3. Invocation**  
32

33 The invocation was presented by Commissioner Stone.  
34

35 **4. Pledge of Allegiance**  
36

- 37 A. Pledge – U.S.A. Flag – Chair Powell
- 38 B. Salute – N.M. Flag – Commissioner Doth
- 39

40 **5. Selection of Chair and Vice Chair**  
41

42 Commissioner Stone nominated Commissioner Powell to serve as Chair; Commissioner Doth  
43 seconded the nomination.  
44

45 **Motion:** There being no further nominations, Commissioner Powell was elected Chair by  
46 acclamation, **Action:** Approve, **Moved by** Commissioner Stone, **Seconded by** Commissioner

47 Doth.  
48 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).  
49 **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth,  
50 Commissioner Draper.

51  
52 Commissioner Minter nominated Commissioner Stone to serve as Vice-Chair, Chair Powell  
53 seconded the nomination.

54  
55 **Motion:** There being no further nominations, Commissioner Stone was elected Vice-Chair by  
56 acclamation, **Action:** Approve, **Moved by** Commissioner Minter, **Seconded by** Chair Powell.

57 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).  
58 **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth,  
59 Commissioner Draper.

60  
61 **6. Approval of Agenda**

62  
63 **Motion:** Acceptance of the Agenda and authorized the Chair to move items as necessary.

64 **Action:** Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Doth.

65 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).  
66 **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth,  
67 Commissioner Draper.

68  
69 **7. Executive Session Pursuant to the Open Meetings Act: Discussion of all**  
70 **Threatened and/or Pending Litigation Section 10-15-1, Sub-Paragraph H(7); and**  
71 **Discussion of the purchase, acquisition or disposal of real property or water**  
72 **rights by the public body, Section 10-15-1, Sub-Paragraph H(8).**

73  
74 **Motion:** To close the meeting for the purposes of an Executive Session to discuss Threatened  
75 and/or Pending Litigation pursuant to the Open Meetings Act, Section 10-15-1, Sub Paragraph  
76 H.(7) and the purchase, acquisition or disposal of real property or water rights by the public  
77 body, Section 10-15-1, Sub-Paragraph H.(8) and as follows.

78  
79 **New or Updated Matters since last report = \***

- 80  
81 1. Lodger's Tax Issue B Casa del Cocinero B making regular payments  
82 \*2. *Cooper, Gale and DeBaca County News v. County of Lincoln, Sheriff of Lincoln County, et*  
83 *al.* D-1329-CV-200701364. Suit filed: October 15, 2007. Verified Complaint for Declaratory  
84 Judgment Ordering Production of Certain Records and Information. Hearing took place Dec.  
85 13, 2013 with new filings of Suggestion of Death December 19, 2013.  
86 3. *Michael Wheaton v Paul F. Baca, Lincoln County Assessor, et. al.* D-1226-CV-2011-00341.  
87 Suit filed October 18, 2011. Notice of Appeal of Final Order of the Lincoln County Valuation  
88 Protests Board.-Attorney has agreed to stay the case pending the decision from the Court of  
89 Appeals.  
90 4. *Coble Constructors, LLC, et al v Carl Kelley Construction Ltd. Co, et al.* D-1226-CV-2012-  
91 00003. Suit filed January 15, 2012. Complaint to Foreclose Mechanic's Lien. Order  
92 granting motion for resetting 4/17/13. Waiting on court date.  
93 5. *Alto Lakes Golf & Country Club, Inc. v. Barbara Fleming, and Jesus and Maria Guardiola, et*  
94 *al.* D-1226-CV-2011-00044. Suit filed February 18, 2011. Complaint to Foreclose Lien.  
95 Counterclaim and Crossclaim suit filed by Washington Federal Savings on September 21,  
96 2012 naming Board of Commissioners of Lincoln County and Lincoln County Solid Waste  
97 Authority. \*Stipulated and Default Judgment, Decree for Foreclosure, Order of Sale, and

- 98 Appointment of Special Master, entered by the Court on 8-12-13. L.C.'s lien was not  
99 extinguished and is still a valid lien against the subject property. Order approving sale and  
100 Special Master's Report filed Oct. 23, 2013.
- 101 6. *Johnathan Warren v. Lincoln County Detention Center, Emerald Healthcare Systems, et al.*  
102 2:12-CV-01086-CG-LAM. Suit filed October 19, 2012. Complaint for the Recovery of  
103 Damages Caused by the Deprivation of Civil Rights.
- 104 7. *Greentree Solid Waste Authority v. Lincoln County, et. al. D-0101-CV-2013-00104.* Suit filed  
105 January 9, 2013. Petition for Declaratory Judgment; Preliminary and Permanent Injunction.  
106 \*Order Granting ALW&SD's Motion for Judgment on the Pleadings and for Summary  
107 Judgment entered by the court on 6-15-13. Mediation with Mr. Walker Nov. 11, 2013 was  
108 unsuccessful. Hearing for plaintiff's Motion to Reconsider scheduled with Judge Singleton  
109 Jan. 24, 2013
- 110 8. *Rio Grande-Alameda, Ltd. v Paul Baca, Lincoln County Assessor D-1226-CV-2013-00005.*  
111 Suit filed January 9, 2013. Complaint for Refund of Taxes Paid. Defendant's first motion to  
112 dismiss or Summary Judgment filed August 29, 2013, with plaintiff's response filed Oct. 4,  
113 2013. Defendant's Reply to Motion to Dismiss or for Summary Judgment filed Oct. 21, 2013  
114 Hearing scheduled Jan. 6, 2014.
- 115 \*9. *Washington Federal Savings v. Timothy Rose, Chanda Rose, and Lincoln County D-1226-*  
116 *CV-2013-00105.* Suit filed April 15, 2013. Complaint for Foreclosure. July 29, 2013 Ltr to  
117 Bishop, White Marshall & Weibel, P.S. advising of payoff amount through Aug. 5, 2013.  
118 Lots 139, 169, 170 paid in full. Stipulated and Default Judgment ordering foreclosure filed  
119 Nov. 22, 2013, with legal notices published in local newspapers.
- 120 10. *Wells Fargo Bank, NA, et al v. Jerry Turner, Board of County Commissioners of the County*  
121 *of Lincoln, New Mexico, et al. D-1226-CV-2013-00129.* Suit filed May 6, 2013. First  
122 Amended Complaint for Foreclosure filed by Morel on June 21, 2013.
- 123 11. *State of New Mexico (Lincoln County) v. Stephen Gore M-30-MR-2013-00113.* Citation filed  
124 June 17, 2013. Lincoln County Solid Waste Ordinance 2009-03 Violation. Notice of  
125 Sentencing Hearing scheduled for Dec. 4, 2013. Documentation was supplied showing Mr.  
126 Gore in compliance. Dismissal filed Dec. 4, 2013.
- 127 12. *Steven Miller, et al. v. State Forestry Division, NM Energy, Minerals, and Natural Resources*  
128 *Department, County of Lincoln, et al. D-1226-CV-2013-00160.* Suit filed June 15, 2013.  
129 Lincoln County Manager and Commissioners served July 9, 2013. Complaint for  
130 Negligence, Injury and Damages. On August 2, 2013, NMAC advised Attorney Bryan Evans  
131 has been assigned as counsel for Lincoln County. Peremptory challenge of Judge Angie  
132 Schneider filed by Commission Chair Jackie Powell. Judge Waylon Counts has been  
133 assigned the case Oct. 25, 2013. Hearing requested Nov. 25, 2013 for state's motion to  
134 dismiss.
- 135 13. *Barbara Diane Latham, et al v. Neal Cox, Ben Hazen, Lincoln County Sheriff's Department*  
136 *and the County of Lincoln. D-1226-CV-2013-00191.* Suit filed July 19, 2013. Complaint for  
137 Violation of Civil Rights, Wrongful Death and Damages by Attorney Gary Mitchell. LCSO  
138 and LC Manager were served on August 5, 2013. Tort Claim Notice was filed on October  
139 27, 2011. Advised NMAC has assigned the case to Brennan and Sullivan Law Firm 9/5/13.  
140 Case has been moved to Federal Court August 30, 2013.

#### 141 142 **Tort Claims Notices Received or Threatened**

#### 143 144 **2013**

145 **Allen, Katherine Elizabeth-** Notice of Tort Claim against Lincoln County Detention  
146 Center for alleged injuries sustained during transport.

147 **Borrego, Albert -** Tort Claim Notice received from attorney Gary Mitchell on June 14,  
148 2013, alleging continued harassment to Albert G. Borrego by police while responding to a noise

149 complaint at Mr. Borrego's residence on February 28, 2013, and a separate incident resulting in  
150 Mr. Borrego's arrest on March 5, 2013, due to an outstanding warrant, during which Mr. Borrego  
151 allegedly sustained injuries while in custody due to an existing broken back injury.

152 **Espinoza, Robert B** Tort Claim Notice received from Robert Espinoza on June 4, 2013,  
153 alleging property damage from vehicle accident while Linda Mullins, driving the LC Senior  
154 Center meal delivery van ran off road hitting chain link fence, poles and railroad ties.

155 **Harrisburg Documents-** Attempts to recover Lincoln County documents illegally taken  
156 from the county. County Clerk Rhonda Burrows has been in contact with Harrisburg, PA in  
157 recovery efforts.

158 **Montoya, Emilia L.** - Tort Claim Notice received by attorney Freda Howard McSwane  
159 on April 23, 2013, alleging injuries sustained by Ms. Montoya when a physical altercation took  
160 place at the LCDC.

161 **Ramos, Aaron** - Tort Claim Notice received by attorney Robert J. Beauvais on April 18,  
162 2013, (correspondence dated September 13, 2011) alleging concerns about Mr. Ramos' safety  
163 and welfare and violation of his U.S. Constitutional rights.

164 **Silva, Elmo B** Tort Claim Notice received from attorney Richard Marquez November 6,  
165 2013. Alleges false imprisonment for Mr. Silva, who was sentenced in the 12<sup>th</sup> Judicial District  
166 Court to 38 years filed on July 3, 1990.

167  
168 **2012**

169  
170 **Cathy and Steve Altstatt B** Telephone conference with Cathy Altstatt on April 19, 2012,  
171 concerning their unbuildable and unsellable Deer Park Valley lot due to lot size, septic tank set  
172 back requirements, and an easement granted to Alto Lakes Water & Sanitation District for a  
173 water well.

174 **Riordan, J.T. B** Correspondence received from Theresa Riordan on March 28, 2012,  
175 concerning her son's treatment and detention conditions while being held in LCDC.

176 **Sheridan, Michael B** Tort Claim Notice received from Attorney, Jennifer Burrill on  
177 February 21, 2012, claiming the Lincoln County Sheriff's Department forced him to register as a  
178 sex offender when he did not meet the requirements.

179 **Biggs, M. Jolene B** Tort Claim Notice received from Attorney, Adam Rafkin on February  
180 6, 2012, claiming liability by the County of Lincoln by failing to maintain the surface of the  
181 parking lot across from the Lincoln County Courthouse in Carrizozo, NM.

182  
183 **Action:** Approve, **Moved by** Commissioner Stone, **Seconded by** Commissioner Doth.

184 **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5).

185 **Yes:** Chair Powell, Commissioner Doth, Commissioner Draper, Commissioner Minter,  
186 Commissioner Stone.

187  
188 Chair Powell recessed the Regular Meeting and convened the Closed Session at 8:06:23 AM.

189  
190 Chair Powell adjourned the Closed Session and reconvened the Regular Meeting at 9:07:21  
191 AM.

192  
193 Commissioner Doth attested that no action was taken during the closed session and items  
194 discussed were limited to those as stated in the motion for closure.

195  
196 **8. Consideration of Retention of Council to Represent the County of Lincoln**  
197 **Pertaining to the County's withdrawal from GSWA.**

198  
199 **Motion:** Authorize the Manager and Attorney to negotiate with the law firm of Melendres,

200 Melendres, and Harrigan to secure representation for the County's withdrawal from GSWA,  
201 **Action:** Approve, **Moved by** Commissioner Doth, **Seconded by** Chair Powell.  
202 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).  
203 **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth,  
204 Commissioner Draper.

205  
206 **9. Commission Letter of Support of County Attorney with respect GSWA Disciplinary**  
207 **Complaint**

208  
209 **Motion:** Direct the Manager to draft a strongly worded letter of support for the County Attorney  
210 with respect to GSWA's disciplinary complaint, **Action:** Approve, **Moved by** Commissioner  
211 Doth, **Seconded by** Chair Powell.

212 **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5).

213 **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth,  
214 Commissioner Draper.

215  
216 **10. Request of Waiver of Restitution owed to Lincoln County by Gary Sugamosto**

217  
218 Attorney Morel relayed a request received from a local attorney to waive restitution owed to  
219 Lincoln County by Mr. Sugamosto for medical bills in excess of \$5000. Attorney Morel  
220 explained Mr. Sugamosto was ordered by the court to provide restitution not only to his victims  
221 but also to Lincoln County for medical expenses incurred during his incarceration. Mr.  
222 Sugamosto subsequently sued Emerald Corrections in Federal Court and during those  
223 settlement proceedings Mr. Sugamosto's attorney requested the County waive the right to  
224 restitution for the medical expenses.

225  
226 Attorney Morel stated, after researching the issue and recognizing the medical expenses were  
227 covered by County Indigent Health Care funding which were public funds, belief a waiver of the  
228 right to restitution would be in part a violation of the State's Anti-Donation law.

229  
230 **Motion:** Deny Mr. Sugamosto's request for waiver of medical expenses, **Action:** Approve,  
231 **Moved by** Commissioner Stone, **Seconded by** Commissioner Draper.

232 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).

233 **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth,  
234 Commissioner Draper.

235  
236 **11. Consideration and Action on Bid 13-14-004 Loma Grande Ranch Water**  
237 **Impoundment Project**

238  
239 Ms. Taylor stated bids were solicited for the installation of five drainage retention ponds in the  
240 Loma Grande area. Ms. Taylor stated the deadline for receipt and opening of bids was  
241 December 30, 2013 and detailed the bids received as follows:

- 242  
243
- 244 1. Renegade Construction, LLC bid of \$28,013.36
  - 245 2. Sierra Valley Contractors, LLC bid of \$28,357.54
  - 246 3. Southwest Paving and Grading d/b/a Ruidoso Sand and Gravel bid of  
247 \$26,591.89

248 **Motion:** Award Bid 13-14-004 to Southwest Paving and Grading d/b/a Ruidoso Sand and  
249 Gravel for \$26,591.89, **Action:** Approve, **Moved by** Commissioner Minter, **Seconded by**  
250 Commissioner Doth.

251  
252 Commissioner Stone questioned the original estimated cost of installation of the ponds. Justin  
253 King of King Enterprises explained this project was an NRCS Emergency Watershed Protection  
254 grant project for which the original engineer's cost estimate was \$38,000. Commissioner Stone  
255 questioned the need for the drainage retention ponds. Mr. King explained the dirt tanks were  
256 designed to capture debris from the Little Bear Fire burn before it entered the live water system  
257 in Philadelphia Canyon. Mr. King stated the contractors had each physically inspected the  
258 project site and expressed belief competition and the advantage of local equipment contributed  
259 to the lower bids received.

260  
261 Commissioner Minter questioned if the private property owner would provide the matching  
262 funds. Mr. King confirmed the landowner would provide a 25% cash match for this project.

263  
264 Commissioner Draper questioned who was responsible for ongoing maintenance after  
265 installation. Mr. King stated the NRCS EWP project contracts specify the landowner is  
266 responsible for maintenance for perpetuity.

267  
268 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).  
269 **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth,  
270 Commissioner Draper.

271  
272 **12. Resolution 2013-26 Supporting the Full Funding of Payment in Lieu of Taxes**  
273 **(PILT) from the Federal Government**

274  
275 Ms. Taylor presented the Resolution in support of the full funding of PILT payments. Ms. Taylor  
276 discussed the National Association of Counties (NACo) request for assistance from counties  
277 and their federal legislative representatives in supporting the continuation of PILT payments.  
278 Ms. Taylor informed Lincoln County received \$1,536,831 in PILT payments for 2013 which  
279 aided in funding fire suppression, law enforcement, and road improvements in Lincoln County.

280  
281 Commissioner Minter suggested two additional paragraphs to address the removal from the  
282 federal budget of \$300 million in royalty payments due from federal lands in the State of New  
283 Mexico and to request the return of federal land within the State of New Mexico as set out in the  
284 Statehood agreement with the federal government.

285  
286 After discussion, there was a general consensus to include language regarding the loss of  
287 royalty payments to the State of New Mexico in the current federal budget.

288  
289 **Motion:** Adopt Resolution 2013-26 with addition of language regarding the removal of royalty  
290 payments from the federal budget, **Action:** Approve, **Moved by** Commissioner Doth, **Seconded**  
291 **by** Chair Powell.

292 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).  
293 **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth,  
294 Commissioner Draper.

295  
296 **SEE EXHIBIT A:** Copies of Resolution 2013-26 is attached hereto in reference thereto made a  
297 part hereof.

298  
299 **13. Consideration and Action on New Mexico Association of Counties (NMAC)**  
300 **Counter Proposal to NM Human Services Department for Funding Uncompensated**  
301 **Care Pool and Medicaid Base Rate Increase**

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Ms. Taylor reported on a recent meeting of the Legislative Health and Human Services Committee attended by herself and Scott Annala, ICH administrator during which the possible intercept of county Indigent Health Care funds was a primary topic. Ms. Taylor clarified the current State of NM Health and Human Services Department (HHSD) proposal would utilize county Medicaid contributions in conjunction with the intercept of the county IHC tax to support the expansion of Medicaid and the Uncompensated Care Pool. Ms. Taylor noted a county's contribution to the new programs would not be dedicated to utilization by that county's particular hospital as it was in the Sole Community Provider program. Ms. Taylor further noted under the current HHSD proposal Lincoln County Medical Center would initially receive a greater return for uncompensated care than under the past Sole Community Provider program but hospitals in some other counties would see decreased compensation.

Ms. Taylor explained, according to the NMAC counter proposal, counties would commit to an annual contribution equal to 1/16<sup>th</sup> of their 1/8<sup>th</sup> IHC GRT increment while retaining the option to determine the funding source for their payment rather than a direct State intercept. Ms. Taylor stated in Lincoln County this would amount to a commitment of approximately \$283,192 per year.

Scott Annala, IHC Administrator expressed opposition to direct intercepts but supported the concept of NMAC's counter proposal whereby counties commit to a contribution. Mr. Annala stated other county IHC Administrators were primarily in favor of providing an amount equal to 1/16<sup>th</sup> of each county's IHC GRT. Mr. Annala stated belief the legislators present at the meeting were also opposed to a direct intercept of the tax by the State.

Commissioner Doth expressed concern about the relinquishment of authority over tax revenues to the State and discussed the potential for eventual management of the funding to the detriment of the counties.

**Motion:** Approve NMAC's counter proposal and commit funding in the estimated amount of \$283,192 for the State Safety Net Care Pool and increased Medicaid reimbursement rates,

**Action:** Approve, **Moved by** Commissioner Stone, **Seconded by** Commissioner Minter.

**Vote:** Motion passed (**summary:** Yes = 4, No = 1, Abstain = 0).

**Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Draper.

**No:** Commissioner Doth.

#### 14. Next Regular Meeting

Tuesday - January 14, 2013

#### 15. Adjournment

There being no further business to come before the Board of County Commissioners, Chair Powell adjourned the meeting at 9:44:59 AM.

Respectfully submitted by,

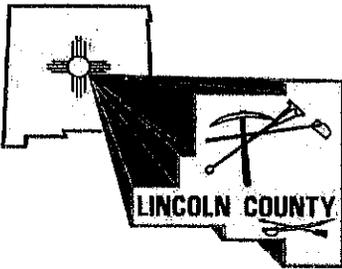
Rhonda B. Burrows  
Lincoln County Clerk

## **Agenda Item No. 7**

### **SUBJECT**

Approval of Consent Agenda:

- a. Payroll/Accounts Payable/Budget/ Expenditures
- b. Treasurer's Financial Report for the Month ending  
December 31, 2013



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# County of Lincoln

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## ACCOUNTS PAYABLE and PAYROLL

The following claims or bills on file with the office of the Lincoln County Manager were examined and approved as paid with checks hereof drawn upon the various County funds according to the check register covering the period from December 1 through December 31, 2013 in the amount of \$ 4,073,492.75.

**NOW, THEREFORE**, the above bills are hereby approved.

**ADOPTED, PASSED AND SIGNED** the 14th day of January, 2014.

### BOARD OF COMMISSIONERS LINCOLN COUNTY, NEW MEXICO

\_\_\_\_\_  
Jackie M Powell, Chairwoman

\_\_\_\_\_  
Preston Stone, Vice-Chair

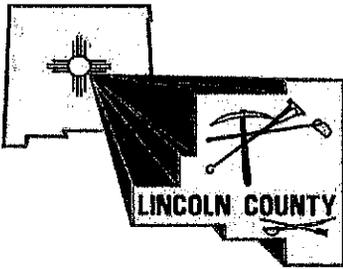
\_\_\_\_\_  
Kathryn Minter, Member

\_\_\_\_\_  
Dallas Draper, Member

\_\_\_\_\_  
Mark Doth, Member

ATTEST:

\_\_\_\_\_  
Rhonda B Burrows, County Clerk



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# County of Lincoln

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## AGENDA ITEM NO. 8

January 8, 2014

### MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Monthly Smokey Bear District Ranger Report

**Purpose:** To provide an opportunity for the Smokey Bear District Ranger, David Warnack, to present a monthly report.

### **Discussion:**

David Warnack will not be able to attend this meeting, but has sent two representatives, Todd Rawlinson and Anthony Sanchez on his behalf to provide his briefing to update commissioners and the public on activities in the district. At enclosure 1 is the Smokey Bear Ranger District's briefing.

**Recommendation:** None – information only at this time.

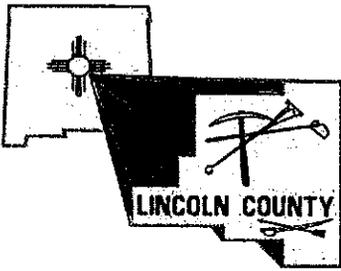
**Smokey Bear RD, Lincoln National Forest, Briefing Paper for  
Lincoln County Commissioners Meeting  
January, 2014**

Critical Updates

- The Smokey Bear Ranger signed 2 decisions to re-authorize grazing in September - East Hale Lake and Hale Lake allotments.
  - Both decisions were appealed in December.
  - The appeals and decisions are being reviewed by an appeal review team out of the Regional Office in Albuquerque.
  - Decision on whether to uphold the Ranger's decisions or to remand the decisions will be made by January 30<sup>th</sup>.
- A decision authorizing salvage logging in the Loma Grande area was also signed in September. No appeal was received. Salvage sale will be advertised soon.
- The Forest is working on a Supplement to the Draft Environmental Impact Statement (DEIS) related to the Village of Ruidoso wells located on National Forest System land in the North Fork of Eagle Creek.
  - The original Draft Environmental Impact Statement was published in May 2012, which started a 45 day comment period.
  - 3 weeks later the Little Bear Fire burned 98% of the watershed.
  - Because of the changed conditions the Forest Supervisor cancelled the DEIS and ended the comment period.
  - The Forest is now conducting a supplemental analysis to account for the changed conditions.
  - The new analysis will result in a decision anticipated in December 2014.
- The Ranger District is working with ENMU Ruidoso, the Little Bear Forest Reform Coalition, State Forestry, Lincoln County EMS, Village of Ruidoso, and others to plan a Forest Health Expo scheduled for April 11 & 12<sup>th</sup> at the Ruidoso Convention Center. More information about the conference will soon be available.

End of Report

encl 1



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# County of Lincoln

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## AGENDA ITEM NO. 9

January 8, 2014

### MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Greentree Solid Waste

**Purpose:** To provide an update of GSWA activities

### **Discussion:**

Manager will provide an update of GSWA activities. At enclosure 1 is the Agenda of its December 19, 2013 Agenda, along with documents handed out at that meeting

### **Recommendation**

**Greentree Solid Waste Authority**  
**NOTICE OF**  
**REGULAR MEETING AGENDA**

NOTICE is hereby given that the Greentree Solid Waste Authority has called the Regular Meeting of the Board for Tuesday December 19, 2013 beginning at 10:00 a.m. The meeting will be held at the Greentree Solid Waste Authority Office at 26590 US Highway 70, Ruidoso Downs, New Mexico, the purpose of the meeting is to:

1. Roll Call;
2. Approval of Agenda;
3. Discussion/Possible Action Lincoln County Member;
4. Approval of Minutes of Regular Meeting Nov. 19, 2013;
5. Approval of Financial;
  - a. Accounts Payable for Nov, 2013;
  - b. Financials Nov 2013;
6. Approval of Accounts Receivables for Nov, 2013;
7. Approval of Resolution 2013-12-01 Meeting Dates;
8. Approval of Resolution 2013-12-02 Open Meetings Act;
9. Discussion /Possible Action- PSA Engineering Services;
10. Approval of Operational Supervisor Report;
  - a. County Billing Letters;
  - b. Other Directive Issues;
11. Update – Otero/Greentree Regional Landfill - JPA Amendment – Rebate of Excess Funds;
12. Discussion/Possible Action- Correction of COL Nov.9, 2012 Minutes;
13. Discussion/Possible Action – Lincoln County Notification of Withdrawal;
14. Executive Session –Limited Personnel Matters, Threatened and/or Pending Litigation  
0101-CV-2013-00104;
15. Discussion/Possible Action Concerning Executive Session –Limited Personnel Matters,  
Threatened and/or Pending Litigation D-0101-CV-2013-00104;
16. Comments from the Public;
17. New/Old Business;
18. Next Regular Meeting Thursday Jan. 23, 2014 10:00 a.m.;
19. Adjourn;

The public is invited to attend the meeting. I certify that notice to the Public Meeting has been given in compliance with Section 10-15-1 through 10-15-4 1989 and Resolution 2013-06-01.

D Ingle, Operational Supervisor  
Posted: Dec.16, 2013 9:37 a.m.;

*ENCL 1*

# *Greentree Solid Waste Authority*

Resolution 2012-12-02

## A Resolution Setting Forth Notice Provisions For Meetings of Greentree Solid Waste Authority

**Whereas**, Section 10-15-1 et. seq. of NMSA. (1989 Compilation), provides for the formation of public policy sets standards with regard to the conduct of business by public bodies; and

**Whereas**, the Forty-First Legislature enacted as Chapter 262, Laws of 1193, significant changes in the formulation of public policy and the conduct of business in open meetings by public bodies; and

**Whereas**, the amended statute requires that "All meetings of any public body except the legislature and the courts shall be public meetings, and all persons so desiring shall be permitted to attend and listen to the deliberations and proceedings"; and

**Whereas**, said statute also provides that "... no resolution, rule, regulation, ordinance or action of any board, commission, committee or any other policy making body shall be valid unless taken or made at a meeting held in accordance with the requirements of this Act".

**Now, Therefore, Be It Resolved** by the Board of Directors of the Greentree Solid Waste Authority (GSWA), that:

**Section 1:** Notice shall be given at least five (5) days in advance of any regular meeting of a quorum of the members of the Board of Directors of GSWA held for the purpose of discussing public business or taking action within the authority of such body.

**Section 2:** Notice shall be given at least seventy two (72) hours in advance of any special meeting of a quorum of the members of the Board of Directors of the GSWA held for the purpose of discussing the business or taking any action within the authority of such body.

**Section 3:** Notice shall be given as far in advance as possible under the existing circumstances for any emergency meeting of a quorum of the Board of Directors of the GSWA held for the purpose of considering any matter that needs emergency treatment because of a clear and present danger to the health, welfare or safety of the people of the County of Lincoln.

**Section 4:** All Meetings, regular or otherwise, shall be open to the public and all persons so desiring shall be permitted to attend and listen to the deliberations and proceedings. Reasonable efforts shall be made to accommodate the use of audio and video recording devices.

**Section 5:** Meeting Notices shall include an agenda of specific items of business to be discussed or transacted at the meeting and information on how the public may obtain a copy of such agenda. Except in the case of an emergency, the agenda shall be available to the public at least twenty-four (24) hours prior to the meeting.

**Section 6:** Except for emergency matters, the public body shall take action only on items appearing on the agenda. For purposes of this resolution, an "emergency" refers to unforeseen circumstances that, if not addressed immediately by the public body, will likely result in the injury or damage to persons or property, or substantial financial loss to the public body.

**Section 7:** The Board shall keep written minutes of all of its meetings. All minutes are open to public inspection. Draft minutes shall be prepared within ten (10) working days after the meeting and shall be approved, amended or disapproved at the next meeting where a quorum is present. Minutes shall not become official until approved by the public body.

**Section 8:** The Board shall reserve or retain the right to adjourn into executive session for consideration of items excepted from the Open Meetings Act as set forth in 10-15-1(E) NMSA 1989.

**Section 9:** A motion to close a meeting pursuant to this Resolution shall be made in open meeting and approved by a majority vote of a quorum of the Board. The authority for the closure and the subject to be discussed shall be stated with reasonable specificity in the motion calling for the vote on a closed meeting. The vote shall be taken in open meeting and the vote of each individual member shall be recorded in the minutes. Only the subjects announced and voted upon prior to the closure by the Board may be discussed in the closed meeting. Following completion of any closed meeting, the minutes of the open meeting that was closed or the minutes of the next open meeting, if the closed meeting was separately scheduled, shall state that the matters discussed in the closed meeting were limited only to those specified in the motion for closure or the notice of the separate closed meeting. This statement shall be approved by the Board as part of the minutes.

**Section 10:** No resolution, rule, regulation, ordinance or action of the Board of Directors of the GSWA shall be valid unless taken or made at a meeting held in accordance with this Resolution.

**Passed, Approved, and Adopted** by the Board of Directors of Greentree Solid Waste Authority this 20<sup>th</sup> day of December, 2012.

\_\_\_\_\_  
Sam Hammons, GSWA Chairman

ATTEST: \_\_\_\_\_  
Debra L. Ingle, GSWA Operational Supervisor

*Greentree Solid Waste Authority*

*PO Box 2405 / 26590 US Hwy 70*

*Ruidoso Downs, NM 88346*

*(575) 378-4697 \* Fax (575) 378-4896*

**ACCOUNTS PAYABLE**

The following claims or bills on file with the office of Greentree Solid Waste Authority were examined and approved as paid with checks hereof drawn upon the various Authority funds according to the check register covering the period from November 1<sup>st</sup> through November 30<sup>th</sup>, 2013 in the amount of \$112,027.09.

**NOW, THEREFORE**, the above bills are hereby approved.

**ADOPTED, PASSED AND SIGNED** the 19<sup>th</sup> day of December, 2013.

GOVERNING BODY OF

Greentree Solid Waste Authority, Ruidoso Downs, New Mexico

---

Sam Hammons - Chairman

---

Gary Williams - Secretary/Treasurer

---

Debra L Ingle – Operational Supervisor

ATTEST:

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Beverly Foote – Personnel/Finance

BOARD OF DIRECTORS MONTHLY REPORT

DEPARTMENT OF FINANCE & ADMINISTRATION  
LOCAL GOVERNMENT DIVISION  
SPECIAL DISTRICT CASH REPORT

SPECIAL DISTRICT: GREENTREE SOLID WASTE AUTHORITY  
MONTH ENDED: 11/30/13  
PREPARED BY: BEVERLY FOOTE

FUND (1)	FUND NO. (2)	CASH BALANCE		RECEIPTS TO DATE (4)	TRANSFERS TO & FROM (5)	DISBURSE- MENTS TO DATE (6)	CASH BALANCE END OF PERIOD (7)
		PER BOOKS JULY 1,2013 (3)					
OPERATING	01	247,079		1,098,576	60,418	1,133,744	272,329
SW GRANT	02	0		0		0	0
NMST BOND	03	0		79,432		79,432	0
RECYCLE GRANTS	05	0		0		0	0
EGRT	06	46,381		89,923	(60,418)	0	75,885
SUB TOTAL		293,459		1,267,931	0	1,213,176	348,214
INVESTMENTS							
GRAND TOTAL		293,459		1,267,931	0	1,213,176	348,214

PROFIT/ (LOSS) 54,755

BOARD OF DIRECTORS MONTHLY REPORT  
DEPARTMENT OF FINANCE & ADMINISTRATION  
LOCAL GOVERNMENT DIVISION  
SPECIAL DISTRICT CASH REPORT

SPECIAL DISTRICT: GREENTREE SOLID WASTE AUTHORITY  
MONTH END 11/30/13  
PREPARED BY: BEVERLY FOOTE

BANK RECONCILIATION

FUND (1)	CASH BALANCE END OF PERIOD (8)	ADD: OUTSTANDING CHECKS (9)	LESS: DEPOSITS IN TRANSIT (10)	ADJUST PLUS/ (MINUS) (11)	TOTAL (12)	BALANCE PER BANK STATEMENT (13)	DIFFERENCE (14)
OPERATING/GRANT-CBNM	20,918.28	76,835.27			97,753.55	97,753.55	0.00
RESERVE ACCT-CBNM	5,553.80				5,553.80	5,553.80	0.00
RECYCLE PETTY CASH-CBNM	14,522.85	291.60			14,814.45	14,814.45	0.00
TS/RC CLOSURE-CBNM	14,632.61				14,632.61	14,632.61	0.00
NMFA	13,641.29		9,583.02		4,058.27	4,058.27	0.00
DIRECT DEPOSIT	1,350.69				1,350.69	1,350.69	0.00
RESERVE ACCT-BOA	201,709.79				201,709.79	201,709.79	0.00
EGRT-CBNM	75,885.08				75,885.08	75,885.08	0.00
SUB TOTAL	348,214.39	77,126.87	9,583.02	0.00	415,758.24	415,758.24	(0.00)
INVESTMENTS							
GRAND TOTAL	348,214.39	77,126.87	9,583.02	0.00	415,758.24	415,758.24	(0.00)

NOTE:(ANY ITEMS IN COLUMN 11)

GREENTREE SOLID WASTE AUTHORITY  
FISCAL YEAR BUDGET 2013-2014

1

S/B  
42%

GENERAL OPERATING FUND FUND 01 REVENUES:	NOV	2013-2014 YEAR TO DATE	APPROVED 2013-2014 BUDGET	OVER/ (UNDER)	% USED
<b>COLLECTION FEES:</b>					
ROLLOFF RENTALS	5,991	28,462	122,602	(94,140)	23%
ROLLOFF DUMPING	6,935	42,419	65,522	(23,103)	65%
YARD WASTE DISPOSAL FEES	3,532	16,877	16,974	(97)	99%
RUIDOSO DOWNS	16,137	82,365	200,673	(118,308)	41%
COUNTY	28,053	457,247	1,095,698	(638,451)	42%
CAPITAN	14,986	72,568	180,904	(108,337)	40%
CARRIZOZO	10,742	62,305	125,045	(62,740)	50%
CORONA	708	4,055	7,437	(3,382)	55%
COMMERCIAL	41,515	249,944	580,006	(330,062)	43%
SPECIAL SERVICES	32	236	2,500	(2,264)	9%
CAPITAN L/F CLOSURE		3,459	15,000	(11,541)	23%
FACILITY REIMBURSE		0	0	(0)	0%
<b>TOTAL COLLECTION FEES:</b>	<b>128,630</b>	<b>1,019,937</b>	<b>2,412,361</b>	<b>(1,392,424)</b>	<b>42%</b>
<b>RECYCLING REVENUES:</b>					
COMM CARDBOARD	2,329	11,562	29,872	(18,310)	39%
ALUMINUM SALES	2,314	7,057	36,214	(29,157)	19%
COPPER/BRASS SALES		2,832	9,376	(6,544)	30%
METAL SALES	5,833	26,714	62,100	(35,386)	43%
CARDBOARD SALES	4,325	17,043	47,912	(30,869)	36%
NEWSPAPER SALES		315	2,678	(2,363)	12%
RECYCLE OIL		47	250	(203)	19%
PAPER SALES		246	2,622	(2,376)	9%
PLASTIC SALES		449	2,622	(2,174)	17%
TIRES	9	283	4,395	(4,112)	6%
BATTERIES		32	150	(119)	21%
E-WASTE		189	500	(312)	38%
CARPET PAD		0	0	(0)	0%
<b>TOTAL SALES:</b>	<b>14,810</b>	<b>66,767</b>	<b>198,691</b>	<b>(131,924)</b>	<b>34%</b>
<b>MISCELLANEOUS:</b>					
PROPERTY PAYMENT		7,500	15,000	(7,500)	50%
COLLECTION FEES REIMBURSE	397	1,523	5,525	(4,002)	28%
INTEREST	6	18	130	(112)	14%
INTEREST-NMFA	0	0	20	(20)	1%
INTEREST-BOA-RESERVE	54	274	630	(356)	44%
MISCELLANEOUS	(997.88)	1,908	2,500	(592)	76%
GSWA SERVICE FEE		0	0	(0)	0%
SALE OF SURPLUS EQUIPMENT	50	649	7,000	(6,351)	9%
<b>TOTAL MISC:</b>	<b>(491.96)</b>	<b>11,872</b>	<b>30,805</b>	<b>(18,933)</b>	<b>39%</b>
<b>TOTAL REVENUES:</b>	<b>142,949</b>	<b>1,098,576</b>	<b>2,641,857</b>	<b>(1,543,281)</b>	<b>42%</b>
<b>TRANSFERS:</b>					
FROM EGRT FUND		60,418	225,000	(164,582)	27%
<b>TOTAL TRANSFERS:</b>	<b>0</b>	<b>60,418</b>	<b>225,000</b>	<b>(164,582)</b>	<b>27%</b>
<b>NET REVENUES:</b>	<b>142,949</b>	<b>1,158,994</b>	<b>2,866,857</b>	<b>(1,707,863)</b>	<b>40%</b>

GREENTREE SOLID WASTE AUTHORITY  
FISCAL YEAR BUDGET 2013-2014

2

S/B  
42%

COLLECTION					
GENERAL OPERATING FUND EXPENDITURES: DEPARTMENT 01	NOV	2013-2014 YEAR TO DATE	APPROVED 2013-2014 BUDGET	OVER/ (UNDER)	% USED
<b>PERSONNEL SERVICES:</b>					
SALARIES	41,815	230,795	642,397	(411,602)	36%
OVERTIME	2,299	9,581	65,736	(56,155)	15%
FICA	2,786	14,847	44,202	(29,355)	34%
MEDICARE	652	3,472	10,338	(6,866)	34%
STATE UNEMPLOYMENT		1,226	2,415	(1,189)	51%
PERA	2,474	12,589	42,932	(30,343)	29%
HEALTH	11,943	48,816	140,490	(91,674)	35%
WORKERS COMP		78	69,621	(69,543)	0%
INCENTIVE PAY		0	4,800	(4,800)	0%
CAR ALLOWANCE	650	3,250	7,800	(4,550)	42%
<b>TOTAL PERSONNEL:</b>	<b>62,618</b>	<b>324,655</b>	<b>1,030,731</b>	<b>(706,076)</b>	<b>31%</b>
<b>OPERATING:</b>					
ELECTRICITY		7,885	12,843	(4,958)	61%
HEATING		425	400	25	106%
WATER/SEWER		2,301	2,228	73	103%
TELEPHONE		5,312	12,813	(7,501)	41%
OFFICE SUPPLIES	437	4,686	10,000	(5,314)	47%
JANITORIAL		114	150	(36)	76%
PHYSICALS/SCREENS		280	500	(220)	56%
ACCIDENTS & DEDUCTIBLE		1,771	5,000	(3,229)	35%
ADS & PUBLICATIONS	198	357	1,000	(643)	36%
SECURITY		1,135	4,000	(2,865)	28%
INSURANCE	10,323	10,874	82,000	(71,126)	13%
LICENSES/PERMITS		0	300	(300)	0%
SUBSCRIPTION		822	2,500	(1,678)	33%
PROFESSIONAL SERVICES		22,056	45,807	(23,751)	48%
GROSS RECEIPTS TAX		27,470	105,546	(78,076)	26%
YARD WASTE DISPOSAL		22,043	46,000	(23,957)	48%
LANDFILL CHARGES	11,715	75,144	123,602	(48,458)	61%
CONTRACT HAULING/LABOR		97	1,000	(903)	10%
FUEL/OIL	25,975	128,211	240,000	(111,789)	53%
SHOP TOOLS		0	300	(300)	0%
SHOP SUPPLIES	159	3,303	5,000	(1,697)	66%
SAFETY SUPPLIES		2,767	14,090	(11,323)	20%
EQUIPMENT RENTAL		1,874	4,000	(2,126)	47%
UNIFORMS	710	5,370	13,692	(8,322)	39%
BUILDING/PROPERTY R & M		3,880	10,000	(6,120)	39%
COMPACTOR R/M		595	3,000	(2,405)	20%
CONTAINER R & M		2,591	5,000	(2,409)	52%
EQUIPMENT R & M	463	4,010	13,221	(9,211)	30%
POLYCART R/M		0	1,000	(1,000)	0%
VEHICLE R & M	14,811	85,268	100,000	(14,732)	85%
TRAVEL & SCHOOLS	597	597	2,500	(1,903)	24%
COST FOR CAPITAN L/F CLOSURE		7,762	20,000	(12,238)	39%
<b>TOTAL OPERATING:</b>	<b>65,389</b>	<b>428,997</b>	<b>887,492</b>	<b>(458,495)</b>	<b>48%</b>
<b>CAPITAL OUTLAY:</b>					
EQUIPMENT		0	0	(0)	0%
WAGNER-BACKHOE II L/P		15,001	36,003	(21,002)	42%
CBNM PROPERTY L/P II	4,775	23,875	57,299	(33,424)	42%
GREENTREE CONSTRUCTION		0	5,231	(5,231)	0%
NMFA-NOTE PAYABLE		0	125,743	(125,743)	0%
NMFA-INTEREST EXPENSE	35,679	35,679	71,357	(35,678)	50%
NMFA-ADMIN FEE	2,353	2,353	4,705	(2,352)	50%
DCTF-ALF RESIDENTIAL TRUCK L/P		17,449	19,451	(2,002)	90%
BOW-CMPCTR/RO/DMPSTR L/P		10,332	20,663	(10,331)	50%
DCTF-TRAILER/TRUCK/GRAPPLER L/P		33,299	79,917	(46,618)	42%
RIP L/P		49,961	54,125	(4,164)	92%
<b>TOTAL CAPITAL OUTLAY:</b>	<b>42,806</b>	<b>187,947</b>	<b>474,494</b>	<b>(286,547)</b>	<b>40%</b>
<b>TOTAL EXPENDITURES:</b>	<b>170,813</b>	<b>941,599</b>	<b>2,392,717</b>	<b>(1,451,118)</b>	<b>39%</b>

GREENTREE SOLID WASTE AUTHORITY  
 FISCAL YEAR BUDGET 2013-2014

3

S/B  
 42%

COMMITTEE MEMBERS					
GENERAL OPERATING FUND EXPENDITURES: DEPARTMENT 10	NOV	2013-2014 YEAR TO DATE	APPROVED 2013-2014 BUDGET	OVER/ (UNDER)	% USED
<b>PERSONNEL SERVICES:</b>					
MEETING EXPENSE-SALARIES		725	1,625	(900)	45%
FICA		45	101	(56)	45%
MEDICARE		11	24	(13)	44%
STATE UNEMPLOYMENT		4	10	(6)	44%
WORKERS COMP		0	56	(56)	0%
<b>TOTAL PERSONNEL:</b>	0	785	1,816	(1,031)	43%
<b>OPERATING:</b>					
OFFICE SUPPLIES		0	500	(500)	0%
INSURANCE		5,727	5,800	(73)	99%
DUES/MEMBERSHIPS		0	100	(100)	0%
MEETING EXPENSE		0	0	(0)	0%
TRAVEL & SCHOOLS		1,751	1,600	151	109%
<b>TOTAL OPERATING:</b>	0	7,478	8,000	(522)	93%
<b>TOTAL EXPENDITURES:</b>	0	8,263	9,816	(1,553)	84%

GREENTREE SOLID WASTE AUTHORITY  
FISCAL YEAR BUDGET 2013-2014

S/B  
42%

ADMINISTRATION					
GENERAL OPERATING FUND EXPENDITURES: DEPARTMENT 11	NOV	2013-2014 YEAR TO DATE	APPROVED 2013-2014 BUDGET	OVER/ (UNDER)	% USED
<b>PERSONNEL SERVICES:</b>					
SALARIES	15,309	85,567	213,545	(127,978)	40%
OVERTIME		0	1,793	(1,793)	0%
FICA	989	5,350	13,435	(8,085)	40%
MEDICARE	231	1,251	3,142	(1,891)	40%
STATE UNEMPLOYMENT		186	829	(643)	22%
PERA	1,029	5,637	14,948	(9,311)	38%
HEALTH	2,775	11,390	46,168	(34,778)	25%
WORKERS COMP		16	2,235	(2,219)	1%
INCENTIVE PAY		0	1,550	(1,550)	0%
<b>TOTAL PERSONNEL:</b>	<b>20,334</b>	<b>109,398</b>	<b>297,645</b>	<b>(188,247)</b>	<b>37%</b>
<b>OPERATING:</b>					
ELECTRICITY		2,500	4,580	(2,080)	55%
HEATING		550	400	150	138%
WATER/SEWER		0	0	(0)	0%
TELEPHONE		2,081	4,200	(2,119)	50%
OFFICE SUPPLIES	112	3,656	15,000	(11,344)	24%
POSTAGE		43	1,000	(957)	4%
JANITORIAL	550	566	600	(34)	94%
PHYSICALS/SCREENS		25	200	(175)	13%
ACCIDENT & DEDUCTIBLE		0	100	(100)	0%
ADS & PUBLICATIONS	133	495	100	395	495%
SECURITY		587	1,000	(413)	59%
INSURANCE	1,886	2,496	2,800	(304)	89%
DUES/MEMBERSHIPS		0	225	(225)	0%
LICENSES & PERMITS		0	200	(200)	0%
STATE/FEDERAL PENALTIES		0	50	(50)	0%
FINANCE CHARGES		0	50	(50)	0%
SUBSCRIPTIONS		646	1,500	(854)	43%
PROFESSIONAL SERVICES		0	12,000	(12,000)	0%
BILLING EXPENSES		4,214	7,000	(2,786)	60%
LEGAL FEES		13,801	20,000	(6,199)	69%
COLLECTION-LEGAL FEES		0	10,000	(10,000)	0%
COLLECTIONS COST	25	300	2,000	(1,700)	15%
SAFETY SUPPLIES		0	100	(100)	0%
EQUIPMENT RENTAL		5,417	10,834	(5,417)	50%
BUILDING/PROPERTY R & M		519	1,000	(481)	52%
COMPUTER R & M		0	1,000	(1,000)	0%
EQUIPMENT R & M		0	1,000	(1,000)	0%
TRAVEL & SCHOOLS		0	2,500	(2,500)	0%
BILLING REFUNDS		3,978	3,000	978	133%
<b>TOTAL OPERATING:</b>	<b>2,706</b>	<b>41,874</b>	<b>102,439</b>	<b>(60,565)</b>	<b>41%</b>
<b>CAPITAL OUTLAY:</b>					
EQUIPMENT		0	0	(0)	0%
COMPUTER PROGRAMS		1,930	5,000	(3,070)	39%
COMPUTER HARDWARE		0	5,000	(5,000)	0%
OFFICE FURNITURE		0	0	(0)	0%
<b>TOTAL CAPITAL OUTLAY:</b>	<b>0</b>	<b>1,930</b>	<b>10,000</b>	<b>(8,070)</b>	<b>19%</b>
<b>TOTAL EXPENDITURES:</b>	<b>23,040</b>	<b>153,201</b>	<b>410,084</b>	<b>(256,883)</b>	<b>37%</b>

GREENTREE SOLID WASTE AUTHORITY  
FISCAL YEAR BUDGET 2013-2014

S/B  
42%

RECYCLING					
GENERAL OPERATING FUND EXPENDITURES: DEPARTMENT 50	NOV	2013-2014 YEAR TO DATE	APPROVED 2013-2014 BUDGET	OVER/ (UNDER)	% USED
<b>PERSONNEL SERVICES:</b>					
SALARIES	1,592	7,457	31,203	(23,746)	24%
OVERTIME		0	0	(0)	0%
FICA	101	465	1,947	(1,482)	24%
MEDICARE	24	109	455	(346)	24%
STATE UNEMPLOYMENT		63	207	(144)	30%
PERA		0	2,184	(2,184)	0%
HEALTH		(1,899)	14,867	(16,766)	-13%
WORKERS COMP		5	6,646	(6,641)	0%
INCENTIVE PAY		0	200	(200)	0%
<b>TOTAL PERSONNEL:</b>	<b>1,716</b>	<b>6,198</b>	<b>57,709</b>	<b>(51,511)</b>	<b>11%</b>
<b>OPERATING:</b>					
ELECTRICITY		2,150	3,977	(1,827)	54%
HEATING		0	150	(150)	0%
TELEPHONE		170	462	(292)	37%
OFFICE SUPPLIES		0	150	(150)	0%
PHYSICALS/SCREENS		0	50	(50)	0%
ACCIDENT/DEDUCTIBLE		0	100	(100)	0%
ADS & PUBLICATIONS		608	200	408	304%
INSURANCE	1,466	8,995	8,136	859	111%
DUES/MEMBERSHIPS		0	1,000	(1,000)	0%
GROSS RECEIPTS TAX		2,446	9,461	(7,015)	26%
FUEL/OIL	99	391	700	(309)	56%
SHOP SUPPLIES		0	50	(50)	0%
SAFETY SUPPLIES		0	500	(500)	0%
RECYCLING SUPPLIES		1,953	5,000	(3,047)	39%
UNIFORMS		113	857	(744)	13%
BUILDING/PROPERTY R & M		0	500	(500)	0%
EQUIPMENT R & M	588	629	1,000	(371)	63%
TRAVEL & SCHOOLS		0	100	(100)	0%
ALUMINUM PURCHASES	321	3,125	9,078	(5,953)	34%
COPPER/BRASS/RAD	35	1,387	5,500	(4,113)	25%
NEWSPAPER PURCHASES		87	400	(314)	22%
PLASTIC PURCHASES		76	960	(884)	8%
BULB RECYCLING		0	1,300	(1,300)	0%
METAL PURCHASES	127	2,352	6,000	(3,648)	39%
<b>TOTAL OPERATING:</b>	<b>2,636</b>	<b>24,482</b>	<b>55,631</b>	<b>(31,149)</b>	<b>44%</b>
<b>CAPITAL OUTLAY:</b>					
EQUIPMENT		0	0	(0)	0%
		0			
<b>TOTAL CAPITAL OUTLAY:</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>(0)</b>	<b>0%</b>
<b>TOTAL EXPENDITURES:</b>	<b>4,352</b>	<b>30,680</b>	<b>113,340</b>	<b>(82,660)</b>	<b>27%</b>

GREENTREE SOLID WASTE AUTHORITY  
 FISCAL YEAR BUDGET 2013-2014

6

S/B  
 42%

SOLID WASTE GRANT FUND 02	NOV	2013-2014 YEAR TO DATE	APPROVED 2013-2014 BUDGET	OVER/ (UNDER)	% USED
<b>REVENUES:</b>					
SWB-PROJECT ##NT-##		0	0	(0)	0%
<b>TOTAL REVENUE:</b>	0	0	0	(0)	0%

SOLID WASTE GRANT FUND 02	NOV	2013-2014 YEAR TO DATE	APPROVED 2013-2014 BUDGET	OVER/ (UNDER)	% USED
<b>EXPENDITURES:</b>					
SWB-PROJECT ##NT-##		0	0	(0)	0%
<b>TOTAL EXPENDITURES:</b>	0	0	0	(0)	0%

GREENTREE SOLID WASTE AUTHORITY  
 FISCAL YEAR BUDGET 2013-2014

7

S/B  
 42%

NM SEVERANCE TAX BOND FUND 03	NOV	2013-2014 YEAR TO DATE	APPROVED 2013-2014 BUDGET	OVER/ (UNDER)	% USED
<b>REVENUES:</b>					
PROJECT 12-1350-STB		0	85,000	(85,000)	0%
PROJECT 12-1351-STB		79,432	85,000	(5,568)	93%
<b>TOTAL REVENUE:</b>	<b>0</b>	<b>79,432</b>	<b>170,000</b>	<b>(90,568)</b>	<b>47%</b>

NM SEVERANCE TAX BOND FUND 03	NOV	2013-2014 YEAR TO DATE	APPROVED 2013-2014 BUDGET	OVER/ (UNDER)	% USED
<b>EXPENDITURES:</b>					
PROJECT 12-1350-STB		0	85,000	(85,000)	0%
PROJECT 12-1351-STB		79,432	85,000	(5,568)	93%
<b>TOTAL EXPENDITURES:</b>	<b>0</b>	<b>79,432</b>	<b>170,000</b>	<b>(90,568)</b>	<b>47%</b>

RECYCLING GRANTS FUND 05	NOV	2013-2014 YEAR TO DATE	APPROVED 2013-2014 BUDGET	OVER/ (UNDER)	% USED
<b>REVENUES:</b>					
SWB-PROJECT		0	0	(0)	0%
<b>TOTAL REVENUE:</b>	0	0	0	(0)	0%

RECYCLING GRANTS FUND 05	NOV	2013-2014 YEAR TO DATE	APPROVED 2013-2014 BUDGET	OVER/ (UNDER)	% USED
<b>EXPENDITURES:</b>					
SWB-PROJECT		0	0	(0)	0%
<b>TOTAL EXPENDITURES:</b>	0	0	0	(0)	0%

ENVIRONMENTAL G.R.T. FUND 6	NOV	2013-2014 YEAR TO DATE	APPROVED 2013-2014 BUDGET	OVER/ (UNDER)	% USED
<b>E.G.R.T. COLLECTIONS:</b>					
RUIDOSO DOWNS	5,429	22,782	52,000	(29,218)	44%
COUNTY	13,140	59,505	141,380	(81,875)	42%
CAPITAN		2,512	11,023	(8,511)	23%
CARRIZOZO	672	3,664	7,000	(3,336)	52%
CORONA	805	1,415	3,042	(1,627)	47%
<b>TOTAL E.G.R.T.:</b>	<b>20,046</b>	<b>89,878</b>	<b>214,445</b>	<b>(124,567)</b>	<b>42%</b>
<b>MISCELLANEOUS:</b>					
INTEREST EARNED	21	45	150	(105)	30%
				0	
<b>TOTAL MISC:</b>	<b>21</b>	<b>45</b>	<b>150</b>	<b>(105)</b>	<b>30%</b>
<b>TOTAL REVENUES:</b>	<b>20,066</b>	<b>89,923</b>	<b>214,595</b>	<b>(124,672)</b>	<b>42%</b>

ENVIRONMENTAL G.R.T. FUND 6	NOV	2013-2014 YEAR TO DATE	APPROVED 2013-2014 BUDGET	OVER/ (UNDER)	% USED
<b>EXPENDITURES:</b>					
		0	0	(0)	0%
<b>TOTAL EXPENDITURES:</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>(0)</b>	<b>0%</b>
<b>TRANSFERS:</b>					
TO GENERAL OPERATING		60,418	225,000	(164,582)	27%
<b>TOTAL TRANSFERS:</b>	<b>0</b>	<b>60,418</b>	<b>225,000</b>	<b>(164,582)</b>	<b>27%</b>
<b>NET EXPENDITURES:</b>	<b>0</b>	<b>60,418</b>	<b>225,000</b>	<b>(164,582)</b>	<b>27%</b>

TOTAL OF ALL FUNDS	NOV	2013-2014 YEAR TO DATE	APPROVED 2013-2014 BUDGET	OVER/ (UNDER)	% USED
TOTAL REVENUES	163,015	1,267,931	3,026,452	(1,758,521)	42%
TOTAL EXPENDITURES	198,205	1,213,176	3,095,957	(1,882,782)	39%
DIFFERENCE	(35,190)	54,755	(69,505)		

PAYROLL	84,668	441,035	1,387,901	(946,866)	S/B 42% 32%
---------	--------	---------	-----------	-----------	-------------------

TRANSFER TO GEN OP	0	60,418	225,000	(164,582)	27%
TRANSFER FROM EGRT	0	60,418	225,000	(164,582)	27%
DIFFERENCE	0	0	0	0	

# Greentree Solid Waste Authority

PO Box 2405

Ruidoso Downs, NM 88346

(575) 378-4697 \* Fax (575) 378-4896

December 12, 2013

TS/RC Recycling Report 11/01/13 to 11/30/13

**Recycling Shipped in August & October**  
**Receiving payments for in November 2013**

Cardboard	37.61T
Newspaper	0T
Mixed Paper	0T
Plastics #1	0T
Plastics #2	0T
Total	<u>37.61T</u>

Aluminum/Brass/Copper

1.78T. / 0 Lbs. / 0 Lbs.

**Metal**

**Shipped & Paid November**

14.85T

**Field Report – 11/01/13 to 11/30/13**

**Lincoln County**

1,090 Yds. Collected Yard Waste 11/13  
6,437.75 Yds. Collected Yard Waste FY 2013-14

Greentree Solid Waste Authority  
 PO Box 2405  
 Ruidoso Downs, New Mexico 88346  
 www.greentreeswa.org  
 GSWA Board of Directors Monthly Recycling Report  
 December 2013

Material	Paying	Prev Mk Month	Curr Mk Month**	High Price	Low Price
Aluminum (cans)-W	0.20	0.66	0.60	0.84	0.38
Aluminum (extrusion)-CM	0.20	0.65	0.00	0.72	0.35
Brass - W	0.85	1.95	1.92	2.00	0.90
Copper #1 - W	1.30	#1- 2.96	2.85	#1- 3.85	1.70
Copper #2 - W	1.30	#2- 2.82	2.72	#2- 3.60	1.55
Clean Mixed Plastic-T	0.00	30.00 T	30.00 T	45.00	10.00
Plastic #1 - T	0.00	250.00 T	285.00 T	210.00	0.00
Plastic #2 - T	0.00	200.00 T	225.00 T	170.00	0.00
Corrugated Cardboard-T	0.00	110.00 T	100.00 T	185.00	40.00
Mixed Paper-T	0.00	30.00 T	30.00 T	90.00	5.00
Old Newsprint - T	0.00	60.00 T	60.00 T	105.00	10.00
Other Paper-T	0.00	105.00 T	105.00 T	260.00	100.00
Scrap Steel/Iron - CM	75.00	200.00 T DEL	200.00 T DEL	240.00	60.00
Scrap Steel/Iron -CM	0.00	190.00 T PU*	190.00 T PU*		

Notes: Prices quoted are per pound unless otherwise noted.

\*Price is based on average of 7T. Price is Delivery price with FRT deducted at \$510.00.

GREENTREE SOLID WASTE AUTHORITY  
PO BOX 2405  
RUIDOSO DOWNS 88346  
(575) 378-4697 \*FAX (575) 378-4896

December 19, 2013

TO: GSWA BOARD OF DIRECTORS

RE: Determination of Accounts Receivable Board Approval

ACCOUNT#	NAME	REASON	AMOUNT
1. 0294925	Borowski	Old Owner	\$ 140.68
2. YD 30217	Gonzales	Cr. YW Not Used	\$ 30.00
3. 131291	Fox Enterprise	Own pd Past Bal Lte Fees	\$ 122.53
		Total	\$ 293.21

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SIGNATURE

\_\_\_\_\_  
DATE

GREENTREE SOLID WASTE AUTHORITY  
PO BOX 2405  
RUIDOSO DOWNS 88346  
(575) 378-4697 \*FAX (575) 378-4896

December 19, 2013

TO: GSWA BOARD OF DIRECTORS

RE: Determination of Accounts Receivable Board Approval

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		Total	\$ 293.21

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SIGNATURE

\_\_\_\_\_  
DATE

GREENTREE SOLID WASTE AUTHORITY  
PO BOX 2405  
RUIDOSO DOWNS 88346  
(575) 378-4697 \*FAX (575) 378-4896

December 19, 2013

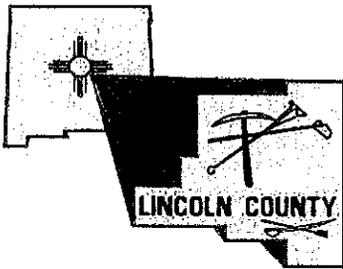
TO: GSWA BOARD OF DIRECTORS

RE: Determination of Accounts Receivable Non Board Approval

ACCOUNT#	NAME	REASON	AMOUNT
1. 151457	Kelly's Residential	Closed	\$ 248.16
2. 151500	L.A.'s Sweets & Eats	Closed	\$ 442.14
3. 0278900	Power	LN Pd Off \$1,075.35	\$0.00
4. 0276380	Robinson	LN Pd Off \$71.16	\$0.00
5. 1000887	Telles	LnN PD Off \$959.51	\$0.00
		Total	\$ 690.30

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SIGNATURE

\_\_\_\_\_  
DATE



www.lincolncountynm.net

# County of Lincoln

P.O Box 711 • 300 Central Ave. • Carrizozo, New Mexico 88301-0711 • (575) 648-2385

## AGENDA ITEM NO. 10

December 9, 2013

### MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

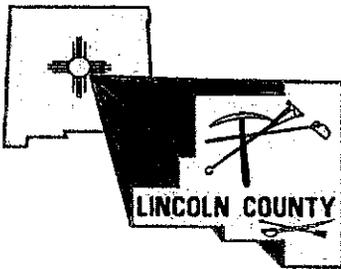
SUBJECT: Lincoln County Detention Center Update – Warden Anderson

**Purpose:** To provide an opportunity for the Lincoln County Detention Center, Warden Anderson, to provide an update.

### **Discussion:**

Warden Anderson may appear to provide an update to the commissioners and the public on the Lincoln County Detention Center.

**Recommendation:** None – information only at this time.



www.lincolncountynm.net

# County of Lincoln

P.O Box 711 • 300 Central Ave. • Carrizozo, New Mexico 88301-0711 • (575) 648-2385

## AGENDA ITEM NO. 11

January 8, 2014

### MEMORANDUM

**TO:** County Commissioners

**FROM:** Nita Taylor, Lincoln County Manager *NT*

**SUBJECT:** Limited Suspension of 501.B.8 and 501.B.9 of County Sick Leave Policy

**Purpose:** To Consider and Take Action on Suspending Clauses of Sick Leave Policy

**Discussion:** The County currently has two employees who are ill to the extent that their required time off work to treat their illnesses exceeds the amount of sick leave and annual leave they have accrued. Enclosure 1, contains an excerpt from The County's Personnel Policy that allows:

1. 501.B.8 ... in the event an employee is elected or selected into an unclassified position, the accumulated sick leave will be frozen... until such time the employee returns to a classified status or leaves County employment.

*There are several employees in unclassified positions who wish to donate sick leave accrued to the two employees in need. I request this waiver be granted for a period of six months, at which time the waiver will be lifted, or a request for extension issued to the Commission.*

2. 501.B.9 ... Donations of leave are limited to a maximum of 20 hours per donor to recipient within a 12-month period, and recipients are limited to accepting a maximum of 240 hours per 12-month period.

*A number of employees, including those with frozen sick leave, are in a position to donate more than 20 hours. I request this waiver be lifted for a period of six months, at which time the waiver will be lifted, or a request for extension issued to the Commission.*

**Recommendation:** Grant a waiver for six months from the requirement that sick leave for unclassified employees be frozen, enabling those employees to donate sick time to co-workers in need. Grant a waiver for six months from the 20 hours per donor, enabling those employees to donate more than 20 hours of sick time to co-workers.

<u>Annual Service</u>	<u>Hourly Accrual Rate/Bi-weekly</u>	<u>Leave Days Per Year</u>
0 up to 24 months	3.077	two (2) weeks
24 months + 1 day up to 120 months	4.615	three (3) weeks
120 months + 1 day and over	6.154	four (4) weeks

1. An employee does not accrue additional annual leave for time worked in excess of forty (40) hours per week.
2. Upon termination from County employment, an employee shall be paid for unused accrued annual leave.
3. An employee may take annual leave just prior to resignation.
4. No more than twenty (20) working days, or one hundred-sixty (160) hours of annual leave, may be carried forward from one calendar year to the next. All excess annual leave shall be forfeited, if not used, unless extenuating circumstances warrant approval of an extension by the Board of County Commissioners of Lincoln County.
5. Annual leave may be taken only with prior approval of the immediate supervisor. Approval of vacation requests is contingent upon departmental needs.
6. Annual leave shall not be charged in less than one-half (1/2) hour increments.

#### **501.B. Sick Leave**

1. Accumulated sick leave with pay may be taken for:
  - a. personal illness, injuries or legal quarantine;
  - b. illness in the employee's immediate family, provided that the use of sick leave is approved by the immediate supervisor.
  - c. for visits to a medical practitioner's office or to a clinic for examination, tests, review or examination where the intent is preventive in nature as contrasted with treatment.
2. Sick leave should only be used as needed, and abuse of sick leave will be considered just cause for disciplinary action and/or dismissal.
3. Sick leave shall be accumulated at the rate of three point zero seven seven (3.077) hours bi-weekly or a total of eighty (80) hours per year. Unused sick leave shall accumulate from year to year to a maximum of nine hundred sixty (960) hours.

LINCOLN COUNTY-NM  
RICHARD B HURD, CLERK  
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4. Employees shall obtain prior approval of their respective Elected Official/ Department Head or the County Manager prior to taking the leave. An employee who cannot report to work for reason of illness or injury shall report to the department head within fifteen (15) minutes of the opening of the office.

5. The Elected Official/Department Head or County Manager may request a physician's statement or medical certificate concerning verification of illness or injury where leave time is requested. Sick leave of more than three (3) consecutive days duration shall require certification by a physician identifying the nature of the illness and certifying that the employee is able to return to work.

6. An employee shall keep the Elected Official/Department Head informed and updated regarding the employee's status when on sick leave that exceeds three (3) days duration.

7. Probationary employees are not eligible to utilize accrued sick leave, but may be granted an excused leave for reason of illness or injury, upon written approval from the County Manager.

#### 8. Storage of Accrued Sick Leave

In the event an employee is elected or selected into an unclassified position, the accumulated sick leave will be frozen and maintained in the payroll records until such time the employee returns to a classified status or leaves County employment.

#### 9. Donated Compensatory Hours, Sick and Vacation Leave

a. In certain cases, County employees may require leave from work for a period exceeding accumulated sick leave. In such instances, employees are encouraged to use other leave, such as vacation and compensatory, to prevent being placed on leave without pay status.

b. County employees may donate accumulated compensatory, sick, or vacation hours to an affected employee after submitting a written request to and obtaining approval from the County Manager.

c. Such donations are only possible when the affected employee has exhausted any and all accumulated leave. Donations of leave are limited to a maximum of 20 hours per donor to recipient within a 12-month period, and recipients are limited to accepting a maximum of 240 hours per 12-month period. Requests to donate sick leave must be in writing and are subject to verification by the County Manager's approval.

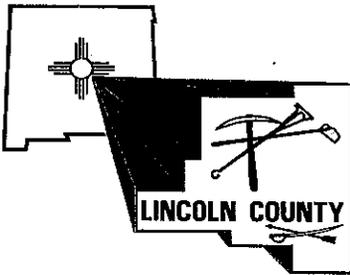
#### 10. Loss of Sick Leave

Upon leaving the employment of Lincoln County all accumulated sick leave is forfeited, except as specified in section 613, hereof.

#### 501.C. Holidays

1. Legal holidays for classified employees will be designated by the Board of County Commissioners of Lincoln County each calendar year.

LINCOLN COUNTY-NM  
KINDA B HURFOWS, CLERK  
201304267  
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06/26/2013 08:00:50 AM



# LINCOLN COUNTY CLERK

Rhonda B. Burrows, County Clerk

Tammie J. Maddox, Chief Deputy Clerk

P.O. Box 338

Carrizozo, New Mexico 88301-0970

(575) 648-2394

Fax (575) 648-2576

Agenda Item No.12

## Memo

**To:** Board of County Commissioners  
**Cc:** Nita Taylor, County Manager  
**From:** Rhonda Burrows, County Clerk  
**Date:** 01/06/2014  
**Re:** Contracts for Voting System Technicians

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As per NMSA 1-9-13 "the Secretary of State shall train and recertify voting system technicians prior to each primary election." Based on this and other statutory references the County of Lincoln traditionally enters into new two year contracts with voting technicians prior to the primary election.

The contracts presented for Paul Baca, Rodney Zamora, and LeeRoy Zamora reflect no increase in rates or reimbursement. These technicians were contracted with and provided excellent service for the prior election cycle and I respectfully request approval of the contracts as presented.

**CONTRACT  
FOR  
LINCOLN COUNTY  
VOTING EQUIPMENT TECHNICIAN**

THIS CONTRACT entered into this \_\_\_\_ day of January, 2014, by and between the County of Lincoln (hereinafter referred to as the "COUNTY"), and Paul Baca (hereinafter referred to as the "CONTRACTOR").

WITNESSETH:

WHEREAS, the COUNTY desires to engage the service of CONTRACTOR to perform the following services:

- (1) Pretesting and Certification of voting equipment
- (2) Inspection of voting equipment
- (3) Repairs on voting equipment
- (4) Standby on Election Day
- (5) Assisting with election schools

NOW THEREFORE, in consideration of the premises and the mutual and reciprocal promises of the parties hereto, it is hereby covenanted and agreed by and between the parties:

CONTRACTOR agrees to the following:

- (1) CONTRACTOR will render voting equipment services as outlined above.
- (2) CONTRACTOR will devote the necessary hours to the performance of such voting equipment duties as may be assigned by the County Clerk.
- (3) CONTRACTOR will serve the COUNTY diligently and faithfully and according to the best of the technician's ability and, in all respects, use utmost endeavors to promote the best interests of the COUNTY.
- (4) CONTRACTOR will perform trouble shooting of voting equipment as directed by the County Clerk. The CONTRACTOR will keep the County Clerk informed of the operational status of the voting equipment.

(5) CONTRACTOR shall be certified by the Secretary of State as to the adequacy of training and expertise on the voting equipment. COUNTY agrees to the following:

COUNTY will pay, upon satisfactory voting equipment services rendered, CONTRACTOR as follows:

(A) PRETESTING AND CERTIFICATION OF VOTING EQUIPMENT:

Prefesting and Certification prior to each election: thirty-five (\$35.00) dollars per voting machine.

(B) ELECTION DAY TROUBLE SHOOTING:

Troubleshooting: seventeen and 50/100 (\$17.50) dollars per hour of voting machine work performed, plus the current rate approved for per mile traveled to and from the location of the voting equipment.

(C) ATTENDANCE AT ELECTION SCHOOLS:

Election Schools: seventeen and 50/100 (\$17.50) dollars per hour plus the current rate approved for per mile traveled to and from the location of the school.

(D) MAINTENANCE OF VOTING EQUIPMENT:

Maintenance - twelve and 50/100 (\$12.50) dollars per hour for routine maintenance of voting equipment.

(E) METHOD OF PAYMENT:

Payment - the CONTRACTOR shall submit a voucher(s) showing the number of hours worked and services performed. The voucher(s) will be approved by the County Clerk and warrant issued within fifteen (15) working days of submission.

(6) MISCELLANEOUS:

A. Entire Agreement: This Agreement constitutes the entire agreement between COUNTY and CONTRACTOR will supersede and replace any and all prior and contemporaneous written and oral agreements, promises, representations, or conditions with respect thereto.

B. Applicable Law: This Agreement shall be construed and enforced in accordance with the laws of the State of New Mexico.

C. Binding Effect: This Agreement shall be binding upon and shall insure to the benefit of the parties hereto and their heirs, successors, assigns, and personal representatives.

D. Modification: This Agreement may be modified only by a writing duly executed by the parties.

E. Assignments: This Agreement may not be assigned or delegated by CONTRACTOR to a nominee, without the express written consent of COUNTY. Any purported assignment and/or delegation shall not relieve CONTRACTOR from liability hereunder.

F. Further Documents: The parties shall, in good faith, execute such additional documents as may be necessary or appropriate to fully carry out the intent and purpose of this Agreement.

G. Remedies Upon Breach: Upon breach of this Agreement by a party, the other party hereto shall be entitled to seek and recover all damages and other remedies available to such party at law, in equity or under the terms of this Agreement, including all costs of litigation and reasonable attorneys' fees.

THIS CONTRACT, shall become effective the 1<sup>st</sup> day of February, 2014, and terminate on the 31<sup>st</sup> day of January 2016.

IN WITNESS WHEREOF, the parties have executed this, contract the day and year first above written.

BOARD OF COMMISSIONERS, LINCOLN COUNTY, NEW MEXICO

---

JACKIE POWELL, CHAIR

---

PRESTON STONE, VICE-CHAIR

\_\_\_\_\_  
MARK DOTH, MEMBER

\_\_\_\_\_  
DALLAS DRAPER, MEMBER

\_\_\_\_\_  
KATHRYN MINTER, MEMBER

CONTRACTOR:

\_\_\_\_\_  
PAUL BACA

ATTEST:

\_\_\_\_\_  
RHONDA BURROWS  
LINCOLN COUNTY CLERK

**CONTRACT  
FOR  
LINCOLN COUNTY  
VOTING EQUIPMENT TECHNICIAN**

THIS CONTRACT entered into this \_\_\_\_\_ day of January, 2014, by and between the County of Lincoln (hereinafter referred to as the "COUNTY"), and LeeRoy Zamora, Jr., (hereinafter referred to as the "CONTRACTOR").

WITNESSETH:

WHEREAS, the COUNTY desires to engage the service of CONTRACTOR to perform the following services:

- (1) Pretesting and Certification of voting equipment
- (2) Inspection of voting equipment
- (3) Repairs on voting equipment
- (4) Standby on Election Day
- (5) Assisting with election schools

NOW THEREFORE, in consideration of the premises and the mutual and reciprocal promises of the parties hereto, it is hereby covenanted and agreed by and between the parties:

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- (2) CONTRACTOR will devote the necessary hours to the performance of such voting equipment duties as may be assigned by the County Clerk.
- (3) CONTRACTOR will serve the COUNTY diligently and faithfully and according to the best of the technician's ability and, in all respects, use utmost endeavors to promote the best interests of the COUNTY.
- (4) CONTRACTOR will perform trouble shooting of voting equipment as directed by the County Clerk. The CONTRACTOR will keep the County Clerk informed of the operational status of the voting equipment.

(5) CONTRACTOR shall be certified by the Secretary of State as to the adequacy of training and expertise on the voting equipment. COUNTY agrees to the following:

COUNTY will pay, upon satisfactory voting equipment services rendered, CONTRACTOR as follows:

(B) PRETESTING AND CERTIFICATION OF VOTING EQUIPMENT:

Pretesting and Certification prior to each election: thirty-five (\$35.00) dollars per voting machine.

(B) ELECTION DAY TROUBLE SHOOTING:

Troubleshooting: seventeen and 50/100 (\$17.50) dollars per hour of voting machine work performed, plus the current rate approved for per mile traveled to and from the location of the voting equipment.

(C) ATTENDANCE AT ELECTION SCHOOLS:

Election Schools: seventeen and 50/100 (\$17.50) dollars per hour plus the current rate approved for per mile traveled to and from the location of the school.

(D) MAINTENANCE OF VOTING EQUIPMENT:

Maintenance - twelve and 50/100 (\$12.50) dollars per hour for routine maintenance of voting equipment.

(E) METHOD OF PAYMENT:

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G. Remedies Upon Breach: Upon breach of this Agreement by a party, the other party hereto shall be entitled to seek and recover all damages and other remedies available to such party at law, in equity or under the terms of this Agreement, including all costs of litigation and reasonable attorneys' fees.

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BOARD OF COMMISSIONERS, LINCOLN COUNTY, NEW MEXICO

\_\_\_\_\_  
JACKIE POWELL, CHAIR

\_\_\_\_\_  
PRESTON STONE, VICE-CHAIR

\_\_\_\_\_  
MARK DOTH, MEMBER

\_\_\_\_\_  
DALLAS DRAPER, MEMBER

\_\_\_\_\_  
KATHRYN MINTER, MEMBER

CONTRACTOR:

\_\_\_\_\_  
LeeRoy Zamora, Jr.

ATTEST:

\_\_\_\_\_  
RHONDA BURROWS  
LINCOLN COUNTY CLERK

**CONTRACT  
FOR  
LINCOLN COUNTY  
VOTING EQUIPMENT TECHNICIAN**

THIS CONTRACT entered into this \_\_\_\_\_ day of January, 2014, by and between the County of Lincoln (hereinafter referred to as the "COUNTY"), and Rodney Zamora (hereinafter referred to as the "CONTRACTOR").

WITNESSETH:

WHEREAS, the COUNTY desires to engage the service of CONTRACTOR to perform the following services:

- (1) Pretesting and Certification of voting equipment
- (2) Inspection of voting equipment
- (3) Repairs on voting equipment
- (4) Standby on Election Day
- (5) Assisting with election schools

NOW THEREFORE, in consideration of the premises and the mutual and reciprocal promises of the parties hereto, it is hereby covenanted and agreed by and between the parties:

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enforced in accordance with the laws of the State of New Mexico.

C. Binding Effect: This Agreement shall be binding upon and shall insure to the benefit of the parties hereto and their heirs, successors, assigns, and personal representatives.

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G. Remedies Upon Breach: Upon breach of this Agreement by a party, the other party hereto shall be entitled to seek and recover all damages and other remedies available to such party at law, in equity or under the terms of this Agreement, including all costs of litigation and reasonable attorneys' fees.

THIS CONTRACT, shall become effective the 1<sup>st</sup> day of February, 2014, and terminate on the 31<sup>st</sup> day of January 2016.

IN WITNESS WHEREOF, the parties have executed this, contract the day and year first above written.

BOARD OF COMMISSIONERS, LINCOLN COUNTY, NEW MEXICO

---

JACKIE POWELL, CHAIR

---

PRESTON STONE, VICE-CHAIR

\_\_\_\_\_  
MARK DOTH, MEMBER

\_\_\_\_\_  
DALLAS DRAPER, MEMBER

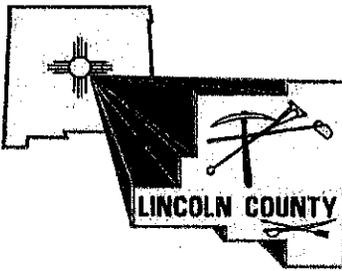
\_\_\_\_\_  
KATHRYN MINTER, MEMBER

CONTRACTOR:

\_\_\_\_\_  
RODNEY ZAMORA

ATTEST:

\_\_\_\_\_  
RHONDA BURROWS  
LINCOLN COUNTY CLERK



www.lincolncountynm.net

# County of Lincoln

P.O Box 711 • 300 Central Ave. • Carrizozo, New Mexico 88301-0711 • (575) 648-2385

## Agenda Item No. 13

January 14, 2014

### MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Permission to Auction Surplus Vehicle and Equipment

**Purpose:** To obtain approval to dispose of county property by auction.

**Discussion:**

Approval is sought to dispose of the following county vehicles and equipment via online auction at www.publicsurplus.com. County logos and decals will be removed from all vehicles prior to sale.

ASSESSOR	2001 Chevy Blazer	1GNDT13W912164214	G49685	8702957
MAINTENANCE	1988 Dodge Truck	1B7HW04Y9JS715429	G12403	7600210
SENIOR CENTER	2000 Dodge Ram Van	2B7JB21Z7YK127006	G44439	8702383
DETENTION	2007 Dodge Caravan	1D4GP24R97B195919	G69025	8704179
DETENTION	2007 Dodge Caravan	1D4GP24R57B195920	G69026	8704180
SHERIFF	2005 Ford Expedition	1FMPU16535LA78866	G61068	8703894
SHERIFF	16 Ch Digital Recorder	354163		8702718

**Recommendation:** Approve the listed property for reporting to the State Auditor and DFA and request at least three elected officials to review the actual property to be disposed of as required by statute.

**RESOLUTION NO. 2013-28**

**APPROVAL OF DISPOSITION OF SURPLUS INVENTORY  
VIA ONLINE AUCTION**

**WHEREAS**, the Lincoln County Board of Commissioners meeting in regular session on January 14, 2014, did review the listed surplus inventory that is recommended for disposal via online auction, and

**WHEREAS**, the items listed were valued over \$5,000 at time of purchase, and

**WHEREAS**, none of the items listed are expected to sell for over \$5,000, and

**WHEREAS**, county logos will be removed from all vehicles prior to sale

ASSESSOR	2001 Chevy Blazer	1GNDDT13W912164214	G49685	8702957
MAINTENANCE	1988 Dodge Truck	1B7HW04Y9JS715429	G12403	7600210
SENIOR CENTER	2000 Dodge Ram Van	2B7JB21Z7YK127006	G44439	8702383
DETENTION	2007 Dodge Caravan	1D4GP24R97B195919	G69025	8704179
DETENTION	2007 Dodge Caravan	1D4GP24R57B195920	G69026	8704180
SHERIFF	2005 Ford Expedition	1FMPU16535LA78866	G61068	8703894
SHERIFF	16 Ch Digital Recorder	354163		8702718

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of Lincoln County, approves the listed surplus inventory be disposed of via online auction.

**PASSED, APPROVED AND ADOPTED** this 14<sup>th</sup> day of January, 2014.

**BOARD OF COMMISSIONERS OF LINCOLN COUNTY, NEW MEXICO**

\_\_\_\_\_  
Jackie Powell, Chairwoman

\_\_\_\_\_  
Preston Stone, Vice Chair

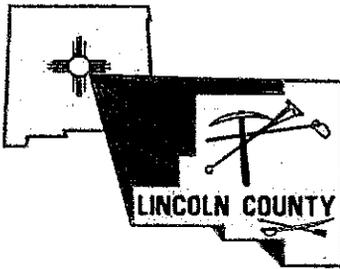
\_\_\_\_\_  
Kathryn Minter, Member

\_\_\_\_\_  
Mark Doth, Member

\_\_\_\_\_  
Dallas Draper, Member

ATTEST:

\_\_\_\_\_  
Rhonda Burrows, County Clerk



www.lincolncountynm.net

# County of Lincoln

P.O Box 711 • 300 Central Ave. • Carrizozo, New Mexico 88301-0711 • (575) 648-2385

## AGENDA ITEM NO. 14

January 7, 2014

### MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *X*

SUBJECT: Resolution Authorizing the Village of Ruidoso to Submit an Application to the Department of Finance and Administration, Local Government Division, to Participate in the Local DWI Grant and Distribution Program.

**Purpose:** To obtain approval of the attached resolution.

### **Discussion:**

The Village of Ruidoso has requested the Board of County Commissioners to approve its submission of a grant application to the Department of Finance and Administration, Local Government Division to participate, on behalf of Lincoln County, in the Local DWI Grant and Distribution Program.

**Recommendation:** Consider the attached resolution 2013-27.

**COUNTY OF LINCOLN**  
Resolution No.2013-27

**A RESOLUTION**

**AUTHORIZING THE VILLAGE OF RUIDOSO 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 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 domestic abuse related to DWI, DWI, alcoholism and alcohol abuse; and

**WHEREAS**, the LINCOLN 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 wishes to authorize the Village of Ruidoso to apply for and administer the grant on the County's behalf; and

**WHEREAS**, the Village of Ruidoso on behalf of 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 Lincoln that the Village of Ruidoso on behalf of the County and all participating entities is authorized to submit an application for Distribution and or Grant  
(DISTRIBUTION AND/OR GRANT)

FY15 program funding under the regulations established by the Local Government Division.

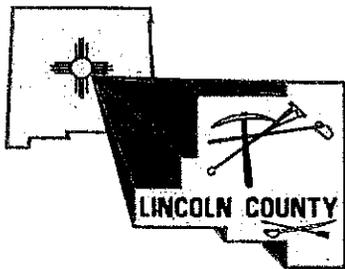
**APPROVED AND ADOPTED** by the governing body at its meeting of  
14<sup>th</sup> of January, 2014.

\_\_\_\_\_  
County Commission Chairperson

Attest:

\_\_\_\_\_  
DWI Planning Council Representative

\_\_\_\_\_  
County Clerk (SEAL)



www.lincolncountynm.net

# County of Lincoln

P.O. Box 711 • 300 Central Ave. • Carrizozo, New Mexico 88301-0711 • (575) 648-2385

## AGENDA ITEM NO. 15

January 9, 2014

### MEMORANDUM

**TO:** County Commissioners

**FROM:** Nita Taylor, Lincoln County Manager *NT*

**SUBJECT:** Application to NMFA for a Grant to Build an Asset Management Plan

**Purpose:** Consider and Take Action on Request to Develop an Application for Submission to New Mexico Finance Authority for a Grant to Fund an Asset Management Plan

**Discussion:** The County is keenly aware that a comprehensive Asset Management Plan is necessary to assist the County in operating, maintaining and managing assets in a cost-effective, sustainable fashion. The very first step of a five-core-component-plan of Asset Management is:

1. What is the current state of the assets
  - a. what assets does the County own
  - b. where are they
  - c. what condition are they in
  - d. what is their remaining useful life
  - e. what is their value

The County's Asset Manager maintains a list of assets, as required by state law. See Enclosure 1 for a list of the County's 85 buildings and their locations. Some are clearly more critical to the successful operation of the County than others. What we do not know is the details surrounding the assets residing in those structures, such as what the assets are...and what condition are they in, the criticality, whether redundancy exists, or even needed. In order to plan properly and respond to County needs in a planning mode rather than a reactive mode, it is critical to develop this Asset Management Plan.

New Mexico Finance Authority offers a maximum grant of \$50,000 for local government to put together an Asset Management Plan. Manager, Finance Director and Asset Manager met with Engineer's Inc., a company experienced in working with NMFA and various local governments, on a number of initiatives, including Asset Management Plans. It would benefit the County to work with Engineer's Inc., to complete the application for the NMFA Grant, obtain the grant and commence work on the Asset Management Plan. While no monetary match is required to apply for the grant, a pledge of matching funds enhances the likeliness obtaining the award.

**Recommendation:** Authorize Manager to work with Engineers, Inc. to develop Grant Application, with a commitment of 5% (\$2,500) of matching funds. Application will be submitted to Commission for approval in February meeting.

	Condition	Maintenance Responsibility	Site Name	Bldg Name	Address_1	City	Comments
1	excellent	average	CAPTAN MEDICAL CLINIC	MEDICAL CLINIC	405 LINCOLN AVE	CAPTAN	
2	excellent	average	CAPTAN SENIOR CITIZENS CENTER (owned by Capitan)	SENIOR CENTER	115 YARD ROAD	CAPTAN	
3	good	average	CARRIZOZO HEALTH CLINIC	HEALTH CLINIC	710 E AVENUE	CARRIZOZO	
4	poor	average	CARRIZOZO SENIOR CITIZENS CENTER(owned by Carrizozo)	SENIOR CENTER	406 CENTRAL AVENUE	CARRIZOZO	
5	excellent	average	CORONA HEALTH CLINIC (owned by village of Corona)	HEALTH CLINIC	471 MAIN STREET	CORONA	
6	good	average	COUNTY ADMINISTRATION	MANAGERS COMPLEX	300 CENTRAL AVENUE	CARRIZOZO	
7	fair	average	FAIRGROUNDS	ADMINISTRATION OFFICE	5TH STREET	CAPTAN	
8	fair	average	FAIRGROUNDS	INDOOR RODEO ARENA	5TH STREET	CAPTAN	
9	fair	average	FAIRGROUNDS	SMALL LIVESTOCK PAVILION	5TH STREET	CAPTAN	
10	fair	average	FAIRGROUNDS	LIVESTOCK PAVILION	5TH STREET	CAPTAN	
11	fair	average	FAIRGROUNDS	JUDGES STAND	5TH STREET	CAPTAN	
12	fair	average	FAIRGROUNDS	GRANDSTAND	5TH STREET	CAPTAN	
13	fair	average	FAIRGROUNDS	TICKET BOOTH	5TH STREET	CAPTAN	
14	fair	average	FAIRGROUNDS	CILLESSEN HOUSE	5TH STREET	CAPTAN	
15	fair	average	FAIRGROUNDS	HORSE BARN	5TH STREET	CAPTAN	
16	fair	average	FAIRGROUNDS	BUNK HOUSE	5TH STREET	CAPTAN	
17	fair	average	FAIRGROUNDS	OLD KENNELS	5TH STREET	CAPTAN	
18	fair	average	FAIRGROUNDS	HAY BARN	5TH STREET	CAPTAN	
19	fair	average	FAIRGROUNDS	HORSE BARN STORAGE	5TH STREET	CAPTAN	
20	fair	average	FAIRGROUNDS	SHED	5TH STREET	CAPTAN	
21	good	average	HOSPITAL	HOSPITAL	211 SUDDERTH STREET	RUIDOSO	
22	good	average	HOSPITAL	STORAGE	211 SUDDERTH STREET	RUIDOSO	
23	good	average	HOSPITAL	MRI ANNEX	211 SUDDERTH STREET	RUIDOSO	
24	good	average	HOSPITAL	RECORD STORAGE	211 SUDDERTH STREET	RUIDOSO	
25	good	average	HOSPITAL	AMBULANCE GARAGE	211 SUDDERTH STREET	RUIDOSO	
26	good	average	HOSPITAL	LIVING QUARTERS	211 SUDDERTH STREET	RUIDOSO	
27	good	average	HOSPITAL	AMBULANCE STORAGE	211 SUDDERTH STREET	RUIDOSO	
28	good	average	HOSPITAL	MAINTENANCE OFFICE	211 SUDDERTH STREET	RUIDOSO	

ENCL 1

29	good	average	HOSPITAL	STORAGE	211 SUDDERTH STREET	RUIDOSO
30	good	average	HOSPITAL	REHABILITATION CENTER	211 SUDDERTH STREET	RUIDOSO
31	excellent	average	HOSPITAL	PHYSICIANS OFFICE BUILDING	121 EL PASO ROAD	RUIDOSO
32	good	average	HOSPITAL ANNEX	OFFICE BUILDING	205 SUDDERTH STREET	RUIDOSO
33	good	average	HOSPITAL ANNEX 2	OFFICE BUILDING	207 SUDDERTH STREET	RUIDOSO
34	excellent	average	OFFICE OF EMERGENCY SERVICES	LCOES	111 COPPER RIDGE ROAD	NOGAL
35	fair	heavy	CORONA SENIOR CITIZENS CENTER (owned by village of Corona)	SENIOR CENTER	451 MAIN STREET	CORONA
36	poor	heavy	COUNTY ADMINISTRATION	ANNEX BUILDING	300 CENTRAL AVENUE	CARRIZOZO
37	fair	heavy	COUNTY ADMINISTRATION	COURTHOUSE	300 CENTRAL AVENUE	CARRIZOZO
38	poor	heavy	COUNTY ADMINISTRATION	SHERIFFS OFFICE/JAIL	300 CENTRAL AVENUE	CARRIZOZO
39	fair	heavy	DETENTION CENTER	DETENTION CENTER	200 AIRPORT ROAD	CARRIZOZO
40	fair	heavy	HONDO SENIOR CENTER	SENIOR CENTER	10686 HW 380	HONDO
41	good	heavy	PUBLIC HEALTH CLINIC	CLINIC	103 KANSAS CITY ROAD	RUIDOSO
42	fair	heavy	RUIDOSO DOWNS SENIOR CENTER (owned by Ruidoso Downs)	SENIOR CENTER	393 HIGHWAY 70 WEST	RUIDOSO DOWNS
43	good	heavy	SHERIFFS OFFICE/SUBSTATION	SHERIFFS OFFICE/SUBSTATION	105 KANSAS ROAD	RUIDOSO
44	fair	minimal	ALTO FIRE STATION	FIRE STATION	SUN VALLEY ROAD	ALTO
45	good	minimal	ARABELA FIRE STATION	FIRE STATION	1652 NM 368	ARABELA
46	excellent	minimal	ARABELA FIRE STATION	3 BAY ADDITION	1652 NM 368	ARABELA
47	poor	minimal	CASA DEL SOL	CASA DEL SOL	904 8TH STREET	CARRIZOZO
48	excellent	minimal	COPPER CANYON FIRE STATION	FIRE STATION	105 COPPER RIDGE ROAD	COPPER CANYON
49	good	minimal	DETENTION CENTER ANNEX	TREASURERS STORAGE	3RD AND 11TH	CARRIZOZO
50	good	minimal	DETENTION CENTER ANNEX	CLERK'S ANNEX	3RD AND 11TH	CARRIZOZO
51	poor	minimal	FORT STANTON FIRE STATION (owned by Ft. Stanton)	FIRE STATION	1ST STREET	FORT STANTON
52	poor	minimal	FORT STANTON FIRE STATION (owned by Ft. Stanton)	STORAGE	1ST STREET	FORT STANTON
53	poor	minimal	GLENCOE FIRE STATION	FIRE STATION	NM 70	GLENCOE

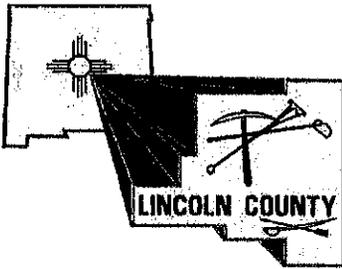
54	excellent	minimal	GLENCOE-PALO VERDE FIRE STATION	FIRE STATION	271 HIGHWAY 70 EAST	GLENCOE
55	poor	minimal	GLENCOE-PALO VERDE FIRE STATION	MERRITT HOUSE	271 HIGHWAY 70 EAST	GLENCOE
56	poor	minimal	HONDO SENIOR CENTER	STORAGE	10686 HW 380	HONDO
57	excellent	minimal	HONDO SENIOR CENTER	WELLHOUSE	10686 HW 380	HONDO
58	good	minimal	LINCOLN FIRE STATION	FIRE STATION	US 380	LINCOLN
59	good	minimal	MODESTO CHAVEZ FIRE STATION	FIRE STATION	EAST HIGHWAY 70	PICACHO
60	poor	minimal	NEW HORIZONS BUILDING	NEW HORIZONS BUILDING	810 EAST AVENUE	CARRIZOZO
61	good	minimal	NEW ROAD YARD	STORAGE BARN	5TH STREET	CAPITAN
62	good	minimal	NEW ROAD YARD	8X10 SHED	5TH STREET	CAPITAN
63	good	minimal	NEW ROAD YARD	8X16 SHED	5TH STREET	CAPITAN
64	good	minimal	NOGAL FIRE STATION	FIRE STATION	NM 37 MILE MARKER 10	NOGAL
65	poor	minimal	ROAD GARAGE	ROAD GARAGE	120 YARD ROAD	CAPITAN
66	excellent	minimal	SONTERRA SUBSTATION	SUBSTATION	433 HIGHWAY 220	ALTO
67	excellent	minimal	SONTERRA SUBSTATION	3 BAY ADDITION	433 HIGHWAY 220	ALTO
68	poor	minimal	TINNIE FIRE STATION	FIRE STATION	NM 368 MILE MARKER 0	TINNIE
69	good	minimal	WHITE OAKS FIRE STATION	FIRE STATION	HIGHWAY 349 AND ST. LOU	WHITE OAKS
70	good	minimal	WHITE OAKS FIRE STATION	PUMP HOUSE	HIGHWAY 349 AND ST. LOU	WHITE OAKS
71	good	minimal	WHITE OAKS FIRE STATION	WATER TANK	HIGHWAY 349 AND ST. LOU	WHITE OAKS
72	good	minimal	WHITE OAKS FIRE STATION	WATER TANK	HIGHWAY 349 AND ST. LOU	WHITE OAKS
73	fair	none	AMBULANCE STORAGE	AMBULANCE STORAGE	905 AIRPORT ROAD	CARRIZOZO
74	poor	none	ANGUS FIRE STATION	FIRE STATION	NM37 MILE MARKER 1	ANGUS
75	excellent	none	CARRIZOZO SENIOR CITIZENS CENTER	NEW SHED BEHIND SENIOR CENTER	406 CENTRAL AVENUE	CARRIZOZO
76	good	none	EMERGENCY STORAGE	AUCTION WAREHOUSE	INDUSTRIAL PARK	CARRIZOZO
77	poor	none	NOGAL FORSYTHE HALL FIRE STATION	FIRE STATION	NM 37 MILE MARKER 9.5	NOGAL
78	poor	none	ROAD GARAGE	STORAGE BUILDING	120 YARD ROAD	CAPITAN
79	good	none	WOMEN DOMESTIC VIOLENCE SHELTER	WOMEN DOMESTIC VIOLENCE SHELTER	512 EAST HIGHWAY 70	RUIDOSO
80	poor	none		MAINTENANCE STORAGE HOUSE	ACROSS FROM SHERRIFF	CARRIZOZO
81	poor	none		MAINTENANCE STORAGE BUILDING	ACROSS FROM SHERRIFF	CARRIZOZO

82	fair	none		DUPLEX BEHIND HEALTH CLINIC		CARRIZOZO
83	fair	unknown	CARRIZOZO PEAK	RADIO TOWER BUILDING		
84			FORT STANTON FIRE STATION NEW CARRIZOZO SENIOR CITIZENS CENTER	NEW 3 BAY FIRE STATION	207 BLACK JACK PERSHING	FORT STANTON
85				SENIOR CENTER		CARRIZOZO

## **Agenda Item No. 16**

### **SUBJECT**

**9:30 A.M.** Public Comment and Other Business from County Officials  
(Items are for discussion only – no action will be taken)



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# County of Lincoln

P.O Box 711 • 300 Central Ave. • Carrizozo, New Mexico 88301-0711 • (575) 648-2385

## AGENDA ITEM NO. 17

January 7, 2014

### MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Bid Award for Lower Bonito Sediment and Debris Basin

**Purpose:** To award bid 13-14-005

### Discussion:

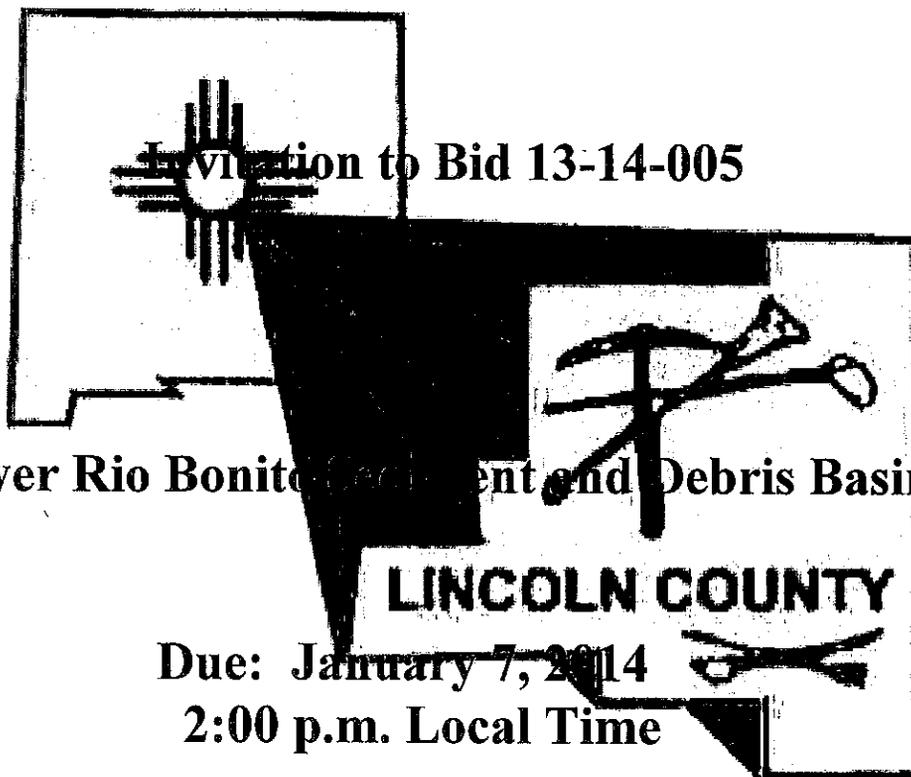
This bid is to install a water impoundment by constructing a dam or embankment or by excavating a pit or dugout at the Lower Rio Bonito. The following bids were received and opened in no particular order on Tuesday, January 7, 2014:

1. Renegade Construction, LLC with a bid of \$36,707.97
2. Sierra Valley Contractors, LLC with a bid of \$48,384.59
3. Southwest Paving & Grading DBA Ruidoso Sand & Gravel with a bid of \$36,939.42
4. Jack Johnson Excavating, Inc. with a bid of \$37,911.51
5. Mesa Verde Enterprises, Inc. with a bid of \$56,936.70

**Recommendation:** Manager recommends award to the low bidder, Renegade Construction, LLC, with a bid of \$36,707.97.

# **COUNTY OF LINCOLN**

## **Carrizozo, NM 88301**



**A mandatory pre-bid meeting will be held at the Lincoln County Emergency Operations Center located at 111 Copper Ridge Road, Angus, NM at 9:00 am on December 27, 2013.**

**COUNTY OF LINCOLN  
Carrizozo, NM**

**Invitation to Submit Bids**

**Lower Rio Bonito Sediment and Debris Basin**

**Due: January 7, 2014 2:00 Local Time**

**SPECIFICATIONS**

**SCOPE OF WORK**

Install a water impoundment by constructing a dam or embankment or by excavating a pit or dugout at Lower Rio Bonito.

**MANDATORY PRE-BID MEETING**

A mandatory pre-bid meeting will be held at the Lincoln County Emergency Operation Center located at 111 Copper Ridge Road, Angus, New Mexico at 9:00 am on **December 27, 2013**.

**Pre-Construction Meeting**

A pre-construction meeting will be held at the Lincoln County Emergency Operation Center located at 111 Copper Ridge Road, Angus, New Mexico at 9:00 am on **January 16, 2014**

**START AND COMPLETION DATES**

Work shall commence by **January 20, 2014**. Contractor shall notify Justin King, Project Manager, (719) 510-0026, when ready to begin the projects.

Projects must be completed no later than **February 3, 2014**, weather permitting. The Project Manager must approve weather-related nonwork days.

**FINAL APPROVAL**

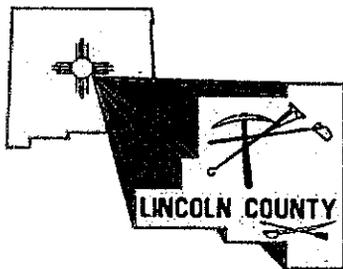
All work requires acceptance and final approval by the Project Manager.

**WAGE RATES**

This project does not require a wage decision.

**BID SHEET**

Only one Bidder will be awarded the total project based on the lowest cost shown in the **TOTAL PRICE** column. Bid prices shall include all taxes.



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# County of Lincoln

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## AGENDA ITEM NO. 18

January 10, 2014

### MEMORANDUM

**TO:** County Commissioners

**FROM:** Nita Taylor, Lincoln County Manager *NT*

**SUBJECT:** Sole Community Provider & Indigent Health Care Claims

**Purpose:** To obtain the approval from the IHC Board of Sole Community Provider Payments, and the Indigent Health Care (IHC) Payments.

### Discussion:

**Sole Community Provider Payments:** This month our coordinator processed thirty-eight (38) claims, all of which are recommended for approval, and none for disapproval for the reason indicated at Enclosure 1. If approved, the total recommended payment this month is **\$61,579.68**. See Enclosure. 1.

**Indigent Health Care Claims:** This month our coordinator processed sixty-eight (68) claims. Sixty-four (64) are recommended for approval, and four (4) for disapproval for the reason indicated at Enclosure 2. If approved, total recommended for payment this month is **\$32,596.25**. At Enclosure 2 is a summary of total applications approved and denied. At Enclosure 3 is the summary of the Indigent Fund Meeting for January and the Year-To-Date summary that each lists the applications by provider.

**Manager's Analysis** – For the last two years, the average Indigent Health Care monthly payments were **\$21,651** and **\$24,262** respectively. The FY 12-13 year-end total was **\$291,140.11**. Our budget for FY13 - 14 is **\$393,278**. To date, the total expenditure is **\$161,180.99** or an average of **\$23,025.86** monthly.

Similarly, for the last two fiscal years, the total Commission-approved Sole Community Provider Claims were **\$1,201,132** and **\$1,371,890** respectively. The FY 12-13 monthly average was **\$114,324.16**. To date, the total expenditure is **\$698,931.22**, with a monthly average of **\$99,847.32**.

**Recommendation:** Approve and disapprove the claims as indicated for the Sole Community Provider report at Enclosure 1 and the Indigent Health Care Program report as indicated at Enclosure 2.

Approved: \_\_\_\_\_

Jackie Powell

# SOLE COMMUNITY PROVIDER CLAIMS FISCAL YEAR 2013 - 2014

PREVIOUS AMOUNT APPROVED THIS FISCAL YEAR \$637,351.54

ADJUSTMENTS

TOTAL ADJUSTMENTS: \$0.00 \$0.00

JANUARY # CLAIMS FOR APPROVAL 38  
# CLAIMS FOR DENIAL 0  
JANUARY # TOTAL CLAIMS 38

JANUARY TOTAL \$ AMOUNT APPROVED \$61,579.68

TOTAL # CLAIMS THIS FY APPROVED 406  
TOTAL # CLAIMS THIS FY DENIED 19  
TOTAL # CLAIMS FY 2013 - 2014 425

TOTAL APPROVED THIS FISCAL YEAR \$698,931.22

ENCL 1

FACILITY: LINCOLN COUNTY MEDICAL CENTER 01/14/2014 THROUGH 01/14/2014

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
20134	12/10/2013	2097.00	1614.69	077%
20216	11/11/2013	306.00	235.62	077%
20137	09/18/2013	121.80	93.79	077%
20138	09/27/2013	216.79	166.93	077%
20230	10/08/2013	11728.19	9030.71	077%
20139	12/05/2013	300.00	231.00	077%
20141	11/29/2013	515.00	396.55	077%
20143	11/21/2013	2024.00	1558.48	077%
20127	04/30/2013	301.00	231.77	077%
20128	06/20/2013	2265.00	1744.05	077%
20151	11/16/2013	1858.40	1430.97	077%
20152	11/27/2013	140.00	107.80	077%
20129	05/14/2013	4993.00	3844.61	077%
20153	11/27/2013	1669.00	1285.13	077%
20154	12/11/2013	996.00	766.92	077%
20155	08/01/2013	341.00	262.57	077%
20228	12/23/2013	5747.00	4425.19	077%
20202	10/04/2013	727.20	559.94	077%
20231	10/14/2013	66.80	51.44	077%
20220	12/04/2013	2106.40	1621.93	077%
20206	12/09/2013	3039.40	2340.34	077%
20162	12/04/2013	2537.00	1953.49	077%
20163	12/05/2013	2010.00	1547.70	077%
20168	09/27/2013	1419.00	1092.63	077%
20176	07/26/2013	848.20	653.11	077%
20131	10/16/2013	300.00	231.00	077%
20170	10/23/2013	2449.00	1885.73	077%
20199	10/22/2013	32148.84	7764.30	024%
20172	10/31/2013	476.00	366.52	077%
20174	11/27/2013	207.00	159.39	077%
20132	10/16/2013	118.00	90.86	077%
20187	11/19/2013	90.00	69.30	077%
20130	06/11/2013	2316.30	1783.55	077%
20190	08/29/2013	528.20	406.71	077%
20191	09/27/2013	913.40	703.32	077%
20221	11/05/2013	2102.40	1618.85	077%
20222	11/24/2013	4277.80	3293.91	077%
20194	12/12/2013	15187.92	5958.88	039%

61579.68

APPROVED- 38 REJECTED-

# INDIGENT HEALTH CARE CLAIMS FISCAL YEAR 2013 - 2014

PREVIOUS AMOUNT APPROVED THIS FISCAL YEAR \$128,584.74

ADJUSTMENTS

## TOTAL ADJUSTMENTS:

JANUARY # CLAIMS FOR APPROVAL	64
# CLAIMS FOR DENIAL	4
JANUARY # TOTAL CLAIMS	68

JANUARY TOTAL \$ AMOUNT APPROVED \$32,596.25

TOTAL # CLAIMS THIS FY APPROVED	434
TOTAL # CLAIMS THIS FY DENIED	51
TOTAL # CLAIMS FY 2013 - 2014	485

CURRENT TOTAL APPROVED THIS FISCAL YEAR \$161,180.99  
\*Assuming the above is approved

FACILITY: EASTERN NM MEXICO MEDICAL CNTR 01/14/2014 THROUGH 01/14/2014

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
20156	09/03/2013	10426.60	5000.00	048%
20207	12/19/2013	5188.09	5000.00	096%
			10000.00	

APPROVED- 2 REJECTED-

FACILITY: GERALD CHAMPION REGIONAL MED CTR 01/14/2014 THROUGH 01/14/2014

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
20197	11/19/2013	10260.30	4141.62	040%
20188	10/25/2013	112.50	86.63	077%
			4228.25	

APPROVED- 2 REJECTED-

FACILITY: LINCO MEDICAL & SUPPLY, INC 01/14/2014 THROUGH 01/14/2014

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
20135	12/01/2013	207.03	207.03	100%
20140	11/30/2013	207.03	207.03	100%
20205	12/31/2013	207.03	207.03	100%
20144	12/24/2012	205.49	205.49	100%
20145	02/24/2013	162.65	162.65	100%
20146	04/24/2013	165.62	165.62	100%
20147	06/24/2013	165.62	165.62	100%
20148	07/24/2013	82.81	82.81	100%
20149	08/24/2013	82.81	82.81	100%
20159	12/07/2013	206.79	206.79	100%
20164	12/18/2013	206.79	206.79	100%
20169	11/04/2013	154.90	154.90	100%
20178	12/12/2013	207.03	207.03	100%
20183	12/18/2013	206.79	206.79	100%
20225	07/30/2013	70.94	70.94	100%
20226	06/30/2013	70.94		000%
PAST FILING DEADLINE				
20189	12/06/2013	177.36	177.36	100%
			2716.69	

APPROVED- 16 REJECTED- 1

FACILITY: LC AMBULANCE-PRES HEALTH SVCS 01/14/2014 THROUGH 01/14/2014

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
20229	10/08/2013	494.00	494.00	100%
20142	11/22/2013	514.80	500.00	097%
20227	12/23/2013	437.80	437.80	100%
20219	12/04/2013	437.80	437.80	100%
20157	01/06/2013	514.80	500.00	097%
20126	11/16/2013	881.40	500.00	000%
20175	07/26/2013	2413.80	500.00	021%
20171	08/20/2013	474.44	474.44	100%
			3844.04	

APPROVED- 8 REJECTED-

FACILITY: LINCOLN COUNTY FAMILY MEDICAL 01/14/2014 THROUGH 01/14/2014

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
20133	09/10/2013	134.55	52.08	039%
20209	06/18/2013	237.00	81.91	035%
20210	07/11/2013	199.78	81.91	041%
20212	08/20/2013	199.78	81.91	041%
20213	09/10/2013	199.78	81.91	041%
20214	10/04/2013	199.78	81.91	041%
20215	10/29/2013	199.78	81.91	041%
20217	11/12/2013	199.78	81.91	041%
20218	12/13/2013	199.78	81.91	041%
20150	10/15/2013	282.78	139.43	049%
20201	12/11/2013	199.78	81.91	041%
20158	11/26/2013	199.78	81.91	041%
20160	07/05/2013	134.55	52.08	039%
20161	08/02/2013	134.55	52.08	039%
20181	11/22/2013	199.78	81.91	041%
20185	12/06/2013	200.46	96.41	048%
20195	11/15/2013	199.78	81.91	041%
20198	10/11/2013	119.17	13.82	012%
			1388.82	

APPROVED- 18 REJECTED-

FACILITY: LINCOLN COUNTY RADIOLOGY 01/14/2014 THROUGH 01/14/2014

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
20184	10/22/2013	200.00	37.32	019%
20173	10/31/2013	75.00	16.22	022%
			53.54	

APPROVED- 2 REJECTED-

FACILITY: MICHAEL P CLEMENTS, M.D. 01/14/2014 THROUGH 01/14/2014

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
20200	12/10/2013	100.00	81.91	082%
20166	11/13/2013	100.00	81.91	082%
20196	12/10/2013	100.00	81.91	082%
20179	10/30/2013	45.00		000%
PATIENT'S BILL IS BELOW \$50				
20186	11/21/2013	100.00	81.91	082%
20192	10/10/2013	20.00		000%
PATIENT'S BILL IS BELOW \$50				

327.64

APPROVED- 4 REJECTED- 2

FACILITY: NEW MEXICO ONCOLOGY HEMATOLOY 01/14/2014 THROUGH 01/14/2014

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
20165	12/17/2013	485.92	136.80	028%
20180	11/20/2013	65.36	17.52	027%
20182	12/03/2013	166.23	52.08	031%
20208	12/18/2013	65.36	17.52	027%

223.92

APPROVED- 4 REJECTED-

FACILITY: PRESBYTERIAN HOSPITAL 01/14/2014 THROUGH 01/14/2014

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
20177	07/30/2013	1359.59	1046.88	077%

1046.88

APPROVED- 1 REJECTED-

FACILITY: RUIDOSO HOME CARE & HOSPICE 01/14/2014 THROUGH 01/14/2014

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
20223	10/31/2013	306.90	306.90	100%
20224	11/11/2013	2174.65	2174.65	100%

2481.55

APPROVED- 2 REJECTED-

FACILITY: RUIDOSO PHYSICAL THERAPY, INC. 01/14/2014 THROUGH 01/14/2014

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
20203	12/30/2013	250.00	250.00	100%
20204	12/31/2013	345.00	345.00	100%
			595.00	

APPROVED- 2 REJECTED-

FACILITY: UNM HEALTH SCIENCES CTR 01/14/2014 THROUGH 01/14/2014

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
20211	07/23/2013	6807.10	5000.00	073%
20136	03/08/2013	241.10		000%
PAST FILING DEADLINE				
20167	11/21/2013	68.00	52.36	077%
20193	11/19/2013	828.00	637.56	077%
			5689.92	

APPROVED- 3 REJECTED- 1

INDIGENT FUND MEETING

JANUARY 14, 2014

TOTAL APPLICATIONS	106	94,175.93
TOTAL APPROVED	102	
TOTAL DENIED	4	
ROSWELL		
EASTERN NM MEXICO MEDICAL CNTR		10,000.00
APPROVED-	2	
DENIED-		
ALAMOGORDO		
GERALD CHAMPION REGIONAL MED CTR		4,228.25
APPROVED-	2	
DENIED-		
RUIDOSO		
LC AMBULANCE-PRES HEALTH SVCS		3,844.04
APPROVED-	8	
DENIED-		
RUIDOSO		
LINCO MEDICAL & SUPPLY, INC		2,716.69
APPROVED-	16	
DENIED-	1	
RUIDOSO		
LINCOLN COUNTY FAMILY MEDICAL		1,388.82
APPROVED-	18	
DENIED-		
RUIDOSO		
LINCOLN COUNTY MEDICAL CENTER		61,579.68
APPROVED-	38	
DENIED-		
ALTO		
LINCOLN COUNTY RADIOLOGY		53.54
APPROVED-	2	
DENIED-		
RUIDOSO		
MICHAEL P CLEMENTS, M.D.		327.64
APPROVED-	4	
DENIED-	2	
ALBUQUERQUE		
NEW MEXICO ONCOLOGY HEMATOLOY		223.92
APPROVED-	4	
DENIED-		
ALBUQUERQUE		
PRESBYTERIAN HOSPITAL		1,046.88
APPROVED-	1	
DENIED-		

RUIDOSO		
RUIDOSO HOME CARE & HOSPICE		2,481.55
APPROVED-	2	
DENIED-		
RUIDOSO		
RUIDOSO PHYSICAL THERAPY, INC.		595.00
APPROVED-	2	
DENIED-		
ALBUQUERQUE		
UNM HEALTH SCIENCES CTR		5,689.92
APPROVED-	3	
DENIED-	1	

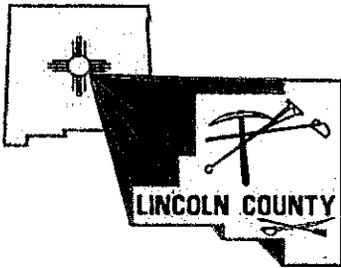
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INDIGENT FUND MEETING

JANUARY 14, 2014

TOTAL APPLICATIONS	910	860,112.21
TOTAL APPROVED	840	
TOTAL DENIED	70	
ALBUQUERQUE		
ANESTHESIA ASSOCIATES OF NM		3,145.05
APPROVED-	20	
DENIED-	2	
ROSWELL		
EASTERN NM MEXICO MEDICAL CNTR		10,000.00
APPROVED-	2	
DENIED-		
RUIDOSO		
FRONTIER MEDICAL		225.57
APPROVED-	2	
DENIED-		
ALAMOGORDO		
GERALD CHAMPION REGIONAL MED CTR		32,046.53
APPROVED-	33	
DENIED-	2	
RUIDOSO		
LC AMBULANCE-PRES HEALTH SVCS		14,960.47
APPROVED-	37	
DENIED-	9	
RUIDOSO		
LINCO MEDICAL & SUPPLY, INC		11,141.96
APPROVED-	61	
DENIED-	3	
RUIDOSO		
LINCOLN COUNTY FAMILY MEDICAL		10,093.89
APPROVED-	142	
DENIED-	3	
RUIDOSO		
LINCOLN COUNTY MEDICAL CENTER		698,931.22
APPROVED-	406	
DENIED-	19	
ALTO		
LINCOLN COUNTY RADIOLOGY		2,188.12
APPROVED-	37	
DENIED-	4	
RUIDOSO		
MICHAEL P CLEMENTS, M.D.		1,239.25
APPROVED-	13	
DENIED-	6	

PHOENIX NATIVE AM. AIR AMBULANCE, INC APPROVED- DENIED-	1	490.00
ALBUQUERQUE NEW MEXICO ONCOLOGY HEMATOLOY APPROVED- DENIED-	20 8	8,217.57
ROSWELL PATHOLOGY CONSULTANTS OF NM APPROVED- DENIED-	3	76.19
LOS ANGELES PHI AIR MEDICAL APPROVED- DENIED-	2 1	985.00
ALBUQUERQUE PRESBYTERIAN HOSPITAL APPROVED- DENIED-	8 4	23,614.60
BRENTWOOD ROSWELL CLINIC CORP APPROVED- DENIED-	2	104.16
RUIDOSO RUIDOSO HOME CARE & HOSPICE APPROVED- DENIED-	9	5,617.18
RUIDOSO RUIDOSO PHYSICAL THERAPY, INC. APPROVED- DENIED-	9	2,270.00
RUIDOSO SUBSTANCE ABUSE SERVICES OF LC APPROVED- DENIED-	6	1,884.00
RUIDOSO TALL PINES MEDICAL, INC APPROVED- DENIED-	3 2	298.01
ALBUQUERQUE UNM HEALTH SCIENCES CTR APPROVED- DENIED-	24 7	32,583.44



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# County of Lincoln

P.O Box 711 • 300 Central Ave. • Carrizozo, New Mexico 88301-0711 • (575) 648-2385

## Agenda Item 19

January 10, 2014

### MEMORANDUM

**TO:** County Commissioners

**FROM:** Nita Taylor, Lincoln County Manager 

**SUBJECT:** Manager's Report

#### 1. Lincoln County Medical Center.

Per Mr. Santos, LCMC has clarified that their parking responsibilities to comply with the Village of Ruidoso is based on total parking spaces for the entire complex; the Physician's Office Building on a stand-alone basis does not have a specific quota.

#### 2. Legislative Initiatives.

- a. The 2014 legislative session begins on Tuesday, January 21<sup>st</sup> and ends on Thursday, February 20<sup>th</sup>.
- b. Senate Finance Committee meets on Thursday, January 16<sup>th</sup>, with an agenda item to discuss the funding of SCO Hospitals, Uncompensated Care and Hospital Rate Increases. Manager and Scott Annala will attend.
- c. Commissioner Draper has scheduled time to spend at the Capitol during the session; and is readily available to advocate for county initiatives while he's there; Manager, other Commissioners and elected officials may be called on as well;
- d. NMAC County Lobbyist meeting is scheduled for January 16<sup>th</sup>; Manager will attend.
- e. Lincoln County Day in Santa Fe, sponsored by the Ruidoso Valley Chamber of Commerce is scheduled for February 5, 2014. See **Enclosure 1** for current 2014 Legislative Social Calendar.
- f. County has six subscriptions to the "NM Legislative Reports", which is a daily-updated series of reports on proposed and passed legislation, analysis, floor calendars, etc. See **Enclosure 2**. Access the site at [www.nmlr.com](http://www.nmlr.com). See me for user name / passwords.

#### 3. NMAC Annual Legislative Conference

The NMAC Legislative Conference is next week, January 21 – 23, and will be widely attended by County employees. In addition to the conference itself, many employees and elected officials take advantage to participate in the NM EDGE classes. It is also a key time to work with legislators on issues important to the County. See **Enclosure 3** for NMAC's 2014 calendar.

#### 4. **PILT UPDATE**

The efforts of the National Association of Counties (NACo) delivered on January 8<sup>th</sup> a letter to the House and Senate appropriators signed by more than 750 county officials and 15 state associations of counties urging them to fully support the PILT. See **Enclosure 3**. New Mexico was well represented with 18 counties participating in the effort. Many counties send additional correspondence, such as letters or Resolutions, strongly recommending the continued funding of the PILT program.

5. **Ruidoso Downs** has invited the County and the NM DOT to participate in a Work Session of the Governing Body of the City of Ruidoso Downs to discuss what action to take regarding future operation of Lincoln County Transit. Manager will attend. Ruidoso Downs is also calendaring a time for us to discuss the lease for the building in which the Ruidoso Downs Senior Center resides.

#### 6. **Building Updates.**

- a. **Courthouse/Sheriff's Complex Expansion.** Work on the expansion is proceeding as planned. The schedule calls for the slab to be poured followed by structural steel work. All are anxious to get the building out of the ground, so most of the "unknown factors" will be behind us. Basic IDIQ working with JRP Master Builders are doing a great job; local contractors are being used almost exclusively. Project is basically on schedule and on budget.
- b. **Ft. Stanton Fire Department.** This 3-bay metal structure is about 50% complete. The exterior walls are stuccoed. Project is going smoothly, is on schedule and on budget. See **Enclosure 4**.
- c. **Carrizozo Sr. Center.** CDBG Grant is in place; legislative outlay grant is being finalized; design is complete. Anticipate going out to bid in February.

#### 7. **Departmental Updates.**

- a. Office of Emergency Services
- b. Planning
- c. Others

## 2014 LEGISLATIVE SOCIAL CALENDAR

Last Updated: January 9, 2014

Events posted on the Social Calendar may not include all scheduled events in the Rotunda or Halls of History. If you want to reserve the Rotunda or the Halls of History call Anna Anaya with Building Services at 986-4575. When you have secured the space, forward your information to the email address below and your event will be posted. If you have questions, please contact [social.cal@nmlegis.gov](mailto:social.cal@nmlegis.gov) or call (505)986-4716.

<b>Tuesday, January 21, 2014</b>	<p><b>Session begins at Noon</b></p> <p><b>Sierra Vista Hospital Legislative Dinner Inn and Spa at Loretto 6:30 p.m. (Invitation Only)</b></p>
<b>Wednesday, January 22, 2014</b>	<p><b>New Mexico Conference of Catholic Bishops 23<sup>rd</sup> Annual Legislative Breakfast Our Lady of Guadalupe Parish Hall 7:30 a.m. (Invitation Only)</b></p> <p><b>Presbyterian Healthcare Services Annual Legislative Dinner La Posada 6:30 p.m. (Invitation Only)</b></p> <p><b>New Mexico Association of Counties (NMAC) Annual Legislative Conference Reception/Dance Santa Fe Community Convention Center 5:30 p.m. - 10:30 p.m. (Invitation Only)</b></p> <p><b>2014 Hispano Round Table Legislative Dinner La Fonda Hotel 6:00 p.m. - 9:00 p.m. (Invitation Only)</b></p> <p><b>Enchanted Circle Day at the Legislature Halls of History, Eastside Press Conference 12:00 p.m. - 1:00 p.m.</b></p> <p><b>NEA - New Mexico Legislative Reception 2007 Butolph Rd. 5:00 p.m. - 7:00 p.m.</b></p>

*ENCL 1*

	<b>(Invitation Only)</b>
<b>Thursday, January 23, 2014</b>	<p><b>Colonias Day at the Capitol</b></p> <p><b>New Mexico Association of Counties (NMAC) Annual Legislative Conference Breakfast Santa Fe Community Convention Center 7:15 a.m. - 8:30 a.m. (Invitation Only)</b></p> <p><b>New Mexico Amigos Day Annual Legislative Luncheon La Fonda Hotel - Lumpkins Ballroom 12:00 p.m. - 1:45 p.m. (Invitation Only)</b></p> <p><b>City of Las Vegas Night at the Legislature La Fonda Hotel 5:00 p.m. - 8:30 p.m.</b></p>
<b>Friday, January 24, 2014</b>	<p><b>New Mexico State Land Office Commissioner's Gallery Art Exhibit Reception Featuring vintage photographs from: The WHEELS &amp; The NM Steam Locomotive &amp; Railroad Historical Society 4:00 p.m. - 6:00 p.m.</b></p>
<b>Monday, January 27, 2014</b>	<p><b>Associated Builders and Contractors of New Mexico Legislative Breakfast Rio Chama 7:30 a.m. - 9:00 a.m. (Invitation Only)</b></p> <p><b>Union County Legislative Luncheon Inn and Spa at Loretto 11:00 a.m. - 1:30 p.m. (Invitation Only)</b></p> <p><b>League of Women Voters Legislative Reception Desert Inn 5:30 p.m. - 7:30 p.m.</b></p> <p><b>Eddy County Legislative Reception Hotel Santa Fe 5:30 p.m. - 7:00 p.m. (Invitation Only)</b></p> <p><b>Friends of the Legislature Legislative Reception La Fonda Hotel</b></p>

	<p><b>6:30 p.m.</b> <b>(Invitation Only)</b></p> <p><b>Santa Fe Chamber of Commerce</b> <b>Legislative Reception</b> <b>Santa Fe Convention Center</b> <b>5:00 p.m. - 7:30 p.m.</b></p> <p><b>Culture Day at the Legislature</b></p> <p><b>Equal Rights Amendment (ERA) Recognition Day</b> <b>Capitol Rotunda</b> <b>2:30 p.m. - 3:30 p.m.</b></p> <p><b>City of Santa Fe Day at the Legislature</b></p>
<p><b>Tuesday, January 28, 2014</b></p>	<p><b>Waste Isolation Pilot Plant (WIPP)</b> <b>Legislative Breakfast</b> <b>Hotel Santa Fe - Kiva Rooms A &amp; B</b> <b>6:30 a.m.</b> <b>(Invitation Only)</b></p> <p><b>Lutheran Advocacy Ministry - NM</b> <b>Bishop's Legislative Luncheon</b> <b>La Fonda Hotel</b> <b>12:30 p.m.</b> <b>(Invitation Only)</b></p> <p><b>Conservation Voters New Mexico</b> <b>Annual Legislative Reception</b> <b>Rio Chama Steakhouse, President's Room</b> <b>5:00 p.m. - 7:00 p.m.</b> <b>(Invitation Only)</b></p> <p><b>New Mexico Automotive Dealers</b> <b>Legislative Reception</b> <b>Inn and Spa at Loretto - Zuni Ballroom</b> <b>5:30 p.m. - 7:00 p.m.</b> <b>(Invitation Only)</b></p> <p><b>Fort Sill Apache Legislative Reception</b> <b>Inn and Spa at Loretto - Chaco Ballroom</b> <b>5:30 p.m. - 7:00 p.m.</b> <b>(Invitation Only)</b></p> <p><b>Alliance/Senior Day at the Roundhouse</b> <b>10:00 a.m. - 12:00 p.m.</b></p> <p><b>UNM School of Law and Dean David Herring</b> <b>Legislative Reception</b> <b>Rio Chama Bar</b></p>

	<p><b>6:00 p.m. - 9:00 p.m.</b> <b>(Invitation Only)</b></p>
<p><b>Wednesday, January 29, 2014</b></p>	<p><b>Junior Achievement of New Mexico Legislative Breakfast Eldorado Hotel and Spa 7:00 a.m. - 9:00 a.m. (Invitation Only)</b></p> <p><b>Multiple Sclerosis Awareness Day at the Legislature Santa Fe Community Foundation 8:00 a.m. - 10:00 a.m. Capitol 10:00 a.m. - 4:00 p.m.</b></p> <p><b>Big Brothers Big Sisters Youth Mentoring Day Capitol Building 9:00 a.m. - 12:00 p.m.</b></p> <p><b>New Mexico Food and Farms Day Capitol Building 9:00 a.m. - 12:00 p.m. Press Conference in Rotunda 9:00 a.m. - 10:00 a.m.</b></p> <p><b>Earth Science Day at the Legislature Halls of History, Eastside and Westside Earth Science Achievement Awards Rotunda, 12:30 p.m. - 1:00 p.m.</b></p> <p><b>Grant County Prospector's Legislative Reception Inn and Spa at Loretto 5:30 p.m. - 8:30 p.m. (Invitation Only)</b></p> <p><b>Wine/Beer Legislative Tasting Event TBA 5:00 p.m. - 7:00 p.m. (Invitation Only)</b></p> <p><b>Annual Reception Honoring Elected and Appointed Women TBA 5:00 p.m. - 7:30 p.m.</b></p> <p><b>Republican Party of New Mexico Legislative Reception TBA 5:30 p.m. - 7:00 p.m. (Invitation Only)</b></p>

	<p><b>New Mexico Association of Community Colleges Legislative Dinner Bull Ring 6:30 p.m. (Invitation Only)</b></p> <p><b>Roundhouse Comedy Event The Lodge at Santa Fe 7:30 p.m. - 8:30 p.m.</b></p> <p><b>New Mexico Military Institute Legislative Breakfast Hilton of Santa Fe - Ortiz Ballroom 7:00 a.m. (Invitation Only)</b></p>
<p><b>Thursday, January 30, 2014</b></p>	<p><b>45<sup>th</sup> Annual New Mexico Governor's Prayer Breakfast Santa Fe Convention Center Seating and Coffee, 7:00 a.m. - 7:30 a.m. Adjournment, 9:15 a.m. (Invitation Only)</b></p> <p><b>Albuquerque Westside Day Rally Capitol Rotunda 11:00 a.m. - 12:00 p.m.</b></p> <p><b>Albuquerque Westside Day Legislative Reception Rio Chama 5:00 p.m. - 7:00 p.m. (Invitation Only)</b></p> <p><b>New Mexico Federation of Labor Legislative Reception TBA 5:00 p.m. - 7:00 p.m. (Invitation Only)</b></p> <p><b>Gallup - McKinley County Day Legislative Reception Eldorado Hotel and Spa 6:00 p.m. - 9:00 p.m. (Invitation Only)</b></p> <p><b>Deming Silver Spikes Legislative Reception Location TBA Event Time TBA (Invitation Only)</b></p> <p><b>Concho Legislative Dinner</b></p>

	<p><b>Bull Ring</b>  <b>7:00 p.m.</b>  <b>(Invitation Only)</b></p> <p><b>Senator Dede Feldman, book signing,</b>  <b><u>Inside the New Mexico Senate, Boots, Suits</u></b>  <b><u>and Citizens</u></b>  <b>Rio Chama</b>  <b>5:00 p.m. - 7:00 p.m.</b></p> <p><b>New Mexico Library Association's</b>  <b>Library Legislative Day</b></p> <p><b>Young Professionals in Energy New Mexico Kick-off</b>  <b>Event Honoring Former US Senator Jeff Bingaman</b>  <b>Santa Fe Community Convention Center</b>  <b>Lamy and Peralta Rooms</b>  <b>5:30 p.m. - 7:30 p.m.</b>  <b>(RSVP required)</b></p>
<b>Friday, January 31, 2014</b>	<p><b>New Mexico Press Association</b>  <b>Legislative Breakfast</b>  <b>Rio Chama</b>  <b>7:30 a.m.</b>  <b>(Invitation Only)</b></p> <p><b>Baptist Convention of New Mexico</b>  <b>Legislative Breakfast</b>  <b>Hilton of Santa Fe - Mesa Ballroom</b>  <b>7:00 a.m. - 8:15 a.m.</b>  <b>(Invitation Only - RSVP requested)</b></p> <p><b>New Mexico State University (NMSU)</b>  <b>Santa Fe Chapter Alumni Association</b>  <b>Legislative Reception</b>  <b>Zane Bennett Contemporary Art Gallery</b>  <b>5:30 p.m. - 7:30 p.m.</b>  <b>(Invitation Only)</b></p>
<b>Saturday, February 1, 2014</b>	<p><b>Las Cruces Day in Santa Fe</b>  <b>Legislative Reception</b>  <b>Eldorado Hotel and Spa</b>  <b>5:30 p.m. - 7:00 p.m.</b>  <b>(Invitation Only)</b></p>
<b>Sunday, February 2, 2014</b>	<p><b>Las Cruces Day in Santa Fe</b>  <b>Legislative Brunch</b>  <b>Eldorado Hotel and Spa</b>  <b>11:00 a.m.</b>  <b>(Invitation Only)</b></p>

<p><b>Monday, February 3, 2014</b></p>	<p><b>School Nutrition Day at the Capitol</b></p> <p><b>Las Cruces Day in Santa Fe Legislative Breakfast Eldorado Hotel and Spa 7:00 a.m. - 9:00 a.m. (Invitation Only)</b></p> <p><b>Las Cruces Day in Santa Fe Reception Governor's Mansion 4:00 p.m. - 6:00 p.m. (Invitation Only)</b></p> <p><b>Comcast Legislative Dinner Restaurant Martín 6:30 p.m. (Invitation Only/Legislators)</b></p>
<p><b>Tuesday, February 4, 2014</b></p>	<p><b>New Mexico McDonald Co-op Lunch provided for Legislators</b></p> <p><b>UNM Alumni Association Legislative Appreciation Reception La Fonda Hotel 5:30 p.m. - 7:00 p.m. (Invitation Only)</b></p> <p><b>New Mexico Green Chamber of Commerce Legislative Reception and Scotch Tasting TBA 6:30 p.m. - 8:00 p.m. (Invitation Only)</b></p>
<p><b>Wednesday, February 5, 2014</b></p>	<p><b>Express Scripts Employee Day Box lunches provided for Legislators in Chamber 12:00 p.m. (Invitation Only)</b></p> <p><b>Ruidoso/Lincoln County Legislative Reception TBA 5:30 p.m. - 7:30 p.m. (Invitation Only)</b></p> <p><b>New Mexico Mining Association Legislative Reception and Dinner Hilton Santa Fe 6:00 p.m. - 9:00 p.m. (Invitation Only)</b></p>

	<p>University of New Mexico Day at the Legislature</p> <p>New Mexico Early Development Partnership Legislative Reception Rio Chama - President's Room 5:30 p.m. - 7:00 p.m. (Invitation Only)</p>
Thursday, February 6, 2014	<p>Lea County Electric Cooperative, Inc. Legislative Breakfast Inn and Spa at Loretto 7:00 a.m. - 9:00 a.m. (Invitation Only)</p> <p>Central Valley Electric Cooperative, Inc. Legislative Reception Rio Chama 6:00 p.m. (Invitation Only)</p> <p>Continental Divide Electric Cooperative, Inc. Legislative Reception Rio Chama - Abiquiu Room 6:30 p.m. (Invitation Only)</p>
Friday, February 7, 2014	<p>Colfax County Day Legislative Reception La Fonda Hotel 5:00 p.m. - 7:00 p.m. (Invitation Only)</p> <p>American Indian Day at the Legislature</p> <p>Anti-Racism Day at the Legislature Rotunda 1:30 p.m. - 2:30 p.m.</p> <p>2014 Hoops 4 Hope Legislative Basketball Game House Aggies vs. Senate Lobos Capital High School, 4851 Paseo Del Sol, Santa Fe</p>
Monday, February 10, 2014	<p>New Mexico Coalition for Charter Schools Legislative Reception San Francisco Bar and Grill 5:00 p.m. - 7:00 p.m. (Invitation Only)</p>
Tuesday, February 11, 2014	<p>Complete Streets in New Mexico Day Capitol Rotunda 10:00 a.m.</p>

	<p><b>Boys &amp; Girls Clubs of America Day at the Legislature</b></p> <p><b>AgFest</b>  <b>Santa Fe Convention Center</b>  <b>6:00 p.m.</b>  <b>(Invitation Only)</b></p> <p><b>New Mexico Small Business Development Center Network Day (NMSBDC) at the Legislature</b>  <b>Halls of History</b>  <b>8:00 a.m.</b>  <b>Press Conference - Rotunda</b>  <b>1:00 p.m.</b></p>
<b>Wednesday, February 12, 2014</b>	
<b>Thursday, February 13, 2014</b>	<p><b>Lea/Eddy County Legislative Dinner</b>  <b>Inn of the Anasazi</b>  <b>6:30 p.m.</b>  <b>(Invitation Only)</b></p> <p><b>New Mexico Women.Org Legislative Reception</b>  <b>Rio Chama</b>  <b>5:00 p.m. - 7:00 p.m.</b>  <b>(Invitation Only)</b></p>
<b>Friday, February 14, 2014</b>	<p><b>I Love Rio Rancho Day</b>  <b>Breakfast provided for Legislators in Chamber</b></p> <p><b>City of Las Cruces Legislative Luncheon</b>  <b>Lunch provided for Legislators in Chamber</b>  <b>11:30 a.m. - 1:30 p.m.</b></p>
<b>Monday, February 17, 2014</b>	<p><b>Public Education Day</b>  <b>Rotunda</b>  <b>1:00 p.m. - 3:00 p.m.</b></p>
<b>Tuesday, February 18, 2014</b>	<p><b>Disability Rights Awareness Day</b>  <b>Rotunda</b>  <b>11:30 a.m. - 1:15 p.m.</b></p>
<b>Wednesday, February 19, 2014</b>	<p><b>New Mexico Aviation Day</b>  <b>Rotunda</b>  <b>8:00 a.m. - 5:00 p.m.</b></p>
<b>Thursday, February 20, 2014</b>	<b>Session ends at Noon</b>



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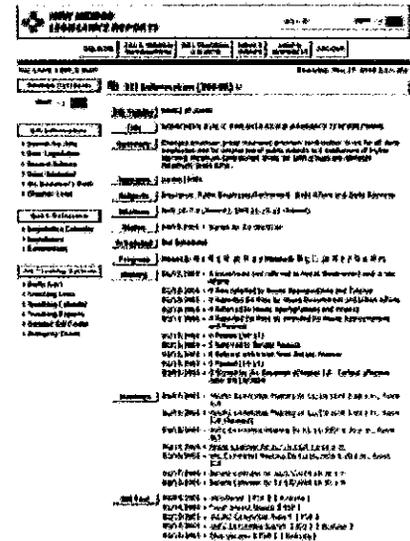
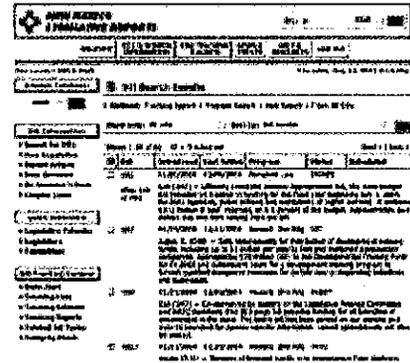
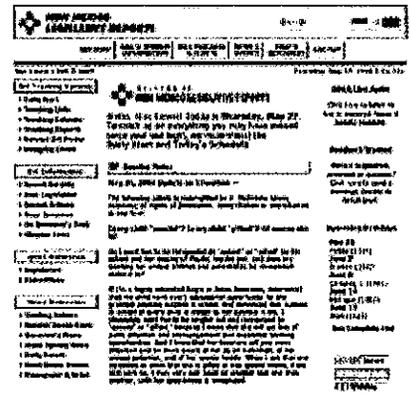
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ENCL 1

January 7, 2014

The Honorable Barbara Mikulski  
Chairwoman  
Committee on Appropriations  
United States Senate  
Washington, DC 20510

The Honorable Richard Shelby  
Vice Chairman  
Committee on Appropriations  
United States Senate  
Washington, DC 20510

The Honorable Hal Rogers  
Chairman  
Committee on Appropriations  
United States House of Representatives  
Washington, DC 20510

The Honorable Nita Lowey  
Ranking Member  
Committee on Appropriations  
United States House of Representatives  
Washington, DC 20510

Dear Chairwoman Mikulski, Chairman Rogers, Vice Chairman Shelby, and Ranking Member Lowey:

As the House and Senate Appropriations Committees works to develop a final Fiscal Year (FY) 2014 spending measure, we respectfully request that your committee fully support the Payment in Lieu of Taxes (PILT) program. The PILT program provides critical funding to nearly 1,900 counties in 49 states and three U.S. territories. As you know, the recently adopted budget resolution included a deficit neutral reserve fund placeholder for PILT. With this bipartisan acknowledgment to fund the program, we respectfully request that the program be fully funded and appropriately offset in the upcoming appropriations bill.

PILT is currently authorized at \$425 million for fiscal year 2014 to help offset losses to local governments from the presence of non-taxable federal lands through direct payments to counties and other local governments. Counties with federal land in their jurisdictions often provide vital services on those lands, such as solid waste management, search and rescue and emergency medical services. A fully funded PILT program helps to offset the loss of these important revenues and fulfill the federal governments' obligation to local communities with large amounts of federal land.

In July 2012, President Obama signed into law PL 112-141, the Moving Ahead for Progress in the 21st Century Act (MAP-21). Included in the legislation was mandatory funding for PILT. After implementation of the Budget Control Act (sequestration cuts), counties received roughly \$400 million in FY 2013. Unless Congress acts, Counties will have received their last fully funded PILT disbursement in June of 2013.

We urge you to consider the economic hardship that counties across the nation will face if the PILT program is not given consistent funding. We understand the Appropriations Committee has some difficult funding decisions coming up and we appreciate your consideration of this important issue. Moving forward, I hope that we can work together to seek a long-term funding solution to provide a consistent and stable source of funding for the nation's PILT counties.

Respectfully,

*ENCL 3*

National Association of Counties  
Arizona Association of Counties  
California State Association of Counties  
Idaho Association of Counties  
Nevada Association of Counties  
South Dakota Association County Commissioners  
Virginia Association of Counties  
County Commissioners Association of West  
Virginia  
Wyoming County Commissioners

Cleburne County, Ala.  
Lamar County, Ala.  
Mobile County, Ala.  
Pickens County, Ala.  
Aleutians East Borough, Alaska  
City and Borough of Juneau, Alaska  
Denali Borough, Alaska  
Juneau, Alaska  
Municipality of Anchorage, Alaska  
Petersburg Borough, Alaska  
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Kiowa County, Colo.

Association of County Commissions of Alabama  
Arizona County Supervisors Association  
Colorado Counties, Inc.  
Association of Minnesota Counties  
County Commissioners Association of Pennsylvania  
Texas Association of Counties  
Washington State Association of Counties  
National Association of Black County Officials

Alpine County, Calif.  
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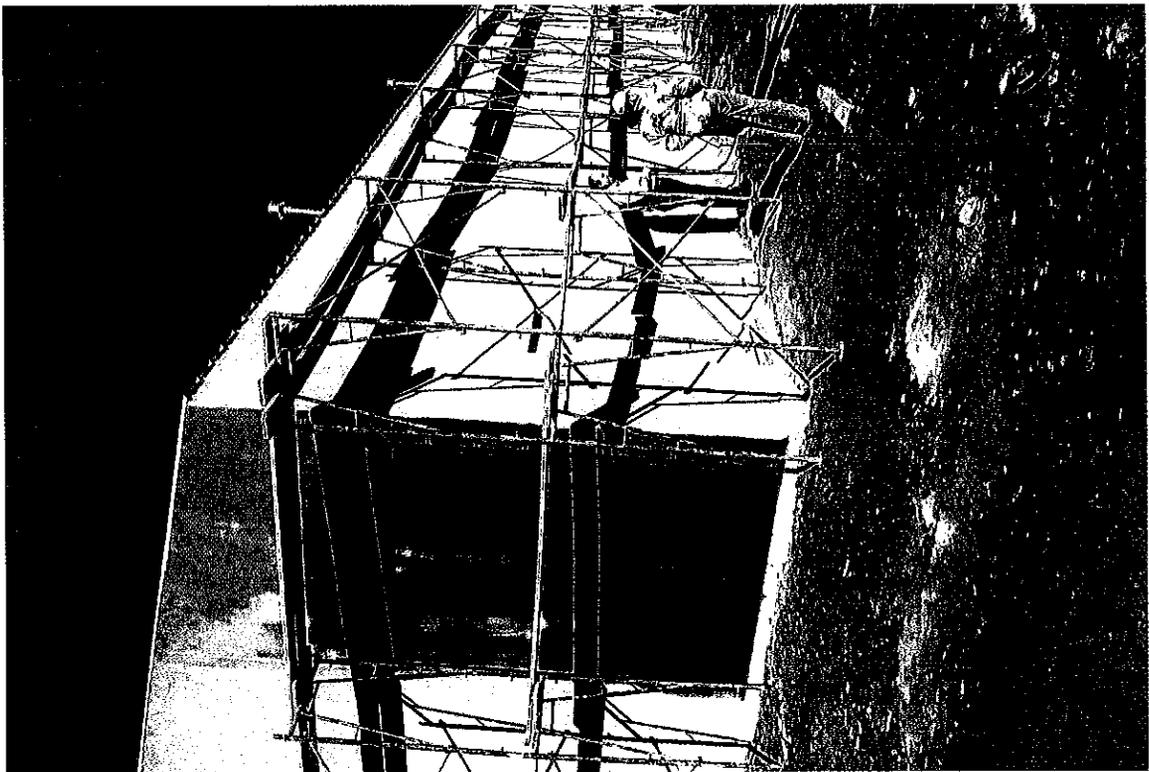
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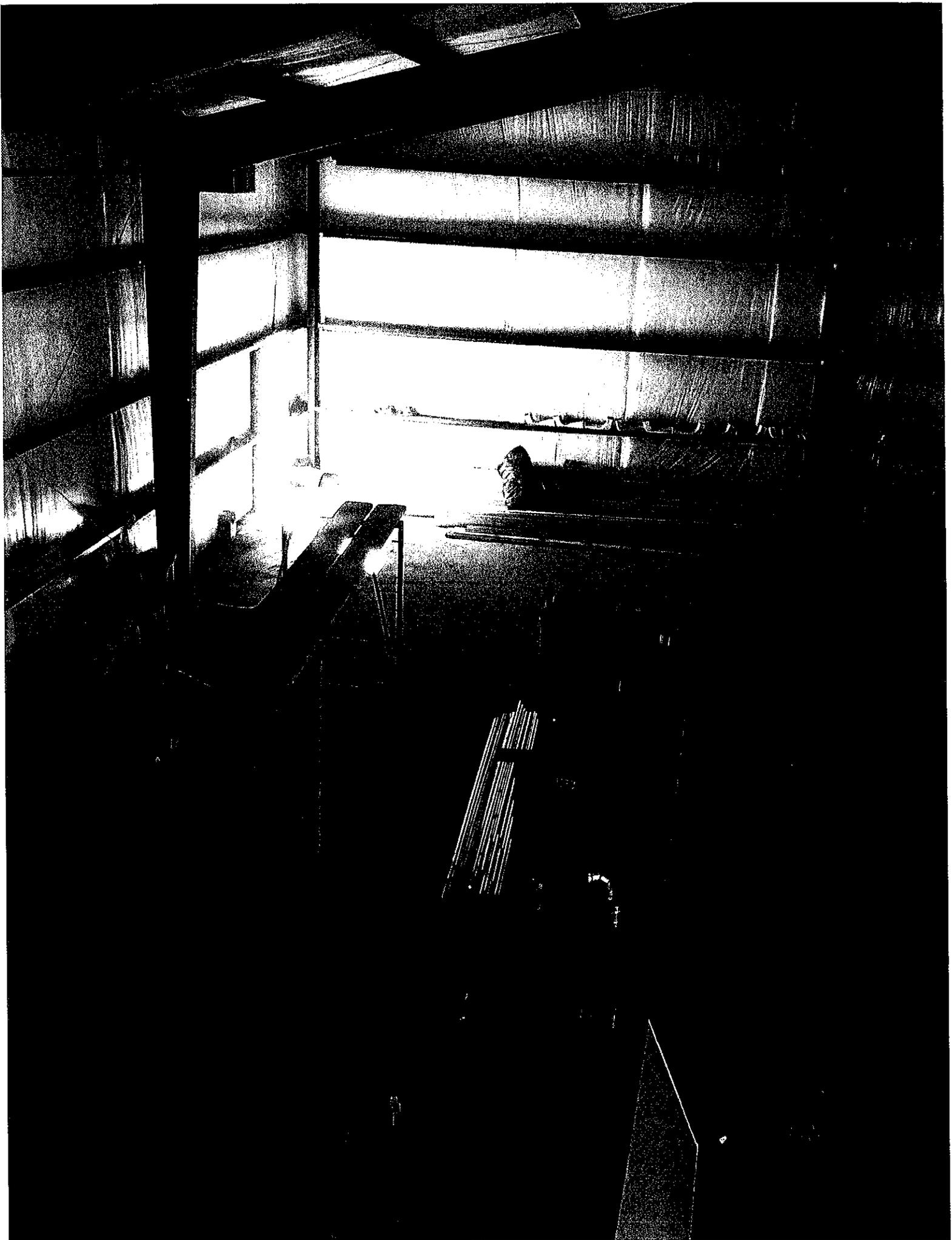
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San Juan County, N.M.  
San Miguel County, N.M.  
Sandoval County, N.M.  
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Socorro County, N.M.  
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Williamson County, Tenn.  
Angelina County, Texas

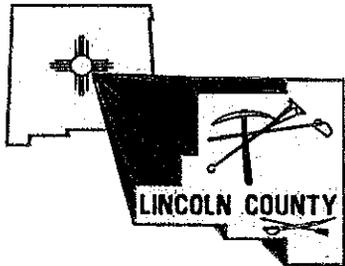
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Sargent County, N.D.  
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Muskogee County, Okla.  
Woodward County, Okla.  
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Jackson County, Ore.  
Josephine County, Ore.  
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Multnomah County, Ore.  
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Wallowa County, Ore.  
Armstrong County, Pa.  
Berks County, Pa.  
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Crawford County, Pa.  
Elk County, Pa.  
Forest County, Pa.  
Lawrence County, Pa.  
McKean County, Pa.  
Snyder County, Pa.  
Somerset County, Pa.  
Tioga County, Pa.  
Warren County, Pa.  
Edgefield County, S.C.  
Georgetown County, S.C.  
Laurens County, S.C.  
Richland County, S.C.  
Brule County, S.D.  
Fall River County, S.D.  
Jackson County, S.D.  
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Marshall County, W. Va.  
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Mercer County, W.Va.  
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Tom Green County, Texas  
Cache County, Utah  
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Arlington County, Va.  
Augusta County, Va.  
Carroll County, Va.  
County of Warren, Va.  
Grayson County, Va.  
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Skamania County, Wash.  
Whatcom County, Wash.  
Yakima County, Wash.  
Douglas County, Wis.  
Forest County, Wis.  
La Crosse County, Wis.  
Taylor County, Wis.  
Braxton County, W.Va.  
Cabell County, W.Va.  
Clay County, W.Va.  
Fayette County, W. Va.  
Hampshire County, W. Va.  
Hardy County, W. Va.  
Harrison County, W.Va.  
Jefferson County, W.Va.

Nicholas County, W.Va.  
Ohio County, W.Va.  
Pendleton County, W.Va.  
Raleigh County Commission, W.Va.  
Randolph, W.Va.  
Roane County, W.Va.  
Summers County, W.Va.  
Tucker County, W.Va.  
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Sheridan County, Wyo.  
Sublette County, Wyo.  
Sweetwater County, Wyo.  
Teton County, Wyo.  
Uinta County, Wyo.  
Washakie County, Wyo.  
Weston County, Wyo.







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# County of Lincoln

P.O. Box 711 • 300 Central Ave. • Carrizozo, New Mexico 88301-0711 • (575) 648-2385

## AGENDA Item No. 20

December 13, 2013

### MEMORANDUM

**TO:** County Commissioners

**FROM:** Nita Taylor, Lincoln County Manager *NT*

**SUBJECT:** Water Issues/Forest Health/Wildlife Programs

**PURPOSE:** To provide information on water issues, forest health, Game & Fish matters

#### Discussion:

1. **Water Rights Notice.** There are two new water rights notices on the State Engineer's website:
  - a. SEA GEM LLC and the Village of Ruidoso filed No. 01300-1; 01300-2; 01300-3; 0826-2 into 0275 et al; & H 271 et al (T). This permit is to temporarily change the Surface and Supplemental Groundwater Points of Diversion and Change Place and Purpose of Use in the Hondo Underground Water Basin in the State of New Mexico. The presently authorized points of diversion are located in Hondo, in Lincoln County, New Mexico. **See Enclosure 1.** This application has been filed under the NM Leasing Act NMSA1978 72-6-1 through 72-6-7 (**Enclosure 2**), with Emergency Authorization requested under NMSA 72-5-25 (**Enclosure 3**).
  - b. Lea County Application No. CP-295 POD#. **Enclosure 4.** This application proposes a supplemental well located with the Capitan Underground Water Basis, approximately six miles northeast of the City of Jal, NM. See Enclosure This does not appear to impact Lincoln County at all; Manager has request clarification from State Engineer's District II office.

Published for the third time in the Lincoln County News on January 9, 2014 is a Legal Notice of the Village of Ruidoso's Application No. H-53 - 2 into 0275-A and H-272 et al (T). **Enclosure 5.** The move-from points of diversion and places of use are located at the race track in Ruidoso Downs; and the proposed move-to points of diversion and places of use are located within the Village of Ruidoso. The State Engineer's Office required this Notice to be republished, to remove the "Emergency Authorization" request. Protests are due by January 19, 2014.

2. **Western Caucus Sink Interior Blueways Program.** While not identical to the EPA and Army Corps of Engineers efforts to give the EPA unprecedented new authority over seasonal streams and ditches, including them in the definition of “navigable waters”, a recent decision by Interior Secretary Jewell dissolves the “Blueways Program”, after receiving continuous pressure from members of the Congressional Western Caucus. This initiative would have unilaterally designated entire river watersheds as “National Blueways”. **Enclosure 6.**

3. **Mexican Wolf Environment Impact Study.** The USF&WS consultant interfacing with cooperating agencies, stakeholder agencies and local governments and tribes provided the final meeting notes from the Mexican Wolf EIS Cooperating Agency IPT meeting that Commissioner Stone attended on December 10, 2013. **See Enclosure 7.** Enclosure 8 provides an update of current status.

USF&WS has also decided to have a peer review conducted for the June 13, 2013 proposal to list the Mexican wolf as an endangered subspecies in the southwest and delist gray wolves elsewhere. The final peer review report is due by the end of January 2014, at which time the USF&WS intends to reopen the public comment period in early 2014 for a minimum of 45 days.

**Recommendation:** Provide additional direction, as required, on above matters.

County: Lincoln  
 Name: SEA GEM LLC  
 File No: 01300-1; 01300-2; 01300-3; 0826-2 into 0275-1 et al & H-272 et al (T)

NOTICE is hereby given that on July 15, 2013, Sea Gem, 9203 East 825 South, Upland, IN 46989, and Village of Ruidoso, 313 Cree Meadows Drive, Ruidoso, NM 88345 filed application No. 01300-1; 01300-2; 01300-3; 0826-2 into 0275-1 et al & H-272 et al (T) with the STATE ENGINEER for permit to Temporarily Change the Surface and Supplemental Groundwater Points of Diversion and Change Place and Purpose of Use in the Hondo Underground Water Basin in the State of New Mexico.

The applicant proposes to discontinue the diversion of 343.04 acre-feet per annum (154.368 acre feet consumptive irrigation requirement) of the surface waters and supplemental groundwater from the Rio Ruidoso, a tributary of the Rio Hondo, via the Pablo Chavez, which diverts from the Ambrocio Chavez Ditch in the NW1/4SW1/4SW1/4 of Section 3, Township 11 South, Range 17 East, said Ambrocio Chavez Ditch diverts from the Rio Ruidoso at a point in the SE1/4SE1/4NE1/4 of Section 5, Township 11 South, Range 17 East, N.M.P.M.. Supplemental well No. H-49-POD2 is located in the SE1/4SW1/4SW1/4 of Section 3, Township 11 South, Range 17 East, and supplemental well No. H-50 is located in the NE1/4NE1/4NW1/4 of Section 10, Township 11 South, Range 17 East, N.M.P.M. The application proposes to sever said water right from the irrigation of 107.2 acres of land described as follows:

SUBDIVISION	SECTION	TOWNSHIP	RANGE	ACRES
Pt. E1/2E1/2NW1/4	10	11 S.	17 E.	6.1
Pt. E1/2SE1/4NW1/4	10	11 S.	17 E.	1.8
Pt. S1/2S1/2SW1/4	3	11 S.	17 E.	11.1
Pt. N1/2NW1/4	10	11 S.	17 E.	37.5
Pt. W3/4	10	11 S.	17 E.	50.7

The applicant proposes to temporarily commence the diversion of 308.736 acre-feet per annum (154.368 acre feet consumptive irrigation requirement) of the surface waters of the Rio Ruidoso, and supplemental shallow groundwater, from the following described points of diversion:

	SUBDIVISION	SECTION	TOWNSHIP	RANGE
SURFACE:				
Rio Ruidoso				
0275-1A-POD1	NW1/4SW1/4SW1/4	19	11 S.	13 E.
0275-1A-POD2	SW1/4NE1/4SW1/4	19	11 S.	13 E.
0275-1A-POD3	SE1/4NW1/4SW1/4	26	11 S.	13 E.
WELLS:				
H-272	NW1/4NE1/4SW1/4	36	11 S.	13 E.
H-272-S	SE1/4SW1/4NE1/4	25	11 S.	13 E.
H-272-S-2	SW1/4SW1/4NE1/4	2	11 S.	13 E.
H-272-S-3	NE1/4SW1/4SE1/4	2	11 S.	13 E.
H-272-S-4	SE1/4NW1/4NE1/4	11	11 S.	13 E.

H-272-S-5	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$	14	11 S.	13 E.
H-272-S-6	SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$	15	11 S.	13 E.
H-272-S-7	SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$	10	11 S.	13 E.
H-272-S-8	SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$	14	11 S.	13 E.
H-272-S-9	NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$	23	11 S.	13 E.
H-272-S-11	NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$	25	11 S.	13 E.

for municipal purposes within the Village of Ruidoso.

The move to place of use is as follows:

SUBDIVISION	SECTION	TOWNSHIP	RANGE
Village of Ruidoso			
Municipal Limits	All	10-11S	13-14E

This application is filed under the NM Water –Use Leasing Act, NMSA 1978 72-6-1 through 72-6-7 with Emergency Authorization requested under NMSA 72-5-25. The temporary lease and permit period will begin as of the filing date of the application and extend through October 31, 2021. The temporary permit may be reverted to the move from points of diversion and place and purpose of use by written request of the applicants anytime during the lease period.

The presently authorized points of diversion, Ambrocio Chavez Ditch, Pablo Chavez Ditch, well H-49, well H-50, and place of use are located in Hondo, in Lincoln County, New Mexico.

Any person, firm or corporation or other entity having standing to file objections or protests shall do so in writing (legible, signed, and include the writer's complete name and mailing address). The objection to the approval of the application must be based on: (1) Impairment; if impairment you must specifically identify your water rights; and/or (2) Public welfare/conservation of water; if public welfare or conservation of water within the state of New Mexico, you must show you will be substantially affected. The written protest must be filed, in triplicate, with the State Engineer, 1900 West Second Street, Roswell, New Mexico 88201, within ten (10) days after the date of last publication of this Notice. Facsimiles (fax) will be accepted as a valid protest as long as the hard copy is sent within 24-hours of the facsimile. Mailing postmark will be used to validate the 24-hour period. Protest can be faxed to Office of the State Engineer, (575) 623-8559. If no valid protest or objection is filed, the State Engineer will evaluate the application in accordance with the provisions of Chapter 72 NMSA 1978.

# NM - Water Use Leasing Act

█. Short title.

This act [72-6-1 to 72-6-7 NMSA 1978] may be cited as the "Water-Use Leasing Act."

**History:** 1953 Comp., § 75-40-1, enacted by Laws 1967, ch. 100, § 1.

## 72-6-2. Definitions. (1967)

█. Definitions.

As used in the Water-Use Leasing Act [72-6-1 to 72-6-7 NMSA 1978]:

- A. "owner" means a person who owns a valid water right;
- B. "lessee" means a person who leases the use of water from an owner;
- C. "person" means the state or any agency, institution or political subdivision thereof, any public or private corporation, individual, partnership, association or other entity, and includes any officer or governing or managing body of any political subdivision or public or private corporation; and
- D. "engineer" means the state engineer as appointed in Section 72-2-1 NMSA 1978.

**History:** 1953 Comp., § 75-40-2, enacted by Laws 1967, ch. 100, § 2.

## 72-6-3. Owner may lease use of water. (2003)

█. Owner may lease use of water.

A. An owner may lease to any person all or any part of the water use due him under his water right, and the owner's water right shall not be affected by the lease of the use. The use to which the owner is entitled under his right shall, during the exercise of the lease, be reduced by the amount of water so leased. Upon termination of the lease, the water use and location of use subject to the lease shall revert to the owner's original use and location of use.

B. The lease may be effective for immediate use of water or may be effective for future use of the water covered by the lease; however, the lease shall not be effective to cumulate water from year to year or to substantially enlarge the use of the water in such manner that it would injure other water users. The lease shall not toll any forfeiture of water rights for nonuse, and the owner shall not, by reason of the lease, escape the forfeiture for nonuse prescribed by law; provided, however, that the state engineer shall notify both the owner and the lessee of declaration of nonuser as provided in Sections 72-5-28 and 72-12-8 NMSA 1978. The initial or any renewal term of a lease of water use shall not exceed ten years, except as provided in Subsection C of this section.

C. A water use may be leased for forty years by municipalities, counties, state universities, special water users' associations, public utilities supplying water to municipalities or counties and member-owned community water systems as lessee and shall be entitled to the protection of the forty-year water use planning period as provided in Section 72-1-9 NMSA 1978. A water use deriving from an acequia or community ditch organized pursuant to Chapter 73, Article 2 or 3 NMSA 1978, whether owned by a water right owner under the acequia or community ditch or by the acequia or community ditch may be leased for a term not to exceed ten years.

**History:** 1953 Comp., § 75-40-3, enacted by Laws 1967, ch. 100, § 3; 1999, ch. 40, § 1; 2003, ch. 369, § 2.

██████████. Application; notice; protest; hearing.

A. Upon the filing of an application by a lessee, the state engineer shall cause a notice of the filing to be published once a week for three consecutive weeks in a newspaper of general circulation in the county in which the water right is situated.

B. Any owner who believes his water rights will be adversely affected by the granting of the application may file a protest. The protest shall be specific as to how the granting of the application will adversely affect his water rights. The protest shall be filed in writing with the state engineer and a copy sent to the applicant by certified mail within ten days after the last publication of notice of application.

C. If a protest is filed, the state engineer shall hold a hearing on the granting of the application, and the applicant and protestants shall be notified by the state engineer as to the date and place of the hearing.

D. If no objections are filed, the state engineer may grant the application without hearing. If no objections are filed and the state engineer denies the application, the state engineer shall hold a hearing if requested to do so by the applicant. The request shall be filed with the state engineer within ten days after the denial of the application.

E. If the state engineer grants the application but allows the applicant to use less water than the amount of water the owner would be allowed to use, the state engineer shall hold a hearing on the matter if requested to do so by the applicant. The request shall be filed with the state engineer within ten days after the granting of the application.

F. In a hearing before the state engineer, a full record and transcript of the proceeding shall be kept by him.

G. The provisions of this section do not apply to leases approved pursuant to Section 73-10-48 NMSA 1978.

**History:** 1953 Comp., § 75-40-6, enacted by Laws 1967, ch. 100, § 6; 2003, ch. 369, § 4.

#### 72-6-7. Appeal. (1967)

██████████. Appeal.

The final ruling of the engineer on such hearing may be appealed by either the applicant or a protestant. Such appeal shall be governed by the provisions of Section 72-7-1 through Section 72-7-3 NMSA 1978.

**History:** 1953 Comp., § 75-40-7, enacted by Laws 1967, ch. 100, § 7.

72-6-4. Lessee's application.

Prior to his use of such water, the lessee shall apply to the state engineer requesting approval for the use and location of use to which such water will be put. The engineer shall prescribe the form of such application and may require any information pertinent to the matter.

**History:** 1953 Comp., § 75-40-4, enacted by Laws 1967, ch. 100, § 4.

72-6-5. Approval. (2003)

72-6-5. Approval.

A. The state engineer shall approve the application if the applicant has reasonably shown that his proposed use and location of use is a beneficial use and:

- (1) will not impair any existing right to a greater degree than such right is, or would be, impaired by the continued use and location of use by the owner; and
- (2) will not be contrary to the conservation of water within the state or detrimental to the public welfare of the state.

B. In the case of annual allotments of project water leased to a special water users' association from an irrigation district organized pursuant to Chapter 73, Article 10 NMSA 1978, if the state engineer determines that the proposed changes in place and purpose of use and point of diversion comply with the rules established pursuant to Subsection G of Section 73-10-48 NMSA 1978, the board of directors of the irrigation district may approve the application in accordance with the provisions of Section 73-10-48 NMSA 1978.

**History:** 1953 Comp., § 75-40-5, enacted by Laws 1967, ch. 100, § 5; 1999, ch. 40, § 2; 2003, ch. 369, § 3.

# EMERGENCY Procedure

██████████. Emergency; change of point of diversion; procedure.

A. An appropriator of water may change the place of diversion, storage or use of water upon application to and approval of the state engineer without following the requirements of Section 72-5-23 NMSA 1978 relating to publication of notice if an emergency exists in which the delay caused by following the provisions of Section 72-5-23 NMSA 1978 would result in crop loss or other serious economic loss to the appropriator and if the state engineer determines that no foreseeable detriment exists to rights of others having valid and existing rights to the use of the waters of the stream system. An application under this section shall be in the form and manner prescribed by the state engineer and shall contain specific facts supporting the existence of the emergency.

B. An applicant for approval of a change of place of diversion, storage or use of water under this section shall, within thirty days of an approval granted under this section by the state engineer, comply with the requirements of Section 72-5-23 NMSA 1978.

C. The emergency approval provided under this section shall continue in effect only until the state engineer enters his final decision in accordance with Section 72-5-24 NMSA 1978.

**History:** 1953 Comp., § 75-5-23.1, enacted by Laws 1971, ch. 162, § 1.

██████████. Water appurtenant to land; change of place of use.

All water used in this state for irrigation purposes, except as otherwise provided in this article, shall be considered appurtenant to the land upon which it is used, and the right to use it upon the land shall never be severed from the land without the consent of the owner of the land, but, by and with the consent of the owner of the land, all or any part of the right may be severed from the land, simultaneously transferred and become appurtenant to other land, or may be transferred for other purposes, without losing priority of right theretofore established, if such changes can be made without detriment to existing water rights and are not contrary to conservation of water within the state and not detrimental to the public welfare of the state, on the approval of an application of the owner by the state engineer. Publication of notice of application, opportunity for the filing of objections or protests and a hearing on the application shall be provided as required by Sections 72-5-4 and 72-5-5 NMSA 1978.

**History:** Laws 1907, ch. 49, § 44; Code 1915, § 5703; C.S. 1929, § 151-156; Laws 1941, ch. 126, § 17; 1941 Comp., § 77-522; 1953 Comp., § 75-5-22; Laws 1985, ch. 201, § 5.

County: Lea County  
Name: Jerold Doom and Daniel J. Doom  
File #: CP-295 and CP- 295-X

NOTICE is hereby given that on October 29, 2013, Jerold Doom, PO Box 1271, Jal, NM 88252, and, Daniel J. Doom, 715 Chamisa Ave, Aztec, NM 87410, filed application No. CP-295 POD3,

with the STATE ENGINEER for permit to supplement underground waters by using existing well CP-295 POD3 located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 21, Township 24 South, Range 37 East, N.M.P.M., on land owned by the applicant. The proposed well will supplement existing authorized wells CP-295 and CP- 295-X also located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 21, Township 24 South, Range 37 East for the continued diversion of up to 100 acre-feet per annum of shallow groundwater for irrigation, livestock and commercial purposes on land owned by the applicant and described as 20 acres within the Capitan Basin in Lea County and in Subdivision SE $\frac{1}{4}$  of Section 21, Township 24 South, Range 37 East.

The proposed supplemental well is located within the Capitan Underground Water Basin, approximately six miles northeast of the City of Jal, New Mexico and 1.7 miles east of Hwy 18 in Lea County, New Mexico.

Any person, firm or corporation or other entity having standing to file objections or protests shall do so in writing (objection must be legible, signed, and include the writer's complete name, phone number and mailing address). The objection to the approval of the application must be based on: (1) Impairment; if impairment, you must specifically identify your water rights; and/or (2) Public Welfare/Conservation of Water; if public welfare or conservation of water within the state of New Mexico, you must show how you will be substantially and specifically affected. The written protest must be filed, in triplicate, with the State Engineer, 1900 West Second, Roswell, NM 88201, within ten (10) days after the date of the last publication of this Notice. Facsimiles (faxes) will be accepted as a valid protest as long as the hard copy is hand-delivered or mailed and postmarked within 24-hours of the facsimile. Mailing postmark will be used to validate the 24-hour period. Protests can be faxed to the Office of the State Engineer, 575-623-8559. If no valid protest or objection is filed, the State Engineer will evaluate the application in accordance with the provisions of Chapter 72 NMSA 1978.

ENCL 4

**LEGALS - LEGALS - LEGALS**

**LEGAL NOTICE**

NOTICE is hereby given that on September 23, 2013, Village of Ruidoso, 313 Cree Meadows Drive, Ruidoso, New Mexico 88345 and Ruidoso Properties Irrevocable Management Trust, 201 Third Street NW, Suite 1750, Albuquerque, New Mexico 87102; filed Application No. H-53-2 into 0275-A and H-272 et al (T) with the STATE ENGINEER for permit to temporarily change point of diversion, place and purpose of use of surface water, supplemental groundwater, and groundwater in the Hondo Underground Water Basin in the State of New Mexico.

The applicant proposes to discontinue the diversion of 12.0 acre-feet per annum of primary surface waters of the Rio Ruidoso, a tributary of the Rio Hondo, via the F. Herrera Ditch South at a point in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 25, Township 11 South, Range 13 East, N.M.P.M., said 12.0 acre-feet per annum authorized supplemental groundwater diversion from the wells listed below, and the diversion of 25.44 acre-feet per annum of primary groundwater rights from the following described wells:

WELL NO.	SUBDIVISION	SECTION	TOWNSHIP	RANGE
H-53	SW $\frac{1}{4}$ SW $\frac{1}{4}$	20	11 S.	14 E.
H-53-S	SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$	29	11 S.	14 E.
H-54	NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$	30	11 S.	14 E.
H-55	SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$	29	11 S.	14 E.
H-56	NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$	30	11 S.	14 E.

by ceasing the irrigation of 11.7 acres of land, described as follows:

SUBDIVISION	SECTION	TOWNSHIP	RANGE	ACRES
Pt. W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$	29	11 S.	14 E.	3.5
Pt. E $\frac{1}{2}$ NE $\frac{1}{4}$	30	11 S.	14 E.	8.2

The applicant proposes to commence the diversion of 16.848 acre-feet (consumptive irrigation requirement) of the surface waters of the Rio Ruidoso, and supplemental shallow groundwater, from the following described points of diversion:

RIO RUIDOSO SURFACE WATER	SUBDIVISION	SECTION	TOWNSHIP	RANGE
0275-A POD1	NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$	19	11 S.	13 E.
0275-A POD2	SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$	19	11 S.	13 E.
0275-A POD3	SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$	26	11 S.	13 E.

WELL NO.	SUBDIVISION	SECTION	TOWNSHIP	RANGE
H-272	NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$	36	11 S.	13 E.
H-272-S	SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$	25	11 S.	13 E.
H-272-S-2	SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$	02	11 S.	13 E.

Village of Ruidoso  
Ruidoso Properties Irrevocable Management Trust  
H-53-2 into 0275-1 & H-272 et al (T)

H-272-S-3	NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	02	11 S.	13 E.
H-272-S-4	SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$	11	11 S.	13 E.
H-272-S-5	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$	14	11 S.	13 E.
H-272-S-6	SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$	15	11 S.	13 E.
H-272-S-7	SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$	10	11 S.	13 E.
H-272-S-8	SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$	14	11 S.	13 E.
H-272-S-9	NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$	23	11 S.	13 E.
H-272-S-11	NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$	25	11 S.	13 E.

for municipal purposes located within the Village of Ruidoso.

The total irrigation water right being moved is 37.44 acre-feet per annum. Applicant request a diversion for municipal purposes of 33.69 acre-feet per annum to balance the move-from consumptive irrigation requirement with 50% (of diversion) consumptive use for municipal use.

This application is filed under the NM Water - Use Leasing Act, NMSA 1978 72-6-1 through 72-6-7.

This is a temporary application, for an eleven-year period extending from November 1, 2014 to October 31, 2025, with all rights to revert to the move-from points of diversion, place and purpose of use on October 31, 2025; subject to an earlier reversion by written request of the applicant.

The move-from points of diversion and places of use are located at the race track in Ruidoso Downs, Lincoln County, New Mexico. The proposed move-to points of diversion and place of use are located within the Village of Ruidoso, Lincoln County, New Mexico.

Any person, firm or corporation or other entity having standing to file objections or protests shall do so in writing (legible, signed, and include the writer's complete name and mailing address). The objection to the approval of the application must be based on: (1) Impairment; if impairment you must specifically identify your water rights; and/or (2) Public welfare/conservation of water; if public welfare or conservation of water within the state of New Mexico, you must show you will be substantially affected. The written protest must be filed, in triplicate, with Scott A. Verhines, P.E., State Engineer, 1900 West Second Street, Roswell, New Mexico 88201, within ten (10) days after the date of last publication of this Notice. Facsimiles (fax) will be accepted as a valid protest as long as the hard copy is sent within 24-hours of the facsimile. Mailing postmark will be used to validate the 24-hour period. Protest can be faxed to Office of the State Engineer, (575) 623-8559. If no valid protest or objection is filed, the State Engineer will evaluate the application in accordance with Sections 72-2-16, 72-5-6, and 72-12-3.

5 ENCL

**Nita Taylor**

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**To:** Nita Taylor  
**Subject:** FW: For Immediate Release- Western Caucus Sinks Interior Blueways Program



FOR IMMEDIATE RELEASE

CONTACT: Emily Hytha

January 3, 2013

202.225.2365

## **Western Caucus Sinks Interior Blueways Program**

*Interior Secretary Jewell dissolves the National Blueways System.*

**Washington, D.C.** - Today, after continuous pressure from members of the Western Caucus, Secretary of the Interior Sally Jewell has dissolved the National Blueways System created by the controversial Secretarial Order 3321. The Secretary's action also dissolves the National Blueways Committee, which was composed entirely of federal officials and which claimed the authority to unilaterally designate entire river watersheds as "National Blueways." These designations held the potential to expand the reach of the federal government over non-navigable waters currently under state jurisdiction.

"I welcome the Secretary's termination of the National Blueways System, which is long overdue," said **U.S. Representative Cynthia Lummis**. "This program has been a disaster from the outset, with the Department of the Interior seeking to slap federal designations on millions of acres of watershed without any formal public process and over local objections. For over a year, members of the Western Caucus have systematically exposed the lack of legal authority for the Blueways program and its potential to disrupt state-endowed water rights and local conservation efforts. River and watershed management is of critical importance to the west and there are countless examples of effective conservation efforts at the state and local level, where they belong. While I am encouraged by the Secretary's action today, given this Administration's penchant for circumventing Congress I remain on guard lest the Blueways program be reinstated in another form in the future."

###

## Mexican Wolf EIS Cooperating Agency IPT Meeting

### Summary Notes and Action

December 10, 2013

1. **Morning Session** focused on a group discussion of the purpose and need statement of the Preliminary Draft EIS Ch 1&2 as it relates to whether or not to include a population objective for the experimental population of the Mexican wolf. Comments and group discussion addressed:
  - a. That a population objective is irrelevant to Purpose and Need and effects analysis. Chapter 1 addresses the issue of the current management which is not achieving past population objective. Is the EIS intended to set recovery objective or management objective?
  - b. Chapter 1 argues that current management is not getting to 1982 objective. Dec 2012 count 75 animals, new count coming soon, 1982 plan may actually be successful in achieving this objective. Opens a new way to look at entire process. Now should we turn over to States and tribes?
  - c. It is wasting agency time if we're going to have to come back and do the same thing for a recovery plan. It was noted that the Service does not do NEPA on recovery plans as they are guidance documents.
  - d. Public has a right to know what we are dealing with. Best science only looking at wolves and prey base, not looking at habitat. There is potential habitat but for what type of wolf? What are the realistic goals? Not only prey-based goals. Science needs to take into account social and economic impacts of introduction.
  - e. This is Mexican gray wolf. A significant portion of effort should be with Mexico. We should focus on cooperative agreement with Mexico.
  - f. Project number based on information presented here. Mixing two things: evaluate changes to current management. Not to address recovery. This is not recovery. This is for management changes for reintroduction
  - g. Agree that we need a number to assess impacts.
  - h. BLM uses "reasonable foreseeable development, projection of populations, for basis of impact analysis.
  - i. Population objective is less important than management now. Can use a projected growth rate to get to the impact analysis.
  - j. Question as to whether the Service thinks the habitat is there to support whatever number you come up with?
  - k. If saying purpose of EIS is this, but you can't achieve with this MWEPA size? Two magnitudes: (1) recovery level to remove ESA listing status and (2) 10j population on own two feet. So it won't fail. So it has good genetic diversity to contribute to the whole picture including Mexico. Avoid having two definitions of viable and self-sustaining.

ENCL 7

- I. Need the concise statement to say this is part of recovery. Better to explain that this is a step to recovery. Good to have in text, elected officials won't read and this is only a piece of overall recovery, needs to be meaningful to constituents.

### **Morning Summary**

- Section 9 of ESA provides the take prohibitions, which are only applied to persons subject to the jurisdiction of the United States. Section 10 of ESA provides exceptions to take prohibitions. 10j is an exception. We do not invoke section 9 or section 10 in foreign countries (e.g. Mexico).
  - Accept that a Recovery Plan will not be done before we complete this EIS.
  - Accept that Mexico is not part of the 10(j) rule.
  - Accept that this EIS is on the proposed changes to the 10(j) rule.
  - The Service has used the terms self-sustaining and viable relative to two scales of wolf reintroduction: first, to establish a secure nonessential experimental population that will ultimately contribute to recovery; and second, to establish multiple populations in the Southwest and/or Mexico that will achieve recovery and lead to delisting. The Service recognizes based on public comment and IPT discussion that use of these terms in two different contexts is confusing to the public and needs to be clarified.
  - General agreement that we need a numerically defined objective for the Mexican wolf experimental population in order to assess impacts.
2. **Afternoon Session** focused on a group discussion of the proposed action and alternatives of the Preliminary Draft EIS Ch 1&2, specifically the consideration of an alternative that would propose to expand the 10(j) area (experimental population area) for the Mexican wolf to include all of the states of AZ and NM. This alternative would include management provisions where Mexican wolves in different parts of the MWEPA would be managed based on "zoning". Comments and group discussion addressed:
    - a. 10j provides more management flexibility. Many Tribes may want to be designated 10(j) for this flexibility.
    - b. Consider a zone approach vs. uniform mgmt. Across the entire MWEPA. Do these zones include dispersal and colonization areas?
    - c. We should consider not splitting tribal land or counties with arbitrary north/south line along I-40.
    - d. An argument to extend the 10(j) is that all counties will be more involved.
    - e. Zone approach factored into the 10j, makes sense...If the MWEPA was to be expanded, then we could also go w/zone approach in the expanded areas. That makes sense to manage by zone.
    - f. Problem will be where the money to fund the management comes from. Have to have funding for the management. Fed and State.
    - g. If you expand the area where there are wolves, you also have to provide funding for management. There is no use having a program without funding.

- h. 10(a)(1)(A) permits do not authorize lethal take/control. Consider a zone concept with “no go” areas, which wouldn’t be subject to translocation.
- i. The economic impacts discussion is not sound enough to mitigate the loss to a rancher. Need to reimburse those who bear the cost. That hasn’t happened. It was noted that the economic impact analysis has not yet been completed – it will be part of the EIS.
- j. What do we have to do to get 6<sup>th</sup> alternative put into alternatives? To get this zone approach into the EIS as an Alternative?
- k. State has right to manage valuable resources in different parts of the state.
- l. Need to be consistent in the zone. Not a patchwork.
- m. We don’t have uniform management currently There are three zones currently (PRZ, SRZ, BRWRA, MWEPA). All we’d be doing is adding a few more zones.
- n. Uniform management makes it fair for everyone. All are treated equally across landscape
- o. Uniform management is more cost efficient
- p. If the decision is for a subgroup of Cooperating Agencies to work seriously on 6<sup>th</sup> alternative, it will build an expectation there is serious interest in it. FWS needs to be careful because people will assume this is where it is going. It was noted that FWS cannot be pre-decisional regarding any particular alternative.
- q. There are still perception issues. Extending the 10(j) area to the north (making the area gray on the map) insinuates to public that wolves are moving north of I-40.

#### **Afternoon Summary**

- We (FWS) cannot commit to any alternative. That would be pre-decisional.
- Need to continue with our analysis of impacts and development of mitigation. Need your (IPT) input.
- FWS is fully encouraging you (the IPT) to establish a working group to develop and put an alternative forward.
- We (FWS) support (s) the concept of an AZ and NM state- wide 10(j) with zoning management approach.
- If we add an alternative with proposals not already put forward in the proposed rule, FWS will have to re-propose the 10(j) rule. We’d put out simultaneously the DEIS and the re-proposed rule. This is what we told the public we would do as an outcome of scoping.
- FWS should better explain criteria for; translocations, releases, establishment of management agreements on private land, treatment of state lands, take provisions on private lands.

#### **Action:**

1. FWS to work with partner state wildlife agencies and tribes (as requested) to help define a population objective for the Mexican wolf experimental population area. Further discussion to be held with all Cooperating Agencies at next IPT meeting/teleconference.

12-20-13

2. IPT to form working group to develop AZ and NM state- wide 10(j) with zoning management approach for inclusion in DEIS. Luna/Hidalgo County rep Tink Jackson and Eastern Arizona Counties Organization, Pascal Berlioux to lead development. FWS will participate as requested.
3. IPT members to discuss pros/cons of AZ and NM state- wide 10(j) with zoning management with their agencies. Determine official level of support and provide formal feedback to the Service.
4. FWS to address criteria for; translocations, releases, establishment of management agreements on private land, treatment of state lands, take provisions on private lands.
5. FWS to clarify the use of the term "self-sustaining and viable" with regard to the establishment of a nonessential experimental population that will ultimately contribute to Mexican wolf recovery and eventual delisting.
6. FWS to schedule IPT teleconference in mid-January 2014 (date tbd) for progress update. Expect to schedule IPT in Feb 2014 (date tbd) to address status of revisions to Ch 1&2 and revised schedule for EIS development.

## Nita Taylor

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**From:** Jonathan Olson <jonathan\_j\_olson@fws.gov>  
**Sent:** Tuesday, December 24, 2013 12:00 PM  
**Subject:** Mexican Wolf EIS status update to stakeholders

As 2013 comes to a close here is a brief status update on the EIS development:

- The comment period that we announced in our Notice of Intent to Prepare an EIS (78 FR 47268, Aug 5, 2013) for the preliminary draft Chapters 1 & 2 of the EIS closed on 19 Sep 13. One hundred docket numbers were assigned to individual submissions which we compiled and categorized into an over 800 line matrix for review by the Service and Cooperating Agencies.
- 24 Federal and state agencies/counties/tribes in Arizona and New Mexico have entered into agreements with the Service to assist in the development of this EIS as Cooperating Agencies.
- We held an Interdisciplinary Project Team (IPT) meeting with representatives of Cooperating Agencies in early December to discuss comments received during scoping that are pertinent to possible revisions to Chapter 1 (Purpose and Need) and Chapter 2 (Proposed Action and Alternatives) of the EIS.
- Additional public hearings and an extension of the comment period on the proposed revision of the nonessential experimental population of the Mexican wolf 10(j) rule were announced in the Federal Register (78 FR 64192 Oct 28 2013), by news release, and by email to stakeholders. The public hearings were held in Albuquerque, NM on 20 Nov and in Pinetop, AZ on 03 Dec. A public information session in which the public had the opportunity to pose questions to the Service was held prior to the hearing in Pinetop. The hearings were well attended with approximately 500 people in attendance at each.
- The public comment period on both the proposed revision of the Mexican wolf 10(j) rule and the proposed rule to delist the gray wolf and list the Mexican wolf as an endangered subspecies closed on 17 Dec. Over half a million comments were received on the gray wolf delisting proposed rule and over 6,700 comments were received on the proposed revision to the 10(j) rule. The Service is in the process of reviewing the comments received on both of these proposed rules.
- As part of our ongoing scoping we have attended multiple public hearings sponsored by the Arizona Department of Game and Fish and by county governments in Arizona and New Mexico. The scoping phase of the EIS development will continue until publication of a draft EIS. We intend to hold additional public meetings and hearings in Arizona and New Mexico in 2014 in conjunction with the release of the Draft EIS for public review and comment.

We appreciate the input and involvement of all of our cooperating agencies, stakeholder agencies and local governments, tribes and interested organizations and individuals. We look forward to your continued engagement in the coming year. Best wishes for the holiday season from the staff of the Mexican Wolf Recovery Program.

Jonathan Olson  
Environmental Planning Consultant  
Mexican Wolf Recovery Program  
U.S. Fish and Wildlife Service  
New Mexico Ecological Services Field Office  
2105 Osuna Blvd NE  
Albuquerque, NM 87113  
Office phone 505.761.4733  
[jonathan\\_j\\_olson@fws.gov](mailto:jonathan_j_olson@fws.gov)

## **Agenda Items No. 21**

### **SUBJECT**

Authorization to Schedule Public Hearing to Consider Other Outdated or New Lincoln County Ordinances.

## **Agenda Item No. 22**

### **SUBJECT**

Consideration of Appointments and Removals from Boards/  
Commissions/Committees:

- A. Coalition of Counties
- B. Interstate Stream Commission
- C. New Mexico County Insurance Authority - Worker's  
Compensation
- D. New Mexico Insurance Authority – Multi-Line Pool
- E. Tabled - Planning Commission

**ASSOCIATION OF COUNTIES, NEW MEXICO - 2 YEAR TERM ( this term is up in June)**

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	RHONDA BURROWS	PO BOX 338 CARRIZOZO, NM 88301		04/16/13	04/15

BOARD MEMBER SHALL BE ELECTED BY ALL ELECTED OFFICIALS EVERY ODD YEAR. ELECTION SHALL BE CONDUCTED BY THE COUNTY CLERK.

**BOARD OF REGISTRATION (CLERK'S OFFICE) 2 YEAR TERM (STATE STATUTES, SECTION 1-4-34)**

DISTRICT NO	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	MARCI BUTCHOFKY	2814 SUDDERTH #372, RUIDOSO	2	2/19/13	02/15
	JIM DICKINSON	PO BOX 315, ALTO, NM	4	02/19/13	02/15
	MARIA A. QUINTANA	PO BOX 96, HONDO 88336	5	02/19/13	02/15
	ALTERNATE - DIANE HARLAN	453 SANTIAGO CIRCLE ALTO 88312	4	02/19/13	02/15
	ALTERNATE - BETSY SEILER	139 BEGONIA RD, RUIDOSO 88345	2	02/19/13	02/15

NO MORE THAN TWO OF THE THREE PERSONS APPOINTED TO THE BOARD OF REGISTRATION SHALL BE MEMBERS OF THE SAME MAJOR POLITICAL PARTY AT THE TIME OF THEIR APPOINTMENT. IN ADDITION, THE BOARD OF COUNTY COMMISSIONERS SHALL APPOINT TWO ALTERNATES WHO SHALL NOT BELONG TO THE SAME POLITICAL PARTY AT THE TIME OF THEIR APPOINTMENT. IN MAKING ALL APPOINTMENTS TO THE BOARD OF REGISTRATION OR AS ALTERNATES TO THE BOARD OF REGISTRATION FROM THE LISTS OF THE COUNTY CHAIRMEN, THE BOARD OF COUNTY COMMISSIONERS SHALL GIVE PREFERENCE TO THE NAMES IN THE ORDER INDICATED BY THE NUMBERS ON THE LIST.

**COALITION OF COUNTIES**

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	JACKIE POWELL	BOX 91, GLENCOE 88324 (653-4072)	5	1/22/2013	01/14
	STIRLING T. SPENCER	BOX 36, CARRIZOZO 88301 (648-2814)	1	01/22/2013	01/14

(NOTIFY SUE HUTCHINSON (505/539-2692))

**COOPERATIVE WEED MANAGEMENT**

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
PRIMARY	JACKIE POWELL	PO BOX 711, CARRIZOZO, NM		01/03/2011	INDEFINITE
ALTERNATE	KATHRYN MINTER	104 SONTERRA DR., ALTO NM 88312		01/03/2011	INDEFINITE

**EMERGENCY PROGRAM MANAGER - 2 YEAR TERM (file folder #860)**

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	JOE KENMORE	BOX 7057 RUIDOSO, NM		03/19/13	WITH OFFICE

**INTERSTATE STREAM COMMISSION (SUB-COMMITTEE ON THE PECOS)**

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	JACKIE POWELL	BOX 91, GLENCOE 653-4072		01/22/2013	01/14

\*

**LABOR MANAGEMENT RELATIONS BOARD - 1 YEAR TERM (ORDINANCE NO. 2005-7)**

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION

JOHN MARTINEZ, MANAGEMENT ASSOCIATES (505/821-0933)

**LAND AND NATURAL RESOURCES ADVISORY COMMITTEE - 2 YEAR TERM (ORDINANCE NO. 2008-4)**

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
DIST 1	Pete Gnatkowski Vice Chairman <a href="mailto:lincoln@nmsu.edu">lincoln@nmsu.edu</a>	HC 31, Box 48, Carrizozo, NM		02/19/13	02/15
DIST 2	Mary Ann Siegel-Russ <a href="mailto:siebiegl@hotmail.com">siebiegl@hotmail.com</a>	104 Plumas Place, Ruidoso 575-937-0720		10/16/12	10/2014
DIST 3	Bob Johnson <a href="mailto:bobj@valornet.com">bobj@valornet.com</a>	Box 464, Alto, NM 88312 (575)336.4002		01/22/13	01/2015
DIST 4	Douglas Fuqua <a href="mailto:dfuqua1@hotmail.com">dfuqua1@hotmail.com</a>	Box 1042 Alto, NM 88312 (575)336.1832		9/17/13	09/2015
DIST 5	Joel Bonnell <a href="mailto:jbonnell@live.com">jbonnell@live.com</a>	Box 1, Glencoe, 88324 (575)653.4310		01/22/13	01/2015
AT LARGE	Duane Frost <a href="mailto:dsfrost@plateaufel.net">dsfrost@plateaufel.net</a>	Box 81, Ciaunch, NM 87011 (849.4950)		01/22/13	01/2015
AT LARGE	Rick Simpson, Chairman <a href="mailto:justeuz@swvmail.net">justeuz@swvmail.net</a>	HC66, Box 70, Glencoe, NM 88324 (575)653.4249		02/19/13	02/2015

NO REQUIREMENT FOR AN APPOINTEE TO BE DOMICILED IN ANY PARTICULAR VOTING DISTRICT OF THE COUNTY. PUBLICATION IS REQUIRED. TWO AT-LARGE MEMBERS WILL BE SLECTED AND APPOINTED BY A MAJORITY VOTE OF THE BOARD OF COUNTY COMMISSIONERS.

**LINCOLN HISTORIC PRESERVATION BOARD - 2 YEAR TERM (ORDINANCE NO. 2004-5 (BOX 65, LINCOLN 88338)**

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
DIST 1	BILL STRAUSSER	BOX 197, LINCOLN (653-4670)	5	12/17/13	12/15
DIST 2	ELAINE ALLEN	BOX 74, LINCOLN (653-4251)	5	01/22/13	01/15
DIST 3	L.M. SMITH	#5 MERCEDES CT, ROSWELL, NM	5	04/16/13	04/15
DIST 4	MELISSA BOUTE	BOX 162, LINCOLN, NM 88338	5	09/17/13	09/15
DIST 5	LINDA FOX-CHAIR	BOX 174, LINCOLN (653-4619)	5	03/28/12	03/14

MEMBERS MUST BE PROPERTY OWNERS IN THE HISTORIC DISTRICT. PUBLICATION IS REQUIRED.

**LOCAL WORKFORCE INVESTMENT ACT ADVISORY BOARD - 03/03/00**

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	CHET SOUTHARD	BOX 609, ALTO 88312	4		
	GARY COZZENS	709 MECHEM DRIVE, RUIDOSO 88345	4		

**LODGERS TAX COMMITTEE, LINCOLN COUNTY - 2 YEAR TERM (ORDINANCE NO. 2004-04)**

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
336-4330	TOURIST RELATE- JAMES HOBBS	BOX 2505 RUIDOSO 88355	4	02/19/13	02/15
973-8244	GENERAL PUBLIC - SUE HUTCHISON	1149 SHOESHONE TRAIL ALTO	4	08/20/13	08/15
653-4609	LODGING INDUSTRY - DAVID VIGIL	BOX 15, LINCOLN 88338	5	06/12/12	06/14
937-2121	TOURIST RELATED- ALICE SEELY; ALICESEELY@PVTN.NET	BOX 166 HONDO, NM 88336	5	04/17/12	04/14
653-4300	LODGING INDUSTRY - VICTOR GARRISON	BOX 236, LINCOLN, 88338	5	07/26/12	7/14

**NEW MEXICO COUNTY INSURANCE AUTHORITY - WORKERS' COMPENSATION**

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	KATHRYN MINTER	104 SONTERRA DR, ALTO	4	01/22/2013	1/2014
	ALTERNATE - NITA TAYLOR	BOX 93, LINCOLN, NEW MEXICO	1	01/12/2013	1/2014

**NEW MEXICO COUNTY INSURANCE AUTHORITY - MULTI-LINE POOL**

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	KATHRYN MINTER	104 SONTERRA DR, ALTO	4	1/22/2013	01/14
	ALTERNATE - DALLAS DRAPER	113 ALPINE VILLAGE RUIDOSO	3	01/10/2012	01/14

**PLANNING COMMISSION - 2 YEAR TERM (ORDINANCE NO. 2008-5)**

DISTRICT NO.	MEMBER	ADDRESS	RECOMMENDED BY	DATE APPOINTED	TERM EXPIRATION
DIST 1	DENNIS RICH; DENANDYVONNE@NETSCAPE.NET	PO BOX 575, CAPITAN, NM 937-5996	COMM.POWELL	04/17/12	04/14
DIST 2	JENNIE DORGAN, Chair	BOX 359, ALTO 88312 (336-4312)	COMM. WILLIAMS	03/19/13	03/15
DIST 3	NORA MIDKIFF -336 2095/937 4317 noratmidkiff@gmail.com	175 EAGLE CREEK CANYON, RUID	COMM. DRAPER	01/22/13	01/15
DIST 4	MARY DOKIANOS	103 WINTER HAWK HEIGHTS, ALTO	COMM. MINTER	09/17/13	09/15
DIST 5	TOM MANN	BOX 77, LINCOLN NM (653-4272)	COMM. POWELL	07/26/12	07/14
	MEMBER-AT-LARGE - ELAINE ALLEN	PO BOX 74, LINCOLN		01/22/13	01/15
	MEMBER-AT-LARGE - KARYL WILLIAMS KARYL.WILLIAMS@MTG-TECH.COM	PO BOX 1707 CAPITAN (354-5300) 575-808-9776		01/22/13	01/15

September 13, 2012

To the Members of the Lincoln County Commission;

Regretfully, I am tendering my immediate resignation both as Chairman and as a member of the Lincoln County Planning Commission.

It has been a pleasure and an honor to serve Lincoln County and I hope that my time on the Planning Commission was productive for the future of the County.

Sincerely,

Jennie Dorgan Levi

## Billie-Jo Guevara

---

**From:** Curt Temple  
**Sent:** Tuesday, December 03, 2013 3:11 PM  
**To:** Billie-Jo Guevara  
**Subject:** FW: resign

Another bites the dust from the PC.

--

Curt Temple, CFM  
Planning Director,  
County of Lincoln  
115 Kansas City Road  
Ruidoso, NM 88345  
575-258-5934 office  
575-258-5938 fax  
575-808-1380 cell

-----Original Message-----

**From:** Nora Midkiff [<mailto:noratmidkiff@gmail.com>]  
**Sent:** Tuesday, December 03, 2013 8:46 AM  
**To:** Curt Temple  
**Subject:** resign

Curt,  
I am resigning for the Planning commission. We are moving to Denver. Thanks, Nora

## Billie-Jo Guevara

---

**From:** Nita Taylor  
**Sent:** Friday, December 27, 2013 9:22 AM  
**To:** Billie-Jo Guevara; Dallas Draper  
**Subject:** FW: Interest in Planning Commission

Billie Jo and Dallas,

Mary Ann Russ is interested in being appointed to the Planning commission. Dallas, she'd be your appointee, I think. Billie Jo, will this e.mail message suffice?

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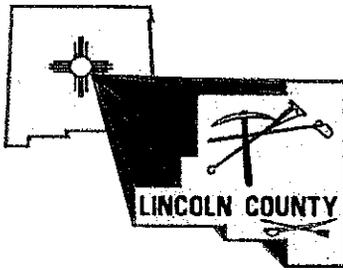
**From:** Mary Ann Siegel [<mailto:maruss52@icloud.com>]  
**Sent:** Thursday, December 26, 2013 3:06 PM  
**To:** Nita Taylor  
**Subject:** Interest in Planning Commission

Nita. With my LBFRC directorship, I am very interested in being appointed to this commission. Please advise as to the next step. Thanks Mary Ann Russ

Mary Ann Russ  
Lincoln County Land and Natural Resources Committee  
Little Bear Forest Reform Coalition, Board of Directors



Sent from my iPhone



www.lincolncountynm.net

# County of Lincoln

P.O Box 711 • 300 Central Ave. • Carrizozo, New Mexico 88301-0711 • (575) 648-2385

## AGENDA ITEM NO. 23

January 9, 2014

### MEMORANDUM

**TO:** County Commissioners

**FROM:** Nita Taylor, Lincoln County Manager *NT*

**SUBJECT:** Protection of County Government Revenue Stream

**Purpose:** Consider / Take Action on Adopting Resolution 2013-29 Requesting the State of New Mexico to Protect County Government Revenue Streams

**Discussion:** At its January 2<sup>nd</sup> meeting, the Commission considered and approved support to a proposal by the New Mexico Association of Counties (NMAC) that would serve as a counter-proposal to the New Mexico Health and Human Services Department's recommendation that the 2<sup>nd</sup> 1/8<sup>th</sup> Indigent Health Care GRT (or its equivalent) of all counties be intercepted by the state. These intercepted taxes would pay for 1) the Safety Net Care Pool and 2) Hospital rate increases. NMAC's counter-proposal was basically to obtain from each county an annual commitment for funding in an amount that would approximately equal the 1/16<sup>th</sup> GRT increment (\$283,192 for Lincoln County). It would be each county's option as to how the fund the commitment. I.e., GRT increment, general fund, mill levy. Under the NMAC proposal, these funds would not be intercepted.

As emphasized, both recommendations are merely recommendations at this time; a legislation fix is a certainty. The 1/8<sup>th</sup> GRT intercept is clearly on the table. While the Commission opted to support the NMAC counter-proposal, it strongly maintained the position that it opposed the 1/8<sup>th</sup> GRT direct intercept by the State. The County maintains it has the right to make the choice. Revenues taken from the County may have an immediate impact on important services to the citizens of Lincoln County, including the potential of reduced law enforcement, reduced fire protection, reduced road maintenance, etc. Resolution 2013-29 clearly illustrates that the County Commission does not support any upcoming legislation that would require the County Commission to be forced to relinquish any of its local taxes.

**Recommendation:** Adopt Resolution 2013 – 29.

**Resolution 2013-29**  
**Requesting the State of New Mexico to Protect**  
**County Government Revenue Streams**

**WHEREAS**, county governments in New Mexico are charged by law to provide many critical functions including, but not limited to, provision of law enforcement, fire protection, detention facilities, road maintenance, and indigent medical care; *and*

**WHEREAS**, counties' only sources of revenue are gross receipts taxes, property taxes, tax replacement payments, and oil and gas royalty payments; *and*

**WHEREAS**, the Administration has proposed taxing county governments to fund a match to hospital uncompensated care without providing additional replacement revenue or assuming other county obligations.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Lincoln County, New Mexico that the Legislature is requested to recognize that revenue, from whatever source, taken from county governments may have an immediate impact on important services to the citizens of Lincoln County, including the potential of reduced law enforcement, reduced fire protection, reduced road maintenance, and the like.

County governments may find it necessary to take the unpopular step of raising taxes on its local citizens while the State is using local revenue as a means of paying for corporate income tax reduction and paying for other statewide programs such as uncompensated care without taking into consideration that local governments are already dedicating a portion of their gross receipts taxes to pay existing Medicaid taxes.

**BE IT FURTHER RESOLVED** that Lincoln County will continue to diligently pursue the protection of its citizens and does not support any upcoming legislation that would require the County Commission to relinquish any of its current local tax revenue stream, that could result in forced consideration of additional implementation of local taxes.

**PASSED AND ADOPTED** on the 14<sup>th</sup> day of January, 2014.

**BOARD OF COMMISSIONERS OF  
THE COUNTY OF LINCOLN,  
NEW MEXICO**

\_\_\_\_\_  
Jackie Powell, Chairwoman

\_\_\_\_\_  
Preston Stone, Vice Chair

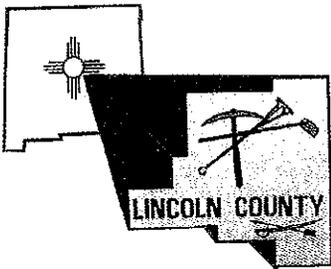
\_\_\_\_\_  
Mark Doth, Member

\_\_\_\_\_  
Dallas Draper, Member

\_\_\_\_\_  
Kathryn Minter, Member

**ATTEST:**

\_\_\_\_\_  
Rhonda Burrows, County Clerk



# LINCOLN COUNTY CLERK

Rhonda B. Burrows, County Clerk      Tammie J. Maddox, Chief Deputy Clerk

300 Central Ave. • P.O. Box 338 • Carrizozo, New Mexico 88301-0970  
(575) 648-2394 ext. 6 • Fax (575) 648-2576 • (800) 687-2705 ext. 6  
[www.lincolncountynm.net](http://www.lincolncountynm.net)

## Memo

Agenda Item No. 24

**To:** Board of County Commissioners  
**Cc:** Nita Taylor, County Manager  
**From:** Rhonda Burrows, County Clerk  
**Date:** 1/9/2014  
**Re:** Amendment of Polling Place Resolution 2013-15

---

After the adoption of Resolution 2013-15, I became aware of a possible alternate Early Vote Site in Ruidoso which will better serve the needs of voters for the upcoming Primary and General Elections.

The proposed location of the site is known as the Horton Complex which now houses among other services the Region IX Education Cooperative offices. After meeting with Mary Reeves, Executive Director for Region IX and reviewing the proposed site several distinct advantages over the current Ruidoso Senior Center location were identified. These include expanded parking, a larger space which can be reserved for voting only, greater security for voting equipment, and less interference with daily site activities. The proposed site also meets requirements as set forth in statute for polling sites regarding accessibility and location.

The County Clerk's office greatly appreciates the cooperation and assistance provided over many years to voters at the Ruidoso Senior Center by the Village of Ruidoso. This change is proposed to accommodate the expanding role of the early vote site and we look forward to a successful partnership with Region IX and the Ruidoso School District.

Under the direction of the Secretary State's office the proposed amended Resolution will accomplish this change and I respectfully request your adoption of the Resolution.

**Lincoln County  
Resolution Number 2013 – 30**

**AMENDING RESOLUTION 2013-15**

**A Resolution Designating the Polling Places  
for the 2014 Primary and General Elections**

**WHEREAS**, the New Mexico Statutes Annotated 1978, Section 1-3-2 requires that no later than the first Monday in November of the odd-numbered year, the Board of County Commissioners shall by resolution designate polling places; *and*

**WHEREAS**, the Board of County Commissioners finds that each polling place designated in this resolution complies with the provisions of NMSA 1978, Section 1-3-7, titled Polling Places; *and*

**WHEREAS**, the Board of County Commissioners finds that those precincts that are consolidated to create Vote Centers meet the requirements of NMSA 1978, Section 1-3-4, will be available to voters of any precinct in the county to cast a vote at the Vote Center, will make voting more convenient and accessible to voters of the consolidated precinct, will not result in delays for voters in the voting process, and are centrally located within the consolidated precinct; *and*

**WHEREAS**, the New Mexico Statutes Annotated 1978, Section 1-6-5.7 requires early voting to be conducted in the office of the County Clerk and at such alternate voting locations as may be established by the county clerk; *and*

**WHEREAS**, the New Mexico Statutes Annotated 1978, Section 1-6-20 requires the Board of County Commissioners to create an absent voter precinct for each county

**WHEREAS**, the Board of County Commissioners finds that each polling place provides individuals with physical mobility limitations unobstructed access to at least one voting machine.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of County Commissioners designates the polling locations for the 2014 Primary and General Elections as follows:

**ELECTION DAY VOTE CENTERS:**

*(All voters in the county may vote at these locations, regardless of where they live.)*

**Precinct Numbers**

**Location and Address**

1, 19

Corona Village Hall  
461 Main Street, Corona, NM

2, 13, 17

Lincoln County Courthouse  
300 Central Avenue, Carrizozo, NM

3, 4, 14, 20

Capitan High School  
150 Forest Street, Capitan, NM

5, 6, 7, 8, 9, 21

Ruidoso Convention Center  
111 Sierra Blanca Drive, Ruidoso, NM

10, 11, 18, 22

Ruidoso Downs Zia Center  
393 Highway 70 W, Ruidoso Downs, NM

12, 15, 16

Hondo High School  
111 Don Pablo Lane, Hondo, NM

**ABSENTEE/EARLY VOTE**

Lincoln County Courthouse  
300 Central Avenue, Carrizozo, NM

**EARLY VOTE**

Horton Complex (NEW)  
237 Service Road, Ruidoso, NM

**PASSED, APPROVED, and ADOPTED** this 14<sup>th</sup> day of January, 2014.

Board of Commissioners  
Lincoln County, State of New Mexico

\_\_\_\_\_  
**Jackie Powell**, Chairwoman

\_\_\_\_\_  
**Preston Stone**, Vice Chair

\_\_\_\_\_  
**Dallas Draper**, Member

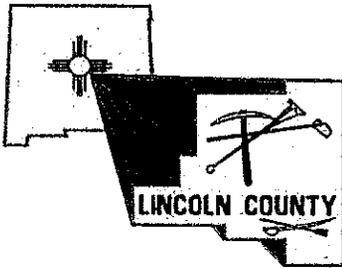
\_\_\_\_\_  
**Kathryn Minter**, Member

\_\_\_\_\_  
**Mark Doth**, Member

ATTEST:

**SEAL**

\_\_\_\_\_  
**Rhonda Burrows**, County Clerk



www.lincolncountynm.net

# County of Lincoln

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## AGENDA ITEM No. 25

January 10, 2014

### MEMORANDUM

**TO:** County Commissioners

**FROM:** Nita Taylor, Lincoln County Manager *NT*

**SUBJECT:** Lincoln County Medical Center Lease Agreement

**DISCUSSION:** The Lease Agreement (“Agreement”) between the County of Lincoln and Presbyterian Healthcare Services (“PHS”) for the Lincoln County Medical Center Complex (“LCMC”) has been renegotiated. See Enclosure 1. Key terms required by the Commission have been included:

1. County shall pay to Presbyterian Healthcare Services (“PHS”) the full amount of any mill levy collected, less any obligation the County has to pay the State for the Sole Community Provider Program, or other successor programs;
2. PHS shall pay the County \$1,100,000 per year for one year, in monthly installments;
3. The parties shall meet ninety days prior to the end of each year, beginning for the first time on October 1, 2015, to determine whether any adjustment (either up or down) to the base rent is warranted.
4. If parties fail to agree on any adjustment, PHS shall pay for the following year the base rent then in effect plus Fifty Thousand Dollars (\$50,000).

**Manager’s Recommendation.** Approve the Second Amendment to Lease Agreement, as negotiated.

**SECOND AMENDMENT  
TO  
LEASE AGREEMENT**

This Second Amendment to Lease Agreement is made as of the 1st day of January 2014, by and between the COUNTY OF LINCOLN, a political subdivision of the State of New Mexico (the "County") and PRESBYTERIAN HEALTHCARE SERVICES, a New Mexico nonprofit corporation ("PHS").

**RECITALS**

- A. County and PHS are parties to a Lease Agreement dated April 12, 2006 (the "Lease").
- B. County has constructed certain improvements on real property currently leased to PHS ("Improvements"). PHS and County wish to formally memorialize the terms and conditions under which these new improvements will be leased to PHS.
- C. In accordance with Section 2.1 of the Lease, and in light of the construction of the Improvements, PHS and the County desire to agree on an adjustment to the base rent.
- D. County and PHS desire to amend the Lease as set forth in this Second Amendment to Lease Agreement ("Second Amendment").

**AGREEMENT**

NOW, THEREFORE, in consideration of the foregoing premises, the County and PHS agree to amend the Lease, effective as of January 1, 2014, as follows:

- A. Exhibit A to the existing Lease is hereby deleted in its entirety and replaced with the Exhibit A attached to this Second Amendment. Exhibit A is being added to more clearly provide that the fixed assets shall include the LCMC Hospital Assets, EMS Assets and Rural Clinic Assets ("Additional Fixed Assets").
- B. Section 1.1 of the Lease is hereby amended to include the Physician's Office Building located at 121 El Paso Road, Ruidoso, New Mexico ("POB") and the Physical Therapy Building located at 213 Sudderth, Ruidoso, New Mexico ("PT Building") to the Lease. The parties agree that under the Lease the POB and PT Building will be considered "Leased Premises" or "Premises."

C. Sections 12.1 and 12.6 of the Lease are hereby amended to provide that although the County shall pay to PHS the full amount of any mill levy collected, or use such mill levies solely for the benefit of the Lincoln County Medical Center, and rural clinics and EMS services within Lincoln County, the County shall have sole discretion to determine how much of any authorized mill levy shall be imposed on an annual basis. The parties also agree that Lincoln County Medical Center may have input as to the portion of mill levies that will be used to obtain Sole Community Provider funding, as the program has been historically known, or for such similar programs as the SCP program evolves or as other programs are developed in the future.

D. Section 2.1 of the Lease is hereby amended to read as follows:

2.1. Base Rent: PHS shall pay the County as rental for the use of the Leased Premises the sum of One Million One-Hundred Thousand Dollars (\$1,100,000) per year for one year, payable in 12 equal monthly installments commencing on January 1, 2014 and continuing thereafter on or before the first business day of each month during the Initial Term and any Renewal Term. The Parties may agree that any portion or all of the amount due as rent may be offset by the assumption by PHS of obligations otherwise imposed on the County under this Lease upon prior approval of the County. Ninety days prior to the end of each year, beginning for the first time, however, on October 1, 2015, the parties shall meet to determine whether any adjustment (either up or down) to the base rent is warranted. Any adjustment to which the parties agree shall be effective as of the January 1<sup>st</sup> following the date of such agreement. If the parties fail to agree on any adjustment, PHS shall pay for the following year the base rent then in effect plus Fifty Thousand Dollars (\$50,000.00).

E. The parties agree that they shall enter into a medical director agreement pursuant to a separate written agreement to address the medical director services required in connection with the County's volunteer fire department and for dispatch of EMS through the Sherriff's Office.

F. Except as specifically amended above, the provisions of the Lease remain in full force and effect.

IN WITNESS WHEREOF, the parties have hereunto affixed their hands and seal the day and year first above written.

**PRESBYTERIAN HEALTHCARE SERVICES**

**BOARD OF COUNTY COMMISSIONERS  
OF LINCOLN**

By: \_\_\_\_\_  
James H. Hinton, President  
& Chief Executive Officer

by: \_\_\_\_\_  
Jackie Powell, Chair

**ATTEST:**

\_\_\_\_\_  
Rhonda Burrows  
Lincoln County Clerk

Approved as to form and correctness:

\_\_\_\_\_  
Alan P. Morel, Attorney for Lincoln County

Approved as to form and correctness:

\_\_\_\_\_  
Gabriel Parra, Attorney for Presbyterian  
Healthcare Services

EXHIBIT A



# Fixed Assets

## LINCOLN COUNTY MEDICAL CTR

INVENTORY	LOCATION	DESCRIPTION	SERIAL #
7198871	LCMC	LCMC HOSPITAL	
8601723	LCMC	CHILLER UNIT FOR A/C	
8601725	LCMC	FILE SAVER FOR RADIOLOGY	
8601732	LCMC	GENERATOR EMERGENCY	
8702482	LCMC	SPACESAVER MOBILE SYSTEM	
8702483	LCMC	DRAW-MED CHAIR (EX TALL)	
8702495	LCMC	FLATBED PLATELET AGIRATOR	
8702830	LCMC	DIESEL FUEL STORAGE TANK	
8703029	LCMC	VACUUM PUMP	C14261/C14262
8703049	LCMC	AESTIVA ANESTHESIOLOGY MACHINE	AMRD02365
8703050	LCMC	AESTIVA ANESTHESIOLOGY MACHINE	AMRD02350
8703193	LCMC	HEADWALL UNITS (24)	
8703810	LCMC	INTELLIVUE PATIENT MONITORS	DE34707752
8703811	LCMC	INTELLIVUE PATIENT MONITORS	DE34707787
8703883	LCMC	THERMAL ARRAY RECORDER MODULE	4227A34271
8703884	LCMC	THERMAL ARRAY RECORDER MODULE	4227A34272
8703885	LCMC	ANETHETIC GAS MODULE	3950A19148
8703886	LCMC	ANETHETIC GAS MODULE	3950A19149
8703887	LCMC	HEMODYNAMIC MEASUREMENT SERVER	DE34702094
8703888	LCMC	HEMODYNAMIC MEASUREMENT SERVER	DE34702095
8703889	LCMC	INTELLI-VUE MULTI-MEASUREMENT	DE22744812-0427G108
8703890	LCMC	INTELLI VUE MULTI MEASUREMENT	DE22744822-0426G985
8704161	LCMC	PACO PUMP	STJ1020953130001
8704357	LCMC	SERVER/HARDWARE GS-35P-0195J	
8705118	LCMC	SITE OF LCMC COMPLEX	OWNER# 29075 & 4497
8705119	LCMC	SITE OF LCMC THERAPY CENTER	
8705120	LCMC	THERAPY CENTER BUILDING	
8705891	LCMC	BUSCH VACUUM PUMP	V115110610
8705892	LCMC	BUSCH VACUUM PUMP	V114810145
8705949	LCMC	SITE OF PHYSICIANS OFFICE BLDG	117,119, 121, 123 EL.P
8705964	LCMC	MEDICAL CENTER OFFICE BLDG	



# Fixed Assets

## EMERGENCY MEDICAL DEPARTMENT

INVENTORY	LOCATION	DESCRIPTION	SERIAL #
6900505	EMS	2 PIECE K-BAR-T	
6900757	EMS	K BAR T RESCUE TOOL	
7101413	EMS	K-BAR-T RESCUE TOOL	
8601816	EMS	OSCILLOMATE	
8601817	EMS	OSCILLOMATE	
8702009	EMS	OSCILLOMATE EMS	9905008
8702014	EMS	MX-PRO STRETCHER W/3 STAGE IV PL	990439041
8702017	EMS	MX-PRO STRETCHER W/3 STAGE IV PL	990439044
8702184	EMS	18V CORDLESS COMBO KIT	
8702185	EMS	MOBILE RADIO W/ANT & PRE-AMP	T83GXA7HA9AK
8702188	EMS	AMBULANCE COT 6080 MX PRO	
8702193	EMS	MOTOROLA MOBILE RADIO	T83GXA7HA9AK
8702199	EMS	DUPLEXER	
8702214	EMS	DELUXE MPL AIRWAY TRAIN	
8702215	EMS	1999 CHEVY AMBULANCE	1GBJK34J9XF034033
8702229	EMS	OSCILLOMATE EMS	9927008
8702248	EMS	PARTS CABINET 58" KOBALT	
8702252	EMS	LIFEPAK12 DEFIBRILLATOR/MONITOR	9693778
8702294	EMS	CPAP	
8702307	EMS	DEFIBRILLATOR	11892856
8702374	EMS	LIFEPAK12 DEFIBRILLATOR/MONITOR	9693778
8702379	EMS	GENERATOR 8000W VANTAGE	
8702396	EMS	2000 CHEVROLET AMBULANCE	1GBJK34J7YF416059
8702449	EMS	DUPLEXER	TELWAV TRPD1556
8702690	AUCTION	MOTOROLA MCS 2000 MOBILE RADIO	623AAY0836
8702727	EMS	MX PRO AMBULANCE COT	010139429
8703068	EMS	RESCUE TOOLS KIT	
8703069	EMS	RESCUE TOOLS KIT	
8703070	EMS	HONDO EMS BUILDING	
8703080	EMS	OSCILLOMATE EMS MONITOR	0119112
8703081	EMS	OSCILLOMATE EMS MONITOR	
8703094	EMS	MXPRO ALL LEVEL STRETCHER	020239270

**EMERGENCY MEDICAL DEPARTMENT**

INVENTORY	LOCATION	DESCRIPTION	SERIAL #
8703191	EMS	FERNO OX CYLINDER LOADING SYSTEM	JJ24993
8703232	EMS	FERNO OX CYLINDER LOADING SYSTEM	238-1370-00A3
8703475	EMS	MX/PRO R3 AMBULANCE COT	030439353
8703503	EMS	OSCILLOMATE NTBP/SP02	0251016
8703504	EMS	OSCILLOMATE NTBP/SP02	0251585
8703515	EMS	RESUSCI-ANNE BASIC CPR	LM310035
8703516	EMS	ADULT AIRWAY MANIKEN TRAINER	
8703589	EMS	NONIN 8500 PULSE OXIMETER	124701053
8703645	EMS	LIFEPAK12 DEFIBRILLATOR/MONITOR	
8703646	EMS	LIFEPAK12 DEFIBRILLATOR/MONITOR	31548221
8703658	AUCTION	MOTOROLA MCS2000 MOBILE RADIO	623CDW0253
8703662	EMS	2004 CHEVROLET SILVERADO 3500	1GBJK34G14E229033
8703808	EMS	1999 WELLS CARGO UTILITY TRAILER	1WC200B14X7003329
8703821	EMS	LIFEPAK 12 DEFIBRILLATOR/MONITOR	32259378
8703822	EMS	LIFEPAK 12 DEFIBRILLATOR/MONITOR	32589642
8703869	EMS	6138 POLISHER	
8703880	EMS	LP12 DEFIBRILLATOR/MONITOR	33025925 / 33025367
8703900	EMS	LIFEPAK12 DEFIBRILLATOR/MONITOR	33112591
8703908	GEN COUNTY GOV	REPEATER AND DUPLEXER	A9100184
8704029	EMS	NASCO CHLD CRISIS MANIKIN	
8704030	EMS	VENTILATOR	A1135
8704062	LCMC	UPHOLSTERY CLEANER	67423
8704063	EMS	TK790HBK RADIO MOBILE VHF	80100206
8704064	LCMC	TK890HBK RADIO MOBILE UHF	80100116
8704066	EMS	2006 MASTER TOW DOLLEY	4DFTS101X6N081860
8704073	EMS	LIFEPAK12 DEFIBRILLATOR/MONITOR	3716655
8704155	EMS	11000W GENERATOR	J758822
8704197	EMS	KOHLER 15 RES GENERATOR	2125874
8704202	EMS	PULSE CO OXIMETER	70521016450
8704203	EMS	PULSE CO OXIMETER	70521615981
8704208	BMS	MINITOR 5 PAGER	136WGYD565
8704209	BMS	MINITOR 5 PAGER	136WGYD564
8704210	EMS	MINITOR 5 PAGER	136WGYD561
8704211	EMS	MINITOR 5 PAGER	136WGYD560

**EMERGENCY MEDICAL DEPARTMENT**

INVENTORY	LOCATION	DESCRIPTION	SERIAL #
8704212	EMS	MINITOR 5 PAGER	136WGYD559
8704213	EMS	MINITOR 5 PAGER	136WGYD558
8704214	EMS	MINITOR 5 PAGER	136WGYD555
8704215	EMS	MINITOR 5 PAGER	136WGYD554
8704216	EMS	MINITOR 5 PAGER	136WGYD569
8704217	EMS	MINITOR 5 PAGER	136WGYD553
8704218	EMS	MINITOR 5 PAGER	136WGYD568
8704219	EMS	MINITOR 5 PAGER	136WGYD552
8704220	EMS	MINITOR 5 PAGER	136WGYD567
8704221	EMS	MINITOR 5 PAGER	136WGYD550
8704222	EMS	MINITOR 5 PAGER	136WGYD566
8704224	EMS	CM300 VHF 32CH 25-45W RADIO	922TGS316
8704225	EMS	CM300 VHF 32CH 25-45W RADIO	922TGS4327
8704235	EMS	2007 POLARIS RESCUE ATV	4XATN76A07A209483
8704261	EMS	HURST JAWS OF LIFE	
8704263	EMS	MOBILE UHF 40W 160 CH TK890	90100050
8704264	EMS	MOBILE UHF 40W 160CH TK890	90100068
8704265	EMS	TK790 MOBILE RADIO	80800026
8704266	EMS	TK790 MOBILE RADIO	80800295
8704267	EMS	2007 SUBURBAN 3/4-TON 4X4	3GNGK26K17G302830
8704294	EMS	CARGO TRAILER RESCUE RESPONSE	1WC200H2X32061707
8704425	EMS	DELL LAPTOP	CKML1M1
8704437	EMS	TK890 VHF/UHF RADIO	90800013
8704438	EMS	TK790 VHF/UHF RADIO	90400344
8704502	EMS	STAIRCHAIR/PRO	030439204
8704511	EMS	BARIATRIC STRETCHER	080539540
8704520	EMS	PRESSURE WASHER	110900410-162363
8704556	EMS	2008 CHEV 3500 REMOUNT AMB	1GBJK34688E164503
8704557	EMS	LIFEPACK 12 CARDIAC MONITOR	36995636
8704572	EMS	2008 CHEVY 3500 REMOUNT AMBULANC	1GBJK34678E164654
8704593	EMS	SATELLITE PHONE	MRHS008F
8704600	EMS	REPEATER 110W	00500025
8704636	EMS	TK890 KENWOOD MOBILE RADIO	A8C00001
8704637	EMS	TK890 KENWOOD MOBILE RADIO	A8C00006

**EMERGENCY MEDICAL DEPARTMENT**

INVENTORY	LOCATION	DESCRIPTION	SERIAL #
8704638	EMS	TK790 KENWOOD VHF MOBILE RADIO	A8C00071
8704639	EMS	TK790 KENWOOD VHF MOBILE RADIO	A9300164
8704709	EMS	2009 CHEVY K3500 REMOUNT AMBULAN	1GBJK84639E136543
8704710	EMS	2009 DODGE TYPE I 4X4 MED DUTY	3D6WD66L09G541023
8704753	EMS	2009 CHEVY AMBULANCE	1GBJK84679E140675
8704755	EMS	TRANSPORT VENTOLATOR PULMONETIC	E34923
8704789	EMS	O2 MONITOR	618613-003
8704790	EMS	O2 MONITOR	618613-002
8704863	EMS	ECLIPSE THERMAL IMAGER	48046
8705172	EMS	2010 DODGE 4500 AMB	3D6WD66L29G541024
8705253	EMS	CPAP	343-11522
8705264	EMS	AMBULANCE COT	
8705268	EMS	STAIRCHAIR PRO	
8705269	EMS	STAIRCHAIR PRO	
8705270	EMS	2004 CHEVY SILVERADO	1GCHK23G64F166673
8705272	EMS	2005 MCI TRAILER	5PKUCM2255W051302
8705297	EMS	2010 DODGE 3500 4X4 PICKUP	3D73Y3HL5AG171433
8705305	LCMC	KENWOOD TK-2180 VHF PORTABLE RAD	B0500725
8705306	LCMC	KENWOOD TK-2180 VHF PORTABLE RAD	B0500726
8705307	LCMC	KENWOOD TK-2180 VHF PORTABLE RAD	B0500727
8705308	LCMC	KENWOOD TK-2180 VHF PORTABLE RAD	B0500728
8705309	LCMC	KENWOOD TK-2180 VHF PORTABLE RAD	B0500729
8705310	LCMC	KENWOOD TK-2180 VHF PORTABLE RAD	B0500730
8705311	LCMC	KENWOOD TK-2180 VHF PORTABLE RAD	B0500731
8705312	LCMC	KENWOOD TK-2180 VHF PORTABLE RAD	B0500328
8705313	LCMC	KENWOOD TK-2180 VHF PORTABLE RAD	B0500329
8705314	LCMC	KENWOOD TK-2180 VHF PORTABLE RAD	B0500330
8705315	LCMC	KENWOOD TK-2180 VHF PORTABLE RAD	B0500331
8705316	LCMC	KENWOOD TK-2180 VHF PORTABLE RAD	B0500335
8705317	LCMC	KENWOOD TK-2180 VHF PORTABLE RAD	0500336
8705318	LCMC	KENWOOD TK-2180 VHF PORTABLE RAD	B0500337
8705319	LCMC	KENWOOD TK-2180 VHF PORTABLE RAD	B0500663
8705320	LCMC	KENWOOD TK-2180 VHF PORTABLE RAD	B0500664
8705321	LCMC	KENWOOD TK-2180 VHF PORTABLE RAD	B0500665

**EMERGENCY MEDICAL DEPARTMENT**

INVENTORY	LOCATION	DESCRIPTION	SERIAL #
8705322	LCMC	KENWOOD TK-2180 VHF PORTABLE RAD	B0500666
8705323	LCMC	KENWOOD TK-2180 VHF PORTABLE RAD	B0500667
8705324	LCMC	KENWOOD TK-2180 VHF PORTABLE RAD	B0500668
8705325	LCMC	KENWOOD TK-2180 VHF PORTABLE RAD	B0500669
8705326	LCMC	KENWOOD TK-2180 VHF PORTABLE RAD	B0500670
8705327	LCMC	KENWOOD TK-2180 VHF PORTABLE RAD	B0500671
8705328	LCMC	KENWOOD TK-2180 VHF PORTABLE RAD	B0500672
8705329	LCMC	KENWOOD TK-2180 VHF PORTABLE RAD	B0500723
8705330	LCMC	KENWOOD TK-2180 VHF PORTABLE RAD	B0500724
8705387	EMS	DELL LAPTOP COMPUTER	2S9R1M1
8705388	EMS	DELL LAPTOP COMPUTER	6H9R1M1
8705467	BMS	STRYKER STRETCHER	110144181
8705468	EMS	KENWOOD VHF MOBILE RADIO	B1100125
8705469	EMS	KENWOOD UHF MOBILE RADIO	
8705485	LCMC	2011 CHEVROLET AMBULANCE	1GB3K0CL2BF132372
8705584	EMS	TK2180 PORTABLE RADIO	B1300229
8705585	EMS	TK2180 PORTABLE RADIO	B1300227
8705586	EMS	TK2180 PORTABLE RADIO	B1300065
8705587	EMS	TK2180 PORTABLE RADIO	B1200471
8705588	EMS	TK2180 PORTABLE RADIO	B1200471
8705589	EMS	TK2180 PORTABLE RADIO	B1200476
8705590	EMS	TK2180 PORTABLE RADIO	B1300062
8705591	EMS	TK2180 PORTABLE RADIO	B1300226
8705592	EMS	TK2180 PORTABLE RADIO	B1300225
8705593	EMS	TK2180 PORTABLE RADIO	B1200552
8705594	EMS	TK2180 PORTABLE RADIO	B1200552
8705595	EMS	TK2180 PORTABLE RADIO	B1200553
8705596	EMS	TK2180 PORTABLE RADIO	B1200554
8705597	EMS	TK2180 PORTABLE RADIO	B1200555
8705598	EMS	TK2180 PORTABLE RADIO	B1200556
8705599	EMS	TK2180 PORTABLE RADIO	B1200557
8705600	EMS	TK2180 PORTABLE RADIO	B1200558
8705601	EMS	TK2180 PORTABLE RADIO	B1200559
8705602	EMS	TK2180 PORTABLE RADIO	B1200560

**EMERGENCY MEDICAL DEPARTMENT**

INVENTORY	LOCATION	DESCRIPTION	SERIAL #
8705603	EMS	TK2180 PORTABLE RADIO	B1300226
8705607	BMS	KENWOOD TK790H MOBILE RADIO	B1400018
8705608	BMS	KENWOOD TK790H MOBILE RADIO	B1400037
8705609	EMS	KENWOOD TK790H MOBILE RADIO	B1400038
8705610	EMS	KENWOOD TK790H MOBILE RADIO	B1400039
8705611	EMS	KENWOOD TK890H UHF MOBILE RADIO	B1400025
8705612	EMS	KENWOOD TK890H UHF MOBILE RADIO	B1400028
8705613	EMS	KENWOOD TK890H MOBILE UHF RADIO	B1400029
8705614	EMS	KENWOOD TK890H UHF MOBILE RADIO	B1400030
8705666	EMS	LP15 CARDIAC MONITOR	39826035
8705668	EMS	TOUGHBOOK COMPUTER	1FKYA57564
8705695	EMS	2011 CHEVY SILVERADO AMB	1GB3K0CLABF195294
8705783	EMS	LP15 CARDIAC MONITOR	40051354
8705942	EMS	PULSE CO-OXIMETER	744893
8705943	EMS	PULSE CO-OXIMETER	745720
8705944	EMS	PULSE CO-OXIMETER	745710
8706078	LCMC	POWER PRO STRYKER AMB COT	130139885
8706098	EMS	CARDIAC MONITOR	41709737
8706099	EMS	CARDIAC MONITOR	41230441
8706100	EMS	PERFORMANCE PRO AMB STRETCHER	120339424
8706169	LCMC	TK790HBK VHF MOBILE RADIO	B3300233
8706170	LCMC	TK2180K VHF PORTABLE RADIO	B3300184
8706171	LCMC	TK890HBK UHF MOBILE RADIO	B3400030
8706172	LCMC	TK2180K VHF PORTABLE RADIO	B3300185
8706175	LCMC	DAVID CLARK MOBILE RADIO HEADSET	NONE
8706186	RUIDOSO	LTV1200 TRANSPORT VENTILATOR	E67440
8706240	EMS	DODGE 4500 TYPE I AMBULANCE	3C7WRLBL5DG561257
8706255	BMS	LP 15 CARDIAC MONITOR	41708298
8706256	EMS	LP 15 CARDIAC MONITOR	41230523
8706264	EMS	LP15 CARDIAC MONITOR	41790272
8706265	EMS	LP15 CARDIAC MONITOR	41798898
I-1083	EMS	OPTIPLEX 760 COMPUTER	79XG6K1
I-1086	BMS	OPTIPLEX 760 COMPUTER	
I-1089	EMS	MOBILE RADIO KENWOOD VHF	A900103

**EMERGENCY MEDICAL DEPARTMENT**

<b>INVENTORY</b>	<b>LOCATION</b>	<b>DESCRIPTION</b>	<b>SERIAL #</b>
I-1090	EMS	MOBILE ROAD KENWOOD UHF	A9400039
I-1091	EMS	MOBILE RADIO KENWOOD UHF	A9400022
I-1092	EMS	MOBILE RADIO KENWOOD VHF	A9300103
I-1093	EMS	STRYKER AMB COT	6085-000-0012
I-1126	EMS	STRYKER AMB COT	6085-000-0011
I-1178	BMS	RAD 57 HANDHELD OXIMETER	711182
I-1179	BMS	RAD 57 HANDHELD OXIMETER	712257
I-1180	BMS	RAD 57 HANDHELD OXIMETER	712613
I-1181	BMS	RAD 57 HANDHELD OXIMETER	712049
I-1182	BMS	RAD 57 HANDHELD OXIMETER	712295
I-1288	EMS	CPAP	343-11521
I-1289	EMS	CPAP	343-11520
I-1290	EMS	CPAP	343-11519
I-1291	EMS	CPAP	343-11496
I-1292	EMS	CPAP	343-11495
I-1300	EMS	BATTERY SUPPORT SYSTEM	38265373



# Fixed Assets

## RURAL HEALTH CLINICS

INVENTORY	LOCATION	DESCRIPTION	SERIAL #
5100542		STAINLESS STEEL CART ON WHEELS	NEW HORIZONS
5100550	CHC	STAINLESS STEEL METAL CART	
5100553	CHC	STORAGE CHEST, DRUG	
5100556	CHC	TRAY STAND C TRAY	
5100557	CHC	SCALE	
5100558	CHC	SCALE	
5600596	CHC	WHEELCHAIR	
5700590	CHC	2 DRAWER FILE CABINET	
5800562	CORONA HEALTH CL	EKG UNIT	
5800566	CHC	4 DRAWER FILE CABINET	
5800600	CHC	STAINLESS STEEL SHELVES	
5901151	CHC	METAL TOOL CHEST RED/BLACK	
6901306	CHC	DENTAL X-RAY, LONG BEAM	
7401861	CHC	DRY CHEMICAL ANALYZER	7417
7500002	CHC	WHIRLPOOL REFRIGERATOR	83-2510
7501967	CHC	DENTAL UNIT CART	
7600132	CHC	PEDIATRIC SCALE	
7600133	CHC	4 DRAWER FILE CABINET W/LOCK	
7600140	CHC	GRASON STADLER GSI-28A	A2913/90972/88866
7600209	CORONA HEALTH CL	4 DRAWER LEGAL FILE CABINET	
8601714	CHC	CHC BUILDING	MCDONALD ADDITIO
8601820	CHC	ANTENNA TOWER & CO-AX	
8601824	CHC	12X\$116.69EA SIDE CHAIRS	
8601825	CHC	18X\$116.69EA SIDE CHAIR	
8601826	CHC	18X\$21.32EA ALIGNMENT	
8601827	CHC	(4) 24X16 TABLE,CHARCOAL	
8601828	CHC	ECLIPSE SHAPE TABLE 16 1/2" (2)	
8601829	CHC	30X66 DESK DRIFTWOOD SPECKLE	
8601830	CHC	30X66 DESK, DRIFTWOOD (3)	
8601831	CHC	24X36 DESK, DRIFTWOOD LAMINANTE	
8601832	CHC	24X36 DESK WITH RETURN (3)	
8601833	CHC	18 1/2X21 CENTRAL DRAWER PLASTIC	

RURAL HEALTH CLINICS

INVENTORY	LOCATION	DESCRIPTION	SERIAL #
8601834	CHC	4X\$131.78EA CSKS KDYBOAR	
8601835	CHC	4X\$197.47 CHAIR DESK	
8601836	CHC	7X\$108.83EA SIDE CHAIR, PURPLE	
8601838	CHC	AIR TECHNIQUE AIR STAR 5	
8601839	CHC	ADEC CASCADE VACBACK CHAIR	
8601840	CHC	ADEC CASCADE VACBACK CHAIR	
8601841	CHC	2X\$439EA ADEC CASCADE STOOLS	
8601842	CHC	ADEC CASCADE ASSIT.STOOL	
8601843	CHC	ADEC CASCADE ASSIST.STOOLS	
8601844	CHC	ADEC 2132 CONTINENTAL	
8601845	CHC	ADEC 2132 CONTINENTAL	
8601846	CHC	ADEC 2132 CONTINENTAL	
8601847	CHC	ADEC INTRA ORAL LIGHT SOURCE (3)	
8601848	CHC	ADEC 17 WATT POWER SUPPLY	
8601849	CHC	ADEC TUBING FOR 6 PIN	
8601850	CHC	ADEC WALL MOUNTED LIGHT	
8601851	CHC	ADEC WALL MOUNTED LIGHT	
8601852	CHC	ADEC WALL MOUNTED LIGHT	
8601853	CHC	ADEC WALL MOUNTED LIGHT	
8601854	CHC	GENDEX INTRAL ORAL XRAY MACHINE	
8601855	CHC	ADEC WALL MOUNT XRAY STORAGE	
8601856	CHC	ADEC WALL MOUNT XRAY STORAGE	
8601857	CHC	ADEC PREF II 5622 WALL CONSOLE	
8601858	CHC	ADEC PREF II 5622 WALL CONSOLE	
8601859	CHC	ADEC PREF II 5622 WALL CONSOLE	
8601860	CHC	ADEC PREF II 5622 WALL CONSOLE	
8601861	CHC	ADEC PREF II 5622 WALL CONSOLE	
8601862	CHC	ADEC PREF II DOCTORS CONSOLE	
8601863	CHC	ADEC PREF II DOCTORS CONSOLE	
8601864	CHC	ADEC PREF II DOCTORS CONSOLE	
8601865	CHC	ADEC PREF II DOCTORS CONSOLE	
8601866	CHC	ADEC PREF II DOCTORS CONSOLE	
8601867	CHC	ADEC 34" UPPER STORAGE	
8601868	CHC	ADEC 34" UPPER STORAGE	

RURAL HEALTH CLINICS

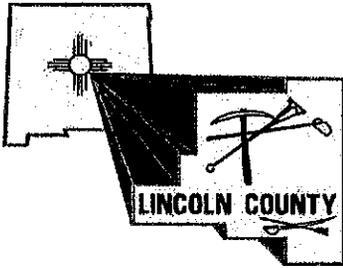
INVENTORY	LOCATION	DESCRIPTION	SERIAL #
8601869	CHC	ADEC 34" UPPER STORAGE	
8601870	CHC	ADEC 34" UPPER STORAGE	
8601871	CHC	ADEC 34" UPPER STORAGE	
8601872	CHC	ADEC 34" UPPER STORAGE	
8601873	CHC	ADEC 34" UPPER STORAGE	
8601874	CHC	ADEC 34" UPPER STORAGE	
8601875	CHC	ADEC 34" UPPER STORAGE	
8601876	CHC	ADEC 34" UPPER STORAGE	
8601877	CHC	ADEC CART W/ASSIST INSTRUMENTS	
8601878	CHC	ADEC CART W/ASSIST INSTRUMENTS	
8601879	CHC	ADEC CART W/ASSIST INSTRUMENTS	
8601880	CHC	ADEC CART W/ASSIST INSTRUMENTS	
8601881	CHC	ADEC CART W/ASSIST INSTRUMENTS	
8601882	CHC	ADEC CART W/ASSIST INSTRUMENTS	
8601883	CHC	KAVO FIBER OPTIC HANDPIECE	
8601884	CHC	KAVO FIBER OPTIC HANDPIECE	
8601885	CHC	KAVO FIBER OPTIC HANDPIECE	
8601886	CHC	STAT TITAN 2 PLUS MOTOR	
8601887	CHC	STAT TITAN 2 PLUS MOTOR	
8601888	CHC	STAT TITAN 2 PLUS MOTOR	
8601889	CHC	STAT TITAN 2 PLUS MOTOR	
8601890	CHC	STAT TITAN 2 BALL BEAR	
8601891	CHC	STAR TITAN 2 MOTOR TO	
8601892	CHC	KAVO MULTI-FLEX COUPLER	
8601893	CHC	THETA COMMUNICATION SYSTEM	
8601894	CHC	ADEC RADIUS SELF CONTAINERS	
8702454	CHC	HANDPIECE LAB ENGINE	
8702455	CHC	READ-A-CRIT	
8702458	CHC	HP 4050N LASERJET PRINTER	SUS7C071396
8702484	CHC	DRAW-MED CHAIR (EX TALL)	
8702485	CORONA HEALTH CL	ULTI-MED CHAIR	
8702894	CHC	DENTAL X-RAY UNIT	771-1454701D
8702972	CHC	HP PAGEWRITER CARDIOGRAPH	CND4752434
8703173	CHC	XEROX DC420AC2 DIGITAL COPIER	91P80361 (NL2-022968)

**RURAL HEALTH CLINICS**

INVENTORY	LOCATION	DESCRIPTION	SERIAL #
8703437	CHC	OPTILUX 400 CURING LIGHT	47105379
8703438	CHC	OPTILUX 400 CURING LIGHT	47104922
8703439	CHC	ULTRASONIC SCALER WITH 3 TIPS	324481
8703474	CHC	DENTAL CHAIR AND EQUIPMENT	D315580
8703622	CHC	DIFIBRILLATOR/MONITOR	31258443
8703724	CORONA CLINIC	TUTTNAUER 2540M AUTOCLAVE	SN# 2307286
8703727	CHC	ULTRASONIC SCALER	QDG010307305E
8703747	CHC	TUTTNAUER 2540M AUTOCLAVE	2307290
8703758	CORONA CLINIC	PROCEDURE LIGHT LS200	
8703764	CORONA CLINIC	PORTABLE PULSE OXIMETER	G04817187
8703765	CHC	PORTABLE PULSE OXIMETER	G04802213
8703796	CORONA CLINIC	CARDIOBEAT HANDHELD DOPPLER	
8703797	CAPITAN CLINIC	VITAL SIGNS MONITOR	
8703798	CORONA CLINIC	MOBILE STAND	
8703799	CORONA CLINIC	EQUIPMENT STAND	
8703862	CORONA CLINIC	DEFIBRILLATOR/MONITOR	32653358
8703881	CHC	TUFF SHED 8'X12'	
8703902	CHC	FILM PROCESSOR	474874
8703912	CHC	ENDOLONIC APEX LOCATOR	N86-5773
8703913	CHC	DENTAL CURING LIGHT	50630136
8703974	CHC	TCM ENDO III MICROMOTOR	815-9113
8703981	CHC	WATER SOFTNER FOR CLINIC	
8703993	CHC	DENTAL EZ GR POWER HEAD MOTOR	NMA579954
8704145	CHC	HP COMPAQ DX5150 W/MONITOR	MLX6321171
8704146	CHC	HP COMPAQ DX5150 W/MONITOR	MLX6321173
8704147	CHC	HP COMPAQ DX5150 W/MONITOR	PZ585UA#ABA
8704148	CHC	FLOOR BURNISHER	AM24000001430
8704150	CHC	TUTTNAUER STERILIZER	
8704153	CORONA HEALTH CL	PORTABLE SUCTION UNIT	
8704154	CHC	DENTAL HYGIENE CART	CRT-3124
8704158	CHC	VITAL SIGNS MONITOR	VA039686
8704159	CHC	AIRSTAR 50 COMPRESSOR	551210
8704162	CORONA HEALTH CL	EXAM TABLE W/STIRRUPS	
8704163	CORONA HEALTH CL	EXAM TABLE W/O STIRRUPS	

RURAL HEALTH CLINICS

INVENTORY	LOCATION	DESCRIPTION	SERIAL #
8704649	CHC	CURING SMART LITE	B26105-H26105
8704652	CHC	EXAM TABLE W/STIRRUPS	NONE
8704653	CHC	EXAM TABLE W/ STIRRUPS	NONE
8704654	CHC	EXAM TABLE W/STIRRUPS	NONE
8704678	CHC	TRAUMA BED	0902034516
8705126	CHC	MCDONALD ADDITION	0224675,1000483
8705127	CHC	DUPLEX BEHIND CHC	
8705410	CHC	MIDMARK POWERVAC, SINGLE	V806065
8705644	CHC	NEW ROOF FOR CHC	CENTIMARK
8705681	CHC	CARRIER HVAC 7 1/2 TON RTU	1211G20684
8705682	CHC	CARRIER HVAC 6 TON RTU	1211G20224
8705762	CAPITAN CLINIC	TIMBERLANE CHAIR	NONE
8705763	CAPITAN CLINIC	TIMBERLANE CHAIR	NONE
8705764	CAPITAN CLINIC	TIMBERLANE CHAIR	NONE
8705765	CAPITAN CLINIC	TIMBERLANE CHAIR	NONE
8705766	CAPITAN CLINIC	TIMBERLANE CHAIR	NONE
8705767	CAPITAN CLINIC	TIMBERLANE CHAIR	NONE
8705768	CAPITAN CLINIC	TIMBERLANE CHAIR	NONE
8705769	CAPITAN CLINIC	TIMBERLANE CHAIR	NONE
8705770	CAPITAN CLINIC	TIMBERLANE CHAIR	NONE
8705771	CAPITAN CLINIC	TIMBERLANE CHAIR	NONE
8705772	CAPITAN CLINIC	TIMBERLANE CHAIR	NONE
8705773	CAPITAN CLINIC	TIMBERLANE CHAIR	NONE
8705774	CAPITAN CLINIC	TIMBERLANE CHAIR	NONE
8705775	CAPITAN CLINIC	TIMBERLANE CHAIR	NONE
8705776	CAPITAN CLINIC	TIMBERLANE CHAIR	NONE
8705777	CAPITAN CLINIC	TIMBERLANE CHAIR	NONE
8705778	CAPITAN CLINIC	TIMBERLANE BENCH	NONE
8705779	CAPITAN CLINIC	MAGAZINE TABLE	31N2040MGPLW
8705780	CAPITAN CLINIC	END TABLE	NONE
8705781	CAPITAN CLINIC	END TABLE	NONE
8705808	CHC	STATIM 2000 CASSETTE AUTOCLAVE	100210J00172
8705820	CAPITAN CLINIC	CAPITAN MEDICAL CLINIC	CDBG FUNDS



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# County of Lincoln

P.O Box 711 • 300 Central Ave. • Carrizozo, New Mexico 88301-0711 • (575) 648-2385

## AGENDA ITEM NO. 26

January 9, 2014

### MEMORANDUM

**TO:** County Commissioners  
**FROM:** Nita Taylor, Lincoln County Manager  
**SUBJECT:** Road Committee Recommendations

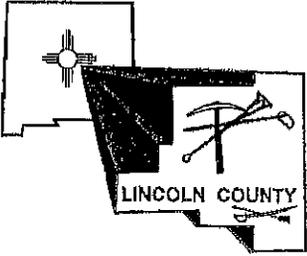
**Purpose:** To obtain action of a road review requests.

**Discussion:** On January 7, 2014, the Road Review Committee met to considered an application for Abandonment and Vacation:

- At enclosure 1 is the public notice for the one road review as indicated below.
- At enclosure 2 is the application for abandonment and vacation of a 16' Alley in Block 19 in the White Oaks Townsite. Applicant is Ernest (Roy) and Marie Huffmyer.
- At enclosure 3 the committee recommendations approval letter.

A member of the road review committee, Robert Barber, will be present to answer any questions the Board may have.

**Recommendation:** Consider and approve the recommendation of the road review committee.



## Lincoln County Road Department

P.O. Box 666, 120 Yard Road  
CAPITAN, New Mexico 88316  
(505) 354-2922  
FAX (505) 354-9412

December 26, 2013

### LEGAL NOTICE

Notice is hereby given that the Lincoln County Board of Commissioners has received the following road review request:

Abandonment and Vacation of an alley in Block 19 in the White Oaks Townsite by Roy and Marie Huffmyer.

Pursuant to Section 67-6-9, N.M.S.A., the Board of Commissioners has appointed a Road Review Committee which will meet at 8:00 A.M. on Tuesday, Jan. 7, 2014. The Road Review Committee will meet at the Lincoln County Road Department and proceed to the sites for review.

The report of the Road Review Committee will be presented to the Board of Commissioners during their regular meeting on January 14, 2014.

Anyone wishing to make comments or recommendations may do so at either of the two above mentioned meetings.

JACKY POWELL, CHAIRWOMAN  
LINCOLN COUNTY BOARD OF COMMISSIONERS

PUBLISHED IN THE LINCOLN COUNTY NEWS ON MONDAY, DEC. 30, 2013, AND IN THE RUIDOSO NEWS ON FRIDAY, JAN. 3, 2014.

\*\*POSTED IN THREE (3) most public places and POSTED ONCE NEAR THE SITE.

ENCL 1

APPLICATION TO THE COUNTY OF LINCOLN FOR  
ABANDONMENT AND VACATION or CLOSURE  
OF ROAD AND/OR RIGHT-OF-WAY

APPLICATION FOR:  Abandonment and Vacation  Closure

DATE SUBMITTED: 27 August 2013

LOCATION OF PROPOSED ABANDONMENT and VACATION OR CLOSURE:

Lot:      Block: 19 Addition: 00 Subdivision: White Oaks  
Section: 25 & 36 Township: 65 Range: 12 E

DESCRIPTION OF PROPERTY TO BE ABANDONED AND VACATED OR CLOSED:

16' Alley in Block 19 White Oaks Original Plat

APPLICANT NAME: Ernest (Roy) and Marie Hallinger

ADDRESS: 500 Fossil View Road Las Cruces NM 88007

TELEPHONE(S): 575.524.4400

REQUIRED ATTACHMENTS FOR ABANDONMENT AND VACATION OF ROADWAY  
OR COUNTY MAINTAINED PUBLIC RIGHT-OF-WAY:

- 1. Letter of Intent
  - a. Acreage of road including measurements and method of calculation
  - b. Detailed description of location of road
  - c. Name of Subdivision (if any)
  - d. Reason for proposed abandonment, vacation or closure
  - e. Special considerations (if any)
- 2. Utility Company Approvals
- 3. Letters of Consent/Non-consent from all adjoining landowners
- 4. Copies of Deeds to adjacent properties
- 5. Drawing
- 6. Legal description
- 7. Determination of value as provided by County Assessor
- 8. Appraisal (if required)
- 9. Plat of Survey (if required)

REQUIRED ATTACHMENTS FOR ROAD CLOSURE:

- 1. Letter of Intent
  - a. Acreage of road including measurements and method of calculation;
  - b. Detailed description of location of road;
  - c. Name of Subdivision (if any);
  - d. Reason for proposed abandonment, vacation or closure;
  - e. Special considerations (if any).
- 2. Utility Company Approvals
- 3. Letters of Consent/Non-consent from all adjoining landowners
- 4. Copies of Deeds to adjacent properties

Cont'd. on Page 2

ENCL 2.





1	2	3	4
KELT, JOHN			
5	6	7	8

1	2	3	4
5	6	7	8

1	2	3	4
HOME			
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1	2	3
PRICE, ROBERT E.		
4	5	6
PRICE, ROBERT E.		

1	2	3	4
KELT, JOHN			
5	6	7	8

1	2	3	4
HUFFMYER, ERNEST L			
5	6	7	8
HUFFMYER, ERNEST L			

1	2	3	4
SCHOOL DIST #7			
5	6	7	8
SCHOOL DIST #7			

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62 SCHOOL DIST #7			

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SCHOOL DIST #7			
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SCHOOL DIST #7			
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WITHAM, ARCHIE		MORARTY, REGINA	

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SCHOOL DIST #7				
6	7	8	9	10
SCHOOL DIST #7				
PETTY, MICHAEL C				
SCHOOL DIST #7				

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SCHOOL DIST #7			
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SCHOOL DIST #7			
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SCHOOL DIST #7			

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30 August 2013

RECEIVED  
SEP 03 2013  
BY: *AN*

Mr. Temple and County Commissioners,

I am submitting this application to vacate an alley in the White Oaks Townsite on behalf of Roy and Marie Huffmyer. The alley is in Block 19 and they own all lots there.

The area of the alley is 200' x 16'; 3200 square feet.

This property was surveyed in 1995 by Tim Collins, copy enclosed.

As reflected in surveyor's notes, improvements are built within the platted alley.

The Huffmyers plan to demolish part of the existing home and begin construction on a new one within the next two years. This will remedy the encroachments into the streets so they are not requesting that Chloride or Carrizo Street be vacated.

Respectfully,



Anne New

### QUIT CLAIM DEED

ARLENE L. HUFFMYER, a widow, for consideration paid, quitclaim to ERNEST L. HUFFMYER and MARIE P. HUFFMYER, husband and wife, as joint tenants, whose address is 500 FOSSIL VIEW ROAD, Los Cruces, NM, 88007 the following described real estate in Dona Ana County, New Mexico:

Lots 1, 2, 3, 4, 5, 6, 7 and 8, Block 19, Lots 5 and 6, Block 20 of the Original Plat of White Oaks, Lincoln County, New Mexico.

Witness my hand(s) and seal this 15<sup>th</sup> day of November, 2007.

*Arlene L. Huffmyer*  
Arlene L. Huffmyer

#### ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO

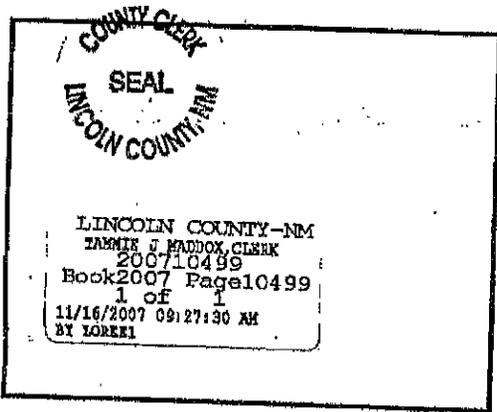
COUNTY

This instrument was acknowledged before me on November 15, 2007, by Arlene L. Huffmyer.

My commission expires 04/17/10



*[Signature]*  
Notary Public



## **Agenda Item No. 27**

### **SUBJECT**

Executive Session Pursuant to the Open Meetings Act: Discussion of all Threatened and/or Pending Litigation Section 10-15-1, Sub-Paragraph H.(7); and Discussion of the purchase, acquisition or disposal of real property or water rights by the public body, Section 10-15-1, Sub-Paragraph H.(8).

See attached list.

# Alan P. Morel, P.A.

Attorney at Law

700 Mechem Drive, Suite 12  
Post Office Box 1030  
Ruidoso, New Mexico 88355-1030

Jira Plaza  
Telephone (575) 257-3556  
Facsimile (575) 257-3558

January 14, 2014

**LINCOLN COUNTY EXECUTIVE SESSION PURSUANT TO THE OPEN MEETINGS ACT: DISCUSSION OF ALL THREATENED AND/OR PENDING LITIGATION SECTION 10-15-1, SUBPARAGRAPH H.(7); AND DISCUSSION OF THE PURCHASE, ACQUISITION OR DISPOSAL OF REAL PROPERTY OR WATER RIGHTS BY THE PUBLIC BODY, SECTION 10-15-1, SUBPARAGRAPH H.(8)**

**New or Updated Matters since last report = \***

1. Lodger=s Tax Issue B Casa del Cocinero B making regular payments
2. *Cooper, Gale and DeBaca County News v. County of Lincoln, Sheriff of Lincoln County, et al.* D-1329-CV-200701364. Suit filed: October 15, 2007. Verified Complaint for Declaratory Judgment Ordering Production of Certain Records and Information. Hearing took place Dec. 13, 2013 with new filings of Suggestion of Death December 19, 2013.
3. *Michael Wheaton v Paul F. Baca, Lincoln County Assessor, et. al.* D-1226-CV-2011-00341. Suit filed October 18, 2011. Notice of Appeal of Final Order of the Lincoln County Valuation Protests Board. Attorney has agreed to stay the case pending the decision from the Court of Appeals.
- \*4. *Coble Constructors, LLC, et al v Carl Kelley Construction Ltd. Co, et al.* D-1226-CV-2012-00003. Suit filed January 15, 2012. Complaint to Foreclose Mechanic=s Lien. Order granting motion for resetting 4/17/13. Motion for Substitution of Parties filed December 10, 2013.
- \*5. *Alto Lakes Golf & Country Club, Inc. v. Barbara Fleming, and Jesus and Maria Guardiola, et al.* D-1226-CV-2011-00044. Suit filed February 18, 2011. Complaint to Foreclose Lien. Counterclaim and Crossclaim suit filed by Washington Federal Savings on September 21, 2012 naming Board of Commissioners of Lincoln County and Lincoln County Solid Waste Authority. Stipulated and Default Judgment, Decree for Foreclosure, Order of Sale, and Appointment of Special Master, entered by the Court on 8-12-13. The County=s lien was not extinguished and is still a valid lien against the subject property. Order approving sale and Special Master=s Report filed Oct. 23, 2013. Ownership has changed to Washington Federal and Lincoln County has not received any payments as of January 7, 2014.

6. *Johnathan Warren v. Lincoln County Detention Center, Emerald Healthcare Systems, et al.* 2:12-CV-01086-CG-LAM. Suit filed October 19, 2012. Complaint for the Recovery of Damages Caused by the Deprivation of Civil Rights.
7. *Greentree Solid Waste Authority v. Lincoln County, et al.* D-0101-CV-2013-00104. Suit filed January 9, 2013. Petition for Declaratory Judgment; Preliminary and Permanent Injunction. Order Granting ALW&SD=s Motion for Judgment on the Pleadings and for Summary Judgment entered by the court on 6-15-13. Mediation with Mr. Walker Nov. 11, 2013 was unsuccessful. Hearing for plaintiff's Motion to Reconsider scheduled with Judge Singleton Jan. 24, 2013
- \*8. *Rio Grande-Alameda, Ltd. v Paul Baca, Lincoln County Assessor* D-1226-CV-2013-00005. Suit filed January 9, 2013. Complaint for Refund of Taxes Paid. Defendant=s first motion to dismiss or Summary Judgment filed August 29, 2013, with plaintiff=s response filed Oct. 4, 2013. Defendant=s Reply to Motion to Dismiss or for Summary Judgment filed Oct. 21, 2013. Hearing was Jan. 6, 2014, and produced an Order of Dismissal.
9. *Washington Federal Savings v. Timothy Rose; Chanda Rose; and Lincoln County* D-1226-CV-2013-00105. Suit filed April 15, 2013. Complaint for Foreclosure. July 29, 2013 Letter to Bishop, White, Marshall & Weibel, P.S. advising of payoff amount through Aug. 5, 2013. Lots 139, 169, 170 paid in full. Stipulated and Default Judgment ordering foreclosure filed Nov. 22, 2013, with legal notices published in local newspapers.
10. *Wells Fargo Bank, NA, et al v. Jerry Turner, Board of County Commissioners of the County of Lincoln, New Mexico, et al.* D-1226-CV-2013-00129. Suit filed May 6, 2013. First Amended Complaint for Foreclosure filed by Morel on June 21, 2013, with Motion to Dismiss filed Dec. 27, 2013.
11. *State of New Mexico (Lincoln County) v. Stephen Gore* M-30-MR-2013-00113. Citation filed June 17, 2013. Lincoln County Solid Waste Ordinance 2009-03 Violation. Notice of Sentencing Hearing scheduled for Dec. 4, 2013. Documentation was supplied showing Mr. Gore in in compliance. Dismissal filed Dec. 4, 2013.
12. *Steven Miller, et al. v. State Forestry Division, NM Energy, Minerals, and Natural Resources Department, County of Lincoln, et al.* D-1226-CV-2013-00160. Suit filed June 15, 2013. Lincoln County Manager and Commissioners served July 9, 2013. Complaint for Negligence, Injury and Damages. On August 2, 2013, NMAC advised Attorney Bryan Evans has been assigned as counsel for Lincoln County. Peremptory challenge of Judge Angie Schneider filed by Commission Chair Jackie Powell. Judge Waylon Counts has been assigned the case Oct. 25, 2013. Hearing requested Nov. 25, 2013 for state's Motion to Dismiss, and Plaintiff's Response to Lincoln County's and

State's Motion to Dismiss filed Jan. 3, 2014.

13. *Barbara Diane Latham, et al v. Neal Cox, Ben Hazen, Lincoln County Sheriff=s Department and the County of Lincoln. D-1226-CV-2013-00191.* Suit filed July 19, 2013. Complaint for Violation of Civil Rights, Wrongful Death and Damages by Attorney Gary Mitchell. LCSO and LC Manager were served on August 5, 2013. Tort Claim Notice was filed on October 27, 2011. Advised NMAC has assigned the case to Brennan and Sullivan Law Firm 9/5/13. Case has been moved to Federal Court August 30, 2013.

## **Tort Claims Notices Received or Threatened**

### **2013**

**Allen, Katherine Elizabeth-** Notice of Tort Claim against Lincoln County Detention Center for alleged injuries sustained during transport.

**Borrego, Albert** - Tort Claim Notice received from attorney Gary Mitchell on June 14, 2013, alleging continued harassment to Albert G. Borrego by police while responding to a noise complaint at Mr. Borrego=s residence on February 28, 2013, and a separate incident resulting in Mr. Borrego=s arrest on March 5, 2013, due to an outstanding warrant, during which Mr. Borrego allegedly sustained injuries while in custody due to an existing broken back injury.

**Espinoza, Robert B** Tort Claim Notice received from Robert Espinoza on June 4, 2013, alleging property damage from vehicle accident while Linda Mullins, driving the LC Senior Center meal delivery van ran off road hitting chain link fence, poles and railroad ties.

**Harrisburg Documents-** Attempts to recover Lincoln County documents illegally taken from the county. County Clerk Rhonda Burrows has been in contact with Harrisburg, PA in recovery efforts.

**Montoya, Emilia L.** - Tort Claim Notice received by attorney Freda Howard McSwane on April 23, 2013, alleging injuries sustained by Ms. Montoya when a physical altercation took place at the LCDC.

**Ramos, Aaron** - Tort Claim Notice received by attorney Robert J. Beauvais on April 18, 2013, (correspondence dated September 13, 2011) alleging concerns about Mr. Ramos= safety and welfare and violation of his U.S. Constitutional rights.

**Silva, Elmo B** Tort Claim Notice received from attorney Richard Marquez November 6, 2013. Alleges false imprisonment for Mr. Silva, who was sentenced in the 12<sup>th</sup> Judicial District Court to 38 years filed on July 3, 1990.

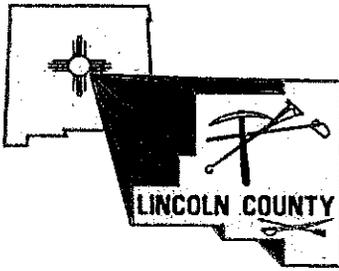
## 2012

**Cathy and Steve Altstatt** B Telephone conference with Cathy Altstatt on April 19, 2012, concerning their unbuildable and unsellable Deer Park Valley lot due to lot size, septic tank set back requirements, and an easement granted to Alto Lakes Water & Sanitation District for a water well.

**Riordan, J.T. B** Correspondence received from Theresa Riordan on March 28, 2012, concerning her son=s treatment and detention conditions while being held in LCDC.

**Sheridan, Michael** B Tort Claim Notice received from Attorney, Jennifer Burrill on February 21, 2012, claiming the Lincoln County Sheriff=s Department forced him to register as a sex offender when he did not meet the requirements.

**Biggs, M. Jolene** B Tort Claim Notice received from Attorney, Adam Rafkin on February 6, 2012, claiming liability by the County of Lincoln by failing to maintain the surface of the parking lot across from the Lincoln County Courthouse in Carrizozo, NM.



www.lincolncountynm.net

# County of Lincoln

P.O. Box 711 • 300 Central Ave. • Carrizozo, New Mexico 88301-0711 • (575) 648-2385

## AGENDA ITEM NO. 28

January 10, 2014

### MEMORANDUM

**TO:** County Commissioners

**FROM:** Nita Taylor, Lincoln County Manager *NT*

**SUBJECT:** Retention of Counsel to Represent Lincoln County in its Potential Withdrawal from Greentree Solid Waste Authority

**Purpose:** To retain Counsel for Potential Withdrawal from GSWA

**Discussion:**

At its December meeting, Commission directed Manager and Attorney to finalize selection of counsel to represent County during process to withdraw from GSWA. Today Commission has met with and has been presented an overview by Paul Melendres and Ryan Harrigan as to possible steps to move forward with the withdrawal process

**Recommendation:** If Commission is satisfied that Melendres, Melendres and Harrigan can meet the county's needs, retain the firm.