COUNTY OF LINCOLN
New Mexico
Regular Meeting
Board of County Commissioners

Jackie Powell, Chairwoman	**Preston Stone,** Vice Chair
Mark Doth, Member	**Kathryn L. Minter**, Member
Dallas Draper, Member	**Robert Shepperd**, Sheriff
Glenna N. Robbins, Treasurer	**Paul Baca,** Assessor
Rhonda B. Burrows, Clerk	**Stirling Spencer,** Probate Judge

Nita Taylor, County Manager

AGENDA
Commission Chambers, Tuesday, July 16, 2013 @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- June 25, 2013 Regular Commission Meeting

7. Approval of Consent Agenda
   a. Payroll/Accounts Payable/Budget/ Expenditures
   b. Treasurer's Financial Report for the Month ending June 30, 2013
   c. Alpine Village Sanitation District Mill Levy Tax Rate Approval

8. Smokey Bear District Ranger Update

9. Greentree Solid Waste Authority (GSWA) Update

10. Lincoln County Detention Center Update

11. **9:00 A.M.:** Lodger's Tax Applications with backup material:
    a. Application : Application : Christmas Jubilee $1,000, November 8-10, 2013 Betty Leonard/Ruidoso Valley Greeters

b. Application : Carrizozo Luminarias $200, December 24, 203 Fran Altieri/Carrizozo Chamber of Commerce

c. Application : 20th Annual Carrrizozo Street Fair $1,000, September 1-2, 2013, Fran Altieri/Carrizozo Chamber of Commerce

d. Application : Tour de Ruidoso $4,000, September 28, 2013, Michelle Thurston/Bicycle Ruidoso

e. Application : Lincoln County Cowboy Symposium $5,000, October 11-13, 2013, Sunny Hirschfeld/The Race Horse Hall of Fame/Hubbard Museum

12. Resolution 2013-5 Re-Affirming Support of the SunZia Southwest Transmission Project

13. Consider Rescinding Current Ban on Burning, or in the Alternative, Renewal of Fire Restriction Resolution 2013-6

14. Consideration of Requesting Board of Financing Funds for SIMS Table / Matching Funds for NMDHSEM Grant ($3.5 million)

15. **9:30 A.M.:** PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY OFFICIALS (Items are for discussion only – no action will be taken)

16. Consideration of Approval or Disapproval of Indigent Health Care Claims

17. Manager's Report

18. Appeal of Lincoln Historic Preservation Board Decision-Sally Canning

19. Annual Fixed Asset Inventory Certification

20. Water issues/Forest/Wildlife Health Programs/Land and Natural Resources Advisory Committee (LANRAC)

21. **11:30 A.M.:** Inspection of Lincoln County Detention Center

22. **1:00 P.M.** Public Hearing is to Consider Final Adoption of an Ordinance 2013-2 Amending Lincoln County Subdivision Rules and Regulations; providing for the severability of parts hereof; providing an effective date, and repeal of Ordinance 2008-01

23. **1:30 p.m.** Public Hearing is to Consider Final Budget FY 2013-2014
    a. Resolution 2013-4 Adopting the Final Budget FY 2013-2014

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

25. Bid/RFP(s) Award:
    a. Bid 13-14-001 Dust Control (DP-50) & Stabilizer on Cora Dutton Road

26. Consideration of Appointments and Removals from Boards/Commissioners/Committees:
    a. **Tabled** Road Review Advisory Committee
    b. **Tabled** Lodger's Tax Committee

27. 2013/2014 COOP, CAP & School Bus Agreements

28. Consideration & Approval of New Mexico State Board of Finance Lease Agreement for Fort Stanton Fire Station

29. Consideration & Approval of an Agreement with Upper Hondo Soil & Water Conservation District to Manage Seed & Wattle Distribution Program

30. 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).

31. Signing of Official Documents

32. Next meetings:
    a. August 20, 2013 Regular Commission Meeting

33. Adjournment

Agenda Item No. 6
July 16, 2013

SUBJECT

Approval of Minutes:

1. June 25, 2013 Regular Commission Meeting

COUNTY OF LINCOLN

New Mexico

Regular Meeting

Board of County Commissioners

Jackie Powell, Chair
Mark Doth, Vice Chair

Kathryn Minter, Member
Dallas Draper, Member
Preston Stone, Member

Minutes
Tuesday, June 25, 2013

Minutes of the Regular Meeting of the Lincoln County Commission held at 8:30 AM on June 25, 2013 in the County Commission Chambers, Lincoln County Courthouse, in Carrizozo, New Mexico.

1. Call to Order

Chair Powell called the Regular Meeting of the Board of County Commissioners to order at 8:33.44 AM.

2. Roll Call

Roll Call.
Present: Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth, Commissioner Draper.

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

3. Invocation

The invocation was presented by Commissioner Stone.

4. Pledge of Allegiance

A. Pledge – U.S. A. Flag- Commissioner MInter
B. Salute – N.M. Flag – Commissioner Draper

5. Approval of Agenda

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

6. Approval of Minutes

A. May 3, 2013 Special Commission Meeting
B. May 14, 2013 Regular Commission Meeting
C. May 20, 2013 Special Commission Meeting
D. June 7, 2013 Special Commission Meeting

Motion: Approve the minutes of the May 3, 2013 Special Commission Meeting; May 14, Regular Commission Meeting; May 20, 2013 Special Commission Meeting; and the June 7, 2013 Special Commission Meeting with minor corrections to minutes.
Action: Approve, **Moved by** Commissioner Minter, **Seconded by** Chair Powell.
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 May 31, 2013
c) Mill Levy Assessment-Chaves Soil Water Conservation District
d) DWI Activities Cost with Village of Ruidoso

Motion: Approval of Consent items as presented. **Action:** Approve, **Moved by** Commissioner Doth, **Seconded by** Chair Powell.
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. Smokey Bear District Ranger Update

Ranger David Warnack introduced Peg Sorenson, the USFS Southwest Regional NEPA Coordinator who serves as support for the NEPA process. Chair Powell requested assistance from Ms. Sorenson to include local government feedback on the impact of past NEPA decisions. Ms. Sorenson discussed NEPA as a decision making tool versus a policy tool. Ranger Warnack clarified Chair Powell's request was for opportunities to streamline the process and expressed a belief the NEPA process itself was an important tool for public input. Commissioner Minter commented the NEPA process was often used as a delay process by environmental groups to the detriment of pending projects.

Ranger Warnack provided an update on important partnerships including:

- Work with the SCRCD, EcoServants and the Greater Ruidoso Area Wildland Urban Interface (WUI) group to implement a Firewise WUI treatment of a residence and one acre with plans to post a project documentary on the web as a demonstration.
- Collaboration with other groups to create and distribute a visitor safety brochure.
- Work with the Upper Hondo Soil and Water Conservation District to address concerns about an invasive species known as "golden smoke" being located within

fire disturbed areas. Ranger Warnack stated the plant cordalis was native to the area but the USFS would provide seeding information to include source, staging areas, and drop sites for the UHSWCD to research the question if the appearance was associated with reseeding efforts.

- Cooperation with the Village of Ruidoso, EcoServants and the Ruidoso Bike Club to complete 12 miles of new bike trails in the Grindstone area
- Work with the National Community Conservation Corps and volunteers on trail maintenance in the White Mountain and Capitan Wilderness areas
- A project with USDA to eradicate feral hogs on the north side of the Capitan Mountains.

Ranger Warnack reported on fire-fighting resources currently available in the area including the presence of the SEAT plane at the Sierra Blanca Airport. Ranger Warnack stated belief plans were developing to relocate the SEAT plane to Northern New Mexico for strategic purposes.

Commissioner Stone questioned if there were plans to eradicate the "golden smoke" plant which is toxic to livestock. Ranger Warnack stated while the plant was toxic to some animals it was considered a native species and not classified as a "noxious weed". Ranger Warnack discussed the propagation process and stated the USFS planned to monitor growth within the burn scars. Commissioner Stone expressed concern about the potential loss of livestock as the weed spreads to lower elevations.

Commissioner Stone questioned if a decision from the Regional Forester would be forthcoming regarding the eradication of the feral hogs within the Capitan Mountain Wilderness Area. Ranger Warnack stated he anticipated a decision in the near future.

Commissioner Doth questioned if the bike trail project was complete. Ranger Warnack confirmed twelve miles of trail were complete and open for use.

Commissioner Minter questioned if there were plans to close the forest due to the lack of moisture. Ranger Warnack stated monitoring of fire fuels moisture was reviewed weekly and would dictate any closure decision. Ranger Warnack commented on the current effectiveness of the Stage II restrictions but noted forest closure was always an option.

Chair Powell expressed concern about a false sense of security among the public that Lincoln County will not have another fire and requested assistance from all agencies and the media to inform about the potential for additional fires.

Ranger Warnack noted the Secure Rural Schools Act was reauthorized and therefore a Resource Advisory Committee would be reappointed. Ranger Warnack noted the committee required a local government representative and requested an appointment from Lincoln County.

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

a) Greentree Solid Waste Authority Rate Increase to County Residence

Sam Hammons, Mayor of Capitan and Chair of the Greentree Solid Waste Board, requested the Commissioners schedule a public hearing to consider a rate increase for GSWA. Mayor Hammons also suggested a joint meeting of the GSWA Board and the Board of County Commissioners to hold discussion in Executive Session to resolve existing issues.

Chair Powell expressed a desire for a meeting to resolve issues but recommended the public hearing for a rate increase be postponed until matters under litigation were resolved.

Joe Lowendowski, Operational Consultant for GSWA objected to any delay for consideration of a rate increase. Mr. Lowendowski informed landfill fees had increased by 2%, revenue declined due to the loss of homes from fire, commercial roll off service fees declined from $200,000 to $80,000 per year, revenue from the special gross receipts tax declined from $80,000 to $50,000 per year, and GSWA incurred unplanned expenses as a result of the Little Bear Fire. Mr. Lowendowski stated these factors were separate from the "District issue" and therefore it was unfair to postpone consideration of a rate increase for that reason. Mr. Lowendowski stated other participating municipalities planned to hold public hearings to consider the rate increase regardless of the ongoing issues between GSWA and the County.

Motion: Table the request to schedule a public hearing to consider GSWA rate adjustments.
Action: Approve, **Moved by** Commissioner Doth, **Seconded by** Chair Powell.

Commissioner Minter questioned if GSWA was prepared to present justification for the rate increase. Mr. Lowendowski confirmed financial data would be presented to justify a rate increase. Commissioner Minter expressed support for a joint meeting to discuss issues in an executive session and pending outcome of that discussion to hold or cancel the public hearing.

Vote: Motion passed (**summary:** Yes = 4, No = 1, Abstain = 0).
Yes: Chair Powell, Commissioner Stone, Commissioner Doth, Commissioner Draper.
No: Commissioner Minter.

15. 9:30 A.M.: PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY OFFICIALS

Sam Hammons, Mayor of Capitan commented on a discussion during budget consideration related to a funding request from the Capitan Library. Mayor Hammons objected to a comment made during the discussion regarding the relationship of the Library and the Mayor and his role on the Board of GSWA. Mayor Hammons informed the Capitan Library served County residents as well as Village residents. Additionally, Mayor Hammons reported the Village of Capitan provided a monetary contribution of $8,700 in support of the Library.

Chair Powell clarified her objection to the request was to the large jump from the $3000 funded last year to a request for $22,000 for the next fiscal year. Chair Powell reminded the Capitan Library was awarded $5000 in funding and commented on the need for fiscal conservation of tax payer money.

17. Manager's Report

1. Hats Off:

The Manager requested time to recognize retiring employees George Serna and Ada Hendryx.

George Serna was presented a plaque in appreciation for nearly 28 years of service with the Road Department. The plaque was presented by his daughter, Samantha Vega, recently employed by the County as the Ordinance Administrator.

The Manager presented a plaque to Ada Hendryx, Senior Centers Director in appreciation of almost 20 years of service, particularly to the "senior" citizens of Lincoln County. Ms. Hendryx expressed appreciation for the opportunities and support received over the years.

The Manager presented Paul Baca, County Assessor with the NMAC Soaring Eagle Award in recognition of his service as a member of the NMAC Board of Directors from 2011 to 2013.

Chair Powell recessed the Regular Meeting at 9:47:15 AM and reconvened at 10:00:02 AM.

15. 9:30 A.M.: PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY OFFICIALS (Continued)

Commissioner Minter informed the local Ham Radio Operators Club held a competition the previous weekend. Commissioner Minter commended ham radio operators for providing critical communications during emergencies on a volunteer basis.

11. 9:00 A.M.: Lodger's Tax Applications with backup material:

a. Application 1696: Carrizozo Chamber of Commerce July 4th Celebration $500/Fran Altieri

Motion: Approve Application 1696 for $500. **Action:** Approve, **Moved by** Commissioner Doth, **Seconded by** Commissioner Draper.
Vote: Motion carried by unanimous vote (**summary:** Yes = 5).
Yes: Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth, Commissioner Draper.

b. Application 1697: Bicycle Ruidoso, Trail Building $10,000/Cody Thurston

Attorney Morel expressed concern about the Application lacking background materials or a budget.

Motion: Table Application 1697. **Action:** Approve, **Moved by** Commissioner Stone, **Seconded by** Chair Powell.

Commissioner Doth expressed concern the request might be redundant based on reports of bike trail work already funded in the area. Ranger Warnack corrected his earlier report noting 10 miles of the 16 miles planned were complete at this time.

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

c. Application 1698: Carrizozo Music in the Parks; July 20, August 22, October 3 and Mid November; $4,000/Elaine Brannen

Motion: Approve Application 1698 for $4000. **Action:** Approve, **Moved by** Commissioner Minter, **Seconded by** Commissioner Stone.
Vote: Motion carried by unanimous vote **(summary:** Yes = 5).

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

d. Application 1699: Fort Stanton Live; July 13-14, 2013 $5,000/Clinton Smith Fort Stanton Inc.

Motion: Approve Application 1699 for $5000. **Action:** Approve, **Moved by** Commissioner Doth, **Seconded by** Commissioner Minter.
Vote: Motion carried by unanimous vote **(summary:** Yes = 5).
Yes: Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth, Commissioner Draper.

10. Building Project Updates

a) Ft. Stanton Fire Department

Ms. Taylor reported the long term lease agreement prepared and approved by the State Monuments Department was reviewed by with only minor changes to be made prior to signature. Ms. Taylor discussed the status of construction plans for the new fire building and requested guidance as to whether to proceed with construction through the CES contract with Basic IDIQ or to issue an RFP for the project. Ms. Taylor reminded of concerns raised at a previous meeting about Basic IDIQ's ability to handle construction of the new fire station at the same time they were working on the courthouse remodel.

Lynden Brinegar, Vice President of Basic IDIQ informed the company handled about 350 projects a year and assured the company's underwriters and staff were capable of handling multiple projects. Chair Powell voiced concerns about keeping both projects on budget and on time. Mr. Brinegar stated all previous projects under his supervision were completed within budget.

Commissioner Stone questioned the equipment housing capacity of the building. Joe Kenmore, Emergency Services Director explained the design was for three bays but anticipated five vehicles would be housed in the building. Commissioner Draper questioned the time for completion of the building. Kyle Cooper, Area Manager for Basic IDIQ estimated six months to completion with weather permitting. Commissioner Doth questioned whether local contractors would be used on the project. Mr. Brinegar stated all projects completed for Lincoln County had utilized sub contactors from Lincoln County.

Commissioner Stone questioned if the Commissioners would have opportunity to review the construction plans for the courthouse remodel. Ms. Taylor informed the plans were available for review at that time. Mr. Cooper from BASIC IDIQ stated minor accommodations could be made without difficulty.

Motion: Authorize the Chair to sign the AIA contracts for the Ft. Stanton Fire Station and the Courthouse complex remodel. **Action:** Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Minter.
Vote: Motion carried by unanimous vote (**summary:** Yes = 5).
Yes: Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth, Commissioner Draper.

b) Carrizozo Sr. Center

Ms. Taylor informed Lincoln County received the requested CDBG award of $500,000 for the project. Ms. Taylor stated this funding coupled with a $245,000 Legislative Appropriation and General Budget funding of $400,000 would be adequate to construct a 5,000 square foot facility in a single phase. Ms. Taylor stated Architect Howard Kaplan of Wilson & Co. planned to attend the meeting to provide an update on the plans. Ms. Taylor anticipated issuance of an RFP for construction of the Senior Center in the near future.

c) Ruidoso Public Health Building

Ms. Taylor stated all of the work to redirect water flow which had caused the building deterioration was complete. Ms. Taylor stated final interior work was to be completed in the next month pending an evaluation after rain to judge corrections.

d) Lincoln County Medical Center – Physician's Office Building (POB)

Ms. Taylor stated work on the POB continued to meet and exceed timelines with a prediction of completion by mid-October. Ms. Taylor stated LCMC was working with the builders and architecture firms to order furniture and fixtures for the complex.

e) Expansion of Court / Sheriff's Complex

Ms. Taylor stated vacation of the street had been approved by the Town of Carrizozo. Attorney Morel informed progress had been pending a decision on movement of the sewer line and that issue was resolved. Attorney Morel anticipated the plat and deeds would be signed and recorded with construction beginning shortly.

i. Approval of Construction Contract (Lincoln County/CES /Basic IDIQ)

Approved during discussion of Item 10 a.

ii. Discussion / Approval of Energy Audit Contract (Vertterre)

Ms. Taylor explained the work to incorporate Energy Audit corrections was included in the contract for the courthouse complex expansion with Basic IDIQ.

12A. City of Alamogordo – Update of Bonito Lake

Brian Cesar, Director of Public Works for the City of Alamogordo discussed proposed project work with FEMA to determine pre-sediment levels of Bonito Lake prior to the Little Bear Fire. Mr. Cesar anticipated the City would authorize a contract obtaining core samples and conducting heavy metal sampling as required by FEMA. Mr. Cesar discussed the impact of heavy metal sampling on the decision to haul and dispose of accumulated sediment.

Mr. Cesar further informed the City had purchased large capacity pumps to assist in management of post fire run off into Bonita Lake. Chair Powell requested the pumps be placed on site as soon as possible prior to an emergency. Mr. Cesar stated the City of Alamogordo was reluctant to place them in an unsupervised area and requested the County allow the pumps to be staged at the Emergency Operations Center (EOC). Joe Kenmore, Emergency Services Director stated he would coordinate staging of the pumps at the EOC.

Commissioner Doth questioned if the flood monitoring systems installed last year were in place. Mr. Kenmore confirmed the monitoring stations were on line and noted the USGS had recently calibrated at least one of the sites. Commissioner Stone questioned plans to handle run off after any large rainfall. Mr. Kenmore stated the City of Alamogordo had alarms in place to trigger a Sheriff's Office dispatch, the County's Code Red Emergency Notification System was operational, and visual patrols of roads and bridges were conducted. Commissioner Draper requested the EOC staff work to identify a potential flood projection map and to notify nearby property owners of steps for preparation.

Chair Powell expressed appreciation for efforts by the City of Alamogordo to restore Bonito Lake and noted Lincoln County would be interested in purchasing the lake. Jim Staley, City Manager stated the City continued to need the water from Bonito Lake and did not anticipate any plans to sell the property. Mr. Staley expressed a desire to continue to work with the County to manage the recovery of the lake.

Commissioner Draper questioned what percentage of the City's water supply typically came from Bonito Lake. Mr. Cesar stated 15% of the City's water supply came from Bonito Lake. Commissioner Draper commented on road damage resulting from heavy truck traffic associated with the hauling of debris or sediment and questioned if the City of Alamogordo would cover the cost of road repairs. Mr. Cesar confirmed road repair cost was a portion of the proposed FEMA work project.

12. Discussion of Use of Lincoln County's Airspace as it Relates to Transmission Lines (City of Alamogordo, White Sands Missile Range, SunZia):

Susie Galea, Mayor of the City of Alamogordo discussed the need to protect airspace over Lincoln County to sustain the presence of military operations in the area and maintain the economic impact of that presence. Ms. Galea requested Lincoln County consider passage of a "spot zoning" ordinance to reduce or prohibit "spotty" placement of wind turbines which might interfere with aircraft flight zones. Ms. Galea suggested wind farms could apply for a variance for any proposed wind turbine installation.

Hanson Scott, Director of the Office of Military Base spoke in favor of working with the Board of Commissioners and landowners to minimize placement of wind farms and transmission lines in locations which might have a significant impact on military missions in the region.

Commissioner Stone expressed belief that no transmission line was more important than the defense of the nation. Commissioner Stone stated the role of the County in the discussion was to act as representatives of the residents involved in the issue.

Mayor Galea reminded the only other technically equal airspace for these particular flight training missions was located in Australia. Ms. Galea reiterated the economic impact of the military in New Mexico.

Commissioner Stone suggested all agencies involved should work in conjunction with the land owners to resolve issues. Commissioner Stone reminded two landowner groups were organized in the Corona area which had been working for three years on this project. Mr. Stone noted the State of New Mexico and the Bureau of Land Management had approved the route of the transmission line and suggested the military work with those agencies to identify the best route.

B. Request for Letter of Support (via e.mail) – Daniel Hicks, Chief of Staff WSMR

Ms. Taylor read a letter of support from Otero County to Senator Cliff Pirtle written on behalf of White Sands Missile Range's preference for a particular route for the SunZia Transmission Line to minimally impact the mission of WSMR.

C. SunZia's Perspective – Martin Bailey

Martin Bailey, Real Property Manager for SunZia provided maps of the multiple options considered for the location of the SunZia transmission line. Mr. Bailey stated 60% of the line would be located on BLM land. Mr. Bailey discussed the initial NEPA process and provided background on past discussions with WSMR, Holloman Air Force Base, and the Department of Defense. Mr. Bailey stated as a result of these discussions the route was moved further to the north. Mr. Bailey stated as an additional accommodation to military concerns SunZia had reduced the height of the wind turbine poles on a portion of the route located near WSMR.

Mr. Bailey informed the SunZia project began in 2006 to identify and capture untapped alternative energy resources. Mr. Bailey stated the original transmission line route was planned to Luna County to capture solar energy but was extended to Central New Mexico to capture wind resources. Mr. Bailey stated Lincoln County would benefit from the presence of wind farms but also from a proposed substation in the county.

Mac Bell, member of the Corona Landowners Association commented on current economic difficulties faced by range land owners in Lincoln County. Mr. Bell expressed belief the transmission line and associated wind farms were an economic life line for the area.

Barbara Sultemeier, Business Manager for the Corona School District commented on the project's potential tax benefit to the school district which now operated on Emergency Supplemental Funding from the State of New Mexico.

William Hignight, Mayor of Corona requested support from the County for local landowners, the Village of Corona, and Corona Schools. Mayor Hignight encouraged opposition to spot zoning and the restriction of private property rights.

Paul Baca, Assessor discussed how these types of improvements to the land were assessed by the Central Assessment Bureau of the State of New Mexico. Mr. Baca discussed the effect of increased valuation in an area and the potential for lower tax rates.

Motion: Adopt and update the prior Resolution of Support to reflect current members of the Board of Commissioners. **Action:** Approve, **Moved by** Commissioner Doth, **Seconded by** Commissioner Minter.
Vote: Motion carried by unanimous vote **(summary:** Yes = 5).
Yes: Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth, Commissioner Draper.

SEE EXHIBIT B: Copy of Resolution of Support is attached hereto in reference thereto made a part hereof.

17. Manager's Report

1. Hats Off:

The Manager recognized Chair Jackie Powell for receiving certification through the NM Edge County College of Certified Public Supervisor.

Chair Powell recessed the Regular Meeting at 12:00:56 PM.

Chair Powell convened the 1:00 PM Public Hearing, recessed the Public Hearing and reconvened the Regular Meeting at 1:02:56 PM.

10. Building Project Updates (continued)

b. Carrizozo Sr. Center

Howard Kaplan, Architect with Wilson & Company presented the proposed design for review. Mr. Kaplan discussed various aspects of the design including the orientation of the front entrance on the south side of the building to optimize sunlight into the building and on the parking lot during the winter months. Mr. Kaplan anticipated the final design would be ready to bid for construction by end of July with a proposed completion date in the Summer of 2014.

Chair Powell requested the building designed to stay within the construction budget. Mr. Kaplan expressed belief the project as designed would stay within the budgeted amount. Chair Powell questioned if furniture and fixtures were included in the cost estimates. Ada Hendryx, Senior Center Director informed funding in the amount of $49,000 for furniture and fixtures was provided by the Department of Long Term Aging and Services. Ms. Hendryx stated this amount in conjunction with a second Capital Outlay award in the amount of $18,500 was adequate to furnish the facility.

Commissioner Doth questioned if millings from State road destruction might be used for the parking lot. Carl Palmer, Road Superintendent stated the millings were not suitable and suggested base coarse for the parking lot rather than pavement. Commissioner Stone questioned if the cost of full paving was included in the current estimate of cost. Mr. Kaplan confirmed the cost was included.

Eileen Sedillo, former County Commission Chair and "senior citizen" questioned if the plans included outdoor night lighting of the building for security purposes. Mr. Kaplan confirmed outside lighting would be installed on the front and back of the building. Ms. Sedillo questioned if the plans included installation of ADA required automatic doors. Mr. Kaplan confirmed the doors were ADA compliant.

Chair Powell recessed the Regular Meeting and reconvened the Public Hearing at 1:28:44 PM.

24. 1:00 P.M. Public Hearing to consider adoption of Ordinance 2013-2 Amending Lincoln County Subdivision Rules and Regulations; providing for the severability of parts hereof; providing an effective date and repeal of Ordinance 2008-01.

Attorney Morel stated the proposed Ordinance had been forwarded to the State Engineer for review as required. Attorney Morel stated the State Engineer returned the document with recommendations for a number of changes. Attorney Morel suggested the Public Hearing continued to next month allowing time to review the recommendations and make revisions.

There being no public comment, Chair Powell recessed the Public Hearing and reconvened the Regular Meeting at 1:31:31 PM.

Motion: Continue the Public Hearing until 1:00 PM at the next Regular Commission Meeting of July 16, 2013. **Action:** Approve, **Moved by** Chair Powell, **Seconded by** Commissioner Doth. **Vote:** Motion carried by unanimous vote **(summary:** Yes = 5). **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth, Commissioner Draper.

13. Mary Ann Burr - "Overview of SERPO Process"

Mary Ann Burr of the Southeastern Regional Planning Organization presented an overview of the organization's process. Ms. Burr informed on the structure of the organization noting Hubert Quintana served as Director of the Organization with offices being located in Roswell.

Ms. Burr noted SERPO had developed a long term plan based on ICIP's and existing plans for an updated list on November 2012.

Chair Powell recessed the Regular Meeting, convened the 2:00 PM Public Hearing and recessed the Public Hearing at 2:00:38 PM.

Ms. Burr discussed the functional classification of roads statewide. Ms. Burr informed to obtain federal funding for roadway projects a roadway must have a functional classification. Ms. Burr suggested if local governments had, based on recent census data and other data, roads which should be reclassified they may make application through SERPO.

Chair Powell suggested construction of a bridge at the Fairgrounds as a potential project for review by the Manager and Road Superintendent. Ms. Burr stated bridge funding was difficult to obtain as there currently was minimal funding to maintain existing bridges.

14. Proclamation in Recognition of Bonito Volunteer Fire Department. – American Red Cross Humanitarian Award Recipient

Attorney Morel informed the Proclamation was proposed to recognize the Bonito VFD as a recipient of the American Red Cross Humanitarian Award for response to the Little Bear Fire. Attorney Morel commented on the numerous other calls and responses over the years by the Bonito VFD and noted the importance of all volunteer fire departments and forest health partners in the community.

Tony Davis, President of White Mountain Search and Rescue informed he had nominated the Bonito VFD for the Red Cross Real Heroes Award after the Little Bear Fire. Mr. Davis commented on the organization and training of the department and congratulated the members of the department as recipients of the award.

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

16. Consideration of Approval or Disapproval of Indigent Health Care Claims

Scott Annala, IHC Administrator presented the Sole Community Provider claims for approval. Mr. Annala processed 62 claims with 57 recommended for approval and 5 recommended for disapproval for a total authorization of $126,084 for the final FY 2012-2013 year to date total of $1,371,890. Mr. Annala reminded in 2011 $1.1 million and in 2012 1.2 million Sole Community Provider claims were processed. Mr. Annala noted the program had approved claims in excess of the $1.3 million which the County budgeted for the Sole Community Provider match but noted this did not include the Federal Match of SCP payments to the hospital.

Mr. Annala presented the Indigent Health Care Payments request for the month. Mr. Annala processed 110 claims with 95 recommended for approval and 15 recommended for disapproval. Mr. Annala stated the total of claims recommended for payment this month was $30,985. Mr. Annala stated Indigent Claims including for FY 2012-213 was $291,140 with a monthly average of $24,262. Mr. Annala stated of the budgeted $386,461 the remaining 75% amount of $95,321.

Motion: Approval and denial of the claims as indicated for Sole Community Provider and Indigent Health Care Program payments as recommended. **Action:** Approve, **Moved by** Commissioner Doth, **Seconded by** Commissioner Minter.

Commissioner MInter noted the report of year-end total disbursements by provider as being beneficial. Scott Annala directed attention to the total amounts paid for ambulance service and questioned if there might be a desire to revise those limits. Commissioner Minter stated pending anticipated changes in the SCP program there might not be a need to revisit the related Ordinance.

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

SEE EXHIBIT C: Copies of the Sole Community Provider and Indigent Health Care Payments are attached hereto in reference thereto made a part hereof.

Chair Powell recessed the Regular Meeting and convened the 2:30 Public Hearing at 2:32:10 PM.

26. 2:30 P.M. Public Hearing to consider the transfer of ownership of Liquor License Number 0010 - Chaparral Investments, Inc, D/B/A Chisum #32 at 1010 Sun Valley Road, Alto, NM 88355. Application Number 8532920.

Attorney Morel presented the application to transfer ownership of Liquor License Number 0010. Attorney Morel reminded when any license was transferred within the County a public hearing was required by State Statute.

Commissioner Minter questioned if the store would reopen as a minimart and gas station. Tom Heath, CEO of Hub City Convenience stores informed the group owned 23 convenience stores. Commissioner Minter questioned if the site would sell gasoline. Mr. Heath confirmed they were installing new storage tanks for the sale of gasoline and diesel.

Chair Powell adjourned the Public Hearing and reconvened the Regular Meeting at 2:35:53 PM.

Motion: Approve Application No. 8532920 for transfer of ownership of Liquor License No. #0010. **Action:** Approve, **Moved by** Commissioner Doth, **Seconded by** Commissioner Minter. **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).
Yes: Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth, Commissioner Draper.

17. Manager's Report (continued)

2. Flood Mitigation Efforts/ Wildland Urban Interface Projects. The Manager reported on a number of potential flood mitigation and wild land fire protection efforts in cooperation with other agencies.

a. **NRCS - Emergency Watershed Protection Program –** Recovery ($474,000, $118,494 of which is a match). South Central Mountain will partner with the County and NRCS for this program,
b. **WUI Code Conference – Scheduled for August 12 -13, 2013.**
c. **CFRP Award Granted to South Central Mountain RC&D**
d. **State Forestry –** 2012 Lincoln County WUI ($255,000); 2013 Sun Valley NFL ($50,000) both of which were in progress.
e. **FEMA projects** ($1.0 million) with work progressing by the Road Department.
f. **FEMA's Hazard Mitigation Grant Application** for $3.5 million over three years was being completed.

3. $$ in the Bank:

I. The County was provided with the opportunity to request the **$254,421.52** Emergency Loan awarded last year be converted to a Grant. The request was approved at the State Board of Finance Meeting of June 18, 2013 and the County would not have to repay the loan.

II. **$ 500,000 CDBG Grant Award** for Carrizozo Senior Center.
$ 245,000 Capital Outlay Award for Carrizozo Senior Center.

III. **$1,202,120** in reimbursement from FEMA for flood mitigation work completed after Little Bear Fire. The balance of **$ 319,956 was** owed to County for unfinished projects.

4. **Business Retention Gross Receipt Tax (3/16th) Tracking (FY 13):**

Business Activity Month	FY13	FY12	Difference
July	$ 78,841	$ 79,726	**($ 885)**
August	$ 80,921	$ 86,567	**($ 5,646)**
September	$ 90,730	$ 81,314	$ 9,416
October	$ 75,315	$ 72,669	$ 2,646
November	$ 71,927	$ 61,132	$10,795
December	$ 72,885	$ 63,984	$ 8,901
January	$ 85,855	$ 83,853	$ 2,002
February	$ 67,615	$ 65,132	$ 2,483
March	$ 58,516	$ 61,206	**($ 1,690)**

April	$70,833	$ 73,130	($ 2,297)
May	$61,866	$ 63,532	($ 1,666)
YTD	**$815,305**	**$792,245**	**$ 23,060**
Annualized	**$889,423**		

5. **Industries Division/Third Party Inspectors update:** Commissioner Doth and Commissioner Minter expressed concerns regarding the process required for county residents to schedule and obtain building inspections. The Manager provided copy of the follow-up letter sent to the Governor seeking support. The Manager stated during the Governor's visit to Lincoln County last week Commissioner Doth spoke to one of the Governor's analysts about the issue. The Manager and Commissioner Doth provided additional information to the Governor's analyst subsequent to that meeting.

Governor Martinez Visit to Lincoln County. The Governor visited Lincoln County last week and learned of continued needs and efforts for recovery of the Little Bear Fire and subsequent flooding. The Governor heard a number of statistics including key points made by David Warnack, Ranger for the Smokey Bear District. Points included:

- The incident doesn't end when the fire goes out – post-fire issues persist over time – local governments and agencies need to continue to work together to address these issues;
- Unity of effort is the key to effective action, both during and after major fires;
- Relationships among local governments, agencies and communities need to be cultivated before an incident in order to be most effective.

6. **NMAC Conference**. The Annual New Mexico Association Summer Conference hosted by Curry County was well attended by Lincoln County Staff. The Manager's Affiliate meetings focused on changes in the Sole Community Provider program along with other healthcare issues and the changes in law regarding Purchasing and Procurement.

18. DFA Preliminary Budget Approval Acknowledgement

Ms. Taylor reminded State Statute required the Board of County Commissioners acknowledge the Department of Finance and Administration's approval of the Preliminary Budget. Ms. Taylor provided copy of the letter from DFA approving the Preliminary Budget.

Motion: Acknowledge receipt of DFA's approval of the FY 2013-2014 Preliminary Budget, **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.

19. 2013-2014 Contract for Services Approval

Ms. Taylor requested approval of the contracts for outside agencies for which funding was approved in prior budget meetings. Ms. Taylor provided copies of the contracts for the Capitan Library; Corona Library; Ruidoso Library; Lincoln County Juvenile Justice Board; Noxious Weeds Management; South Central RC&D; Humane Society; EcoServants; The Coalition of Arizona/NM Counties; Boys & Girls Club of Sierra: and the NM State Library.

a) Renew Lease and Management Agreement Lincoln County Fairgrounds

Ms. Taylor also requested consideration of the Lease and Management Agreement for the Lincoln County Fairgrounds.

Motion: Approve the contracts for the agencies listed and the Lease and Management Agreement for the Lincoln County Fairgrounds. **Action:** Approve, **Moved by** Commissioner Doth, **Seconded by** Commissioner Minter.
Vote: Motion carried by unanimous vote (**summary:** Yes = 5).
Yes: Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth, Commissioner Draper.

20. Water issues/Forest/Wildlife Health Programs/Land and Natural Resources Advisory Committee (LANRAC)

Ms. Taylor reported there were no new water right notices posted on the State Engineer's website since the notice posted on February 25, 2013.

Ms. Taylor reported Brian Archuleta with the USDA provided an update on efforts to eradicate the feral hog population during the budget meetings. Ms. Taylor reminded the USDA had allocated $1 million to initiate a pilot project within the State of New Mexico.

Ms. Taylor reported the US Fish and Wildlife Services issued a news release regarding a proposal to return management and protection of grey wolves to State wildlife professionals following successfully recovery efforts. In follow up, Ms. Taylor stated she learned the comment period had expired before a letter of opposition could be submitted and the protest would be untimely. Ms. Taylor informed the Wildlife Service had again opened a comment period until mid-September.

Ms. Taylor stated the fire danger level as reported by the Fire Behavior Research Center in Missoula, Montana was "moderate" and the Smokey Bear Ranger District reported fire danger as "High" for Lincoln County.

Joe Kenmore, Emergency Services Director reported eleven fire starts had occurred in the County since May 15, 2013. Mr. Kenmore reported 2 of the fires were started by lighting with remainder being human caused with the largest being 2.8 acres west of Capitan. Mr. Kenmore reported the LC Mobile Command Unit was on loan to the Village of Ruidoso Downs during a remodel of their dispatch. Mr. Kenmore stated the SEAT plane previously stationed at Sierra Blanca Airport was relocated to Taos.

21. Renew of Fire Restriction Resolution 2012-41

Ms. Taylor reminded of the adoption of fire restrictions originally at the April 25, 2013 meeting and the requirement for restrictions to be reviewed every 30 days. Ms. Taylor recommended the Resolution be readopted at that time in view of the timing of scheduled meeting dates.

Motion: Adopt Resolution 2012-41, **Action:** Approve, **Moved by** Commissioner Doth, **Seconded by** Commissioner Draper.
Vote: Motion carried by unanimous vote **(summary:** Yes = 5).
Yes: Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth, Commissioner Draper.

SEE EXHIBIT D: Copy of Resolution 2012-41 is attached hereto in reference thereto made a part hereof.

22. Resolution 2012-40 Lincoln County Public Records Policy Fee Schedule Amending Resolution 2010-36

Rhonda Burrows, Clerk presented the proposed changes to the existing Fee Schedule portion of the Resolution. Ms. Burrows stated the revisions were proposed by the elected officials and staff of the Clerk, Treasurer, and Assessor's office. Ms. Burrows stated the group revised the previous schedule which listed charges by department under one standard list of charges for documents and services.

Ms. Burrows commented on recent legislative actions which revised some fees but which also defined certain information such as land records as a "protected data base" for which royalties could be charged.

Motion: Adopt Resolution 2012-40, **Action:** Approve, **Moved by** Commissioner Doth, **Seconded by** Commissioner Minter.
Vote: Motion carried by unanimous vote **(summary:** Yes = 5).
Yes: Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth, Commissioner Draper.

SEE EXHIBIT E: Copy of Resolution 2012-40 is attached hereto in reference thereto made a part hereof.

23. Extension Agreement No. 2 – Lincoln County Abstract & Title Company – Charles F. Headen Estate

Attorney Morel explained an extension of the agreement was necessary to obtain a new appraisal prior to final submission to DFA and to extend the due diligence and closing period.

Motion: Approve Extension Agreement No. 2 and the due diligence and closing dates, **Action:** Approve, **Moved by** Commissioner Doth, **Seconded by** Commissioner Minter.
Vote: Motion carried by unanimous vote (**summary:** Yes = 5).
Yes: Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth, Commissioner Draper.

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

A. Final Budget FY 2013-2014

Motion: Schedule a Public Hearing to Approve the Final Budget for the July 16, 2013 Regular Meeting. **Action:** Approve, **Moved by** Commissioner Doth, **Seconded by** Chair Powell.

Commissioner Minter questioned if additional budget items such as reimbursement to La Casa for roof repairs would be considered during the hearing. Ms. Taylor confirmed there would be some additional budget items for discussion.

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

28. Bid/RFP(s) Award:

a) RFP 12-13-018 Heating & Air Conditioning Maintenance Services

1.	Bonito River	284 points
2.	Ventura	271 points
3.	MGS	264 points

b) RFP 12-13-019 Electrical Maintenance Services

1.	Rideouts Electric	292 points
2.	Midstate	278 points
3.	ERM Electric	264 points
4.	DRB Electric	264 points
5.	Garcia's Electric	241 points

c) RFP 12-13-020 Plumbing Maintenance Services

1.	Ventura	300 points

Motion: Award RFP 12-13-018 to Bonito River; RFP 12-13-019 to Rideouts Electrical; and RFP 12-13-020 to Ventura, **Action:** Approve, **Moved by** Commissioner Minter, **Seconded by** Chair Powell.
Vote: Motion carried by unanimous vote (**summary:** Yes = 5).
Yes: Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth, Commissioner Draper.

29. Consideration of Appointments and Removals from Boards/Commissioners /Committees:

a) Road Review Advisory Committee

No action was taken.

b) Lodger's Tax Committee

No action was taken.

30. Deputy Sheriff's Bargaining Unit Agreement Renewal

Ms. Taylor informed the President of the Deputy Sheriff's bargaining unit had notified by letter the acceptance of a 3% pay increase under a provision of the agreement generally known as the "evergreen" provision whereby the bargaining unit accepts the increase granted to other County employees effective July 1, 2013.

Motion: Approve the Bargaining Unit Agreement renewal incorporating the 3% pay increase effective July 1 2013, **Action:** Approve, **Moved by** Commissioner Minter, **Seconded by** Chair Powell.
Vote: Motion carried by unanimous vote (**summary:** Yes = 5).
Yes: Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth, Commissioner Draper.

31. Assignment of Lincoln County's Ballot for the National Association of Counties' (NACo) 2013 Election to the NMAC President

Ms. Taylor stated NMAC requested each County assign a proxy to cast a ballot in the NACo 2013 Election. Ms. Taylor subsequently learned a county must have paid NACo dues and have at least one paid registrant at the annual conference to be eligible to cast a ballot. Ms. Taylor stated Lincoln County was therefore ineligible.

No action was taken.

32. NM DHSEM Mitigation Project Grant Application (FEMA $3.5 Million)

a. Discussion and Consideration of Contractual Options for Management of the $1.2 million FEMA Grant

Ms. Taylor discussed the work on the grant application, cost benefit analysis, project identification and project management. Ms. Taylor discussed various contractual opportunities and recommended a professional services contract awarded consistent with the contract previously awarded. Ms. Taylor stated the State Procurement Agent and the Contract Review Bureau Chief agreed the scope of work was an appropriate use of professional services contracts. Ms. Taylor requested authorization to enter into a Professional Service contract.

b. Discussion and Consideration of Requesting Match Funds (and/or project funds) from Governor prior to end of Fiscal Year

Ms. Taylor recommended seeking funding for the match for the award of the FEMA grant from the Governor's office. Commissioner Minter questioned if the anticipated $60,000 for a professional services contract would be offset by grant funding. Ms. Taylor clarified the contract payment would be used as a match for the grant.

Motion: Authorize the Manager to enter into a contract for professional services with King Industries for $60,000, **Action:** Approve, **Moved by** Commissioner Doth, **Seconded by** Commissioner Minter.

Punkin Schlarb, Finance Director reminded the County would need to revise the current County Purchase Policy Ordinance to reflect the new State Statute and the increase maximum expenditure for professional services from $50,000 to $60,000.

Commissioner Doth amended his motion to authorize a contract for $50,000. Commissioner Minter seconded.

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

33. Consideration of Entering into NMAC's Risk Awareness Program (RAP)

Ms. Taylor discussed the program and commented on the County's need to increase safety awareness. Commissioner Minter stated participation in the program would eventually provide a discount on insurance premiums.

Motion: Approve enrollment in the Risk Awareness Program. **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.

Chair Powell recessed the Regular Meeting and reconvened the 2:00 PM Public Hearing at 3:43:46 PM.

25. 2:00 P.M. Amending Lincoln County Personnel Policies & Procedures

Attorney Morel informed after a recent revision of the Ordinance a need to clarify definitions for "near relatives" and "nepotism" was identified. Attorney Morel stated the only other change related to defining the effective date of insurance for newly hired employees.

There being no public comment, Chair Powell adjourned the Public Hearing and reconvened the Regular Meeting at 3:48:37 PM.

Motion: Adopt Ordinance 2013-4, **Action:** Approve, **Moved by** Commissioner Doth, **Seconded by** Commissioner Minter.
Vote: Motion carried by unanimous vote **(summary:** Yes = 5).
Yes: Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth, Commissioner Draper.

SEE EXHIBIT F: Copy of Ordinance 2013-14 is attached hereto in reference thereto made a part hereof.

34. 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).

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

New or Updated Matters since last report = *

1. Solid Waste Ordinance Violation – Steve and Cecilia Gore
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.
3. *Green Tree Servicing, LLC v. William T. Joiner, Lincoln County, et. al. D-1226-CV-2010-394.* Suit filed November 17, 2010. Complaint for Enforcement of Contract and Foreclosure of Security Interest and Mortgage.
4. *Luis Grife as Personal Representative of The Estate of Arturo Grife, Jr., and Lizeth Grife v. County of Lincoln.* D-1226-CV-201100148. Complaint for Wrongful Death and Negligence, Jury Demand.
5. *New Mexico Ranch Sales v Mary T. Greene, LC Treasurer, et. al. D-1226-CV-2011-00226.* Suit filed August 1, 2011. Complaint In Rem to Foreclosure Mortgage Upon Real Property.
6. *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.
7. *New Mexico Ranch Sales v Marianne Clark, LC Treasurer, et. al. D-1226-CV-2011-00409.* Suit filed November 17, 2011. Complaint to Enforce and Collect Upon Promissory Note and to Foreclose Mortgage Upon Real Property.
8. *Bank of Clovis v Mona Bryant as Personal Representative of Marjorie Bryant (deceased), Village of Ruidoso, Lincoln County, et al. D-1226-CV-2011-00429.* Suit Filed February 10, 2012. Complaint for Foreclosure.
9. *New Mexico Ranch Sales v Tammy Palombi-Cade, LC Treasurer, et. al. D-1226-CV-2012-00042.* Suit filed February 13, 2012. Complaint to Enforce and Collect Upon Promissory Note and to Foreclose Mortgage Upon Real Property.
10. *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.
11. *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.
12. *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.
13. *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.
14. *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.
15. *New Mexico Ranch Sales v. Villalba, LC Treasurer, et al. D-1226-CV-2013-00046.* Suit Filed February 15, 2013. Complaint to Enforce and Collect Upon Promissory Note and to Foreclose Mortgage Upon Real Property.
16. *Washington Federal Savings v. Timothy Rose; Chanda Rose; and Lincoln County D-1226-CV-2013-00105.* Suit filed April 15, 2013. Complaint for Foreclosure.
17. *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.

Tort Claims Notices Received or Threatened

2013

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. Constitution Fifth and Sixth Amendment rights.

2012

Cathy and Steve Altstatt – 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. – Correspondence received from Theresa Riordan on March 28, 2012 concerning her son's treatment and detention conditions while being held in LCDC.

Sheridan, Michael – 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 – 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.

2011

Latham, Diana –Tort Claim Notice received from Attorney, Gary C. Mitchell on October 27, 2011, claiming violation of the late James Latham's constitutional rights resulting from his shooting death by the Lincoln County Sheriff's Department.

Miller, Peggy and Steven - Tort Claim Notice received from Attorney, Gary C. Mitchell on September 26, 2011, claiming negligence by State Forestry and Lincoln County during Donaldson Complex Fire.

Justice, Charles – Tort Claim Notice received from Builders Trust Insurance Company on July 13, 2011 alleging liability by Lincoln County as a result of an auto accident on State Road #368.

Verschueren, Ronald and Constance M. – Tort Claim Notice received by attorney Robert J. Beauvais on June 13, 2011 alleging wrongful arrest by the LCSO.

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

Chair Powell recessed the Regular Meeting and convened the Closed Session at 3:52:07 PM.

Chair Powell adjourned the Closed Session and reconvened the Regular Meeting at 4:08:30 PM.

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

35. Signing of Official Documents

36. Next meetings:

July 09, 2013 - Special Meeting at LCMC Physical Therapy Building
July 16, 2013 - Regular Commission Meeting

37. Adjournment

There being no further business to come before the Board of County Commissioners, Chair Powell adjourned the meeting at 4:10:22 PM.

Respectfully submitted by,

Rhonda B. Burrows
Lincoln County Clerk

Agenda Item No. 7
July 16, 2013

SUBJECT

Approval of Consent Agenda:

A. Payroll/Accounts Payable/Budget Expenditures
B. Treasurer's Financial Report for the Month ending June 30, 2013
C. Alpine Village Sanitation District Mill Levy Tax Rate Approval

www.lincolncountynm.net

County of Lincoln

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

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 June 1 through June 30, 2013 in the amount of $ 2,801,471.3.

NOW, THEREFORE, the above bills are hereby approved.

ADOPTED, PASSED AND SIGNED the 16th day of July, 2013.

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

6.031

The Alpine Village Sanitation District

P. O. Box 1217, Ruidoso, New Mexico 88355

William Hanson, President (575) 937-1117
Don Adams, Vice President (575) 257-9351
Cheryl Knobel, Secretary (575) 257-7776

RECEIVED
JUL 08 2013
ADMINISTRATION
LINCOLN COUNTY NM

July 4, 2013

Ms. Nita Taylor
Lincoln County Manager
P. O. Box 711
Carrizozo, New Mexico 88301

Dear Ms. Taylor:

The Board of Directors for Alpine Village Sanitation District met July 1, 2013 and approved the continuance of the mil levy tax rates. The previous rate was calculated at 6.102. We await notice of the new tax rates and calculations.

Please let us know if we can provide any additional information.

Very truly yours,

Cheryl Knobel

Cheryl Knobel, Secretary and Board Member
Alpine Village Sanitation District

C: Joe Buchanan, Accountant for AVSD
William Hanson, President, AVSD
Don Adams, Vice President, AVSD

LINCOLN COUNTY

County of Lincoln

P.O.Box 711 ● 300 Central Ave. ● Carrizozo, New Mexico 88301-0711 ● (505) 648-2385

AGENDA ITEM NO.8

July 9, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager

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 may appear to provide a monthly report to update commissioners and the public on activities in the district. At enclosure 1 may be a list of critical updates along with some additional information.

Recommendation: None – information only at this time.

Smokey Bear RD, Lincoln National Forest, Briefing Paper for Lincoln County Commissioners Meeting July, 2013

Critical Updates

Fire Activity

- We have had three fires on the district since the last meeting. The Patos Fire (1/10 acre) and the Patos 2 Fire (5 acres) were contained and controlled on 6/30/13. The Pancho Fire, near Sunset Peak in the Capitan Wilderness, was 7 acres and was contained on 7/12/13.
- The district has received widespread rain, although some areas on the district remain relatively dry.
- The Lincoln NF will go from Stage 2 to Stage 1 restrictions the weekend of 7/13, and we expect to rescind all restrictions by the end of July.

Southfork Campground

- The ranger district is working on a plan to reconstruct Southfork Campground. Recreation staff from the Southwest Regional Office in Albuquerque toured the area with Smokey Bear staff and started the development of a 3-year plan to rebuild the campground.

Range Allotment Analysis

- The ranger district is conducting National Environmental Policy Act analyses on the Hale Lake and East Hale Lake grazing allotments. Draft Environmental Assessments will be sent out for comments by the end of July. The County Manager will receive copies.

Feral Hog Eradication

- The ranger district received approval from the Southwest Region, Regional Forester for aerial gunning of feral hogs in the Capitan Wilderness. Operations are expected to start the week of 7/15.

End of Report

ENCL 1

LINCOLN COUNTY

County of Lincoln

P.O.Box 711 ● 300 Central Ave. ● Carrizozo, New Mexico 88301-0711 ● (505) 648-2385

AGENDA ITEM NO. 9

July 9, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager

SUBJECT: Greentree Solid Waste Update – Debra Ingle

Purpose: To provide an opportunity for the Greentree Solid Waste Director, Debra Ingle, to provide a monthly report.

Discussion:

Debra Ingle may appear to provide a monthly report to update commissioners and the public on activities in the district. At enclosure 1 may be the latest approved Greentree minutes and other information for the commission.

Recommendation: None – information only at this time.

Greentree Solid Waste Authority
REGULAR MEETING
May 30, 2013

Chairman Hammons called the Regular Meeting of the Greentree Solid Waste Authority (GSWA) to order at 2:05 pm at the office of Greentree Solid Waste Authority in Ruidoso Downs, NM.

ROLL CALL; Members recorded as present Sam Hammons (Capitan), Sherrill Bradford (Corona), Ray Dean (Carrizozo)by proxy Sherrill Bradford until he arrived at 2:07 pm, Gary Williams (Ruidoso Downs), Rifle Salas (Ruidoso), Mark Doth (County of Lincoln). Members recorded as absent: None

Staff in attendance: Debra L. Ingle, Operational Supervisor, (OS); Ginny Mansfield (AA).

Public present: Joe Lewandowski, Operational Consultants Inc.; Nita Taylor, County of Lincoln; Jeff Kaplan, Village of Ruidoso; Sue Hutchinson, Ruidoso Free Press; Robert Burpo, First American Financial Advisors Inc. County of Lincoln; Attorney J. Robert Beauvais.

APPROVAL OF AGENDA; Motion by Member Salas to approve the agenda amending the public hearing of Solid Waste Rate Increase to be postponed until June regular meeting stating the reason he wanted to postpone it was because even though he could not vote on it is to give each entity time to review the proposed rate increase and give their constituents a reason for the increase, Member Doth asked that he be able to second and add to the motion because he thought it was not needed because each entity has their own rate making ability and it should be a proposal to the community and then follow the guideline of the community, stating that there was no need to hold a public meeting. OS Ingle stated that under the 1992 JPA GSWA has the right to approve the, rates and charges for use by the Authority that are found necessary for the adequate financial operation of the Authority. The approval of rate increases based on the current services provided by the Authority approved by the members. The Entities may hold a Public Hearing and at that time the Entities can decide which services they wish to be provided and the cost of such services, there was further discussion and then Member Salas stated that he had made a motion and needed a second, seconded by Member Doth, there was more discussion, Member Salas called the question, restating his motion, Member Doth again stated that he did not believe that the public hearing was necessary, OS Ingle explained that as a government agency we are required to submit to DFA for approval and the fact that GSWA does set rates that there needed to be a public hearing, there was more discussion, Member Salas repeated his motion to approve the Agenda amending the Public Hearing be postponed, seconded by Member Doth, motion does not carry upon a roll call vote with ayes from Member Salas and Member Doth and nays from Members Dean, Williams, Bradford and Hammons. Motion by Member Dean to approve the agenda as presented, seconded by Member Williams, motion carried with all ayes and one nay.

PUBLIC HEARING – SOLID WASTE RATE INCREASE; Beginning at 2:20 pm. OS Ingle presented the Board with options for discussion for the rate increases. Otero/Greentree Landfill Joint Board approved a rate increase of 2% increase each year for the next 10 years. OS also included in the presentation a NMFA Shortage for loan, CPI increase, and Yard Waste and Miscellaneous waste increase. Member Doth ask about vacant lots, OS presented the resolution of rates that had been approved in 2004-06-01 for Vacant Lot Rates. OS Ingle stated that depending on the approval of the Joint Landfill Dividend Refund the rates could fluctuate.

DISCUSSION/POSSIBLE ACTION- RESOLUTION 2013-05-01 SOLID WASTE RATE INCREASE; Motion by Member Bradford to approve Resolution 2013-05-01 Solid Waste Rate Increase, seconded by Member Williams, motion carried upon a roll call vote, with ayes from Members Bradford, Williams, Dean and Hammons, a nay from Member Doth.

EXECUTIVE SESSION- CONTRACTUAL NEGOTIATION-THREATENED AND/ OR PENDING LITIGATION D-0101-CV-2013-00104; Motion by Member Bradford at 3:10pm to go to Executive Session, seconded by Member Dean, motion carried with all ayes upon a roll call vote. Motion by Member Dean to return from Executive Session at 4:40pm, seconded by Member Bradford, motion carried with all ayes upon roll call vote. Member Bradford attested the only discussion was on Contractual Negotiation-Threatened and/or Pending Litigation D-0101-CV-2013-00104.

DISCUSSION/POSSIBLE ACTION - EXECUTIVE SESSION- THREATENED AND/ OR PENDING LITIGATION D-0101-CV-2013-00104; Motion by Member Dean to advise the attorney to move forward and file a motion for the courts to reconsider, seconded by Member Bradford, motion carried with ayes from Members Dean, Bradford, Williams, and Hammons, and nays from Members Doth and Salas upon a roll call vote.

APPROVAL OF MINUTES REGULAR MEETING APRIL 23, 2013 SPECIAL MEETING MAY 21,2013 & JOINT MEETING MAY 2, 2013; Motion by Member Bradford to approve the Regular Meeting April 23, 2013, Special Meeting May 21, 2013 & Joint Meeting May 2, 2013 minutes, a copy of which is attached and made a part hereof, seconded by Member Salas, motion carried with all ayes.

At the request of Nita Taylor, OS Ingle requested that Item 10 a. Refinancing Study by COL be presented at this time as Mr. Burpo had to leave. Chairman Hammons asked if this was agreeable to everyone all members agreed that they would proceed with the presentation of item 10a at this time.

REFINANCING STUDY BY COL; Robert Burpo the president of First American Financial Advisors, Inc., made a presentation to the Board on behalf of the County of Lincoln. Mr. Burpo has represented the County of Lincoln since 1999 and was also to be the expert witness for the COL in the lawsuit. Mr. Burpo presented what he believed was needed for possible refinancing only. OS Ingle noted that the information she provided to the COL BOCC and the GSWA BOD was principle and interest on debts that were already in place and the months and years remaining on those debts. Also, OS Ingle stated to add a copy of the complete financial audit pages used by Mr. Burpo, copies of which are attached and made apart here of, which show the audited debt with the interest as OS Ingle had presented in November 2012 and February 2013 were correct as presented.

APPROVAL OF FINANCIAL: OS Ingle presented the April 2013 Accounts Payable of $145,164.59 for April 2013; copies of which are attached and made apart here of, Member Doth questioned the payment to KEDU, OS Ingle explained that they provide PSA and illegal dumping messages. Motion by Member Dean to approve April 2013 Accounts Payable 2013, seconded by Member Williams, motion carried with all ayes upon a roll call vote.
The Month-End Financial Report for March 2013, copies of which are attached and made apart here of; reflects that the general operating bank accounts had a balance of $109,689.48, Loan funds, EGRT, closure funds, $454,877.93. Overall the Authority's budget shows that they should be at 83%, with actual numbers reflecting Revenues at 75%, Expenditures at 67%, Payroll should be at 85%, and the budget reflects 72% and the Transfer of funds at 81%. Current year-to-date figures reflect that Revenue exceed Expenditures by $144,988. Motion by Member Dean to approve April 2013 Month End Report, seconded by Member Williams, motion carried with all ayes upon a roll call vote.
OS Ingle provided Member Doth the monthly Utility Snap Shot as requested at the April Meeting, Member Doth thanked OS Ingle and clarified that he wants a monthly break down of all expenses uniforms, insurance etc. if they are paid in advance or in 6 month increments he wants them put in the monthly snap shot broken down.

DISCUSSION/POSSIBLE ACTION ACCOUNTS RECEIVABLE APRIL 2013; Motion by Member Doth to approve the write off of April Accounts Receivable $696.24 as presented, a copy of which is attached and made apart hereof, seconded by Member Dean, motion carried with all ayes upon a roll call vote.

APPROVAL OF OPERATIONAL SUPERVISOR REPORT; OS Ingle provided to the Board the Recycling and Illegal Dumping report for April 2013, a copy of which is attached and made apart hereof; 20.89 tons of recycling shipped and 19.90 tons of metal. Illegal Dumping sites 57, Illegal Dumping yards year-to-date 638.75, Yard Waste Collected 650 yards- year to date 9,230 yds.
OS Ingle presented the Board customer letters of gratitude and we miss you much, OS Ingle also informed Member Doth that she had sent a response to Mr. Chambless in regards to his complaint. Motion by Member Dean to Approve Operational Supervisor Report as presented, seconded by Member Williams, motion carried with all ayes upon a roll call vote.

DISCUSSION/POSSIBLE ACTION- AMENDMENT OF JPA OTERO/ GREENTREE LANDFILL; Motion by Member Doth to approve amendment as presented, a copy of which is attached and made apart hereof, seconded by Member Dean, motion carried with all ayes upon a roll call vote.

DISCUSSION-INVESTIGATION OF POSSIBE SALE OF OTERO/GREENTREE LANDFILL; This item was voted down at the joint meeting.

DISCUSSION/POSSIBLE ACTION- REFUND OF DIVIDENDS(EXCESS REVENUES) OTERO/ GREENTREE LANDFIL; Motion by Member Doth to approve the Refund of Dividends as presented, a copy of which is attached and made apart hereof, seconded by Member Dean, Motion carried with ayes from Members Doth, Dean, Bradford, Williams, and Hammons and a nay from Member Salas upon a roll call vote.

DISCUSSION/ POSSIBLE ACTION- MANAGEMENT VEHICLE POLICY; OS Ingle presented the Board with the Management Vehicle vs. rental vehicle study, a copy of which is attached and made apart hereof Member Doth stated that he had asked for an investigation into buying a used vehicle. Motion by Member Dean to table Management Vehicle Policy until the next regular meeting, seconded by Member Williams, motion carried with all ayes.

DISCUSSION/POSSIBLE ACTION –PSA AMENDMENT TO AGREEMENT- OPERATIONAL CONSULTANT; Motion by Member Dean to amend PSA-Operational Consultant as presented, a copy of which is attached and made apart hereof, seconded by Member Hammons, motion carried with Ayes from Members Dean, Hammons, Bradford, Williams, and Salas, and a nay from Member Doth upon a roll call vote.

DISCUSSION/POSSIBLE ACTION-PSA-AGREEMENT- ATTORNEY J.ROBERT BEAUVAIS; OS Ingle requested permission to provide a draft PSA for Attorney J.Robert Beauvais to be approved by the Board at the next meeting. Motion by Member Dean to grant permission to OS Ingle to draft a PSA for Attorney J.Robert Beauvais, seconded by Member Williams, motion carried with ayes from Members Dean, Williams, Bradford, Salas, and Hammons, and a nay from Member Doth upon a roll call vote.

APPROVAL- INTERIM BUDGET FY 2013-14; OS Ingle presented the Interim Budget with Rate Increases to Board, a copy of which is attached and made apart hereof, to be turned into DFA. Motion by Member Dean to approve Interim Budget FY 2013-14 with the Rate Increases and changes, seconded by Member Williams, motion carried with all ayes upon a roll call vote.

COMMENTS FROM THE PUBLIC: Member Dean commented as a member of the public about the services provided by Greentree to the Town of Carrizozo and the differences that it would entail if it was a private solid waste provider. Private would not provide the extra services without charging for that special service. (ie.. Compost/Mulch, Tires, & E-waste recycling)

NEW/OLD BUSINESS;
Member Salas made a statement about the White Goods collection by the Village of Ruidoso he would like clearer communication. OS Ingle informed the board that this next week would be text book recycling. Chairman Hammons would like to see a sit down with the County to try to resolve the issues.

NEXT MEETING; the next regular meeting is scheduled for June 25th at 10:00 am.

ADJOURN; Motion by Member Dean to adjourn the meeting at 5:50 pm, seconded by Member Williams, motion carried with all ayes.

Passed and approved this 25th day of June 2013.

Sherrill D. Bradford
~~Sam Hammons~~ Sherrill Bradford
Vice-Chairman, GSWA

Gary L. Williams
Secretary/Treasurer, GSWA

Transcribed by:
M. Ginny Mansfield
M.Ginny Mansfield
GSWA Administrative Assistant

Greentree Solid Waste Authority
PO Box 2405
Ruidoso Downs, NM 88346
*(575) 378-4697 * 1-877-548-8772 Fax (575) 378-4896*

June 7, 2013

TS/RC Recycling Report 05/01/13 to 05/31/13

Recycling shipped for May 2013

Cardboard	16.49	T
Newspaper	09.26	T
Mixed Paper	03.90	T
Plastics #1	00.63	T
Plastics #2	00.00	T
Total	30.28	T

Aluminum/Brass/Copper

1.40T / 101lbs. / 290 lbs.

Metal

19.40T

Field Report – 05/01/13 to 05/31/13

Lincoln County

975 Yds. Collected Yard Waste 05/13
10,405 Yds. Collected Yard Waste FY 2012-13

Miscellaneous Waste Illegal Dumping

57 Illegal Dumping Sites 05/13
627 Illegal Dumping Sites FY 2012-13
82.75 Yds. Of Illegal Dumping 05/13
721.50 Illegal Dumping Yards FY 2012-13

Dirty Dozen Miscellaneous Waste for May 2013

Monthly

Dirty dozen 2012 / 2013

as of May 2013

year to date total of all sites 721.5

	location	yards
1	Sun Valley	63.75
2	Enchanted Forest Area	50.25
3	Ski Run Rd	48
4	Loma Grande	46
5	Cedar Creek	39.25
6	Laughing Horse Ln	32.25
7	Glencoe	31
8	Ranches of Sonterra	26.25
9	Dawson Rd	25.5
10	Gavillan Cny Rd	25
11	Sandia Rd	24.25
12	Alpine Village	22.5

Year to Date

May

	Location	Sum of Yards
1	Gavillan Cny Rd	9
2	Laughing Horse Ln	8.25
3	Sun Valley	8.25
4	Biscuit Hill	7
5	Ski Run Rd	5.5
6	Enchanted Forest Area	4.5
7	Dawson Rd	4
8	Wild Rose	4
9	crC006/ Ft Lone Tree	4
10	Loma Grande	3.75
11	Cedar Creek	3.5
12	Hondo Yard	3.5

GSWA Board of Directors Monthly Recycling Report – June

Material	Paying	Prev Mk Month		Curr Mk Month*		High Price	Low Price
Aluminum (cans)-W	0.28	0.67		0.70		0.84	0.38
Aluminum (extrusion)-W	0.25	0.65		0.69		0.72	0.35
Brass - W	0.90	1.94		2.00		2.00	0.90
Copper #1 - W	1.50	2.77		3.00		3.85	1.70
Copper #2 - W	1.50	2.57		2.86		3.60	1.55
Clean Mixed Plastic-T	0.00	0.00	T	30.00	T	45.00	10.00
Plastic #1 - T	0.00	210.00	T	200.00	T	210.00	0.00
Plastic #2 - T	0.00	200.00	T	180.00	T	170.00	0.00
Corrugated Cardboard-T	0.00	105.00	T	105.00	T	185.00	40.00
Mixed Paper-T	0.00	50.00	T	30.00	T	90.00	5.00
Old Newsprint - T	0.00	65.00	T	60.00	T	105.00	10.00
Other Paper-T	0.00	110.00	T	110.00	T	260.00	100.00
Scrap Steel/Iron - CM	90.00	190.00	T DEL	180.00	T DEL	240.00	60.00
Scrap Steel/Iron -CM	0.00	117.14	T PU*	107.14	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 $550.00.**

Greentree Solid Waste Authority
REGULAR MEETING
June 25, 2013

Vice-Chairman Bradford called the Regular Meeting of the Greentree Solid Waste Authority (GSWA) to order at 10:05am at the office of Greentree Solid Waste Authority in Ruidoso Downs, NM.

ROLL CALL; Members recorded as present Dennis Haskell (Capitan), Sherrill Bradford (Corona), Ray Dean (Carrizozo)by, Gary Williams (Ruidoso Downs), Rifle Salas (Ruidoso),. Members recorded as absent: Mark Doth (County of Lincoln)

Staff in attendance: Debra L. Ingle, Operational Supervisor, (OS); Ginny Mansfield (AA).

Public present: Jim Edwards (ALPOA)

APPROVAL OF AGENDA; Motion by Member Salas to approve the agenda as presented, seconded by Member Williams, motion carried with all ayes.

APPROVAL OF MINUTES REGULAR MEETING MAY 28, 2013; Motion by Member Dean to approve the Regular Meeting May 28, 2013, a copy of which is attached and made a part hereof, seconded by Member Williams, motion carried with all ayes.

APPROVAL OF FINANCIAL: OS Ingle presented the May 2013 Accounts Payable of $165,330.54; copies of which are attached and made apart here of, The Month-End Financial Report for May 2013, copies of which are attached and made apart here of; reflects that the general operating bank accounts had a balance of $29,481.01, Loan funds, EGRT, closure funds, $275,169.43. Overall the Authority's budget shows that they should be at 92%, with actual numbers reflecting Revenues at 80%, Expenditures at 80%, Payroll should be at 92%, and the budget reflects 81% and the Transfer of funds at 96%. Current year-to-date figures reflect that Expenditures exceed Revenue by $259,917. OS Ingle provided the monthly Utility Snap Shot as requested by Member Doth clarifying that this information had been provided to the Board and to Nita Taylor in the months of November and December. Motion by Member Dean to approve May 2013 Financial Report, seconded by Member Salas, motion carried with all ayes upon a roll call vote.

DISCUSSION/POSSIBLE ACTION ACCOUNTS RECEIVABLE MAY 2013; OS Ingle provided the Non-Board Approval Determination of Accounts, a copy of which is attached and made apart hereof, which showed that 5 liens were paid off that did not request that the late fees be removed for a total of $5,931.73. OS Ingle reported that GSWA had 22 LBF accounts that we re activated in the billing system.

APPROVAL OF OPERATIONAL SUPERVISOR REPORT; OS Ingle provided to the Board the Recycling and Illegal Dumping report for May 2013, a copy of which is attached and made apart hereof, 30.28 tons of recycling shipped and 19.40 tons of metal. Illegal Dumping sites 57, Illegal Dumping yards year-to-date 721.50, Yard Waste Collected 975 yards- year to date 10,405 yds. OS Ingle reported that Capitan Alumni received a grant from Dr. Pepper/Snapple, a copy of which is attached and made apart hereof; for recycling collection bins, and that Carrizozo received the Solid Waste facility grant , a copy of which is attached and made apart hereof; for the site at McBride Ranch. OS Ingle reported that she had met with the NMFA. OS Ingle reported that the Attorney filed the motion to reconsider on June 21, 2013. Motion by Member Dean to Approve Operational Supervisor Report as presented, seconded by Member Williams, motion carried with all ayes upon a roll call vote.

DISCUSSION/POSSIBLE ACTION-OPEN MEETINGS ACT RESOLUTION 2013-06-01; OS Ingle presented the Board Resolution 2013-06-01 Open Meetings Act a copy of which is attached and made apart hereof. Motion by Member Dean to approve Resolution 2013-06-01as presented, seconded by Member Salas, motion carried with all ayes upon a roll call vote.

DISCUSSION/ POSSIBLE ACTION- MANAGEMENT VEHICLE POLICY; OS Ingle presented the Board with the Management Vehicle vs. rental vehicle study presented at the last months meeting with the changes of adding to used vehicles being purchased, a copy of which is attached and made apart hereof. OS Ingle also presented a breakdown of what it would cost for an employee to use the purchased vehicle to provide the same service that OS Ingle provides after hours and on week ends. Motion by Member Williams to approve the Management Vehicle usage as is currently being done, seconded by Member Dean, motion carried with all ayes.

DISCUSSION/POSSIBLE ACTION –PSA AGREEMENT-ATTORNEY J.ROBERT BEAUVAIS; OS Ingle presented the PSA for Attorney J.Robert Beauvais recommending that changes be made to sections J from 10 to 30 days and section D adding a $50,000 maximum, OS Ingle stated that Mr. Beauvais office requested a meeting in the near future for contract negotiations, Motion by Member Williams to approve the PSA for Attorney J.Robert Beauvais as presented with the changes to section J and D, a copy of which is attached and made apart hereof, seconded by Member Dean, motion carried with Ayes from Members Williams, Dean, Haskell, Bradford, and a nay from Member Salas stating the per hour needed to be negotiated, upon a roll call vote.

DRAFT

COMMENTS FROM THE PUBLIC: Jim Edwards from Alto Lakes Property Owners Association asked questions about recycling markets and the process of sorting plastics and papers.

NEW/OLD BUSINESS; NONE

NEXT MEETING; the next regular meeting is scheduled for July 23rd at 10:00 am.

ADJOURN; Motion by Member Dean to adjourn the meeting at 11:20am, seconded by Member Salas, motion carried with all ayes.

Passed and approved this 25th day of June 2013.

Sam Hammons
Chairman, GSWA

Gary L. Williams
Secretary/Treasurer, GSWA

Transcribed by:

M.Ginny Mansfield
GSWA Administrative Assistant

DRAFT

Greentree Solid Waste Authority
SPECIAL MEETING
July 1, 2013

Vice-Chairman Bradford called the Special Meeting of the Greentree Solid Waste Authority (GSWA) to order at 10:05am at the office of Greentree Solid Waste Authority in Ruidoso Downs, NM.

ROLL CALL; Members recorded as present Chairman Sam Hammons (Capitan), Vice-Chair Sherrill Bradford (Corona), Sec/ Treasurer Gary Williams (Ruidoso Downs), Ray Dean (Carrizozo)by proxy Sherrill Bradford, Rifle Salas (Ruidoso) by proxy Jeff Kaplan,. Members recorded as absent: Mark Doth (County of Lincoln)

Staff in attendance: Debra L. Ingle, Operational Supervisor, (OS); Ginny Mansfield (AA). Angie Schneider (GSWA Attorney)

Public present: Joe Lewandowski (Operations Consultant)

APPROVAL OF AGENDA; Motion by Member Hammons to approve the agenda as amended moving Item 4 to Item 6a, seconded by Member Williams, motion carried with all ayes.

DISCUSSION/POSSIBLE ACTION- PROCEDURS FOR AGENDA & INFORMATION REQUEST BY BOARD MEMBERS; OS Ingle provided the procedures from the past for board members to receive information. OS Ingle provided information on the time spent on request for a Member and the entity they represent the time spent equaled 5-10 hours since January. OS Ingle requested that the policy be put in place for all Members requesting information have a process they would follow the Board would then direct how and when to provide the requested information as not to overwhelm the staff. Motion by Member Hammons, to direct OS Ingle to prepare a policy establishing procedures for Board Members requesting information, asking OS to put on the agenda for a regular meeting, at the meeting the Board will then Direct OS to provide the information and a time frame to present to the whole Board, seconded by Member Williams, motion carried with all ayes.

EXECUTIVE SESSION- CONTRACTUAL NEGOTIATION-THREATENED AND/ OR PENDING LITIGATION D-0101-CV-2013-00104; Motion by Member Williams at 10:12 am to go to Executive Session, seconded by Member Hammons motion carried with all ayes upon a roll call vote. Motion by Member Hammons to return from Executive Session at 11:00am, seconded by Member Williams, motion carried with all ayes upon roll call vote. Member Hammons attested the only discussion was on Contractual Negotiation-Threatened and/or Pending Litigation D-0101-CV-2013-00104.

DISCUSSION/POSSIBLE ACTION - EXECUTIVE SESSION- THREATENED AND/ OR PENDING LITIGATION D-0101-CV-2013-00104: the Board directed GSWA Attorney Angie Schneider to draft a letter.

DISCUSSION/POSSIBLE ACTION- RESIDENTIAL CUSTOMER BILLING; After discussions a, Motion by Member Hammons to increase $2.64 of the County's approved rate through the process of a Public Hearing and the budget approval at the May 30, 2013 GSWA meeting, seconded by Member Williams, motion carried with all ayes upon a roll call vote.

COMMENTS FROM THE PUBLIC; NONE

NEW/OLD BUSINESS; NONE

NEXT MEETING; the next regular meeting is scheduled for July 23rd at 10:00 am.

ADJOURN; Motion by Member Hammons to adjourn the meeting at 11:06am, seconded by Member Williams, motion carried with all ayes.

Passed and approved this 23h day of July 2013.

Sam Hammons
Chairman, GSWA

Transcribed by:

Gary L. Williams
Secretary/Treasurer, GSWA

M.Ginny Mansfield
GSWA Administrative Assistant

DRAFT

LINCOLN COUNTY

County of Lincoln

P.O.Box 711 ● 300 Central Ave. ● Carrizozo, New Mexico 88301-0711 ● (505) 648-2385

AGENDA ITEM NO. 10

July 9, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager

SUBJECT: Lincoln County Detention Center Update – Warden Anderson

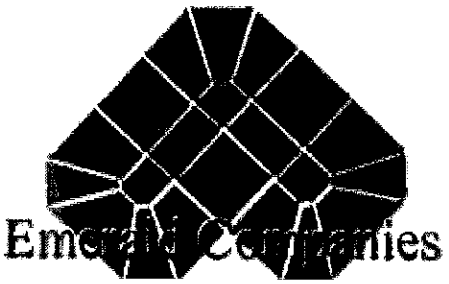
Purpose: To provide an opportunity for the Lincoln County Detention Center, Warden Anderson, to provide an update.

Discussion:

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

Recommendation: None – information only at this time.

LINCOLN COUNTY DETENTION CENTER



TOTAL CAPACITY – 144

JANUARY 01, 2013 – JULY 9, 2013

TOTAL BOOKINGS –806

TOTAL RELEASES – 773

AVERAGE DAILY POPULATION -149

DAILY COUNT FOR JULY 9, 2013 – 151

DAILY BIA COUNT JULY 9, 2013 – 1

DAILY COUNTY COUNT JULY 9, 2013 – 150

DAILY USMS COUNT JULY 9,, 2013 - 0

Agenda Item No. 11
July 16, 2013

SUBJECT

9:00 A.M.: Lodgers Tax Activities with backup material:

a. Application : Christmas Jubilee $1,000, November 8-10, 2013 Betty Leonard/Ruidoso Valley Greeters

b. Application : Carrizozo Luminarias $200, December 24, 203 Fran Altieri/Carrizozo Chamber of Commerce

c. Application : 20th Annual Carrrizozo Street Fair $1,000, September 1-2, 2013, Fran Altieri/Carrizozo Chamber of Commerce

d. Application : Tour de Ruidoso $4,000, September 28, 2013, Michelle Thurston/Bicycle Ruidoso

e. Application : Lincoln County Cowboy Symposium $5,000, October 11-13, 2013, Sunny Hirschfeld/The Race Horse Hall of Fame/Hubbard Museum

RECEIVED

FEB 0 8 2013

ADMINISTRATION
LINCOLN COUNTY NM

February 2, 2013

County of Lincoln
P. O. Box 711
Carrizozo, NM 88301-0711

Re: Application for Lodgers Tax Funds

Dear Sir or Madam:

Enclosed is an Application for Lodgers Tax funds for the 2013 Ruidoso Christmas Jubilee. Attached to the Application are (1) results of a random survey taken at the 2012 Jubilee; (2) the actual amounts spent for advertising for 2012; (3) the budgeted amount for the 2013 advertising and (4) a sample of the artwork used in all advertising.

It is expected that the expenses of printing will increase in 2013; therefore the increase in our budgeted amount. We are requesting the amount of $1000.00 to help defray our expenses. We appreciate the assistance you have provided us in the past and respectfully request your help in 2013.

I will be traveling to Israel from February 9 through February 23; if you have any questions or comments concerning our request during those dates, please contact Linda McKinley at 336-7632 or lmckinley@windstream.net.

Sincerely,

Betty Leonard

Betty Leonard, Advertising Chairman
Ruidoso Valley Greeters Christmas Jubilee
575-808-8223 or 575-808-9868
believer2355@bajabb.com

County of Lincoln

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

www.lincolncountynm.net

NAME OF EVENT: Christmas Jubilee DATE(S) OF EVENT: Nov 8,9,10, 2013

NAME OF ORGANIZATIONS(S) APPLYING FOR FUNDING: Ruidoso Valley Greeters

AMOUNT REQUESTED: $ 1000.00

DESCRIBE EVENT BACKGROUND & RATIONALE: Christmas Jubilee is held to entice visitors to the area during a historically slow time for lodgers and merchants. Ruidoso Greeters is a non profit organization comprised of volunteers and this is our only fund raising event

HOW WILL YOU ADVERTISE AND MARKET THE EVENT? Posters, rack cards, print media, radio, Internet banners

HOW WILL ATTENDANCE AND ORIGIN BE MEASURED? Adult admission is counted by admission fees and a random survey is conducted. Children under 12 are free and not counted

HAVE YOU DISCUSSED SPECIAL ROOM PACKAGES DURING YOUR EVENT WITH A LINCOLN COUNTY LODGER? ____YES ____NO HOW WILL OCCUPANCY RATES BE REPORTED/TRACKED? We have a link to all lodging in Lincoln County

WHAT PERCENTAGE OF YOUR MEDIA BUDGET WILL BE USED OUTSIDE OF LINCOLN COUNTY? 80 %
WILL YOU HAVE A WEBSITE FOR YOUR EVENT? X YES ____NO

FUNDS WILL BE USED FOR:

NEWSPAPER ADVERTISING:	$ 3000 *
RADIO:	$ 200
MAGAZINE:	$ 800
INTERNET:	$ 500
PRINTING:	$ 2000
OTHER:	$ 2000
TOTAL:	$ 8500

* all of the newspaper ads had extensive advertising on the Internet

Please feel free to add additional pages, samples of ads or brochure artwork, etc.

RULES AND REGULATIONS

I understand that these are public funds and they are to be administered according to State Law and County Ordinances, and I agree to submit a follow up report with a financial statement within (90) days following the event or I could forfeit the funds. Funding recommended for approval by the Lincoln County Lodger's Tax Committee must be approved by the Lincoln County Commission (Governing Body). I also understand that approved funding amounts may differ from the amount requested on the application.

NAME (PRINT) OF APPLICANT MAKING REQUEST:	Betty Leonard
SIGNATURE OF APPLICANT:	Betty Leonard
ADDRESS/CITY/ZIP:	PO Box 646, Ruidoso, NM 88355
PHONE: 575-808-8223	EMAIL ADDRESS: believer2355@bajabb.com
DATE SUBMITTED: 2/2/2013	PRESENTED AT MEETING ON:

Attach any previous year's budget and proposed budget for event. Mail or deliver to Billie-Jo Guevara, Lincoln County, PO Box 711, Carrizozo, NM 88301 or Fax to (575)648-4182.

2012 CHRISTMAS JUBILEE
November 09, 10, 11

Attendance and Survey Results

Attendance: Total paid attendance--4209
Active military and families---145 (admitted free)
Children under 12 were admitted free. No count but the Santa Room was busy both days.

How they heard about the event: Newspapers (both local and out of town), Internet, Banner, Flyers, Posters, AAA Magazine. Besides paid advertising, we made use of many free ads in publications state wide and in Texas. It was advertised on the marquee of the Chamber and First National Bank. We used paid radio advertising to reach eastern New Mexico and west Texas and free radio announcements and interviews on local stations. Besides the rack cards and book marks, we increased our posters from 100 to 150 to place in town and surrounding communities.

Where they stayed: This is hard to determine as the crowd moved so quickly. A brief survey named The Lodge, Best Western, Cozy Cabins, Holiday Inn, Champion run, Time-Share, Cloudcroft and with friends and family. A more complete survey would have named many more.

Where they lived:
New Mexico Cities:
Roswell, Hobbs, Clovis, Carlsbad, Dexter, Artesia, Lovington, Tularosa, Capitan, Cloudcroft, Mescalero, Lincoln, El Paso, Albuquerque, Belen, Las Cruces, and local.

Texas:
Dallas, Austin, Houston, San Antonio, Kerrville, Midland, Odessa, and Lubbock.

Other states represented:
Nevada, Alabama, California, Virginia, New York, Kansas, North Dakota, Colorado, Arizona, and Oklahoma.

2012

Pay to	For	Budget	Actual	Tax	tear sheet	Paid
Print Write Now		$982.30	$1,029.80actual		na	$1,029.80
	Rack cards		$345.00			
	Book Marks		$254.80			
	Posters		$180.00			
	Creative Design		$250.00			
Old Lincoln Days Program	1/2 page ad		$90.00		yes	$90.00
Your Host NM	Ad	$481.50	$481.50		yes	$481.50
SW Advertising	Distribute rack card	$253.65	$253.65		na	$253.65
Ruidoso News		$2,091.92	2,099.90actual			
Vamonos	three ads		$129.94	11.21	yes	$141.15
Rudioso news ads	2 ads		$77.39	6.67	yes	$84.06
Ruidosonews.com	Tower (40,000)		$300.00	25.87	n/a	$325.95
SW Living	1/4 color		$110.00	9.49	yes	$119.57
El Paso	Paper, etc		$995.00		yes	$1,092.00
My Las Cruces	ad		$126.00	9.53	yes	$135.53
Missle Ranger	ad		$86.25	6.58	yes	$92.83
Hologram	ad		$101.25	7.72	yes	$108.97
Free press		$775.00	$722.36			
	radio KIDX		$150.00	12.94	na	$162.94
	radio Wi05		$150.00	12.94	na	$162.94
	Zine--3 ads		$365.00	31.48	yes	$396.48
Ruidoso Web						
	Domaine name	$125.00	$125.00		na	$125.00
	1 mo advertising	$400.00	$400.00		na	$400.00
	Web site maint	$100.00	$82.50	7.12	na	$89.62
Roswell Daily Record		$160.00	$168.79	$12.03	yes	$180.82
Sign company	update banner	$44.00	no charge			
Total expences			$5,319.07	$153.66		$5,472.73

2013

Advertising		
	Festival of Lights	1,000.00
	Online Advertising	0.00
	Print Advertising	7,350.00
	Radio Advertising	0.00
	Website	150.00
	Advertising - Other	0.00
Total Advertising		8,500.00

2012 Ruidoso Christmas Jubilee

Presented by
Ruidoso Valley Greeters

A Shopping Extravaganza
80 Local Merchants
& Food Court

Ruidoso Convention Center
November 09, 10, & 11

ADMISSION $1.00
Under 12 & Active Military Free

Friday Noon - 6 PM
Saturday 10 AM to 6 PM
Sunday 11 AM to 4 PM

ACTIVITIES FOR THE CHILDREN
Story Telling & Visit with Santa
Saturday 10 AM to 4 PM , Sunday 12:30 PM to 3 PM

For Information, call (575) 336-1505
www.ruidosochristmasjubilee.net

Ruidoso Valley Greeters
Ruidoso

County of Lincoln

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

www.lincolncountynm.net

NAME OF EVENT: Carr 2030 Luminarias DATE(S) OF EVENT: Dec 24

NAME OF ORGANIZATIONS(S) APPLYING FOR FUNDING: Carr 2030 Chamber of Commerce

AMOUNT REQUESTED: $ 200.-

DESCRIBE EVENT BACKGROUND & RATIONALE: N.M. Carr 2030 Tradition 2500-5000 luminarias made + displayed throughout town

HOW WILL YOU ADVERTISE AND MARKET THE EVENT? newspapers internet

HOW WILL ATTENDANCE AND ORIGIN BE MEASURED? by sight

HAVE YOU DISCUSSED SPECIAL ROOM PACKAGES DURING YOUR EVENT WITH A LINCOLN COUNTY LODGER? ____ (YES) ____ NO HOW WILL OCCUPANCY RATES BE REPORTED/TRACKED? ____

WHAT PERCENTAGE OF YOUR MEDIA BUDGET WILL BE USED OUTSIDE OF LINCOLN COUNTY? 95 %

WILL YOU HAVE A WEBSITE FOR YOUR EVENT? ____ (YES) ____ NO

FUNDS WILL BE USED FOR:

NEWSPAPER ADVERTISING:	$ 100.-
RADIO:	$
MAGAZINE:	$
INTERNET:	$ 100.-
PRINTING:	$
OTHER:	$
TOTAL:	$

Please feel free to add additional pages, samples of ads or brochure artwork, etc.

RULES AND REGULATIONS

I understand that these are public funds and they are to be administered according to State Law and County Ordinances, and I agree to submit a follow up report with a financial statement within (90) days following the event or I could forfeit the funds. Funding recommended for approval by the Lincoln County Lodger's Tax Committee must be approved by the Lincoln County Commission (Governing Body). I also understand that approved funding amounts may differ from the amount requested on the application.

NAME (PRINT) OF APPLICANT MAKING REQUEST:	FRAN ALTIERI
SIGNATURE OF APPLICANT:	Fran Altieri
ADDRESS/CITY/ZIP: PO Box 567	CARRIZOZO NM 88301
PHONE: 575-973-0571	EMAIL ADDRESS: CARRIZOZOCHAMBER.ORG
DATE SUBMITTED:	PRESENTED AT MEETING ON:

Attach any previous year's budget and proposed budget for event. Mail or deliver to Billie-Jo Guevara, Lincoln County, PO Box 711, Carrizozo, NM 88301 or Fax to (575)648-4182.

County of Lincoln

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

www.lincolncountynm.net

NAME OF EVENT: 20 Annual Carrizozo Street Fair + Carrizozo Ranch Rodeo DATE(S) OF EVENT: Sun 9/1 + Mon 9/2

NAME OF ORGANIZATIONS(S) APPLYING FOR FUNDING: Carrizozo Chamber of Commerce

AMOUNT REQUESTED: $ 1000 -

DESCRIBE EVENT BACKGROUND & RATIONALE: 20th Annual Carrizozo Street Fair + Carrizozo Ranch Rodeo - Sunday eve Concert in park - *Pls see attached

HOW WILL YOU ADVERTISE AND MARKET THE EVENT? newspaper, radio, internet poster ads

HOW WILL ATTENDANCE AND ORIGIN BE MEASURED? Volunteer Surveillance

HAVE YOU DISCUSSED SPECIAL ROOM PACKAGES DURING YOUR EVENT WITH A LINCOLN COUNTY LODGER? (YES) NO HOW WILL OCCUPANCY RATES BE REPORTED/TRACKED?

WHAT PERCENTAGE OF YOUR MEDIA BUDGET WILL BE USED OUTSIDE OF LINCOLN COUNTY? ____%
WILL YOU HAVE A WEBSITE FOR YOUR EVENT? (YES) NO

FUNDS WILL BE USED FOR:

NEWSPAPER ADVERTISING:	$ 300
RADIO:	$ 200
MAGAZINE:	$
INTERNET:	$ 100
PRINTING:	$ 200
OTHER:	$ 200
TOTAL:	$

Please feel free to add additional pages, samples of ads or brochure artwork, etc.

RULES AND REGULATIONS

I understand that these are public funds and they are to be administered according to State Law and County Ordinances, and I agree to submit a follow up report with a financial statement within (90) days following the event or I could forfeit the funds. Funding recommended for approval by the Lincoln County Lodger's Tax Committee must be approved by the Lincoln County Commission (Governing Body). I also understand that approved funding amounts may differ from the amount requested on the application.

NAME (PRINT) OF APPLICANT MAKING REQUEST: FRAN ALTIERI	
SIGNATURE OF APPLICANT: Fran Altieri	
ADDRESS/CITY/ZIP: PO Box 567	CARRIZOZO NM 88301
PHONE: 575-973-0571	EMAIL ADDRESS: CARRIZOZOCHAMBER.ORG
DATE SUBMITTED:	PRESENTED AT MEETING ON:

Attach any previous year's budget and proposed budget for event. Mail or deliver to Billie-Jo Guevara, Lincoln County, PO Box 711, Carrizozo, NM 88301 or Fax to (575)648-4182.

Carrizozo
CHAMBER OF COMMERCE

Discover Carrizozo . . .at the Crossroads of New Mexico SM
P.O. Box 567 Telephone (575)648-2732
Carrizozo, NM 88301 www.carrizozochamber.org

May 7, 2013

The Carrizozo Chamber of Commerce has taken new steps this year to become a much more active and involved chamber of commerce. With these steps in motion since this past January (and prior months), the chamber board has voted to raise the "bar" on events, therefore raising the need to fund the events so that they are successful and may be repeated in years to come. Along with that decision came the fact that Carrizozo is the heart beat of Hwy. 380 and travelers from all over must pass through Carrizozo to reach their destination, so why not invite them to stay and experience our life-style. One true fact about Carrizozo, you can always find art, entertainment, good food and lot's of friendly people. We are proud of our community, our County and our State.

The following are a list of this year's planned events.

July 4th celebration BBQ Brisket Dinner. Prior to the start of the Carrizozo Fire Department's annual fireworks display, the Carrizozo Chamber has held a brisket dinner to raise monies for the popular luminaria display at Christmas. This display has become a tradition over many years bringing in visitors from surrounding towns. This year's brisket dinner will sponsor Paul Pino and the Tone Daddies, a local resident and New Mexico favorite entertainers. In addition to the entertainment, the chamber will be soliciting activities to enhance family fun for the afternoon.

20th Annual Carrizozo Street Fair. This year, after twenty years of various individuals organizing this ever popular event, the Carrizozo Chamber of Commerce has adopted and pledged to keep the Street Fair an on-going Carrizozo event. Under the guidance of the Chamber's executive board and the direction of the President with an army of volunteers, old and new will mesh for a weekend of fun in Carrizozo. New this year will be a free concert in the park the evening prior to the Fair. The Fair day also hosts the Carrizozo Cowboy Ranch Rodeo. This too is an ever increasing popular event among the ranchers of Lincoln County and surrounding counties as well as rodeo fans alike.

Holiday Festivities Including: Luminarias and Holiday in the Park

Luminarias are a part of New Mexico history. The Chamber of Commerce with hundreds of volunteers over the course of more than 15 years has provided Lincoln County and the neighboring communities a spectacular experience. 2,500 and upward of luminarias have been lit each year to welcome visitors to our town and express the Christmas tradition. New this year, Carrizozo is preparing to welcome the holidays with a little "holiday technology". Plans are underway to erect a pre-lit Christmas tree and celebrate the start of the holiday season with a Wassil gathering and a special welcome for that ever popular "fat man".

Sincerely, Fran Altieri, President

SHOP CARRIZOZO!

County of Lincoln

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

www.lincolncountynm.net

NAME OF EVENT: Tour de Ruidoso DATE(S) OF EVENT: September 28, 2013

NAME OF ORGANIZATIONS(S) APPLYING FOR FUNDING: Bicycle Ruidoso

AMOUNT REQUESTED: $4,000.00

DESCRIBE EVENT BACKGROUND & RATIONALE: See attached

HOW WILL YOU ADVERTISE AND MARKET THE EVENT? See attached

HOW WILL ATTENDANCE AND ORIGIN BE MEASURED? registration through active.com and by mail. #Surveys given at registration.

HAVE YOU DISCUSSED SPECIAL ROOM PACKAGES DURING YOUR EVENT WITH A LINCOLN COUNTY LODGER? ✓ YES _____ NO HOW WILL OCCUPANCY RATES BE REPORTED/TRACKED? The Lodge at Sierra Blanca provides me with numbers.

WHAT PERCENTAGE OF YOUR MEDIA BUDGET WILL BE USED OUTSIDE OF LINCOLN COUNTY? 95 %

WILL YOU HAVE A WEBSITE FOR YOUR EVENT? ✓ YES _____ NO www.bicycleruidoso.com

FUNDS WILL BE USED FOR:

NEWSPAPER ADVERTISING:	$ 500.00
RADIO:	$ 500.00
MAGAZINE:	$ 500.00
INTERNET:	$
PRINTING:	$ 1,000.00
OTHER:	$ 1200.00
TOTAL:	$ 4,700.00

Please feel free to add additional pages, samples of ads or brochure artwork, etc.

RULES AND REGULATIONS

I understand that these are public funds and they are to be administered according to State Law and County Ordinances, and I agree to submit a follow up report with a financial statement within (90) days following the event or I could forfeit the funds. Funding recommended for approval by the Lincoln County Lodger's Tax Committee must be approved by the Lincoln County Commission (Governing Body). I also understand that approved funding amounts may differ from the amount requested on the application.

NAME (PRINT) OF APPLICANT MAKING REQUEST:	Michelle Thurston
SIGNATURE OF APPLICANT:	Michelle Thurston
ADDRESS/CITY/ZIP:	114 Horton Cir Ruidoso, NM 88345
PHONE: 915-525-3079	EMAIL ADDRESS: cmlecthurston@yahoo.com
DATE SUBMITTED:	PRESENTED AT MEETING ON:

Attach any previous year's budget and proposed budget for event. Mail or deliver to Billie-Jo Guevara, Lincoln County, PO Box 711, Carrizozo, NM 88301 or Fax to (575)648-4182.

7th Annual Tour de Ruidoso
Lodger's Tax Presentation

Bicycle Ruidoso is a non-profit organization dedicated to promoting safe recreational cycling and bicycle advocacy. Our membership includes road cyclists, mountain bikers and tourists of all fitness and skill levels. Our goal is to have events in the area of Lincoln County that promote health and fitness while bringing athletes, and their families to the area. Our proceeds benefit various local charities.

This will be the 7th annual Tour de Ruidoso. The tour has had steady growth in the last 6 years starting with 100 riders in 2007, and growing to about 220 riders last year. We are hoping to reach 250 riders this year. As you can see from the graph, the potential for this ride is huge! Albuquerque brings in anywhere from 200-600 riders, Red River 300-500, and Santa Fe brings in anywhere from 600-2,000 depending on the beneficiary of the race.

The start, finish, and after party of our ride is at the host hotel, The Lodge at Sierra Blanca. We have between 20-30 rooms booked at the Lodge every year. More than half our riders come from out of town, and stay at least 2 nights according to a survey given at the event. Also, according to the survey results, about $30,500 was spent over the weekend by our participants in Lincoln County. This money was spent primarily on gas, hotel, and food.

We are having posters and brochures printed for many bike/outdoor shops locally and throughout New Mexico, El Paso, Lubbock, and Tucson. We also plan to have our materials in the 3 major New Mexico centuries: Santa Fe on May 19, Albuquerque

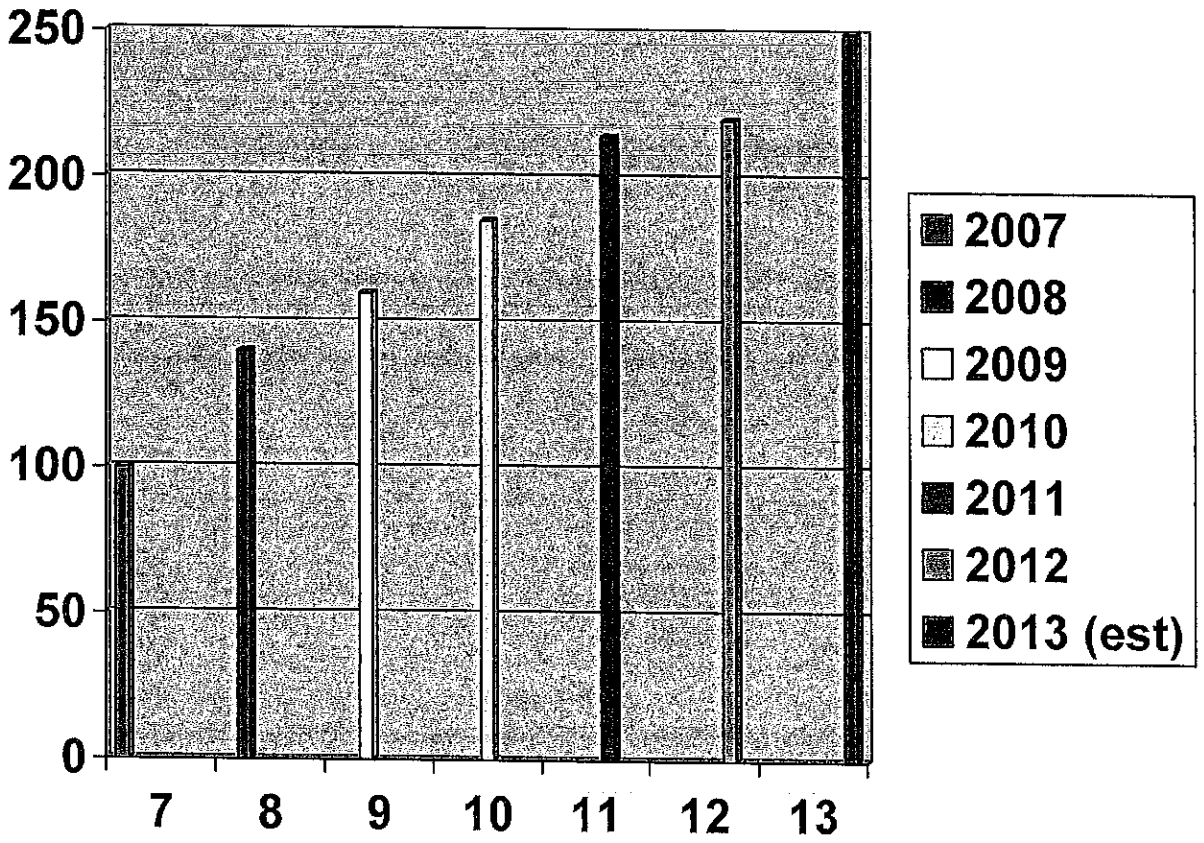
on June 1 and Red River on September 8. We also place rack cards in the 2 Ruidoso events prior to the Tour, The Ruidoso Sprint Triathlon and Ski Run Road Challenge. We will look into advertising in Bicycling Magazine, newspapers in surrounding areas, and possibly radio. We have used many internet resources already, such as:

Active.com
Bicycleruidoso.com
Ruidosobikeshop.com
Nmts.org
Nmcycling.org
Bicycling.com
Womenridingwell.com
Discoverruidoso.com
Ruidosonow.com
Facebook.com

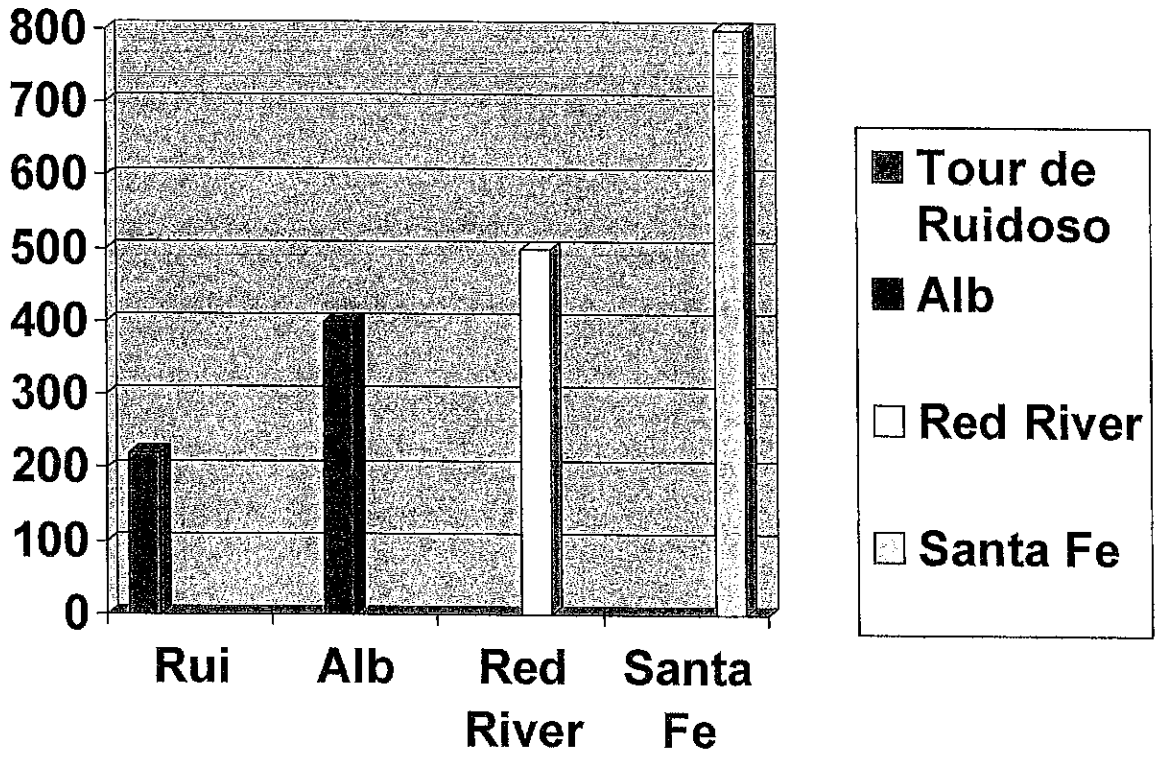
We print t-shirts for participants with all local businesses listed on them, as well as having a picture of Ruidoso showcased on our bib numbers.

According to many participants in the past, Tour de Ruidoso is one of the most challenging rides, with the best scenery, and the best hospitality. We would like to continue to have this event, and work to make it bigger and better every year. Thank you for your support.

7th Annual Tour de Ruidoso (Participants)



New Mexico Centuries
(Participants)



Tour de Tucson brings in about 8,000 riders
Elephant Rock Cycling Festival in Castle Rock, Colorado caps at 4,500 riders
Skinny Tire Festival in Moab, Utah brings in 500-600 riders

COUNTY OF LINCOLN, NM, LODGERS TAX FUNDS APPLICATION

NAME OF EVENT: Lincoln County Cowboy Symposium DATE(S) OF EVENT: October 11, 12 & 13, 2013

NAME OF ORGANIZATION(S) APPLYING FOR FUNDING: The Race Horse Hall of Fame/Hubbard Museum

AMOUNT REQUESTED: $5,000

DESCRIBE EVENT BACKGROUND & RATIONALE: The Race Horse Hall of Fame/Hubbard Museum, a 501c3 organization, at Ruidoso Downs Racing Inc. is requesting Lodgers Tax funds from Lincoln County to promote the 24th Annual Lincoln County Cowboy Symposium on October 11, 12 & 13, 2013.

The Lincoln County Cowboy Symposium began as a dream of Ray Reed, local cowboy and musician, and was created to meet two very specific objectives. The first was to protect and honor the cultural heritage of the American Cowboy and the ranching way of life. The second objective was to improve tourism in Lincoln County during the shoulder season of October. Traditionally, Labor Day and the running of the All American Futurity signaled the end of the high season in the area. Ray approached R D Hubbard and R O Anderson who agreed that this was a worthwhile endeavor, and they sponsored the first event in October of 1990.

Twenty four years later, during the second full weekend in October, Ruidoso Downs Race Track will once again host the nation's finest cowboy & western swing musicians, horsemen, chuckwagon cooks, western artists and craftsmen for three days of events, demonstrations and outstanding cowboy programming for the entire family.

HOW WILL YOU ADVERTISE AND MARKET THE EVENT? The event will be advertised on the website, press releases and a large mailing of a "save the date" post card to previous ticket purchasers. Media includes magazine, newspaper, online and radio. LCCS advertises in the Smokey Bear and Lincoln Days programs. Lincoln County will be acknowledged on all print media through the use of its logo. There will also be an acknowledgment in the printed program. Specifically, the Cowboy Symposium requests funding for radio advertising.

HOW WILL ATTENDANCE AND ORIGIN BE MEASURED? Attendance is measured by ticket sales and parking lot surveys.

HAVE YOU DISCUSSED SPECIAL ROOM PACKAGES DURING YOUR EVENT WITH A LINCOLN COUNTY LODGER? Yes

WHAT PERCENTAGE OF YOUR MEDIA BUDGET WILL BE USED OUTSIDE OF LINCOLN COUNTY? 80%

WILL YOU HAVE A WEBSITE FOR YOUR EVENT? Yes www.cowboysymposium.org

FUNDS WILL BE USED FOR:

NEWSPAPER ADVERTISING	750	
RADIO	6,523	KHEY, KRST, KGRT, KWMW/W105, KBIM, KMOU, KSEL
MAGAZINE	3,330	
INTERNET – On Line	2,494	
WEBSITE	1,700	
PRINTING - Save the Date Card & Postage	1,200	
OTHER – Rack Card Printing & Design	2,500	
OTHER – Local events	300	
TOTAL		$18,797

RULES AND REGULATIONS

I UNDERSTAND THAT THESE ARE PUBLIC FUNDS AND THEY ARE TO BE ADMINISTERED ACCORDING TO STATE LAW AND VILLAGE ORDINANCES, AND I AGREE TO SUBMIT A FOLLOW UP REPORT, WITH A FINANCIAL STATEMENT **WITHIN NINETY(90) DAYS FOLLOWING THE EVENT** OR I COULD FORFEIT THE FUNDS. I UNDERSTAND THAT THIS APPLICATION CONSTITUTES A CONTRACT BETWEEN THE VILLAGE OF RUIDOSO AND THE ORGANIZATION TO RECEIVE THE FUNDS, SHOULD THE FUNDS BE APPROVED BY THE LODGERS TAX COMMITTEE AND THE VILLAGE OF RUIDOSO GOVERNING BODY. I ALSO UNDERSTAND THAT APPROVED FUNDING AMOUNTS MAY DIFFER FROM THE AMOUNT REQUESTED ON THE APPLICATION.

NAME (PRINT) OF APPLICANT MAKING REQUEST: Sunny Hirschfeld
SIGNATURE OF APPLICANT: Sunny Hirschfeld
ADDRESS/CITY/STATE/ZIP: PO Box 449, Ruidoso Downs NM 88346
PHONE: 575/378-4431 EMAIL ADDRESS: info@cowboysymposium.org
DATE SUBMITTED: April 16,2013 PRESENTED AT MEETING ON:

LINCOLN COUNTY COWBOY SYMPOSIUM
ESTIMATED BUDGET 2013

Expenses

Advertising	~~17,000~~	(updated) 18,797 04/16/13 SBH
Chuckwagon Supplies	20,000	
Entertainment	105,000	
Fees/Licenses	300	
Payroll	35,000	
Payroll Expenses	18,000	
Prizes	14,500	
PR Special	18,000	
Rentals	30,000	
Sound	8,000	
Supplies	10,000	
Arena/Education Events	12,000	
Entertainer Lodging	19,000	
Travel	1,000	
Total ~~307,800~~		309,597 SBH

Income

Admissions	200,000
Advertising	9,000
Chuckwagon Meal Tickets	17,000
Chuckwagon Breakfast Tickets	4,000
Sponsorships Chuckwagon	13,000
Vendor Booths	62,000
Total 305,000	

Lincoln County
Lodgers Tax Committee
Special Meeting –Tuesday, July 2, 2013
10:00 A.M. – Ellis Store Bed & Breakfast, 1453 Calle La Placita, Lincoln, New Mexico

MINUTES

1. Call to Order 10:10

2. Roll Call James Hobbs, David Vigil, Alice Seely

3. Approval of Minutes:
   May 28, 2013 Regular Lodger's Tax Meeting Approved
   June 11, 2013 Special Lodger's Tax Meeting James Hobbs name corrected

4. Funding Request: $1,000
   Purpose: Christmas Jubilee
   Date(s) of Event: November 8-10, 2013
   Presenter: Betty Leonard/ Ruidoso Valley Greeters Not Considered

   Funding Request:$ 200.00
   Purpose: Carrizozo Luminarias
   Date(s) of Event: December 24, 2013
   Presenter: Fran Altieri/Carrizozo Chamber of Commerce Motion to Approve, Alice Seely, Seconded James Hobbs, Approved $200.00

   5A. Funding Request: $1,000.00
   Purpose: 20th Annual Carrizozo Street Fair/Carrizozo Ranch Rodeo
   Date(s) of Event: September 1 & 2, 2013
   Presenter: Fran Altieri/Carrizozo Chamber of Commerce Motion to approve James Hobbs, Seconded Alice Seely, Approved $1000.00

5. Funding Request: $4,000.00
   Purpose: Tour de Ruidoso
   Date(s) of Event: September 28, 2013
   Presenter: Michelle Thurston/Bicycle Ruidoso Motion to approve James Hobbs, Seconded Alice Seely, Approved $3500.00

6. Funding Request: $5,000.00
   Purpose: Lincoln County Cowboy Symposium
   Date(s) of Event: October 11, 12 & 13, 2013
   Presenter: Sunny Hirschfeld/The Race Horse Hall of Fame/Hubbard Museum Motion to approve Alice Seely, Seconded James Hobbs, Approved $5000.00

7. Acceptance-
    a. Lodger's Tax Report – May 2013 Not done
8. Acceptance:-
    a. Budget Report Ending May 2013 Not done

9. Other Items (for discussion only – no action will be taken)
    a. Outstanding Purchase Orders as of May 2013
    b. Awarded Funds Summary – May 2013 A

10. Adjournment
    a. Next Regular Meeting- July 30, 2013

Date: 07/01/13 Nº 1700

LINCOLN COUNTY LODGER'S TAX APPLICATION FOR FUNDING

Section 1

Name of Organization: CARR: 2020 Chamber of Commerce

Organization is: ____Profit X Non Profit ____Government Related

Address: P.O. Box 567 City: Carrizozo State: NM Zip: 88301

Contact Person (s): Fran Altieri Telephone # (s): 575-973-0571

Amount Requested: $ 200 Money is to be used for: Luminaria event December 2013

BY SIGNING BELOW, I ATTEST THAT I WILL PROVIDE LINCOLN COUNTY WITH THE APPLICABLE DOCUMENTATION NECESSARY TO VALIDATE THAT THE FUNDS RECEIVED WILL BE SPENT IN ACCORDANCE WITH THE LINCOLN COUNTY LODGERS TAX ORDINANCE.

Signature: Fran Altieri Date: 7/2/13

NOTE: Credit/Tag Line must appear or be given as follows: Paid For By LINCOLN COUNTY LODGERS TAX.

Section 2

LODGER'S TAX COMMITTEE

Meeting Date: 7/01/13

Amount Approved: $ 200 Request Denied: _____

Comments: _____

Authorized Signature

Section 3

LINCOLN COUNTY COMMISSION

Meeting Date: _____

Approval: _____ Denial: _____

Comments: _____

County Manager Signature

FUNDS WILL NOT BE RELEASED BY LINCOLN COUNTY UNTIL THE AWARDED FUNDS REIMBURSEMENT FORM IS SIGNED AND TURNED IN TO LINCOLN COUNTY.

DISTRIBUTION:
1) COUNTY MANAGER 2) COUNTY FINANCE 3) LODGER'S TAX COMM 4) REQUESTING ORGZN.

Date: 7/2/13 Nº 1701

LINCOLN COUNTY LODGER'S TAX APPLICATION FOR FUNDING

Section 1

Name of Organization: Carrizozo Chamber of Commerce

Organization is: ____Profit X Non Profit ____Government Related

Address: PO Box 567 City: Carrizozo State: NM Zip: 88301

Contact Person (s): Fran Altier Telephone # (s): 575-973-0571

Amount Requested: $ 1000 Money is to be used for: 2nd Annual Street Fair & Ranch Rodeo

BY SIGNING BELOW, I ATTEST THAT I WILL PROVIDE LINCOLN COUNTY WITH THE APPLICABLE DOCUMENTATION NECESSARY TO VALIDATE THAT THE FUNDS RECEIVED WILL BE SPENT IN ACCORDANCE WITH THE LINCOLN COUNTY LODGERS TAX ORDINANCE.

Signature: Fran Altier Date: 7/2/13

NOTE: Credit/Tag Line must appear or be given as follows: Paid For By LINCOLN COUNTY LODGERS TAX.

Section 2

LODGER'S TAX COMMITTEE

Meeting Date: 07/02/13

Amount Approved: $ 1000.00 Request Denied: ____

Comments: ____

Authorized Signature

Section 3

LINCOLN COUNTY COMMISSION

Meeting Date: ____

Approval: ____ Denial: ____

Comments: ____

County Manager Signature

FUNDS WILL NOT BE RELEASED BY LINCOLN COUNTY UNTIL THE AWARDED FUNDS REIMBURSEMENT FORM IS SIGNED AND TURNED IN TO LINCOLN COUNTY.

DISTRIBUTION:
1) COUNTY MANAGER 2) COUNTY FINANCE 3) LODGER'S TAX COMM 4) REQUESTING ORGZN.

Date: 7/2/13 Nº 1702

LINCOLN COUNTY LODGER'S TAX APPLICATION FOR FUNDING

Section 1

Name of Organization: Bicycle Ruidoso

Organization is: ____Profit ✓ Non Profit ____Government Related

Address: 114 Horton Cir City: Ruidoso State: NM Zip: 88345

Contact Person (s): Michelle Thurston Telephone # (s): 95-525-3079

Amount Requested: $ ~~2500.~~ $4,000 Money is to be used for: various advertising

BY SIGNING BELOW, I ATTEST THAT I WILL PROVIDE LINCOLN COUNTY WITH THE APPLICABLE DOCUMENTATION NECESSARY TO VALIDATE THAT THE FUNDS RECEIVED WILL BE SPENT IN ACCORDANCE WITH THE LINCOLN COUNTY LODGERS TAX ORDINANCE.

Signature: Michelle Thurston Date: 7/2/13

NOTE: Credit/Tag Line must appear or be given as follows: Paid For By LINCOLN COUNTY LODGERS TAX.

Section 2

LODGER'S TAX COMMITTEE

Meeting Date: 07/02/13

Amount Approved: $ 2500 Request Denied: ____

Comments: ____

Authorized Signature

Section 3

LINCOLN COUNTY COMMISSION

Meeting Date: ____

Approval: ____ Denial: ____

Comments: ____

County Manager Signature

FUNDS WILL NOT BE RELEASED BY LINCOLN COUNTY UNTIL THE AWARDED FUNDS REIMBURSEMENT FORM IS SIGNED AND TURNED IN TO LINCOLN COUNTY.

DISTRIBUTION:
1) COUNTY MANAGER 2) COUNTY FINANCE 3) LODGER'S TAX COMM 4) REQUESTING ORGZN.

Date: 07/02/13 Nº 1703

LINCOLN COUNTY LODGER'S TAX APPLICATION FOR FUNDING

Section 1 Lincoln County Cowboy Symposium
Name of Organization

Organization is: ____Profit ✓Non Profit ____Government Related

PO Box 449 Ruidoso Downs NM 88346
Address City State Zip

SUNNY HIRSCHFELD 575 / 3784431
Contact Person (s) Telephone # (s)

Amount Requested: $ 5,000 Money is to be used for: Radio advertising

BY SIGNING BELOW, I ATTEST THAT I WILL PROVIDE LINCOLN COUNTY WITH THE APPLICABLE DOCUMENTATION NECESSARY TO VALIDATE THAT THE FUNDS RECEIVED WILL BE SPENT IN ACCORDANCE WITH THE LINCOLN COUNTY LODGERS TAX ORDINANCE.

Sunny Hirschfeld
Signature

July 2, 2013
Date

NOTE: Credit/Tag Line must appear or be given as follows: Paid For By LINCOLN COUNTY LODGERS TAX.

Section 2

LODGER'S TAX COMMITTEE

Meeting Date: 07/02/13

Amount Approved: $ 5000.00 Request Denied: ____

Comments: ____

Authorized Signature

Section 3

LINCOLN COUNTY COMMISSION

Meeting Date: ____

Approval: ____ Denial: ____

Comments: ____

County Manager Signature

FUNDS WILL NOT BE RELEASED BY LINCOLN COUNTY UNTIL THE AWARDED FUNDS REIMBURSEMENT FORM IS SIGNED AND TURNED IN TO LINCOLN COUNTY.

DISTRIBUTION:
1) COUNTY MANAGER 2) COUNTY FINANCE 3) LODGER'S TAX COMM 4) REQUESTING ORGZN.

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County of Lincoln

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AGENDA ITEM No. 12

July 12, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager

SUBJECT: Resolution Re-Affirming Support of SunZia Transmission Line Project

Purpose: To Reaffirm Support of SunZia Transmission Line

Discussion: At its June 25, 2013 regular meeting, the Commission heard and considered a request from the City of Alamogordo to protect airspace over the County to sustain the presence of military operations in the area, by establishing a "spot zoning" ordinance that would reduce placement of wind turbines which might interfere with aircraft flight zones. Mr. Hanson Scott, Director of the Office of Military Base Planning, also supports such zoning.

Mr. Dan Hicks, WSMR Chief of Staff requested via e.mail the Commission to consider issuing a letter, similar to one adopted by the Otero County Commission, supporting a particular route for the SunZia Transmission Line that would minimize the impact to WSMR missions. Mr. Hicks was unable to attend the June 25th Commission meeting.

Martin Bailey of SunZia summarized the plight of SunZia and the Project since its commencement in 2006, and requested continued support from the Commission. Landowners from the area were well-represented, and provided the Commission with their views on the value of private property rights, as well as the substantial economic impact the transmission line would have on the County, and its residents. They encouraged the Commission to re-affirm its support of the project as supported by the Final Environmental Impact Statement (FEIS) issued on June 14, 2013. Their expressed concern with a more northerly route is that the entire project may be jeopardized.

The Commission directed Manager to update the previous resolution passed in December, 2011 to show continued support of the Project. Martin Bailey provided proposed updated Resolution supporting the preferred project route for SunZia as identified in the FEIS (See Enclosure 1); Dan Hicks, Chief of Staff for WSMR submitted an alternative proposed updated Resolution supporting a "*more northerly route*", as endorsed by the Commission in its December 20, 2011 Resolution # 2011 – 18. (See Enclosure 2). See Enclosure 3 for the Resolution 2011 – 18 passed by the Commission in 2011.

RESOLUTION 2013-5

RESOLUTION RE-AFFIRMING SUPPORT OF THE SUNZIA SOUTHWEST TRANSMISSION PROJECT

WHEREAS, New Mexico is rich in renewable energy resources, and state and local communities stand to benefit greatly from the creation of new jobs, economic development, and resulting revenues from taxes and the necessary provision of local governmental services; and

WHEREAS, the SunZia Southwest Transmission Project (SunZia) proposes to construct up to two high voltage 500 kV electrical transmission lines and related interconnecting substations within an area lying between central Arizona and central New Mexico, which will provide new delivery capacity for existing and developing renewable energy resources, primarily wind, solar and geothermal projects in New Mexico; and

WHEREAS, New Mexico's renewable energy development resources are located primarily in the central and southern part of the state where available transmission capacity is extremely limited, and SunZia will provide up to 4,500 megawatts of needed transmission capacity; and

WHEREAS, the existence of SunZia creates an opportunity for the development and construction of future wind and solar generation projects and related jobs that would otherwise not occur without transmission lines; and

WHEREAS, renewable energy projects are good for the environment and help to minimize our dependence upon foreign oil, reduce air pollution and diversify energy generation sources; and

WHEREAS, SunZia submitted a right-of-way application to the Bureau of Land Management (BLM) in September of 2008, BLM issued a Final Environmental Impact Statement (FEIS) on June 14, 2013, and BLM anticipates issuing a Record of Decision (ROD) on the right-of-way application in mid-September, 2013; and

WHEREAS, the FEIS provides a detailed analysis of potential environmental impacts of the project and a range of mitigation measures to such impacts, including numerous reasonable routing alternatives; and

WHEREAS, the BLM has conducted nine public scoping meetings in New Mexico and fourteen total scoping meetings throughout SunZia's study area, has expanded the project study area on three occasions and extended the length of the initial scoping period to address initial public and military comments, has held other community meetings to request public input and identify possible issues of concern that may result from the project; and

WHEREAS, the BLM sought comments on specific issues and concerns related to alternative routes for the project's transmission facilities, affected environmental resources, and related matters; and

WHEREAS, the FEIS identifies a preferred route for SunZia; and

ENCL 1

WHEREAS, statements from local governing bodies such as this County Commission are very important to development of a complete record for the FEIS and the ROD; and

WHEREAS, on December 20, 2011 this County Commission previously passed, approved and adopted Resolution 2011-18 declaring support of the SunZia project.

NOW THEREFORE, BE IT RESOLVED that this County Commission encourages the development of renewable energy generation and transmission projects in the state of New Mexico, and when possible specifically within Lincoln County; and

BE IT FURTHER RESOLVED that this County Commission supports the construction and operation of additional transmission infrastructure to provide capacity for New Mexico's renewable energy projects; and

BE IT FURTHER RESOLVED that this County Commission supports the preferred project route for SunZia as identified in the FEIS; and

BE IT FURTHER RESOLVED that the Lincoln County Board of Commissioners re-affirms their endorsement of the construction and operation of the SunZia Southwest Transmission Project, and urges the BLM to judiciously expedite issuance of the ROD for SunZia's right-of-way application in order to expand regional economic development opportunities in New Mexico, by creating the necessary transmission capacity to deliver New Mexico's renewable energy resources to western customers and markets.

PASSED, APPROVED, AND ADOPTED this —— day of _____2013.

Board of Commissioners
Lincoln County, State of New Mexico

_____
Jackie Powell, Chair

_____
Preston Stone, Vice Chair

_____
Kathryn Minter, Member

_____
Mark Doth, Member

_____
Dallas Draper, Member

ATTEST:

_____
Rhonda Burrows, County Clerk

RESOLUTION 2013-_____

RESOLUTION RE-AFFIRMING SUPPORT OF
THE SUNZIA SOUTHWEST TRANSMISSION PROJECT

WHEREAS, New Mexico is rich in renewable energy resources, and state and local communities stand to benefit greatly from the creation of new jobs, economic development, and resulting revenues from taxes and the necessary provision of local governmental services; and

WHEREAS, the SunZia Southwest Transmission Project (SunZia) proposes to construct up to two high voltage 500 kV electrical transmission lines and related interconnecting substations within an area lying between central Arizona and central New Mexico, which will provide new delivery capacity for existing and developing renewable energy resources, primarily wind, solar and geothermal projects in New Mexico; and

WHEREAS, New Mexico's renewable energy development resources are located primarily in the central and southern part of the state where available transmission capacity is extremely limited, and SunZia will provide up to 4,500 megawatts of needed transmission capacity; and

WHEREAS, the existence of SunZia creates an opportunity for the development and construction of future wind and solar generation projects and related jobs that would otherwise not occur without transmission lines; and

WHEREAS, renewable energy projects are good for the environment and help to minimize our dependence upon foreign oil, reduce air pollution and diversify energy generation sources; and

WHEREAS, SunZia submitted a right-of-way application to the Bureau of Land Management (BLM) in September of 2008, BLM issued a Final Environmental Impact Statement (FEIS) on June 14, 2013, and BLM anticipates issuing a Record of Decision (ROD) on the right-of-way application in mid-September, 2013; and

WHEREAS, the ~~FEIS provides a detailed analysis of potential environmental impacts of the project and a range of mitigation measures to such impacts, including numerous reasonable routing alternatives; and~~ cooperating agencies of this important project continue to have serious concerns to the significant negative impact of the BLM Preferred Alternative identified in the FEIS to their ongoing and critical missions; and

WHEREAS, the ~~BLM has conducted nine public scoping meetings in New Mexico and fourteen total scoping meetings throughout SunZia's study area, has expanded the project study area on three occasions and extended the length of the initial scoping period to address initial public and military comments, has held other community meetings to request public input and identify possible issues of concern that may result from the project; and~~ military mission in this county and our surrounding communities is extremely important for the protection of military members and our County's national security; and

WHEREAS, ~~the BLM sought comments on specific issues and concerns related to alternative routes for the project's transmission facilities, affected environmental resources, and related matters; and~~there still exists in the great state of New Mexico a more northern alternative along existing utility and right of way corridors that minimally impacts the missions of the cooperating agencies; and

~~WHEREAS, the FEIS identifies a preferred route for SunZia; and~~

WHEREAS, statements from local governing bodies such as this County Commission are very important to development of a complete record for the FEIS and the ROD; and

WHEREAS, on December 20, 2011 this County Commission previously passed, approved and adopted Resolution 2011-18 declaring support of the SunZia project if they adopted the more northerly route.

NOW THEREFORE, BE IT RESOLVED that this County Commission strongly supports our military service members, the military mission in this region and its importance to our County's national security; and

BE IT FURTHER RESOLVED that this County Commission encourages the development of renewable energy generation and transmission projects in the state of New Mexico, and when possible specifically within Lincoln County; and

BE IT FURTHER RESOLVED that this County Commission supports the construction and operation of additional transmission infrastructure to provide capacity for New Mexico's renewable energy projects; and

BE IT FURTHER RESOLVED that this County Commission continues to supports the more northern DoD preferred alternative route in the attached ~~map project route for SunZia as identified in the FEIS~~; and

BE IT FURTHER RESOLVED that the Lincoln County Board of Commissioners re-affirms their endorsement of the construction and operation of the SunZia Southwest Transmission Project, and urges the BLM to resolve cooperating agency concerns before ~~to judiciously expedite~~ issuance of the ROD for SunZia's right-of-way application in order to expand regional economic development opportunities in New Mexico, by creating the necessary transmission capacity in the best location to deliver New Mexico's renewable energy resources to western customers and markets.

PASSED, APPROVED, AND ADOPTED this —— day of _____ 2013.

Board of Commissioners
Lincoln County, State of New Mexico

_____
Jackie Powell, Chair

_____
Preston Stone, Vice Chair

Kathryn Minter, Member

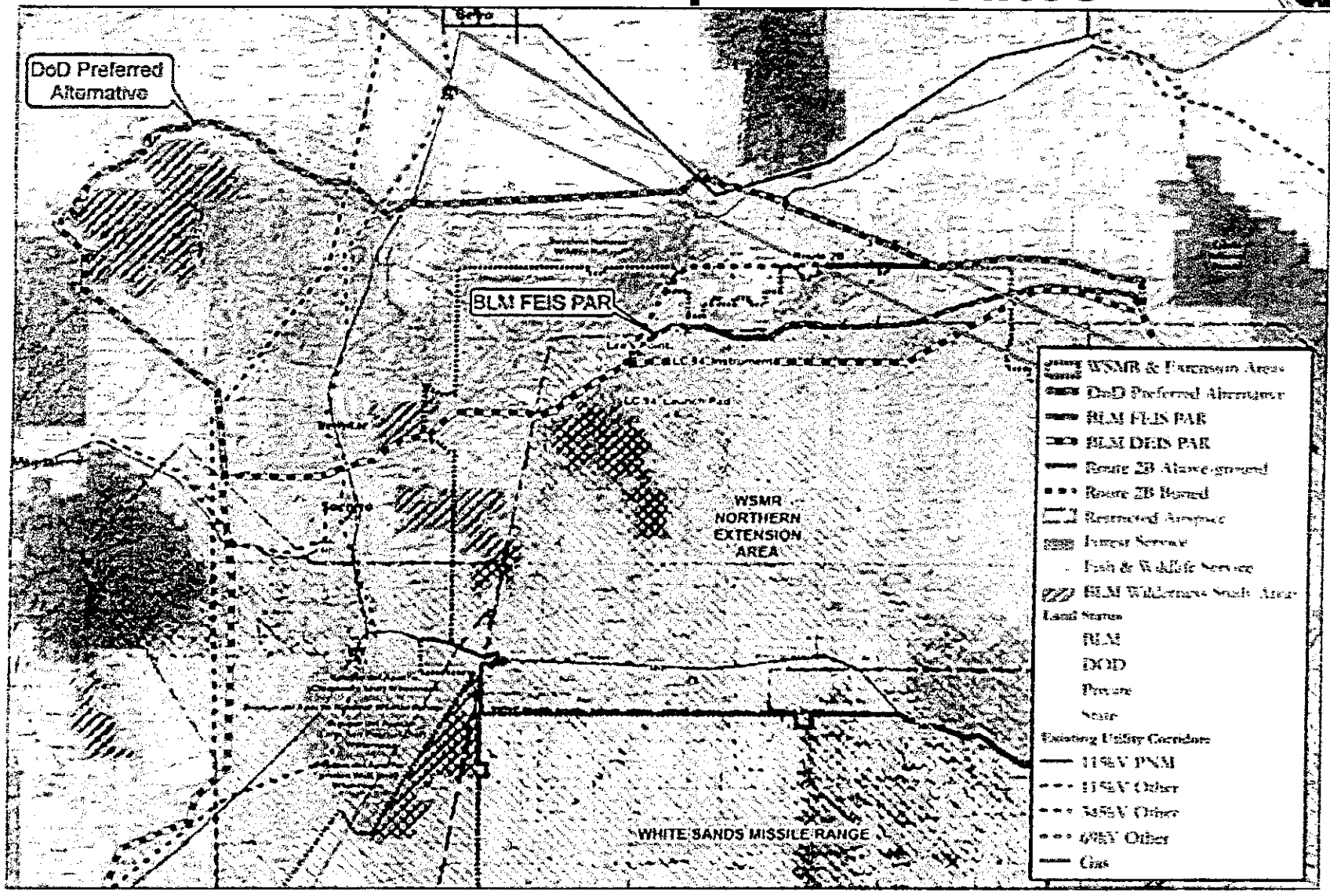
Mark Doth, Member

Dallas Draper, Member

ATTEST:

Rhonda Burrows, County Clerk

SunZia Proposed Routes



RESOLUTION 2011-18
RESOLUTION DECLARING CONDITIONAL SUPPORT OF THE SUNZIA SOUTHWEST TRANSMISSION PROJECT

WHEREAS, New Mexico is rich in renewable energy resources, and state and local communities stand to benefit greatly from the creation of new jobs, economic development, and resulting revenues from taxes and the necessary provision of local governmental services; and

WHEREAS, the SunZia Southwest Transmission Project (SunZia) proposes to construct up to two high voltage 500 kV electrical transmission lines and related interconnecting substations within an area lying between central Arizona and central New Mexico, which will provide new delivery capacity for existing and developing renewable energy resources, primarily wind, solar and geothermal projects in New Mexico; and

WHEREAS, New Mexico's renewable energy development resources are located primarily in the central and southern part of the state where available transmission capacity is extremely limited, and SunZia will provide up to 4,500 megawatts of needed transmission capacity; and

WHEREAS, the existence of SunZia creates an opportunity for the development and construction of future wind and solar generation projects and related jobs that would otherwise not occur without transmission lines; and

WHEREAS, renewable energy projects are good for the environment and help to minimize our dependence upon foreign oil, reduce air pollution and diversify energy generation sources; and

WHEREAS, SunZia has submitted a right-of-way application to the Bureau of Land Management (BLM) for the project and BLM is currently preparing an Environmental Impact Statement (EIS); and

WHEREAS, the EIS will provide a detailed analysis of potential environmental impacts of the project and a range of mitigation measures to such impacts, including numerous reasonable routing alternatives; and

WHEREAS, the BLM has conducted nine public scoping meetings in New Mexico and fourteen total scoping meetings throughout SunZia's study area, has expanded the project study area on three occasions and extended the length of the initial scoping period to address initial public and military comments, has held other community meetings to request public input and identify possible issues of concern that may result from the project and more public meetings will be held after the Draft Environmental Impact Statement is released by the BLM for public review and comment; and

WHEREAS, the BLM is seeking comments on specific issues and concerns related to alternative routes for the project's transmission facilities, affected environmental resources, or related matters; and

WHEREAS, the Department of Defense has provided input on alternative routes to the BLM, and has indicated that the most northerly route alternative through Lincoln County would not conflict with their military missions in and around the White Sands Missile Range; and

ENCL 3

WHEREAS, SunZia has expressed a willingness to accommodate the Department of Defense by agreeing to the most northerly route alternative through Lincoln County, in the event that such northerly route is selected and identified by the BLM as part of the preferred project route in the EIS; and

WHEREAS, statements from local governing bodies such as this County Commission are very important to development of a complete record for the EIS.

NOW THEREFORE, BE IT RESOLVED that this County Commission encourages the development of renewable energy generation and transmission projects in the state of New Mexico, and when possible specifically within Lincoln County; and

BE IT FURTHER RESOLVED that this County Commission supports the construction and operation of additional transmission infrastructure to provide capacity for New Mexico's renewable energy projects; and

BE IT FURTHER RESOLVED that this County Commission urges the BLM to include the most northerly route through Lincoln County in the preferred project route identified in the EIS; and

BE IT FURTHER RESOLVED that in the event the most northerly route through Lincoln County is part of the preferred project route identified by the BLM in the EIS, that the Lincoln County Board of Commissioners endorses the construction and operation of the SunZia Southwest Transmission Project, and urges all cooperating agencies to judiciously expedite SunZia's EIS in order to expand regional economic development opportunities in New Mexico, by creating the necessary transmission capacity to deliver New Mexico's renewable energy resources to western customers and markets.

PASSED, APPROVED AND ADOPTED this 20th day of December 2011.

Board of Commissioners
Lincoln County, State of New Mexico

Eileen Sedillo, Chair

Jackie Powell, Vice Chair

Kathryn Minter, Member

Mark Doth, Member

Tom Battin, Member

ATTEST:

Rhonda Burrows, County Clerk

SEAL

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AGENDA ITEM No. 13

July 9, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager

SUBJECT: Fire Danger Emergency Declaration

Purpose: To Consider the Need to Continue Fire Restrictions

Discussion:

As of July 9, 2013, the Lincoln National Forest has modified its previous fire danger category for Lincoln County from "extreme and very high", to "high" fire danger, and the Fire Behavior Research Center in Missoula, Mt. lists it as "moderate". Recent, spotty rain showers in the County have lessened risk associated with fire danger, and, as such, the Lincoln National Forest will be scaling the fire restrictions back; Stage I Fire Restrictions will go into effect on Friday, July 12th.

Due to these recent rains and reduced fire danger, Joe Kenmore has requested the Commission to consider rescinding the current ban on burning first adopted this year on April 25, 2013 with Resolution 2012 – 32, and updated every 30 days since that time. Mr. Kenmore will be in attendance at the Commission meeting to discuss the potential rescinding.

In the alternative, should the Commission determine the current ban should remain in place, Resolution 2013 – 6 is attached.

Recommendation:

Consider rescinding the current ban on burning, or in the alternative, adopt Resolution 2013-6 extending the ban in Lincoln County for another 30 days.

RESOLUTION NO. 2013-6
DECLARATION OF FIRE DANGER EMERGENCY

(In accordance with Lincoln County Ordinance No. 2003-06 & 2011-2)

WHEREAS, the Board of County Commissioners of Lincoln County, New Mexico, has determined that due to conditions of prolonged drought, the present fire danger is currently "high" within the County of Lincoln as indicated by the Lincoln National Forest, and

WHEREAS, the Board of County Commissioners of Lincoln County has further determined that, in order to protect the health, safety, and welfare of the citizens of Lincoln County, the Board must took this emergency action to continue restrictions at its meeting of July 16, 2013; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of Lincoln County, New Mexico, hereby proclaims a ban on all burning of open flames, fires, campfires (except in designated areas), trash, rubbish, shrubbery or other material of any kind, except by permit, and hereby bans the sale or use of display fireworks and the sale and use of missile-type rockets, helicopters, aerial spinners, stick-type rockets and ground audible devices within the affected unincorporated drought areas. In addition, all fireworks not listed in this paragraph shall be limited to areas that are paved or barren or that have a readily accessible source of water for use by the homeowner or the general public. Fireplaces & in particular the unquenched ashes from same, may present a significant hazard and use should be discouraged during this period of drought. This Resolution to remain in effect for 30 days or until rescinded or extended by the Board of County Commissioners pursuant to NMSA 60-2C-8.1.

PASSED, APPROVED AND ADOPTED this 16th day of July, 2013.

BOARD OF COUNTY COMMISSIONERS
OF LINCOLN COUNTY, NEW MEXICO

JACKIE POWELL, CHAIRWOMAN

PRESTON STONE, VICE CHAIR

KATHRYN MINTER, MEMBER

DALLAS DRAPER, MEMBER

MARK DOTH, MEMBER

ATTEST:

RHONDA BURROWS, CLERK

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AGENDA ITEM No. 14

July 12, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager

SUBJECT: NM Board of Finance Funding Request

Purpose: To Consider Requesting NM Board of Finance Funding for Purchase of SIMS Table and/or Portion of Matching Funds Required for NMDHSEM/ FEMA Sub-Grant

Discussion:

At its June meeting, the Commission authorized Manager to informally contact the Governor's Office for the possibility of obtaining funding for continued mitigation efforts, including matching funds for the NMHSEM/ FEMA Sub-Grant (county match $388,000 annually for three years), and or a SIMS Table and associated mapping software. As a result of that subsequent informal request, NMDHSEM Superintendent Greg Myers contacted Manager, and suggested the County approach the NM Board of Finance ("NMBOF") for such funding. He was aware of our success immediately following the Little Bear Fire in obtaining an emergency loan from NMBOF, and the recent conversion of that loan to a grant. Superintendent Myers also suggested additional capital outlay may be available.

The next timely NMBOF meeting is scheduled to be held on September 17th, with Agenda Items due by August 27th. Manager requests Commission support to formally request NMBOF funding for above-mentioned items.

Recommendation:

Support Manager's request to seek funding from NMBOF.

Agenda Item No. 15
July 16, 2013

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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AGENDA ITEM No. 16

July 12, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager

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 fifty-eight claims (58), fifty-six (56) of which are recommended for approval, and two (2) for disapproval for the reasons indicated at Enclosure 1. If approved, the total recommended payment this month is **$106,654.23**. See Enclosure. 1.

Indigent Health Care Claims: This month our coordinator processed seventy-two (72) claims. Fifty-eight (58) are recommended for approval and fourteen (14) for disapproval for the reasons indicated at Enclosure 2. If approved, total recommended for payment this month is **$22,215.31.**

At Enclosure 3 is a summary of total applications approved and denied.

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**, with a monthly average of **$24,261.68**. Our budget for FY13 - 14 is $393,278.

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 year-end total was **$1, 371,889.88**, with a monthly average of **$114,324.16**. We are in the process of finalizing our FY 2013 – 14 budget. Attached at Encl. 5 are IHC and SCP tracking charts for the previous and current fiscal years.

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		$0.00
ADJUSTMENTS		
TOTAL ADJUSTMENTS:	$0.00	$0.00

JULY # CLAIMS FOR APPROVAL	56	
# CLAIMS FOR DENIAL	2	
JULY # TOTAL CLAIMS	58	
JULY TOTAL $ AMOUNT APPROVED		$106,654.23

TOTAL # CLAIMS THIS FY APPROVED	56	
TOTAL # CLAIMS THIS FY DENIED	2	
TOTAL # CLAIMS FY 2013 - 2014	58	
TOTAL APPROVED THIS FISCAL YEAR		$106,654.23

ENCL 1

FACILITY: LINCOLN COUNTY MEDICAL CENTER 07/16/2013 THROUGH 07/16/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
19443	04/09/2013	33159.20	7535.33	023%
19447	05/08/2013	490.00	377.30	077%
19433	03/20/2013	2800.76	2156.59	077%
19371	06/11/2013	754.00	580.58	077%
19372	05/23/2013	6209.00	4780.93	077%
19373	06/01/2013	3147.84	2423.84	077%
19374	03/06/2013	1184.00	911.68	077%
19375	05/31/2013	1129.00	869.33	077%
19381	06/12/2013	2070.00	1593.90	077%
19382	05/28/2013	2452.00	1888.04	077%
19385	06/20/2013	959.00	738.43	077%
19388	06/18/2013	12800.30	9856.23	077%
19393	06/13/2013	550.00	423.50	077%
19327	05/28/2013	5839.49	4496.41	077%
19328	06/18/2013	771.00	593.67	077%
19397	05/11/2013	4865.00	3746.05	077%
19398	05/23/2013	126.00	97.02	077%
19432	05/31/2013	229.00	176.33	077%
19399	05/15/2013	503.00	387.31	077%
19400	06/04/2013	13223.30	10181.94	077%
19403	05/22/2013	140.00	107.80	077%
19411	06/01/2013	313.00	241.01	077%
19414	04/29/2013	1195.00	920.15	077%
19415	05/20/2013	880.00	677.60	077%
19429	06/17/2013	301.00	231.77	077%
19418	04/30/2013	281.00	216.37	077%
19419	05/30/2013	1123.00	864.71	077%

FACILITY: LINCOLN COUNTY MEDICAL CENTER 07/16/2013 THROUGH 07/16/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
19331	06/15/2013	3024.40	2328.79	077%
19365	01/31/2013	20257.88		000%
PATIENT FAILED TO PROVIDE INFORMATION				
19368	02/19/2013	3454.00		000%
PATIENT FAILED TO PROVIDE INFORMATION				
19325	05/21/2013	879.00	676.83	077%
19326	06/13/2013	407.00	313.39	077%
19330	02/10/2013	1625.00	1251.25	077%
19332	01/11/2013	27795.02	8163.09	029%
19337	03/21/2013	338.00	260.26	077%
19340	06/03/2013	301.00	231.77	077%
19347	06/05/2013	1001.00	770.77	077%
19348	05/23/2013	2306.00	1775.62	077%
19387	06/16/2013	3702.01	2850.55	077%
19350	06/01/2013	3470.00	2671.90	077%
19351	05/30/2013	499.00	384.23	077%
19352	06/13/2013	266.00	204.82	077%
19353	05/22/2013	756.00	582.12	077%
19354	06/21/2013	6913.00	5323.01	077%
19355	05/31/2013	997.00	767.69	077%
19356	06/11/2013	111.00	85.47	077%
19409	05/09/2013	4400.00	3388.00	077%
19410	05/28/2013	6470.30	4982.13	077%
19357	06/06/2013	3618.01	2785.87	077%
19358	06/05/2013	1098.00	845.46	077%
19359	03/29/2013	78.00	60.06	077%
19450	06/24/2013	1111.00	855.47	077%
19451	06/26/2013	6189.00	4765.53	077%
19422	06/04/2013	1532.00	1179.64	077%
19423	06/06/2013	749.00	576.73	077%
19424	06/05/2013	498.00	383.46	077%
19425	06/10/2013	101.00	77.77	077%
19428	03/08/2013	1349.00	1038.73	077%
			106654.23	

APPROVED- 56 REJECTED- 2

INDIGENT HEALTH CARE CLAIMS
FISCAL YEAR 2013 - 2014

PREVIOUS AMOUNT APPROVED THIS FISCAL YEAR		$0.00
ADJUSTMENTS		
TOTAL ADJUSTMENTS:		
JULY # CLAIMS FOR APPROVAL	58	
# CLAIMS FOR DENIAL	14	
JULY # TOTAL CLAIMS	72	
JULY TOTAL $ AMOUNT APPROVED		$22,215.31
TOTAL # CLAIMS THIS FY APPROVED	58	
TOTAL # CLAIMS THIS FY DENIED	14	
TOTAL # CLAIMS FY 2013 - 2014	72	
CURRENT TOTAL APPROVED THIS FISCAL YEAR		$22,215.31

*Assuming the above is approved

ENCL 2

FACILITY: ANESTHESIA ASSOCIATES OF NM 07/16/2013 THROUGH 07/16/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
19389	01/08/2013	846.00	176.85	021%
19390	05/07/2013	952.00	157.20	017%
19383	05/28/2013	833.00	137.55	017%
			471.60	

APPROVED- 3 REJECTED-

FACILITY: GERALD CHAMPION REGIONAL MED CTR 07/16/2013 THROUGH 07/16/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
19448	05/29/2013	4261.18	3281.11	077%
19449	05/03/2013	1340.16		000%
DATE OF SERVICE NOT ELIGIBLE FOR PAYMENT				
			3281.11	

APPROVED- 1 REJECTED- 1

FACILITY: LC AMBULANCE-PRES HEALTH SVCS 07/16/2013 THROUGH 07/16/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
19363	01/31/2013	494.00		000%
PATIENT FAILED TO PROVIDE INFORMATION				
19364	01/31/2013	639.60		000%
PATIENT FAILED TO PROVIDE INFORMATION				
19329	02/10/2013	770.60	500.00	065%
19349	06/01/2013	1561.00	500.00	032%
19444	04/09/2013	660.40	10.00	001%
19396	05/11/2013	437.80	437.80	100%
			1447.80	

APPROVED- 4 REJECTED- 2

FACILITY: LINCOLN COUNTY RADIOLOGY 07/16/2013 THROUGH 07/16/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
19333	01/06/2013	428.00	86.67	020%
19442	04/09/2013	745.00	175.11	024%
19416	05/16/2013	130.00	33.24	026%
19421	04/11/2013	42.00		000%
PATIENT'S BILL IS BELOW $50				
			295.02	

APPROVED- 3 REJECTED- 1

FACILITY: LINCO MEDICAL & SUPPLY, INC 07/16/2013 THROUGH 07/16/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
19322	05/01/2013	177.36	177.36	100%
19323	06/01/2013	58.86	58.86	100%
19324	06/01/2013	177.36	177.36	100%
19431	06/30/2013	206.79	206.79	100%
19343	12/06/2012	82.20	82.20	100%
19344	01/06/2013	159.01	159.01	100%
19345	05/06/2013	82.82	82.82	100%
19346	03/06/2013	82.82	82.82	100%
19377	06/12/2013	206.79	206.79	100%
19379	05/06/2013	206.79	206.79	100%
19380	06/06/2013	206.79	206.79	100%
19434	10/08/2012	410.98	410.98	100%
19435	11/08/2012	205.49	205.49	100%
19436	12/08/2012	205.49	205.49	100%
19437	01/08/2013	205.49	205.49	100%
19438	02/08/2013	205.49	205.49	100%
19439	03/08/2013	206.79		000%
ELIGIBLE FOR INSURANCE/OTHER PAY				
			2880.53	

APPROVED- 16 REJECTED- 1

FACILITY: LINCOLN COUNTY FAMILY MEDICAL 07/16/2013 THROUGH 07/16/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
19334	03/20/2013	368.00	136.80	037%
19335	03/25/2013	160.00	52.08	033%
19336	04/11/2013	160.00	52.08	033%
19338	04/23/2013	345.00	109.43	032%
19339	05/17/2013	160.00	52.08	033%
19342	05/08/2013	160.00	52.08	033%
19360	05/03/2013	160.00	52.08	033%
19369	05/06/2013	237.00	81.91	035%
19376	04/30/2013	237.00	81.91	035%
19391	04/17/2013	237.00	81.91	035%
19392	05/01/2013	237.00	81.91	035%
19394	04/19/2013	285.00	100.37	035%
19395	04/12/2013	160.00	52.08	033%
19401	04/17/2013	160.00	52.08	033%
19402	05/17/2013	511.00	111.58	022%
19404	01/02/2013	368.00		000%
INCORRECT PROVIDER				
19405	04/22/2013	244.00		000%
INCORRECT PROVIDER				
19406	04/22/2013	205.00	52.08	025%
19407	01/02/2013	368.00	136.80	037%
19408	04/22/2013	244.00	52.08	021%
19417	04/24/2013	160.00	52.08	033%
19420	04/23/2013	368.00	136.80	037%
19426	05/01/2013	45.00		000%
PATIENT'S BILL IS BELOW $50				
19427	05/10/2013	160.00	52.08	033%
			1632.30	

APPROVED- 21 REJECTED- 3

FACILITY: MICHAEL P CLEMENTS, M.D. 07/16/2013 THROUGH 07/16/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
19370	04/30/2013	15.00		000%
PATIENT'S BILL IS BELOW $50				
19412	05/01/2013	20.00		000%
PATIENT'S BILL IS BELOW $50				

APPROVED- REJECTED- 2

FACILITY: NATIVE AM. AIR AMBULANCE, INC 07/16/2013 THROUGH 07/16/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
19445	04/09/2013	39999.00	490.00	005%
			490.00	

APPROVED- 1 REJECTED-

FACILITY: NEW MEXICO ONCOLOGY HEMATOLOY 07/16/2013 THROUGH 07/16/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
19384	06/19/2013	252.25	81.91	032%
			81.91	

APPROVED- 1 REJECTED-

FACILITY: PHI AIR MEDICAL 07/16/2013 THROUGH 07/16/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
19366	01/31/2013	53050.00		000%
PATIENT FAILED TO PROVIDE INFORMATION				

APPROVED- REJECTED- 1

FACILITY: PRESBYTERIAN HOSPITAL 07/16/2013 THROUGH 07/16/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
19367	02/13/2013	80374.00		000%
PATIENT FAILED TO PROVIDE INFORMATION				
19386	12/27/2012	13091.40		000%
INCOME EXCEEDS PROGRAM LIMIT				
19446	04/21/2013	78803.49	5000.00	006%
			5000.00	

APPROVED- 1 REJECTED- 2

FACILITY: SUBSTANCE ABUSE SERVICES OF LC 07/16/2013 THROUGH 07/16/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
19361	04/30/2013	504.00	504.00	100%
19362	05/28/2013	312.00	246.00	100%
19441	06/27/2013	252.00	246.00	098%
19440	06/10/2013	60.00	60.00	100%
			1056.00	

APPROVED- 4 REJECTED-

FACILITY: TALL PINES MEDICAL, INC 07/16/2013 THROUGH 07/16/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
19413	06/07/2013	46.14		000%
PATIENT'S BILL IS BELOW $50				

APPROVED- REJECTED- 1

FACILITY: UNM HEALTH SCIENCES CTR 07/16/2013 THROUGH 07/16/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
19341	05/28/2013	503.00	387.31	077%
19378	04/16/2013	249.00	191.73	077%
19430	05/03/2013	19735.08	5000.00	025%
			5579.04	

APPROVED- 3 REJECTED-

INDIGENT FUND MEETING

JULY 16,2013

TOTAL APPLICATIONS	130	128,869.54
TOTAL APPROVED	114	
TOTAL DENIED	16	
ALBUQUERQUE		
ANESTHESIA ASSOCIATES OF NM		471.60
APPROVED-	3	
DENIED-		
ALAMOGORDO		
GERALD CHAMPION REGIONAL MED CTR		3,281.11
APPROVED-	1	
DENIED-	1	
RUIDOSO		
LC AMBULANCE-PRES HEALTH SVCS		1,447.80
APPROVED-	4	
DENIED-	2	
RUIDOSO		
LINCO MEDICAL & SUPPLY, INC		2,880.53
APPROVED-	16	
DENIED-	1	
RUIDOSO		
LINCOLN COUNTY FAMILY MEDICAL		1,632.30
APPROVED-	21	
DENIED-	3	
RUIDOSO		
LINCOLN COUNTY MEDICAL CENTER		106,654.23
APPROVED-	56	
DENIED-	2	
ALTO		
LINCOLN COUNTY RADIOLOGY		295.02
APPROVED-	3	
DENIED-	1	
RUIDOSO		
MICHAEL P CLEMENTS, M.D.		
APPROVED-		
DENIED-	2	
PHOENIX		
NATIVE AM. AIR AMBULANCE, INC		490.00
APPROVED-	1	
DENIED-		
ALBUQUERQUE		
NEW MEXICO ONCOLOGY HEMATOLOY		81.91
APPROVED-	1	
DENIED-		

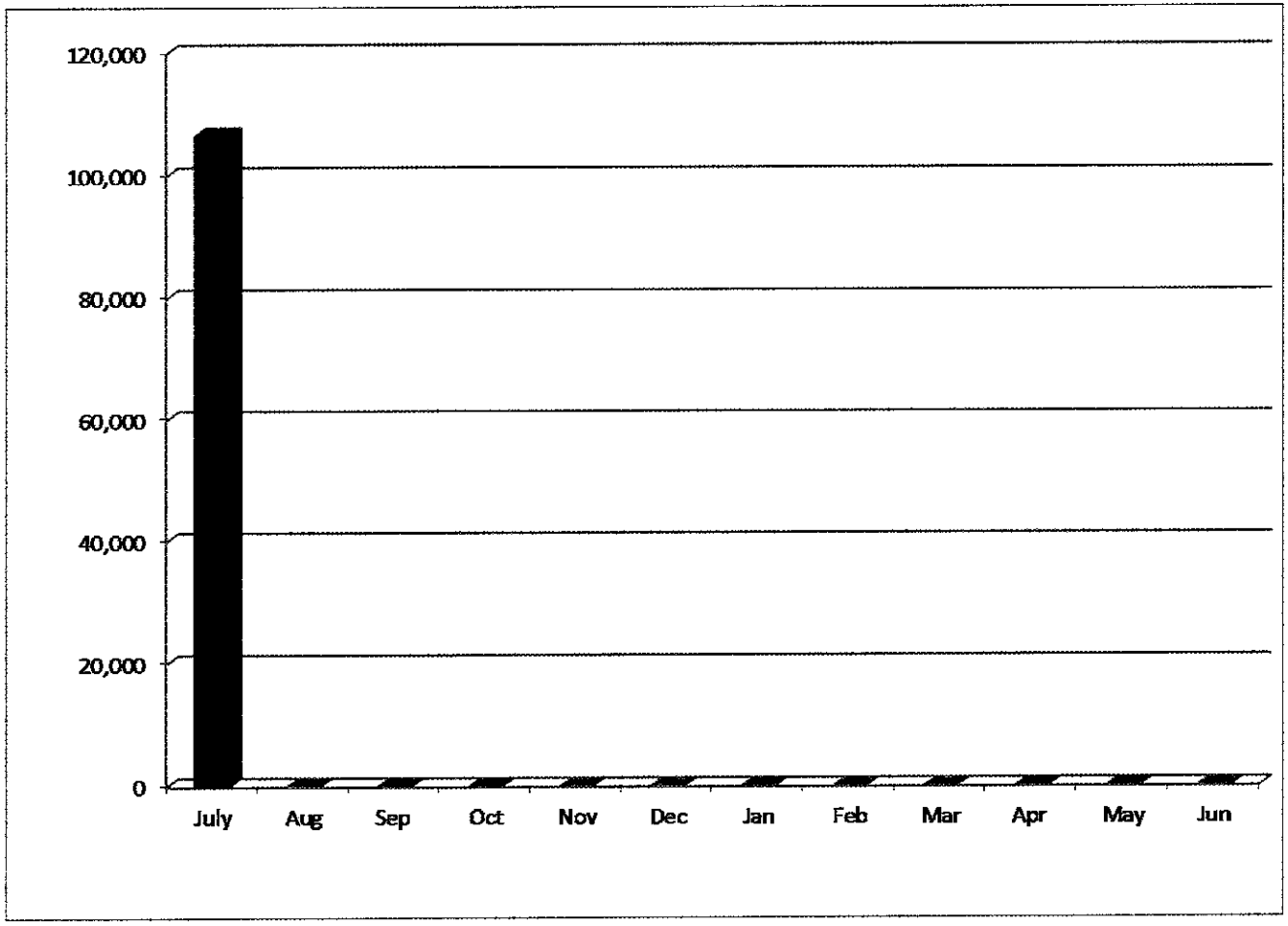
ENCL 3

LOS ANGELES			
PHI AIR MEDICAL			
	APPROVED-		
	DENIED-	1	
ALBUQUERQUE			
PRESBYTERIAN HOSPITAL			5,000.00
	APPROVED-	1	
	DENIED-	2	
RUIDOSO			
SUBSTANCE ABUSE SERVICES OF LC			1,056.00
	APPROVED-	4	
	DENIED-		
RUIDOSO			
TALL PINES MEDICAL, INC			
	APPROVED-		
	DENIED-	1	
ALBUQUERQUE			
UNM HEALTH SCIENCES CTR			5,579.04
	APPROVED-	3	
	DENIED-		

FY 2013-2014 Sole Community Claims

Average Month for FY = $ 106,654

Total for FY 13-14 = $ 106,654

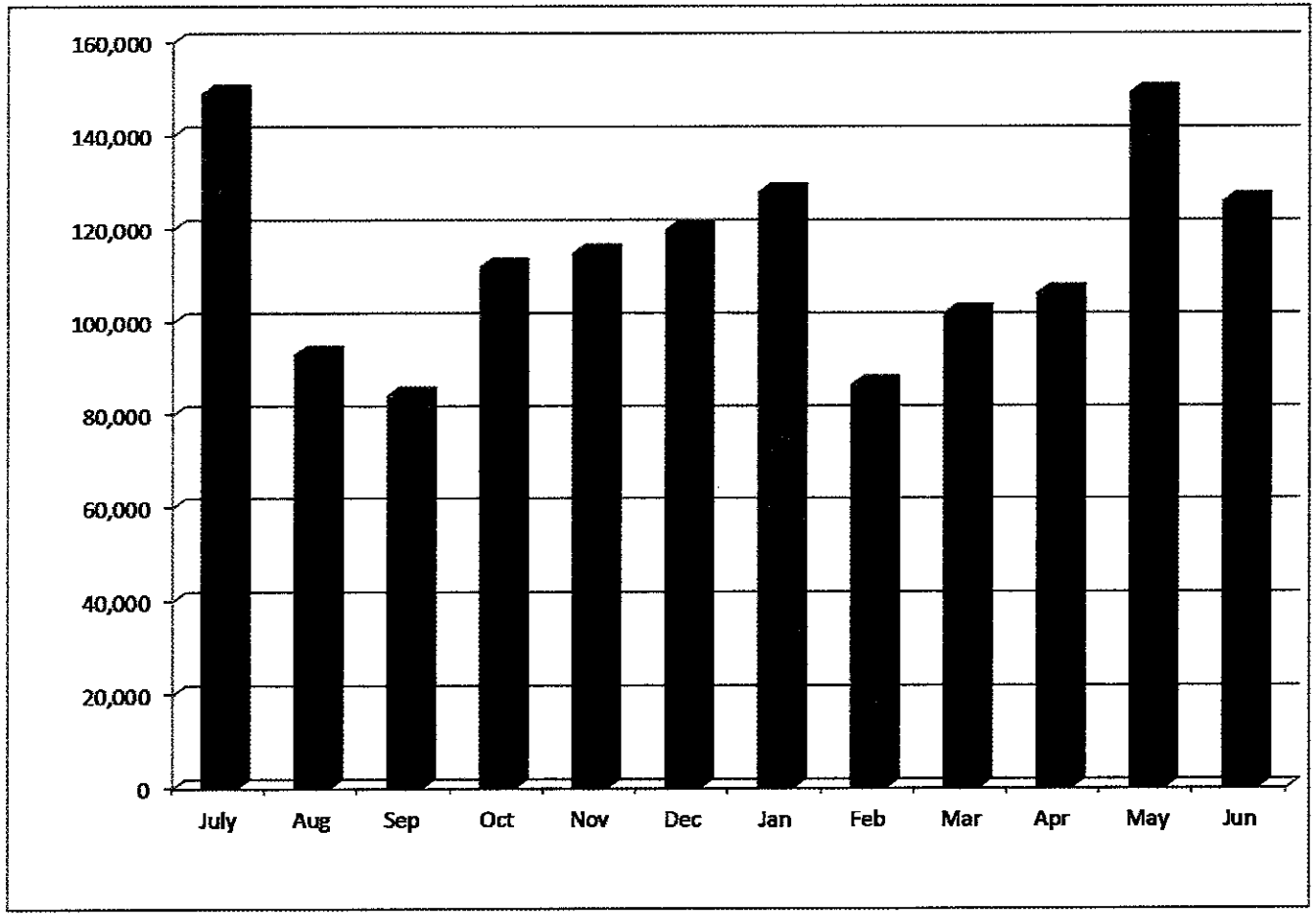


ENCL 5

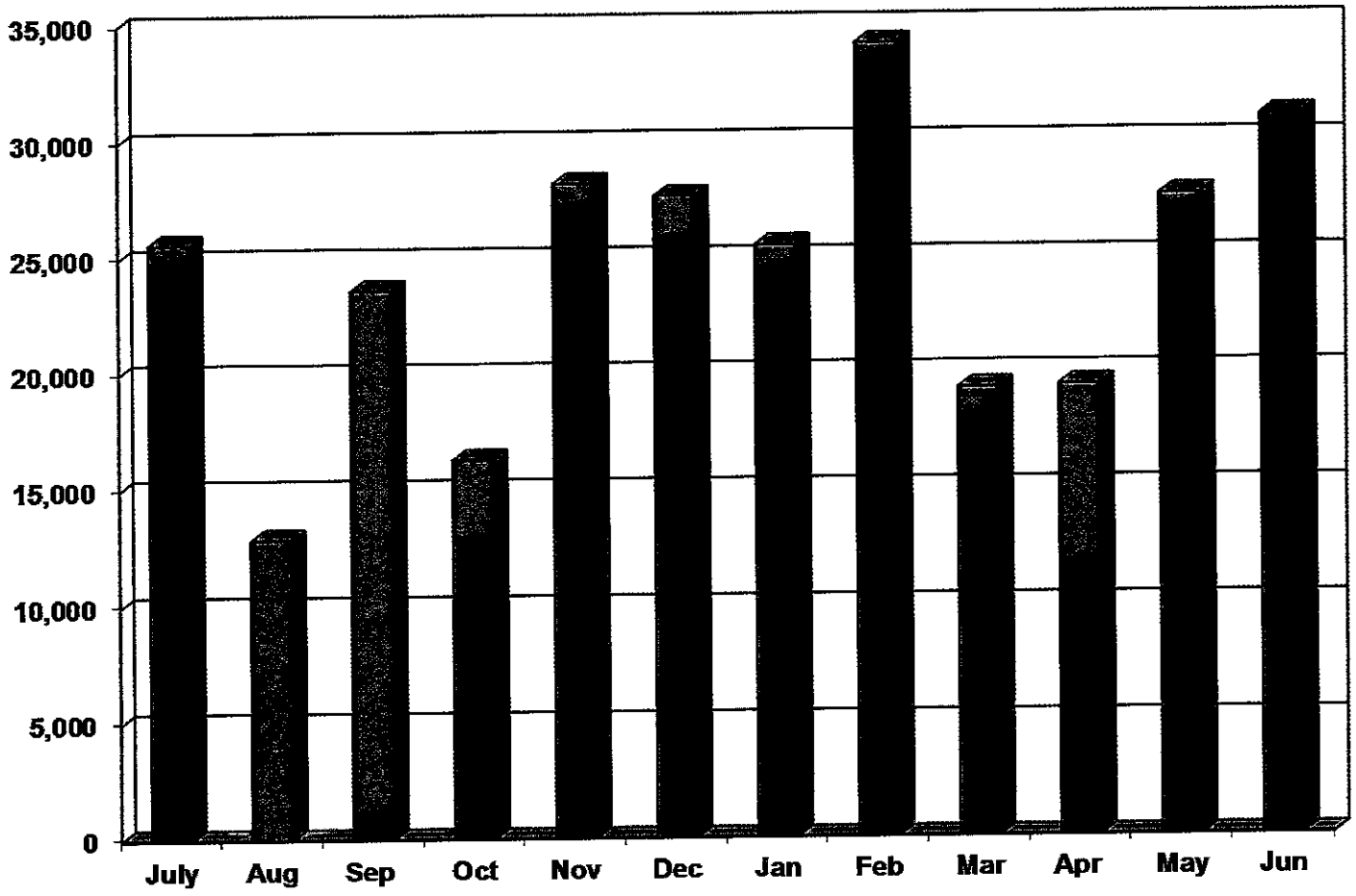
FY 2012-2013 Sole Community Claims

Average Month for FY = $ 114,324

Total for FY 12-13 = $ 1,371,890



FY 2012-2013 IHC Payments
Average Month for FY = $ 24,261.68
Total for FY 12-13 = $ 291,140.11
DO NOT EXCEED $386,461

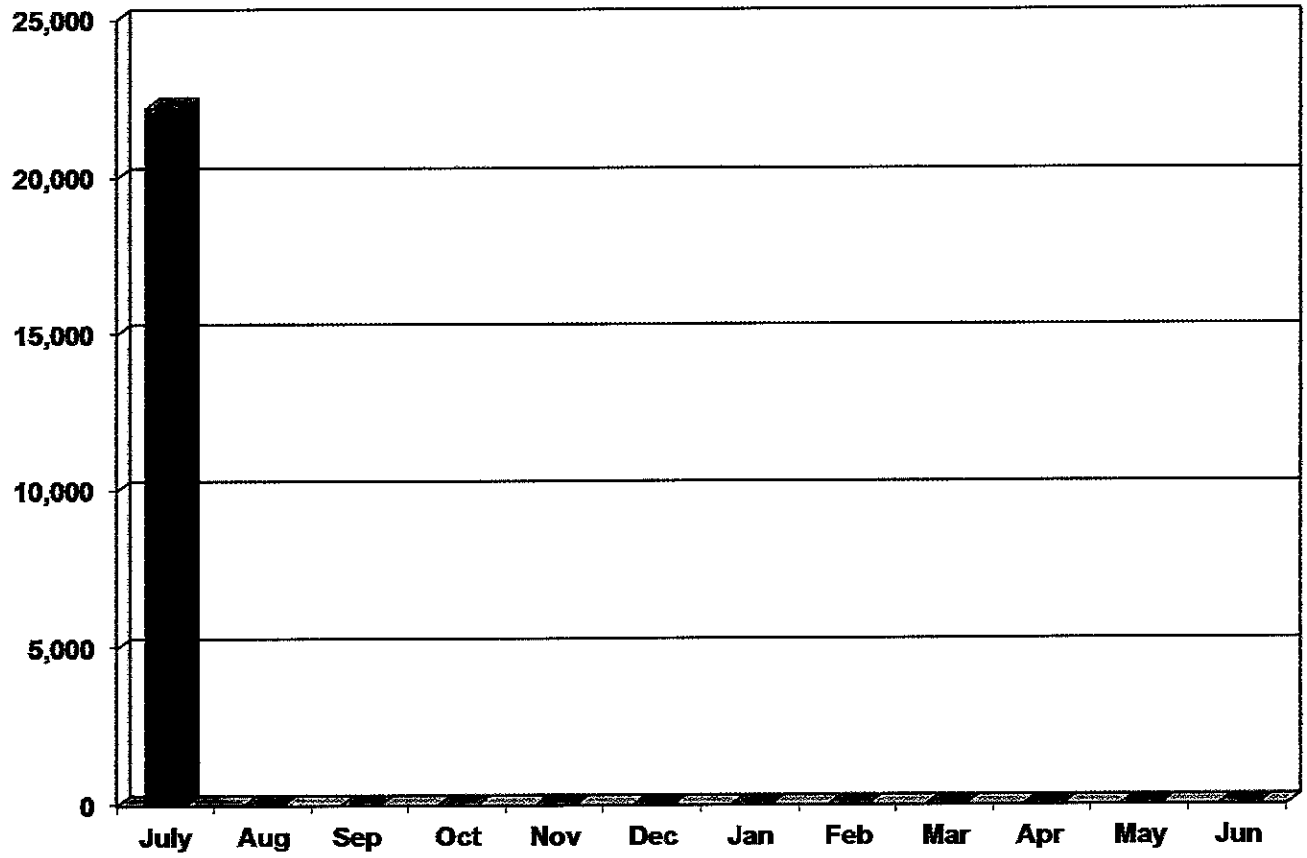


FY 2013-2014 IHC Payments

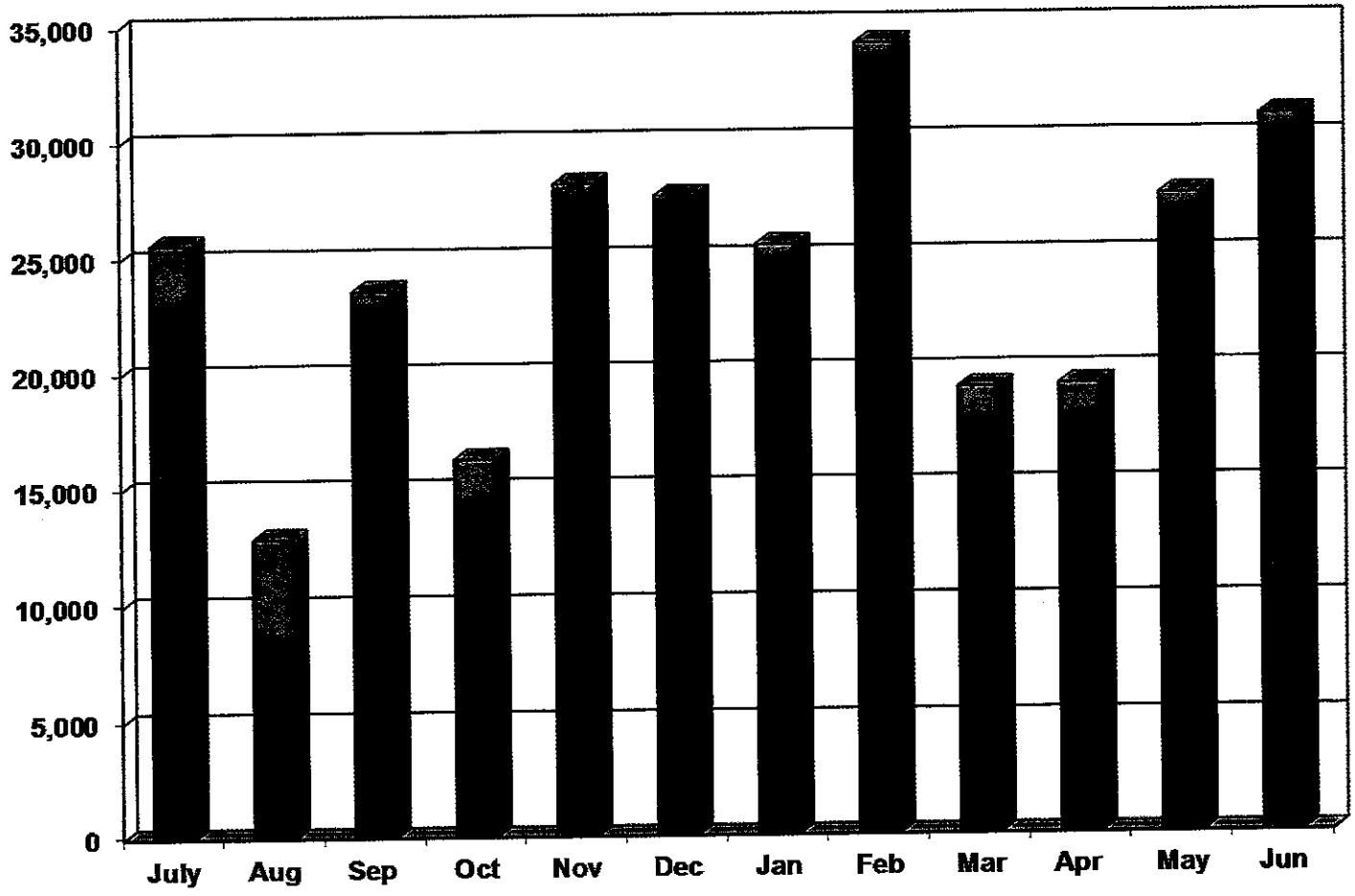
Average Month for FY = $ 22,215.31

Total for FY 13-14 = $ 22,215.31

DO NOT EXCEED $393,278



FY 2012-2013 IHC Payments
Average Month for FY = $ 24,261.68
Total for FY 12-13 = $ 291,140.11
DO NOT EXCEED $386,461



www.lincolncountynm.net

County of Lincoln

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

AGENDA ITEM 17

MANAGERS REPORT IS IN PROGRESS; PROVIDED PRIOR TO MEETING

LINCOLN COUNTY

County of Lincoln

P.O.Box 711 ● 300 Central Ave. ● Carrizozo, New Mexico 88301-0711 ● (505) 648-2385

AGENDA ITEM NO. 18

July 9, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager

SUBJECT: Appeal of Lincoln Historic Board Decision

Purpose: To entertain an appeal of a Lincoln Historic Board Decision.

Discussion:

The Lincoln Historic Board on June 20, 2013 denied a fence flagging request. In accordance with the ordinance (Encl 1), Ms. Canning appeal (Encl 2), and (Encl 3) are the draft minutes of the June 20, 2013 Lincoln Historic Preservation Board, to the Board of County Commissioners.

Recommendation: Entertain and decide on the appeal after listening to presentation by Ms. Canning, the attorney, and staff.

STATE OF NEW MEXICO, COUNTY OF LINCOLN:
Recorded this 20th day of October ,2004, at 10:17 A.M. in the
Ordinance Records, Book 3 ,Page(s) 644-708 .

Tammie J. Maddox
Lincoln County Clerk

By Lori Vallejos ,Deputy Clerk
Rec.# 200410567 Fee $ 0.00

LINCOLN COUNTY

NEW MEXICO

Lincoln Historic Preservation

ORDINANCE

No. 2004-5

Encl 1
644

5. Only those businesses and services whose exterior features contribute to the harmony and continuity of the area shall be permitted. Specifically excluded from the Historic District are any businesses whose wares are permanently displayed outdoors, including but not limited to trailer sales, automobile sales, junk yards, wrecking yards, rendering plants, slaughter plants, or heavy industry.

6. Signs shall be limited to those hanging or mounted on walls or posts in the ground. Signs shall be no larger than twenty-four square feet. Signs shall not be illuminated with flashing, oscillating or neon lights. The materials to be used in making signs must be described in the application and approved by the Lincoln Historic Board prior to their use.

   Any change in signage shall be submitted to the Board for approval.

   All "For Sale" signs will abide by the Ordinance and will carry a visible notation that the real estate for sale is located in the Historic District.

   Any existing sign that is no longer being used shall be removed by the owner or owner's agent.

7. All owners of buildings within the Lincoln Historic District shall be responsible for and provide reasonable maintenance to their building or buildings to prevent decay and deterioration. A variance of this requirement may be requested by the owner from the Board.

8. All unsightly accumulation shall not be permitted. No person shall permit to accumulate upon premises owned, leased, or occupied by him, any refuse, solid waste, or litter.

9. A satellite dish will be allowed as long as it is not subject to public view from U.S. Highway 380.

10. **Solar Features.** Solar features shall not be publicly visible from U.S. Highway 380.

SECTION VIII. ARCHITECTURAL GUIDELINES

Appendix B is hereby designated as the Architectural Guidelines for the Historic District.

SECTION IX. APPEALS, PENALTIES, NOTICES OF ALLEGED VIOLATION/ STOP WORK ORDERS.

A. Appeals Procedure.

Any decision by the Board is final unless an appeal is initiated by written application to the County Commission within twenty (20) days of the date the decision of the Board was rendered. After the written application has been received and prior to the consideration of the appeal, the applicant may meet with the Lincoln County Attorney in order to see whether or not a solution may be found for the matter being appealed. If the meeting results in an agreement, the County Attorney shall present the agreement to the Board for its acceptance or rejection. This mediation process may provide a solution to the matter being appealed. If the mediation process is not successful, the appeal shall proceed.

The County Commission shall review and consider the appeal record. The County Commission shall hear the appeal and either:

1. reverse any order, requirement, decision or determination of the Board; or

2. uphold the decision of the Board; or

3. make any change in the order, requirement, decision or determination of the Board.

The County Commission shall review carefully the Board's decision on the matter. The decision of the County Commission shall be following a public hearing and shall state the key findings of fact.

The County Commission shall give written notice of receipt of an appeal to the applicant, a representative of the opponents, if any are known, and to any other parties who have requested to be so informed. If a hearing is scheduled by the County Commission, written notice of the date, time, and place of such hearing shall be given to said parties.

The County Commission's decisions shall be the final administrative appeal. The exclusive remedy for parties dissatisfied with the action of the County Commission shall be filing of an appeal with the District Court within thirty (30) days of the date the decision of the County Commission was rendered, pursuant to Rule 1-074, NMRA 2004.

B. **Penalties.**

Penalties for violation of this Ordinance shall be pursuant to NMSA 1978, § 3-21-13 or § 4-37-3. Violation of this Ordinance is a misdemeanor and shall be prosecuted as other misdemeanors are prosecuted in the Magistrate Court of the County of Lincoln, or in District Court, by the District Attorney, the Board of County Commissioners of the County of Lincoln, or the County Attorney. Every day each such violation shall continue to exist; shall constitute a separate violation.

> Planning Director,
> County of Lincoln
> 115 Kansas City Road
> Ruidoso, NM 88345
> 575-258-5934 office
> 575-258-5938 fax
> 575-808-1380 cell
>
> On 6/24/2013 3:02 PM, Sally Canning wrote:
>> I am writing to send notice that I will be appealing the response I
>> received from the people sitting on what is called the Lincoln Historical
>> Board. Who do I send my formal letter of appeal to?
>>
>> I do have a few comments. Curt, I don't know when I've walked in to a
>> more hostile room. It was completely obvious that they were not going to
>> consider anything but their own personal biases. Addressing the safety of
>> the highway patrol and my ability to protect my land and livestock was
>> not on their agenda.
>>
>> This "board" has very little knowledge of open meeting policy. No, I
>> wasn't allowed to call G&F as a witness (please see your answer to my
>> question below).
>>
>> It was funny watching these people trying to act as if they were in
>> district court yet have little idea of what they were doing. I am not
>> impressed.
>>
>> Please mention to the board that it is also their responsibility to
>> educate themselves to these issues and to get training in the rules and
>> regulations of Roberts Rules of Order.
>>
>> I was the only one on the agenda and G&F arrived ready to offer. We both
>> arrived at 6:45. There was not one "welcome" not one "hello come in",
>> not one 'hi my name is Samantha". The guests (game and fish) were not
>> welcomes. The board treated G&F with the same hostility they gave me.
>> And they were GUESTS! Very hostile. They couldn't even do something
>> simple as start the meeting on time.
>>
>> I would like to know the name of these rude people. A few years ago the
>> Board seemed to be getting their feet on the ground. Looks like we're
>> right back to the days of 'ole Reginald Richie. If for some reason,
>> Curt, I have to go back to this Board I will be demanding that the County
>> Attorney be present. So will mine.
>>
>> I will appeal their decision. My exposure to liability and threat of
>> law suit is high. I must be able to keep the elk out and keep my
>> livestock in. I will be bringing my attorney to make sure the county
>> understands that if in the event the elk cause livestock to get on the
>> highway the county will be sued. The County, the Historical Board, as a
>> Board, and the individuals on the board will be held liable. I will be
>> submitting my waiver of liability in this matter. Sally
>>
>>
>>
>>
>> ----- Original Message ----- From: "Curt Temple" <planning@tularosa.net>
>> To: "Sally Canning" <laughingsheep@pvtn.net>
>> Sent: Friday, June 14, 2013 8:12 AM
>> Subject: Re: agenda
>>
>>
>>> Have them testify for you during your item.

ENCL 2

DRAFT DRAFT DRAFT DRAFT

Lincoln Historic Preservation Board Minutes June 20, 2013

I Call to Order: President Linda Fox called the meeting to order at 7:02

II Roll Call: LM Smith, Bill Strauser, Linda Fox, Elaine Allen. Melissa Boutte was absent. Also present: Curtis Coburn, Dept of Game and Fish, Rebecca Bustamante, Dept of Game and Fish, Samantha Mendez, Lincoln County Code Administrator, Sally Canning and Gary Cozzens

III Approval of the Minutes May 16, 2013. LM Smith moved the minutes be approved E Allen Seconded. The motion passed 4-0

IV New Business:

1. Fence flagging request-Sally Canning. After being sworn in S Canning stated those That understand what this flagging is understand what we are trying to do. (tape stopped working at that time so a 5 minute break was taken to change batteries. Recording resumed at approximately 7:10) S Canning had explained that having been sued and trying to avoid any future accidents, her intent was to do all she could do to keep her livestock off of the highway. Due to bad weather conditions the last few years had been hard for her. S Canning said that she lost most of her crops two years ago and last year she lost all of them so now she has cows. She decided not to replant orchards but to plant grass. "Starting in December I did my due diligence, I said I better fix my fences. We started reinforcing, rebuilding, re-stretching, repairing and fixing our fences to keep the elk out." "Mainly what we are trying to do is to keep our livestock in." S Canning presented the board with pictures she had taken of fences that were knocked down by elk. Some of the fences had been flagged and others had not. She said the game and fish had been very helpful with giving her ideas of how to keep the elk out but her goal is to keep her livestock in. "We tried piping last year and it worked a little bit, the flagging has worked very well." "I don't know if you can see but there is a current picture I have taken where the elk have already begun to cross the hitting the fence." "They are hitting the flagging but like I was telling the game and fish; I feel like we are being very successful because the fence is still up." "At least they are seeing the top of the fence and they are clearing it instead of just plowing through it and taking the fence down with them." "So we have achieved a least a visual barrier for them." "I don't know how long it will last." "We have tried sirens." " I am sure some of you have heard the sirens that have been on some of the people's property trying to scare them away it works for a little while and then they get used to it." "The flagging works for a little while and then they get used to it." "So that was our effort." "What we would like to know today is if there is any method that you have that you would approve of that we could mark our fences so that the elk could either clear the fence or at the beginning this flagging actually deterred them away."" They are deterred away now, now they are going to go ahead and clear the fence and they are marking and taking the flagging down with them. " "But the fence is still up and that is our goal." "We have had two elk

ENC 3

killed right there at the these spots, killed by the highway." "So we know it's a hot spot, we know they are wanting to get in we planted all that lush grass and they are hungry." "So that is our concern, what can we do to keep our cattle in.?" "This usually happens in the middle of the night, so those cows are getting up on the highway in the night time." "So that is all I have to say, these are one of the tools that have been provided to try to help keep our livestock in." E Allen said, "So they have become used to it so you are not going to use the flagging anymore." SC replied' "They're already jumping the fence now so its not keeping them away anymore." EA " Okay, so the flagging is no longer an issue, so now your just asking if there is something that we will approve or that we can suggest that could be approved. SC "Yes, and these gentlemen are here and they are very educated and well experienced on things that can be done and I would like for them to mention a few of these things and most important so you all will know what we are trying to do." "We are trying to keep our livestock in." "So if you see something you will say Oh they are trying to keep their fences up." " I know a lot of people in Lincoln think I am just trying to get business to my restaurant." "But again, I have been through a lawsuit once and I don't want to do that again." "So, we are trying really hard to keep and also one of these is like a said it is a picture of a fence that has been taken down."" They took the fence down first thing out of the box." "So the flagging is helping it is doing some good, but as game and fish has educated me, we need to keep moving through new things to deter." " So, I'd like to keep the flagging up." " We can take it down at some point, but it would be a very good program to use again." L Fox asked if one of the pictures was of fencing not along the highway. S Canning said the fence was not flagged because that fence ran perpendicular to the frontage fence and if the cattle got out they would be on her land. Samantha Mendez asked, " So the flags will be coming down after the meeting or are they staying up?" SC replied, "Well we have got to do something to keep our fences up." "The elk are already taking the flagging down." SM asked, "So that is what you are here for, is to ask the board for permission to use the flags?" SC replied, "To keep the flags or to add something else." SM stated "the flags have never been approved so first we have to do that first." "We can see about additional resources after that." SC said, " So I guess my main request is for us to think about our travelers safety before...primarily we got to keep our cattle off the highway." " I am willing to try anything but I want to try something that works." "Repellents don't work. L Fox said "then we need to address the current application first and then the other things could potentially be discussed that could necessitate further action. L Fox asked Ms. Canning " Do you understand Ms. Canning that we deny or accept this. If we deny then that leaves you open to come back with another method." " We encourage you to not start another method until you've come before the board. SC replied, " I understand. However, if it comes down to the safety of people and me being liable for livestock on the highway if it comes down to a time that I have to do something I will do it. " " I won't be able to wait, to come to the board and say oh by the way can I spray something I'm going to have to care of it then. " "We have already been taking care of it, we have already put that fence up three times." The board then discussed when the on the agenda the game and fish could be included and other ideas could be talked. S Mendes suggested that it should be discussed under #IX, Items for discussion. LM Smith opined that the board should consider the drought conditions calling these extraordinary times. He felt that

something needed to be done. He thinks that Sally had done a good job trying to fix the public and her own property. E Allen said that Ms. Canning had already stated that the flags were no longer working. LM Smith said anything that helps a little bit is better than nothing at all. More discussion followed about how to use the flags. L Fox said that she had a request from a Member that the Dept of Game and Fish be given a chance to speak. Samantha Mendez explained that they could testify on behalf of the flags. That the flags are for the purpose that she is using them. After being sworn in Curtis Coburn with the game and fish stated that the game and fish had provided Ms. Canning with flags for the purpose of deterring elk from jumping the fence. The flags are a tool they use because they flutter in the wind. The elk do get used to them but if you move them up or down it causes the elk to notice them. LM Smith asked if the fence was on the right-of-way she said it was four feet inside her property. E Allen asked why there was not a highway department fence. S Canning said she did not know why there was not one. E Allen asked if it would help if the highway department built their fence in front of the one that is there if it would help stop the elk. The game and fish said it would be a good solution if the fence was two feet in front of the other. Anymore space than that would allow animals to become trapped between the fences which would cause more damage. L Fox questioned if there were two fences together. After discussion it was understood that S Canning had added to an existing 7 ½ foot fence to make the fence higher. S Canning said, "And I have to admit if the highway department would put another fence up and the elk would clear that it would also accomplish keeping the livestock off of the highway. Even if the elk took down the game fence that would keep the cows off of the highway." E Allen asked if they had talked to the highway department. S Canning replied that the highway department had told her that they did not touch game fencing. She said but this would not be game fencing, the game fence is well inside. L Fox said that she found out that day that it is the responsibility of the highway department to keep livestock off of the road. She asked S Canning if that might not be the first step to do. S Canning said, "to go back to them and say we want you to construct the fence where it should be." E Allen said, "It sounds like that answers the problem." S Canning said, "it is a solution that the game and fish says works. It is an effective tool we are not just asking to build a fence. That's expensive, but is a tool that would work." E Allen asked, " So are you still saying that you would like to get this application approved so you can continue to hang the flags or are you saying the flags don't work and you are not interested in getting the flags approved. S Canning replied, "she would like to go ahead and get the flags approved they have worked for the last six weeks." L Foxed asked S Canning if she was trying to keep elk out or to guide them somewhere. S Canning said, "I don't think I can guide them. My whole goal is I want to keep my cattle in." Right there on the highway the only threat she has had is the elk taking the fencing down." "It's not that we have junky fences, junky fences are very prevalent in this area." "Oh no, we did our due diligence, we built a good, strong, tight sheep fence." "It is good and tight but these elk are hungry." L Fox said the responsibility of the board is the visibility of the flags within zone B within the historic district. B Strauser said he did care for the flags in the historic district. He said these are unusual and trying times that we are living at this point in time. He said he understood the concern of being sued because the cows could be on the highway but said it is a small area of fencing that could be maintained daily would not be unreasonable. He

said he also has deer and elk on his property. He said he could suggest air cannons like the ones being used in Washington state. He would like to hear more from the game and fish. LM Smith said he took exception to what B Strauser said about mending fences. He said he checked his fences daily and spends a good deal of his time mending fences. He said the traffic speed where he and Sally live is a lot faster than in the "hamlet of Lincoln". E Allen stated, " well I would hope that we can...the flags I think are a problem as far as the ordinance goes." "Flags just aren't allowed, we don't have flags and that's just all there is to it. That's just that. There are no extraordinary circumstances, you can ask for a variance to that because a variance is part of the ordinance. SC said, "which I think that's what this application is asking for." EA asked LF if it was asking for a variance and LF replied that it was not. E Allen said, "I understand what you are trying to do, you are not trying to do anything for the elk you are trying to keep you cows in the pasture. Simple as that." S Canning said, "I'm trying to save people's lives." EA said," You are trying to keep your cows in the pasture and I understand that and that's not a problem. " E Allen also talked about the type of fencing required to contain or deter elk. In hard times or good times flags just are not allowed. L Fox asked for a motion. LM Smith moved to approve the flags as a variance of the ordinance because of extraordinary times. There being no second the motion failed. E Allen moved that the application be denied. B Strauser seconded, the motion passed 3-1.

The recorder failed again for a few minutes. L Fox moved through the agenda to # IX Items for discussion. She then asked the game and fish and S Canning to discuss alternatives that would fit the ordinance and benefit Ms. Canning. Ms. Canning did not have time to stay for discussion. L Fox encouraged her to stay and invited her again to participate in the discussion. S Canning said that the game and fish were highly qualified to fill the board in on all of the alternatives to the flagging. L Fox asked Ms. Canning how she would know what had been discussed or how she would consider what else she might do. S Canning replied' "Well I don't know yet I will probably appeal to the County Commissioners with my attorney." "This is all we can do today everything else is just discussion. L Fox asked, "and the highway fence the highway department with the fence, we had discussed that." SC "Yes we had" LM Smith said it could take six months to a year to build the fence. S Canning said, "Luckily I have seen them move faster than that." The board thanked Ms. Canning for coming to the meeting.

Curtis Coburn was asked to discuss with the board the potential alternatives. He started by explaining that the cannons mentioned before did not work in this area because they are propane and shoot a three foot flame and the elk get used to it. Shooting the elk with buckshot had been offered to Ms. Canning but she did not want to use that because she thought they might cause more damage leaving the property all at once. Flagging is a temporary solution. He said the highway department fence would be the best solution. He asked if black poly pipe put at the top of the fence would fit the ordinance. He explained that when the elk jump the fence the pipe rolls on the wire so the elk do not get caught on the fence and tear it down. He asked what would be allowed so he could come up with new ideas. He said he had guidelines that had to be met. He said "the end all be all solution would be that the highway department would

build there fence." Other ideas were discussed; lion scent, plastic pipe along the top of the fence and building a better fence. LM Smith suggested running a steel cable through the lower part of the fence to fortify the lower fence to keep the integrity of the fence that would keep the livestock in the pasture. Everyone talked about working together with Ms. Canning and the game and fish to achieve an outcome that met all the needs involved. L Fox asked what after the highway department fence would be the next idea. C Coburn replied the black pipe along the top of the fence was one. He said he would send an e-mail to the private lands biologist to see if there were anymore ideas. L Fox asked if they would be in contact with her and would they share the information with S Canning that was discussed. Game and Fish said they would be in contact and continue to provide help. Again, everyone continued to talk about helping Ms. Canning in every way the ordinance would allow. All members expressed their concern for her problem with the elk and what it takes to do the work involved.

There was no old business, correspondence, or site visits. Samantha Mendez reported that the Cannon fencing project and the Fonseca carport project were complete. Gary Cozzens updated the board on what was taking place with the Monument; a volunteer work crew had painted and cleaned many of the buildings. They have repainted the Historic signs along the street. Eco service will continue to work on the trails next month. The porch on the Woods house and the Gallegos house need repaired. He said he would start talking to the highway department about the paths because of having people fall.

L Fox said she had talked to the Wards, with the Pageant Grounds Committee, that met with the board in the last month about roofing the pageant grounds. She gave them the information on the architect that designed the firehouse. His name is Jack Whyte.

Adjourn: E Allen moved the meeting be adjourned at 8:15, LM Smith seconded.

Respectfully submitted,

Elaine Allen, secretary

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County of Lincoln

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AGENDA ITEM NO. 19

July 12, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager

SUBJECT: Annual Capital Assets Inventory Certification

Purpose: To certify the annual inventory listing

Discussion:

For FY 12-13, this year's annual inventory of chattels and equipment valued at $5,000 and above, known as capital assets, has been determined in accordance with generally accepted auditing procedures, and meets the annual requirements for certification as specified in state statute 12-6-19:

Total capital assets not being depreciated: $5,123,398 – which represents an increase of $3,240,820 over FY 11-12 ending value of $1,882,578 and includes land, intangible assets and construction in progress.

Total capital assets being depreciated: $67,246,134 – which represents additions of $668,148 and deletions of $722,813 resulting in a net decrease of $54,665 over FY 11-12 ending value of $67,300,799 and includes completed buildings, equipment, infrastructure and other additions.

In addition, the annual inventory for FY 12-13 of all recorded fixed assets, which includes all assets subject to annual physical inventory; stewardship assets valued $4,999 and below plus capital assets valued at $5,000 and above was:

Total fixed assets: $75,344,254 – which represents an increase of $3,278,538 over FY 11-12 ending value of $72,065,716.

These figures will be reviewed by our auditors and slight modification may result.

Recommendation: Approve and sign the attached certification.

LINCOLN COUNTY

County of Lincoln

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July 12, 2013

MEMORANDUM

TO: County Commissioners

FROM: Jackie Powell, Chairwoman, Board of County Commissioners

SUBJECT: Annual Fixed Asset Inventory Certification

As directed by the Lincoln County Board of Commissioners, the County Manager has supervised this year's annual inventory of chattels and equipment valued at over $ 5,000.00. In accordance with generally accepted auditing procedures, and in order to meet the annual requirements for certification as specified in State Statute 12-6-10, we here by certify the over $ 5,000.00 property listing for Lincoln County.

Jackie Powell, Chairwoman
Lincoln County Board of Commissioners

Nita Taylor
County Manager

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AGENDA ITEM No. 20

July 12, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager

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

PURPOSE: To provide information and discussion of water right notices, forest health, Game and Fish.

Discussion:

1. There have been no new valid water rights applications posted on the State Engineers website for Lincoln County since Application No. H-722-POD6 by Enchanted Forest Water Corporation, Alto, NM, on February 25, 2013.

2. Brian Archuleta with USDA Wildlife Services provided an update of their efforts to thin out the feral hog population. During June, USDA APHIS Wildlife Services' aerial operations have been ongoing in San Miguel, *Lincoln*, Otero and other southeastern NM counties. About two-thirds of the 100+ feral swine taken during June were by aerial operations. Dave Warnack, Smokey Bear Ranger District, reported the receipt of approval from the Southwest Region, Regional Forester for aerial gunning of feral hogs in the Capitan Wilderness.

3. Commissioner Powell and Manager met with State Engineer Office representatives Juan Hernandez and Mike Hunter, Water Master for this area, to discuss overall water issues in the County; they will be a good partner with the county as we move forward to address water issues. They toured parts of the county impacted by Little Bear Fire, and subsequent floods.

Recommendation: Information only. No action required.

County of Lincoln

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Agenda Items No. 21

July 12, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager

SUBJECT: Quarterly Inspection of the Lincoln County Detention Center

Purpose: To inspect detention center.

Discussion:

State Statute 33-3-4. States that "each governing body of a county or municipality shall conduct an annual site visit to the jail or detention center under its jurisdiction to inspect the overall conditions at the facility. Following a site visit, an inspection report shall be presented at a regular meeting of the governing body.

At the February 21, 2012 Regular Commission meeting, Former Chairwoman Sedillo suggested quarterly visits to the Detention Center rather than semi-annual visits. There was a general consensus to visit the Detention Center quarterly.

THE STAFF OF THE DETENTION CENTER WOULD LIKE TO INVITE THE COMMISSIONERS TO HAVE LUNCH. Please advise of the commissioner's desire for a meal at the beginning of the commission meeting.

Mr. Arthur Anderson, our Emerald warden will guide the inspection.

Recommendation: Inspect the facility as required.

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AGENDA ITEM No. 22

July 12, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager

SUBJECT: Lincoln County Subdivision Ordinance Revisions

Purpose: To Consider Revisions to the Subdivision Ordinance Recommended by the New Mexico Office of the State Engineer

Discussion: County Attorney will walk the Commission through the changes as recommended by the New Mexico Office of the State Engineer in their Memorandum dated June 24, 2013. Please note that the page numbers cited in the memorandum at Enclosure 1 do not correspond with the page numbers shown in the draft Subdivision Ordinance dated May 14, 2013, or the draft dated July 16, 2013, possibly due to conversion from WordPerfect to Word.

Recommendation: Adopt Ordinance 2013 – 2 Amending Lincoln County Subdivision Rules and Regulations.

STATE OF NEW MEXICO
OFFICE OF THE STATE ENGINEER
SANTA FE

Scott A. Verhines, P.E.
State Engineer

CONCHA ORTIZ Y PINO BLDG.
POST OFFICE BOX 25102
130 SOUTH CAPITOL
SANTA FE, NEW MEXICO 87504-5102
(505) 827-6091
FAX: (505) 827-3806

June 24, 2013

Mr. Alan P. Morel
County Attorney, Lincoln County
P.O. Box 1030
Ruidoso, NM 88355-1030

CERTIFIED MAIL
RETURN RECEIPT
REQUESTED

Re: Proposed Amendments to the Lincoln County Subdivision Regulations

Dear Mr. Morel:

On May 16, 2013 the Office of the State Engineer (OSE) received a request to review and comment on the revised Subdivision Regulations for Lincoln County. The OSE has reviewed the proposed regulations in accordance with Section 47-6-10 of the New Mexico Subdivision Act (Chapter 47, Article 6, NMSA 1978).

Please see the attached staff memorandums providing specific comments.

If you have any questions, please feel free to call me at (505) 827-6121.

Sincerely,

John W. Longworth, P.E.
Water Use & Conservation/Subdivision Review Bureau Chief

Encl.

cc: OSE Water Rights Division, Roswell Office
Mr. Curt Temple, Planning Director, Lincoln County

MEMORANDUM

New Mexico Office of the State Engineer

Water Use & Conservation Bureau

Date: June 24, 2013

To: John Longworth, P.E. Water Use & Conservation Bureau Chief

From: Julie Valdez, Water Use & Conservation Bureau

Subject: Lincoln County Subdivision Regulations

Lincoln County is proposing revisions to their Subdivision Regulations. Substantial changes have been proposed to Article 13 *Required Improvements* and Article 17 *Water Availability Plan.* A community water system is now required for all subdivision types, and individual and shared wells will no longer be allowed. After reviewing the proposed revisions, the following comments are offered (comments regarding formatting and updates to the Table of Contents are not offered):

Page #17,
Line #1, MM – "Individual water system" should be removed since individual water system are not allowed. Suggest a universal search of the document and change all occurrences.

Page #21
Line #28 – "hte" should read "the"

Page #23
Line #7 – "State Plain Coordinates" should read "State Plane Coordinates". Suggest a universal search of the document and change all occurrences.

Page #23
Line #20, TTTT, "Water Demand Analysis" – Lines 20 thru 23 regarding domestic wells should be removed since individual and shared wells are not allowed

Page #25
*Line #26 – The New Mexico State Engineer should read "*Office of the State Engineer.*"*
Suggest a universal search of the document and change all occurrences.

Section 4.2.6
Page #26
Line #28 & #29 – "thirty (30) days after the date the subdivider submits" should read "thirty (30) days from their receipt of".

Section 4.2.7
Page #26
Line #37 – "thirty (30) days after the date the subdivider submits" should read "thirty (30) days from their receipt of"

Section 17.1
Page #69
Line #12 – Suggest changing "geohydrologic report" to "hydrologic report" to cover surface water and groundwater supply proposals in accordance with Article 2, definition HH where geohydrologic report is not specifically the topic. Suggest a universal search of the document and change all occurrences.

Line #13 – "State Engineer's Office" should read "Office of the State Engineer (OSE)." Add "NMED" following "New Mexico Environment Department".

Section 17.2.2a
Line #40 – Change "sufficient in quantity to meet the maximum annual water requirements of the proposed subdivision" to "sufficient in quantity to meet the maximum annual requirements of existing commitments and the proposed subdivision".

Line #42- Lines #42 thru #44 states that "The Board may approve a final plat contingent upon the State Engineer's approval of the transfer of the water rights necessary to meet the maximum annual water requirements of the proposed subdivision". It is recommended that this be updated to conform with new subdivision requirements in accordance with Senate Bills 479 and 480 (from the 52nd Legislature, 1 Session) as these new requirements limit the circumstances when the Board of County Commissioners can give Conditional Approvals to Final Plats.

Section 17.3
Page #70
Line #11 – This Section does not appear consistent with the definition of "Water Availability Assessment" in Article 2, definition QQQQ. Certain subsections are missing. Does not include; 3) Means of conveyance, 4) Limitations and restrictions, and 5) Measures used to monitor.

Section 17.3.2a
Page #71
Line #10, strike starting after "years" through "units". – "be capable of producing the full annual demand for at least Forty (40) years ~~or shared wells are to be used throughout a development, the requirement should not be interpreted to require more than one (1) test per ten (10) dwelling units~~"

Section 17.3.2b
Line#22, strike starting after "units" through "units". –"units. Where cluster or shared wells are to be used throughout a development, the requirement should not be interpreted to require more than one (1) test per ten (10) dwelling units"

Section 17.3.2f
Page #72
Line #23 – Lines #23 thru #25 regarding domestic wells should be removed since individual and shared wells are not allowed.

Section 17.3.4a
Page #73
Line #5- Delete

Line #7- Delete

Line #16 "existing commitments" should read "existing commitments and existing commitments yet unserved"

Section 17.3.5a
Line #43 – Recommend the same requirements as the proposed Section 17.3.2 or 17.3.3 and 17.3.4a,

Subsections (i), thru (v) of Section 17.3.4a should also apply to all existing systems, including municipal and county owned water systems. As it reads, county owned systems have no water availability assessment requirements.

Section 17.5
Page #77
Line #4 –Section 17.5 should be removed since individual water systems are not allowed. Section 13.1 states that community water systems are required for all Type one, two, three, four, and five subdivisions.

Line #16 – *If Section 17.5 is not removed change* "State Plain Coordinates" should read "State Plane Coordinates".

Section 17.6.1d
Page #79
Line #22 –This sections should be removed since individual, clustered, or shared wells are not allowed.

Section 17.8
Page #82
Line # 31 thru # 33 – Delete "To reduce the risk of contamination migrating down the borehole, a 2 ft. thick bentonite seal shall be placed in the annulus above the gravel pack

and a cement grout seal shall be placed in the annulus from the ground surface to a depth of 20 ft.". The proposed specifications may not be appropriate for artesian wells.

Section 18.2
Page #83
Line #14 – Does this section only apply to non-residential? This section appears out of place and should probably have a separate heading or include residential.

Section 18.2f
Page #84
Line #7 – "All community water system service connections and all shared wells shall be metered with a Office of the State Engineer approved meter" – should read– "All community water system service connections shall be metered"

Page #G3
Item #8 of the Disclosure Statement – It is recommended that the following statement be included: "describe the maximum annual water requirements of the subdivision". Section 47-6-17 (11) of the New Mexico Subdivision Act requires that the Disclosure Statement contain *"a statement describing the maximum annual water requirements of the subdivision, including water for indoor and outdoor domestic uses, and describing the availability of water to meet the maximum annual water requirements."*

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AGENDA ITEM Nos. 23

July 13, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager

SUBJECT: Final Budget Approval - Public Hearing

At the regular commission meeting of May 14, 2013, the county's preliminary budget was approved and forwarded to DFA. The preliminary budget was subsequently approved by DFA. As a separate document, you have received the "County of Lincoln Final Budget for Fiscal Year 2013 – 1014". At **Enclosure 1** is the summary sheet of the FY2013 – 14 Final Budget for your convenience and the public's information.

Review of Changes:

1. ***Changes in Revenue & Expenditures Since Preliminary Budget:***

   The Treasurer's beginning cash balance of **$ 10,870,189** has been modified from the preliminary budget in May, $8,419,603, due to a number of adjustments made to accommodate actual bills received and paid, experience from last year, or adjustments required due to other factors from the preliminary budget. Final Adjusted Budgeted Fund Expenditures of **$6,791,086** has also been modified, for the same reasons, from the preliminary budget of $6,782,623. The resulting Adjusted Ending Cash Balance is **$4,337,426. Note:** *A summary of changes in revenues and expenditures since the preliminary budget is being compiled, and will be provided to you at the Commission meeting.*

   Lincoln County Medical Center Budget Request. Al Santos will present additional information. **See Enclosure 2.** Based on the presentation made to the Commission at its July 9th Special meeting, the final budget (for discussion purposes) includes the following:

   a) No increase in the mil levy

   b) $1,100,000 for FY2012 – 2013 Arrears. ($479,335 previously approved by Comm.)**

   c) $1,100,000 for 1st half of FY2013 – 14 ($177,852 for SCP match; $922,148 for Services rendered)** ***See Enclosure 3 for applicable budget sheet; and Enclosure 4 for analysis.***

2. ***Ending reserve over required reserve*, with the above adjustments made, is $ 621,845** to use for any additional requirements.
3. **After reviewing the above, consider potential additions or deletions of the following:**
   - Review external requests to see if any changes are desired (**Enclosure 5**).
   - Review previously unfunded and new requests and fund to the extent you want to commit the revenue over required reserves (**Enclosure 6**).
   - Consider adding any additional requests from the public hearing discussion. Manager may make additional suggestions as made aware of additional needs.

Final Recommendation and Comment:

The departments are to be commended for diligently participating in the budget process; each has been reasonable in their forecasts for FY2013 -2014, and was cognizant of the past year's budget guidelines in the management of their operations. As this budget process necessarily falls mainly to Finance and Treasury, Punkin Schlarb and Glenna Robbins and their teams expended time and energy "over and above" in finalizing this budget package. They generously continue to coach me on the processes, and I'm confident this FY 2013 – 2014 Lincoln County Budget is solid. *Should you opt to add items from Enclosures 5 or 6, or make other changes, direct Staff to incorporate such modifications, and approve Resolution 2013-2014 at* ***Enclosure 7*** *for forwarding to DFA with the final budget.*

LINCOLN COUNTY

Department of Finance and Administration
Local Government Division
Budget Recapitulation
(CENTS ROUNDED TO NEAREST DOLLAR)

Entity Code 26 GENERAL FUND
Fiscal Year 2013-2014

(A) PROPERTY TAX CATEGORY		(B) ACCOUNT NUMBER	(C) 2012 FINAL VALUATIONS	(D) 2012 OPERATING TAX RATE	(E) TOTAL PRODUCTION [C X D]*93%	FOR LOCAL GOVERNMENT USE:
RESIDENTIAL		31500	801,222,051	0.00486	3,893,939	
NON-RESIDENTIAL		31500	304,576,494	0.00885	2,695,502	
COLLECTION RATIO					93%	
	TOTAL PRODUCTION				6,128,180	

(F) FUND TITLE	Page #	(G) FUND NUMBER	(H) FY 2013-2014 UNAUDITED BEGINNING CASH BALANCE	(I) FY 2013-2014 ADJUSTED BUDGETED FUND REVENUES	(J) FY 2013-2014 ADJUSTED OPERATING TRANSFER	(K) FY 2013-2014 ADJUSTED BUDGETED FUND EXPENDITURES	(L) FY 2013-2014 ADJUSTED ENDING FUND CASH BALANCE	(M) APPROVED RESOLUTIONS
GENERAL FUND	3-19	401	10,870,189	11,849,347	(13,591,023)	6,805,334	2,323,178	
ROAD FUND	20-23	402	69,814	811,122	2,009,580	2,650,417	240,099	
RECREATION	24	404	1	0	0	1	0	
SPECIAL PROGRAMS	25	405	6,406	0	85,354	91,760	0	
RECORDING FEES	26	406	255,057	55,900		300,479	10,478	
BONITO FIRE DEPT.	27	407	96,466	194,511	0	290,977	0	
HONDO FIRE DEPT.	28	409	103,202	88,222	0	191,424	0	
LINCOLN FIRE DEPT.	29	410	346,269	145,822	(277,765)	214,326	0	
NOGAL FIRE DEPT.	30	411	89,605	48,616	0	138,221	0	
GLENCOE-PALO VERDE FIRE DEPT.	31	412	246,966	159,252	(17,000)	389,218	0	
CAPITAL IMPROVEMENTS PROJECTS	32	414	20,621	0	9,474,496	9,495,117	0	
WHITE OAKS FIRE DEPT.	33	416	40,513	48,626	0	89,139	0	
AGREEMENTS	34	418	59,185	34,000	233,767	326,952	0	
ARABELA FIRE DEPT.	35	419	138,277	92,195		230,472	0	
LEGISLATION APPROPRIATIONS	36	420	0	886,400	62,765	949,165	0	
GAS TAX SPECIAL	37	421	42,476	188,300	0	230,776	0	
PREDATORY ANIMAL CONTROL	38	423	0	49,126	39,374	88,500	0	
FIRE SERVICES ADMINISTRATION	39	424	12,000	65,408		77,408	0	
FIREFIGHTING/STRIKE ACTIVITIES	40	425	0	150,000	0	150,000	0	
FOREST TITLE III	41	428	28,447	0	0	28,447	0	
Page Total			12,425,493	14,866,847	(1,980,452)	22,738,132	2,573,756	0

2,323,178	ENDING CASH
1,701,334	REQ. RESERVE
621,845	OVER REQ.RESERVE
11,849,347	REVENUES
-13,591,023	TRANSFERS
6,805,334	EXPENDITURES
-8,547,010	**REV TO EXP.**
621,845	Total over required reserves
-8,547,010	**use for Recurring Expenses**
-7,925,166	**use for NonRecurring expenses**
1,701,334	REQUIRED RESERVE 3/12
240,099	REQUIRED RESERVE 1/12

USE OVER REQ. RESERVES

ENCL 1

County LINCOLN

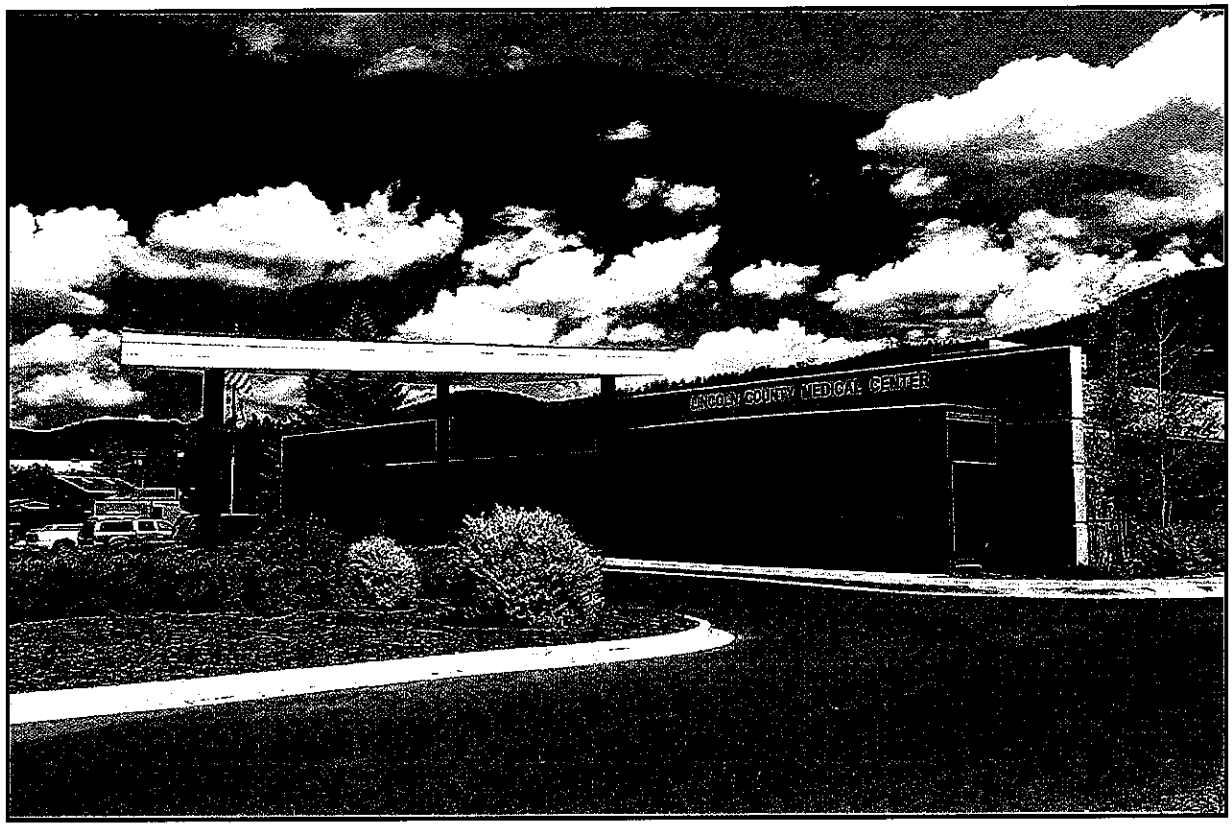
Budget Recapitulation - Continued

(CENTS ROUNDED TO NEAREST DOLLAR)

Entity Code 26

Fiscal Year 2013-2014

(F) FUND TITLE	Page #	(G) FUND NUMBER	(H) FY 2013-2014 UNAUDITED BEGINNING CASH BALANCE	(I) FY 2013-2014 BUDGETED FUND REVENUES	(J) FY 2013-2014 ADJUSTED OPERATING TRANSFER	(K) FY 2013-2014 ADJUSTED BUDGETED FUND EXPENDITURES	(L) FY 2013-2014 ADJUSTED ENDING FUND CASH BALANCE	(M) APPROVED RESOLUTIONS
LODGERS TAX FUND	42	440	85,347	50,120		135,467	0	
CORRECTIONS	43	450	32,246	1,292,438	1,763,680	3,088,364	0	
JAG	44	460	25,957	0	(25,957)	0	0	
HOMELAND SECURITY FUND	45	462	0	1,166,667	388,889	1,555,556	0	
SHERIFF SEIZURE FUND	46	466	27,092	100	0	27,192	0	
REAPPRAISAL FUND	47	499	327,859	243,500	0	502,781	68,578	
RUIDOSO AREA AMBULANCE	48	500-20	10,000	17,549	0	17,590	9,959	
CAPITAN AMBULANCE DEPT.	49	500-24	0	7,412	0	7,412	0	
CARRIZOZO AMBULANCE DEPT.	50	500-25	0	5,742	0	5,742	0	
CORONA AMBULANCE DEPT.	51	500-26	0	5,253	0	5,253	0	
HONDO AMBULANCE DEPT.	52	500-27	0	7,253	0	7,253	0	
RURAL HEALTH CLINICS	53	501	474,070	682,611	0	613,410	543,271	
LCMC - HOSPITAL	54	502	5,713,385	3,082,036	0	6,338,866	2,456,555	
DEER PARK SP FUND	55	505	8,455	0	0	8,455	0	
DEER PARK SAD INCOME FUND	56	508	416,216	215,006	0	131,891	499,331	
LAW ENFORCEMENT PROTECTION	57	520	20,073	31,400	0	51,472	0	
ZIA SENIOR CITIZENS	58-64	530	85,095	625,000	146,358	856,453	0	
ENVIRONMENTAL GROSS RECEIPTS	65	563	0	148,000	0	148,000	0	
TREASURER'S RETURNED CK FUND	66	598	1,986	2,800	0	4,581	205	
ENHANCED 911 DATA BASE/NETWORK	67	601	1,673	13,625	0	13,625	1,673	
FOREST HEALTH FUND	68	602	155,609	655,000	0	723,758	86,851	
MISDEMEANOR COMPLIANCE FUND	69	603	0	150,000	0	150,000	0	
CDBG GRANT FUND	70	608	380,853	500,000	297,515	1,178,368	0	
INDIGENT CLAIMS FUND	71	654	355,016	630,000	7,432	711,801	280,647	
JUVENILE FUND	72	657	0	116,000	148,000	264,000	0	
NM HIDTA PARTNERSHIP GRANT	73	659	46,186	0	(46,186)	0	0	
1st 1/8 GRT STATUTORY RESERVE	74	664	146,439	0	506	0	146,945	
DISASTER RELIEF FUND	75	681	911,645	675,180	(329,355)	1,257,470	0	
1st 1/8th GRT INCOME FUND	76	682	0	630,000	(360,700)	269,300	0	
1st 1/8th GRT DEBT RESERVE FUND	77	683	272,000	9,730	(9,730)	0	272,000	
Page Total			**9,497,202**	**10,962,422**	**1,980,452**	**18,074,061**	**4,366,015**	**0**
Grand Total			**21,922,695**	**25,829,269**	**0**	**40,812,194**	**6,939,771**	**0**



Lincoln County Medical Center
Commissioners Meeting
July 16, 2013

PRESBYTERIAN

ENCL 2

Presentation Outline

- Issues & Concerns
- LCMC Cost Savings Initiatives 2010 - 2012
- LCMC Action Plan
- County Medical Budget Recommendation

Issues & Concerns

- LCMC Financial Gap - Issue
- Healthcare Delivery Services - Concern

2010 – 2012 LCMC Cost Saving Initiatives

- $1.5 million in expense reductions
- $2 million in bad debt reductions
- $500,000 in employee position consolidations

LCMC Financial GAP Action Plan

PRESBYTERIAN

LCMC Action Plan in (000) - LCMC Fiscal Year Jan – Dec 2013

IDENTIFIED ACTION	2013 SAVINGS	DESCRIPTION
2013 Financial Gap	**$4,000**	**Gap to achieve 2% Margin**
Growth	$670	Achieve budgeted volumes
Other Revenue	$520	LCMC Rate Increases
Salaries	$610	Annual raise & staff productivity adjustments
Total LCMC Initiatives	$1,800	
Remaining 2013 Gap	**$2,200**	**Gap to achieve 2% Margin**

PRESBYTERIAN

County Medical Budget Recommendations 2012 - 2014

County Medical Budget Recommendation

1. Fund Hospital Operations at $621,000 for January 1, 2013 – June 30, 2013. ($1.1 million minus $479,000 approved on July 9th).
2. Fund Hospital Operations at $1.1 million for July 2013 to Dec 2013.
3. Hold Hospital Operations funding approval for $1.1 million in reserve for Jan – June 2014

County Medical Budget Recommendations

		Recommended 2013 - 14
Revenue:	[1] Hospital (2 mil)	≈ $ 2,000,000
	[2] Rural Clinics (.6 mil)	≈ $ 600,000
	[3] Hospital Lease	= $ 800,000
	[4] Medical Operating Balance/Reserve 2012 – 2013	= $ 1,980,112
	Total	$ 5,380,112
Expenses:	[1] Rural Clinic/EMS Ops	≈ $ 939,840
	[2] S C P Matching	≈ $ 380,048
	[3] Hospital Maintenance	≈ $ 100,000
	[4} Hospital Operations	$ 3,300,000*
	Total	$ 4,719,888
	Medical Operating Balance/Reserve	**$ 660,224**

*Jan. 1, 2013 – June 30, 2014

PRESBYTERIAN

Thank you!

Questions?

LINCOLN COUNTY

FORM SP-21
LINCOLN COUNTY MEDICAL CENTER FUND
(CENTS ROUNDED TO NEAREST DOLLAR)

Entity Code 26
Fund No. 502
Dept. No. 73

(A) LINCOLN COUNTY MEDICAL CENTER FUND	(B) ACCOUNT CODE	(C) 2010-2011 FY ACTUAL	(D) 2011-2012 FY ACTUAL	[E] 2012-2013 FY BUDGET	(F) 2013-2014 FY REQUEST: 2013-2014 FY BUDGET	(F) 2013-2014 FY REQUEST: ACCOUNTS PAYABLE	(F) 2013-2014 FY REQUEST: BUDGET TOTAL REQUEST	(G) ADJUSTMENT	(H) ADJUSTED TOTAL 2013-2014 FY BUDGET
REVENUES									
PROPERTY TAX - CURRENT 2.0 MILL	1010	1,872,364	1,947,350	2,086,289	2,171,536		2,171,536		2,171,536
PROPERTY TAX - DELINQUENT	1020	85,977	80,000	103,565	100,500		100,500		100,500
INTEREST EARNED	1180	19,346	20,000	26,084	10,000		10,000		10,000
RENTAL OF COUNTY PROPERTY (LCMC)	1290	800,000	800,000	800,000	800,000		800,000		800,000
SALE OF COUNTY PROPERTY	1340	13,829	0	0			0		0
REIMBURSEMENT/REFUND	1262			200,000			0		0
CARRYOVER - 5713385.38									
TOTAL REVENUES (Carry to Recap)		**2,791,516**	**2,847,350**	**3,215,938**	**3,082,036**	**0**	**3,082,036**	**0**	**3,082,036**
TRANSFERS IN & OUT									
IN (from 608)	1950	0	215,909	0			0		0
OUT (Rural Clinics 501)	1951	0	0	0			0		0
OUT (CDBG 608)	1951	(655,000)	0	0			0		0
TOTAL TRANSFERS (Carry to Recap)		**(655,000)**	**215,909**	**0**	**0**	**0**	**0**	**0**	**0**
EXPENDITURE SUMMARY									
MAINTENANCE BUILDING	2108	0	0	88,600	0		0		0
EMS - OPERATIONS	2522	565	7,425	7,425	0		0	**5,000**	5,000
ST. MEDICAID FUND CONTRIBUTION	2524	259,735	298,000	268,503	325,720		325,720		325,720
SOLE COMMUNITY PROVIDER	2525	701,374	1,169,420	1,003,040	1,049,580		1,049,580	**(871,728)**	177,852
SERVICES RENDERED CONTRACT							0	**922,148**	922,148
2012-2013 ARREARS							0	**1,100,000**	1,100,000
LC COMMUNITY ASSIST PROGRAM (LCCAP)	2526	0	0	0	150,000		150,000		150,000
COMPREHENSIVE PLAN	2704	0	0	0	0		0		0
CONSULTING FEES	2706			55,188	0		0	**55,188**	55,188
FEES, TAXES & PERMITS	2707			108,738	0		0	**108,738**	108,738
PROJECT CONTINGENCY	2708			300,000	0		0	**229,303**	229,303
CAP OUT - AMBULANCE & AMB EQUIP.	2921	135,156	280,452	248,000	293,210	**176,980**	470,190		470,190
Cardian Monitor (3) - 91,613					0		0		0
Power Pro Stretcher - 14,000					0		0		0
Patient Stretcher - 7,000					0		0		0
Ambulance - 167,697					0		0		0
Older Patient Ventilator - 12,900					0		0		0
CAP OUT - Chiller Compressor	2940	4,345	0	40,000	0		0		0
CAP OUT	2940	0	0	0	108,500		108,500		108,500
Domestic Water Repairs - 18,000					0		0		0
Roof Repair to Business Office - 12,500					0		0		0
Roof Repair to ED - 38,000					0		0		0
Parking Lot Sealing - 40,000					0		0		0
CAP OUT - Physician Office Building	2940	0	5,426,637	5,591,815	0	**2,628,543**	2,628,543		2,628,543
ARCHITECTS	2956	0	0	395,000	0	**57,685**	57,685		57,685
TOTAL EXPENDITURES (Carry to Recap)		**1,101,175**	**7,181,934**	**8,106,308**	**1,927,010**	**2,863,207**	**4,790,217**	**1,548,649**	**6,338,866**

$ 479,335 is for 2012-2013 budget not used
^ 220,665 additional to cover federal loss

7/12/2013

ENCL 3

Lincoln County Medial Center Budget Request Analysis FY 13 and 14

		a	b	c	d	e	f	g	h	i	j	k	l	m		
					FY12-13 Historical Methodology							FY12 - 13 New Methodology				
		County Contribution/ Commitment	Paid to State	Cnty PMT Held by State - not distr. to LCMC	Cnty PMT Held by State: to be Paid to LCMC	Cnty PMT held by State to be paid back to Cnty	Commitment Not Yet Paid to State	Total Initial Cnty Commitment Available for LCMC	Fed'l Match	Total Paid to LCMC	Ratio	Total Add'l To be Paid by State to LCMC	County Portion	Ratio	Total to LCMC	Total to LCMC w/ Additional Pmt (col G)
1	1st Qtr.	$146,766	$146,766						$332,235	$479,001	30.64%	$1,218,671	$376,051	30.86%		
2	Supp. (UPL)	$410,921	$410,921	$410,921												
3	2nd Qtr.	$148,155	$148,155	$148,155												
4	3rd Qtr.	$148,155					$148,155									
5	4th Qtr.	$148,155					$148,155									
6	Total Cnty Commt.	$1,002,152	$705,842	$559,076	$376,051	$183,025	$296,310	$479,335	$0							
7								$479,335		$479,001		$1,218,671			$1,697,672	$2,177,007
8	LCMC Original Expectation														$3,346,573	$3,346,573
9	Shortfall														(1,648,901)	($1,169,556)
10	LCMC 7.9.2013 Supplement Request														$1,100,000	$1,100,000

FY13 - 14 New Methodology (See Enclosure 2 to Agenda Item 6)

		Ratio	Fed'l Plus State (Capitation)	State Payment Plan (SPA)	Total	Total 18 Month State Estimation	DSH Recovery	Total 18 months Less DHS Recovery
11	July - December, 2013		$390,813	$184,573	$575,386	$1,794,057	$428,761	$1,365,297
	First half FY 13 - 14							
13	estimate		$390,813	$184,573	$575,386			
13	County Portion	30.91%	$120,800	$57,052	$177,852			
14	LCMC Expectation from historical methodology				$1,700,000			
15	LCMC 7.9.2014 Supplement Request				$1,100,000			
			$120,800.30	$0.00	$177,851.81		1100000	
					$120,800.30		$979,199.70	

ENCL 4

LINCOLN COUNTY PRELIMINARY BUDGET REVIEW - MAY 3, 2013

2013 - 2014 External Requests

	Organization	10-11 Funded	11-12 Funded	12-13 Funded	13-14 Requested on May 3, 2013	Diff.13-14 Request From 12-13 Funded	FUNDED 5.3.2103
	Funded 2011-2012						
1	Co-op Ext. Svcs.	$63,400	$63,400	$93,337	$64,399	-$28,938	**$64,399**
2	Capitan Library	$12,000	$3,000	$3,000	$22,920	$19,920	**$5,000**
3	Corona Library	$5,000	$3,000	$3,000	$5,000	$2,000	**$5,000**
4	Ruidoso Library	$25,000	$15,000	$15,000	$35,000	$20,000	**$20,000**
5	LCJJB	$4,000	$8,000	$8,000	$10,000	$2,000	**$8,000**
6	SNMEDD	$6,000	$6,000	$6,000	$6,000	$0	**$6,000**
7	USDA Wildlife Svcs.	$84,000	$88,500	$88,500	$88,500		**$88,500**
	Note: Per head tax of $0.55 = $18,640; delinquent taxes = $1,200; Taylor Grazing = $29,287: Approved $39,373 from Gen'l Fund.						
8	Noxious Weeds	$50,000	$50,000	$50,000	$50,000	$0	**$40,000**
9	South Central Mtn. RC&D	$7,000	$7,000	$40,000	$40,000	$0	**$30,000**
10	Humane Society of Lincoln Cnty	$35,000	$30,000	$30,000	$32,000	$2,000	**$30,000**
11	EcoServants	$20,000	$20,000	$15,000	$25,000	$10,000	**$15,000**
12	NM State Library Rural Bookmobile	$1,050	$1,050	$1,050	$1,260	$210	**$1,260**
13	Town of Carrizozo	$12,500	$12,500	$8,000	$0	-$8,000	**$0**
	Town of Carrizozo			$3,000	$0	-$3,000	**$0**
14	Coalition of Counties			$5,000	$5,000	$0	**$5,000**
	Sub-total			$368,887	$385,079	$16,192	
	Sub-total (including only $39,373 for Wildlife Svcs)			$312,583	$335,952	$23,369	
	Special Requests 2013-14						
15	Lincoln County Transit	$0	$0	$0	$25,000		**$0**
16	Boys & Girls Club	$3,600	$0	$0	$6,000		**$3,000**
17	SANE	$0	$0	$0	$2,000		**$0**
17	White Mtn. Search & Rescue	$0	$0	$1,000	$2,220		**$0**
18	VOR School Resource Officer	$0	$0	$0	$0		
19	COPE	$0	$0	$0	$0		
	Lincoln Cnty Food Bank	$10,000	$0	$0	$0		
	Sub-Total			$1,000	$35,220	$34,220	
	Organization	$338,550	$307,450	$369,887	$420,299	$50,412	**$321,159**
	Total including only $39,373 for Wildlife Svcs		$307,450	$313,543	**$371,172**	$57,629	**$272,034**

ENCL 5

OPTIONAL REQUESTS- **REVISED**
FOR FINAL BUDGET
FY 2013 – 2014
May 3, 2013

DETENTION			
1. Two vans	$	45,000	
2. Camera	$	10,300	
3. Two Surveillance Cameras	$	20,000	
			$75,300
SHERIFF			
4. One patrol car	$	30,000	
5. Two SUVs (Expedition – complete with all accessories)	$	65,000	
			$95,000
COMMUNICATIONS/IT			
6. All County Offices (1/3 of cost: Cost share with Assessor and Clerk)	$	52,700	
			$52,700
MANAGER			
7. Vehicle (Replacement for totaled truck in Microburst)	$	25,000	
8. Employee wage increase (every 1% increase = $52,879) 3%			
MITIGATION (already included in prelim budget)			
9. **FEMA / NMDHSEM $3.5 mil. Grant**	$	388,889	

PREVIOUSLY APPROVED FUNDING

JUSTICE/SHEFIFF'S COMPLEX EXPANSION	$3,849,000
ENERGY AUDIT REPAIRS/REPLACEMENTS	$ 458,000

NEW BUDGET REQUEST
(if determination to not wait for other potential funding sources)

1. **Emergency Equipment (Road Advisory Signs)**	$	**20,000**
2. **SIMS Table**	$	**50,000**

ENCL 6

RESOLUTION 2013-4

A RESOLUTION ADOPTING THE FINAL 2013-2014 BUDGET FOR LINCOLN COUNTY

WHEREAS, the Lincoln County Board of Commissioners, meeting in a regular session on July 16,2013 did review the final 2013-2014 budget and it was determined that the proposed budget would be beneficial for the citizens of Lincoln County; and

NOW, THEREFORE, BE IT RESOLVED, that the budget priorities for 2013-2014 for Lincoln County are:

Priority One – Constrain expenditures to live within budget
Priority Two – Find additional sources of revenue
Priority Three – Improve Management of Existing Resources

BE IT FURTHER RESOLVED, that the Lincoln County Board of Commissioners hereby continue the existing special mill levy of 2.75 mills, apportioned this year as follows: GENERAL COUNTY GOVERNMENT 2.75 MILLS

BE IT FURTHER RESOLVED, that the Lincoln County Board of Commissioners hereby authorizes the voter approved (April 8, 2008-3 Mills) Hospital Mill Levy at rates apportioned this year as follows: LINCOLN COUNTY MEDICAL CENTER at 2.0 MILLS, and RURAL HEALTH CLINICS AT .6 MILLS

BE IT FURTHER RESOLVED, that the Lincoln County Board of Commissioners hereby respectfully requests final approval from the Local Government Division of the Department of Finance and Administration; and

ATTACHMENTS: Balance Sheet & Departmental Budgets 2013-2014

PASSED, APPROVED AND ADOPTED this 16th day of July 2013.

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

ENCL 7

Agenda Items No. 24
July 16, 2013

SUBJECT

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

www.lincolncountynm.net

County of Lincoln

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

AGENDA ITEM NO. 25

July 13, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager

SUBJECT: Bid Award: 13-14-001: Dust Control & Stabilizer on Cora Dutton Road

Purpose: To award bid for RFP 13-14-001

Discussion: The County entered into an agreement with the US Forest Service, Resource Advisory Committee (RAC) for our region, to place dust control and stabilizer material on Forest Service Road, Cora Dutton Road. See Enclosure 1 for job specifications. Work will be overseen by Lincoln County Road Superintendent.

Bids are due and will be opened and analyzed on Monday, July 15th.

Recommendation: Recommendations will be made to Commission at July 16th meeting.

COUNTY OF LINCOLN
Carrizozo, NM 88301

Invitation to Bid

Dust Control (DP-50) and Stabilizer on Cora Dutton Road

Due: July 15, 2013
2:00 p.m. Local Time

SPECIFICATIONS

1. SCOPE OF WORK

The County of Lincoln is requesting bids to supply Dust Control (DP-50) & Stabilizer Material to Cora Dutton Road. Furnish all time, labor, and materials to lay a minimum of 3.7 miles of dust control (DP-50) material on Cora Dutton Road a 24' wide road. Total of 52,096 square yards.

2. MATERIAL REQUIREMENTS

A. Material shall be aqueous-DP-50 dust control & stabilizer.
B. .50 gallons per square yard of material.

3. ESTIMATED QUANTITY

This is only the third or fourth year that the County will be applying dust control suppressant. This year we are looking for a specific dust control material called DP-50 & stablizer. The quantity that will be applied is only an indication of what will be done on Cora Dutton Road and does not constitute a promise to purchase any amount of DP-50 beyond that amount.

5. AWARD METHOD

The County intends to award the contract to the responsive and responsible bidder who offers the lowest price per-square-yard containing .50 gallons specific DP-50 & stabilizer per square yard.

The County reserves the right to accept or reject all of any part of any bid, waive minor technicalities and award the bid to best serve the interests of Lincoln County.

6. START DATE AND ACCEPTANCE OF PROJECTS

Work projects requested by the Lincoln County Road Superintendent shall begin within two weeks of notification. Contactor shall notify the Road Superintendent of start date and secure final project acceptance from the Road Superintendent at the conclusion of the work.

ENCL 1

7. **TRAFFIC CONTROL**
Proper traffic control shall be furnished by the Lincoln County Road Department to insure the public's safety.

8. **WARRANTY**
All work performed and materials furnished will come with a 6-months' unconditional warranty. Warranty period begins on the date of final project approval by the Lincoln County Road Superintendant.

9. **HOW TO RESPOND TO THIS BID**
All bids submitted should be in a sealed envelope clearly marked on the outside with the Bid Name, Bid Number and Date and Time of Opening. Bids should be sent or delivered to the County of Lincoln, 300 Central Ave, P.O. Box 711, Carrizozo, NM 88301.

10. **IMPORTANT INFORMATION REGARDING MAIL DELIVERY**
Carrizozo is in a remote section of southern New Mexico. *Normal* mail delivery does not exist here and **overnight delivery by any carrier is a myth!**

- Within New Mexico allow 3-4 days by regular mail.
- Out-of-state mail can take 5 days via regular mail.
- If you want to use UPS, Federal Express or Priority Mail, check with the carrier first. They should be able to tell you when your mail *might* arrive in Carrizozo.
- Mail early or hand deliver. The County cannot be responsible for mail delays. Your bid will be returned unopened if it arrives late. Faxed bids will not be accepted.

11. **CAMPAIGN CONTRIBUTION DISCLOSURE FORM**
Effective May 17, 2006 Chapter 81, Laws of 2006 requires and prospective contractor seeking to enter into a contract with any state agency or local public body to file a "Campaign Contribution Disclosure Form" with that state agency or local public body. **THIS FORM MUST BE FILED BY ANY PROSPECTIVE CONTARACTOR WHETHER OR NOT THEY, THEIR FAMILY MEMBER, OR THEIR REPRESENTATIVE HAS MADE ANY CONTRIBUTIONS SUBJECT TO DISCLOSURE.**

12. **GENERAL INSTRUCTIONS, TERMS AND CONDITIONS**
The enclosed *"General Instructions, Terms and Conditions"* is a part of this Invitation to Bid.

Agenda Item No. 26
July 16, 2013

SUBJECT

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

A. Tabled - Road Review Advisory Committee
B. Tabled - Lodger's Tax Committee

PREDATORY ANIMAL CONTROL BOARD, LINCOLN COUNTY – 5 YEAR TERM

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	MARK HENDRICKS	BOX 307, CARRIZOZO 88301	1	07/20/10	07/15
	JIM COOPER	HC73 BOX 25, TINNIE 88351	5	07/20/10	07/15
	RON MERRITT	HC66 BOX 30, YESO 88136	1	07/20/10	07/15
	MIKE SKEEN	BOX 67, PICACHO 88343	5	07/20/10	07/15
	LEE SULTEMEIER	Box 147, CORONA 88318		07/20/10	07/15
	BILLY BOB SHAFER	BOX 82, CARRIZOZO 88301	1	07/20/10	07/15

ACB HOLDS ELECTION – PUBLICATION IS REQUIRED

PROPERTY TAX PROTEST BOARD – 2 YEAR TERM

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	LORI WETZEL	BOX 698, CARRIZOZO, 88301		05/15/12	05/14
	DONDA RICHARDSON	BOX 9, CAPITAN, NM 88316		05/15/12	05/14
	ALTERNATE – DEREK MOORHEAD	1201 MECHEM DR, RUIDOSO 88345		05/15/12	05/14

REGIONAL WASTE WATER JOINT USE BOARD – 2 YEAR TERM

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

ROAD REVIEW ADVISORY COMMITTEE, LINCOLN COUNTY – 2 YEAR TERM (ORDINANCE NO. 2003-5)

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
DIST 1	LANCE HALE	BOX 745 RUIDOSO DOWNS, 88346	1	06/21/11	06/13
DIST 2	ROBERT BARBER	BOX 126, CAPITAN, NM	1	10/16/12	10/14
DIST 3					
DIST 4	J.BRYAN WHITE (336-2619 OR 208-610-5464; COCHCH@BAJABB.COM	PO BOX 237, ALTO, NM 88312		01/22/13	01/15
DIST 5	BILLY SEELBACH (258-1704)	406 GAVILAN CANYON, DOSO 88345	2	06/12/12	06/14

PUBLICATION IS REQUIRED

SENIOR CITIZENS OLYMPIC COMMITTEE, LINCOLN COUNTY – 2 YEAR TERM (ORDINANCE NO. 1994-5

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	BART YOUNG (257-3193)	BOX 2930, RUIDOSO 88355		03/28/12	03/14
	LUCY SERVIES	107 JACK LITTLE DR. B3, RUIDOSO		01/22/13	01/15
	JIM CLEMENTS	101 POW WOW TR, RUIDOSO 88345		12/20/11	12/13
	JERRY LONGBOTHAM	HC 71, BOX 1085, CAPITAN 88316		02/15/11	02/13
	GENE NITZ	218 JACK LITTLE DR, RUIDOSO		12/20/11	12/13

County of Lincoln

P.O.Box 711 ● 300 Central Ave. ● Carrizozo, New Mexico 88301-0711 ● (505) 648-2385

2ND NOTICE

June 28, 2013

Lance Hale
PO Box 745
Ruidoso Downs, NM 88346

Dear Mr. Hale:

Your term for the Road Review Advisory Committee has expired June 2013. If you would like to serve an additional two year term and be re-appointed at the next commission meeting, July 16, 2011, please indicate below and return for further processing.

Thank you for serving on this Board, and hopefully you will continue to serve. If I can be of any assistance to you, please contact this office.

Sincerely,

Billie-Jo Guevara

Billie-Jo Guevara
Administrative Assistant/
Human Resources

_____Yes I would like to be re-appointed to the Road Review Advisory Committee.

_____No I would not like to be re-appointed at this time.

_____
Lance Hale

LINCOLN COUNTY

www.lincolncountynm.net

County of Lincoln

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

May 17, 2013

Lance Hale
PO Box 745
Ruidoso Downs, NM 88346

Dear Mr. Hale:

Your term for the Road Review Advisory Committee will expire June 2013. If you would like to serve an additional two year term and be re-appointed at the next commission meeting, June 25, 2011, please indicate below and return for further processing.

Thank you for serving on this Board, and hopefully you will continue to serve. If I can be of any assistance to you, please contact this office.

Sincerely,

Billie-Jo Guevara
Administrative Assistant/
Human Resources

_____Yes I would like to be re-appointed to the Road Review Advisory Committee.

_____No I would not like to be re-appointed at this time.

_____
Lance Hale

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		02/19/13	02/15
	GENERAL PUBLIC –		1		
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	09/20/11	09/13
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

LINCOLN COUNTY

County of Lincoln

P.O.Box 711 ● 300 Central Ave. ● Carrizozo, New Mexico 88301-0711 ● (505) 648-2385

AGENDA ITEM NO. 27

July 12, 2012

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager

SUBJECT: FY 2013/2014 CAP/COOP/School Bus Programs Agreements

Purpose: To obtain commission approval of the FY 2013-2014 State Highway Cooperative funding projects by signing the necessary agreements.

Discussion:

Attached at Enclosure 1 is a letter dated July 9, 2013 from the Department of Transportation awarding the county the projects that the County Commission approved in February of 2013 by resolution 2012-30 Enclosure 2.

At enclosure 3 is the School Bus Route Project agreement for approval.

At enclosure 4 is the Coop Project agreement for approval.

At enclosure 5 is the CAP Project agreement for approval

Recommendation: Approve the attached agreements.

New Mexico DEPARTMENT OF
TRANSPORTATION
MOBILITY FOR EVERYONE

RECEIVED
JUL 12 2013
ADMINISTRATION
LINCOLN COUNTY NM

July 9, 2013

Lincoln County
Chairperson Preston Stone
P.O. Box 711
Carrizozo, NM 88301-

RE: 2013/2014 COOP, CAP & School Bus Agreements

Dear Chairperson Stone,

Attached is a copy of each of the Coop Agreements for which you have received an award for the year 2013/2014. The boilerplate for the agreements has changed this year so please review the agreement to become familiar with the changes. Upon review of these agreements sign the enclosed four (4) copies and return for further processing. Please date the signature page of the document only, **the first page is dated when signed by the Department.** With the signed agreements, please include a resolution from your governing body as per the LGRF Handbook, ed. July 2001. This resolution shall contain these items; Scope of Work, Termini of roads where work will be done, Project Number, Control Number, and Contract dollar amount.

As you are probably aware the agreements are not final until all signatures have been obtained. Once these signatures are obtained and the contract is approved, you will be notified and may proceed with the project. A request for payment may be made to the Department at any time after the contract is finalized. This written request shall include the following items:

1. The dollar amount being requested
2. Notice to Proceed
3. Notice of Award/Work Order
4. Estimated Costs and Quantities
5. Certification of the Pre Construction Contract

All submittals shall have the Project Number, and Control Number listed. Upon completion of the project the "Certification of the Construction Phase" and "As-Built Summary of Costs and Quantities" shall be submitted to the Department within 30 days. The "Certification of the Construction Phase" is included with each contract/agreement, and an "As-Built Summary of Costs and Quantities" is enclosed with this package.

Should you have any questions or require additional information, please contact me at (575) 637-7259 or by email at celeste.rogers@state.nm.us. If a copy of the LGRF Handbook is needed please let me know. It is not listed on the state website but hard copies or an electronic file are available.

Sincerely,

Celeste Rogers

Celeste Rogers
NMDOT District 2
LGRF Coordinator

ENCL 1

Susana Martinez
Governor

Tom Church, P.E.
Cabinet Secretary

District Two Office
P.O. Box 1457
Roswell, NM 88202-1457
575-637-7200

Ralph Meeks
Engineer
District 2

RESOLUTION NUMBER 2012-30
NEW MEXICO DEPARTMENT OF TRANSPORTATION
COOPERATIVE ROAD PROGRAMS

WHEREAS, improvement of roads in Lincoln County is essential to the well-being of our citizens; and

WHEREAS, the Board of Commissioners studied, prioritized, and approved FY 2013-2014 cooperative program applications; and

WHEREAS, the New Mexico State Transportation Department has requested our FY 2013-2014 Local Government Road Fund Applications for the projects indicated:

1. **SCHOOL BUS ROUTE PROJECT**: County Subdivision-Valley Heights Subdivision-Saltbush Road, Wild Rose Circle, Connection Way, Honeysuckle Lane.
   Saltbush Road-North of Ruidoso on Hwy 48 MM 12.8 turn East onto Bramble Lane go .05 miles turn South onto Saltbush Road project begins and goes .08 miles. **Wild Rose Circle**-Hwy 48 MM 12.8 turn East onto Bramble Lane go .09 miles turn North onto Wild Rose Circle go .05 miles road turns South continue on Wild Rose Circle .2 miles project begins and goes .23 miles in a horse shoe shape. **Connection Way**- Hwy 48 MM 12.8 turn East onto Bramble Lane go .09 miles turn North onto Wild Rose Circle go .05 miles road turns South continue on Wild Rose Circle .2 miles turn North onto Connection Way project begins goes .07 miles to intersection with South side of Wild Rose Circle. **Honeysuckle Lane**- Hwy 48 MM 12.8 turn East onto Bramble Lane go .09 miles turn South onto Wild Rose Circle go .03 miles turn East onto Honeysuckle Lane project begins and goes .18 miles. Pavement Rehabilitation/Improvements, New Asphalt with 2" PMBP QC/QA, (3/4") Type B Mix, and Prime Coat .56 miles of county roads.
   State $58,853.53 County $19,617.85 Total Cost $78,471.38.

2. **COOPERATIVE AGREEMENT**: County Subdivision- Fawn Ridge Subdivision-Lance Trail, Moccasin Trail, Wagon Trail, Broken Arrow Trail.
   Lance Trail-Ruidoso Hwy 48 MM 8.3 turn East into Gavilan Canyon Road go 2.2 miles turn East onto Rain Dance Trail go .24 miles turn West onto Lance Trail project begins and goes .12 miles. **Moccasin Trail**- Hwy 48 MM 8.3 turn East into Gavilan Canyon Road go 2.2 miles turn East onto Rain Dance Trail go .05 miles turn SE onto Wagon Trail go .12 miles turn East onto Pow Wow Trail go .11 miles turn South onto Moccasin Trail project begins and goes .16 miles. **Wagon Trail**- Hwy 48 MM 8.3 turn East into Gavilan Canyon Road go 2.2 miles turn East onto Rain Dance Trail go .05 miles turn SE onto Wagon Trail go .14 miles project begins and goes .1 mile. **Broken Arrow Trail** - Hwy 48 MM 8.3 turn East into Gavilan Canyon Road go 2.2 miles turn East onto Rain Dance Trail go .05 miles turn South onto Broken Arrow Trail project begins and goes .15 miles. Pavement Rehabilitation/Improvements, New Asphalt with 2" PMBP QC/QA, (3/4") Type B Mix, and Prime Coat .53 miles of county road.
   State $54,334.45 County $18,111.48 Total Cost $72,445.93.

3. **COUNTY ARTERIAL PROJECT**: County Subdivisions- Palo Verde Subdivision-Sagebrush Road, Rancher Road, Reynolds Circle -LaJunta Ranch Subdivision-LaJunta Road, Neill Road. **Palo Verde Subdivision-Sagebrush Road**-Ruidoso East on Hwy 70 MM 265.5 turn South onto Stetson Road go .4 miles turn West onto Sagebrush project begins .19 miles to intersection with Reynolds Circle. Then on Stetson at .4 miles turn East onto Sagebrush project begins goes .05 miles to intersection with Rancher Road. **Rancher Road**-Hwy 70 MM 265.5 turn South onto Stetson Road go .07 miles turn East onto Reynolds Circle go .15 miles turn South onto Rancher Road go .20 miles project begins and goes .09 miles to intersection with Sagebrush. **Reynolds Circle**-Hwy 70 MM 265.5 turn South onto Stetson go .07 miles turn East onto Reynolds Circle go .20 miles project begins and goes .28 miles in loop to

ENCL 2

Hitching Post intersection. **LaJunta Ranch Subdivision-LaJunta Road**-Ruidoso North on Hwy 48 to MM 9.3 turn NW onto Sun Valley Road go .9 miles turn NW onto LaJunta Road go .16 miles project begins and goes .4 miles. **Neill Road**- Ruidoso North on Hwy 48 to MM 9.3 turn NW onto Sun Valley Road go .9 miles turn NW onto LaJunta Road go .16 miles turn onto Neill Road project begins and goes .33 miles. Pavement Rehabilitation/Improvements, New Asphalt with 2" PMBP QC/QA, (3/4") Type B Mix, and Prime Coat .1.28 miles of county road.
State $144,086.13 County $48,028.71 Total Cost $192,114.84

NOW, THEREFORE, the Lincoln County Board of Commissioners commits to the completion of the above projects as indicated.

PASSED, APPROVED AND ADOPTED this 19th day of February 2013

Board of Commissioners
Lincoln County, State of New Mexico

Jackie Powell, Chairwomen

Preston Stone, Vice-Chairman

Dallas Draper, Member

Kathryn L Minter, Member

Mark Doth, Member

ATTEST:

Rhonda B. Burrows, County Clerk Chief Deputy

Contract No. _____
Vendor No. 54389-002
Project No. SB-7727(936)14
Control No. L200148

COOPERATIVE AGREEMENT

THIS COOPERATIVE AGREEMENT entered into this _____ day of _____, 2013 between the **NEW MEXICO DEPARTMENT OF TRANSPORTATION** ("Department" and the **LINCOLN COUNTY,** ("Public Entity").

In consideration of the covenants contained herein and pursuant to Sections 67-3-28 and 67-3-28.2 NMSA 1978 and Commission Policy No. 44-12, THE PARTIES AGREE AS FOLLOWS:

SECTION ONE – PURPOSE:

The purpose of this Agreement is to provide Local Government Road Funds to **LINCOLN COUNTY** for the **Design, Construction, Reconstruction, Pavement Rehabilitation/Improvements, Blading and Shaping, Drainage Improvements, Misc. on various county roads,** Project No. **SB-7727(936)14**, Control No. **L2000148** ("Project"). The Project is a joint and coordinated effort for which the Department and the Public Entity each have authority or jurisdiction. This Agreement shall specify and delineate the rights and duties of the Parties hereto.

SECTION TWO – PROJECT FUNDING BY PARTIES:

1. The estimated total cost for the Project is **Seventy eight thousand, four hundred seventy two dollars and no cents (78,472.00)** to be funded in proportional share by the parties hereto as follows:

   a. **Department's** share shall be **75%** **$58,854.00**

Design, Construction, Reconstruction, Pavement Rehabilitation/Improvements, Blading and Shaping, Drainage Improvements, Misc. on various county roads.

   b. The **Public Entity's** required proportional matching Share shall be **25%** **$19,618.00**

ENCL 3

For purpose stated above

c. **Total Project Cost** **$78,472.00**

2. The **Public Entity** shall pay all Project costs, which exceed the total amount of **Seventy eight thousand, four hundred seventy two dollars and no cents ($78,472.00).**

SECTION THREE – THE PUBLIC ENTITY SHALL:

1. Act in the capacity of lead agency for the purpose as described in Section One.
2. Submit an estimate of the Project, including work to be performed and cost to the District Engineer within thirty (30) days of execution of this Agreement, or as otherwise agreed to in writing by the Parties.
3. Be solely responsible for all local matching funds identified in Section Two. Certify that these matching funds have been appropriated, budget and approved for expenditure prior to execution of this Agreement.
4. Pay all costs, perform/supply or contract for labor and material, for the purpose as described in Section One and the Project estimate approved by the District Engineer.
5. In the event a contractor is hired for the Project, require the contractor to have a general liability insurance policy, with limits of liability of at least $1,000,000 per occurrence. The Department is to be named as an additional insured on the contractor's policy and a certificate of insurance must be provided to the Department and it shall state that coverage provided under the policy is primary over any other valid insurance.
6. Require contractors that the Public Entity hires to perform services to defend, indemnify and hold harmless the Department from and against all suits, actions or claims of any character brought because of injury, including death or damages arising out of contractors' construction or maintenance activities pursuant to this agreement, as memorialized herein and subject to any additional permit that may be required of the contractor to perform said activities.

7. Be responsible, for performing or directing the performance, of all pre-construction activities, including, but not limited to, the following:
    a. Utility Certification,
    b. Drainage and storm drain design,
    c. Geotechnical design,
    d. Pavement design,
    e. Environmental and archaeological clearances Certification,
    f. Right of-way acquisition Certification,
    g. Hazardous substance/waste site(s) contamination,
    h. Railroad Certification,
    i. Intelligent Transportation System (ITS) Certification
8. Cause all designs and plans to be performed under the direct supervision of a Registered New Mexico Professional Engineer, when applicable, as determined by the Department.
9. Obtain all required written agreements or permits, when applicable, from all public and private entities.
10. Allow the Department to inspect the Project to determine that the Project is being constructed in accordance with the provisions of this Agreement. Disclosures of any failure to meet such requirements and standards as determined by the Department shall result in termination, for default, including without limitation the Public Entity's costs for funding, labor, equipment and materials.
11. Complete the project within 18 months of the "Notice to Proceed."
12. Agree that the Department may terminate this Agreement if the funds identified in Section Two have not been contractually committed within one year from the effective date of this agreement.
13. Within thirty (30) days of completion, provide written certification that all work under this Agreement was performed in accordance with either the New Mexico Department of Transportation's Standard Specification, Current Edition; American Public Works Association (APWA) Specifications; Department approved Public Entity established Specifications; or Department Specifications established for Local Government Road Fund

projects, by submitting the **"Project Certification of Design, Construction, and Cost," form,** which is attached as Exhibit A.

14. Within thirty (30) days of completion, furnish the Department an **"AS BUILT Summary of Costs and Quantities"** form, which is attached as Exhibit B. The report should reflect the total cost of project as stated in **"Project Certification of Design, Construction, and Cost"** form.
15. Failure to provide the **"Project Certification of Design, Construction, and Cost"** form and an **"AS BUILT Summary of Costs and Quantities"** report within thirty (30) days of Project completion will be considered a material breach of this Agreement and Public Entity shall reimburse to the Department all funds disbursed in accordance with this agreement.
16. Maintain all facilities constructed or reconstructed with funds provided by this Agreement.

SECTION FOUR – THE DEPARTMENT SHALL:

Pay project funds as identified in Section Two, Paragraph 1a, to the Public Entity in a single lump sum payment after:

1. Receipt of a Notice of Award and Notice to Proceed and,
2. Verification of available Local Government Road Funds and Public Entity's local matching funds identified in Section Two, Paragraph 1b.

SECTION FIVE – BOTH PARTIES AGREE:

1. Upon termination of this Agreement any remaining property, materials, or equipment belonging to the Department shall be accounted for and disposed of by the Public Entity as directed by the Department.
2. That no money in the Local Government Road Fund shall be used by the Department to administer any program, and no entity receiving a distribution pursuant to a program requiring matching funds shall use another distribution made pursuant to NMSA 1978 Section 67-3-28.2, to meet the match required.
3. That the provisions of the Local Government Road Fund Project Handbook (Current Edition and any amendments thereto, are incorporated herein by reference and shall control the

contractual rights and obligations of the parties unless in conflict with the specific terms expressed in this Agreement or any amendments thereto.

SECTION SIX – THIRD PARTY BENEFICIARY CLAUSE:

It is specifically agreed between the parties executing this Agreement that it is not intended by any of the provisions of any part of the Agreement to create in the public, or any member thereof, a third party beneficiary or to authorize anyone not a party to the Agreement to maintain a suit for wrongful death, bodily and/or personal injury to a person, damage to property, and/or any other claim(s) whatsoever pursuant to the provisions of this Agreement.

SECTION SEVEN – PROJECT RESPONSIBILITY:

The improvements proposed in Section One of this Agreement shall not be under the jurisdiction and control of the Department.

SECTION EIGHT – JURISDICTION:

By reason of the Department's participation in the funding of this Project, the Department is not incorporating this Project into the state highway system, nor is the Department assuming any maintenance or user responsibility of liability for participation on this project.

SECTION NINE – NEW MEXICO TORT CLAIMS ACT:

Each party shall be responsible for liability arising from personal injury or damage to person and property occasioned by its own agents or employees in the performance of this Agreement, subject in all cases to the immunities and limitations of the New Mexico Tort Claims Act (Section 41-4-1, et seq., NMSA 1978). This paragraph is intended only to define the liabilities between the parties hereto and is not intended to modify, in any way, the parties' liabilities as governed by common law or the New Mexico Tort Claims Act.

The Public Entity and its "employees" as defined in the New Mexico Tort Claims Act, and the Department and its "public employees" as defined in the New Mexico Tort Claims Act, do not waive sovereign immunity, do not waive any defense and/or do not waive any limitation of liability

pursuant to law. No provision in this Agreement modifies and/or waives any provision of the New Mexico Tort Claims Act.

SECTION TEN – EQUAL OPPORTUNITY COMPLIANCE:

The Public Entity agrees to abide by all applicable Federal and State Laws and rules and regulations, and executive orders of the Governor of the State of New Mexico, pertaining to equal employment opportunity. In accordance with all such laws and rules and regulations, and executive orders of the Governor of the State of New Mexico, the Public Entity agrees to assure that no person in the United States shall, on the grounds of race, color, national origin, sex, sexual preference, age or handicap, be excluded from employment with or participation in, be denied the benefits of, or be otherwise subjected to discrimination under, any program or activity performed under this Agreement. If the Public Entity is found to be not in compliance with these requirements during the life of this Agreement, the Public Entity agrees to take appropriate steps to correct these deficiencies.

SECTION ELEVEN –LEGAL COMPLIANCE

The Public Entity shall comply with all applicable federal, state, local, and Department laws, regulations and policies in the performance of this Agreement, including , but not limited to laws governing civil right, equal opportunity compliance, environmental issue, workplace safety, employer-employee relations and all other laws governing operations of the workplace, including laws and regulations hereafter enacted. The Public Entity shall ensure that the requirements of this compliance are made a part of each subcontract on this Project at all tiers.

SECTION TWELVE – PUBLIC ENTITY'S PRIOR COSTS:

Any costs incurred by the Public Entity prior to this Agreement are not eligible for reimbursement and will not be included in the amount to be disbursed as agreed upon.

SECTION THIRTEEN – ACCOUNTABILITY OF RECEIPTS AND DISBURSEMENTS:

There shall be strict accountability for all receipts and disbursements relating hereto. The Public Entity shall maintain all records and documents relative to the Project for a minimum of three years

after completion of the Project. The Public Entity shall furnish the Department and State Auditor, upon demand, any and all such records relevant to this Agreement. If an audit finding determines that specific funding was inappropriate or not related to the Project, the Public Entity shall reimburse that portion to the Department within thirty (30) days of written notification. If documentation is insufficient to support an audit by customarily accepted accounting practices, the expense supported by such insufficient documentation shall be reimbursed to the Department within thirty days.

SECTION FOURTEEN – DEPARTMENT'S AUTHORIZATION OF EXPENDITURES:

The terms of this Agreement are contingent upon sufficient appropriations and authorizations being made by the Legislature of New Mexico, for performance of this Agreement. The Department is expressly not committed to expenditure of any funds until such time as they are budgeted, appropriated by the legislature, and approved for expenditure. The Department's decision as to whether its funds are sufficient for fulfillment of this Agreement shall be final.

SECTION FIFTEEN – UNEXPENDED, UNENCUMBERED PROJECT BALANCES:

Any unexpended or unencumbered balance from the Local Government Road Fund appropriated for this project shall revert to the Department. These balances, if any, shall be reimbursed to the Department within thirty- (30) days of project completion or expiration of this Agreement, whichever occurs first.

SECTION SIXTEEN – TERMS OF THIS AGREEMENT:

This Agreement constitutes the entire Agreement between the parties. Any claimed covenant, term, condition, warranty or promise of performance not expressly included in this document or its amendments, is not part of this Agreement and not enforceable pursuant to this Agreement. Performance of all duties and obligations herein shall conform with and shall not contravene any state, local, or federal statues, regulations, rules, or ordinances.

SECTION SEVENTEEN – TERM:

This Agreement becomes effective upon signature of all Parties. This Agreement terminates on December 31, 2014.

SECTION EIGHTEEN – TERMINATION:

1. If the Public Entity fails to comply with any provision of this Agreement, the Department may terminate this Agreement, by providing 30 days written notice.
2. The Department may terminate this Agreement if the funds identified in Section Two have not been contractually committed within one year from the effective date of this agreement.
3. If sufficient appropriations and authorizations are not made by the Legislature, this Agreement may terminate immediately upon written notice of the Department to the LINCOLN COUNTY.
4. Neither party shall have any obligation after said date of termination, except as stated in Sections Five, Seven and Eight. The Public Entity agrees to reimburse to the Department all unexpended Department funds disbursed in accordance with this Agreement.

SECTION NINETEEN – SCOPE OF AGREEMENT:

This Agreement incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements and understandings have been merged into this written Agreement. No prior agreement or understandings, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this Agreement.

SECTION TWENTY – SEVERABILITY:

In the event that any portion of this Agreement is determined to be void, unconstitutional or otherwise unenforceable, the remainder of this Agreement shall remain in full force and effect.

SECTION TWENTY-ONE – APPLICABLE LAW:

The Laws of the State of New Mexico shall govern this Agreement, without giving effect to its choice of law provisions. Venue shall be proper only in a New Mexico court of competent jurisdiction in accordance with Section 38-3-1(G) NMSA 1978.

SECTION TWENTY-TWO – AMENDMENT:

This Agreement shall not be altered, modified, or amended except by an instrument in writing and executed by the parties hereto.

IN WITNESS WHEREOF, the Parties have set their hands and seals this day and year set forth below.

NEW MEXICO DEPARTMENT OF TRANSPORTATION

By:_____ Date: _____

Cabinet Secretary or Designee

LINCOLN COUNTY

By:_____ Date: _____

Jackie Powell, Chairman

ATTESTED

By:_____ Date: _____

Rhonda Burrows, County Clerk

EXHIBIT A
PROJECT CERTIFICATION OF
DESIGN, CONSTRUCTION, AND COST

TO: New Mexico Department of Transportation
District _____ LGRF Coordinator

Cooperative Agreement No. _____ Control No. _____
Joint Powers Agreement No. _____ Control No. _____

Entity: _____

Scope of Work (Including Routes and Termini):

_____
_____
_____
_____

I, the undersigned, in my capacity as _____ of _____ state that:

1. The design is in compliance with all state laws, rules, regulations, and local ordinances and was performed in accordance with the provisions set forth in this agreement and in the Local Government Road Fund Project Handbook (Current Edition);

2. Construction of the project was performed in accordance with standards and specifications set forth in:

   _____
   And completed on _____, 20_____; and

3. That the total project cost of _____, with New Mexico Department of Transportation 75% share of _____ and the LINCOLN COUNTY share of _____ (as submitted in attached "As Built Summary of Costs and Quantities") is accurate, legitimate, and appropriate for the project.

_____ _____
Name Date

_____
Print Name

_____
Title

Contract No. _____
Vendor No. 54389-002
Project No. SP-2-14(906)
Control No. L200122

COOPERATIVE AGREEMENT

THIS COOPERATIVE AGREEMENT entered into this _____ day of _____, 2013 between the **NEW MEXICO DEPARTMENT OF TRANSPORTATION** ("Department" and the **LINCOLN COUNTY,** ("Public Entity").

In consideration of the covenants contained herein and pursuant to Sections 67-3-28 and 67-3-28.2 NMSA 1978 and Commission Policy No. 44-12, THE PARTIES AGREE AS FOLLOWS:

SECTION ONE – PURPOSE:

The purpose of this Agreement is to provide Local Government Road Funds to **LINCOLN COUNTY** for the **Design, Construction, Reconstruction, Pavement Rehabilitation/Improvements, Blading and Shaping, Drainage Improvements, Misc. on various county roads,** Project No. **SP-2-14(906)**, Control No. **L2000122** ("Project"). The Project is a joint and coordinated effort for which the Department and the Public Entity each have authority or jurisdiction. This Agreement shall specify and delineate the rights and duties of the Parties hereto.

SECTION TWO – PROJECT FUNDING BY PARTIES:

1. The estimated total cost for the Project is **Seventy two thousand, four hundred forty seven dollars and no cents ($72,447.00)** to be funded in proportional share by the parties hereto as follows:

   a. **Department's** share shall be **75%** **$54,335.00**

Design, Construction, Reconstruction, Pavement Rehabilitation/Improvements, Blading and Shaping, Drainage Improvements, Misc. on various county roads.

   b. The **Public Entity's** required proportional matching Share shall be **25%** **$18,112.00**

ENCL 4

For purpose stated above

c. **Total Project Cost** **$72,447.00**

2. The **Public Entity** shall pay all Project costs, which exceed the total amount of **Seventy two thousand, four hundred forty seven dollars and no cents ($72,447.00).**

SECTION THREE – THE PUBLIC ENTITY SHALL:

1. Act in the capacity of lead agency for the purpose as described in Section One.
2. Submit an estimate of the Project, including work to be performed and cost to the District Engineer within thirty (30) days of execution of this Agreement, or as otherwise agreed to in writing by the Parties.
3. Be solely responsible for all local matching funds identified in Section Two. Certify that these matching funds have been appropriated, budget and approved for expenditure prior to execution of this Agreement.
4. Pay all costs, perform/supply or contract for labor and material, for the purpose as described in Section One and the Project estimate approved by the District Engineer.
5. In the event a contractor is hired for the Project, require the contractor to have a general liability insurance policy, with limits of liability of at least $1,000,000 per occurrence. The Department is to be named as an additional insured on the contractor's policy and a certificate of insurance must be provided to the Department and it shall state that coverage provided under the policy is primary over any other valid insurance.
6. Require contractors that the Public Entity hires to perform services to defend, indemnify and hold harmless the Department from and against all suits, actions or claims of any character brought because of injury, including death or damages arising out of contractors' construction or maintenance activities pursuant to this agreement, as memorialized herein and subject to any additional permit that may be required of the contractor to perform said activities.
7. Be responsible, for performing or directing the performance, of all pre-construction activities,

including, but not limited to, the following:

a. Utility Certification,
b. Drainage and storm drain design,
c. Geotechnical design,
d. Pavement design,
e. Environmental and archaeological clearances Certification,
f. Right of-way acquisition Certification,
g. Hazardous substance/waste site(s) contamination,
h. Railroad Certification,
i. Intelligent Transportation System (ITS) Certification

8. Cause all designs and plans to be performed under the direct supervision of a Registered New Mexico Professional Engineer, when applicable, as determined by the Department.
9. Obtain all required written agreements or permits, when applicable, from all public and private entities.
10. Allow the Department to inspect the Project to determine that the Project is being constructed in accordance with the provisions of this Agreement. Disclosures of any failure to meet such requirements and standards as determined by the Department shall result in termination, for default, including without limitation the Public Entity's costs for funding, labor, equipment and materials.
11. Complete the project within 18 months of the "Notice to Proceed."
12. Agree that the Department may terminate this Agreement if the funds identified in Section Two have not been contractually committed within one year from the effective date of this agreement.
13. Within thirty (30) days of completion, provide written certification that all work under this Agreement was performed in accordance with either the New Mexico Department of Transportation's Standard Specification, Current Edition; American Public Works Association (APWA) Specifications; Department approved Public Entity established Specifications; or Department Specifications established for Local Government Road Fund projects, by submitting the **"Project Certification of Design, Construction, and Cost,"**

form, which is attached as Exhibit A.

14. Within thirty (30) days of completion, furnish the Department an **"AS BUILT Summary of Costs and Quantities"** form, which is attached as Exhibit B. The report should reflect the total cost of project as stated in **"Project Certification of Design, Construction, and Cost"** form.
15. Failure to provide the **"Project Certification of Design, Construction, and Cost"** form and an **"AS BUILT Summary of Costs and Quantities"** report within thirty (30) days of Project completion will be considered a material breach of this Agreement and Public Entity shall reimburse to the Department all funds disbursed in accordance with this agreement.
16. Maintain all facilities constructed or reconstructed with funds provided by this Agreement.

SECTION FOUR – THE DEPARTMENT SHALL:

Pay project funds as identified in Section Two, Paragraph 1a, to the Public Entity in a single lump sum payment after:

1. Receipt of a Notice of Award and Notice to Proceed and,
2. Verification of available Local Government Road Funds and Public Entity's local matching funds identified in Section Two, Paragraph 1b.

SECTION FIVE – BOTH PARTIES AGREE:

1. Upon termination of this Agreement any remaining property, materials, or equipment belonging to the Department shall be accounted for and disposed of by the Public Entity as directed by the Department.
2. That no money in the Local Government Road Fund shall be used by the Department to administer any program, and no entity receiving a distribution pursuant to a program requiring matching funds shall use another distribution made pursuant to NMSA 1978 Section 67-3-28.2, to meet the match required.
3. That the provisions of the Local Government Road Fund Project Handbook (Current Edition and any amendments thereto, are incorporated herein by reference and shall control the

contractual rights and obligations of the parties unless in conflict with the specific terms expressed in this Agreement or any amendments thereto.

SECTION SIX – THIRD PARTY BENEFICIARY CLAUSE:

It is specifically agreed between the parties executing this Agreement that it is not intended by any of the provisions of any part of the Agreement to create in the public, or any member thereof, a third party beneficiary or to authorize anyone not a party to the Agreement to maintain a suit for wrongful death, bodily and/or personal injury to a person, damage to property, and/or any other claim(s) whatsoever pursuant to the provisions of this Agreement.

SECTION SEVEN – PROJECT RESPONSIBILITY:

The improvements proposed in Section One of this Agreement shall not be under the jurisdiction and control of the Department.

SECTION EIGHT – JURISDICTION:

By reason of the Department's participation in the funding of this Project, the Department is not incorporating this Project into the state highway system, nor is the Department assuming any maintenance or user responsibility of liability for participation on this project.

SECTION NINE – NEW MEXICO TORT CLAIMS ACT:

Each party shall be responsible for liability arising from personal injury or damage to person and property occasioned by its own agents or employees in the performance of this Agreement, subject in all cases to the immunities and limitations of the New Mexico Tort Claims Act (Section 41-4-1, et seq., NMSA 1978). This paragraph is intended only to define the liabilities between the parties hereto and is not intended to modify, in any way, the parties' liabilities as governed by common law or the New Mexico Tort Claims Act.

The Public Entity and its "employees" as defined in the New Mexico Tort Claims Act, and the Department and its "public employees" as defined in the New Mexico Tort Claims Act, do not waive sovereign immunity, do not waive any defense and/or do not waive any limitation of liability

pursuant to law. No provision in this Agreement modifies and/or waives any provision of the New Mexico Tort Claims Act.

SECTION TEN – EQUAL OPPORTUNITY COMPLIANCE:

The Public Entity agrees to abide by all applicable Federal and State Laws and rules and regulations, and executive orders of the Governor of the State of New Mexico, pertaining to equal employment opportunity. In accordance with all such laws and rules and regulations, and executive orders of the Governor of the State of New Mexico, the Public Entity agrees to assure that no person in the United States shall, on the grounds of race, color, national origin, sex, sexual preference, age or handicap, be excluded from employment with or participation in, be denied the benefits of, or be otherwise subjected to discrimination under, any program or activity performed under this Agreement. If the Public Entity is found to be not in compliance with these requirements during the life of this Agreement, the Public Entity agrees to take appropriate steps to correct these deficiencies.

SECTION ELEVEN –LEGAL COMPLIANCE

The Public Entity shall comply with all applicable federal, state, local, and Department laws, regulations and policies in the performance of this Agreement, including , but not limited to laws governing civil right, equal opportunity compliance, environmental issue, workplace safety, employer-employee relations and all other laws governing operations of the workplace, including laws and regulations hereafter enacted. The Public Entity shall ensure that the requirements of this compliance are made a part of each subcontract on this Project at all tiers.

SECTION TWELVE – PUBLIC ENTITY'S PRIOR COSTS:

Any costs incurred by the Public Entity prior to this Agreement are not eligible for reimbursement and will not be included in the amount to be disbursed as agreed upon.

SECTION THIRTEEN – ACCOUNTABILITY OF RECEIPTS AND DISBURSEMENTS:

There shall be strict accountability for all receipts and disbursements relating hereto. The Public Entity shall maintain all records and documents relative to the Project for a minimum of three years

after completion of the Project. The Public Entity shall furnish the Department and State Auditor, upon demand, any and all such records relevant to this Agreement. If an audit finding determines that specific funding was inappropriate or not related to the Project, the Public Entity shall reimburse that portion to the Department within thirty (30) days of written notification. If documentation is insufficient to support an audit by customarily accepted accounting practices, the expense supported by such insufficient documentation shall be reimbursed to the Department within thirty days.

SECTION FOURTEEN – DEPARTMENT'S AUTHORIZATION OF EXPENDITURES:

The terms of this Agreement are contingent upon sufficient appropriations and authorizations being made by the Legislature of New Mexico, for performance of this Agreement. The Department is expressly not committed to expenditure of any funds until such time as they are budgeted, appropriated by the legislature, and approved for expenditure. The Department's decision as to whether its funds are sufficient for fulfillment of this Agreement shall be final.

SECTION FIFTEEN – UNEXPENDED, UNENCUMBERED PROJECT BALANCES:

Any unexpended or unencumbered balance from the Local Government Road Fund appropriated for this project shall revert to the Department. These balances, if any, shall be reimbursed to the Department within thirty- (30) days of project completion or expiration of this Agreement, whichever occurs first.

SECTION SIXTEEN – TERMS OF THIS AGREEMENT:

This Agreement constitutes the entire Agreement between the parties. Any claimed covenant, term, condition, warranty or promise of performance not expressly included in this document or its amendments, is not part of this Agreement and not enforceable pursuant to this Agreement. Performance of all duties and obligations herein shall conform with and shall not contravene any state, local, or federal statues, regulations, rules, or ordinances.

SECTION SEVENTEEN – TERM:

This Agreement becomes effective upon signature of all Parties. This Agreement terminates on December 31, 2014.

SECTION EIGHTEEN – TERMINATION:

1. If the Public Entity fails to comply with any provision of this Agreement, the Department may terminate this Agreement, by providing 30 days written notice.
2. The Department may terminate this Agreement if the funds identified in Section Two have not been contractually committed within one year from the effective date of this agreement.
3. If sufficient appropriations and authorizations are not made by the Legislature, this Agreement may terminate immediately upon written notice of the Department to the LINCOLN COUNTY.
4. Neither party shall have any obligation after said date of termination, except as stated in Sections Five, Seven and Eight. The Public Entity agrees to reimburse to the Department all unexpended Department funds disbursed in accordance with this Agreement.

SECTION NINETEEN – SCOPE OF AGREEMENT:

This Agreement incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements and understandings have been merged into this written Agreement. No prior agreement or understandings, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this Agreement.

SECTION TWENTY – SEVERABILITY:

In the event that any portion of this Agreement is determined to be void, unconstitutional or otherwise unenforceable, the remainder of this Agreement shall remain in full force and effect.

SECTION TWENTY-ONE – APPLICABLE LAW:

The Laws of the State of New Mexico shall govern this Agreement, without giving effect to its choice of law provisions. Venue shall be proper only in a New Mexico court of competent jurisdiction in accordance with Section 38-3-1(G) NMSA 1978.

SECTION TWENTY-TWO – AMENDMENT:

This Agreement shall not be altered, modified, or amended except by an instrument in writing and executed by the parties hereto.

IN WITNESS WHEREOF, the Parties have set their hands and seals this day and year set forth below.

NEW MEXICO DEPARTMENT OF TRANSPORTATION

By:_____ Date: _____

Cabinet Secretary or Designee

LINCOLN COUNTY

By:_____ Date: _____

Jackie Powell, Chairman

ATTESTED

By:_____ Date: _____

Rhonda Burrows , County Clerk

EXHIBIT A
PROJECT CERTIFICATION OF
DESIGN, CONSTRUCTION, AND COST

TO: New Mexico Department of Transportation
District _____ LGRF Coordinator

Cooperative Agreement No. _____ Control No. _____
Joint Powers Agreement No. _____ Control No. _____

Entity: _____

Scope of Work (Including Routes and Termini):

_____
_____
_____
_____

I, the undersigned, in my capacity as _____ of _____
state that:

1. The design is in compliance with all state laws, rules, regulations, and local ordinances and was performed in accordance with the provisions set forth in this agreement and in the Local Government Road Fund Project Handbook (Current Edition);

2. Construction of the project was performed in accordance with standards and specifications set forth in:

   _____
   And completed on _____, 20____; and

3. That the total project cost of _____, with New Mexico Department of Transportation 75% share of _____ and the LINCOLN COUNTY share of _____ (as submitted in attached "As Built Summary of Costs and Quantities") is accurate, legitimate, and appropriate for the project.

_____ _____
Name Date

_____
Print Name

_____
Title

Contract No. _____
Vendor No. 54389-002
Project No. CAP-2-14(406)
Control No. L200156

COOPERATIVE AGREEMENT

THIS COOPERATIVE AGREEMENT entered into this _____ day of _____, 2013 between the **NEW MEXICO DEPARTMENT OF TRANSPORTATION** ("Department" and the **LINCOLN COUNTY,** ("Public Entity").

In consideration of the covenants contained herein and pursuant to Sections 67-3-28 and 67-3-28.2 NMSA 1978 and Commission Policy No. 44-12, THE PARTIES AGREE AS FOLLOWS:

SECTION ONE – PURPOSE:

The purpose of this Agreement is to provide Local Government Road Funds to **LINCOLN COUNTY** for the **Design, Construction, Reconstruction, Pavement Rehabilitation/Improvements, Blading and Shaping, Drainage Improvements, Misc. on various county roads,** Project No. **CAP-2-14(406)** Control No. **L2000156**("Project"). The Project is a joint and coordinated effort for which the Department and the Public Entity each have authority or jurisdiction. This Agreement shall specify and delineate the rights and duties of the Parties hereto.

SECTION TWO – PROJECT FUNDING BY PARTIES:

1. The estimated total cost for the Project is **One hundred ninety one thousand, six hundred fifty six dollars and no cents ($191,656.00)** to be funded in proportional share by the parties hereto as follows:

   a. **Department's** share shall be **75%** **$143,742.00**

Design, Construction, Reconstruction, Pavement Rehabilitation/Improvements, Blading and Shaping, Drainage Improvements, Misc. on various county roads.

   b. The **Public Entity's** required proportional matching Share shall be **25%** **$47,914.00**

ENCL 5

For purpose stated above

c. **Total Project Cost** **$191,656.00**

2. The **Public Entity** shall pay all Project costs, which exceed the total amount of **One hundred ninety one thousand, six hundred fifty six dollars and no cents ($191,656.00).**

SECTION THREE – THE PUBLIC ENTITY SHALL:

1. Act in the capacity of lead agency for the purpose as described in Section One.
2. Submit an estimate of the Project, including work to be performed and cost to the District Engineer within thirty (30) days of execution of this Agreement, or as otherwise agreed to in writing by the Parties.
3. Be solely responsible for all local matching funds identified in Section Two. Certify that these matching funds have been appropriated, budget and approved for expenditure prior to execution of this Agreement.
4. Pay all costs, perform/supply or contract for labor and material, for the purpose as described in Section One and the Project estimate approved by the District Engineer.
5. In the event a contractor is hired for the Project, require the contractor to have a general liability insurance policy, with limits of liability of at least $1,000,000 per occurrence. The Department is to be named as an additional insured on the contractor's policy and a certificate of insurance must be provided to the Department and it shall state that coverage provided under the policy is primary over any other valid insurance.
6. Require contractors that the Public Entity hires to perform services to defend, indemnify and hold harmless the Department from and against all suits, actions or claims of any character brought because of injury, including death or damages arising out of contractors' construction or maintenance activities pursuant to this agreement, as memorialized herein and subject to any additional permit that may be required of the contractor to perform said activities.

7. Be responsible, for performing or directing the performance, of all pre-construction activities, including, but not limited to, the following:
    a. Utility Certification,
    b. Drainage and storm drain design,
    c. Geotechnical design,
    d. Pavement design,
    e. Environmental and archaeological clearances Certification,
    f. Right of-way acquisition Certification,
    g. Hazardous substance/waste site(s) contamination,
    h. Railroad Certification,
    i. Intelligent Transportation System (ITS) Certification
8. Cause all designs and plans to be performed under the direct supervision of a Registered New Mexico Professional Engineer, when applicable, as determined by the Department.
9. Obtain all required written agreements or permits, when applicable, from all public and private entities.
10. Allow the Department to inspect the Project to determine that the Project is being constructed in accordance with the provisions of this Agreement. Disclosures of any failure to meet such requirements and standards as determined by the Department shall result in termination, for default, including without limitation the Public Entity's costs for funding, labor, equipment and materials.
11. Complete the project within 18 months of the "Notice to Proceed."
12. Agree that the Department may terminate this Agreement if the funds identified in Section Two have not been contractually committed within one year from the effective date of this agreement.
13. Within thirty (30) days of completion, provide written certification that all work under this Agreement was performed in accordance with either the New Mexico Department of Transportation's Standard Specification, Current Edition; American Public Works Association (APWA) Specifications; Department approved Public Entity established Specifications; or Department Specifications established for Local Government Road Fund

projects, by submitting the **"Project Certification of Design, Construction, and Cost," form,** which is attached as Exhibit A.

14. Within thirty (30) days of completion, furnish the Department an **"AS BUILT Summary of Costs and Quantities"** form, which is attached as Exhibit B. The report should reflect the total cost of project as stated in **"Project Certification of Design, Construction, and Cost"** form.
15. Failure to provide the **"Project Certification of Design, Construction, and Cost"** form and an **"AS BUILT Summary of Costs and Quantities"** report within thirty (30) days of Project completion will be considered a material breach of this Agreement and Public Entity shall reimburse to the Department all funds disbursed in accordance with this agreement.
16. Maintain all facilities constructed or reconstructed with funds provided by this Agreement.

SECTION FOUR – THE DEPARTMENT SHALL:

Pay project funds as identified in Section Two, Paragraph 1a, to the Public Entity in a single lump sum payment after:

1. Receipt of a Notice of Award and Notice to Proceed and,
2. Verification of available Local Government Road Funds and Public Entity's local matching funds identified in Section Two, Paragraph 1b.

SECTION FIVE – BOTH PARTIES AGREE:

1. Upon termination of this Agreement any remaining property, materials, or equipment belonging to the Department shall be accounted for and disposed of by the Public Entity as directed by the Department.
2. That no money in the Local Government Road Fund shall be used by the Department to administer any program, and no entity receiving a distribution pursuant to a program requiring matching funds shall use another distribution made pursuant to NMSA 1978 Section 67-3-28.2, to meet the match required.
3. That the provisions of the Local Government Road Fund Project Handbook (Current Edition and any amendments thereto, are incorporated herein by reference and shall control the

contractual rights and obligations of the parties unless in conflict with the specific terms expressed in this Agreement or any amendments thereto.

SECTION SIX – THIRD PARTY BENEFICIARY CLAUSE:

It is specifically agreed between the parties executing this Agreement that it is not intended by any of the provisions of any part of the Agreement to create in the public, or any member thereof, a third party beneficiary or to authorize anyone not a party to the Agreement to maintain a suit for wrongful death, bodily and/or personal injury to a person, damage to property, and/or any other claim(s) whatsoever pursuant to the provisions of this Agreement.

SECTION SEVEN – PROJECT RESPONSIBILITY:

The improvements proposed in Section One of this Agreement shall not be under the jurisdiction and control of the Department.

SECTION EIGHT – JURISDICTION:

By reason of the Department's participation in the funding of this Project, the Department is not incorporating this Project into the state highway system, nor is the Department assuming any maintenance or user responsibility of liability for participation on this project.

SECTION NINE – NEW MEXICO TORT CLAIMS ACT:

Each party shall be responsible for liability arising from personal injury or damage to person and property occasioned by its own agents or employees in the performance of this Agreement, subject in all cases to the immunities and limitations of the New Mexico Tort Claims Act (Section 41-4-1, et seq., NMSA 1978). This paragraph is intended only to define the liabilities between the parties hereto and is not intended to modify, in any way, the parties' liabilities as governed by common law or the New Mexico Tort Claims Act.

The Public Entity and its "employees" as defined in the New Mexico Tort Claims Act, and the Department and its "public employees" as defined in the New Mexico Tort Claims Act, do not waive sovereign immunity, do not waive any defense and/or do not waive any limitation of liability

pursuant to law. No provision in this Agreement modifies and/or waives any provision of the New Mexico Tort Claims Act.

SECTION TEN – EQUAL OPPORTUNITY COMPLIANCE:

The Public Entity agrees to abide by all applicable Federal and State Laws and rules and regulations, and executive orders of the Governor of the State of New Mexico, pertaining to equal employment opportunity. In accordance with all such laws and rules and regulations, and executive orders of the Governor of the State of New Mexico, the Public Entity agrees to assure that no person in the United States shall, on the grounds of race, color, national origin, sex, sexual preference, age or handicap, be excluded from employment with or participation in, be denied the benefits of, or be otherwise subjected to discrimination under, any program or activity performed under this Agreement. If the Public Entity is found to be not in compliance with these requirements during the life of this Agreement, the Public Entity agrees to take appropriate steps to correct these deficiencies.

SECTION ELEVEN –LEGAL COMPLIANCE

The Public Entity shall comply with all applicable federal, state, local, and Department laws, regulations and policies in the performance of this Agreement, including , but not limited to laws governing civil right, equal opportunity compliance, environmental issue, workplace safety, employer-employee relations and all other laws governing operations of the workplace, including laws and regulations hereafter enacted. The Public Entity shall ensure that the requirements of this compliance are made a part of each subcontract on this Project at all tiers.

SECTION TWELVE – PUBLIC ENTITY'S PRIOR COSTS:

Any costs incurred by the Public Entity prior to this Agreement are not eligible for reimbursement and will not be included in the amount to be disbursed as agreed upon.

SECTION THIRTEEN – ACCOUNTABILITY OF RECEIPTS AND DISBURSEMENTS:

There shall be strict accountability for all receipts and disbursements relating hereto. The Public Entity shall maintain all records and documents relative to the Project for a minimum of three years

after completion of the Project. The Public Entity shall furnish the Department and State Auditor, upon demand, any and all such records relevant to this Agreement. If an audit finding determines that specific funding was inappropriate or not related to the Project, the Public Entity shall reimburse that portion to the Department within thirty (30) days of written notification. If documentation is insufficient to support an audit by customarily accepted accounting practices, the expense supported by such insufficient documentation shall be reimbursed to the Department within thirty days.

SECTION FOURTEEN – DEPARTMENT'S AUTHORIZATION OF EXPENDITURES:

The terms of this Agreement are contingent upon sufficient appropriations and authorizations being made by the Legislature of New Mexico, for performance of this Agreement. The Department is expressly not committed to expenditure of any funds until such time as they are budgeted, appropriated by the legislature, and approved for expenditure. The Department's decision as to whether its funds are sufficient for fulfillment of this Agreement shall be final.

SECTION FIFTEEN – UNEXPENDED, UNENCUMBERED PROJECT BALANCES:

Any unexpended or unencumbered balance from the Local Government Road Fund appropriated for this project shall revert to the Department. These balances, if any, shall be reimbursed to the Department within thirty- (30) days of project completion or expiration of this Agreement, whichever occurs first.

SECTION SIXTEEN – TERMS OF THIS AGREEMENT:

This Agreement constitutes the entire Agreement between the parties. Any claimed covenant, term, condition, warranty or promise of performance not expressly included in this document or its amendments, is not part of this Agreement and not enforceable pursuant to this Agreement. Performance of all duties and obligations herein shall conform with and shall not contravene any state, local, or federal statues, regulations, rules, or ordinances.

SECTION SEVENTEEN – TERM:

This Agreement becomes effective upon signature of all Parties. This Agreement terminates on December 31, 2014.

SECTION EIGHTEEN – TERMINATION:

1. If the Public Entity fails to comply with any provision of this Agreement, the Department may terminate this Agreement, by providing 30 days written notice.
2. The Department may terminate this Agreement if the funds identified in Section Two have not been contractually committed within one year from the effective date of this agreement.
3. If sufficient appropriations and authorizations are not made by the Legislature, this Agreement may terminate immediately upon written notice of the Department to the LINCOLN COUNTY.
4. Neither party shall have any obligation after said date of termination, except as stated in Sections Five, Seven and Eight. The Public Entity agrees to reimburse to the Department all unexpended Department funds disbursed in accordance with this Agreement.

SECTION NINETEEN – SCOPE OF AGREEMENT:

This Agreement incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements and understandings have been merged into this written Agreement. No prior agreement or understandings, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this Agreement.

SECTION TWENTY – SEVERABILITY:

In the event that any portion of this Agreement is determined to be void, unconstitutional or otherwise unenforceable, the remainder of this Agreement shall remain in full force and effect.

SECTION TWENTY-ONE – APPLICABLE LAW:

The Laws of the State of New Mexico shall govern this Agreement, without giving effect to its choice of law provisions. Venue shall be proper only in a New Mexico court of competent jurisdiction in accordance with Section 38-3-1(G) NMSA 1978.

SECTION TWENTY-TWO – AMENDMENT:

This Agreement shall not be altered, modified, or amended except by an instrument in writing and executed by the parties hereto.

IN WITNESS WHEREOF, the Parties have set their hands and seals this day and year set forth below.

NEW MEXICO DEPARTMENT OF TRANSPORTATION

By:_____ Date: _____

Cabinet Secretary or Designee

LINCOLNCOUNTY

By:_____ Date: _____

Jackie Powell, Chairman

ATTESTED

By:_____ Date: _____

Rhonda Burrows, County Clerk

EXHIBIT A
PROJECT CERTIFICATION OF
DESIGN, CONSTRUCTION, AND COST

TO: New Mexico Department of Transportation
District _____ LGRF Coordinator

Cooperative Agreement No. _____ Control No. _____
Joint Powers Agreement No. _____ Control No. _____

Entity: _____

Scope of Work (Including Routes and Termini):

_____
_____
_____
_____

I, the undersigned, in my capacity as _____ of _____
state that:

1. The design is in compliance with all state laws, rules, regulations, and local ordinances and was performed in accordance with the provisions set forth in this agreement and in the Local Government Road Fund Project Handbook (Current Edition);

2. Construction of the project was performed in accordance with standards and specifications set forth in:

   _____
   And completed on _____, 20____; and

3. That the total project cost of _____, with New Mexico Department of Transportation 75% share of _____ and the LINCOLN COUNTY share of _____ (as submitted in attached "As Built Summary of Costs and Quantities") is accurate, legitimate, and appropriate for the project.

_____ _____
Name Date

_____
Print Name

_____
Title

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

July 13, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager

SUBJECT: Ft. Stanton Land Lease Agreement for Fire Station

Purpose: To obtain agreement to enter into lease agreement with the New Mexico Department of Cultural Affairs, Historic Sites and Monuments Division for the Ft. Stanton Land Lease Agreement

Discussion:

The Lease Agreement Between the New Mexico Department of Cultural Affairs Historic Sites & Monument Division and the County of Lincoln has been fully review by all parties and is ready for approval by this Commission, the State of New Mexico Department of Cultural Affairs, the Museum of New Mexico Board of Regents and the State Board of Finance, Department of Finance and Administration. The State Board of Finance meets Wednesday, July 17th and the Board of Regents meets on Thursday, July 18th. *See Enclosure 1* for Lease Agreement.

This Commission approved the contract for Basic IDIQ to construct the Fire Station, so that process will commence immediately upon obtaining all approvals for the lease agreement.

Recommendation: Approve the lease agreement.

LEASE BETWEEN

THE NEW MEXICO DEPARTMENT OF CULTURAL AFFAIRS
HISTORIC SITES AND MONUMENTS DIVISION

AND

THE COUNTY OF LINCOLN

THIS LEASE is made and entered into by the State of New Mexico Department of Cultural Affairs, Historic Sites and Monuments Division (hereinafter referred to as the "Division") and the County of Lincoln, New Mexico (hereinafter referred as the "County").

RECITALS

WHEREAS, the Division oversees the Fort Stanton Historic Site ("Fort Stanton"), which is located in the physical boundaries of the County;

WHEREAS, the intent of this Agreement is to establish a long-term lease of land from the Division to the County so that the County may construct, maintain, improve, and operate a facility that shall be known as the Fort Stanton Volunteer Fire Department (hereinafter referred to as "FSVFD") at Fort Stanton, for the welfare of the citizens of the County and the protection of the properties of the Division;

WHEREAS, N.M. Laws 2012, Chapter 64, Section 16, subsection 72, reauthorized $397,000 (the "Appropriation") to plan, design, purchase, install, equip, furnish, and construct FSVFD;

WHEREAS, the County wishes to maintain and operate FSVFD on the Fort Stanton property and will dedicate whatever additional funds are needed to complete FSVFD on the Property if the $397,000 legislative appropriation is not sufficient;

WHEREAS, pursuant to NMSA 1978, § 9-4A-17 (2013), the Division is responsible for managing the State Historic Sites, and Fort Stanton includes 53 buildings, including over a dozen historic buildings;

WHEREAS, the Division and the County desire to protect and preserve the resources associated with Fort Stanton and the County;

WHEREAS, the Division and the County have identified a parcel of land suitable for the construction and operation of the FSVFD (the "Property"), and the Property is described in detail in Attachment A;

WHEREAS, the County is governed by a Board of Commissioners' whose approval is

required to enter this Lease;

WHEREAS, the Division operates under the imprimatur of the Museum of New Mexico and the Museum of New Mexico Board of Regents exercises trusteeship over the state historic sites; and

WHEREAS, NMSA 1978, Section 13-6-2.1 (2011), requires the Division to obtain State Board of Finance approval for leases of real property that will last more than five (5) years, including leases to political subdivisions of the State, such as the County.

NOW, THEREFORE, IT IS AGREED BETWEEN THE PARTIES AS FOLLOWS:

I. Property Description.

The Property is a 0.409 acre tract, generally located in S1/2 of Section 25, T09S, R14E, accessible by Black Jack Pershing Road and is located on Fort Stanton. The Property is more specifically described in Attachment A as "Lincoln County Firestation Tract." The Property address is 207 Black Jack Pershing Road.

II. Condition of Property.

The County hereby acknowledges that the County has made an on-site inspection and knows the condition of the Property and that the Division has not made any representations as to the conditions of the Property; the County hereby accepts the Property in its present condition.

III. Ingress and Egress Easement.

The County may use the narrow strip of land in between the Property's northwestern facing border and Black Jack Pershing Road to access the Property from the road and to access the road from the Property.

IV. County Responsibilities.

A. Limited Use.

The Property shall be used by the County for the operation of the FSVFD. In no event shall the Property be used for any unlawful purpose or in such a way that creates a public or private nuisance or that is inconsistent with the terms of this Lease.

B. Improvements to Property.

1. The County shall obtain the written permission from the Division for all alterations or permanent improvements to the Property. This requirement for written permission shall include, but not be limited to, permission for general construction, landscaping, installation of wires, cables, satellite dishes, aerials upon the roof, or improvements to other parts of the future facility or premises, including yards and surrounding areas.

2. With written permission from the Division specifying the areas, the County may use certain areas surrounding the property during construction of the FSVFD.

3. Any alterations or improvements, including FSVFD, will become a part of the Property

and will remain with the Property, owned by the Division, upon expiration of this lease.

4. The County shall ensure that all improvements to the Property are consistent with the style of the other buildings in the Fort Stanton buildings in the immediate proximity.

5. The County shall use the Appropriation to build a firehouse, which will become the sole building on the Property.

C. Duty to Insure.

1. Public liability insurance. The County and its contracted vendor(s) shall carry and maintain in full force and effect during the term of this lease at the County's and its contracted vendor(s)' sole cost and expense public liability insurance covering bodily injury, disease, illness or death and property damage liability, in a form and with an insurance company acceptable to Division, with limits of coverage not less than $300,000 for each person and $500,000 in the aggregate for bodily injury, disease, illness or death with respect to any one occurrence and $100,000 for each accident for property damage liability, for the benefit of the County as protection against all liability claims arising from its use of the Property, causing the Division to be named as an additional named insured on such policy of insurance, and delivering a copy thereof to the Division upon the commencement of the term of this lease.

2. Property insurance. The County shall carry and maintain in full force and effect during the term of this Lease, at the County's sole cost and expense, insurance against damage to FSVFD. Any such insurance policy or policies shall name the County as an additional insured. Insurance proceeds shall immediately be utilized to cover damage to FSVFD.

D. Property Management.

1. County maintenance. The County shall establish the Property and the FSVFD facility as a unit of the County's property for maintenance and operational and inventory. FSVFD shall be managed by the County. The County, at the County's sole expense, shall keep and maintain the Property and all improvements thereon in a reasonable state of repair and preservation and shall not suffer or permit any continuing nuisance thereon.

2. Utilities. The County, at the County's sole expense, will promptly pay all utility charges that it incurs in connection with County's use of the Property. The County will pay all costs associated with the acquisition of utility meters and utility services to the Property.

3. Day-to-day operations. The County shall have complete decision-making authority over the FSVFD's day-to-day operations, unless otherwise delegated in this Lease or specifically agreed to in writing between the parties as an amendment to this Lease.

4. Annual meeting. If requested by either party, the Division and the County shall meet annually, no later than July 1, to discuss FSVFD operations, the management plan, plans for the subsequent fiscal year, and any other issue affecting FSVFD.

5. Fire Safety. If requested by the Division, the County shall provide an annual fire safety workshop for Division employees at Fort Stanton.

6. Access. Authorized County employees and County volunteers on official business shall have unfettered access to FSVFD in their official capacity. The County shall provide the Division current keys to FSVFD and allow the Division access to the Property as needed.

E. Acknowledgement.

The County shall erect a sign at FSVFD's entrance, but only after approval by Division, recognizing the County as the operator of FSVFD, and the Division may acknowledge the County in other signs, brochures, and other literature as deemed appropriate by both parties.

F. Personal Property.
All personal property of the County, its employees, agents, customers and invitees kept on the Property shall be at the sole risk of the County, and Division shall not be liable for any damage thereto, unless damages are caused by the actions of the Division or its agents.

G. Expiration.
Upon expiration of the term, including any early termination of this Lease, the County shall peaceably surrender to Division possession of the Property and all improvements made by County or Division thereon in good condition and repair, reasonable wear and tear excepted.

V. Term.

THIS LEASE SHALL NOT BECOME EFFECTIVE UNTIL APPROVED BY THE COUNTY COMMISSION, MUSEUM OF NEW MEXICO BOARD OF REGENTS, and the STATE BOARD OF FINANCE. It shall expire on December 31, 2112, unless earlier terminated pursuant to Paragraph 5, below.

VI. Termination.

A. For Cause. At any time during this lease's term, the Division may terminate it for cause. For purposes of this agreement, Cause shall be defined as a material breach of this Lease. Material breaches shall include: (1) failure to maintain the facility as the FSVFD; (2) abandonment of the Property for thirty (30) continuous days; (3) breach or default of any material term, covenant, or condition of this lease, including failure to maintain the insurance required under this lease. In the event of a material breach, the Division shall give the County notice by certified mail, specifying the breach. If the breach is not cured and the County has not begun to cure the breach within thirty (30) days of receipt of notice, Division may terminate this Lease by giving County thirty (30) days' notice; upon the end of that thirty (30) day period, this Lease shall terminate. If the County begins to cure the breach during the thirty (30) days but does not complete the cure within the next thirty (30) days, the Division may terminate the lease with thirty (30) days' notice at its discretion.

B. Without Cause. In the first five calendar years after this Agreement's effective date, neither party may terminate this Agreement without cause. After the first five calendar years, either party may terminate this Agreement by delivering a written notice to the other at least three hundred sixty-five (365) days prior to the intended date of termination. By such termination, neither party may nullify or avoid any obligation required to have been performed prior to termination. If County delivers notice of termination of this Agreement without cause, the County must restore the Property to its original, unimproved condition before its intended date of termination upon Division notice that it requires such restoration.

VII. Subcontracting and Assignment.

The County shall not subcontract or assign any portion of this Lease or obligate itself in any manner to any third party, with respect to any rights or responsibilities under this lease, without the Division's and State Board of Finance's prior written approval.

VIII. Disposition, Division, or Distribution of Property. Upon expiration or termination of this Lease, if either party has personal property in its possession belonging to the other, the same shall be returned to the owner party.

IX. Laws.
The County will comply with all applicable federal, state and local laws ordinances, including those regulating its receipt of funding for the FSVFS, and will ensure that those persons using the Property also comply.

X. Non-Discrimination.
County shall not discriminate unlawfully with respect to race, color, sex, national origin, ancestry, age, sexual orientation, gender identity, spousal affiliation, physical or mental handicap, or religion in offering any or refusing to offer its services; and shall not discriminate as to any other class protected against discrimination by applicable state or federal laws with respect to employment of staff using the Property.

XI. Inspection.
The Division is permitted to come upon the Property at all reasonable times in order to inspect the condition, use, safety or security of the Property and any improvement thereon.

XII. Lessor/Lessee Relationship.
Nothing in this Lease is intended or should be constructed in any way to create or establish a partnership relationship between the County and the Division or to establish either party or an employee of either party as an agent, representative or employee of the other for any purpose whatsoever.

XIII. Merger of Prior Agreements.
This Lease incorporates all of the conditions, agreements, and understandings between the parties concerning the subject matter of this Lease, and all such conditions, understandings and agreements have been merged into this written Lease. No prior condition, agreement or understanding, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this Lease.

XIV. Amendment.
This Lease shall not be altered, changed or amended except by instrument in writing executed by the parties hereto and approved by the State Board of Finance.

XV. Address for Notices.
Notices required under this lease shall be made at the following addresses, except as changed by written notice to the opposite party:

A. Division:

State Historic Sites and Monuments
PO BOX 2087
Santa Fe, NM 87504

B. County:

Lincoln County
PO Box 700
Carrizozo, NM 88301

XVI. State Board of Finance Authorization.
The parties agree to accept such non-substantive, technical amendments to this Lease as recommended by the Board of Finance, if required for Board of Finance approval.

IN WITNESS WHEREOF, the parties have herein set their hand.

STATE OF NEW MEXICO

DEPARTMENT OF CULTURAL AFFAIRS

DIVISION

By: _____

Richard Sims, Division Director

Date: _____

COUNTY OF LINCOLN

By: _____

Jackie Powell,
Lincoln County Commission Chair

Date: _____

ATTEST:

_____

County Clerk

MUSEUM OF NEW MEXICO BOARD OF REGENTS

Reviewed and Approved

_____

Thelma Domenici, Board of Regents President

STATE BOARD OF FINANCE, DEPARTMENT OF FINANCE AND ADMINISTRATION

By:_____

Date: _____

LINCOLN COUNTY
www.lincolncountynm.net

County of Lincoln

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

AGENDA ITEM NO. 29

July 13, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager

SUBJECT: Seed and Wattle Distribution Project

Purpose: To obtain approval to enter into Agreement with Upper Hondo Soil & Water Conservation District to Distribute Seed and Wattles to Lincoln County Residents for Flood Mitigation Efforts

Discussion:
One of the projects the County authorized for completion with a portion of the $254,000 Loan(recently converted to grant) from the NM State Board of Finance was to purchase seed for broadcast and to distribute wattles to Lincoln County residents for mitigation purposes. Due to Little Bear Fire, extensive burn areas within County property and infrastructure have enabled erosion to take place, impacting County property such as river crossings and roads. Other private properties, such as driveways and arterial roads that are used by Lincoln County in times of emergencies have also been impacted. Lincoln County has discussed with Upper Hondo Soil and Water Conservation District the need to broadcast seed purchased by the County, and place mulch wattles in impacted areas to minimize and possibly eliminate the threat to these areas. Manager proposes to enter into an Agreement with Upper Hondo for that purpose. The total cost of this project is approximately $29,000 (seed, wattles and stakes already purchased by County). Upper Hondo would be responsible for total administration of the project, including advertising and working with land owners, for a cost of $3,120. See Enclosure 1.

Recommendation: Authorize County Manager and Attorney to develop and formalize agreement between Lincoln County and Upper Hondo Soil & Water Conservation District to administer Seed and Wattle Distribution Project.

UPPER HONDO SWCD
Estimated Admin, Etc.
Seeding/ Wattles Project

Admin Costs:

Description	*Amount*	*Cost*
Part of Julia Bertrand's time Coordinating for 12 wks	225 @ 8.50/ hr	**$1,920**

Project Costs:

Description	*Amount*	*Cost*
Cost of Seed	495 acres @ $38.58 per acre plus estimated $508.00 freight	pd by County
Advertising	estimate- radio and newspaper	$ 900.00
Printing of Instructional Brochures: Instructions for Wattles and Seeding	500 color @ $.47 each	$ 300.00
Stakes for Wattles	2000 @ $.39 each	pd by county
	total:	**$1,200.00**

Total ADMIN Costs: **$3,120.00**

IN-KIND:

Description	*Amount*	*Cost*
Stephanie Bason's Time (IN-KIND)		
Julia Bertrand's Time (IN-KIND)		
Rebekah Toler's Time (IN-KIND)		
Advirtising, Etc. (IN-KIND)		
	total:	

**** Costs listed are conservative, should have a considerable amount of in-kind by end of project.***

ENCL 1

Agenda Item No. 30
July 16, 2013

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

July 9, 2013

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 – Casa del Cocinero

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.

3. *Green Tree Servicing, LLC v. William T. Joiner, Lincoln County, et. al. D-1226*-CV-2010-394. Suit filed November 17, 2010. Complaint for Enforcement of Contract and Foreclosure of Security Interest and Mortgage.

4. *Luis Grife as Personal Representative of The Estate of Arturo Grife, Jr., and Lizeth Grife v. County of Lincoln.* D-1226-CV-201100148. Complaint for Wrongful Death and Negligence, Jury Demand.

5. *New Mexico Ranch Sales v Mary T. Greene, LC Treasurer, et. al. D-1226-CV-2011-00226.* Suit filed August 1, 2011. Complaint In Rem to Foreclosure Mortgage Upon Real Property.

6. *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.

7. *New Mexico Ranch Sales v Marianne Clark, LC Treasurer, et. al. D-1226-CV-2011-00409.* Suit filed November 17, 2011. Complaint to Enforce and Collect Upon Promissory Note and to Foreclose Mortgage Upon Real Property.

8. *Bank of Clovis v Mona Bryant as Personal Representative of Marjorie Bryant (deceased), Village of Ruidoso, Lincoln County, et al. D-1226-CV-2011-00429.* Suit Filed February 10, 2012. Complaint for Foreclosure.

9. *New Mexico Ranch Sales v Tammy Palombi-Cade, LC Treasurer, et. al. D-1226-CV-2012-00042.* Suit filed February 13, 2012. Complaint to Enforce and Collect Upon Promissory Note and to Foreclose Mortgage Upon Real Property.

10. *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.

11. *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.

12. *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.

13. *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.

14. *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.

15. *New Mexico Ranch Sales v. Villalba, LC Treasurer, et al. D-1226-CV-2013-00046.* Suit Filed February 15, 2013. Complaint to Enforce and Collect Upon Promissory Note and to Foreclose Mortgage Upon Real Property.

16. *Washington Federal Savings v. Timothy Rose; Chanda Rose; and Lincoln County D-1226-CV-2013-00105.* Suit filed April 15, 2013. Complaint for Foreclosure.

17. *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.

18. *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.

19. ** 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. Complaint for Negligence, Injury and Damages.

Tort Claims Notices Received or Threatened

2013

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. Berrego allegedly sustained injuries while in custody due to an existing broken back injury.

Espinoza, Robert – 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.

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. Constitution Fifth and Sixth Amendment rights.

2012

Cathy and Steve Altstatt – 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. – Correspondence received from Theresa Riordan on March 28, 2012 concerning her son's treatment and detention conditions while being held in LCDC.

Sheridan, Michael – 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 – 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.

2011

Latham, Diana –Tort Claim Notice received from Attorney, Gary C. Mitchell on October 27, 2011, claiming violation of the late James Latham's constitutional rights resulting from his shooting death by the Lincoln County Sheriff's Department.

Miller, Peggy and Steven - Tort Claim Notice received from Attorney, Gary C. Mitchell on September 26, 2011, claiming negligence by State Forestry and Lincoln County during Donaldson Complex Fire.