

COUNTY OF LINCOLN
New Mexico
Special Meeting
Board of County Commissioners

Jackie Powell, Chairwoman
Mark Doth, Member
Dallas Draper, Member
Glenna N. Robbins, Treasurer
Rhonda B. Burrows, Clerk

Preston Stone, Vice Chair
Kathryn L. Minter, Member
Robert Shepperd, Sheriff
Paul Baca, Assessor
Stirling Spencer, Probate Judge

Nita Taylor, County Manager

Agenda

Commission Chambers, Monday, September 9, 2013 @9:00 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/Imposition of 2013-2014 Property Tax Rates
7. Consideration/Potential Action on MOU Between U.S. Fish & Wildlife Services and Numerous NM and Arizona Counties
8. Consideration/Approval of Formal Name for LCMC’s Physician’s Office Building (POB)
9. 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).
10. Next Regular Meeting – Tuesday, September 17, 2013
11. Adjournment

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

September 9, 2013 THIS AGENDA IS SUBJECT TO CHANGE



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County of Lincoln

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

AGENDA ITEM NO. 6

September 5, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *nt*

SUBJECT: Certificate of Tax Rates Approval

Purpose: To obtain a written order imposing the 2013 Tax Rates in the County.

Discussion:

Each year the Board of County Commissioners is required to review and issue and order imposing new tax rates for the fiscal year. The statute in question states as follows:

7-38-34. Board of county commissioners to order imposition of the tax.

Statute text

Within five days of receipt of the property tax rate-setting order from the department of finance and administration, each board of county commissioners shall issue its written order imposing the tax at the rates set on the net taxable value of property allocated to the appropriate government units. A copy of this order shall be delivered immediately to the county assessor.

Attached at enclosure 1 is the letter and rates from DFA dated September 3, 2013 that was received by certified mail on September 5, 2013. Assessor and Treasurer have reviewed the rates and certify their accuracy. At enclosure 2 is the written order imposing the rates for signature and delivery to the Assessor as required.

Recommendation:

After the Assessor and Treasurer review the rates and answer questions, approve and have the Chairwoman sign the letter at enclosure 2.

RECEIVED

SEP 05 2013

ADMINISTRATION
LINCOLN COUNTY NM



State of New Mexico
Department of Finance & Administration
180 Bataan Memorial Building
Santa Fe, New Mexico 87501
Phone: (505) 827-4985
Fax: (505) 827-4984

Susana Martinez
GOVERNOR

Thomas E. Clifford, Ph.D.
Cabinet Secretary

September 3, 2013

The Honorable Jackie Powell
Chair
Lincoln County Commission
P. O. Box 711
Carrizozo, NM 88301

RE: Order Setting Property Tax Rates - 2013 Tax Year

Dear Chair Powell:

Pursuant to Sections 7-37-7(A) and 7-38-33(A) NMSA 1978, I issue this order setting as the 2013 property tax rates for your county the rates set forth in the attached certificate.

Section 7-38-34 NMSA 1978 requires the Board of County Commissioners (Board) to issue and deliver to the County Assessor its own order imposing these rates within five days of its receipt of this letter. (As a courtesy, I note that, because this statutory time period is less than eleven days, "a Saturday, Sunday or legal holiday is excluded from the computation". Section 12-2A-7(E) NMSA 1978.) Before the Board issues its order, the county (as well as the other entities with rates included in the attached certificate) is responsible for ensuring that the rates are correct, in accordance with 3.6.5.11(D) NMAC. To further those efforts, please share the attached certificate with all entities that have rates included in the certificate before the Board issues its order. In addition, please note that the "percentage change I" used in Section 7-37-7.1(A) NMSA 1978's yield control calculations this year was 1.98%.

Any questions concerning the rates should be immediately brought to the attention of the Local Government Division's John Gallegos at (505) 827-8065 or Jessica Lucero at (505) 827-8051.

Sincerely,

A handwritten signature in blue ink that reads "Thomas E. Clifford".

Thomas E. Clifford, Ph.D.
Secretary of Finance & Administration

cc: Property Tax Division, Taxation & Revenue Department
County Assessor – Certified Mail
County Treasurer – Regular Mail

Attachment

ENCL 1

CERTIFICATE OF PROPERTY TAX RATES IN MILLS

LINCOLN COUNTY

TAX YEAR 2013

NET TAXABLE VALUE:

\$1,131,149,006

MUNICIPALITY:	Ruidoso	Ruidoso Downs	Ruidoso Downs	Ruidoso Downs	Ruidoso Downs	Carrizozo	Carrizozo
TAXABLE VALUE:	357,360,232	131,568,045	25,959,924	21,650,003	64,620,848	34,222,691	7,036,405
CATEGORY:	3 IN R	3 IN NR	35 IN R	35 IN NR	3/35 OUT R	3/35 OUT NR	7 IN R
State Debt Service	1.360	1.360	1.360	1.360	1.360	1.360	1.360
County Operational	1.360	1.360	1.360	1.360	1.360	1.360	1.360
County Debt Service	5.164	8.096	5.164	8.096	5.164	8.096	5.164
Special Mill Levy	2.750	2.750	2.750	2.750	2.750	2.750	2.750
Total County	7.914	10.846	7.914	10.846	7.914	10.846	7.914
Total Municipal	5.142	4.451	5.130	7.650	7.914	10.846	6.385
School District Operational	0.310	0.430	0.310	0.430	0.000	0.000	6.385
School District Debt Service	5.756	5.756	5.756	5.756	0.310	0.430	0.318
School Dist. Cap. Improvement	2.000	2.000	2.000	2.000	5.756	5.756	5.399
House Bill 33, School Building	0.000	0.000	0.000	0.000	2.000	2.000	2.000
School District Ed. Tech. Debt SVC	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Total School District	8.066	8.186	8.066	8.186	8.066	8.186	7.717
Total State, County, Municipal, & School District	22.482	24.843	24.328	29.900	17.340	20.392	23.376
Other:							
Lincoln County Medical Center	2.000	1.870	2.000	1.870	2.000	1.870	1.870
Rural Clinics	0.600	0.561	0.600	0.561	0.600	0.561	0.561
ENMU Ruidoso Instr Center (1)	1.803	1.703	1.803	1.703	1.803	1.703	
Total Other	4.403	4.134	4.403	4.134	4.403	4.134	2.431
GRAND TOTAL	26.885	28.977	28.731	34.034	21.743	24.526	25.976
Where Applicable:	Cattle Indemnity 10.000 Res: 1.000 Sheep/Goats/Swine/Alpaca 10.000 NonRes: 1.000 Dairy Cattle 5.000 Upper Hondo SWCD Bison/Camelids/Ratice 10.000 Res: 0.500 Horses/Asses/Mules 10.000 NonRes: 0.500						
	Predator Control: 0.55 cents per head on cattle, sheep & goats (1) To: ENMU Controller Hwy 70 Portales, NM 88130						

CERTIFICATE OF PROPERTY TAX RATES IN MILLS

LINCOLN COUNTY
TAX YEAR 2013

NET TAXABLE VALUE:

\$1,131,149,006

MUNICIPALITY:	Corona	Corona	Corona	Corona	Corona	Corona	Capitan	Capitan
TAXABLE VALUE:	1,367,560	1,760,804	4,369,901	23,452,160	16,489,325	16,475,763	16,286,773	5,689,930
CATEGORY:	13 IN R	13 IN NR	13 OUT R	13 OUT NR	20 R	20 NR	28 IN R	28 IN NR
State Debt Service	1,360	1,360	1,360	1,360	1,360	1,360	1,360	1,360
County Operational	1,360	1,360	1,360	1,360	1,360	1,360	1,360	1,360
County Debt Service	5.164	8.096	5.164	8.096	5.164	8.096	5.164	8.096

Special Mill Levy	2.750	2.750	2.750	2.750	2.750	2.750	2.750	2.750
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Total County	7.914	10.846	7.914	10.846	7.914	10.846	7.914	10.846
Municipal Operational	3.942	4.425	3.942	4.425	3.942	4.425	3.942	4.425
Municipal Debt Service	3.942	4.425	3.942	4.425	3.942	4.425	3.942	4.425

Total Municipal	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
School District Operational	0.318	0.389	0.480	0.500	0.492	0.500	0.231	0.393
School District Debt Service	5.399	5.399	2.662	2.662	6.746	6.746	1.282	1.282
School Dist. Cap. Improvement	2.000	2.000	2.000	2.000	2.000	2.000	2.000	1.954
House Bill 33, School Building	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
School District Ed. Tech. Debt SVC	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Total School District	7.717	7.788	5.142	5.162	9.238	9.246	1.148	4.777

Total State, County, Municipal, & School District	16.991	19.994	18.358	21.793	14.416	17.368	18.512	21.452
Other:								
Lincoln County Medical Center	2.000	1.870	2.000	1.870	2.000	1.870	2.000	1.870
Rural Clinics	0.600	0.561	0.600	0.561	0.600	0.561	0.600	0.561

ENMU Ruidoso Instr Center (1)

Total Other	2.600	2.431	2.600	2.431	2.600	2.431	2.600	2.431
GRAND TOTAL	19.591	22.425	20.958	24.224	17.016	19.799	21.112	23.883
GRAND TOTAL	19.591	22.425	20.958	24.224	17.016	19.799	21.112	23.883

Where Applicable:

Cattle Indemnity	10.000
Sheep/Goats/Swine/Alpaca	10.000
Dairy Cattle	5.000
Bison/Camelids/Ratite	10.000
Horses/Asses/Mules	10.000

CERTIFICATE OF PROPERTY TAX RATES IN MILLS

LINCOLN COUNTY

TAX YEAR 2013

NET TAXABLE VALUE:

\$1,131,149,006

MUNICIPALITY:	289,503,626	62,961,586	101,455	Ruidoso	Ruidoso
TAXABLE VALUE:				28-RU IN R	28-RU IN NR
CATEGORY:	28 OUT R	28 OUT NR	28-RU IN R	28-RU IN R	28-RU IN NR
State Debt Service	1,360	1,360	1,360	1,360	1,360
County Operational	1,360	1,360	1,360	1,360	1,360
County Debt Service	5,164	8,096	5,164	5,164	8,096
Total State	1,360	1,360	1,360	1,360	1,360
Special Mill Levy	2,750	2,750	2,750	2,750	2,750

Total County	7,914	10,846	7,914	10,846
Municipal Operational				
Municipal Debt Service				
Total Municipal	0,000	0,000	5,142	4,451

School District Operational	0.231	0.393	0.231	0.393
School District Debt Service	1.282	1.282	1.282	1.282
School Dist. Cap. Improvement	2,000	1,954	2,000	1,954
House Bill 33, School Building	0,000	0,000	0,000	0,000
School District Ed. Tech. Debt SVC	1,148	1,148	1,148	1,148
Total School District	4,661	4,777	4,661	4,777

Total State, County, Municipal, & School District	13,935	16,983	19,077	21,434
Other:				
Lincoln County Medical Center	2,000	1,870	2,000	1,870
Rural Clinics	0,600	0,561	0,600	0,561

ENMU Ruidoso Instr Center (1)

Total Other	2,600	2,431	2,600	2,431
GRAND TOTAL	16,535	19,414	21,677	23,865

Where Applicable:

Cattle Indemnity	10,000
Sheep/Goats/Swine/Alpaca	10,000
Dairy Cattle	5,000
Bison/Camelids/Ratite	10,000
Horses/Asses/Mules	10,000



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County of Lincoln

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September 9, 2012

Thomas E. Clifford, Ph.D.
Cabinet Secretary Designate
Department of Finance and Administration
Bataan Memorial Building, Suite 201
Santa Fe, New Mexico 87501

RE: Certificate of Property Tax Rates – 2013 Tax Year and Written Order

Dear Mr. Clifford:

The Lincoln County Board of Commissioners meeting in special session on September 9, 2013, voted to approve the above-mentioned Certificate of Property Tax Rates, and hereby issue this written order to the Assessor imposing the tax at the rates set on the taxable value of property allocated to the appropriate governmental units.

Thank you for your staff's assistance in this matter.

Sincerely,

Jackie Powell, Chairwoman
Board of County Commissioners

ATTEST:

Rhonda Burrows, County Clerk

Cc/encl: Property Tax Division
Paul Baca, Assessor
Glenna Robbins, Treasurer

ENCL 2



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County of Lincoln

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AGENDA ITEM NO. 7

September 5, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Mexican Wolf EIS

Purpose: To consider entering into a MOU with other New Mexico and Arizona counties who desire to enter into Cooperating Agency Status with the USFWS for development of the Mexican Wolf EIS, and/or to adopt Letter to Director, U.S. Fish and Wildlife Service, expressing concern and requesting responses.

Discussion: The Commission has expressed interest in providing input to the U. S. Fish and Wildlife Service' activities around the development of the Mexican Wolf Environment Impact Statement (EIS). Through the efforts of the NM / Arizona Coalition of Counties, several steps have been taken to better enable participation in the process.

1. Development of a stakeholder letter to the Director of USFWS that lists concerns that are technical, procedural and factual in nature rather philosophical or emotional or county-specific; any of which could be inserted based on individual County preference. See Enclosure 1 for letter and Enclosure 2 for memo from Arizona Eastern Counties Organizational Chair providing background.
2. Development of a Memorandum of Understanding, with input from New Mexico and Arizona counties and the USFWS. Enclosure 3. The benefit of entering into this MOU and establishing Cooperating Agency Status is to become more directly involved, and to have the opportunity to review/comment on preliminary draft documents. Several options exist, based on the preference the County:
 - a. **Should the Commission opt to sign this MOU:** the document will be scanned and returned via email to the Region 2 Director of USFWS, who will sign and return a complete copy.
 - b. **Should the Commission opt not to sign this MOU resulting in it becoming a Cooperating Agency:** the County can continue to be involved or kept informed, resulting in a "stakeholder" status in the development of the EIS. Stakeholders will also continue to be kept informed by the NM/AZ Coalition of Counties.
 - c. **Should the Commission opt to sign the MOU but desire additional changes:** suggested edits or changes can be provided directly to USFWS, or to the NM/AZ Coalition of Counties, which is coordinating and consolidating further inputs. In the interim, the County would continue to be engaged as a stakeholder in the development of the EIS while the USFWS attempts to incorporate suggested changes.

RECOMMENDATION: Send the Stakeholder letter to USFWS immediately, and determine the County level of further involvement as described by 2a.b.and c above.



County of Lincoln

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

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September 9, 2013

The Honorable Daniel Ashe
Director
U.S. Fish and Wildlife Service
1849 C Street, NW
Washington, DC 20240-0001

Subject: Lincoln County NM concerns about pending USFWS proposals to delist gray wolves, relist the Mexican wolf, revise the rule establishing the Mexican wolf in Arizona-New Mexico as a nonessential experimental population and to draft an Environmental Impact Statement on the proposed revision to the Mexican wolf nonessential experimental population rule

Dear Director Ashe:

The County Commission of Lincoln County, New Mexico, is concerned about the Mexican wolf recovery efforts and we write to you today with great concern about U.S. Fish and Wildlife Service (Service) proposals regarding gray wolves. These Service proposals include delisting gray wolves and redefining Service efforts to: (1) recover the Mexican wolf through relisting; (2) modify its current legal status and approach to Mexican wolf reintroduction in the Southwest; and (3) comply with the National Environmental Policy Act (NEPA) and with the Endangered Species Act (ESA). These actions are addressed by the following:

1. Proposal to delist the gray wolf and relist the Mexican wolf. Comment period opened June 13, extended close date to October 28.
2. Proposal to revise the nonessential experimental population designation of the Mexican wolf. Comment period opened June 13, extended close date to October 28.
3. Notice of Intent to prepare an EIS for the proposed revision to the nonessential experimental population of the Mexican wolf. Comment period opened August 5, closes September 19.
4. Development of a new Recovery Plan for the Mexican wolf. Initiated in 2008. In proposing delisting, relisting and development of an EIS, the Service makes frequent mention of the Recovery Team's work guiding the Service. Yet, the full Recovery Team has not met to discuss its work since November 2011; the Science Subgroup of the Team never reached consensus on its draft guidance to the Service and has not met since December 2012; and a draft Recovery Plan has yet to be released to the public.
5. Development of a management plan for Mexican wolves outside the nonessential experimental population area. Initiated in 2010. No action since February 2013, when the Service withdrew its draft extra-limital plan. However, the plan is referenced in various Service documents pertaining to Issues 1-4 above, as information the Service will consider as it moves forward on those issues.

Lincoln County NM
September 9, 2013

Page 1

ENCL 1

County Manager's Fax
(575) 648-4182

Finance/Purchasing Fax
(575) 648-2381

Rural Addressing Fax
(575) 648-2816

The County of Lincoln intends to submit comments on these proposed actions during the appropriate written comment period, but we also wish to state our collective major concerns so that you might consider them as the Service moves forward:

1. The Service must restructure and extend for a minimum of 90 days the public comment periods on these five issues to provide the public with adequate time, opportunity and information to appropriately evaluate each of these issues in the context of the other four. Service Policy on compliance with the National Environmental Policy Act (NEPA), set forth in Chapter 1 of 550 FW 1, affirms on page 1 that scoping be conducted with announcement of a proposed EIS. At pages 17-18 (D.2.3.B-C), the Service policy speaks to the intended breadth of public scoping and the mandate to carefully consider the affected public and to provide reasonable notice of public comments and due dates. Further, the policy states at page 33 (H) that “public participation is to be an integral and required part of the NEPA process.
2. The Service, per policy, must provide appropriate public meetings (throughout the affected areas of Arizona and New Mexico) through which the public can engage directly with the Service in discussing the relevant issues and their concerns.
3. The Service must develop and consider, and allow the public to review and consider, current information on the full range of possible economic impacts throughout the States of Arizona and New Mexico, not just within a narrower portion of both states.
4. The Service must describe the potential effects, both positive and negative (regarding wolf protection, management and on human activities on the landscape), of changing the current boundaries of the Mexican Wolf Experimental Population Area and of changing any formal or informal management zones within or immediately outside that area within the States of Arizona and New Mexico.
5. The Service must describe how wolf management on Tribal and non-Tribal lands in both Arizona and New Mexico will be coordinated to ensure that neither positive nor negative impacts of wolf reintroduction will fall disproportionately on Tribes or on non-Tribal interests.
6. The Service must describe how, moving forward, Mexican wolf reintroduction will contribute to achieving Mexican wolf recovery and delisting, including quantitative statement of reintroduction, downlisting and recovery/delisting population objectives and estimated timeframes.
7. The Service must describe how Mexican wolf recovery efforts in the United States will mesh with parallel efforts on Mexico with regard to achieving reintroduction, downlisting and recovery/delisting objectives and estimated timeframes.
8. The Service must clarify whether Mexican wolves within or originating from the current and proposed Nonessential Experimental Population Area have a legal status of endangered or of threatened.
9. The Service must describe how State wildlife management authorities pursuant to State Law and to Section 6 of the ESA will be respected through relisting the Mexican wolf and revising the Nonessential Experimental Population Rule through which reintroduction occurs.

10. The Service must describe how State and Tribal wildlife agencies, and cooperating Federal agencies will be permitted under Section 10 of the ESA to conduct management of Mexican wolves within their respective jurisdictions.
11. The Service must clarify its legal position with regard to ordinances and resolutions put forth by local or state governments that conflict with Federal laws, rules, regulations and policies pertaining to the Mexican wolf.
12. The Service must describe how Mexican wolves in the United States will be managed to ensure that the population (collectively and locally) does not expand to the point at which unacceptable impacts on hunter opportunities for big game species are not inappropriately constrained. The Service must also identify what financial resources it will contribute to enable State and Tribal wildlife agencies to maintain population surveys adequate to reliably estimate wolf and primary prey populations and to establish reliable measures of wolf impacts on such prey populations that might trigger permitted take of wolves.
13. The Service must describe the methods by which it will enable (and fund) measures to measure, prevent and mitigate losses of livestock or other property to Mexican wolf depredation.
14. The Service must commit resources of time, money and staff to work with State and Tribal wildlife agencies and other stakeholders as they develop alternatives to the wolf reintroduction and management proposals put forth by the Service.

Lincoln County believes that the Service, at the Washington level as well as at the Region 2 level, must address each of these concerns to afford the public and cooperating agencies a meaningful opportunity to comment on the Service-proposed and pending actions.

We appreciate your consideration of this letter and anticipate receiving a timely, substantive response. Given the pending deadlines, we respectfully request a response by September 20.

Sincerely,

Jackie Powell, Chairwoman

Dallas Draper, Commissioner

Preston Stone, Vice-Chairman

Kathryn Minter, Commissioner

Mark Doth, Commissioner

Nita Taylor

To: Nita Taylor
Subject: FW: Mexican Wolf: (1) stakeholder concerns

From: Tommie Martin <tmartin@gilacountyaz.gov>

Date: Fri, 23 Aug 2013 07:59:20 +0000

Subject: Mexican Wolf: 2 letters to USFWS for use by agencies and/or stakeholders (1) Fed Reg extension and (2) stakeholder concerns

Dear all –

The US Fish and Wildlife Service's recent noticed intent to delist the Grey Wolf as an endangered species (covers all of the wolf range except for Arizona and New Mexico); relist the Mexican Grey Wolf (with their habitat in Arizona and New Mexico); and revise the rule establishing the Mexican Grey Wolf as a nonessential experimental population should have the attention of every county in Arizona.

In a nutshell, the Mexican Grey Wolf range would expand to include all of the land area (barring private land and Reservation Land at their pleasure) between I-40 and I-10 through Arizona and New Mexico. As proposed, wolves that established within those boundaries would be classified "experimental, non essential" and could be managed through the tools of relocation, removal or shot if they become a problem. Wolves who crossed either of those highways to establish their home range outside that corridor would become full blown endangered animals without the tools to manage them. As you can see, every county could be affected. In light of this, I have been asked to share the two attached draft letters with you.

I sincerely do not believe that the question before us is "Are we going to have wolves for neighbors?", but "HOW are we going to have wolves for neighbors?". I also believe we owe it to ourselves and our constituents to get up to speed on this issue ASAP since the first as-yet-unchanged comment period for officially weighing into the discussion is September 11 – which is what the attached 'Extension Letter' is all about. It is a suggested draft to ask for both an extension for public comment and a bundling of several steps in the process which has become very confusing.

The second letter - "Stakeholder Concerns" – lists concerns that are technical, procedural and factual in nature rather than philosophical and/or emotional (you can add those as fits you and your constituent's stands) and may be points you haven't considered as you prepare your responses.

These two letters were crafted by a partnering group that included Arizona Game and Fish, Arizona Cattlemen's Assoc., various hunting and/or wildlife groups, Eastern Counties Organization, affected landowners and others. This isn't the first collaborative effort to address this issue nor will it be the last, but it did produce 2 very good drafts you might want to consider adopting/cherry picking/combining/etc. as you enter into this process.

If you DO use this info, would you mind sharing your submitted comments with Kay Gale, Greenlee County Manager and ECO representative in this effort (kgale@co.greenlee.az.us) so this group can track the effectiveness of their work.

Again, the first official deadline for comments is September 11, so time is of the essence if you plan to comment. I hope you find these drafts useful –

Tommie Martin
Gila County Supervisor
Eastern Counties Organization Chair

**Memorandum of Understanding
Between the
U.S. Fish and Wildlife Service,
And the
Arizona Counties of Apache, Cochise, Coconino, Gila, Mohave, and Santa Cruz
And the
New Mexico Counties of Catron, Cibola, Grant, Hidalgo, Lincoln, Los Alamos, Luna,
McKinley, Mora, San Juan, San Miguel, Santa Fe, Sierra, and Valencia**

SECTION I. PARTIES

This Memorandum of Understanding (hereinafter referred to as MOU) establishes a cooperating agency relationship and a coordinating process and is made and entered into by and between the:

A. U.S. Fish and Wildlife Service Region 2 (Service), as authorized and directed under the NEPA implementing regulations of 1977, as amended, and specifically acknowledging the following areas of the regulations, which are of mutual interest to the parties 40 CFR 1506.2, 40 CFR 1508.5, 40 CFR 1501.7, 40 CFR 1501.2, 40 CFR 1508.27, 40 CFR 1502.16, and 516 DM; and

B. Apache County, Cochise County, Coconino County, Gila County, Mohave County, and Santa Cruz County, as authorized under the State of Arizona, enabling counties to protect the health, safety, and welfare of its citizens, pursuant to Arizona Revised Statutes 11-802 and 11-933, as well as County laws, including County land use plans, water and watershed plans, and environmental and natural resource laws and policies; and

C. Catron County Board of Commissioners, Cibola County, Grant County, Hidalgo County, Lincoln County, Los Alamos County, Luna County, McKinley County, Mora County, San Juan County, San Miguel County, Santa Fe County, Sierra Count, and Valencia County, as authorized under the State of New Mexico, granting powers necessary and proper to provide the safety, preserve the health, promote the prosperity, and improve the morals, orders, comfort, and convenience of any County or its inhabitants, pursuant to New Mexico Revised Statute 4-7-31 (NMSA 1978), as well as County laws, including County land use plans, water and watershed plans, and environmental and natural resource laws and policies.

D. Hereinafter referred to as the Parties.

SECTION II. STATEMENT OF PURPOSE

The purpose of this MOU is for the signatory entities to contribute to the preparation of an Environmental Impact Statement (EIS), pursuant to the National Environmental Policy Act (NEPA). The proposed rule to revise the 1998 Mexican wolf nonessential experimental population rule (63 FR 1752) (1998 Final Rule) will be the proposed action of our EIS. We will analyze the environmental consequences from implementation of the proposed action and alternatives. The EIS will analyze proposed revisions to the Mexican Wolf Experimental Population Area (MWEPA) and Blue Range Wolf Recovery Area (BRWRA), and to some

aspects of currently authorized regulations for management of the experimental population of Mexican wolves in Arizona and New Mexico. The new rule may replace and supersede the 1998 Final Rule, pursuant to section 10(j) of the Endangered Species Act (Act). The EIS will also analyze alternatives that include implementing a management plan to authorize take of endangered Mexican wolves in areas of Arizona and New Mexico external to the MWEPA. The management plan would be implemented through a U.S. Fish and Wildlife Service (Service) permit.

Furthermore, for the purposes of the production of an EIS that will analyze a range of alternatives, this MOU:

A. Confirms the formal designation of the Service as the Lead Federal Agency with responsibility for completion of the EIS and Record of Decision (ROD). The Lead Federal Agency shall:

- i. Request the participation of each Cooperating Agency in the NEPA process at the earliest possible time; and
- ii. Use the environmental analysis and proposals of Parties with jurisdiction by law and/or special expertise, to the maximum extent possible consistent with its responsibility as Lead Federal Agency; and
- iii. Meet, either in person or teleconferencing, with a Cooperating Agency at the latter's request; and
- iv. Request that the counties designate one or more representative(s) to participate on the Interagency Planning Team.

B. Formally designates the Parties as Cooperating Agencies. It is recognized that Cooperating Agencies have legal authority and/or special expertise applicable to the planning process. Each Cooperating Agency shall:

- i. Participate in the NEPA process at the earliest possible time; and
- ii. Participate in the scoping process; and
- iii. Assume on request of the Lead Federal Agency responsibility for developing information and preparing environmental analyses including portions of the environmental impact statement concerning which the cooperating agency has special expertise; and
- iv. Normally use its own funds. The Lead Federal Agency shall, to the extent available funds permit, fund those major activities or analyses it requests from Cooperating Agencies. The Lead Federal Agency shall include such funding requirements in their budget requests; and

- v. A Cooperating Agency may, in response to a Lead Federal Agency's request for assistance in preparing the environmental impact statement, reply that other program commitments preclude any involvement or the degree of involvement requested in the action that is the subject of the environmental impact statement; and
- vi. Make available staff and/or consultant support, as approved by the individual County, at the Lead Federal Agency's request to enhance the latter's interdisciplinary capability; and
- vii. Designate representative(s) and agree to select individual(s) to represent the County on the Interagency Planning Team.

C. Formalizes and provides a framework for cooperation and coordination among the Parties that will ensure successful completion of the EIS in a timely, efficient, and thorough manner; and

E. Ensures the working relationship between the Parties meets the purposes and intent of NEPA; and

F. Provides a structural framework for coordination of the NEPA processes.

SECTION III. BACKGROUND

A. The Service proposes to revise the 1998 Final Rule and to implement a management plan for areas outside of the MWEPA. The EIS will analyze proposed revisions to: (1) the MWEPA and BRWRA, (2) some aspects of currently authorized regulations for management of the experimental population of Mexican wolves in Arizona and New Mexico, and (3) implement a management plan for Mexican wolves that are not part of the experimental population. A Notice of Intent to Prepare an EIS was published on August 5, 2013 (FR 47268, August 5, 2013). The EIS will analyze options for revising the 1998 Rule (including no action) and implementing a management plan, and includes various geographic and management scenarios. The proposed 10(j) rule was published on June 13, 2013. A draft EIS will be published, followed by a final EIS, ROD, and final 10(j) Rule (provided that the ROD does not select the No Action Alternative).

B. The Parties seek to fully consider the impacts of proposed actions on the physical, biological, social and economic aspects of the human environment, and;

C. The Parties desire to enter into this MOU and have the authority, through the Director, Region 2, U.S. Fish and Wildlife Service and the County Supervisors and Commissioners, to do so, and;

D. This MOU shall not be construed to affect the jurisdiction of Federal, State, County or other local governmental agencies which exists as a matter of law, and:

E. Arizona and New Mexico Counties are legally responsible for the protection of health, safety, and welfare of individuals and communities that may be affected by reintroduction and recovery of the Mexican wolf;

F. Arizona Counties have determined that participation in the Proposed Amendment of Mexican Wolf 10(j) rule EIS should be consistent with the Counties' policies for the protection of the health, safety, and welfare of their citizens, and is important to representing the Counties' interest in, and authority for, management of natural resources within the boundaries of the Counties.

G. New Mexico Counties have determined that participation in the Proposed Amendment of Mexican Wolf 10(j) rule EIS should be consistent with the Counties' policies for the protection of the health, safety, and welfare of their citizens, and is important to representing the Counties' interest in, and authority for, management of natural resources within the boundaries of the Counties.

H. In the interest of enhancing communication, Black's Law Dictionary (7th Edition; ISBN 0314241302) and Merriam-Webster's Collegiate Dictionary (11th Edition; ISBN 0877798095) shall be the primary references for words used in this MOU;

SECTION IV. RECITALS

NOW THEREFORE, the Parties hereto agree to cooperatively develop appropriate documentation in order to satisfy the requirements of NEPA, and further agree that;

A. The Service will:

- i. serve as the Lead Federal Agency in coordinating the development of an EIS analyzing the environmental impacts of a proposed new designation of a MWEPA and of implementation of a management plan external to the MWEPA, and alternatives thereto; and
- ii. provide guidance as to proper process, document format, and information required to satisfy NEPA requirements; and
- iii. determine the purpose and need of the project, the conclusions of the environmental analysis, which alternatives are selected for analysis, and make final determinations on content relative to applicable statutory and regulatory requirements; and
- iv. develop the EIS, consistent with Federal law, regulation and Department and Agency policy and will incorporate, to the maximum extent possible consistent with its responsibility as Lead Federal Agency, the comments, recommendations, and/or data submitted by Parties in the EIS planning process; and

- v. provide available information and resources for development of the EIS; and
- vi. provide timely review of the EIS in order to ensure compliance with Service guidelines for NEPA implementation; and
- vii. give, to the maximum extent possible, a reasonable time frame for review and return of consolidated and comprehensive comments; and

B. The Counties are recognized to have jurisdiction by law and special expertise and will:

- i. provide available information, data (and supporting analyses), comments, and resources for development of proper NEPA documentation and the EIS; and
- ii. provide timely review of the EIS in order to ensure compliance with Service guidelines for NEPA implementation; and
- iii. help collect data to the maximum extent possible, participate in discussions about data assessment and technical reports, prepare selected sections, and provide technical expertise in order to assist in evaluating the effectiveness of all alternatives and the EIS; and
- iv. receive working drafts of the EIS and its alternatives and analyses for review and comment in relation to areas of jurisdictional responsibility and/or special expertise; and
- v. return consolidated and comprehensive comments on working drafts to the Service in an agreed upon time frame consistent with the planning schedule; and
- vi. may meet with affected stakeholders and provide comments to the Service at any point in the development of the EIS, provided that internal draft documents are not disseminated (see **Document Control** section below).

C. Conflict Resolution. Conflicts between or among the Parties concerning this MOU that cannot be resolved at the lowest possible level shall be referred to the next higher level, et seq., as necessary, for resolution with full recognition of the Service's decision making responsibilities in the EIS process.

Legal Effect of MOU: The provisions of any statutes and/or regulations cited in this MOU contain legally binding requirements. The MOU itself does not alter, expand, or substitute for those provisions or regulations, nor is it a regulation itself. Thus, it does not impose legally-binding requirements on the Parties. Furthermore, this MOU does not create a right of action enforceable in a court of law for any of the Parties. Rather, this MOU contains procedural guidance to assist the Parties in carrying out existing legal requirements. No Party shall be liable in damages to any other Party or other person for any breach of this agreement, any performance or failure to perform a mandatory or discretionary obligation imposed by this agreement or any other cause of action arising from this agreement.

Document Control: All internal working draft documents for the development of any National Environmental Policy Act (NEPA) documents are pre-decisional and the Parties will ensure that these documents will not be available for review by individuals or entities other than the Parties to this MOU, or the Parties consultants, unless otherwise required by applicable law. All documents created, collected, or provided by the Parties in support of the development of NEPA documents are part of the official Service administrative record and may only be released by the Service to the extent allowable by the Freedom of Information Act and/or Privacy Act. The Counties will identify to the Service all personnel and consultants representing the County who will have access to the documents for the county and provide signed statements with regards to document control.

Enforcement Authority of the United States. Nothing contained in this MOU is intended to limit the authority of the United States government to seek civil or criminal penalties or otherwise fulfill its enforcement responsibilities under the ESA or other applicable law.

No partnership. This MOU shall not make or be deemed to make any Party to this agreement the agent for or the partner of any other Party.

Notices. All notices, demands, or requests from one Party to another may be personally delivered, sent by facsimile/email, sent by recognized overnight delivery service, or sent by mail, certified or registered, postage prepaid, to the persons set forth below and addressed as follows or at such other address as any Party may from time to time specify to the other Parties in writing and shall be effective at the time of personal delivery, facsimile/email transmission, or mailing upon notification of delivery by a recognized overnight delivery service or the United States Postal Service.

Elected officials not to benefit. No member of or delegate to Congress or a staff member to a member or delegate to Congress shall be entitled to any share or part of this MOU, or to any benefit that may arise from it.

Availability of funds. Implementation of this MOU by the Service is subject to the requirements of the Anti-Deficiency Act and the availability of appropriated funds. Nothing in this MOU will be construed by the Parties to require the obligation, appropriation, or expenditure of any money from the U.S. Treasury. The Parties acknowledge that the Service will not be required under this agreement to expend any appropriated funds unless and until an authorized official of that agency affirmatively acts to commit to such expenditures as evidenced in writing.

Duplicate originals. This MOU may be executed in any number of duplicate originals. A complete original of this MOU shall be maintained in the official records of each of the Parties hereto.

No third-party beneficiaries. Without limiting the applicability of rights granted to the public pursuant to the ESA or other Federal law, this MOU shall not create any right or interest in the public, or any member thereof, as a third-party beneficiary hereof, nor shall it authorize anyone not a Party to this MOU maintain a suit for personal injuries or damages pursuant to the provision of this MOU. The duties, obligations, and responsibilities of the Parties to this MOU with respect to third parties shall remain as imposed under existing law.

Amendment. This MOU may be amended upon written agreement of all Parties. The Party proposing the amendment shall provide a statement of the reasons for the amendment and an analysis of its environmental effects.

Termination. Any Party may terminate its participation in this MOU at any time. Any termination shall be made in writing. If not terminated sooner, this MOU will end upon agreement of all Parties once the EIS is final and the Service issues the ROD. Agencies may submit requests to be signatories to the June 30, 2010 MOU for Mexican Wolf Reintroduction within the AZ-NM Experimental Population Area for full participation and involvement in the Mexican wolf reintroduction project.

See http://www.fws.gov/southwest/es/mexicanwolf/pdf/MW_MOU.pdf for the current MOU.

Principal Contacts. The principal contacts for this MOU are:

i. United States Fish and Wildlife Service

Attn: Sherry Barrett
New Mexico Ecological Services Field Office
2105 Osuna NE
Albuquerque, New Mexico 87113
Phone: 505-761-4748

ii. Apache County, Arizona

Attn: Doyel Shamley
Apache County Natural Resources Coordinator
P.O. Box 940
Eager, Arizona 85925
Phone: 928-333-5999

iii. Catron County Board of Commissioners, New Mexico

Attn: Dr. Alex Thal
Catron County Natural Resources Coordinator

P.O. Box 2296
Silver City, New Mexico 88062
Phone: 575-388-7987

iv. Cibola County, New Mexico
Attn: Rheganne Vaughn
Chief Operations Officer/Assistant County Manager
515 W. High Street
Grants, New Mexico 87020
Phone: 505-287-9431

v. Cochise County, Arizona
Attn: James E. Vlahovich,
Deputy County Administrator
1415 Melody Lane, Building G
Bisbee, Arizona 85630
Phone: 520-559-3664

vi. Coconino County, Arizona
Attn: Cynthia Seelhammer
County Manager
219 Cherry Avenue
Flagstaff, Arizona 86001
Phone: 928-679-7130

vii. Gila County, Arizona
Attn: Ms. Jacque Griffin
Assistant County Manager
1400 E. Ash Street
Globe, Arizona 85501
Phone: 928-402-8770

viii. Grant County, New Mexico
Attn: Jon Paul Saari
County Manager
PO Box 898
Silver City, New Mexico 88062
575-574-0008

ix. Hidalgo County, New Mexico
Attn: Darr Shannon

Chairman, Hidalgo County Commission
300 Shakespeare Street
Lordsburg, New Mexico 88045
Phone: 575-542-9341

x.Lincoln County, New Mexico
Attn: Nita Taylor
County Manager
PO Box 711
Carrizozo, New Mexico 88301
Phone: 575-648-2385 ext. 101

xi.Los Alamos County, New Mexico
Attn: Harry Burgess
County Administrator
1000 Central Avenue, Suite 320
Los Alamos, New Mexico 87544
Phone: 505-663-1750

xii.Luna County, New Mexico
Attn: Charles "Tink" Jackson
Chair, Wolf Advisory Committee
P.O. Box 844
Deming, New Mexico 88031
Phone: 575-546-2851

xiii.McKinley County, New Mexico
Attn: Mr. Douglas W. Decker
McKinley County Attorney
P.O. Box 70
Gallup, New Mexico
Phone: 505-722-3868

xiv.Mora County, New Mexico
Attn: Rebecca Montoya
County Manager
PO Box 580
Mora, New Mexico 87732-0580
Phone: 575-387-5279

xv.Mohave County, Arizona

Attn: Karl Taylor
Planning Manager
700 West Beale Street
Kingman, Arizona 86402
Phone: 928-757-0903 ext. 5823

xvi. San Juan, New Mexico
Attn: Joanne Thomas
Administrative Assistant/Executive Office
1000 S. Oliver Drive
Aztec, New Mexico 87410
Phone: 505-334-4271

xvii. San Miguel County, New Mexico
Attn: Alex Tafoya
Planning and Zoning Supervisor
500 W. National Ave., Suite 203
Las Vegas, New Mexico 87701
Phone: 505-425-7805

xviii. Santa Cruz County, Arizona
Attn: Carlos Rivera
County Manager
2150 North Congress Drive
Nogales, Arizona 85621
Phone: 520-375-7812

xix. Santa Fe, New Mexico
Attn: Ambra Garcia
Executive Assistant
102 Grant Avenue
Santa Fe, New Mexico 87504
Phone: 505-986-6200

xx. Sierra County, New Mexico
Attn: Mark Huntzinger
County Manager
855 Van Patten
Truth or Consequences, New Mexico 87901
Phone: 575-894-6215

xxi. Valencia County, New Mexico
Attn: Yvette Tabor
Administrative Assistant, County Managers Office
PO Box 1119
Los Lunas, New Mexico 87031
Phone: 505-866-2014

Initiation. This MOU becomes effective upon written concurrence by the referenced signatory Parties below.

IN WITNESS WHEREOF:

The Parties hereto have executed the MOU as of the dates shown below.

Tom M. White, JR, Chairman
Apache County Board of Supervisors, Arizona

Date

Glyn Griffin, Chairman
Catron County Board of Commissioners, New Mexico

Date

Edward Michael, Chairman,
Cibola County Board of Commissioners, Arizona

Date

Ann English, Chair,
Cochise County Board of Supervisors, Arizona

Date

Liz Archuleta, Chair,
Coconino County Board of Supervisors, Arizona

Date

Michael A. Pastor, Chair,
Gila County Board of Supervisors, Arizona

Date

Brett Kasten, Chairman,
Grant County Board of Commissioners, New Mexico

Date

Darr Shannon, Chair,
Hidalgo County Board of Commissioners, New Mexico

Date

Jackie Powell, Chairwoman,
Lincoln County Board of Commissioners, New Mexico

Date

Geoff Rodgers, Council Chair,
Los Alamos County Council Members, New Mexico

Date

Javier Diaz, Chairman,
Luna County Board of Commissioners, New Mexico

Date

Genevieve Jackson, Chair,
McKinley County Board of Commissioners, New Mexico

Date

John P. Olivas, Chairman,
Mora County Board of Commissioners, New Mexico

Date

Gary Watson, Chairman,
Mohave County Board of Supervisors, Arizona

Date

Scott Eckstein, Chairman,
San Juan County Board of Commissioners, New Mexico

Date

Nicolas T. Leger, Chairman,
San Miguel County Board of Commissioners, New Mexico

Date

Manuel Ruiz, Chairman,

Date

MOU Between Arizona & New Mexico Counties and the U.S. Fish and Wildlife Service

Re: EIS development (09-03-13)

Santa Cruz County Board of Supervisors, Arizona

Kathy Holian, Chair,
Santa Fe County Board of Commissioners, New Mexico

Date

Walter Armijo, Chairman,
Sierra County Board of Commissioners, New Mexico

Date

Charles Eaton, Chair,
Valencia County Board of Commissioners, New Mexico

Date

Benjamin N. Tuggle, Director, Region 2
U.S. Fish and Wildlife Service

Date



www.lincolncountynm.net

County of Lincoln

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

AGENDA ITEM NO. 8

September 6, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Naming of the Lincoln County Medical Center's new Physician's Office Building

Purpose: To consider the formal name for the new physician's office building.

Discussion: Lincoln County Medical Center administration has recommended formally naming the newly constructed physician's office building the "Lincoln County Medical Office Complex", and requests concurrence from the Commission.

RECOMMENDATION: Approve the name "Lincoln County Medical Office Complex".

Agenda Item No. 9
September 9, 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

September 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. Sale of property reported by county treasurer with liens satisfied.
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. Stipulated notice of dismissal with prejudice 8/20/13.
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. Sale confirmed 12/8/11.
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. Deficiency Judgment filed 5/2/13 in favor of NM Ranch Sales

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. Report of sale 6/12/12; release of lien, county payment of taxes and sale of property confirmed by county assessor and Bank of Clovis
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. Deficiency Judgment in favor of NM Ranch Sales filed October 4, 2012.
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. Order granting motion for resetting 4/17/13. Waiting on courtdate.
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. *Stipulated and Default Judgment, Decree for Foreclosure, Order of Sale, and Appointment of Special Master, entered by the Court on 8-12-13. L.C.'s lien was not extinguished and is still a valid lien against the subject property. Notice of sale scheduled 9/17/13.
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. *Order Granting ALW&SD's Motion for Judgment on the Pleadings and for Summary Judgment entered by the court on 6-15-13. August 21, 2013 was the deadline for GSWA to file its Notice of Appeal. *In the process of scheduling mediation and determining between Walker or White as mediators.
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. Defendant's first motion to dismiss or Summary Judgment filed 8/29/13.
15. **Washington Federal Savings v. Timothy Rose; Chanda Rose; and Lincoln County D-1226-CV-2013-00105.* Suit filed April 15, 2013. Complaint for Foreclosure. *July 29, 2013 Ltr to Bishop, White, Marshall & Weibel, P.S. advising of payoff amount through Aug. 5, 2013. Lots 139, 169, 170 paid in full. Partial Release of Lien is on file.

16. *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.
17. **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. *June 17, 2013 Trial continued - Defendant given 60 days to complete clean up of property. Non-Jury hearing set for 10/1/13.
18. ** Steven Miller, et al. v. State Forestry Division, NM Energy, Minerals, and Natural Resources Department, County of Lincoln, et al. D-1226-CV-2013-00160.* Suit filed June 15, 2013. Lincoln County Manager and Commissioners served July 9, 2013. Complaint for Negligence, Injury and Damages. *On August 2, 2013, NMAC advised Attorney Bryan Evans has been assigned as counsel for Lincoln County. Waiting on court to assign new judge 8/27/13.
19. ** Barbara Diane Latham, et al v. Neal Cox, Ben Hazen, Lincoln County Sheriff's Department and the County of Lincoln. D-1226-CV-2013-00191.* Suit filed July 19, 2013. Complaint for Violation of Civil Rights, Wrongful Death and Damages by Attorney Gary Mitchell. LCSO and LC Manager were served on August 5, 2013. Tort Claim Notice was filed on October 27, 2011. Advised NMAC has assigned the case to Brennan and Sullivan Law Firm 9/5/13. Case has been moved to Federal Court.
20. **State of New Mexico (Lincoln County) v. Erma Jim* (need approval to proceed with filing of Complaint prepared by Deputy David Hightower for possession of a Samsung cell phone with a charged cell phone battery contrary to L.C. Ordinance No. 2011-01.
21. **State of New Mexico (Lincoln County) v. Leandra Pino* (need approval to proceed with filing of Complaint prepared by Deputy David Hightower for possession of a Samsung cell phone with a charged cell phone battery contrary to L.C. Ordinance No. 2011-01.
22. **State of New Mexico (Lincoln County) v. Michael Mitchell* (need approval to proceed with filing of Complaint prepared by Deputy David Hightower for possession of a Samsung cell phone with a charged cell phone battery contrary to L.C. Ordinance No. 2011-01.

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. Borrego 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.