

COUNTY OF LINCOLN
New Mexico
Regular Meeting
Board of County Commissioners

Eileen M. Sedillo, Chairwoman
Mark Doth, Member
Tom Battin, Member
Glenna N. Robbins, Treasurer
Rhonda B. Burrows, Clerk

Jackie Powell, Vice-Chairwoman
Kathryn L. Minter, Member
R.E. "Rick" Virden, Sheriff
Paul Baca, Assessor
Stirling Spencer, Interim Probate

Nita Taylor, County Manager

Agenda

Commission Chambers, Tuesday, September 18, 2012 @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- August 21, 2012, Regular Commission Meeting
7. Approval of Consent Agenda
 - A. Payroll/Accounts Payable/Budget/ Expenditures
 - B. Treasurer's Financial Report for the Month ending August 31, 2012
8. Green Tree Solid Waste Update
9. Smokey Bear District Ranger Update
10. Consideration of Approval or Disapproval of Indigent Health Care Claims
11. Manager's Report
12. Water issues/Forest/Wildlife Health Programs/Land and Natural Resources Advisory Committee (LANRAC)
13. **9:00 A.M.:** Public Hearing to consider the approval of T-Mobile USA, Inc.'s Application for special use permit for wireless telecommunication facility
14. Secure Rural Schools & Communities Act (SRSCA) Requirements

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

15. Final Adoption Approval of Infrastructure Capital Improvement Plan (ICIP) FY 2014-2018 & Resolution 2012-10
16. Resolution 2012-11 Amending Resolution 2012-9 – NMDOT Cooperative Road Programs
17. **Tabled** – Consideration of Development Agreement – Avalon Forest
18. Citizenship Day & Constitution Week Proclamation
19. **1:00 P.M.:** PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY OFFICIALS (Items are for discussion only – no action will be taken)
20. **1:30 P.M.:** Public Hearing to consider the final adoption of the Lincoln County Mitigation Plan
21. Presentation on NMAC legislative priorities for 2013
22. Authorization to Schedule Public Hearing to Consider Other Outdated or New Lincoln County Ordinance
 - A. Modifications to Wireless Communications Facilities Ordinance 2007-3
23. APPROVAL OF LODGERS' TAX ACTIVITIES WITH BACKUP MATERIAL:
 - A. Application 1686: Funding Request: \$2,499.00; Purpose: 1 Yr. Contract for 3 1/3 page ads; Date(s) of Event: True West Magazine FY 2012-2013; Presenter: David Vigil
 - B. Application 1684: Funding Request: \$12,000.00; Purpose: Ruidoso Billy the Kid Country Pocket Guide; Date(s) of Event: Pocket Guide; Presenter: Gina Kelly/Village of Ruidoso
 - C. Application 1685: Funding Request: \$20,000.00; Purpose: Billy the Kid Country Media Tour; Date(s) of Event: Spring 2013; Presenter: Gina Kelley/Village of Ruidoso
24. Consideration of Appointments and Removals from Boards/Commissioners/Committees:
 - A. **Tabled** – Land and Natural Resources Advisory Committee
 - B. **Tabled** – Road Review Advisory Committee
 - C. **Tabled** – Planning Commission
25. 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).
26. Signing of Official Documents
27. Next meeting: October 16, 2012 Regular Commission Meeting
28. Adjournment

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

AGENDA DOCUMENTATION
September 18, 2012

Agenda Item No. 6

SUBJECT

Approval of Minutes

ACTION REQUESTED BY

County Clerk

ACTION REQUESTED

To be determined

BACKGROUND

1. August 21, 2012, Regular Commission Meeting

1 **COUNTY OF LINCOLN**

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

5
6 **Eileen M. Sedillo**, Chair
7 **Jackie Powell**, Vice Chair

Kathryn Minter, Member
Mark Doth, Member
Tom Battin, Member

8
9 **Minutes**
10 **Tuesday, August 21, 2012**

11
12 Minutes of the Regular Meeting of the Lincoln County Commission held at 8:30 AM on August
13 21, 2012 in the County Commission Chambers, Lincoln County Courthouse, in Carrizozo, New
14 Mexico.

15
16 **1. Call to Order**

17
18 Chair Sedillo called the Regular Meeting of the Board of County Commissioners to order at
19 8:30:17 AM.

20
21 **2. Roll Call**

22
23 **Roll Call.**

24 **Present:** Chair Sedillo, Commissioner Minter, Commissioner Powell, Commissioner Doth.
25 **Absent/Excused:** Commissioner Battin.

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

29
30 **3. Invocation**

31
32 The invocation was presented by Pastor Jean Riley

33
34 **4. Pledge of Allegiance**

- 35
36 A. Pledge – U.S. A. Flag – Commissioner Minter
37 B. Salute – N.M. Flag – Commissioner Powell

38
39 **5. Approval of Agenda**

40
41 **Motion:** Acceptance of the Agenda and authorized the Chair to move items as necessary.

42 **Action:** Approve. **Moved by** Commissioner Powell, **Seconded by** Commissioner Minter.

43 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 4).

44 **Yes:** Chair Sedillo, Commissioner Doth, Commissioner Minter, Commissioner Powell.

45 **Absent:** Commissioner Battin.
46
47

48 **6. Approval of Minutes**

49
50 July 13, 2012, Emergency Commission Meeting
51 July 26, 2012, Regular Commission Meeting
52 August 14, 2012, Special Commission Meeting
53

54 **Motion:** Approve the minutes of the July 13, 2012 Emergency Meeting; the July 26, 2012
55 Regular Meeting; and the August 14, 2012 Special Meeting.

56 **Action:** Approve. **Moved by** Commissioner Minter, **Seconded by** Commissioner Powell.

57 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 4).

58 **Yes:** Chair Sedillo, Commissioner Doth, Commissioner Minter, Commissioner Powell.

59 **Absent:** Commissioner Battin.
60

61 **7. Approval of Consent Agenda**

- 62
63 A. Payroll/Accounts Payable/Budget/ Expenditures
64 B. Treasurer's Financial Report for the Month ending July 31, 2012
65

66 **Motion:** Approval of Consent Items as presented. **Action:** Approve. **Moved by**
67 Commissioner Powell, **Seconded by** Commissioner Minter.

68 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 4).

69 **Yes:** Chair Sedillo, Commissioner Doth, Commissioner Minter, Commissioner Powell.

70 **Absent:** Commissioner Battin.
71

72 **SEE EXHIBIT A:** Copies of Consent Items are attached hereto in reference thereto made a part
73 hereof.
74

75 **13. Manager's Report**

76
77 Nita Taylor, County Manager presented an estimated projected balance to be received by the
78 County for the Business Retention Gross Receipts Tax.
79

80 **1. Business Retention Gross Receipt (3/16th) Tracking:**

81
82 **Business Gross Receipt Tax Collection for FY12**

<u>Business Activity Month</u>	<u>Amount</u>	<u>Reporting & Collection</u>
84 July	\$ 86,567	8.31.2011
85 August	\$ 81,314	9.30.2011
86 September	\$ 72,669	10.31.2011
87 October	\$ 61,132	11.30.2011
88 November	\$ 63,984	12.31.2011
89 December	\$ 83,853	1.31.2012
90 January	\$ 65,132	2.29.2012
91 February	\$ 61,206	3.31.2012
92 March	\$ 73,130	4.30.2012
93 April	\$ 63,532	5.31.2012
94 May	\$ 66,915	6.30.2012
95 June	\$ 78,841	7.31.2012
96		
97 Total YTD	\$ 858,276	
98 Average Month	\$ 71,523	

99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149

Total FY12	\$ 858,276	
Projected Balance to County	\$ 108,276	9.30.2012

Chair Sedillo questioned if the BRT Projected Balance to the County had been included in the budget for 2012-2013. Glenna Robbins, County Treasurer confirmed an estimated amount had been included in the budget.

Commissioner Doth questioned if a process had been established for the disbursement of funds to the County. Ms. Robbins informed her office had received payments of penalties and interest from DFA in a fashion similar to other disbursements. Ms. Robbins anticipated disbursement of the balance of the BRT funds to the County in September.

2. Annual Audit

The Manager informed auditors would be on-site the week of September 4th; the audit would go to the State Auditor the first week in October, and there would be a final review with the County in early November. The Manager reminded if the County received over \$500,000 in federal funding a single audit would be required. The Manager presented a summary of federal grants which illustrated receipts of approximately \$1.5 million in FY 2011-12.

3. Property Acquisitions and Permits

a. **Ft. Stanton – Fire Station.** The Manager reported working with Hubert Quintana of SNMEDD and Rudy Acosta of State Monuments to acquire a long term lease for the land for the new fire station. Mr. Quintana prepared a draft Memorandum of Agreement which mirrored prior agreements enacted in similar situations. The Manager informed a meeting had been planned in the near future to finalize the MOA and noted the timing of the agreement would be in sync with the receipt of the State legislative allocation;

b. **Carrizozo – Sr. Center.** The Manager stated the Planning Director had obtained permits for demolition of the current building on site and confirmed all requirements to develop the site had been identified, initiated, and/or completed. Maintenance had removed doors and windows from the old building for potential sale by on-line auction. The Manager stated the Road Department would begin demolition within the week and discussed the County Attorney's efforts to work with the City of Carrizozo to determine the feasibility of burying material on-site.

Commissioner Minter questioned the process to bury materials on site. Alan Morel, County Attorney reported the cost of hauling debris to the dump in Otero County would be several hundred thousand dollars. Attorney Morel reported the plan to bury debris had been reviewed and approved by the NM Environmental Department. Attorney Morel stated materials consisting mostly of brick and concrete would be buried under the planned parking area behind the future building site.

The Manager informed Ada Hendryx, Senior Citizens Director had submitted a Capital Outlay Request package for the new center to the Aging and Long Term Services Department and the Non-Metro Area Agency on Aging. The new construction request of \$900,000 had been estimated based on the cost of a similar sized facility completed in 2011. The Capital Outlay request specified Lincoln

150 County would apply for CDBG funding in the amount of \$500,000 and seek a
151 legislative appropriation for the balance of \$400,000. The Aging and Long Term
152 Services Department and the Non-Metro Area Agency on Aging had reviewed all
153 requests and rated the Lincoln County request as a "Critical Need". The Manager
154 stated a GOB Capital Appropriation Contract No 2012-1161 in the amount of
155 \$50,000 had been received for planning and design of the facility. The Manager
156 noted the appropriation reversion date of 6/30/2014 and recommended the design
157 funds be expended at this time with reimbursement from the State upon completion
158 of this process. The Manager provided copy of an estimate of design costs provided
159 by Dekker/Perich/Sabatini.
160

161 **c. Carrizozo – County Complex Expansion.** The Manager stated Basic IDIQ was
162 working with DPW Architects out of Lubbock to commence design of the County
163 Complex Expansion. The Manager stated District Court, the Sheriff's Department
164 and other impacted departments were providing input on design specifics and the
165 City of Carrizozo had been cooperative with design and zoning discussions.
166

167 **d. Ruidoso – Lincoln County Medical Center Professional Office Building**
168

169 The Manager reported on the process to vacate El Paso Road between the new
170 Professional Office Building (POB) and the Lincoln County Medical Center. The
171 Village of Ruidoso Planning & Zoning had reviewed the proposal and
172 recommended the actual roadway not be closed to through traffic and Lincoln
173 County assume enforcement of speed limits across the vacated area.
174

175 Curt Temple, Planning Director reported the Ruidoso Planning and Zoning Commission
176 recommendations had been in response to concerns voiced by the nearby school and
177 businesses in the area. Attorney Morel noted portions of the road had been vacated by
178 other businesses and a church. Mr. Temple suggested since the existing easement was
179 100 feet; perhaps a 50 foot portion could be vacated. Attorney Morel questioned if the
180 County would want to assume ownership through vacation of the road or if it was more
181 desirable to leave the road open and seek a partial vacation. There was a general
182 consensus the preferred option was to vacate and close the road but not to accept
183 ownership without control. Commissioner Minter objected citing concerns for increased
184 traffic on the road going to the school. Attorney Morel reminded if the County did not own
185 the road it would be unlikely the Village would allow raised speed bumps and other traffic
186 controls to be installed. Attorney Morel stated this was a liability issue which would need
187 to be resolved.
188

189 The Manager stated due to decreased water pressure in the Village,
190 Dekker/Perich/Sabatini had recommended a Fire Flow Test be conducted to
191 ensure water pressure would be adequate to handle a fire emergency at the POB.
192 The Manager stated the finding was one of adequacy.
193

194 Dekker/Perich/Sabatini discovered the Village of Ruidoso required the installation
195 of a cistern system for all new commercial projects. The Manager reported the
196 options were an in ground or above ground tank to be used for landscaping. The
197 Manager stated the architect's preference would be to install an underground tank
198 in the parking area with a control panel to interface with the sprinkler controls and
199 a pump.
200

201 Mr. Temple discussed the Village of Ruidoso cistern requirements and informed, as there
202 were no specific code requirements, the requirement could be satisfied in a number of
203 ways depending on the amount the County would like to spend. After discussion, there
204 was a general consensus to proceed with a cost analysis of the water costs associated with
205 landscaping with or without a cistern system.
206

- 207 e. **Ruidoso – Public Health Dept. Clinic.** The Manager informed the facility Nurse
208 Manager had been in contact regarding numerous building defects which included
209 basement leaks and severely cracked walls. The Manager stated the building had
210 been completed in 2005 by Longhorn Construction and she would continue to
211 research solutions.
212

213 Commissioner Doth recommended the County begin to get estimates on necessary repairs to
214 the Public Health Office. Ms. Taylor stated she would work with Orlando Samora, Purchasing
215 Agent to develop a Request For Proposal for the repairs.
216

217 **4. Grant Opportunities**

- 218
219 a. Dave Warnack, Ranger for Smokey Bear District of Lincoln National Forest notified
220 the Manager and other key stakeholders of funds available for Lincoln County
221 through the *Secure Rural Schools Title II Grant*. The Manager reported two requests
222 for funding had been submitted:
223

224 1. Rehabilitation of the Rio Bonito Watershed – submitted by South Central
225 Mountain RC&D in the amount of \$124,600. The proposed project would begin
226 watershed rehabilitation work on private property along the Rio Bonito south of
227 Bonito Lake. The work would supplement similar work conducted on public lands.
228

229 2. Cora Dutton Maintenance Project – submitted by Smokey Bear Ranger District
230 in the amount of \$54,000. The county match would be \$5,000 in-kind road work.
231 The goals of this project are to reduce environmental impacts caused by erosion,
232 runoff, and dust/air pollution along a road used to access the Lincoln National Forest,
233 private land and two major State Highways.
234

- 235 b. *Lincoln County WUI* – submitted by Lincoln County through the coordination of State
236 Forestry in the Amount of \$299,198 for the Alto/Nogal/Angus area. This project
237 would involve the mechanical thinning of 173 acres, on multiple pieces of privately
238 owned land, with funds allocated on a first come-first served basis.
239

- 240 9. Greentree Solid Waste Authority. The Manager provided copy of a letter received
241 from GSWA Chairman Sam Hammons regarding the possibility of the Alto Lakes
242 Water and Sanitation District assuming solid waste collection responsibility within
243 their own jurisdiction. The Manager stated the letter had detailed several concerns
244 including a reduction in residential revenues of approximately 33% and a change in
245 the utilization of these dumping sites for citizens who now access them. Chairman
246 Hammons referenced legal obligations of the County through GSWA, possible
247 financial hardship on county solid waste operations, and negative impact on county
248 citizens. Chairman Hammons requested a meeting with County Manager and any
249 Commissioners who wished to participate.
250

251 10. The Manager provided copy of an article from the Magazine for International Truck
252 Owners and Operators titled "Rescue Ready – International Trucks Respond to

253 Emergency Calls in New Mexico", featuring Lincoln County Volunteer Fire
254 Departments.
255

256 **11. Upcoming Events/Deadlines**

- 257
- | | |
|---|---|
| 258 a. August 23 rd | Cell Tower Site Inspections with Mel Patterson (T-mobile) |
| 259 b. August 21 st - 24 th | Treasurer's Affiliate meets in Lincoln County |
| 260 c. August 24 th | Manager participates in Sole Community Property Mtg. |
| 261 d. August 27 th | Lincoln County OES / Village of Ruidoso OES meeting |
| 262 f. August 28 th | 57 th Annual NM Water Conference. |
| 263 g. August 31 st | Complete thank-you notes to Little Bear Fire partners. |
- 264

265 **8. Green Tree Solid Waste Update**

266

267 Debra Ingle, Operational Supervisor reported two final compactor sites had been selected on
268 Airport Road in the Alto Area and at Tinnie. Ms. Ingle stated GSWA continued to work with the
269 New Mexico Department of Transportation to identify a potential second compactor site on
270 Highway 37.

271

272 Ms. Ingle reported GSWA continued to work with property owners to clean up sites after the
273 Little Bear Fire. Ms. Ingle stated GSWA had completed clean up on 157 home sites to date.

274

275 Ms. Ingle discussed a recent notification from the Alto Lakes Water and Sanitation District of
276 their intent to terminate services by GSWA and to contract out services for waste collection.
277 Ms. Ingle stated there would be a significant impact on GSWA's operations including loss of
278 revenue and potential impact to nearby disposal sites. Ms. Ingle stated there were several
279 subdivisions outside of the Alto Lakes WSD which would then require a separate service site in
280 the area.

281

282 Ms. Ingle requested the County, as a member of the Authority, participate in upcoming
283 discussions and negotiations with the Alto Lakes WSD. Ms. Ingle informed GSWA had
284 appointed a three member group consisting of herself, a consultant to GSWA, and GSWA's
285 attorney to represent the Authority. Attorney Morel suggested a first meeting with
286 representatives from the County, GSWA, and the Alto Lakes WSD rather than scheduling a
287 Special Commission Meeting.

288

289 Ms. Ingle informed Alto Lakes WSD had solicited bids for services and GSWA was in the
290 process of developing a proposal for consideration by that board. Ms. Ingle expressed
291 optimism with the outcome of GSWA's proposal and stated at this point she was simply bringing
292 concerns before the Board of Commissioners. There was a general consensus Commissioner
293 Minter, Attorney Morel, and the County Manager would represent Lincoln County at future
294 meetings on this issue.

295

296 **9. Smokey Bear District Ranger Update**

297

298 Ms. Taylor presented a written update provided by Ranger David Warnack. Ms. Taylor
299 informed based on the update the Burned Area Emergency Response (BAER) team had
300 completed all seeding and mulching; several forest roads had been restored; hazard trees had
301 been cut along Ski Run Road; Buck Mountain Road, and Monjeau Lookout Road.

302
303 Ms. Taylor further reported the USFS was working with the NM Department of Game and Fish
304 to develop a plan to open portions of the fire area currently closed to the public in anticipation of
305 hunting season. Ranger Warnack had informed a decision on the refined closure would be
306 forthcoming in September.

307
308 Ms. Taylor reported private land owners had contacted her about the continued road closures in
309 the Bonito Area and expressed support for the review of current closures.

310
311 Ms. Taylor stated she had worked with Ranger Warnack and South Central RC&D to develop
312 proposals for presentation to the Resource Advisory Committee (RAC) for use of Title II funds.
313 Ms. Taylor stated potential projects included post fire fuel and watershed work on private lands
314 affected by the Little Bear Fire and a proposal to fund necessary road work on Cora Dutton
315 Road.

316
317 Chair Sedillo recessed the Regular Meeting and convened the Board of Finance at 9:36:57 AM.

318
319 **10. Board of Finance**

320
321 Glenna Robbins, Treasurer reported her office along with the Otero County Treasurer's office
322 would be hosting the NMAC Treasurer's Affiliate this week at the Inn of the Mountain Gods and
323 invited the Commissioners to attend. Ms. Robbins informed the Treasurer's Affiliate had
324 donated \$1000 to the Little Bear Fire relief effort.

325
326 Ms. Robbins provided a short summary of financial transactions associated with the Little Bear
327 Fire. Ms. Robbins informed at the end of June expenditures in the amount of \$329,355 had
328 accrued and this required a transfer from the General Fund to close out Fiscal Year 2011-2012.

329
330 Ms. Robbins reported the County had received the \$254,421 loan awarded by the Department
331 of Finance on July 12, 2012. Ms. Robbins stated as of August 15, 2012 actual expenditures
332 from the County's Disaster Relief Fund totaled \$1,234,358. Ms. Robbins discussed the
333 expectation of receipt of \$750,000 from either the NM Department of Homeland Security or from
334 FEMA. Ms. Robbins stated the total expenditures less the DFA loan and the \$750,000 award
335 would leave a remaining negative balance of \$229,936. Ms. Robbins discussed the required
336 match as being \$250,000 for State funds or \$125,000 if FEMA funding was received. Ms.
337 Robbins stated these figures did not reflect in kind expenses which could be used to meet either
338 requirement for matching funds. Ms. Robbins anticipated the in kind services would be
339 extensive and there would be a potential to recoup all expenditures if a FEMA declaration was
340 received.

341
342 Ms. Robbins stated because of the prudent and conservative management of the County over
343 time the overall impact was not concerning as the County had built up reserves to draw on. Ms.
344 Robbins noted there would be a loss of some interest income as a result of investments being
345 reduced. Ms. Robbins stated she would provide additional updates to the Board of Finance on
346 these matters.

347
348 Commissioner Minter reminded all expenses incurred by the Commissioners for travel to
349 Special Meetings could be added to in kind services as could expenses incurred by private
350 landowners.
351

352 Ms. Robbins addressed an earlier question regarding the Business Gross Receipts Tax and
353 informed the FY 2012-2013 budget contained a line item in the General Fund with budgeted
354 revenue of \$134,249 for the BRT.
355

356 Ms. Robbins provided a report for the Deer Park Valley Special Assessment District paving
357 project. Ms. Robbins stated the line item for the paving project reflected a zero balance on June
358 30, 2012 as the project had been completed. Ms. Robbins provided a second report of
359 payments received from assessed homeowners, interest, and other revenues. Ms. Robbins
360 noted the report also reflected the debt service payments which had been made.
361

362 Ms. Robbins informed 91 lot assessments had been paid in full, 108 were making semiannual
363 payments with interest; and 38 accounts were currently delinquent. Ms. Robbins informed she
364 had discussed a potential prepayment on the debt with Kevin Powers of RDC as the County
365 was carrying a large fund balance resulting from early payments. Ms. Robbins provided an
366 analysis prepared by Mr. Powers for a proposed prepayment amount of \$750,000. Ms.
367 Robbins informed a prepayment would reduce the final two payments on the debt by
368 approximately 50% which would result in an interest savings of \$493,000 for the County.
369

370 Commissioner Minter questioned if the savings from early payments could be passed to
371 property owners. Attorney Morel reported all property owners would still be required to pay the
372 assessment plus any interest accrued. Attorney Morel stated any savings resulting from a
373 prepayment would be used by the County to cover costs of unpaid accounts during the debt
374 service period. Ms. Robbins reported liens were in place and collections would continue on all
375 properties until paid. Ms. Robbins proposed the prepayment be made if the Board was in
376 agreement. No objections were raised.
377

378 Chair Sedillo adjourned the Board of Finance Meeting and reconvened the Regular Meeting at
379 9:51:40 PM.
380

381 **26. Letter to BLM In Support of SunZia Transmission Line Project**
382

383 Ms. Taylor presented a request from John Ryan with the SunZia Project for a letter from the
384 Board of Commissioners in support of the Bureau of Land Management's (BLM) preferred
385 alternative routed as identified in the Draft Environmental Impact Statement (EIS).
386

387 Ms. Taylor further informed Hanson Scott, Brigadier General, USAF (Ret) had provided a copy
388 of the White Sands Missile Range's most current comment on the Draft EIS. Ms. Taylor stated
389 this memo found the Draft EIS preferred route to be unacceptable to WSMR for a number of
390 reasons.
391

392 Ms. Taylor reminded the Board of Commissioners had adopted Resolution 2011-18 which
393 contained language referencing the fact that the Department of Defense (DOD) had indicated
394 the most northerly route would not conflict with their military missions in and around WSMR.
395

396 Ms. Taylor reported she had provided the information regarding the conflicting opinions from the
397 participating agencies to the Corona area residents for their information.
398

399 Miles Hall, Deputy Chief Counsel for WSMR stated the route recommended by WSMR was a
400 combination of several northern routes chosen to alleviate concerns about impact to ongoing
401 military missions in Socorro and Otero counties. Mr. Hall stated the more northerly routes in

402 Lincoln County did not have a direct impact on these military missions except as they connect to
403 the routes within Socorro and Otero counties.
404

405 Chair Sedillo expressed concerns about the necessity of taking action during this meeting as it
406 was her understanding the comment period for the Draft EIS ended the next day. After
407 research, Ms. Taylor informed the comment period would end on September 22, 2012.
408

409 Mr. Hall discussed the apparent conflict between the DOD's findings and the WSMR
410 recommendations. Commissioner Doth reminded BLM had chosen a route, done an
411 environmental impact study for that route, received approval from the DOD, and now faced
412 opposition to the route choice from WSMR as an agency of the DOD.
413

414 Mr. Hall stated the DOD had not advocated for a particular route but sought only to provide
415 information about the potential impact of the differing routes. Mr. Hall stated the DOD simply
416 wanted the Board of Commissioners to have all information available for their decision process.
417

418 Chair Sedillo suggested the item be tabled and stated the Resolution on record could stand as
419 the recommendation of the Board of County Commissioners if no action was taken.
420

421 Mr. Hall informed Dan Hicks, WSMR Chief of Staff would be able to provide a briefing similar to
422 the one he gave to BLM on the mission impacts to the Board of Commissioners.
423

424 **Motion:** Table the item until the meeting in September. **Action:** Table. **Moved by**
425 Commissioner Powell, **Seconded by** Commissioner Doth.

426 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 4).

427 **Yes:** Chair Sedillo, Commissioner Doth, Commissioner Minter, Commissioner Powell.

428 **Absent:** Commissioner Battin.
429

430 Chair Sedillo recessed the Regular Meeting at 10:13:33 AM and reconvened at 10:27:23 AM.
431

432 **11. Consideration of Approval or Disapproval of Indigent Health Care Claims** 433

434 Scott Annala, IHC Administrator presented the Sole Community Provider claims for approval.
435 Mr. Annala processed 49 claims with all 49 recommended for approval for a total authorization
436 of \$92,124.87.
437

438 Mr. Annala presented the Indigent Health Care Payments request for the month. Mr. Annala
439 processed 35 claims with 32 recommended for approval and 3 recommended for disapproval.
440 Mr. Annala stated the Indigent Health Care claims recommended for payment for the month
441 totaled \$12,889.42. Mr. Annala attributed the low number of claims processed to a shortened
442 time period between meetings and due to a number of pending claims awaiting Medicaid
443 denials for the new fiscal year.
444

445 Mr. Annala provided analysis which indicated the average monthly Indigent Health Care
446 payment for the last two fiscal years had been \$36,447 and \$21,651 with the average from the
447 first two months of this fiscal year being \$19,265 by comparison. Mr. Annala reported the
448 budget for this fiscal year was \$386,461.
449

450 Mr. Annala stated similarly the total yearly claims approved for Sole Community for the previous
451 years had been \$1,119,278 and \$1,201,132 respectively. Mr. Annala stated the Sole

452 Community Provider total claims for the FY 2011-2012 was \$242,222 with a monthly average of
453 \$121,111 and a total budget of \$1,003,040.

454
455 **Motion:** Approval and denial of the claims as indicated for Sole Community Provider and
456 Indigent Health Care Program payments as recommended. **Action:** Approve. **Moved by**
457 Commissioner Powell, **Seconded by** Commissioner Doth.

458
459 Commissioner Minter noted the total claim approved amounts for Sole Community Provider
460 claims had been trending upwards and questioned if this was due to a greater number of claims
461 or to increased costs per claim. Mr. Annala reported the trend was most likely due to a
462 combination of the two.

463
464 Chair Sedillo questioned how the cost of prisoner care was trending. Mr. Annala stated he
465 would research this question.

466
467 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 4).

468 **Yes:** Chair Sedillo, Commissioner Doth, Commissioner Minter, Commissioner Powell.

469 **Absent:** Commissioner Battin.

470
471 **SEE EXHIBIT B.** Copies of the Sole Community Provider and Indigent Health Care Payments
472 are attached hereto in reference thereto made a part hereof.

473
474 **12. Consideration and Action on Indigent Health Care New Provider Agreement No. 48**
475 **– PHI Air Medical**

476
477 Ms. Taylor presented the request by PHI Air Medical to become a Lincoln County Indigent
478 Health Care Provider.

479
480 Chair Sedillo questioned the current limit on payments for ambulance services. Mr. Annala
481 reported the maximum payment on ambulance claims for ground or air service was currently
482 \$500 per person per year. Mr. Annala informed the County currently had one other air
483 ambulance provider.

484
485 **Motion:** Approve IHC Provider Agreement No. 48 with PHI Air Medical. **Action:** Approve.

486 **Moved by** Commissioner Minter, **Seconded by** Commissioner Powell.

487 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 4).

488 **Yes:** Chair Sedillo, Commissioner Doth, Commissioner Minter, Commissioner Powell.

489 **Absent:** Commissioner Battin.

490
491 **14. Water issues/Forest/Wildlife Health Programs/Land and Natural Resources**
492 **Advisory Committee (LANRAC)**

493
494 Ms. Taylor reported no new water right notices for Lincoln County had been posted to the State
495 Engineer's web site.

496
497 Ms. Taylor reported there were no significant postings to the State Game and Fish web site for
498 Lincoln County.

499
500 Ms. Taylor stated the fire danger as reported by the Fire Behavior Research Center in Missoula,
501 Montana was "Low to Moderate" for Lincoln County.

502

503 Ms. Taylor provided a copy of the letter to the State Land Office on behalf of the Commissioners
504 regarding LANRAC recommendations on the matter of an assignment of agricultural leases to
505 private landowners.
506

507 **15. Tabled - Planning Commission Discussion/Approval of Modification to**
508 **Comprehensive Plan**
509

510 Curt Temple, Planning Director reported there were no substantial additions and most
511 recommendations for changes related to terminology.
512

513 Chair Sedillo recommended revisions to reflect the name change of Lincoln County Solid Waste
514 to Greentree Solid Waste Authority and to revise the listed status of the Capitan Landfill. Chair
515 Sedillo questioned if there were plans to for ongoing community education about the benefits of
516 recycling. Commissioner Doth commented on a shift of current opinion regarding the efficiency
517 of recycling and suggested the more current technology was biomass burning of recyclables.
518 Commissioner Minter informed currently the sale of recyclables by GSWA financed the process
519 and noted GSWA would place additional recyclable containers around the County.
520 Commissioner Doth clarified he was in favor of recycling but wanted to raise awareness of the
521 potential use of those materials for biomass burning for fuel.
522

523 **Motion:** Remove the item from the table. **Action:** Approve. **Moved by** Commissioner Doth,
524 **Seconded by** Commissioner Minter.

525 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 4).

526 **Yes:** Chair Sedillo, Commissioner Doth, Commissioner Minter, Commissioner Powell.

527 **Absent:** Commissioner Battin.
528

529 Commissioner Minter requested the specific reference to White Mountain Search and Rescue
530 within Chapter 11 be removed. Chair Sedillo also noted the lack of reference within the
531 document to the Village of Corona.
532

533 **Motion:** Approve the Comprehensive Plan modifications as discussed. **Action:** Approve.

534 **Moved by** Commissioner Minter, **Seconded by** Commissioner Powell.

535 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 4).

536 **Yes:** Chair Sedillo, Commissioner Doth, Commissioner Minter, Commissioner Powell.

537 **Absent:** Commissioner Battin.
538

539 **16. Adoption of Recovery Disaster Plan and Discussion**
540

541 Ms. Taylor informed the need for a Recovery Disaster Plan had been identified by the Texas
542 Type III Recovery Team assisting the County after the Little Bear Fire.
543

544 **Motion:** Adopt the Recovery Plan. **Action:** Approve. **Moved by** Commissioner Minter,
545 **Seconded by** Commissioner Powell.
546

547 Commissioner Doth questioned if the document could be regarded as a "living document" with
548 updates added later to areas noted as "to be determined" responses.
549

550 Travis Atwell, Emergency Services Director informed his office was working to identify particular
551 County employees which could be trained to complete particular responsibilities. Mr. Atwell
552 stated once responsibilities had been identified the plan would be updated to reflect those
553 commitments.

554
555 Ms. Taylor stated the County would be working to train multiple County employees for disaster
556 response. Mr. Atwell discussed the National Incident Management Training on line classes
557 which were available for employees. Mr. Atwell stated there were plans for a higher level three
558 day training for certain County employees in Incident Command procedures. Chair Sedillo
559 suggested trainings be scheduled every two years to capture new Commissioners. Ms. Taylor
560 suggested it be mandatory for County employees to take the online training and there was a
561 general consensus to implement this policy.

562
563 Commissioner Doth suggested the acronym definitions in the plan be updated and the South
564 Central RC& D added as a resource organization.

565
566 Chair Sedillo questioned what actions were planned to address the failure of local
567 communication systems during the Little Bear Fire. Mr. Atwell reported local communication
568 companies were working to install a secondary backup line into the area.

569
570 Ms. Taylor reported the County would also continue to develop methods to keep integral and
571 non integral individuals informed during emergencies. Chair Sedillo requested a detailed
572 County Employee Telephone Directory be established and updated continually.

573
574 Mr. Atwell reported the Carrizo repeater site was now fully operational with improved fire radio
575 communications in the area.

576
577 Beth Miller, resident of Ruidoso commented on the lack of information provided by local radio
578 stations during the fire. Ms. Taylor informed this problem would be a large part of the plan being
579 developed.

580
581 Ms. Taylor suggested Lincoln County work with the New Mexico Association of Counties and
582 the legislature to consider contracting for and implementing training for all public officials.
583 Commissioner Powell reported this idea had been advanced by a Santa Fe County
584 Commissioner as both a need and opportunity for general disaster responsiveness.

585
586 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 4).

587 **Yes:** Chair Sedillo, Commissioner Doth, Commissioner Minter, Commissioner Powell.

588 **Absent:** Commissioner Battin.

589
590 **17. Adoption of Operating and Evacuation Plan and Discussion**

591
592 Ms. Taylor reported as a result of key collaboration among many partners after the Little Bear
593 Fire an Interagency Flood Group and Incident Management Team had been established. Ms.
594 Taylor reported the team had developed an Operation and Flood Plan for Flood Management
595 within Lincoln County. Ms. Taylor stated while the plan had not been formally adopted,
596 processes were currently implemented such as the monitoring of stream flow and identification
597 of areas at risk for flooding.

598
599 Ms. Taylor recommended adoption of the plan as an amendment to the Lincoln County
600 Emergency Operating Plan and suggested the review of the Mitigation Plan be considered in
601 conjunction with this item.

602
603 **Motion:** Adopt the Operation and Evacuation Plan. **Action:** Approve. **Moved by** Commissioner
604 Minter, **Seconded by** Commissioner Powell.

605
606 Commissioner Doth discussed the reference to “evacuation routes to be announced” and
607 requested all possible evacuation routes be detailed at some point in the plan. Mr. Atwell stated
608 the plan for flooding would be to “shelter in place” until emergency personnel were able to clear
609 a route for evacuation. Commissioner Doth suggested this language be added to the plan.
610

611 Commissioner Doth suggested a shelter evacuation center be established in Capitan. Mr.
612 Atwell informed there were only two legal shelters at this time as a “legal shelter” was required
613 to be supported by the Red Cross. Chair Sedillo recommended the process be extended to
614 develop Memorandum of Understandings with all of the school districts within the County.
615 Commissioner Doth questioned if the LC Fairgrounds could be developed as an emergency
616 shelter. Mr. Atwell reported this had been discussed but at this time the fairgrounds were being
617 utilized for livestock evacuations.
618

619 Mr. Atwell reminded this plan was specific for flooding and was a base plan subject to change at
620 any time.
621

622 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 4).

623 **Yes:** Chair Sedillo, Commissioner Doth, Commissioner Minter, Commissioner Powell.

624 **Absent:** Commissioner Battin.
625

626 **24. Review of the Lincoln County Mitigation Plan**

627

628 Travis Atwell, Emergency Services Director informed Lincoln County had been awarded funding
629 in 2007 to develop a mitigation plan and a draft plan had been adopted in 2008 with ongoing
630 revisions. Mr. Atwell reported the final plan was under review by FEMA and in actuality was
631 required by that agency in order to receive any future FEMA funding.
632

633 Commissioner Doth noted further revisions might be required to address multiple issues
634 identified as a result of the Little Bear Fire such as the ongoing flooding issues.
635

636 Mr. Atwell stated the process required the plan as currently written and reviewed be approved
637 under current FEMA guidelines and the FEMA plan template. Mr. Atwell stated once the initial
638 plan had been approved by FEMA the County could continue to update the plan.
639

640 Commissioner Doth reminded Don Scott of the NM Department for Homeland Security had
641 informed that it had been nearly impossible to convince FEMA that mitigation planning for fire
642 and for post fire flooding should be done as one plan.
643

644 Chair Sedillo stated final adoption of the plan would be considered after public hearing at the
645 September meeting.
646

647 **28. Letter to BLM In Support of SunZia Transmission Line Project (continued)**

648

649 Leon Porter, member of the Corona Landowners group dealing with the SunZia project,
650 informed during the last round of public hearings a primary route had been identified and a
651 secondary more northern route had also been identified. Mr. Porter stated understanding
652 WSMR had requested the route be moved further north to accommodate their military missions.
653

654 Mr. Porter reported the WSMR request had the potential to increase the cost of development to
655 the point the project would not be feasible. Mr. Porter stated his group would request the

656 County continue to support the initial route identified which had been acceptable to the
657 Washington office of the Department of Defense.

658
659 Chair Sedillo stated her desire to support the landowner's choice. Chair Sedillo reminded from
660 earlier discussion the item would be revisited at the September meeting where both WSMR and
661 BLM representatives would have an opportunity to present information.

662
663 Patrice Brazie of the Lincoln County News questioned if there were any environmental group
664 opposition to the project. Mr. Porter reported there was some opposition on the Arizona side of
665 the project but in New Mexico the primary issue was with the route through WSMR.

666
667 **27. 11:30 A.M.: Inspection of the Lincoln County Detention Center/Lunch**

668
669 Ms. Taylor informed as per NMSA 33-33-4 "each governing body of a county or municipality
670 shall conduct an annual site visit to the jail or detention center under its jurisdiction to inspect
671 the overall conditions at the facility." Ms. Taylor reminded at the February 12, 2012 Regular
672 Meeting there had been discussion and a general consensus to visit the Detention Center on a
673 quarterly basis.

674
675 Chair Sedillo, Commissioner Minter, Commissioner Powell, Commissioner Doth, County
676 Manager Nita Taylor, along with various staff and media representatives agreed to inspect the
677 facility and accept the offer from Warden Arthur Anderson for lunch.

678
679 Chair Sedillo recessed the Regular Meeting at 11:45:45 AM and reconvened at 1:18:45 PM.

680
681 **28. 1:00 P.M.: PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY**
682 **OFFICIALS**

683
684 Ada Hendryx presented copy of a letter received from the Non-Metro New Mexico Area Agency
685 on Aging Services advising the Lincoln County Senior Program had been awarded incentive
686 funds in the amount of \$40,364. Ms. Hendryx informed the funds were to be used for enhancing
687 or expanding services or for necessary program operations. Ms. Hendryx attributed the award
688 to the hard work and dedication of the staff of the five senior centers operated by Lincoln
689 County.

690
691 Commissioner Minter questioned if the awarded funds could be used to offset architectural
692 costs for the new Senior Center to be built in Carrizozo. Ms. Hendryx stated she did not believe
693 this was the case as the award was specific to program operations but she would research the
694 question.

695
696 Rhonda Burrows, County Clerk informed she had received inquiries from County residents
697 about a telephone survey regarding candidates in the upcoming General Election. Ms. Burrows
698 stated the residents had expressed concern about the calls being made by "the County of
699 Lincoln". Ms. Burrows stated for the record that neither the County of Lincoln nor the Lincoln
700 County Clerk's office ever conducted any type of campaign or campaign related surveys.

701
702 Commissioner Powell commented on efforts by U.S. Congressman Heinrich and various
703 environmentalists who had begun a campaign to set aside additional federal lands.
704 Commissioner Powell voiced support for the County's position to oppose these efforts.

705
706

707 **18. Discussion on Fire Ordinance 2011-2**
708

709 Attorney Morel reminded during the July 26, 2012 Regular Meeting the Board of Commissioners
710 had voted to rescind Resolution 2011-41 which had declared a fire danger emergency in Lincoln
711 County. Attorney Morel stated at that time there had been discussion regarding the process in
712 place for the placement and removal of fire restrictions and there had been a general consensus
713 to review the Ordinance which had established current practice.
714

715 Chair Sedillo questioned if the Director of Emergency Services could lift a burn ban based on
716 conditions without requiring a Commission meeting for a formal vote. Attorney Morel reported
717 the Ordinance provided a process to allow for a burn permit by the County of Lincoln under a
718 temporary burn ban but recommended the Commission continue to retain the power of actually
719 lifting a complete ban.
720

721 Ms. Taylor suggested the County work to educate the public and County employees about the
722 process to issue a burn permit.
723

724 Patrice Brazie questioned if the Ordinance might allow for selective areas of applicability within
725 the County. Attorney Morel reported the Ordinance was not structured to be applied to selective
726 areas.
727

728 After discussion there was a general consensus to make no changes to the current ordinance.
729

730 **19. Collective Bargaining Agreement Renewal**
731

732 Ms. Taylor reported this agreement was traditionally renewed in June but she had received a
733 request from the Deputy Sheriff's Association to amend the current language which defined the
734 "normal workday to be eight hours for five days". Ms. Taylor stated the proposed amendment
735 would provide the Sheriff with the discretion to define a work week to include "ten hours for four
736 days"
737

738 Ms. Taylor presented an analysis of the financial implications of the requested change based on
739 the manpower hours required to provide twenty-four hour coverage seven days a week. Ms.
740 Taylor stated based on her analysis in order for the County to break even on revising the work
741 week other benefits would have to be reduced. Ms. Taylor therefore recommended no
742 changes made to the contract terms.
743

744 **Motion:** Approve the Collective Bargaining Agreement without the requested change. **Action:**
745 Approve. **Moved by** Commissioner Powell, **Seconded by** Commissioner Doth.

746 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 4).

747 **Yes:** Chair Sedillo, Commissioner Doth, Commissioner Minter, Commissioner Powell.

748 **Absent:** Commissioner Battin.
749

750 **20. Annual Inventory Certification Approval**
751

752 Ms. Taylor reported the beginning and ending non-depreciated and depreciated values of all
753 recorded fixed assets and of chattels and equipment valued at over \$5,000 as reported by
754 Michele Caskey, Inventory Specialist. Ms. Taylor requested approval of the Annual Inventory
755 Certification for The Accounting and Consulting Group.
756

757 **Motion:** Approve the Annual Inventory Certification. **Action:** Approve. **Moved by**
758 Commissioner Minter, **Seconded by** Commissioner Doth.

759
760 Commissioner Powell requested verification the beginning asset values were the same as the
761 ending values from the prior fiscal year as there had been a previous audit finding related to
762 these values being different. Ms. Taylor reported in past years the beginning amount reported
763 had been the non-depreciated balance and the ending amount had been the depreciated
764 balance. Ms. Taylor stated the County would now report both and stated the beginning
765 balances given were those reported as the ending balance in the prior fiscal year.

766
767 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 4).
768 **Yes:** Chair Sedillo, Commissioner Doth, Commissioner Minter, Commissioner Powell.
769 **Absent:** Commissioner Battin.

770
771 **21. Approval of on-line auction surplus county vehicles**

772
773 Ms. Taylor requested authorization to dispose of six county vehicles via online auction.
774
775 Attorney Morel called attention to a letter received from the State Fire Marshall which reminded
776 the County to conform to the State Procurement Code when disposing of vehicles. Attorney
777 Morel stated the Procurement Code may require notification of the vehicles being available to
778 other governmental and tribal agencies prior to any sale. Attorney Morel stated he would
779 research the matter and verify all notifications were made prior to any sale.

780
781 **Motion:** Approve the list of vehicles for auction. **Action:** Approve. **Moved by** Commissioner
782 Doth, **Seconded by** Commissioner Powell.
783 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 4).
784 **Yes:** Chair Sedillo, Commissioner Doth, Commissioner Minter, Commissioner Powell.
785 **Absent:** Commissioner Battin.

786
787 **22. Left Blank Intentionally**

788
789 **23. Acknowledge DFA Approval of Final Budget for FY 2013**

790
791 Ms. Taylor provided copy of the letter of approval of the Fiscal Year 2013 Final Budget received
792 from the New Mexico Department of Finance and Administration. Ms. Taylor directed attention
793 to the requirement for budgets approved by the agency to be made a part of the minutes of the
794 governing body.

795
796 **Motion:** Acknowledge receipt of approval of the Final Budget for FY 2013. **Action:** Approve.
797 **Moved by** Commissioner Doth, **Seconded by** Commissioner Powell.
798 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 4).
799 **Yes:** Chair Sedillo, Commissioner Doth, Commissioner Minter, Commissioner Powell.
800 **Absent:** Commissioner Battin.

801
802 **SEE EXHIBIT C:** Copies of the County of Lincoln Final Budget Fiscal Year 2013 is attached
803 hereto in reference thereto made a part hereof.

804
805
806

807 **25. Resolution 2012-9 Amending Resolution 2010-26 – NMDOT Cooperative Road**
808 **Programs**
809

810 Ms. Taylor stated when Resolution 2010-6 had been adopted and associated Cooperative
811 Agreements were finalized, the NM Department of Transportation (NMDOT) had estimated the
812 total cost for Lincoln County CAP projects to be \$187,500. Ms. Taylor reminded that once
813 completed the NMDOT reimburses the County for 75% of the total cost. Ms. Taylor further
814 explained that due to Road Department involvement in the emergency and recovery activities
815 tied to the Little Bear Fire, not all planned CAP projects were completed as originally scheduled.
816 Ms. Taylor stated this had created a short fall in the CAP dollars spent versus those allocated
817 and the NMDOT had authorized the County to substitute other road projects which had been
818 completed for CAP projects not yet completed in order for the County to receive reimbursement
819 based on the initially authorized level of \$187,500.
820

821 Ms. Taylor stated Resolution 2012-9 would accomplish the substitution of road projects which
822 had been completed and thus would allow for full payment by the DOT for the projects
823 authorized.
824

825 **Motion:** Adopt Resolution 2012-9. **Action:** Approve. **Moved by** Commissioner Minter,
826 **Seconded by** Commissioner Powell.
827

828 Commissioner Powell questioned if the incomplete projects would be added to the current
829 year's list of road projects. Ms. Taylor reported any reimbursement would be used to complete
830 the original projects. Commissioner Powell voiced appreciation for DOT's offer in consideration
831 of the Little Bear Fire.
832

833 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 4).

834 **Yes:** Chair Sedillo, Commissioner Doth, Commissioner Minter, Commissioner Powell.

835 **Absent:** Commissioner Battin.
836

837 **SEE EXHIBIT D:** Copy of the Resolution 2012-09 is attached hereto in reference thereto made
838 a part hereof.
839

840 **29. Authorization to Schedule Public Hearing to Consider Other Outdated or New**
841 **Lincoln County Ordinance**
842

843 A. Lincoln County Mitigation Plan for September Commission Meeting
844

845 **Motion:** Schedule Public Hearing for Lincoln County Mitigation Plan for the September Regular
846 Meeting. **Action:** Approve. **Moved by** Commissioner Powell, **Seconded by** Commissioner
847 Doth.

848 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 4).

849 **Yes:** Chair Sedillo, Commissioner Doth, Commissioner Minter, Commissioner Powell.

850 **Absent:** Commissioner Battin.
851

852 **30. APPROVAL OF LODGERS' TAX ACTIVITIES**
853

854 A. Application No. 1228: Good Sam Trailer Life Director– January 2013 Publication;
855 \$1,316.43 Promotes all RV Parks and Campgrounds in Lincoln County.
856

857 **Motion:** Approve Application 1228 for \$1316.43. **Action:** Approve. **Moved by** Commissioner
858 Powell, **Seconded by** Commissioner Minter.

859
860 Commissioner Minter questioned if this was a joint project with the Village of Ruidoso. Chair
861 Sedillo confirmed by contacting Lodger's Tax Committee member that the Village of Ruidoso
862 would be participating financially along with the County.

863
864 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 4).
865 **Yes:** Chair Sedillo, Commissioner Doth, Commissioner Minter, Commissioner Powell.
866 **Absent:** Commissioner Battin.

867
868 **31. Consideration of Appointments and Removals from Boards/**
869 **Commissioners/Committees:**

870
871 A. **Tabled** – Land and Natural Resources Advisory Committee

872
873 No action was taken.

874
875 B. **Tabled** – Road Review Advisory Committee

876
877 No action was taken.

878
879 C. **Tabled** - Planning Commission

880
881 No action was taken.

882
883 D. Southeastern New Mexico Economic Development District – Private Sector

884
885 **Motion:** Appoint Becky Brooks to SNMEDD. **Action:** Approve. **Moved by** Commissioner
886 Powell, **Seconded by** Chair Sedillo.

887 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 4).
888 **Yes:** Chair Sedillo, Commissioner Doth, Commissioner Minter, Commissioner Powell.
889 **Absent:** Commissioner Battin.

890
891 **32. Executive Session Pursuant to the Open Meetings Act: Discussion of all**
892 **Threatened and/or Pending Litigation Section 10-15-1, Sub-Paragraph H.(7); and**
893 **Discussion of the purchase, acquisition or disposal of real property or water**
894 **rights by the public body, Section 10-15-1, Sub-Paragraph H.(8).**

895
896 **Motion:** To close the meeting for the purposes of an Executive Session to discuss Threatened
897 and/or Pending Litigation pursuant to the Open Meetings Act, Section 10-15-1, Sub Paragraph
898 H.(7) and Discussion of the purchase, acquisition or disposal of real property or water rights by
899 the public body, Section 10-15-1, Sub-Paragraph H.(8) and as follows:

- 900
901 1. *Cooper, Gale and DeBaca County News v. County of Lincoln, Sheriff of Lincoln County,*
902 *et al.* D-1329-CV-200701364. Suit filed: October 15, 2007. Verified Complaint for
903 Declaratory Judgment Ordering Production of Certain Records and Information.
904 2. *Green Tree Servicing, LLC v. William T. Joiner, Lincoln County, et. al.* D-1226-CV-2010-
905 394. Suit filed November 17, 2010. Complaint for Enforcement of Contract and
906 Foreclosure of Security Interest and Mortgage.

- 907 3. *Luis Grife as Personal Representative of The Estate of Arturo Grife, Jr., and Lizeth Grife*
908 *v. County of Lincoln*. D-1226-CV-201100148. Complaint for Wrongful Death and
909 Negligence, Jury Demand.
910 4. *New Mexico Ranch Sales v Mary T. Greene, LC Treasurer, et. al*. D-1226-CV-2011-
911 00226. Suit filed August 1, 2011. Complaint In Rem to Foreclosure Mortgage Upon
912 Real Property.
913 5. *Michael Wheaton v Paul F. Baca, Lincoln County Assessor, et. al*. D-1226-CV- 2011-
914 00341. Suit filed October 18, 2011. Notice of Appeal of Final Order of the Lincoln
915 County Valuation Protests Board.
916 6. *New Mexico Ranch Sales v Marianne Clark, LC Treasurer, et. al*. D-1226-CV-2011-
917 00409. Suit filed November 17, 2011. Complaint to Enforce and Collect Upon
918 Promissory Note and to Foreclose Mortgage Upon Real Property.
919 7. *Bank of Clovis v Mona Bryant as Personal Representative of Marjorie Bryant*
920 *(deceased), Village of Ruidoso, Lincoln County, et al*. D-1226-CV-2011-00429. Suit
921 Filed February 10, 2012. Complaint for Foreclosure.
922 8. *New Mexico Ranch Sales v Tammy Palombi-Cade, LC Treasurer, et. al*. D-1226-CV-
923 2012-00042. Suit filed February 13, 2012. Complaint to Enforce and Collect Upon
924 Promissory Note and to Foreclose Mortgage Upon Real Property.
925 9. *Coble Constructors, LLC, et al v Carl Kelley Construction Ltd. Co, et al*. D-1226-CV-
926 2012-00003. Suit filed January 15, 2012. Complaint to Foreclose Mechanic's Lien.
927 10. *Aaron Ramos v County of Lincoln, Emerald Correctional Management, LLC, Lincoln*
928 *County Detention Center, John Keller, John Does 1-4*. CIV-12-575. Suit filed May 31,
929 2012. Complaint (alleging violation of Constitutional Rights).
930 11. *Kenneth Berry v Lincoln County and Emerald Correctional Management, LLC*. CIV-12-
931 576. Suit filed May 31, 2012. Complaint (alleging violation of Constitutional Rights).
932 12. *Daniel A. Dean v Emerald Correctional Management, LL, Arthur Anderson, The Board of*
933 *Commissioners of Lincoln County, and Lincoln County*. 2:12-CV-00671-WPL-GBW. Suit
934 filed June 21, 2012. Complaint for Damages for Deprivation of Civil Rights and Common
935 Law Torts.
936 13. * *New Mexico Ranch Sales v Perla Garcia, LC Treasurer, et. al*. D-1226-CV-2012-
937 00042. Suit filed August 6, 2012. Complaint to Enforce and Collect Upon Promissory
938 Note and to Foreclose Mortgage Upon Real Property.
939

940 **Tort Claims Notices Received or Threatened**

941
942 **2012**

943
944 **Cathy and Steve Altstatt** – Telephone conference with Cathy Altstatt on April 19, 2012
945 concerning their unbuildable and unsellable Deer Park Valley lot due to lot size, septic tank set
946 back requirements, and an easement granted to Alto Lakes Water & Sanitation District for a
947 water well.

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

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

953 **Biggs, M. Jolene** – Tort Claim Notice received from Attorney, Adam Rafkin on February
954 6, 2012, claiming liability by the County of Lincoln by failing to maintain the surface of the
955 parking lot across from the Lincoln County Courthouse in Carrizozo, NM.
956
957

958 **2011**

959 **Latham, Diana** –Tort Claim Notice received from Attorney, Gary C. Mitchell on October
960 27, 2011, claiming violation of the late James Latham's constitutional rights resulting from his
961 shooting death by the Lincoln County Sheriff's Department.

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

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

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

970 **Meadows Group, LLC** - Tort claim notice received May 23, 2011 from attorney George
971 P. Marquez alleging refusal and non-timely production of public records by the County of Lincoln
972 and damages allowed under the Inspection of Public Records Act 14-2-11 NMSA 1978.

973 **Salas, Johnny** – Tort claim notice received from Johnny Salas on May 20, 2011
974 alleging damage to residence caused by a LCSWA (GSWA) garbage truck.

975 **Saldana, Renetta** - Tort claim notice received from Renetta Saldana on May 4, 2011
976 alleging sexual harassment suffered during transportation from LCDC to Magistrate Court in
977 Ruidoso, NM.

978
979 **2010**

980 **Powers, Travis** - Tort Claim Notice received from Attorney Jose R. Coronado on
981 October 5, 2010 alleging unlawful arrest due to lack of officer investigation.

982 **Shannon, Michael** - Tort Claim Notice received from Attorney Jose R. Coronado on
983 September 13, 2010 alleging unlawful arrest due to lack of warrant cancellation.

984 **Taulbee, Jr., Estate of George C.** - Tort Claim Notice received from Attorney Gary C.
985 Mitchell on August 24, 2010 alleging failure to provide proper medical treatment resulting in pain
986 and suffering.

987
988 **Action:** Approve. **Moved by** Commissioner Powell, **Seconded by** Commissioner Doth.

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

990 **Yes:** Chair Sedillo, Commissioner Doth, Commissioner Minter, Commissioner Powell.

991 **Absent:** Commissioner Battin.

992

993 Chair Sedillo recessed the Regular Meeting and convened the Closed Session at 2:00:45 PM.

994

995 Chair Sedillo adjourned the Closed Session and reconvened the Regular Meeting at 2:46:03
996 PM.

997

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

1000

1001 **13. Signing of Official Documents**

1002

1003 **14. Next meeting:**

1004

1005 September 18, 2012 Regular Commission Meeting

1006

1007 Tasia Young, NMAC lobbyist informed she would like to attend the next Regular Meeting to
1008 review the NMAC legislative priorities. Ms. Young complimented the County Manager and the

1009 team which recently provided an informative presentation to the NMAC Board on the Little Bear
1010 Fire.

1011
1012 **15. Adjournment**

1013
1014 There being no further business to come before the Board of County Commissioners, Chair
1015 Sedillo adjourned the meeting at 2:50:14 PM.

1016
1017 Respectfully submitted by,

1018
1019 Rhonda B. Burrows
1020 Lincoln County Clerk
1021

DRAFT

AGENDA DOCUMENTATION
September 18, 2012

Agenda Item No. 7

SUBJECT

Approval of Consent Agenda

ACTION REQUESTED BY

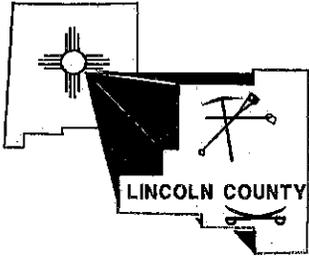
County Manager

ACTION REQUESTED

To be determined

BACKGROUND

- A. Payroll/Accounts Payable/Budget/Expenditures
- B. Treasurer's Financial Report for the Month ending August 31, 2012



County of Lincoln

P.O.Box 711 • 300 Central Ave. • Carrizozo, New Mexico 88301-0711 • (505) 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 August 1 through August 31, 2012 in the amount of \$ 2,310,782.71.

NOW, THEREFORE, the above bills are hereby approved.

ADOPTED, PASSED AND SIGNED the 18th day of September, 2012.

BOARD OF COMMISSIONERS LINCOLN COUNTY, NEW MEXICO

Eileen M Sedillo, Chairwoman

Jackie M Powell, Vice-Chairwoman

William T Battin, Member

Kathryn Minter, Member

Mark Doth, Member

ATTEST:

Rhonda B Burrows, County Clerk

County Manager's Fax
(505) 648-4182

Finance/Purchasing Fax
(505) 648-2381

Planning/GIS Fax
(505) 648-2816

AGENDA DOCUMENTATION
September 18, 2012

Agenda Item No. 8

SUBJECT

Greentree Solid Waste Update

ACTION REQUESTED BY

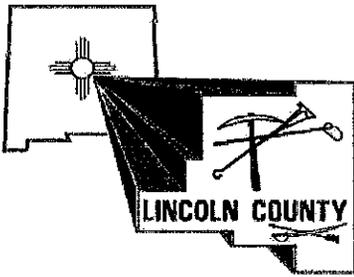
Debra Ingle

ACTION REQUESTED

To be determined

BACKGROUND

See an attached memorandum from county Manager.



www.lincolncountynm.net

County of Lincoln

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

September 7, 2012

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

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 will not appear to provide a monthly report to update commissioners and the public on activities in the district. At enclosure 1 is the latest approved Greentree minutes.

Recommendation: None – information only at this time.

Greentree Solid Waste Authority
REGULAR MEETING

July 24, 2012

Chairman Hammons called the Regular Meeting of the Greentree Solid Waste Authority (GSWA) to order at 10:04 a.m. at the office of Greentree Solid Waste Authority in Ruidoso Downs, NM.

ROLL CALL: Members recorded as present: Sam Hammons, Sherrill Bradford, Kathryn Minter, Ray Dean, Gary Williams, and Rifle Salas. Members recorded as absent: None.

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

Public present: Joe Lewandowski, Operational Consultants Inc., David Eddington, Alto Lakes Water and Sanitation District.

APPROVAL OF AGENDA: Motion by Member Bradford to approve the agenda as presented, seconded by Member Dean, motion carried with all ayes.

APPROVAL OF MINUTES REGULAR MEETING June 26, 2012: Motion by Member Williams to approve the Regular Meeting minutes, a copy of which is attached and made apart hereof, seconded by Member Bradford, motion carried with all ayes.

APPROVAL OF ACCOUNTS PAYABLE FOR June 2012: Motion by Member Dean to approve June 2012 Accounts Payable, seconded by Member Williams, motion carried with all ayes upon a roll call vote.

DISCUSSION/POSSIBLE ACTION ACCOUNTS RECEIVABLE June 2012: Motion by Member Williams to approve the pre-approved write off of June Accounts Receivable \$151.29 as presented, a copy of which is attached and made apart hereof, seconded by Member Minter, 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 June 2012; 23.6 tons of recycling shipped and 28.6 tons of metal. Metal and recycling prices are down. Illegal dumping sites 70, year-to-date – 867.25 yds; Collected Yard Waste: 1,155 yards, year to date- 13,375 yds. OS Ingle provided a list of the frequent illegal dumping sites.

Month-End Financial Report for June 2012, a copy of which is attached and made apart hereof, this report reflects that the general operating bank accounts had a balance of \$35,38346, reserve funds of \$391,261.39. Overall the Authority's projected budget shows that they should be at 100%, with actual numbers reflecting Revenues at 87%, Expenditures at 84%, Payroll should be at 100%, and the budget reflects 85% and the Transfer of funds at 85%. Current year-to-date figures reflect that Expenditures exceed Revenue by \$1,738.

OS Ingle informed the board that GSWA was denied for the fiscal year 12 Solid Waste Facility Grant. OS Ingle informed the board that GSWA was encouraged to resubmit an application for the Grant in April of 2013. OS Ingle asked for permission to visit at the next meeting possible increases for commercial rates.

Little Bear Fire Update OS stated that the clean up was progressing. GSWA received 118 contracts for Roll Off Services covering Approximately 200 Buildings. GSWA has completed 110 of these contracts. OS stated that GSWA has hired independent contractors to help haul loads in from areas that are too small for 30 yard roll offs. The Hauler has brought in 18 loads at 4 homes or buildings per load. OS has also been supervising the onsite burial of fire debris. 3 Sites have asked to bury 1 is to be approved with the other 2 being approved and completed. OS reported that by Monday, July 30, 2012 GSWA will be out of the Nazarene, totaling 137 Structures and 98 homes Completed. Member Minter thanked OS for her efficiency and for supervising the burial effort. Motion by Member Dean to approve the OS Report as presented , seconded by Member Minter, motion carried with all ayes upon a roll call vote.

DISCUSSION/ POSSIBLE ACTION- OPERATIONAL CONSULTANTS PROFESSIONAL SERVICE

AGREEMENT: O.S. Ingle explained that the contract with Operational Consultants was due for annual renewal. OS and GSWA attorney stated that the contracts were the same. Motion Made by Member Bradford to approve the Professional Service Agreement as presented, second by Member Minter, motion carried with all ayes upon a roll call vote.

DISCUSSION/ POSSIBLE ACTION- PSA GOLDER ASSOCIATES INC. CAPITAN LANDFILL:

Operational Consultant, provided information that Golder and Associates would provide water monitoring at the Capitan landfill and that they offer a "Bundle Service" price based on participation of other landfills. GSWA's Portion would be approximately \$6,000 a year for 4 years, with Capitan Paying 39%. Motion made by Member Bradford to Approve the Professional Service Agreement for Golder Associates Inc. as presented, A copy of which is attached and made a part hereof, Second by Member Dean, motion carried with all ayes upon a roll call vote.

ACCEPT GRANT AGREEMENTS- 12-1350-STB, 12-1351-STB: OS informed the board that GSWA's grant applications were approved for Grant 12-1350-STB and 12-1351-STB for \$85,000.00 each for a total of \$170,000.00. Motion made by Member Minter to Accept Grants, seconded by Member Dean motion carried with all ayes upon a roll call vote.

APPROVAL OF RESOLUTION 2012-07-01, 12-1350-STB GRANTEE REPRESENTATIVE &

SIGNATORY: Motion made by Member Bradford to Approve Resolution 2012-07-01, a copy of which is attached and made apart hereof, Second by Member Minter, motion carried with all ayes upon a roll call vote.

APPROVAL OF RESOLUTION 2012-07-02, 12-1351-STB GRANTEE REPRESENTATIVE &

SIGNATORY: Motion made by Member Williams to Approve Resolution 2012-07-02, a copy of which is attached and made apart hereof, Second by Member Bradford, motion carried with all ayes upon a roll call vote

APPROVAL OF RESOLUTION 2012-07-03 FISCAL YEAR 2012-13 BUDGET: Motion made by Member Minter to Approve Resolution 2012-07-02, a copy of which is attached and made apart hereof, Second by Member Williams, motion carried with all ayes upon a roll call vote

DISCUSSION/POSSIBLE ACTION – CITY OF RUIDOSO DOWNS BALANCE ADJUSTMENTS:

OS Ingle informed the board that the information will be mailed to the City of Ruidoso Downs within next week. Remains tabled.

EXECUTIVE SESSION –DISPOSITION OF LAND, THREATENED AND/ OR PENDING LITIGATION:

Motion by Member Dean at 10:50 am to go to Executive Session, seconded by Member Williams, motion carried with all ayes upon a roll call vote. Motion by Member Dean to return from Executive Session at 11:45 am, seconded by Member Minter, motion carried with all ayes upon roll call vote. Member Bradford attested the only discussion was on the disposition of land, threatened and/ or pending litigation.

DISCUSSION/POSSIBLE ACTION - EXECUTIVE SESSION DISPOSITION OF LAND:

Motion by Member Minter to give the OS Ingle permission to proceed with the sale of the 2nd Street property with an appraisal, seconded by Member Dean, motion carried with all ayes upon a roll call vote. Motion made by Member Minter that OS Ingle, Staff, and Attorney are to write a letter to the County of Lincoln and to the Alto Lakes Water and Sanitation District in reference to the collection center, second by Member Bradford, motion carried with all ayes upon a roll call vote.

COMMENTS FROM THE PUBLIC: None

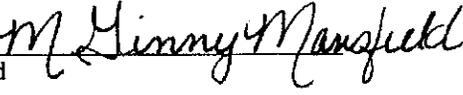
NEW/OLD BUSINESS: None

NEXT MEETING: the next regular meeting is scheduled for August 28th at 10:00 am.

ADJOURN: Motion by Member Dean to adjourn the meeting at 12:08pm, seconded by Member Minter, motion carried with all ayes.

Passed and approved this 28th day of August 2012.


Sherrill Bradford
Vice Chairman, GSWA

Transcribed by: 
Ginny Mansfield
GSWA

Kathryn Minter,
Secretary/Treasurer/GSWA

AGENDA DOCUMENTATION
September 18, 2012

Agenda Item No. 9

SUBJECT

Smokey Bear Ranger District Update

ACTION REQUESTED BY

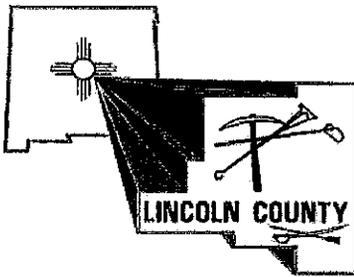
David Warnack

ACTION REQUESTED

To be determined

BACKGROUND

See an attached memorandum from county manager.



www.lincolncountynm.net

County of Lincoln

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

September 7, 2012

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *nt*

SUBJECT: Monthly Smokey Bear District Ranger Report

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

Discussion:

David Warnack will not appear to provide a monthly report to update commissioners and the public on activities in the district but has provided at enclosure 1 a list of critical updates with a couple of attachments.

Recommendation: None – information only at this time.

**Smokey Bear RD, Lincoln National Forest, Briefing Paper for
Lincoln County Commissioners Meeting
September, 2012**

Critical Updates

- Secure Rural Schools Title II RAC projects
 - The ranger district partnered with Lincoln County on a proposal to fund maintenance of the Cora Dutton road. Maintenance will include new base-course material, grading, and application of a natural binding agent for dust abatement and erosion mitigation. The Resource Advisory Committee (RAC) awarded the County \$30,000 for this project.
 - The ranger district also partnered with the South Central Mountains RC&D on a proposal to conduct post-fire treatments on private land in the Rio Bonito Watershed. The RAC awarded \$90,000 for this project. The RC&D in coordination with NRCS will administer this program.
- Little Bear Fire Closure
 - On September 1, 2012, some previously closed areas within the Little Bear Fire were reopened to the public. This includes all of Nogal Canyon Road and the Tanbark Road down to the Bonito/Argentina trailhead. Forest land west of this trailhead is now open to the public including trails # 35,36,37,39, and 40. The trailhead area is only open for day use – no overnight camping. A map and closure order are included with this briefing.
 - We plan to open additional areas of the fire as conditions continue to improve and safety assessments can be completed. Flash flooding will continue to pose the largest threat in the near future.
- Bonito Road
 - Bonito Road 107 is still closed because of a one-lane traffic bottleneck at Bonito Lake. One lane of the road at the lake is filled with large pipes that were needed to pump the lake in anticipation of flooding. We are currently working with the County roads manager and the City of Alamogordo to address these issues so that we can open the road as soon as it is safe to do so.
- Ski Apache
 - We are currently cooperating with Ski Apache to replace 2 chair lifts and the Gondola that were damaged in the fire. We are also working with the ski area to address hazard trees throughout the area.

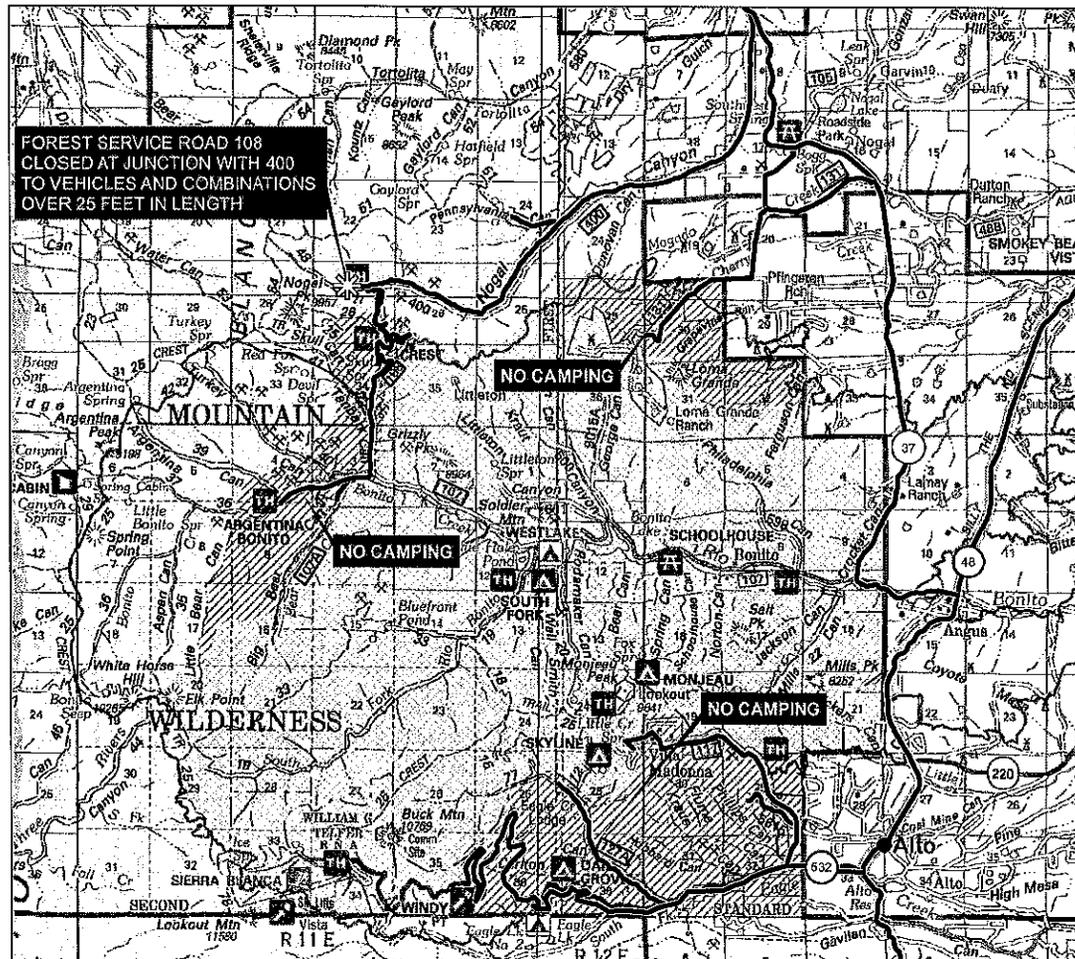
- End of Report

ENCL 2

EXHIBIT A

Smokey Bear Ranger District Little Bear Fire Area Closure and Restrictions

FOREST SERVICE ROAD 108
CLOSED AT JUNCTION WITH 400
TO VEHICLES AND COMBINATIONS
OVER 25 FEET IN LENGTH

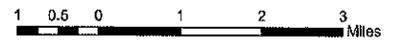


Portions of the Lincoln National Forest are closed to the public due to hazards from the Little Bear Fire such as flash floods, falling trees, rolling rocks and debris. These all can pose serious risks to life and property.

Oak Grove and Three Rivers Campgrounds are open. Dispersed camping is allowed outside of the restricted areas shown here.

Legend

- Open Roads
- Restricted Area, Closed to the Public
- Day Use Only, No Camping
- Little Bear Perimeter



This product is reproduced from geospatial information prepared by the U.S. Department of Agriculture, Forest Service. GIS data and product accuracy may vary. The use of GIS products for purposes other than those for which they were intended may yield inaccurate or misleading results. The Forest Service reserves the right to correct, update, modify or replace GIS products without notification.

Date projection: UTM NAD83 Zone 13N

Lincoln National Forest
Produced on 28 August 2012 by Eric Turbaville



UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
LINCOLN NATIONAL FOREST
SMOKEY BEAR RANGER DISTRICT

AREA EMERGENCY CLOSURE

PROHIBITIONS:

Pursuant to 16 USC 551 and Title 36 CFR 261.50 (a) the following acts are prohibited in the area described in this order, and as depicted on the attached map hereby incorporated into this order as Exhibit A (the "restricted area"), all within the Smokey Bear Ranger District, Lincoln National Forest, Lincoln County, New Mexico:

1. **Going into or being upon the restricted area. (For Public Health and Safety) 36 CFR 261.53 (e)**
2. **Camping. (For Public Health and Safety) 36 CFR 261.58 (e)**
3. **Operating a vehicle in violation of the speed, load, weight, height, length, width, or other limitations specified by the order. (For Public Health and Safety) 36 CFR 261.54 (d)**

EXEMPTIONS:

Pursuant to 36 CFR 261.50 (e) the following persons are exempt from this order:

1. Persons with a Forest Service permit specifically authorizing the otherwise prohibited act or omission.
2. Any Federal, State, or local officer, or member of an organized rescue or firefighting force in the performance of an official duty.
3. Persons engaged in contracted work in the area.

AREA DESCRIBED:

The following National Forest Lands on the Smokey Bear Ranger District will remain closed:

- Access to the Bonito Recreation Corridor off of FS Road 107 between State Highway 37 and FS Road 108 which includes established and dispersed campgrounds (South Fork and the Bonito Meadows), hiking trails, trail heads, and picnic areas.
- Access off of Hwy 532 (Ski Run Road) beyond mile marker 10 including Buck Mountain and Ski Apache Ski Area.
- Access off of Monjeau Lookout Road (FS Road 117) above the Villa Madonna Subdivision.

The following National Forest Lands on the Smokey Bear Ranger District will be closed to camping:

- Camping off of Ranger Road (FS Road 131) beyond the first 1.5 miles from State Highway 37.
- Camping off of Monjeau Lookout Road (FS Road 117) between State Highway 532 and the Villa Madonna Subdivision.
- Camping off of FS Road 5615, off of Monjeau Lookout Road.
- Camping Eagle Creek (FS Road 127A).
- Camping off of State Highway 532 from State Highway 48 to mile marker 11 outside of the developed campground (Oak Grove).
- Camping off of Tanbark Canyon Road (FS Road 108).
- Camping in the Upper Bonito Recreation Corridor on both sides of FS Roads 107 & 107A which includes Argentina/Bonito Trailhead and Big Bear Canyon.

The following National Forest System Roads will be limited to use by vehicles under 25 feet in length:

- Forest Service Road 108, Tanbark Canyon Road, entire length.
- Forest Service Road 107, open portion from junction with FS Road 108 to the Argentina/Bonito Trail Head.
- Forest Service Road 107A, entire length.

(Refer to Exhibit A)

PURPOSE:

To allow for public safety while rehabilitation occurs within the Little Bear Fire Area.

IMPLEMENTATION:

1. This Order shall be in effect September 1, 2012 and shall remain in effect until October 31, 2012, or until rescinded, whichever occurs first.
2. This Order supersedes, rescinds, and replaces any previous orders prohibiting the same acts covered by this order.
3. Any violation of these prohibitions is punishable by a fine of not more than \$5,000.00 for individuals and \$10,000.00 for organizations, and/or imprisonment for not more than six (6) months. [Title 16 USC 551, Title 18 USC 3571(b)(6), Title 18 USC 3581 (b)(7)].

Signed in Alamogordo, New Mexico, this 30th day of August, 2012.

/s/ Robert Trujillo
ROBERT G. TRUJILLO
Forest Supervisor
Lincoln National Forest

AGENDA DOCUMENTATION
September 18, 2012

Agenda Item No. 10

SUBJECT

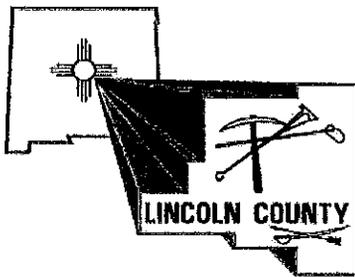
Consideration of Approval or Disapproval of Indigent Health Care
Claims

ACTION REQUESTED BY Indigent Healthcare Administrator

ACTION REQUESTED To be determined

BACKGROUND

See an attached memorandum from county manager.



County of Lincoln

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

www.lincolncountynm.net

September 13, 2012

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Sole Community Provider & Indigent Health Care Claims

Purpose: To obtain the approval from the IHC Board of Sole Community Provider Payments (Encl 1), and the Indigent Health Care (IHC) Payments (Encl 2).

Discussion:

Sole Community Provider Payments: This month our coordinator processed sixty-five claims (65). Sixty-four (64) are recommended for approval, for a total of **\$84,312.04**, and one (1) is recommended for disapproval for the reason indicated at Enclosure. 1.

Indigent Health Care Claims: This month our coordinator processed sixty-one (61) claims. Fifty-four (54) are recommended for approval and seven (7) for disapproval for the reasons indicated at Enclosure 2. If approved, total recommended for payment this month is **\$23,605.72**.

Manager's Analysis – For the last two years, the average Indigent Health Care monthly payments were **\$36,467** and **\$21,651** respectively. The total year-to-date is **\$62,175.03**, with an average of **\$20,725**. Our budget for the year is \$386,461.

Similarly, for the last two fiscal years, the total Commission-approved Sole Community Provider Claims were **\$1,118,309** and **\$1,201,132** respectively. The total year-to-date is **\$326,535**, with a monthly average of **\$108,845**. Our current budget for the year is \$1,003,541. Attached at Encl. 3 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. Approve and disapprove claims as indicated by the Indigent Health Care Program report as indicated at Enclosure 2.

Approved: _____
Eileen Sedillo

SOLE COMMUNITY PROVIDER CLAIMS FISCAL YEAR 2012 - 2013

PREVIOUS AMOUNT APPROVED THIS FISCAL YEAR \$242,222.61

ADJUSTMENTS

TOTAL ADJUSTMENTS: \$0.00 \$0.00

SEPTEMBER # CLAIMS FOR APPROVAL 64

CLAIMS FOR DENIAL 1

SEPTEMBER # TOTAL CLAIMS 65

SEPTEMBER TOTAL \$ AMOUNT APPROVED \$84,312.04

TOTAL # CLAIMS THIS FY APPROVED 193

TOTAL # CLAIMS THIS FY DENIED 18

TOTAL # CLAIMS FY 2012 - 2013 211

TOTAL APPROVED THIS FISCAL YEAR \$326,534.65

FACILITY: LINCOLN COUNTY MEDICAL CENTER 09/18/2012 THROUGH 09/18/2012

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
18053	04/22/2012	1772.00	1364.44	077%
17976	07/28/2012	7030.40	5413.41	077%
17978	08/01/2012	2127.80	1638.41	077%
18054	08/28/2012	545.00	419.65	077%
18055	08/17/2012	1613.00	1242.01	077%
17966	06/23/2012	3438.00	2647.26	077%
17967	06/25/2012	784.00	603.68	077%
17968	07/11/2012	1041.00	801.57	077%
18030	08/20/2012	490.00	377.30	077%
18056	07/20/2012	1932.84	1488.29	077%
18082	08/03/2012	227.00	174.79	077%
18084	08/06/2012	94.00	72.38	077%
18057	08/07/2012	1046.00	805.42	077%
18040	06/04/2012	1001.00	770.77	077%
18058	08/03/2012	2129.00	1639.33	077%
18085	08/03/2012	93.00	71.61	077%
18086	08/11/2012	26.00	20.02	077%
18045	06/29/2012	284.00	218.68	077%
18046	07/30/2012	3462.00	2665.74	077%
18047	08/01/2012	330.00	254.10	077%
17969	07/13/2012	3774.00	2905.98	077%
18059	03/07/2012	404.56	311.51	077%
17971	07/07/2012	773.00	595.21	077%
17972	07/09/2012	675.00	519.75	077%
18032	08/09/2012	2075.00	1597.75	077%
17981	03/05/2012	402.28		000%

PAST FILING DEADLINE

FACILITY: LINCOLN COUNTY MEDICAL CENTER

09/18/2012 THROUGH 09/18/2012

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
18060	08/14/2012	1095.00	843.15	077%
18079	05/24/2012	15458.52	5645.20	037%
17985	07/10/2012	5355.00	4123.35	077%
17988	07/12/2012	1044.00	803.88	077%
17990	08/06/2012	275.00	211.75	077%
18061	06/19/2012	275.00	211.75	077%
18062	06/20/2012	3923.01	3020.72	077%
18063	07/03/2012	4101.00	3157.77	077%
18064	08/27/2012	275.00	211.75	077%
18080	08/29/2012	10110.52	4282.45	042%
17995	08/07/2012	326.00	251.02	077%
18033	08/10/2012	235.00	180.95	077%
17996	08/16/2012	430.00	331.10	077%
17993	08/06/2012	71.00	54.67	077%
18077	07/05/2012	871.00	670.67	077%
18065	07/02/2012	490.00	377.30	077%
18067	07/19/2012	206.00	158.62	077%
18068	08/22/2012	9699.40	7468.54	077%
18088	08/06/2012	94.00	72.38	077%
18034	08/06/2012	164.00	126.28	077%
17999	07/16/2012	490.00	377.30	077%
18069	07/02/2012	1653.00	1272.81	077%
17994	07/02/2012	108.00	83.16	077%
18052	07/19/2012	720.00	554.40	077%
18050	08/15/2012	92.00	70.84	077%
18005	07/19/2012	553.00	425.81	077%
18006	07/25/2012	305.00	234.85	077%
18008	07/27/2012	180.00	138.60	077%
18035	08/08/2012	5901.60	4544.23	077%
18036	08/09/2012	351.00	270.27	077%
18037	08/17/2012	424.00	326.48	077%
18012	07/29/2012	764.00	588.28	077%
18021	07/23/2012	3082.84	2373.79	077%
18022	06/11/2012	1238.00	953.26	077%
18024	07/17/2012	10672.30	8217.67	077%
18025	07/27/2012	2306.00	1775.62	077%
18051	08/10/2012	101.00	77.77	077%
18048	10/11/2011	1132.00	871.64	077%
18049	01/31/2012	432.34	332.90	077%

84312.04

APPROVED- 64 REJECTED- 1

INDIGENT HEALTH CARE CLAIMS FISCAL YEAR 2012 - 2013

PREVIOUS AMOUNT APPROVED THIS FISCAL YEAR \$38,569.31

ADJUSTMENTS

Claim #: 17283 5,000.00

TOTAL ADJUSTMENTS: 5,000.00

SEPTEMBER # CLAIMS FOR APPROVAL	54
# CLAIMS FOR DENIAL	7
SEPTEMBER # TOTAL CLAIMS	61

SEPTEMBER TOTAL \$ AMOUNT APPROVED \$23,605.72

TOTAL # CLAIMS THIS FY APPROVED	161
TOTAL # CLAIMS THIS FY DENIED	16
TOTAL # CLAIMS FY 2012 - 2013	177

CURRENT TOTAL APPROVED THIS FISCAL YEAR \$62,175.03

*Assuming the above is approved

FACILITY: ANESTHESIA ASSOCIATES OF NM 09/18/2012 THROUGH 09/18/2012

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
18076	06/28/2012	1034.00	216.15 021%
18075	07/03/2012	658.00	137.55 021%
			353.70

APPROVED- 2 REJECTED-

FACILITY: EASTERN NM MEXICO MEDICAL CNTR 09/18/2012 THROUGH 09/18/2012

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
17974	04/11/2012	9308.93	5000.00 054%
17975	04/13/2012	16897.83	000%
PATIENT HAS MET OR EXCEEDED POLICY LIMIT			
17977	07/31/2012	1481.76	000%
PATIENT HAS MET OR EXCEEDED POLICY LIMIT			
17979	08/02/2012	16824.37	000%
PATIENT HAS MET OR EXCEEDED POLICY LIMIT			
			5000.00

APPROVED- 1 REJECTED- 3

FACILITY: GERALD CHAMPION REGIONAL MED CTR 09/18/2012 THROUGH 09/18/2012

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
17963	04/23/2012	35499.52	000%
PATIENT HAS MET OR EXCEEDED POLICY LIMIT			
17964	07/21/2012	19589.04	5000.00 026%
17986	07/05/2012	252.20	194.19 077%
18027	06/27/2012	2329.00	1793.33 077%
			6987.52

APPROVED- 3 REJECTED- 1

FACILITY: LC AMBULANCE-PRES HEALTH SVCS 09/18/2012 THROUGH 09/18/2012

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
17980	01/27/2012	108.99	000%
PAST FILING DEADLINE			
18020	07/22/2012	494.00	494.00 100%
18038	06/03/2012	494.00	494.00 100%
			988.00

APPROVED- 2 REJECTED- 1

FACILITY: LINCO MEDICAL & SUPPLY, INC 09/18/2012 THROUGH 09/18/2012

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
18074	08/31/2012	176.06	176.06	100%
17987	07/06/2012	202.08	202.08	100%
17989	08/06/2012	202.08	202.08	100%
18070	08/10/2012	82.20	82.20	100%
18000	07/12/2012	201.94	201.94	100%
18001	08/12/2012	201.94	201.94	100%
18013	07/06/2012	213.90	213.90	100%
18014	08/06/2012	213.90	213.90	100%
18015	07/14/2011	80.82	80.82	100%
18016	09/14/2011	80.82	80.82	100%
18017	01/15/2012	233.92	233.92	100%
18018	06/15/2012	76.31	76.31	100%
18019	05/15/2012	111.52	111.52	100%
			2077.49	

APPROVED- 13 REJECTED-

FACILITY: LINCOLN COUNTY RADIOLOGY 09/18/2012 THROUGH 09/18/2012

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
18041	06/27/2012	136.00	29.35	022%
18002	05/31/2012	58.23	44.84	077%
17970	07/13/2012	297.00	67.49	023%
17983	05/22/2012	351.00	79.02	023%
17992	03/27/2012	190.00	48.23	025%
17998	03/26/2012	76.00	16.62	022%
18066	07/02/2012	157.00	36.65	023%
17997	05/12/2012	350.00	81.75	023%
18009	06/19/2012	541.00	131.20	024%
18078	07/27/2012	380.00	78.68	021%
			613.83	

APPROVED- 10 REJECTED-

FACILITY: MICHAEL D. SPENCE, M.D. 09/18/2012 THROUGH 09/18/2012

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
18011	07/05/2012	207.72	81.85	039%
			81.85	

APPROVED- 1 REJECTED-

FACILITY: MICHAEL P CLEMENTS, M.D. 09/18/2012 THROUGH 09/18/2012

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
17965	07/25/2012	70.00	52.08	074%
18031	08/16/2012	100.00	81.91	082%
18071	08/20/2012	135.00	119.87	089%
			253.86	

APPROVED- 3 REJECTED-

FACILITY: NEW MEXICO ONCOLOGY HEMATOLOY 09/18/2012 THROUGH 09/18/2012

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
17991	08/15/2012	649.44	227.04	035%
18023	02/01/2012	252.25		000%
PAST FILING DEADLINE				
18026	07/25/2012	37.10		000%
PATIENT'S BILL IS BELOW \$50				
			227.04	

APPROVED- 1 REJECTED- 2

FACILITY: PATHOLOGY CONSULTANTS OF NM 09/18/2012 THROUGH 09/18/2012

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
18004	07/10/2012	120.51	14.76	012%
			14.76	

APPROVED- 1 REJECTED-

FACILITY: PRESBYTERIAN HOSPITAL 09/18/2012 THROUGH 09/18/2012

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
18087	05/25/2011	121736.44	5000.00	004%
			5000.00	

APPROVED- 1 REJECTED-

FACILITY: ROSWELL CLINIC CORP

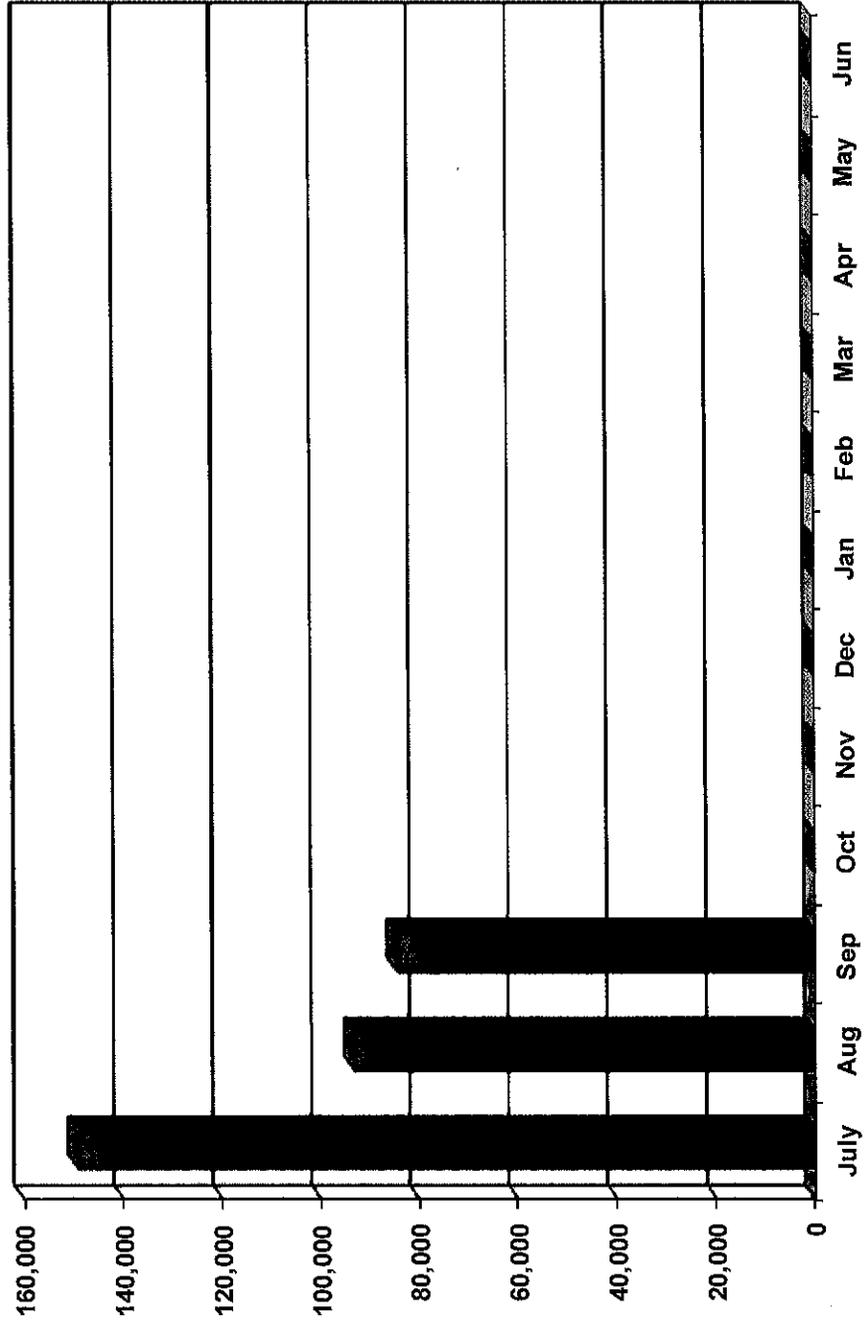
09/18/2012 THROUGH 09/18/2012

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
18029	08/21/2012	239.00	96.41	040%
18028	08/21/2012	239.00	96.41	040%
18072	09/04/2012	160.00	52.08	033%
18039	08/21/2012	239.00	96.41	040%
18042	07/02/2012	160.00	52.08	033%
18043	07/16/2012	160.00	52.08	033%
18044	08/13/2012	160.00	52.08	033%
17973	08/14/2012	160.00	52.08	033%
17982	05/24/2012	475.00	186.62	039%
17984	07/14/2012	708.00	269.40	038%
18081	07/28/2012	870.00	326.07	037%
18083	09/04/2012	160.00	52.08	033%
18003	07/10/2012	237.00	81.91	035%
18007	07/27/2012	160.00	52.08	033%
18010	05/21/2012	961.00	356.63	037%
18073	09/04/2012	406.00	133.25	033%
			2007.67	

APPROVED- 16 REJECTED-

FY 2012-2013 Sole Community Claims

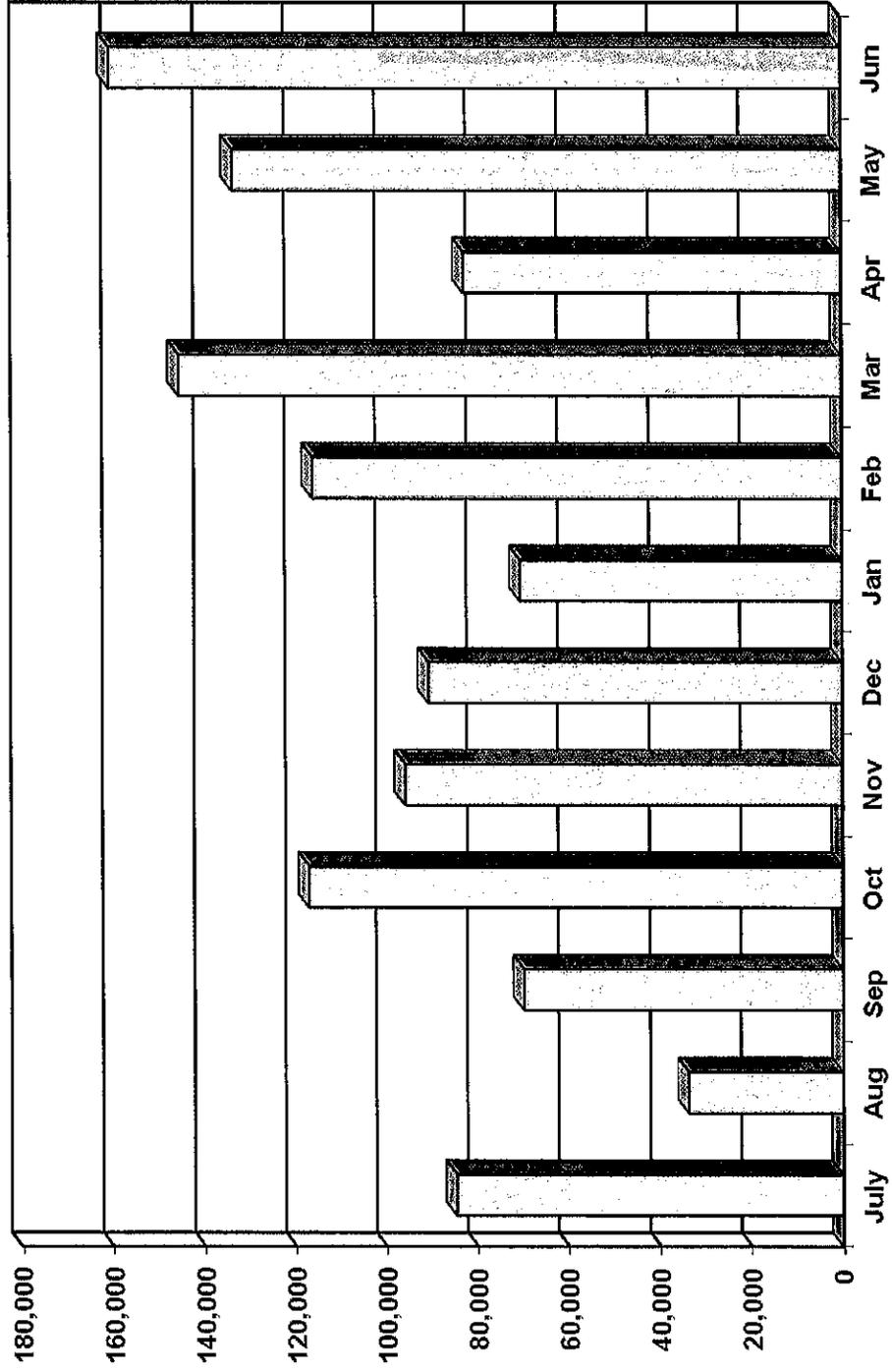
Average Month for FY = \$ 121,111
Actual Total for FY = \$ 242,222



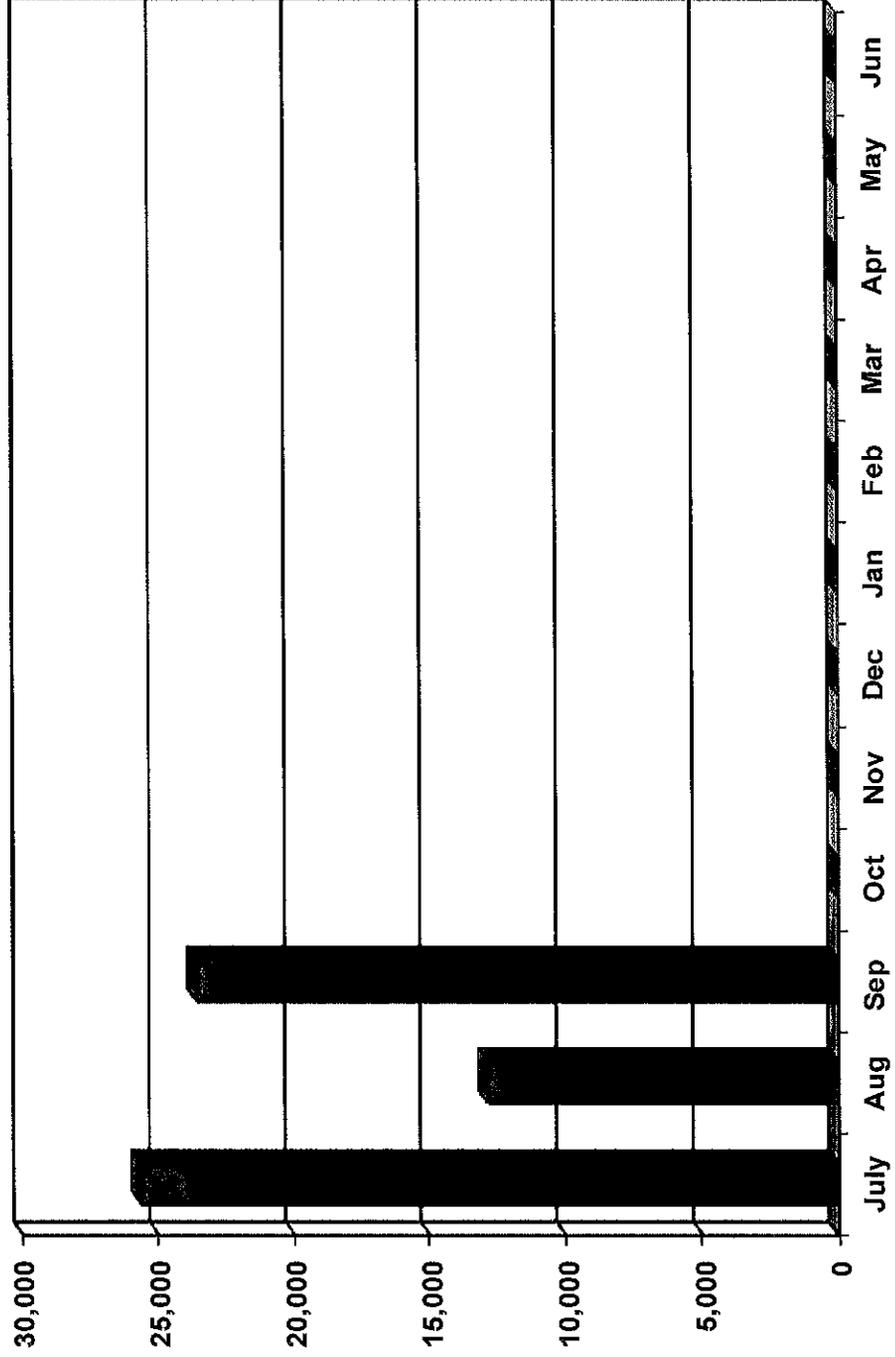
FY 2011-2012 Sole Community Claims

Average Month for FY = \$ 100,094

Actual Total for FY \$ 1,201,132



FY 2012-2013 IHC Payments
Average Month for FY = \$ 19,265
Total for FY = \$ 38,531
DO NOT EXCEED \$386,461

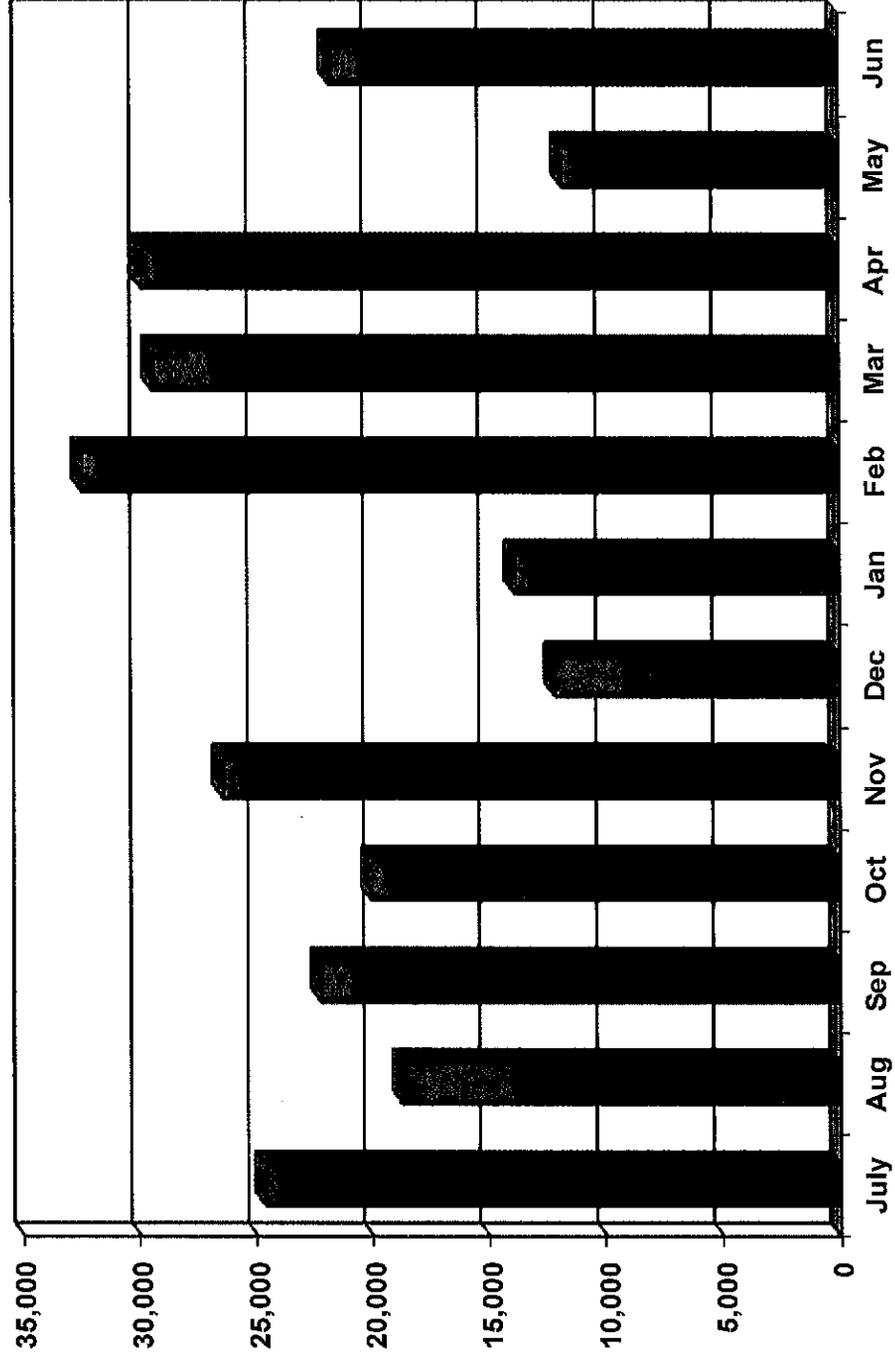


FY 2011-2012 IHC Payments

Average Month for FY = \$ 21,651

Total for FY = \$ 259,810

DO NOT EXCEED \$416,027



AGENDA DOCUMENTATION
September 18, 2012

Agenda Item No. 11

SUBJECT

Manager's Report

ACTION REQUESTED BY

County Manager

ACTION REQUESTED

To be determined

BACKGROUND

Manager's Report is in progress and will be available at meeting.

AGENDA DOCUMENTATION
September 18, 2012

Agenda Item No. 12

SUBJECT

Water Issues/Forest/Wildlife Health Programs/Land and Natural Resources Advisory Committee (LANRAC)

ACTION REQUESTED BY

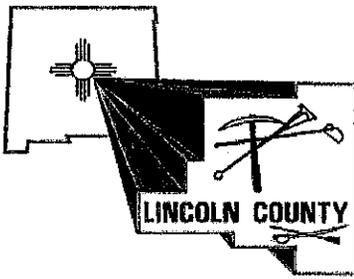
County Manager

ACTION REQUESTED

To be determined

BACKGROUND

See an attached memorandum from county manager.



www.lincolncountynm.net

County of Lincoln

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

September 13, 2012

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

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. As of this date, two additional applications for water rights were filed:
 - (a) On July 17th, 2012, Carrizozo Municipal Schools filed application numbered T-2478-POD-3 for Permit to Change Location of Well within the Tularosa Underground water basin in Lincoln County by discontinuing the use of well T-2478, which is located on land owned by the applicant and using proposed new well T-2478-POD-3 to be drilled to an approximate depth of 200 feet with 6-inch casing on land owned by the applicant, for the continued diversion of 9.0 acre-feet per annum of shallow groundwater for the continued irrigation of 3.0 acres of land owned by the applicant. Existing well T-2478 and proposed new well T-2478-POD-3 are located immediately northeast of the intersection of B Avenue and 10th Street which is in Carrizozo, Nm. Old well will be properly plugged.
 - (b) On June 15, 2012, Pine Lodge Summer Homes, LLC, filed Application No. SP-1425 for permit to change point of diversion of 1.5 cubic-feet per second of surface waters by ceasing the diversion of said waters from the Arroyo Seco, a tributary of the Pecos River, by means of said J.D. Mell Ditch. The present point of diversion is located at the bottom of Arroyo Seco, which is a deep rocky canyon with limited access. The applicant wishes to relocate the point of diversion to a better location for easier and safer access by members. The new point of diversion will be approximately 100' downstream of the old location and a small pump will be installed to provide water to the present storage tank which services our cabins. No existing points of diversion are found between the move-from and the proposed move-to points of diversion. The above described move-from and move-to lands are located off of Boy Scout Mountain road near the Pine Lodge Camp Site.
2. There is nothing significant to Lincoln County on the State Game and Fish web site.
3. Regarding fire danger, as of this date the Fire Behavior Research Center in Missoula, Montana shows Lincoln County as "Low to Moderate".

Recommendation: Information only. No action required.

AGENDA DOCUMENTATION
September 18, 2012

Agenda Item No. 13

SUBJECT

Public Hearing

ACTION REQUESTED BY

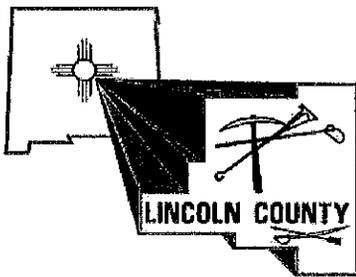
County Manager

ACTION REQUESTED

Public Input/Adoption

BACKGROUND

1. **9:00 A.M.:** Public Hearing to consider the approval of T-Mobile USA, Inc.'s Application for special use permit for wireless telecommunication facility



www.lincolncountynm.net

County of Lincoln

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

September 7, 2012

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *nt*

SUBJECT: Special Use Permit to T-Mobile

Purpose: To obtain conditional approval of a special use permit for T-Mobile.

Discussion:

Mel Patterson, our Center for municipal Solutions representative, will appear to obtain permission for a special use permit for T-Mobile on NM04044B Roadrunner Ranch approximately 18 miles south of Vaughn, NM and 5.5 miles west of Highway 285 near county road 3L.

Mel Patterson has provided his analysis.

Recommendation: Approve the Special Use Permit.

The Center for Municipal Solutions

711-22 Tramway Pl. NE
Albuquerque, NM 87122
(505)828-9087
(505)401-5056
melpatcms@gmail.com

August 28, 2012

County of Lincoln
Board of Commissioners
300 Central Ave.
Carrizozo, NM 88301

**RE: T-Mobile New Tower Application (NM04044)
Conditional Special Use Permit in accordance with Ordinance No. 2007-03;
Ordinance Regulating Wireless Communications Facilities
CMS Project: Lincoln Cty NM T-Mobile Roadrunner Ranch**

APPLICATION STATUS UPDATE & RECOMMENDATION

Madam Chair and Commissioners:

We have reviewed all of the materials submitted by the applicant for the above referenced application and we find them to be complete and in compliance with the Lincoln County Ordinance 2007-03 Wireless Communications Facilities Ordinance. Any exceptions and items that require further actions are noted in the conditions listed below. They have chosen to construct a new 199' tower without lighting in a remote area of the Roadrunner Ranch. The site is 5.5 miles west of Highway 285 near County Road 3L. There are no other facilities in the area. T-Mobile does not have any coverage in the area.

T-Mobile is installing 6 cellular antennas at 195' on the new tower. The site is justified to provide coverage along the Hwy 285 and is part of the plan to improve overall services to the eastern New Mexico. I plan to attend the Commission meeting scheduled for September 18, 2012 to present the recommendation and answer your questions.

Should the Commission choose to issue a Special Use Permit to the applicant we recommend that it be subject to the following conditions:

1. T-Mobile is granted relief from providing photo simulations from four (4) directions to one (1) direction.
2. T-Mobile is granted timing relief to meet requirements of Section 6 H: Structural Analysis. A Certified structural analysis, that meets requirements, shall be provided prior to obtaining a building permit and prior to the start of construction.
3. T-Mobile is granted timing relief to meet requirements of Section 20; Performance Bond. A performance bond in the amount of \$75,000 shall be provided prior obtaining and building permit and prior to the start of construction.

4. T-Mobile is granted timing relief to meet Section 22; Insurance Requirements. The Certificate of Insurance shall be provided prior to obtaining a building permit and prior to starting construction. Further T-Mobile is granted relief to continue using its existing insurance carrier that is rated A-.
5. T-Mobile is granted timing relief to install emergency notification signage during construction. Emergency notification signage shall be installed prior to obtaining a Certificate of Compliance.
6. T-Mobile shall notify the County, within 10 business days, following completion of the installation. This will allow for a final inspection to be completed prior to obtaining a Certificate of Compliance.
7. The escrow account shall be in good standing, prior to the issuance of the building permit and the applicant shall pay all costs and fees associated with the processing of this application, permits and inspections, prior to the issuance of the Certificate of Compliance.

Madam Chair and Commissioners should there be any questions, prior to the meeting, please let me know.

Sincerely,

Mel Patterson
Regional Director

Cc: Nita Taylor, County Manager (via email)
Dick Comi, CMS (via email)
Alan Siegman, T-Mobile representative (via email)

AGENDA DOCUMENTATION
September 18, 2012

Agenda Item No. 14

SUBJECT

Secure Rural Schools & Communities Act (SRSCA) Requirements

ACTION REQUESTED BY

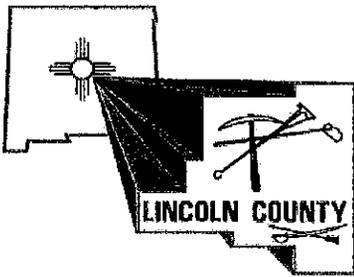
County Manager

ACTION REQUESTED

To be determined

BACKGROUND

See an attached memorandum from county manager.



www.lincolncountynm.net

County of Lincoln

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

September 13, 2012

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager 

SUBJECT: Resolution 2012-8: Elect to Receive Secure Rural Schools & Communities Act Funding (SRSCA)

Purpose: To Elect to Receive Payment Under the SRSCA

Discussion:

Congress recently reauthorized the Secure Rural Schools and Communities Act under P.L. 112-141. See Enclosure 1 for projected amounts by county. Those counties receiving in excess of \$100,000 must elect to set aside either 15% or 20% for Title II and Title III Projects. Historically, Lincoln County has set aside 15% for Title II and III projects to maximize revenue availability in Title I. Should the Commission decide to continue that allocation, under Title 1, the County will receive an estimated **\$169,000** for the road department; the schools in the county will receive the same amount; and not more than 7% can go to Forest Title III activities (**\$27,800**) which collectively comprise our Rural Community Forester Program. The Title II amount should be about **\$32,000** which will go to the Regional Advisory Council (RAC) for work in our area.

The Commission is required to make and submit its election to the Governor's Office and the Regional Forester's Office by September 30, 2012.

Recommendation: Adopt Resolution 2012-8, which elects to receive a payment under the new SRSCA statute and have 85% allocated to Title I, 8% allocated to Title II and 7% allocated to Title III.

State and Federal 101. For 2011, projected social services state payments July 24, 2012 1985 not include payments for 080
 payments as reported by the State of Oregon. These projections assume all federal counties elect to receive a share of the state payment.
 The data tables use the most recent per capita personal income data (PCPI) for 2010 furnished by the Bureau of Economic Analysis April 2011, A01A.
 Projections of state and federal payments are based on the most recent available data for the number of counties electing to
 receive a share of the state payment.

State	Eligible County	FY2008		FY2009		FY2010		FY2011		NO Transition Payment for FY2011	Projected County Share of State Payment
		County Share of State Payment	County Share of Transition Payment	County Share of State Payment	County Share of Transition Payment	County Share of State Payment	County Share of Transition Payment	FY2011 25% (7-year rolling average) Payment	County Share of State Payment		
NM	Bernalillo	\$72,488		\$69,828		\$64,474		\$60,274		\$58,239	
NM	Catron	\$7,021,455		\$7,060,401		\$4,623,779		\$3,741,933		\$3,325,719	
NM	Chaves	\$65,835		\$56,852		\$52,038		\$48,584		\$45,982	
NM	Cibola	\$839,446		\$717,699		\$593,154		\$552,871		\$478,699	
NM	Colfax	\$119,662		\$115,389		\$81,401		\$69,596		\$68,803	
NM	Eddy	\$147,170		\$127,494		\$107,556		\$96,886		\$79,888	
NM	Grant	\$1,501,605		\$1,444,782		\$1,133,491		\$1,060,137		\$894,102	
NM	Hidalgo	\$165,407		\$149,832		\$121,226		\$99,441		\$76,047	
NM	Lincoln	\$768,532		\$712,539		\$568,165		\$495,801		\$397,802	
NM	Los Alamos	\$11,080		\$11,715		\$10,747		\$9,431		\$8,179	
NM	McKinley	\$577,603		\$523,638		\$464,316		\$386,646		\$338,090	
NM	Mora	\$375,671		\$350,424		\$241,706		\$194,067		\$151,445	
NM	Otero	\$1,232,040		\$1,167,614		\$1,042,556		\$854,314		\$671,657	
NM	Rio Arriba	\$2,913,859		\$2,868,483		\$2,393,454		\$2,077,052		\$1,768,573	
NM	San Miguel	\$694,377		\$630,511		\$492,834		\$408,438		\$374,885	
NM	Sandoval	\$543,244		\$502,607		\$460,919		\$403,557		\$372,419	
NM	Santa Fe	\$163,777		\$163,644		\$150,151		\$150,620		\$133,033	
NM	Sierra	\$847,560		\$774,525		\$629,822		\$543,033		\$361,512	
NM	Socorro	\$1,295,282		\$1,220,113		\$981,813		\$864,885		\$702,438	
NM	Taos	\$746,118		\$730,947		\$577,152		\$576,066		\$573,213	
NM	Torrance	\$301,388		\$271,862		\$232,569		\$197,335		\$170,935	
NM	Valencia	\$26,757		\$24,929		\$22,349		\$20,155		\$19,176	
		\$20,430,356		\$19,696,828		\$15,045,670					

RESOLUTION 2012-8

**ELECTION TO RECEIVE 2012 SECURE RURAL SCHOOLS
AND COMMUNITIES ACT FUNDING AND THE ALLOCATION
OF TITLE II AND TITLE III PROJECT FUNDING FOR 2012**

WHEREAS, federal statute requires that each county eligible to receive 2012 SRSCA funding, must by September 30, 2012 elect to receive SRSCA funds or elect to receive their 2012 share of the 25% Actual Forest receipts (old 1908 law); and

WHEREAS, federal statute requires that those Counties electing to receive \$100,000 or more of SRSCA funding in 2012, must elect to set aside 15% or 20% of those funds for Title II and/or Title III Projects; and

WHEREAS, federal statute further requires that each County must designate the percentage of those project funds assigned to Title II and Title III for 2012, recognizing that a maximum of 7% can be expended for Title III.

BE IT FURTHER RESOLVED, that the duly elected Board of Commissioners/Supervisors of Lincoln County in the State of New Mexico has taken action on the 18th day of September, 2012 to make the following elections:

1. Lincoln County elects to receive:
 2012 Secure Rural Schools and Communities Act Funds
 2012 – 25% Actual Forest Receipts (1908 Law)

2. _____ County elects to set aside the following percentage of SRSCA Funds for Title II and Title III Projects in 2012.
 15% of total SRSCA Funding
 20% of total SRSCA Funding

3. _____ County designates the following distribution of the SRSCA Project Funds set aside in Number 2 above.
 8 % designated for Title II
 7 % designated for Title III
 15 % Total Percentage of Funds Designed for Projects in 2012 (Must Match Percentage designated in Step 2 above)

Copies of this resolution must be sent to the Governor's Office or his/her designee by September 30, 2012. The Governor's Office in each state will collect and transmit these elections for all affected counties within their State to the National US Forest Service or BLM Office designated by the respective federal service.

For purposes of documentation, we recommend that duplicate copies be submitted to the Regional Foresters office of the USFS, and that copies be retained in the County of origin.

We hereby certify that this resolution was considered and approved by the Lincoln County Board of Commissioners/Supervisors on the 18th day of September, 2012.

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

Eileen Sedillo, Chairwoman

Jackie Powell, Vice Chair

Mark Doth, Member

Tom Battin, Member

Kathryn Minter, Member

ATTEST:

Rhonda Burrows, County Clerk

AGENDA DOCUMENTATION
September 18, 2012

Agenda Item No. 15

SUBJECT

Final Adoption of Infrastructure Capital Improvement Plan (ICIP FY 2014-2018) and Resolution 2012-10

ACTION REQUESTED BY

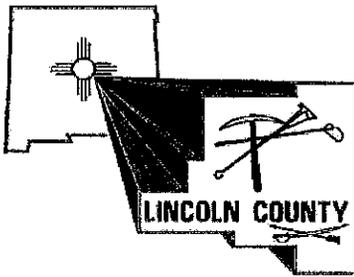
County Manager

ACTION REQUESTED

To be determined

BACKGROUND

See an attached memorandum from county manager.



www.lincolncountynm.net

Draft

County of Lincoln

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

September 13, 2012

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager

SUBJECT: Adoption of the Infrastructure Capital Improvement Plan (ICIP) for 2014-2018

Purpose: To obtain a discussion of our final ICIP for FY 2014-2018 (encl 1) and to obtain approval by resolution 2012-10 (encl 2).

Discussion:

At several budget preparation commission meetings the draft ICIP was discussed.

At enclosure 1 is a proposed Infrastructure Capital Improvement Plan (ICIP) for 2014-2018 for commission discussion and input.

I have provided my suggested 2014 projects for comment and suggestions. Subject to discussion, and guidance provided for the "Top Five" by county commissioners, the critical top five priorities for legislative consideration this year are as follows:

Priority # 1	Water Plan for Rio Hondo Basin	\$ 90,000
Priority # 2	Expand District Court Complex	\$ 1,200,000
Priority # 3	Carrizozo Sr. Center	\$ 900,000
Priority # 4	New Hondo Fire Station	\$ 260,000
Priority # 5	Optional Fairgrounds Requests	\$ 150,000

Once approved, the plan must now be submitted to Department of Finance and Administration's (DFA) Local Government Division (LGD) for consolidation into a state wide plan to be submitted to legislators.

Recommendation: Discuss any additions/deletions/adjustments and approve the desired plan by adopting resolution 2011-9 (Encl 2).

Infrastructure Capital Improvement Plan FY 2014-2018

Lincoln County Project Summary

ID	Rank	Project Title	Top 5 Rank	Category	Funding Sources	Funded to date	2014	2015	2016	2017	2018	Total Project Cost	Mos to compl
16974	2013-01	Water Plan for Rio Hondo Basin	1	Water Supply	LGRANT FGRANT	0	90,000	0	90,000	0	0	180,000	0
17115	2013-02	New Fort Stanton Fire Station		Fire	<i>Legislative</i>	0	260,000	0	0	0	0	260,000	0
10781	2013-03	New <i>Hondo</i> Fire Station	4	Fire	CDBG LGRANT SGRANT	0	260,000	0	0	0	0	260,000	0
23877	2013-04	Expand White Oaks Fire Station		Fire	SGRANT LGRANT LFUNDS	0	152,000	0	0	0	0	152,000	0
17039	2013-05	Renovate		Adm/Service Facilities (local)	LGRANT SGRANT LFUNDS	0	100,000	0	0	0	0	100,000	0
19622	2013-06	Upgrade Radios & Repeaters to Narrow Band		Public Safety Equipment/Bldgs	FGRANT	0	300,000	0	0	0	0	300,000	0
18846	2013-07	<i>Est</i> District Court Complex	2	State Government Facilities	LGRANT SGRANT FGRANT FLOAN LBONDS	0	<i>1,200,000</i>	0	0	0	0	0	0
10738	2013-08	Courthouse Improvements/Maintenance		Adm/Service Facilities (local)	LFUNDS	0	100,000	100,000	100,000	100,000	100,000	500,000	0
13922	2013-09	Road Arterial		Hiways/Roads/Streets/Bridges	LFUNDS	0	200,000	200,000	200,000	200,000	200,000	1,000,000	0
13844	2013-10	Road Maintenance/Flood Ctrl Hondo District		Hiways/Roads/Streets/Bridges	LFUNDS	0	71,415	71,415	71,415	71,415	71,415	357,075	0
13979	2013-11	Road Maintenance/Flood Ctrl Carr District		Hiways/Roads/Streets/Bridges	LFUNDS	0	67,351	67,351	67,351	67,351	67,351	336,755	0
14270	2013-12	Road Maintenance/Flood Ctrl Ruidoso District		Hiways/Roads/Streets/Bridges	LFUNDS	0	47,674	47,674	47,674	47,674	47,674	238,370	0
14271	2013-13	Road Maintenance/Flood Ctrl Corona District		Hiways/Roads/Streets/Bridges	LFUNDS	0	42,230	42,230	42,230	42,230	42,230	211,150	0

Lincoln County/ICIP 26000

Friday, September 14, 2012

Draft

ENCL 1

**COUNTY OF LINCOLN
RESOLUTION NO. 2012-10
ADOPTING AN INFRASTRUCTURE CAPITAL IMPROVEMENTS PLAN (ICIP)**

WHEREAS, the County of Lincoln recognizes that the financing of public capital projects has become a major concern in New Mexico and nationally; and

WHEREAS, in times of scarce resources, it is necessary to find new financing mechanisms and maximize the use of existing resources; and

WHEREAS, systematic capital improvements planning is an effective tool for communities to define their development needs, establish priorities and pursue concrete actions and strategies to achieve necessary project development; and

WHEREAS, this process contributes to local and regional efforts in project identification and selection in short and long range capital planning efforts.

NOW, THEREFORE, BE IT RESOLVED by the Lincoln County Board of Commissioners that:

1. The County has adopted the attached Infrastructure Capital Improvements Plan, and
2. It is intended that the Plan be a working document and is the first of many steps toward improving rational, long-range capital planning and budgeting for New Mexico's infrastructure.
3. This Resolution supersedes Resolution No. 2011-9.

PASSED, APPROVED AND ADOPTED by the Lincoln County Board of Commissioners at its meeting of September 18, 2012.

Board of Commissioners
Lincoln County, State of New Mexico

Eileen Sedillo, Chairman

Jackie Powell, Vice Chair

Kathryn Minter, Member

Mark Doth, Member

Tom Battin, Member

ATTEST:

Rhonda Burrows, Clerk

AGENDA DOCUMENTATION
September 18, 2012

Agenda Item No. 16

SUBJECT

Resolution 2012-11 Amending Resolution 2012-9 – NMDOT
Cooperative Road Programs

ACTION REQUESTED BY

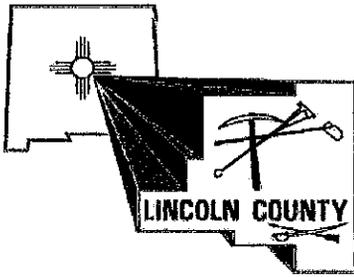
County Manager

ACTION REQUESTED

To be determined

BACKGROUND

See an attached resolution and memorandum from county manager.



www.lincolncountynm.net

County of Lincoln

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

September 13, 2012

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *nt*

SUBJECT: Resolution 2012 – 11 Amending Resolution 2012 – 9: NM DOT Cooperative Road Programs

Purpose: To amend the NMDOT Cooperative Road Programs Resolution to reflect road projects **not yet completed**; enables County to receive 75% reimbursement from State of total CAP allocation of \$187,500.00

Discussion:

At the August, 2012 Commission meeting, Manager requested approval of Resolution 2012 – 9, that allowed the County to include **completed** road projects in the NMDOT Cooperative Road Program that would enable the County to spend all funds allocated in the Cooperative Road Program.

Upon review of final adopted Resolution 2012 – 9, by NMDOT interface, Celeste Rodgers, Manager was notified of misinterpretation of what additional projects NMDOT could accept. Rather than include “**completed**” projects, County was required to include “**uncompleted**” projects. Resolution 2012 – 11 includes the acceptable uncompleted projects.

Adoption of this resolution will result in the transfer of these expenditures, from line items for “paving and striping” to the proper line item for “Special Programs – Highway Cap”, from prior year carryover in accounts payable. Finance Director is in support of this modification.

Recommendation: Adopt Resolution 2012 – 11, as recommended by NMDOT.

**RESOLUTION 2012-11 AMENDING
RESOLUTION 2012-9
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 2010-2011 cooperative program applications; and

WHEREAS, the New Mexico State Transportation Department has requested our FY 2010-2011 Local Government Road Fund Applications for the projects indicated:

1. **SCHOOL BUS ROUTE PROJECT:** County Subdivision-Palo Verde Subdivision, Corral Street, Wrangler, Pajarita Street.
East of Ruidoso on Hwy 70 MM 265.5 turn South onto Stetson Road go .13 miles to **Wrangler Road**, both West & East sides are part of the project total .2103 miles.
Next part of project goes .14 miles South on Stetson from Wrangler to **Corral Street** project begins and goes .133 miles. Next go .07 miles on Stetson from Corral to **Pajarita** project begins goes .13 miles.
Total .47 miles
Pavement Rehabilitation/Improvements, Overlay 1 ½" QC/QA, Sieve Size 12.0mm (1/2") A Mix, Tack & Patch All Needed Areas .47 miles of county roads. State \$53,613.17 County \$17,871.05 Total Cost \$71,484.22.

2. **COOPERATIVE AGREEMENT:** County Subdivision- High Mesa Subdivision-Alto Mesa Road.
Turn into Alto Village off Hwy 48 mm 9.3 onto High Mesa Road go approx. 3.10 mm turn south onto Alto Mesa Road project begins and goes .45 miles to end of project.
Pavement Rehabilitation/Improvements, Overlay 1 ½" QC/QA, Sieve Size 12.0mm (1/2") A Mix, .45 miles of county road. State \$49,465.76 County \$16,488.59 Total Cost \$65,954.35.

3. **COUNTY ARTERIAL PROJECT:** County Subdivisions- High Mesa Subdivision-Lavender Court, Mira Monte Drive, Sage Drive, Cougar Lane, Alto Village Subdivision-High Mesa Drive-Sun Valley Subdivision-Sun Valley Road, Enchanted Forest Subdivision-Enchanted Forest Loop, Gavilan Canyon Road.
Lavender Court-Hwy 48 MM 9.3 turn East into Alto Village onto High Mesa Road go to approx. 2.55mm on High Mesa Road turn NW onto Lavender Court project begins & goes .137 miles includes both cul-de-sacs. **Mira Monte Drive**- Hwy 48 MM 9.3 turn East into Alto Village onto High Mesa Road go to approx. 2.4 mm turn South onto Eagle Ridge Court go .08 m & turn East ton Mira Monte project begins & goes .76 miles. **Sage Drive**- Hwy 48 MM 9.3 turn East into Alto Village onto High Mesa Road go to approx. 2.69 mm at the intersection with High Mesa & Twin Tree Loop turn South onto Sage project begins & goes .21 miles. **Cougar Lane**- Hwy 48 MM 9.3 turn East into Alto Village onto High Mesa Road go to approx. 3.19 mm High Mesa Road turn South onto Cougar Lane projects begins and goes .09 miles. **High Mesa Road**-turn off Hwy 48 MM 9.3 East into Alto Village onto High Mesa Road project starts and goes 3.2 miles. **Sun Valley Road**- Hwy 48 MM 9 go West onto Sun Valley Road project starts and goes 1.6 miles to intersection with Mogul Drive. **Enchanted Forest Loop**-Turn East off Hwy 48 MM 11.3 project begins and goes .35 miles. **Gavilan Canyon Road**-Turn East off Hwy 48 MM 8.3 project begins and goes 4.14 miles within Lincoln County.
Pavement Rehabilitation/Improvements, Overlay 1 ½" QC/QA, Sieve Size 12.0mm (1/2") A Mix, Stripping of Various County Roads.
State \$140,625.00 County \$46,875.00 Total Cost \$187,500.00

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

PASSED, APPROVED AND ADOPTED this 18th day of September 2012.

Board of Commissioners
Lincoln County, State of New Mexico

Eileen Sedillo, Chairwomen

Jackie Powell, Vice-Chair

Tom Battin, Member

Kathryn L Minter, Member

Mark Doth, Member

ATTEST:

Rhonda B. Burrows, County Clerk

AGENDA DOCUMENTATION
September 18, 2012

Agenda Item No. 17

SUBJECT

Tabled-Consideration of Development Agreement – Avalon Forest

ACTION REQUESTED BY

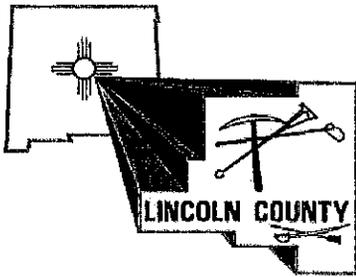
County Manager

ACTION REQUESTED

To be determined

BACKGROUND

See an attached memorandum from county manager.



www.lincolncountynm.net

County of Lincoln

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

September 11, 2012

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: **TABLED** – Consideration of Development Agreement – Avalon Forest Subdivision

Purpose: To move from the table and consider Avalon Forest Subdivision Agreement.

Discussion:

At the commission meeting of June 12, 2012, Commissioner's tabled the approval of the agreement to give the county attorney time to write letter to the State Engineer's Office on the water issue. Enclosure 1 is the letter to the State Engineer's office from the County Attorney and their response at (Encl 2).

Recommendation: Discussion and consider approval of agreement.

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

August 6, 2012

Scott Verhines, NM State Engineer
Office of the State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102

Re: Avalon Forest Subdivision

To Whom It May Concern:

Please be advised that I am the attorney for the County of Lincoln. I am writing to you at the request of the Board of County Commissioners of Lincoln County to inquire as to what jurisdiction if any the State of New Mexico State Engineer's Office has relating to the approval of a subdivision's water study that occurred back on October 23, 2006.

Specifically, the Avalon Forest Subdivision received approval of their water study on or about October 23, 2006. I have attached a copy of the State Engineer's correspondence and Memorandum dated the same, reflecting approval of this particular subdivision's water study. For a number of different reasons, the subdivision was approved, yet the plat was not filed since the infrastructure was not completed or bonded. After a number of extensions having been granted, the developer is now ready to complete the required improvements and request approval to file his final plat. The Board of County Commissioners, at their last regularly scheduled Commission Meeting, inquired as to whether or not the State Engineer maintained any jurisdiction to re-review a subdivision's water study once it has been approved. To the best of my knowledge, there have been no changes suggested by the developer that would call into question the analysis previously provided by the State Engineer as it relates to this particular subdivision.

I would respectfully request that the Water Use and Conservation/Subdivision Review Bureau of the Office of the State Engineer advise me as to: 1) Whether or not they have jurisdiction to re-review a prior approved water study, and 2) Whether they would in fact exert that jurisdiction to review and possibly reconsider their prior opinion. I believe the Board of County Commissioners of Lincoln County are concerned that circumstances may have changed from October 2006, when the water study was approved, to the present date. I am personally not aware of any process or procedure that would allow for this re-review; however, I would ask on behalf of the Board of County Commissioners of Lincoln County that you answer the two questions posed above.

Page 1 of 2

ENCL 1

As always, should you have any questions regarding this or any other matter, please do not hesitate to contact me.

Very truly yours,

Alan P. Morel, PA

Alan P. Morel

Alan P. Morel
APM/er

enclosures

c: Nita Taylor, Lincoln County Manager
Curt Temple, Lincoln County Planning Director



STATE OF NEW MEXICO

OFFICE OF THE STATE ENGINEER

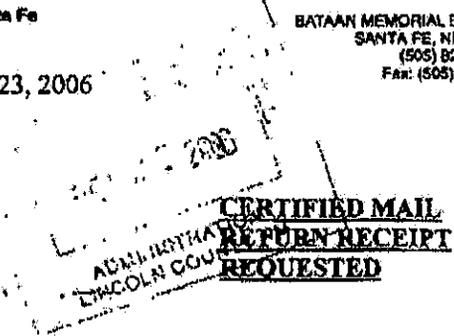
Santa Fe

John R. D'Armentis, Jr., P.E.
State Engineer

BATAAN MEMORIAL BUILDING, ROOM 102
SANTA FE, NM 87504-5102
(505) 827-4120
Fax: (505) 827-5682

October 23, 2006

Mr. Thomas F. Stewart
County Manager, Lincoln County
P.O. Box 711
Carrizozo, NM 88301-0711



Re: Avalon Forest Subdivision

Dear Mr. Stewart:

The Water Use & Conservation/Subdivision Review Bureau of the Office of the State Engineer has reviewed the referenced subdivision proposal pursuant to the Lincoln County Subdivision Ordinance, the New Mexico Subdivision Act and the OSE Rules and Regulations Governing the Appropriation and Use of Ground Water In New Mexico.

Based on the information provided, this office has determined that the subdivider can furnish water sufficient in quantity to fulfill the maximum annual water requirements of the subdivision, including water for indoor and outdoor domestic uses, and that the subdivider can fulfill the proposals in his disclosure statement concerning water, excepting water quality. Accordingly, a positive opinion is issued.

A staff memorandum providing specific comments is attached for your information. If you have any questions, please call Jerry Keller at 505-827-3845.

Sincerely,

John W. Longworth
John W. Longworth, P.E.

Water Use & Conservation/Subdivision Review Bureau Chief

Encl.

cc: OSE Water Rights Division, Roswell Office

JK:jk

MEMORANDUM
New Mexico Office of the State Engineer
Water Use and Conservation Bureau

DATE: October 23, 2006

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

FROM: Jerry Keller, Senior Water Resource Specialist *JK*

SUBJECT: Avalon Forest Subdivision in Lincoln County

SUMMARY

On October 3, 2006, the Office of the State Engineer (OSE) received additional/revised information for the Preliminary Plat for Avalon Forest, a Type-Three Subdivision. The revised proposal is a request to subdivide a 57.42-acre parcel into 24 residential lots ranging in size from 2.0-acres to 3.35-acres each. The proposed water supply is individual and/or shared 72-12-1 domestic wells. The proposed subdivision is located approximately one mile west of New Mexico Highway 48, between the towns of Alto and Ruidoso, within the Northeast ¼ of Section 9, Township 11 South, Range 13 East, NMPM.

This office issued a negative opinion by letter dated August 4, 2006, for the reason that the proposal did not satisfy the requirements of Sections 18.2 of the Lincoln County Subdivision Ordinance and Section 47-6-11-F (1) (b) of the New Mexico Subdivision Act. See the previous letter for specific details.

The previous proposal was a request to subdivide 57.42-acres into 33 residential lots ranging in size from 0.921-acres to 2.662-acres each, a type two subdivision. The current proposal is a type three subdivision. The subdivider has reduced the number of lots to 24, ranging in size from 2.0-acres to 3.35-acres each.

The revised water supply documents submitted to this office consist of a Disclosure Statement, Declaration of Restrictive Covenants (Covenants), and a Plat Map.

The proposal was reviewed pursuant to the Lincoln County Subdivision Ordinance (Ordinance) and the New Mexico Subdivision Act (Act). The water supply proposal is in substantial compliance with the requirements of the Ordinance and the Act. Accordingly, a positive opinion should be issued.

WATER DEMAND ANALYSIS AND WATER CONSERVATION

The initial proposal contained a Water Supply Plan and a detailed Water Demand Analysis as required by Section 18.2.A of the Ordinance, within the Geohydrologic Investigation Report. The analysis estimated the annual water demand as 0.24 acre-feet per parcel. Based on 24 lots, the revised total subdivision demand is 5.76 acre-feet.

*Avalon Forest Subdivision
October 23, 2006
Page 2 of 2*

Item R of the Disclosure Statement and Section 13.4 of the Covenants state that water use is restricted to 0.2 acre-feet per annum. These sections should be revised to 0.24 acre-feet per annum.

Updated rules and regulations on 72-12-1.1 domestic well permits were adopted on August 15, 2006 and filed under Title 19, Chapter 27, Part 5 of the New Mexico Administrative Code (19.27.5 NMAC). The updated rules and regulations replaced Articles 1-15 through 1-15.5, 1-15.7, 1-15.8, and 1-16 of the existing Rules and Regulations Governing the Drilling of Wells and the Appropriation and Use of the Ground Water in New Mexico. Under Section 19.27.5.9.D.1 of the regulations the maximum permitted diversion of water from a 72-12-1.1 domestic well permitted to serve one household shall not exceed 1.0 acre-foot per annum.

The maximum permitted diversion of water from a 72-12-1.1 domestic well permitted to serve more than one household shall not exceed 1.0 acre-foot per annum per household served. The maximum combined diversion from a 72-12-1.1 domestic well serving three or more households shall not exceed 3.0 acre-feet per annum.

Item R of the Disclosure Statement Section 13.4 of the Covenants state that under a 72-12-1 well permit a diversion three acre-feet per annum is allowed. A note under Item R states the OSE is amending the above statements. The Disclosure Statement and the Covenants must be revised to reflect the diversion permitted under the current OSE Rules and Regulations.

The Disclosure Statement and the Covenants are in agreement with the assumptions used in the Water Demand Analysis to estimate the annual subdivision water requirements. In addition to previously stated conservation measures, the subdivider has restricted the total irrigated area to 800 square feet per parcel and hot tubs, water fountains, and decorative ponds are prohibited.

WATER AVAILABILITY ASSESSMENT

The proposed water supply for the subdivision is individual and/or shared 72-12-1 domestic wells. A well sharing agreement is included in the proposal.

The subdivider submitted a GIR in accordance with the requirements of Sections 17.5 and 17.4.C of the Regulations as part of the previous submittal. No additional comments are warranted.



STATE OF NEW MEXICO
OFFICE OF THE STATE ENGINEER
SANTA FE

Scott A. Verhines, P.E.
State Engineer

September 11, 2012

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

Alan P. Morel, P.A.
700 Mechem Drive, Suite 12
Post office Box 1030
Ruidoso, New Mexico 88355-1030

CERTIFIED MAIL
RETURN RECEIPT
REQUESTED

Re: Avalon Forest Subdivision

Dear Mr. Morel:

This letter is in response to your August 6, 2012 request for an opinion as to what jurisdiction, if any, the New Mexico State Engineer's Office (OSE) has relating to its approval of a subdivision's water study that occurred back on October 23, 2006. Specifically, you asked the OSE to consider the following:

- 1) Whether or not the State Engineer has jurisdiction to re-review a subdivision's prior approved water study, and
- 2) Whether or not the State Engineer would in fact exert that jurisdiction to re-review and possibly reconsider a previous opinion.

The general subdivision review procedures of the Water Use and Conservation Bureau is to follow the directives outlined in the New Mexico statutes (see 47-6-11.F.(1) NMSA 1978). If the County requests a re-review, the Water Use and Conservation Bureau will assess the conditions as they currently exist. If there have been changes to the County Code, the OSE would anticipate utilizing the most up-to-date copy. To the extent that physical circumstances have changed, the OSE will utilize the best information available at the time of the review. Therefore, if the County submits a preliminary plat for review, the OSE would render an opinion, consistent with the Subdivision Act and the County Regulations. Please let me know if you have any additional questions.

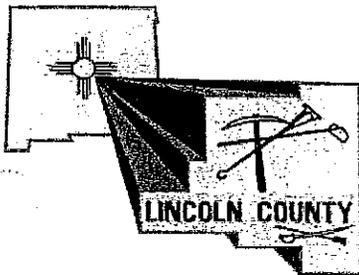
Sincerely,

A handwritten signature in cursive script, appearing to read "John W. Longworth".

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

cc: OSE Water Resources Allocation Program (WRAP) Director, Richard Rose, Ph.D., P.E., BCEE

Encl 2



www.lincolncountynm.net

County of Lincoln

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

June 7, 2012

MEMORANDUM: Board of County Commissioners

From: Curt Temple, Planning Director *Curt Temple*

Subject : Bond, Road and Utility Approval for Avalon Forest Subdivision.

Discussion:

The developer, Mr. Don Murphy, is looking for final plat filing of Avalon Forest Subdivision. Several items as noted below had to be addressed before the plat could be filed with the County Clerk's office. Avalon Forest Subdivision gained preliminary plat approval by the Board of County Commissioners (BCC) on January 16, 2007. An extension of time for the preliminary plat was applied for and granted to Mr. Murphy by the BCC in January of 2009. Avalon Forest Subdivision was granted final plat approval in July of 2010. The final plat was never filed, and now is at the end of its 2 year expiration period. The plat now needs to be filed, or the subdivision plat becomes void.

I have enclosed a copy of the revised final plat (Enclosure 1) along with supporting documentation for your review.

The final plat of Avalon Forest subdivision is 57.42 total acres of land being subdivided into 24 lots. The subdivision will be developed as two units. Unit 1 will consist of 12 lots encompassing 28.325 acres. Unit 2 will consist of 12 lots encompassing 29.095 acres. The lots will range in size from 2.0 acres to 3.355 acres. The location of this subdivision is approximately ¼ of a mile west of N.M. State Highway 37/48 on Alpine Village Road.

Enclosed is a letter from Zia Natural Gas Company stating that the gas lines have been installed. (Enclosure 2). There is also a quote from M&M Excavating, Inc. stating that the cost to finish the subdivision roads, and install the electric junction boxes will amount to \$25,180.00. (Enclosure 3.) Carl Palmer and I have been onsite to verify the level of completion. Carl agrees that the quote from M&M is reasonable for the completion of the roads.

The developer has provided a Development Agreement (Enclosure 4); a Surety Bond/Certificate of Deposit Agreement to the County (Enclosure 5) to insure that the developer completes Unit 1

improvements; a revamped Disclosure Agreement (Enclosure 6) to reflect that some ownership on the lands to be subdivided has changed from the original submittal for this subdivision. Unit 2 is not subject to advertisement or sell until the infrastructure and/or bonding is complete.

The dollar amount needs to be changed on the Surety Bond/Certificate of Deposit Agreement to \$25,180. The Disclosure Statement was required to be altered because of the owner taking on a partner who is encumbering the original land; the partner's name now needs to be listed in the Disclosure Statement for potential land purchaser's information.

Mr. Morel is reviewing the agreements and may have some additional comments/requirements. As this was turned in late, I am also looking closer at the documents, and may have some additional comments at the meeting.

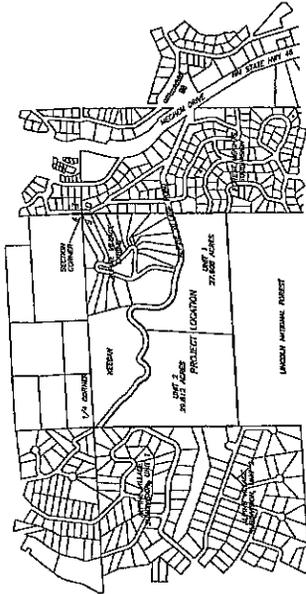
The Development Agreement, Surety Bond/Certificate of Deposit Agreement and revamped Disclosure Statement appear at this time to conform to the Lincoln County Subdivision Ordinance.

Recommendation: I recommend approval for the developer to continue with the deposit of funds to cover the infrastructure needed to complete the subdivision, along with the filing of all plats and supporting materials, after official signatures are obtained.

AVALON FOREST
BEING A RESUBDIVISION OF TRACT 1 AND TRACT 2
OF THE MURPHY TRACTS
BEING A TRACT OF LAND IN THE NE4 OF
SECTION 9, TOWNSHIP 11 SOUTH, RANGE 19 EAST, N.M.P.M.
AS SHOWN BY THE PLAT FILED MARCH 30, 2008, CHAINET 1, SLEDE NO. 487

JUNE 2019
 67,430 ACRES
 SHEET 1 OF 2

DEVELOPED BY:
 AVALON FOREST, LLC
 A NEW MEXICO LIMITED LIABILITY COMPANY
 106 COCONINO LANE
 RUIDOSO, NEW MEXICO 88345



RESOLUTION
 THE BOARD OF DIRECTORS OF THE COUNTY OF LINCOLN, NEW MEXICO, DO HEREBY RESOLVE THAT THE SUBDIVISION BEING FILED FOR RECORD IN THE OFFICE OF THE CLERK OF LINCOLN COUNTY, NEW MEXICO, IN LINCOLN COUNTY RECORDS BOOK NO. _____ PAGE NO. _____ IS THE ENCLOSED INSTRUMENT APPLICABLE TO THE SUBDIVISION BEING FILED FOR RECORD IN THE OFFICE OF THE CLERK OF LINCOLN COUNTY, NEW MEXICO, IN LINCOLN COUNTY RECORDS BOOK NO. _____ PAGE NO. _____

1. THE INSTRUMENT CONTAINS APPLICABLE TO THE SUBDIVISION BEING FILED FOR RECORD IN THE OFFICE OF THE CLERK OF LINCOLN COUNTY, NEW MEXICO, IN LINCOLN COUNTY RECORDS BOOK NO. _____ PAGE NO. _____

2. THE INSTRUMENT CONTAINS APPLICABLE TO THE SUBDIVISION BEING FILED FOR RECORD IN THE OFFICE OF THE CLERK OF LINCOLN COUNTY, NEW MEXICO, IN LINCOLN COUNTY RECORDS BOOK NO. _____ PAGE NO. _____

3. THE INSTRUMENT CONTAINS APPLICABLE TO THE SUBDIVISION BEING FILED FOR RECORD IN THE OFFICE OF THE CLERK OF LINCOLN COUNTY, NEW MEXICO, IN LINCOLN COUNTY RECORDS BOOK NO. _____ PAGE NO. _____

4. THE INSTRUMENT CONTAINS APPLICABLE TO THE SUBDIVISION BEING FILED FOR RECORD IN THE OFFICE OF THE CLERK OF LINCOLN COUNTY, NEW MEXICO, IN LINCOLN COUNTY RECORDS BOOK NO. _____ PAGE NO. _____

5. THE INSTRUMENT CONTAINS APPLICABLE TO THE SUBDIVISION BEING FILED FOR RECORD IN THE OFFICE OF THE CLERK OF LINCOLN COUNTY, NEW MEXICO, IN LINCOLN COUNTY RECORDS BOOK NO. _____ PAGE NO. _____

6. THE INSTRUMENT CONTAINS APPLICABLE TO THE SUBDIVISION BEING FILED FOR RECORD IN THE OFFICE OF THE CLERK OF LINCOLN COUNTY, NEW MEXICO, IN LINCOLN COUNTY RECORDS BOOK NO. _____ PAGE NO. _____

7. THE INSTRUMENT CONTAINS APPLICABLE TO THE SUBDIVISION BEING FILED FOR RECORD IN THE OFFICE OF THE CLERK OF LINCOLN COUNTY, NEW MEXICO, IN LINCOLN COUNTY RECORDS BOOK NO. _____ PAGE NO. _____

8. THE INSTRUMENT CONTAINS APPLICABLE TO THE SUBDIVISION BEING FILED FOR RECORD IN THE OFFICE OF THE CLERK OF LINCOLN COUNTY, NEW MEXICO, IN LINCOLN COUNTY RECORDS BOOK NO. _____ PAGE NO. _____

9. THE INSTRUMENT CONTAINS APPLICABLE TO THE SUBDIVISION BEING FILED FOR RECORD IN THE OFFICE OF THE CLERK OF LINCOLN COUNTY, NEW MEXICO, IN LINCOLN COUNTY RECORDS BOOK NO. _____ PAGE NO. _____

CHIEF CLERK OF COURTESY
 COUNTY OF LINCOLN, NEW MEXICO

CHIEF CLERK OF COURTESY
 COUNTY OF LINCOLN, NEW MEXICO

CHIEF CLERK OF COURTESY
 COUNTY OF LINCOLN, NEW MEXICO

CHIEF CLERK OF COURTESY
 COUNTY OF LINCOLN, NEW MEXICO

CHIEF CLERK OF COURTESY
 COUNTY OF LINCOLN, NEW MEXICO

CHIEF CLERK OF COURTESY
 COUNTY OF LINCOLN, NEW MEXICO

CHIEF CLERK OF COURTESY
 COUNTY OF LINCOLN, NEW MEXICO

CHIEF CLERK OF COURTESY
 COUNTY OF LINCOLN, NEW MEXICO

CHIEF CLERK OF COURTESY
 COUNTY OF LINCOLN, NEW MEXICO

CHIEF CLERK OF COURTESY
 COUNTY OF LINCOLN, NEW MEXICO

CHIEF CLERK OF COURTESY
 COUNTY OF LINCOLN, NEW MEXICO

CHIEF CLERK OF COURTESY
 COUNTY OF LINCOLN, NEW MEXICO

CHIEF CLERK OF COURTESY
 COUNTY OF LINCOLN, NEW MEXICO

CHIEF CLERK OF COURTESY
 COUNTY OF LINCOLN, NEW MEXICO

CHIEF CLERK OF COURTESY
 COUNTY OF LINCOLN, NEW MEXICO

CHIEF CLERK OF COURTESY
 COUNTY OF LINCOLN, NEW MEXICO

CHIEF CLERK OF COURTESY
 COUNTY OF LINCOLN, NEW MEXICO

CHIEF CLERK OF COURTESY
 COUNTY OF LINCOLN, NEW MEXICO

CHIEF CLERK OF COURTESY
 COUNTY OF LINCOLN, NEW MEXICO

CHIEF CLERK OF COURTESY
 COUNTY OF LINCOLN, NEW MEXICO

CHIEF CLERK OF COURTESY
 COUNTY OF LINCOLN, NEW MEXICO

CHIEF CLERK OF COURTESY
 COUNTY OF LINCOLN, NEW MEXICO

CHIEF CLERK OF COURTESY
 COUNTY OF LINCOLN, NEW MEXICO

D.L. COLLINS & ASSOCIATES P.C.
 1042 METS LN. SUITE 200-8078
 RUIDOSO, LINCOLN COUNTY, NEW MEXICO
 88345



Nita Taylor

From: Curt Temple [planning@tularosa.net]
Sent: Wednesday, June 06, 2012 4:19 PM
To: Nita Taylor; Billie-Jo Guevara
Subject: Fwd: Avalon Forest Subd.

Please add to the Avalon Forest section of the BCC packet.
Thanks,

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

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

Subject: Avalon Forest Subd.

Date: Fri, 2 Mar 2012 13:58:00 -0700

From: mike dvorak <mdvorak@zngc.com>

To: <planning@tularosa.net>

Kurt Temple

Dear Mr. Temple

The gas system that has been installed at Avalon Forest Subd. Is to the standards of Zia Natural Gas Co. and is also to the standards of the USDOT 49 CFR. Zia Gas is ready to continue with any further development.

Mike Dvorak
District Manager
Zia Natural Gas Co.
575-378-4277
575-937-0217



2737 Pecos Highway
Carlsbad, New Mexico 88220

January 12, 2012

Mr. Don Murphy & Mr. Robert Lee
Avalon Forest
P.O. Box 1911
Ruidoso, New Mexico 88355

Re: Avalon Forest Subdivision -- completion of streets and utilities as
required by final plat approval by Lincoln County, New Mexico

Dear Sirs:

With the completion of the installation of electrical conduit, gas lines, telephone lines, and cable TV lines
apparently in place, please accept the following proposal as our estimate to finish the infrastructure
installation for the above referenced project.

1. Re-compaction and additional sub- base material – 200 ft. Avalon Forest Drive entry at Alpine Village Drive	\$ 850.00
2. Installation and compaction – 6" (six) inches county grade base material Avalon Forest Drive (1,140 ft.)	\$10,260.00
3. Installation and compaction – 6" (six) inches county grade base material (1,060 ft.)	\$ 9,270.00
4. Labor – installation of 4-transfer boxes as per PNM Electric Company requirements (transformer box pads purchased previously) – 4@\$1200 each	<u>\$ 4,800.00</u>
TOTAL	\$25,180.00

NOTE: The installation of all utilities and roadways will be completed as per
Lincoln County standards and procedures

Respectfully,


David R. Maley

Encl. 2

DEVELOPMENT AGREEMENT
AVALON FOREST SUBDIVISION
JUNE 2012

WHEREAS, Avalon Forest, LLC, a New Mexico Limited Liability Company, whose address is 106 Coconino Lane, Ruidoso, NM 88345 and Robert Lee & Associates, whose address is 1009 Meadowlark Lane, Granbury, TX 76048, hereinafter referred to as the **Developer**, is developing a subdivision in N $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ N $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$ N $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$, Section 9, Township 11 South, Range 13 East, NMPM, Lincoln County, New Mexico, said subdivision being platted as "Avalon Forest."

WHEREAS, The **Developer** has title to Tract 2 and a Real Estate Contract with Atkinson Land Co., Inc. for Tract 1, as shown on the plat of the Murphy Tracts filed in Lincoln County Map Cabinet I, Page 487; and

WHEREAS, Lincoln County Subdivision Regulations require a Development Agreement between the **Developer** and **Lincoln County** with regards to the subdivision;

NOW THEREFORE, the **Developer** and **Lincoln County** agree to the following;

1. **Lincoln County** will allow the **Developer** to file a plat of the subdivision showing two (2) units, subject to the following agreement.
2. At the time of plat filing, the **Developer** will provide **Lincoln County** with a bond or CD for Unit 1, based on the terms of this Agreement.
3. The bond or CD shall cover the following costs:
 - a) Road construction costs.
 - b) Electric, telephone, television cable, and natural gas installations shall be bonded only if the **Developer** does not have signed and funded, or no fee, agreements with a specific utility company.
4. Bonds or CD/s for Units 1 and 2 will be based on a cost estimate prepared by and signed by a New Mexico Professional Engineer or by bids obtained from a licensed New Mexico Contractor. The bond amount shall be subject to review and approval by a County representative. Paragraph 3, above, states parameters for the bond or CD.
5. No lot sales or advertising will be allowed in Unit 2 until a bond or CD has been filed for that unit or construction completed in that unit.

6. The **Developer** will be allowed to replat Unit 1 or 2 in accordance with "Lincoln County Subdivision Regulations."
7. **Lincoln County** acknowledges that roads in the subdivision are private and will be built to County Private Road Standards and will be paved. Construction and inspection will be as outlined in Article 12 – Road Design Standards, Subdivision Ordinance 2002-06. The \$5,000 paving design and inspection fee will not be charged.

AGREED upon this _____ day of _____, 2012

Attest: _____
 Rhonda Burrows
 Lincoln County Clerk

 Eileen M. Sedillo, Chairman
 Lincoln County Commission

AVALON FOREST, LLC
 A New Mexico Limited Liability Company

 Don Murphy
 Managing Member

 Robert Lee

ACKNOWLEDGMENT:

STATE OF NEW MEXICO) ss
 COUNTY OF LINCOLN) ss

The foregoing instrument was acknowledged before me this ____ day of _____, 2012, by Don Murphy, Managing Member of Avalon Forest, LLC, a New Mexico Limited Liability Company, on behalf of said Company.

My commission expires:

 Notary Public

STATE OF NEW MEXICO) ss
COUNTY OF LINCOLN) ss

The foregoing instrument was acknowledged before me this ____ day of _____, 2012, by Robert Lee.

My commission expires:

Notary Public

AGREEMENT
Between
THE COUNTY OF LINCOLN
And
DON MURPHY AND ROBERT L. LEE

THIS AGREEMENT entered into this ____ day of _____, 2012, by and between The County of Lincoln, and incorporated county within the State of New Mexico, whose address is P.O. Box 711, Carrizozo, New Mexico 88301-0711, hereafter referred to as "County," and Don Murphy and Robert L. Lee, whose address is 805 Hill Boulevard, Suite 103, Granbury, Texas 76048.

WHEREAS, the County of Lincoln has the legal authority to regulate subdivisions within the County of Lincoln pursuant to Lincoln County Ordinance Number 2002-6 et seq., and pursuant to NMSA 1978. §§47-6-1, et.seq. (1973); and

WHEREAS, Subdivider has received final plat approval for a subdivision to be known as Avalon Forest and the plat of the described property shown in Exhibit "A".

WHEREAS, as part of the final plat approval process, Subdivider is required to provide a surety bond or other surety acceptable to the Board of commissioners of the County of Lincoln to assure completion of all required Avalon Forest Subdivision improvements; and

WHEREAS, the surety bond or other security acceptable to the Board of commissioners of the County of Lincoln shall be based on engineering cost estimates; and

WHEREAS, the County of Lincoln has determined that a certificate of deposit from Subdivider is an acceptable form of security to assure completion of all required improvements; and

WHEREAS, the County and the Subdivider agree that the engineering cost estimate for completing the installed developer-required improvements in the amount of Twenty Thousand Three Hundred Eighty Dollars (~~\$20,380~~) includes all costs associated with the development of Phase I of Avalon Forest Subdivision (Lots 1 thru 12); and

25,180

WHEREAS, Subdivider is willing to Deposit Twenty Thousand Three Hundred Eighty Dollars (~~\$20,380~~) into a certificate of deposit account that requires the approval and signature of Don Murphy and Robert L. Lee, and the Board of County Commissioners of the County of Lincoln for any withdrawal, with Compass Bank, New Mexico, Sudderth Drive, Ruidoso, Mexico, said certificate of deposit to be held jointly in the names of the County of Lincoln and Don Murphy and Robert L. Lee. The County Manager is hereby authorized to act as authorized agent on behalf of the County of Lincoln upon approval by the Board of County Commissioners; and

WHEREAS, the County and Subdivider hereby agree to instruct Compass Bank, New Mexico not to allow either party to withdraw the certificate of deposit without the signatures of the authorized agents of both parties; and

WHEREAS, Subdivider is required to leave the certificate of deposit at Compass Bank, New Mexico.

WHEREAS, County agrees that if the improvements are otherwise completed and approved by the County, County's release of the certificate of deposit will be given not more than thirty (30) days after the final date of acceptance; and

WHEREAS, if the County and Subdivider disagree regarding the completion and approval of the improvement, the parties hereby agree to interplead the funds into the Twelfth Judicial Court under a declaratory judgment action; and

WHEREAS, any interest earned on the Twenty Thousand Three Hundred Eight Dollars (\$20,380) certificate of deposit may be paid over to Subdivider at the election of the Subdivider; and

WHEREAS, the Subdivider will be responsible to pay taxes incurred as a result of the interest earned on the money market certificate of deposit.

NOW, THEREFORE, the County and Subdivider agrees as follows:

1. Subdivider is in good standing under the laws of the State of New Mexico and has the power to own property and to carry on the business as is now being conducted. Subdivider is duly qualified to do business and is in good standing in the jurisdiction in which such business operates. Subdivider has full power to, authority and legal capacity to execute and deliver this Agreement, and to perform Subdivider's obligations under the terms hereof have been duly authorized by all actions necessary to authorize execution, delivery and performance of this Agreement and the transactions contemplated hereby.
2. A certificate of deposit or cash from the Subdivider is an acceptable form of security from Subdivider to assure completion of all required improvements **Avalon Forest Subdivision (Lots 1 thru 12)**.
3. The County and Subdivider agree that the engineering cost estimate for developer-required improvements in the amount Thousand Three Hundred Eight Dollars (\$20,380) is a sufficient amount to assure completion of all required improvement to **Avalon Forest Subdivision**.
4. The County and Subdivider agree that Thousand Three Hundred Eight Dollars (\$20,380) in a certificate of deposit account with Compass Bank, New Mexico, **Account # _____ under the name of "Avalon Forest Subdivision"** to be held jointly in the names of the County of Lincoln and Don Murphy and Robert L. Lee, a copy of which is attached as Exhibit B.
5. The County and Subdivider hereby agree to instruct City Bank, New Mexico not to allow either party to withdraw the certificate of deposit without the signatures of the authorized agents of both parties.
6. Subdivider hereby agrees to leave the certificate of deposit account at Compass Bank, New Mexico, Sudderth Drive, Ruidoso, New Mexico, until final completion of the improvement by the Subdivider and approval by the County.
7. County agrees that if the improvements are completed, County's approval and release of said surety deposit will be given not more than thirty (30) days after the date of acceptance.

8. If the County and Subdivider disagree regarding acceptability of the improvement, the parties hereby agree to interplead the funds in the Twelfth Judicial Court under a declaratory judgment action.
9. The County and Subdivider agree any interest earned on the Thousand Three Hundred Eight Dollars (\$20,380) certificate of deposit may be paid over to Subdivider at the election of the Subdivider.

PLEASE READ THIS
DISCLOSURE STATEMENT
BEFORE YOU SIGN
ANY DOCUMENTS OR
AGREE TO ANYTHING

DISCLOSURE STATEMENT

FOR ALL SUBDIVISIONS CONTAINING SIX OR MORE PARCELS

This Disclosure Statement is intended to provide you with enough information to permit you to make an informed decision on the purchase or lease of property described in this statement. You should read carefully all of the information contained in this statement before you decide to buy or lease the described property. You should be aware of the fact that various state agencies may have issued opinion on both the subdivision proposal and what is said in this disclosure statement about the proposal. These opinions, when required to be issued, whether favorable or unfavorable, are contained in this Disclosure Statement and should also be read carefully.

The Lincoln County Board of Commissioners has examined this disclosure statement to determine whether the subdivider can satisfy what he has said in this Disclosure Statement. However, the Lincoln County Board of Commissioners does not vouch for the accuracy of what is said in this Disclosure Statement. Further, this Disclosure Statement is not a recommendation or endorsement of the subdivision by either the County or the State. It is informative only.

Construction of all infrastructure and other capital improvements are the responsibility of the subdivider/developer. If the subdivider/developer is unable to complete the construction of roads or other improvements, the County of Lincoln cannot be held responsible for completion of those improvements. Further, the County of Lincoln will not assume maintenance on any road until the road has been constructed to county standards, the road is maintained in good condition for at least two (2) years, and is approved and accepted by the County Commission.

Additionally, a buyer should be advised that if the prospective property is located along a paved roadway, that pavement has a limited life expectancy. Future repaving expenses may be borne by the property owner through an assessment district or some other legal mechanism authorized by law.

If you have not inspected the parcel before purchasing, leasing or otherwise acquiring it, you have six (6) months from the time of purchase, lease or other acquisition to personally inspect the property. After inspecting the parcel within the six (6) month period, you have three (3) days to rescind the transaction and receive all your money back from the subdivider when merchantable title is revested in the subdivider. To rescind the transaction you must give the subdivider written notice of your intent to rescind within three (3) days after the date of your inspection of the property.

**ALL SUBDIVIDERS MUST COMPLETE EACH
ITEM SET FORTH IN PARENTHESIS BELOW**

A. NAME OF SUBDIVISION AND LOCATION

Avalon Forest
N1/2 NE1/4, N1/2 N1/2 S1/2 NE1/4,
N1/2 S1/2 N1/2 s1/2 NE1/4, Section 9,
T 11 S, R 13 E, NMPM
Lincoln County, New Mexico

Plat filed in Cabinet I, Slide 487
The Murphy Lots

B. NAME AND ADDRESS OF SUBDIVIDER

Avalon Forest, LLC
A New Mexico Limited Liability Company
106 Coconino Lane
Ruidoso, NM 88345

C. NAME AND ADDRESS OF PERSON IN CHARGE OF SALES OR LEASING IN
NEW MEXICO

Avalon Property Company, Inc.
106 Coconino Lane
Ruidoso, NM 88345

D. SIZE OF SUBDIVISION BOTH PRESENT AND ANTICIPATED
PRESENT: (number of parcels)

2 Lots
(number of acres in subdivision)
57.42 Acres

ANTICIPATED: (number of parcels)

24
Unit One 28.325 Acres = 12 Lots
Unit Two 29.095 Acres = 12 Lots

(number of acres in subdivision)
57.42 Acres

E. SIZE OF SMALLEST AND LARGEST PARCEL OFFERED FOR SALE OR LEASE
WITHIN THE SUBDIVISION
(size of smallest parcel in acres)

Lots 4, 19 & 20- 2.000 Acres

(size of largest parcel in acres)

Lot 16 – 3.355 Acres

F. DISTANCE FROM THE NEAREST TOWN TO THE SUBDIVISION AND THE ROUTE
OVER WHICH THIS DISTANCE IS COMPUTED

Zero – The east boundary of Unit 1 is Village of Ruidoso Corporate Limit Line.

G. PROPOSED RANGE OF SELLING OR LEASING PRICES
(\$.....-lowest amount) (size of parcel sold or leased)

\$150,000 **Lot 1 - 2.027 Acres**

(\$.....-highest amount) (size of parcel sold or leased)

\$250,000 **Lot 9 – 2.115 Acres**

H. FINANCING TERMS
(interest)

7% Interest, 20% down payment, 20-year amortization (subject to change as dictated by economic conditions). Banks may charge different interest and require different down payment or terms.

(time price differential)

None

(amount paid as discount)

None

(service charges)

Seller pays for Title Insurance commitment and policy; recording fees paid by buyer; and escrow fees divided between buyer and seller.

(any other information required by the Truth in Lending Act if not set forth above)

None

- I. NAME AND ADDRESS OF HOLDER OF LEGAL TITLE
(name of person who is recorded as having legal title)
(address)

Tract 2 – The Murphy Tracts

**Robert Lee & Associates
1009 Meadowlark Lane
Granbury, TX 76048**

Tract 1 – The Murphy Tracts

**Atkinson Land Co., Inc.
A New Mexico Corporation
831 Dulce Tierra
El Paso, TX 79912**

NOTE: If any of the persons named above is a corporation, please set out here the names and addresses of all officers in the corporation.

Tract 1 – The Murphy Tracts

**Margaret A. Atkinson, President
Atkinson Land Co., Inc.
831 Dulce Tierra
El Paso, TX 79912**

- J. NAME AND ADDRESS OF PERSON HAVING EQUITABLE TITLE
(name of person recorded as having equitable title)

Tract 2 only – The Murphy Tracts

**Robert Lee & Associates
1009 Meadowlark Lane
Granbury, TX 76048**

Tract 1 – The Murphy Tracts

**Atkinson Land Co., Inc.
A New Mexico Corporation
831 Dulce Tierra
El Paso, TX 79912**

NOTE: If any of the persons named above is a corporation, please set out here the names and addresses of all officers in the corporation.

Not Applicable

K. **CONDITION OF TITLE**

Include here at least the following information where applicable:
(number of mortgages)

One Mortgage – Tract 2

(name of each mortgagee)

**First Bank and Trust of Childress
103 Main St
Childers, TX**

(balance owing on each mortgage)

\$225,000.

(summary of the release provision in each mortgage)

Ten (10) year call with fifteen (15) year mortgage

(number of all real estate contracts on the subdivided land for which the subdivider is making payments as a purchaser)

One-includes the loan itself.

(balance owing on each real estate contract)

\$250,000

(summary of the release provisions in each real estate contract)

Tract 1 will be paid off prior to development of Unit 2, therefore not requiring releases.

(statement of any other encumbrances on the land)

None

(statement of any other conditions relevant to the state of the title)

None

(disclose full consequences to real estate contracts and owner's equity if subdivider goes bankrupt or mortgagee forecloses on subdivision)

No Real Estate Contract exists on Tract 2. The Real Estate Contract on Tract 1 will be paid off before lots are offered for sale. The paragraph before refers to sales of lots by the Developer.

The Developer anticipates using cash purchases using Real Estate Contracts. When the purchaser of a lot makes his down payment, a Notice of Real Estate Contract will be recorded with the Clerk of Lincoln County as the seller's expense. A copy of the Real Estate Contract, as well as a recorded Notice of Real Estate Contract, will be escrowed. A copy of the Special Warranty Deed from Avalon Forest, LLC, a New Mexico Limited Liability Company, to the purchaser, as well as the Special Warranty Deed from the purchaser to Avalon Forest, LLC., a New Mexico Limited Liability Company, will also be placed with the escrow papers. This escrow is commenced approximately fifteen (15) days after the Contract of Sale is signed. Thereafter the escrow agent assures that full title will pass to the Agreement and when he has made all payments in full. Therefore, the threat of bankruptcy or foreclosure by the mortgagees will not affect the purchaser's equity in his lot, or his right to receive full title after the purchasers contract has been paid in full.

If a purchaser pays cash for a lot, he will receive a Warranty Deed with no encumbrances.

**L. STATEMENT OF ALL RESTRICTIONS OR RESERVATIONS OF RECORD SUBJECT-
ING THE SUBDIVIDED LAND TO ANY UNUSUAL CONDITIONS AFFECTING ITS USE
OR OCCUPANCY.**

(Include here all deed and plat restrictions affecting the subdivided land as well as references to applicable zoning ordinances. Also include all zoning designations for this subdivision)

The property lies within the County. Lincoln County has no zoning ordinances.

See Restrictive Covenants for this subdivision.

See the Lincoln County Subdivision Ordinance regarding replatting and moving of lot lines.

M. STATEMENT OF ALL WATER RIGHTS AFFECTED IF SUBDIVISION IS ON A DITCH OR STREAM OR RIVER.

(Include number of water rights affected, a consensus of ditch owners and all easements)

Not Applicable-No water rights exist on any of the platted lots.

N. ESCROW AGENT

(name)

(address)

**Total Escrow Services, Inc
508 Mechem Drive, Suite A
Ruidoso, New Mexico 88345**

(statement about whether or not the subdivider has any interest or financial ties with the escrow agent)

Subdivider has no ties with escrow agent

O. UTILITIES

(name of entity providing phone service, if available)

(estimated cost)

(name of entity providing phone service, if available) (estimated cost)

NOTE: Estimated costs will escalate based on economic conditions.

Telephone services are provided by Windstream Communications. The Developer has installed an underground trunk line to a property corner or in a roadway or utility easement adjacent to all lots. The individual property owner is responsible for application to the phone company for installation of phone service on each lot. The telephone company may charge the lot owner to construct phone lines to a use site. Depending on where the phone is needed, this could cost in the range of \$500 to \$1,000.

(name of entity providing electrical service, if available)

(estimated cost)

Electricity is furnished by PNM. The Developer has installed underground electric service to provide service to a property corner or in a roadway or utility easement

adjacent to all lots. At present, if electric service is more than three hundred (300) feet from an existing electric service, the electric company will charge the lot owner to construct power lines to a use site. All service lines will be underground. Depending on where power is needed, this could cost in the range of \$500 to \$2,000.

The individual property owner is responsible for application to the electric company for installation of electric service to each lot. The electric company will charge the lot owner a standard fee for electric installation.

(name of entity providing gas service, if available) (estimated cost)

Natural gas service has been installed by Zia Natural Gas Company, Inc. The developer will arrange for underground natural gas service to be installed to provide service to a property corner or in a roadway or utility easement adjacent to all lots.

The individual property Owner is responsible for application to the natural gas company for installation of natural gas service to each lot. The natural gas company may charge the lot Owner a standard fee for natural gas installation, however at present, there is no fee for short extensions. Long extensions will be charged based on length and type of terrain encountered.

(name of entity providing water, if available) (estimated cost)

Water will be supplied by the lot purchaser via a water well or storage and transport system.

(name of entity providing cable, if available) (estimated cost)

Cable television is provided by Baja Broadband. The Developer has installed high-speed fiber optic underground cable television service to be installed to provide service to a property corner or in a roadway or utility easement adjacent to all lots.

The individual property owner is responsible for application to the cable television company for installation of cable television service to each lot. The cable television company will charge the lot owner a standard fee for cable television installation. Cost of service varies.

(name of entity providing sewer, if available) (estimated cost)

Individual property owner-\$8,000 to \$12,000—aerobic treatment units.

P. **INSTALLATION OF DEVELOPER-PROVIDED IMPROVEMENTS**
 Include here the date each utility will be available for use by the owner if the subdivider is providing for utilities and a statement indicating that installation of utilities in any county right of way will be subject to the Lincoln County Excavation Ordinance.

The following pertains to Unit One only:

(roads-private roads to County Specs) (date)

Subgrade Construction by Developer Completed

(road base) August 2012

(water) (date)

Provided by Lot purchaser Not Applicable

(phone) (date)

Windstream Communications Completed

(gas) (date)

Zia Natural Gas Company Completed

(electricity) (date)

PNM Completed

(TV Cable) (date)

Baja Broadband Completed

(liquid waste disposal) (date)

Provided by Property owner Not Applicable

(solid waste disposal) (date)

Lincoln County Solid Waste Authority Existing

Unit Two will be developed as economic conditions allow. The Developer has a Development Agreement for Units One and Two with Lincoln County regarding future development.

(gas) (date) TBD
 (liquid waste disposal) (date) TBD
 (solid waste disposal) (date) TBD
 (cable television) (date) TBD

Q. UTILITY LOCATION

(If all utilities are to be provided to each parcel in the subdivision, please make that statement here.)

Electric, natural gas, telephone and TV cable has been provided to each lot by the Developer.

(If utilities are to be provided, but not for all parcels within the subdivision, please enumerate those parcels which will not be provided with a particular utility.)

Utilities will be supplied to all parcels in Unit Two when the Unit is developed.

(State here if each of the utilities to be provided is to be located above or underground.)

All Utilities are underground. Lot purchasers are also required to provide underground extensions to the use site.

R. WATER USE

Include here whether or not there will be water for domestic use, commercial use or recreational use and include any limitation, physical or legal, anticipated for each use indicated.

(indicate whether the subdivider or owner will provide water.)

Each individual lot owner will provide their own domestic water supply by use of a domestic water well permitted under New Mexico Statutes Annotated, 1978. Under Section 72-12-1 New Mexico Statutes Annotated, 1978, it is the State engineer's policy to grant a domestic permit only to the person who, in good faith, intends to use the water for household or other domestic purpose.

The permit is limited to a diversion of one acre feet per annum which may be used to irrigate not more than household or other domestic use. No more than one acre of not-commercial trees, lawns or garden may be irrigated from the well, and the total withdrawal from the well will be metered and limited to three acre feet per year for all purposes.

In the event two (2) or more wells obtained under provisions of Section 72-12-1 are tied into the same distribution system, the total withdrawal shall be limited to three acre feet per annum.

A permit from the State Engineer's Office is required for all well drilling and/or the storage or diversion of water

(domestic use) (limit, if any)

If the total withdrawal is to exceed three acre feet from any well or group of wells that supply a common system, it will be necessary for the owners to obtain water rights.

(commercial use) (limit, if any)

Water will not be supplied.

(recreational use) (limit, if any)

Water will not be supplied.

(maximum annual water requirements)

The maximum annual water requirement for the subdivision is 5.76 AFA (acre-feet per annum), which is based on 24 lots, each using 0.2 AFA, incorporating the limits of irrigated landscape acreage and other conservation measures described in this Disclosure Statement. The water use is domestic use.

(water availability and sources)

Water to meet the maximum annual water requirement is available from groundwater lying beneath the site, accessible by drilling well(s) on each individual lot. Within the subdivision, landowners must drill private wells and utilize a Well-Sharing Agreement to access the water source and deliver it to their lots. No more than six (6) lots may be hooked up to a shared well. The lot owner must sign the Well-Sharing Agreement (see Water Plan).

(limitations and restrictions on water use)

The Office of the State Engineer (OSE) will grant a domestic permit under Section 72-12-1 (NMSA) only to the person who, in good faith, intends to use the well for household or other domestic purposes. The permit is limited to a diversion of three acre-feet per annum, which may not be used to irrigate more than one (1) acre of non commercial trees, lawn or garden and household or other domestic use. However, the subdivision will incorporate additional conservation measures to ensure that water use does not exceed 0.2 acre-feet per annum, as described below.

(covenants or other restrictions regarding water conservation measures)

Water-saving fixtures shall be installed in all new residential structures. Water-saving fixtures shall include, but not be limited to, low flush toilets, low flow shower heads, low flow faucets, and insulation of hot water pipes. For outdoor use, the total irrigated area shall not exceed 800 square feet in size on each lot. The 800 square feet may be planted in any combination of trees, shrubs, annuals and perennials, grasses, and garden. Grasses should be selected that are well adapted to local climatic conditions and not native grasses are discouraged. Low water use landscaping techniques applying the principles of xeriscape shall be utilized. Drip irrigation is encouraged wherever possible. Swimming pools, water gardens, ponds or other outdoor water features shall be prohibited. Evaporative coolers shall be prohibited. Horses shall not be kept on the lots permanently. Water harvesting features, including but not limited to cisterns, downspout collection, and grading shall be encouraged. Grey water systems if installed shall meet the requirements of the New Mexico Construction Industries Division and the Uniform Building Code.

(measures to monitor or restrict water use)

The subdivision will rely on the property owner's standard Covenants, Conditions & Restrictions to enforce the conservation measures contained in this Disclosure Statement. In addition, the shared wells of this subdivision will be metered and the water use reported to OSE to ensure water conservation goals and water use restrictions are met.

S. **AMOUNT OF WATER**

If the subdivider is to provide water for any use, he shall provide the following information:

Not Applicable

(minimum daily quantity of water to be provided for each parcel and for each proposed use)

Not Applicable

(the date on which water will be made available to each parcel and for each proposed use)

Not Applicable

T. WATER DELIVERY

(describe the means of water delivery within the subdivision)

Wells will be provided by the prospective purchaser/lessee/conveyee. Within the subdivision, landowners must drill private wells and utilize a Well-Sharing Agreement to access the water and deliver it to their lots. No more than six (6) lots may be hooked up to a shared well. The lot owner must sign the Well-Sharing Agreement (see Water Plan).

U. WATER SYSTEM EXTENSION

(state what the prospective owner will be required to pay for the extension of water to his parcel if he wants water prior to the date scheduled by the subdivider)

Not Applicable

V. LIFE EXPECTANCY OF THE WATER SUPPLY

(include the life expectancy of each source of water supply under full development of the subdivision)

The life expectancy of the water supply for the subdivision under full development is in excess of forty (40) years.

W. WELLS

NOTE: Prospective owners must provide their own wells:

(depth to water, well depths, and source of data)

The depth to the water table varies from 150 feet to 250 feet. Wells should generally extend 400 feet below the level of the regional water table, in order to penetrate sufficient fractures for good water production, and to provide water storage. Therefore, the minimum well depths should be about 550 feet and the maximum well depths about 650 feet. This information is based on the Geohydrologic Information Report prepared for this subdivision.

(recommended total depth)

Wells should be installed 400 feet below the regional water table. The water table varies from 150 to 250 feet. Therefore, the recommended total well depths should be from 550 feet to 650 feet.

(estimated yield)

The estimated yield of wells completed to the recommended total depth will likely be from 3 gallons per minute to more than 20 gallons per minute.

(estimated cost)

Costs to drill and complete these wells are estimated to be from \$13,750 to \$16,250, based on a cost of \$25 per foot. Pumps, wiring, pressure tanks(s), control devices, and storage facilities may cost an additional \$5000 to \$10,000 per well for the shared well system, depending on the type of distribution system selected. The lot owner will also be responsible for installing a $\frac{3}{4}$ inch water meter at the lot property line and installing any additional water pipeline to the building site on each lot.

(recommended pump settings and size)

In general, pumps of $\frac{1}{2}$ to $1\frac{1}{2}$ horsepower, set to 50 feet from the bottom of the well, are adequate for the types of conditions found in the aquifer beneath the subdivision. However, a qualified well drilling and service company should evaluate each shared well location independently and make an individual recommendation on pump settings and size for each shared well.

(litho logic characteristics of formations through which the well is to be completed)

The materials found beneath the subdivision are fractured Sierra Blanca Volcanic units. Wells should generally extend 400 feet below the level of the regional water table, in order to penetrate a sufficient number of fractures and permeable zones for good water production, and to provide additional water storage.

(comments on water quality)

The water quality of representative wells has been analyzed by Hall Environmental Analytical Laboratories, Inc. of Albuquerque, NM. The reported concentrations of all analytics were within the acceptable range for primary or human health standards for chemicals contained in New Mexico Environment Department standards for groundwater quality (NMSC20.6.2.3103). Primary drinking water standards are those that could affect

human health. Concentrations of sulfate and TDS (total dissolved solids) exceeded New Mexico Environment Department "other" (secondary or aesthetic) standards. TDS was measured at 990 to 1200 mg/L, over the NMED's secondary ("other") standard of 500 mg/L, and sulfate was measured at 440 ppm, over the NMED's secondary ("other") standard of 250 mg. Secondary standards are non-enforceable standards regarding the use of the groundwater as a drinking and domestic water supply. These secondary parameters may affect the aesthetic qualities of water, for example taste or discoloration of appliances, plumbing or washed clothes. The use of groundwater as a drinking water source from wells in the subdivision will require the use of a water treatment unit such as softening, filtration and/or reverse osmosis to lower or remove these constituents for drinking and cooking purposes. These types of treatment systems are widely available and commonly used. The cost of these types of treatment systems can range from less than \$1,000 to about \$3,000

X. SURFACE WATER

(state the source and yield of the surface water supply)

Not Applicable

Y. STATE AGENCIES STATEMENTS ON WATER

The New Mexico State Engineer's Opinion on water availability is included in its entirety in the Disclosure Statement Addendum.

The New Mexico Environment Department's Opinion on water quality is included in its entirety in the Disclosure Statement Addendum.

Z. LIQUID WASTE DISPOSAL

(describe the precise type of liquid waste disposal system that is proposed and that has been approved by the commission for use within the subdivision)

Liquid waste disposal is by an active aerobic system or other systems employing significant new technology. A permit from the New Mexico Environment Department is required for a liquid waste system. A book prepared by ED specifically detailing the system is available at ED offices in Ruidoso and Roswell.

Septic tanks are not allowed.

NOTE: No other liquid waste disposal system may be used in a subdivision other than the system approved by the Environment Department.

AA. ENVIRONMENT DEPARTMENT'S STATEMENT ON LIQUID WASTE DISPOSAL

(Include here the approved summary of the statement received by the Lincoln County Board of Commissioners from the New Mexico Environment Department on:

See attached letter from New Mexico ED Office.

(whether or not the subdivider can satisfy the liquid waste disposal proposals made in this disclosure statement)

See attached letter from New Mexico ED Office.

(whether or not the subdivider is conforming with the County's regulations on liquid waste disposal)

See attached letter from New Mexico ED Office.

BB. SOLID WASTE

(describe the means of solid waste disposal that is proposed for use within the subdivision)
Containers will be placed at the Authority's discretion not at property owner's request.

Initially, dumpsters will be provided at a designated location in the subdivision. As the subdivision develops with home sites, a commercial compactor will be placed at a strategic area within the subdivision. Lot owners must put solid waste in the dumpster or compactor. The containers are provided, maintained, and dumped by the Lincoln County

Solid Waste Authority. Solid waste in hauled to a sanitary landfill south of Alamogordo, New Mexico.

Dumpsters will be placed at the Authority's discretion not at property Owner's request.

The residents of all subdivisions in Lincoln County will be billed for the disposal of solid waste materials.

CC. ENVIRONMENTAL IMPROVEMENT AGENCY'S STATEMENT ON SOLID WASTE DISPOSAL

Include here the approved summary of the statement received by the Lincoln County Board of Commissioners from the New Mexico Environment Department on:

See attached letter from New Mexico ED office

(whether or not the subdivider can satisfy the solid waste disposal proposals made in this disclosure statement)

See attached letter from New Mexico ED office

(whether or not the subdivider is conforming with the County's regulations on solid waste disposal)

See attached letter from New Mexico ED office

DD. TERRAIN MANAGEMENT

Maintenance of Unimproved Lot

Owners shall maintain unimproved lot in good condition, free and clear of weeds, trash and debris. Xeri landscaping is encouraged and defined in the Declaration of Covenants, Conditions and Restrictions. Growth levels, if reasonably possible and aesthetically desirable, should be kept below twelve inches (12") in height.

Grass:

Lot owners are restricted to eight hundred (800) square feet of drought-resistant grass per lot.

Drainage:

No material change may be made in the ground level, slope, pitch or drainage patterns of any lot as fixed by the original finish grading, except after first obtaining the prior written approval of the ARC.

Grading shall be maintained at all times so as to conduct irrigation and surface waters away from buildings and so as to protect foundations and footings from excess moisture. **ANY DRAINAGE FLOWS DIRECTED TO ADJACENT LOT SHOULD NOT EXCEED HISTORIC FLOWS. OWNERS SHALL NOT IMPEDE OR RETAIN WATER FLOW IN ANY OF THE NATURAL DRAINAGE GULCHES.**

The topsoil within the subdivision contains a high percentage of organic matter. Prior to construction, the topsoil should be removed from the actual building site. After construction, the topsoil should be distributed around the building site and area disturbed during construction or, at the sole discretion of the Architectural Review Committee, be removed from the construction site at the property owners expense.

The underlying soils have a characteristic of shrink, swell and frost heave when exposed to excess water and cold or dry weather conditions. Because of ground slope, some of the lots also vary as to the amount of soil available on the lot. It is recommended that home foundations be professionally designed to overcome the characteristics of the soil and lot terrain. For the reason outlined above, driveway should also be constructed so as to drain water off the driveway surface and not allow to stand along the driveway edge.

The water table is 150 to 200 feet below the surface of all lots.

(describe the suitability of the soils in the subdivision for residential use and other intended uses whether permanent or seasonal)

No subsurface drainage problem is expected to exist.

(give the location of all lots within floodways, flood fringes, and flood plains)

There are no FEMA- designed floodways, flood fringes, and flood Plain on the property. However, the property is crossed by three major drainages and several secondary drainages.

(describe the surface drainage for all lots)

Surface drainage is natural runoff. Erosion on the site is moderate. Because of steep hillsides, sparse vegetation, and lack of moisture, there may be significant runoff during thunderstorm events. The drainages may have large amounts of runoff when rains occur.

Home sites must be selected and designed to account for this runoff and natural drainage ways.

(describe all storm drainage systems including the completion date of any required to be constructed)

The storm drainage system anticipated by the subdivider should properly drain and control flooding and erosion along the subdivision roads; slow down water velocity and control silt accumulation in the drainages.

- EE. **CONSERVATION DISTRICT'S STATEMENT ON TERRAIN MANAGEMENT**
Include here the approved summary of the statement received by the Lincoln County Board of Commissioners from the Soil and Water Conservation District on:
(whether or not the subdivider can satisfy the terrain management proposals made in this disclosure statement)

See attached letter from the Upper Hondo Soil and Water Conservation District.

(whether or not the subdivider is conforming with the County's regulations on terrain management)

See attached letter from the Upper Hondo Soil and Water Conservation District.

- FF. **SUBDIVISION ACCESS**
(name of town nearest subdivision)

Ruidoso, New Mexico

(distance from town to subdivision)

Zero- The east boundary of the subdivision is common with the Village of Ruidoso corporate limits.

(name of highway or state road over which distance is computed)

Alpine Village Road

(if access to subdivision is available by conventional vehicle, please state that fact here. If it is not, please state that fact)

Access is available by conventional vehicle.

(if property is ordinarily accessible in all seasons and under all weather conditions please state so. If it is not, please state that fact also)

The property is ordinarily accessible by conventional vehicles in spring, summer and fall under most weather conditions. During winter the property may not be accessible until snowplows have cleared snow from the roads.

(set forth whether or not roads within the subdivision will be private or maintained by the County)

All roads within the subdivision are private roads maintained by the Homeowners Association.

(describe the width and type of surfacing of all roads)

All roads will be twenty feet (20') wide and two foot (2') gravel shoulders. Developer plans to asphalt the roads in the future based on economic conditions.

(give the date on which all roads will be completed)

**Road Base-August 2012
Asphalt-TBD**

(state whether the roads within the subdivision have been accepted for maintenance by the County)

Lincoln County will not maintain the private roads. All roads in the subdivision are private roads.

(include a statement that if accepted for maintenance, the county cannot guarantee access three hundred sixty-five (365) days a year. The Road Manager will determine the type, amount and season of maintenance.)

Not applicable

(state the date on which all roads will be surfaced)

**Road Base-August 2012
Asphalt-TBD**

GG. THE DEPARTMENT OF TRANSPORTATION'S STATEMENT ON ACCESS

Include here the approved summary of the statement received by the Lincoln County Board of Commissioners from the Department of Transportation on:

(whether or not the subdivider can satisfy the access proposals made in this disclosure statement)

See attached letter from New Mexico State Highway Department.

(whether or not the subdivider is conforming with the County's regulations on access)

See attached letter from New Mexico State Highway Department.

HH. DEVELOPMENT

(Include here all homes, recreation structures, and other community improvements to be provided by the subdivider in the subdivision and not previously mentioned in this disclosure statement. Give the dates on which these items will be completed.

(improvement)

No improvements are planned with the subdivision.

(estimated date of completion)

Not Applicable.

II. MAINTENANCE

(state owner's maintenance and construction responsibilities)

The lot purchaser has no responsibility for public or private utility maintenance.

The lot purchaser, through the Homeowners Association, is responsible for a proportionate share of private road maintenance.

JJ. ADVERSE CONDITIONS

(state any activities or conditions adjacent to or near the subdivision such as feedlots, cement plants, and the like which would subject the subdivided land to any unusual conditions affecting its use or occupancy)

- 1. A possible flood area. This is because all of the area drains to the canyon bottoms. Structures should not be placed in canyon bottoms or across the mouth of a canyon.**

2. **Discharge from culverts and natural drainage channels flow from higher elevation lots to lower lots. Each lot owner must be aware of any culvert or drainage channel on the uphill side of the lot and design improvements on the lot to account for the water flow.**
3. **Many areas of Lincoln County, including Avalon Forest, are on or near wooded areas which pose a wildfire hazard potential. Wooded areas, if not cleaned of fuel-loaded material and dense tree cover, significantly increase the potential of a wildfire hazard. Defensible spaces of thirty (30) feet around structures are highly recommended. Individual lots should be professionally assessed for fire danger at the property owner's earliest convenience.**
4. **Some lots experience rain runoff from adjoining uphill lands. Lot development must accommodate said runoff.**

KK. ATTORNEY GENERAL'S STATEMENT ON DISCLOSURE STATEMENT

The attorney general's office has advised the Lincoln County manager that their office is not a part of the subdivision review process and has declined comments on proposed subdivision materials.

LL. RECREATION FACILITIES

(describe all recreational facilities, actual and proposed, in the subdivision)

See item HH above

MM. FIRE PROTECTION

**(distance from subdivision)
(route over which distance is computed)**

From the intersection of Avalon Forest Lane and Alpine Village Road, it is 1.4 miles east on Alpine Village Road, State Highway No. 48 and White Mountain Drive to the Village of Ruidoso fire station on White Mountain Drive.

(indicate whether the fire department is staffed by volunteers or a full-time staff)

Fire department is staffed by volunteers.

MM. POLICE PROTECTION
NN.

Include here the various police units that would patrol the subdivision:

None

(sheriff's department, if applicable)

On Call (Lincoln County)

(municipal police, if applicable)

The Village of Ruidoso may respond if requested by Lincoln County.

(state police, if applicable)

On Call

OO. SCHOOLS – (Distances are from the intersection of Avalon Avenue with Alpine Village Road)

(name of nearest elementary school)

(distance of nearest elementary school and route over which distance is computed)

Head Start, Kindergarten-Nob Hill, 5.7 miles via Alpine Village Road, State Highway No. 48 (Mechem Drive), White Mountain Drive, Hull Road, Warrior Drive, Gavilan Canyon Road, Sutton Drive, and Walnut Drive.

(name of nearest secondary school)

(distance of nearest secondary school and route over which distance is computed)

1st, 2nd Grades – Sierra Vista Primary, 2.0 miles via Alpine Village Road, State Highway No. 48 (Mechem Drive), and White Mountain Drive

3rd, 4th Grades – White Mountain Elementary, 2.0 miles via Alpine Alpine Village Road, State Highway No. 48 (Mechem Drive), and White Mountain Drive

5th, 6th Grades – White Mountain Intermediate, 2.0 miles via Alpine Alpine Village Road, State Highway No. 48 (Mechem Drive), and White Mountain Drive

7th, 8th Grades – Ruidoso Middle School 5.8 miles Via Alpine Village Road, State Highway No. 48 (Mechem Drive), White Mountain Drive, Hull Road, Warrior Drive, Gavilan Canyon Road, and Walnut Drive.

(name of nearest high school)

(distance of nearest high school and route over which distance is computed)

9th, 10th, 11th, 12th Grades – Ruidoso High School 3.2 miles via Alpine Village Road, State Highway No. 48 (Mechem Drive), White Mountain Drive, Hull Road, and Warrior Drive.

PP. HOSPITALS

(name of nearest hospital)

Lincoln County Medical Center

(distance of nearest hospital and route over which distance is computed)

5.6 miles via Alpine Village Road, State Highway No. 48 (Mechem Drive), White Mountain Drive, Hull Road, Warrior Drive, Gavilan Canyon Road, and Sutton Drive.

(number of beds in nearest hospital)

Thirty-Eight (38)

QQ. SHOPPING FACILITIES

(distance of nearest shopping facilities and route over which distance is computed)

9.3 miles via Alpine Village Road, State Highway No. 48 (Mechem Drive

(number of stores in the nearest shopping facility)

Eight (8) 721 Mechem Drive-Sierra Mall

RR. PUBLIC TRANSPORTATION

Include here whether the subdivision is served on a regular basis by:

(bus)

No- Ruidoso has no regular interstate bus service

(plane)

No- Sierra Blanca Regional Airport is in the area

(other means of transportation)

Lincoln County Transit, taxi service and shuttle service exist for the Ruidoso-Ruidoso Downs area

SS. COMPLETION DATES

(state here the projected dates upon which any of the items mentioned in LL through RR will be available if they are not yet available)

See HH for item LL

Items MM through RR now exist

TT. SOIL SURVEY INFORMATION AND INTERPRETATION

A Soil Conservation Service (SCS) soil survey exists for the subdivision. A copy is available at the Developer's sales office or from the SCS office in Capitan, New Mexico

UU. INDICATE BY LOT AND BLOCK NUMBER ALL LOTS LOCATED ON A FLOOD-PLAIN OR FLOOD FRINGE.

None

VV. DRIVEWAY CULVERTS

Prior to installing a driveway culvert in a county road barrow ditch, the subdivider or owner shall obtain the Architectural Review Committee's written permission and instructions for such installation. Culverts for driveways must meet road design standards and be at least 18" in diameter.

WW. DRIVEWAY EASEMENT

Not applicable. All driveways must enter and exit on subdivision roads.

XX. SUBDIVISION OF LOTS

Division of lots platted in the subdivision is not allowed. Realignment or combination of lots must be reviewed by the County and Village of Ruidoso Planning and Zoning Commissions. Approval is at the discretion of the Commissions and is not automatic.

XX. RECORDING REQUIREMENT

The subdivider shall record the deed, real estate contract, lease or other instrument conveying an interest in subdivided land with the County Clerk within thirty (30) days of the signing of such instrument by the purchaser, lessee or other person acquiring an interest in the land.

ZZ. PERMITS

Building permits, wastewater permits or other use permits are required to be issued by State or County officials before improvements are constructed; and further, you are advised to investigate the availability of such permits before purchase, lease or other conveyance and whether these requirements for construction of additional improvements before you accept the property.

We, the undersigned owners of Avalon Forest, Units 1 and 2, Lincoln County, New Mexico, do hereby certify that the foregoing statements are true and correct to the best of our knowledge and belief.

WITNESS our hands and seals on this the ____ day of _____, 2012

ATKINSON LAND CO.
A New Mexico Corporation
Company

Robert Lee

AVALON FOREST, LLC
A New Mexico Limited Liability

Margaret A. Atkinson, President

Robert Lee

Don Murphy, Managing Member

STATE OF NEW MEXICO) ss
)
COUNTY OF LINCOLN) ss

On this day of _____, 2012 before me appeared Margaret A. Atkinson to me personally known, who, being by me duly sworn, did say that she is the President of Atkinson Land Co., a New Mexico Corporation and that said instrument was signed on behalf of said Atkinson Land Co., a New Mexico Corporation.

My Commission Expires:

Notary Public

STATE OF NEW MEXICO) ss
)
COUNTY OF LINCOLN) ss

On this day of _____, 2012 before me appeared Robert Lee to me personally known, who, being by me duly sworn, did say that he is Robert Lee and that said instrument was signed by Robert Lee.

My Commission Expires:

Notary Public

BY SIGNING THIS RECEIPT YOU ACKNOWLEDGE THAT YOU HAVE RECEIVED A COPY OF THIS DISCLOSURE STATEMENT.

Received by: _____ Date: _____

Address: _____

City: _____

State: _____ Zip Code: _____

DISCLOSURE

STATEMENT

ADDENDUM

LETTERS

ENVIRONMENT

DEPARTMENT

Reference:

AA (page 17)

CC (page 18)



BILL RICHARDSON
Governor

State of New Mexico
ENVIRONMENT DEPARTMENT
Environmental Health Division
Ruidoso Field Office
1216 Mechem Dr.
Ruidoso, New Mexico 88345
Telephone (505) 258-5272
Fax (505) 258-4891



RON CURRY
Secretary
DERRITH WATCHMAN-MOORE
Deputy Secretary
ANA MARIE ORTIZ
Director

November 17, 2006

Curt Temple
Lincoln County Planning director
105 Kansas City Rd.
Ruidoso, NM 88345

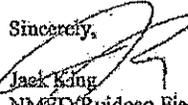
Subject: **The Avalon Forest Subdivision plan review**

Dear Mr. Temple:

The Ruidoso Field Office of the New Mexico Environment Department (NMED) has received and reviewed a copy of the Development Plan for the Avalon Forest Subdivision. The Development Plan has three areas that are within the regulatory authority of the NMED. The following is the Department's response to each of the areas:

1. *Solid Waste.* No recommendations due to not having information to review.
2. *Liquid Waste.* The lots are larger than 2 acres(s) in size, therefore based on lot size alone conventional septic systems can be used as long as set backs, clearances and adequate soil requirements are met.
3. *Drinking Water.* Being reviewed by the NMED Drinking Water Bureau. No response at this time.

Sincerely,


Jack King
NMED/Ruidoso Field Office

Cc: file

**OFFICE OF THE
STATE ENGINEER**

Reference:

Y (page 16)



*not
a cert*

STATE OF NEW MEXICO
OFFICE OF THE STATE ENGINEER

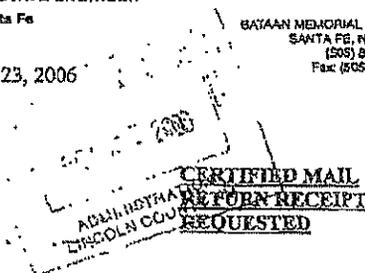
Santa Fe

John R. D'Antonio, Jr., P.E.
State Engineer

BATAAN MEMORIAL BUILDING, ROOM 102
SANTA FE, NM 87504-5102
(505) 827-6120
Fax: (505) 827-6682

October 23, 2006

Mr. Thomas F. Stewart
County Manager, Lincoln County
P.O. Box 711
Carriazo, NM 88301-0711



Re: Avalon Forest Subdivision

Dear Mr. Stewart:

The Water Use & Conservation/Subdivision Review Bureau of the Office of the State Engineer has reviewed the referenced subdivision proposal pursuant to the Lincoln County Subdivision Ordinance, the New Mexico Subdivision Act and the OSE Rules and Regulations Governing the Appropriation and Use of Ground Water In New Mexico.

Based on the information provided, this office has determined that the subdivider can furnish water sufficient in quantity to fulfill the maximum annual water requirements of the subdivision, including water for indoor and outdoor domestic uses, and that the subdivider can fulfill the proposals in his disclosure statement concerning water, excepting water quality. Accordingly, a positive opinion is issued.

A staff memorandum providing specific comments is attached for your information. If you have any questions, please call Jerry Keller at 505-827-3845.

Sincerely,

John W. Longworth, P.E.

Water Use & Conservation/Subdivision Review Bureau Chief

Encl:

cc: OSE Water Rights Division, Roswell Office

JK:jk

MEMORANDUM
New Mexico Office of the State Engineer
Water Use and Conservation Bureau

DATE: October 23, 2006
TO: John Longworth, P.E. Water Use & Conservation Bureau Chief
FROM: Jerry Keller, Senior Water Resource Specialist *JK*
SUBJECT: Avalon Forest Subdivision in Lincoln County

SUMMARY

On October 3, 2006, the Office of the State Engineer (OSE) received additional/revised information for the Preliminary Plat for Avalon Forest, a Type-Three Subdivision. The revised proposal is a request to subdivide a 57.42-acre parcel into 24 residential lots ranging in size from 2.0-acres to 3.35-acres each. The proposed water supply is individual and/or shared 72-12-1 domestic wells. The proposed subdivision is located approximately one mile west of New Mexico Highway 48, between the towns of Alto and Ruidoso, within the Northeast ¼ of Section 9, Township 11 South, Range 13 East, NMPM.

This office issued a negative opinion by letter dated August 4, 2006, for the reason that the proposal did not satisfy the requirements of Sections 18.2 of the Lincoln County Subdivision Ordinance and Section 47-6-11-F (1) (b) of the New Mexico Subdivision Act. See the previous letter for specific details.

The previous proposal was a request to subdivide 57.42-acres into 33 residential lots ranging in size from 0.921-acres to 2.662-acres each, a type two subdivision. The current proposal is a type three subdivision. The subdivider has reduced the number of lots to 24, ranging in size from 2.0-acres to 3.35-acres each.

The revised water supply documents submitted to this office consist of a Disclosure Statement, Declaration of Restrictive Covenants (Covenants), and a Plat Map.

The proposal was reviewed pursuant to the Lincoln County Subdivision Ordinance (Ordinance) and the New Mexico Subdivision Act (Act). The water supply proposal is in substantial compliance with the requirements of the Ordinance and the Act. Accordingly, a positive opinion should be issued.

WATER DEMAND ANALYSIS AND WATER CONSERVATION

The initial proposal contained a Water Supply Plan and a detailed Water Demand Analysis as required by Section 18.2.A of the Ordinance, within the Geohydrologic Investigation Report. The analysis estimated the annual water demand as 0.24 acre-feet per parcel. Based on 24 lots, the revised total subdivision demand is 5.76 acre-feet.

*Avalon Forest Subdivision
October 23, 2008
Page 2 of 2*

Item R of the Disclosure Statement and Section 13.4 of the Covenants state that water use is restricted to 0.2 acre-feet per annum. These sections should be revised to 0.24 acre-feet per annum.

Updated rules and regulations on 72-12-1.1 domestic well permits were adopted on August 15, 2006 and filed under Title 19, Chapter 27, Part 5 of the New Mexico Administrative Code (19.27.5 NMAC). The updated rules and regulations replaced Articles 1-15 through 1-15.5, 1-15.7, 1-15.8, and 1-16 of the existing Rules and Regulations Governing the Drilling of Wells and the Appropriation and Use of the Ground Water in New Mexico. Under Section 19.27.5.9.D.1 of the regulations the maximum permitted diversion of water from a 72-12-1.1 domestic well permitted to serve one household shall not exceed 1.0 acre-foot per annum.

The maximum permitted diversion of water from a 72-12-1.1 domestic well permitted to serve more than one household shall not exceed 1.0 acre-foot per annum per household served. The maximum combined diversion from a 72-12-1.1 domestic well serving three or more households shall not exceed 3.0 acre-feet per annum.

Item R of the Disclosure Statement Section 13.4 of the Covenants state that under a 72-12-1 well permit a diversion three acre-feet per annum is allowed. A note under Item R states the OSE is amending the above statements. The Disclosure Statement and the Covenants must be revised to reflect the diversion permitted under the current OSE Rules and Regulations.

The Disclosure Statement and the Covenants are in agreement with the assumptions used in the Water Demand Analysis to estimate the annual subdivision water requirements. In addition to previously stated conservation measures, the subdivider has restricted the total irrigated area to 800 square feet per parcel and hot tubs, water fountains, and decorative ponds are prohibited.

WATER AVAILABILITY ASSESSMENT

The proposed water supply for the subdivision is individual and/or shared 72-12-1 domestic wells. A well sharing agreement is included in the proposal.

The subdivider submitted a GIR in accordance with the requirements of Sections 17.5 and 17.4.C of the Regulations as part of the previous submittal. No additional comments are warranted.

UPPER HONDO

SOIL

Curt _____

UPPER HONDO SOIL & WATER CONSERVATION DISTRICT

P. O. Box 900, 516 Smokey Bear Blvd., Capitan, NM 88316
PH: (505) 354-2220 FAX: (505) 354-2515
Email: nhswcd@valornet.com

Supervisors:

Mary Shanks, Chairman
J. James Sanchez, Vice-Chairman
Jerry Burchett, Secretary/Treasurer
Jim Cooper, Member

Robert Runnels, Member
Preston Stone, Member
Stan Thomas, Member
Glenda Bocher, Program Director

July 21, 2006,

Thomas F. Stewart, County Manager
County of Lincoln
P. O. Box 711
Carrizozo, New Mexico 88301-0711

SUBJECT: Avalon Forest Subdivision Review

Mr. Stewart:

Members of the Upper Hondo Soil & Water Conservation District Board and Natural Resources Conservation Service met with Don Murphy and Tim Collins for an on-site review of the proposed Avalon Forest Subdivision.

In Our review of the proposed subdivision we have some concerns on the items listed below,

1. Paper work not in order;
Letter from Lincoln County Manager, Tom Steward, states this will be a Type 2 subdivision with private paved roads, community water system, and community sewer system. Developer says this is not the case. The Developer, as a part of a sales promotion, will promote several lot owners getting together and sharing a well.
2. No soil study was provided on this particular subdivision.
Data was used from adjacent lots. Soil types 38, 39, 40 & 80

38: Monjeau-Docdee complex, 8-15% slope- permeability slow; Slow permeability limits the operation of septic tank absorption fields. The very shallow and shallow depth to bedrock limits the installation of septic tank systems and the construction of streets and dwellings.

39: Monjeau-Docdee complex, 15-30% slopes. (Same as # 38)

40: Monjeau-Docdee, 30-75%- Runoff is rapid, and the hazard of water erosion is high, poorly suited for homesites development.

80: Sampson loam, 0-8 % slopes. Permeability of this Sampson soil is moderate. The main limitations of the unit for homesite development is the shrink-swell potential. Buildings and roads should be designed to offset the effects of shrinking and swelling.

3. Erosion; Granular soil; it will be hard to control run off and has a high erosion index.
4. Roads; Developer says roads will be built to county standards; Due to the steep terrain culvert size is questionable. Culverts may need to be enlarged in size to handle steep grades run off of water and debris
5. Water availability is questionable; no test well has been drilled on this subdivision. A well was drilled on adjacent property in 2002 but we need current information on water availability and conditions of water levels now.

We want to point out the shortage of water in our region, especially during the drought we have been experiencing the last several years. Our underground water supply is a limited resource and we have concerns about projects that will impact this valuable resource, thus affecting the existing wells of our citizens. Water levels in wells belonging to our cooperators and the rest of the citizens in the drainage area are of a major concern to this district.

Therefore we do not recommend subdivision for approval.

We thank you for the opportunity to review this proposed subdivision.


Mary Shanks
Chairman

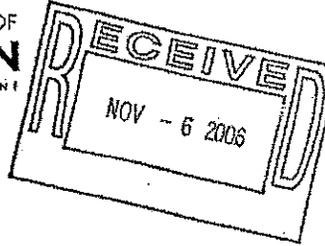
NEW MEXICO
DEPARTMENT OF
TRANSPORTATION

Reference:

GG (page 22)



NEW MEXICO DEPARTMENT OF TRANSPORTATION
MOBILITY FOR EVERYONE



R/W Bureau

November 2, 2006

Mr. Curt Temple
Planning Director
105 Kansas City Road
Ruidoso, NM 88345

RE: Avalon Forest Subdivision

Dear Mr. Temple,

The appropriate engineers of the New Mexico Department of Transportation have reviewed the material submitted on the above referenced development and comments or concerns to be addressed are as follows:

Traffic Technical Support: At a minimum, a Site Threshold Assessment (STH) should be completed and provided to the NMDOT District Traffic Engineer for review. A Site Threshold Assessment (STH) was included in the Avalon Forest Subdivision re-submittal dated September 8, 2006. According to the STH, the subdivision land use is classified as Single Family Recreational. Upon review of the data, and utilizing the most current edition of the ITE Trip Generation Manual (7th Edition) and the land use specified, the proposed development is expected to generate a volume of 27 trips in the AM peak hour and 21 trips in the PM peak hour. As a guideline, according to the State Access Management Manual, a proposed development that is expected to generate between 25 and 100 peak-hour total trips should have a Site Traffic Analysis (STA) completed. However, since the peak hour volumes generated are so close to the threshold for a Site Traffic Analysis the District Traffic Engineer may waive the requirement for the STA pending any site specific improvements that may be required. Assuming there are no future and/or existing additional phases to this subdivision. Therefore, it is recommended that the Site Threshold Assessment (STH) be provided to the NMDOT District Traffic Engineer for evaluation based on the requirements set forth in the State Access Management Manual.

Drainage Section: It appears that the Department ROW could be impacted. Also new roads could have an impact on the peak flows. The Developer must not increase historical peak flows or impact our ROW in any negative way.

If you have any questions or need further information please contact me at 476-3652 or by e-mail at jeremy.lujan@state.nm.us.

Sincerely,

Jeremy Lujan
Property Management Agent
Right of Way Bureau

XC: File #1588

General Office | P.O. Box 1149 | Santa Fe, NM | 87504-1149

Bill Richardson
Governor

Rhonda G. Faught P.E.
Cabinet Secretary

Commission

Johnny Cope
Chairman
District 2

David Schutz
Vice Chairman
District 5

Gregory T. Ortiz
Secretary
District 6

Norman Assed
Commissioner
District 3

Jim Franken
Commissioner
District 4

Jon Hammar
Commissioner
District 1

DISCLOSURE

STATEMENT

ADDENDUM

LETTERS

ENVIRONMENT

DEPARTMENT

Reference:

AA (page 17)

CC (page 18)



BILL RICHARDSON
Governor

State of New Mexico
ENVIRONMENT DEPARTMENT

Environmental Health Division
Ruidoso Field Office
1216 Mechem Dr.
Ruidoso, New Mexico 88345
Telephone (505) 258-3272
Fax (505) 258-4891



RON CURRY
Secretary

DERRITH WATCHMAN-MOORI
Deputy Secretary

ANA MARIE ORTIZ
Director

November 17, 2006

Gurt Temple
Lincoln County Planning director
105 Kansas City Rd.
Ruidoso, NM 88345

Subject: **The Avalon Forest Subdivision plan review**

Dear Mr. Temple:

The Ruidoso Field Office of the New Mexico Environment Department (NMED) has received and reviewed a copy of the Development Plan for the Avalon Forest Subdivision. The Development Plan has three areas that are within the regulatory authority of the NMED. The following is the Department's response to each of the areas:

1. *Solid Waste.* No recommendations due to not having information to review.
2. *Liquid Waste.* The lots are larger than 2 acres(s) in size, therefore based on lot size alone conventional septic systems can be used as long as set backs, clearances and adequate soil requirements are met.
3. *Drinking Water.* Being reviewed by the NMED Drinking Water Bureau. No response at this time.

Sincerely,

Jack King
NMED/Ruidoso Field Office

Cc: file

**OFFICE OF THE
STATE ENGINEER**

Reference:

Y (page 16)



Handwritten initials and 'Court'

STATE OF NEW MEXICO

OFFICE OF THE STATE ENGINEER

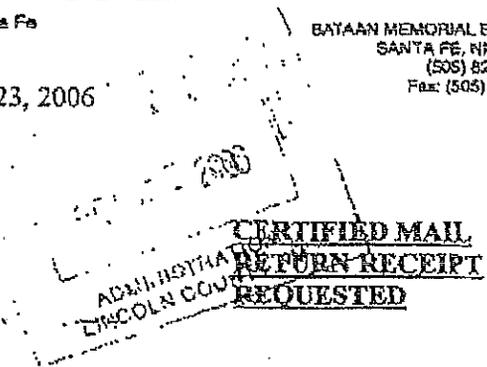
Santa Fe

John R. Longworth, Jr., P.E.
State Engineer

BATAAN MEMORIAL BUILDING, ROOM 102
SANTA FE, NM 87504-5102
(505) 827-8120
Fax: (505) 827-6682

October 23, 2006

Mr. Thomas F. Stewart
County Manager, Lincoln County
P.O. Box 711
Carriozzo, NM 88301-0711



Re: Avalon Forest Subdivision

Dear Mr. Stewart:

The Water Use & Conservation/Subdivision Review Bureau of the Office of the State Engineer has reviewed the referenced subdivision proposal pursuant to the Lincoln County Subdivision Ordinance, the New Mexico Subdivision Act and the OSE Rules and Regulations Governing the Appropriation and Use of Ground Water In New Mexico.

Based on the information provided, this office has determined that the subdivider can furnish water sufficient in quantity to fulfill the maximum annual water requirements of the subdivision, including water for indoor and outdoor domestic uses, and that the subdivider can fulfill the proposals in his disclosure statement concerning water, excepting water quality. Accordingly, a positive opinion is issued.

A staff memorandum providing specific comments is attached for your information. If you have any questions, please call Jerry Keller at 505-827-3845.

Sincerely,

Handwritten signature of John W. Longworth

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

Encl:

cc: OSE Water Rights Division, Roswell Office

JK:jk

MEMORANDUM
New Mexico Office of the State Engineer
Water Use and Conservation Bureau

DATE: October 23, 2006
TO: John Longworth, P.E. Water Use & Conservation Bureau Chief
FROM: Jerry Keller, Senior Water Resource Specialist *JK*
SUBJECT: Avalon Forest Subdivision in Lincoln County

SUMMARY

On October 3, 2006, the Office of the State Engineer (OSE) received additional/revised information for the Preliminary Plat for Avalon Forest, a Type-Three Subdivision. The revised proposal is a request to subdivide a 57.42-acre parcel into 24 residential lots ranging in size from 2.0-acres to 3.35-acres each. The proposed water supply is individual and/or shared 72-12-1 domestic wells. The proposed subdivision is located approximately one mile west of New Mexico Highway 48, between the towns of Alto and Ruidoso, within the Northeast ¼ of Section 9, Township 11 South, Range 13 East, NMPM.

This office issued a negative opinion by letter dated August 4, 2006, for the reason that the proposal did not satisfy the requirements of Sections 18.2 of the Lincoln County Subdivision Ordinance and Section 47-6-11-F (1) (b) of the New Mexico Subdivision Act. See the previous letter for specific details.

The previous proposal was a request to subdivide 57.42-acres into 33 residential lots ranging in size from 0.921-acres to 2.662-acres each, a type two subdivision. The current proposal is a type three subdivision. The subdivider has reduced the number of lots to 24, ranging in size from 2.0-acres to 3.35-acres each.

The revised water supply documents submitted to this office consist of a Disclosure Statement, Declaration of Restrictive Covenants (Covenants), and a Plat Map.

The proposal was reviewed pursuant to the Lincoln County Subdivision Ordinance (Ordinance) and the New Mexico Subdivision Act (Act). The water supply proposal is in substantial compliance with the requirements of the Ordinance and the Act. Accordingly, a positive opinion should be issued.

WATER DEMAND ANALYSIS AND WATER CONSERVATION

The initial proposal contained a Water Supply Plan and a detailed Water Demand Analysis as required by Section 18.2.A of the Ordinance, within the Geohydrologic Investigation Report. The analysis estimated the annual water demand as 0.24 acre-feet per parcel. Based on 24 lots, the revised total subdivision demand is 5.76 acre-feet.

*Avalon Forest Subdivision**October 23, 2006**Page 2 of 2*

Item R of the Disclosure Statement and Section 13.4 of the Covenants state that water use is restricted to 0.2 acre-feet per annum. These sections should be revised to 0.24 acre-feet per annum.

Updated rules and regulations on 72-12-1.1 domestic well permits were adopted on August 15, 2006 and filed under Title 19, Chapter 27, Part 5 of the New Mexico Administrative Code (19.27.5 NMAC). The updated rules and regulations replaced Articles 1-15 through 1-15.5, 1-15.7, 1-15.8, and 1-16 of the existing Rules and Regulations Governing the Drilling of Wells and the Appropriation and Use of the Ground Water in New Mexico. Under Section 19.27.5.9.D.1 of the regulations the maximum permitted diversion of water from a 72-12-1.1 domestic well permitted to serve one household shall not exceed 1.0 acre-foot per annum.

The maximum permitted diversion of water from a 72-12-1.1 domestic well permitted to serve more than one household shall not exceed 1.0 acre-foot per annum per household served. The maximum combined diversion from a 72-12-1.1 domestic well serving three or more households shall not exceed 3.0 acre-feet per annum.

Item R of the Disclosure Statement Section 13.4 of the Covenants state that under a 72-12-1 well permit a diversion three acre-feet per annum is allowed. A note under Item R states the OSE is amending the above statements. The Disclosure Statement and the Covenants must be revised to reflect the diversion permitted under the current OSE Rules and Regulations.

The Disclosure Statement and the Covenants are in agreement with the assumptions used in the Water Demand Analysis to estimate the annual subdivision water requirements. In addition to previously stated conservation measures, the subdivider has restricted the total irrigated area to 800 square feet per parcel and hot tubs, water fountains, and decorative ponds are prohibited.

WATER AVAILABILITY ASSESSMENT

The proposed water supply for the subdivision is individual and/or shared 72-12-1 domestic wells. A well sharing agreement is included in the proposal.

The subdivider submitted a GIR in accordance with the requirements of Sections 17.5 and 17.4.C of the Regulations as part of the previous submittal. No additional comments are warranted.

UPPER HONDO

SOIL

Curt

UPPER HONDO SOIL & WATER CONSERVATION DISTRICT

P. O. Box 900, 516 Smokey Bear Blvd., Capitan, NM 88316
PH: (505) 354-2220 FAX: (505) 354-2515
Email: uhsxcd@valornet.com

Supervisors:

Mary Shanks, Chairman
J. James Sanchez, Vice-Chairman
Jerry Burchett, Secretary/Treasurer
Jim Cooper, Member

Robert Runnels, Member
Preston Stone, Member
Stan Thomas, Member
Glenda Booher, Program Director

July 21, 2006,

Thomas F. Stewart, County Manager
County of Lincoln
P. O. Box 711
Carrizozo, New Mexico 88301-0711

SUBJECT: Avalon Forest Subdivision Review

Mr. Stewart:

Members of the Upper Hondo Soil & Water Conservation District Board and Natural Resources Conservation Service met with Don Murphy and Tim Collins for an on-site review of the proposed Avalon Forest Subdivision.

In Our review of the proposed subdivision we have some concerns on the items listed below,

1. Paper work not in order;

Letter from Lincoln County Manager, Tom Steward, states this will be a Type 2 subdivision with private paved roads, community water system, and community sewer system. Developer says this is not the case. The Developer, as a part of a sales promotion, will promote several lot owners getting together and sharing a well.

2. No soil study was provided on this particular subdivision.

Data was used from adjacent lots. Soil types 38, 39, 40 & 80

38:Monjeau-Docdee complex, 8-15% slope- permeability slow; Slow permeability limits the operation of septic tank absorption fields. The very shallow and shallow depth to bedrock limits the installation of septic tank systems and the construction of streets and dwellings.

39: Monjeau-Docdee complex, 15-30% slopes. (Same as # 38)

40: Monjeau-Docdee, 30-75%- Runoff is rapid, and the hazard of water erosion is high, poorly suited for homesites development.

80: Sampson loam, 0-8 % slopes. Permeability of this Sampson soil is moderate. The main limitations of the unit for homesite development is the shrink-swell potential. Buildings and roads should be designed to offset the effects of shrinking and swelling.

3. Erosion; Granular soil; it will be hard to control run off and has a high erosion index.
4. Roads; Developer says roads will be built to county standards; Due to the steep terrain culvert size is questionable. Culverts may need to be enlarged in size to handle steep grades run off of water and debris
5. Water availability is questionable; no test well has been drilled on this subdivision. A well was drilled on adjacent property in 2002 but we need current information on water availability and conditions of water levels now.

We want to point out the shortage of water in our region, especially during the drought we have been experiencing the last several years. Our underground water supply is a limited resource and we have concerns about projects that will impact this valuable resource, thus affecting the existing wells of our citizens.

Water levels in wells belonging to our cooperators and the rest of the citizens in the drainage area are of a major concern to this district.

Therefore we do not recommend subdivision for approval.

We thank you for the opportunity to review this proposed subdivision.

Mary Shanks

Mary Shanks
Chairman

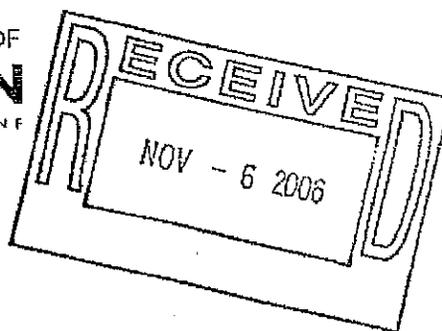
NEW MEXICO
DEPARTMENT OF
TRANSPORTATION

Reference:

GG (page 22)



NEW MEXICO DEPARTMENT OF TRANSPORTATION
MOBILITY FOR EVERYONE



R/W Bureau

November 2, 2006

Mr. Curt Temple
Planning Director
105 Kansas City Road
Ruidoso, NM 88345

RE: Avalon Forest Subdivision

Dear Mr. Temple,

The appropriate engineers of the New Mexico Department of Transportation have reviewed the material submitted on the above referenced development and comments or concerns to be addressed are as follows:

Traffic Technical Support: At a minimum, a Site Threshold Assessment (STH) should be completed and provided to the NMDOT District Traffic Engineer for review. A Site Threshold Assessment (STH) was included in the Avalon Forest Subdivision re-submittal dated September 8, 2006. According to the STH, the subdivision land use is classified as Single Family Recreational. Upon review of the data, and utilizing the most current edition of the ITE Trip Generation Manual (7th Edition) and the land use specified, the proposed development is expected to generate a volume of 27 trips in the AM peak hour and 21 trips in the PM peak hour. As a guideline, according to the State Access Management Manual, a proposed development that is expected to generate between 25 and 100 peak-hour total trips should have a Site Traffic Analysis (STA) completed. However, since the peak hour volumes generated are so close to the threshold for a Site Traffic Analysis the District Traffic Engineer may waive the requirement for the STA pending any site specific improvements that may be required. Assuming there are no future and/or existing additional phases to this subdivision. Therefore, it is recommended that the Site Threshold Assessment (STH) be provided to the NMDOT District Traffic Engineer for evaluation based on the requirements set forth in the State Access Management Manual.

Drainage Section: It appears that the Department ROW could be impacted. Also new roads could have an impact on the peak flows. The Developer must not increase historical peak flows or impact our ROW in any negative way.

If you have any questions or need further information please contact me at 476-3652 or by e-mail at jeremy.lujan@state.nm.us.

Sincerely,

Jeremy Lujan
Property Management Agent
Right of Way Bureau

XC: File #1588

Bill Richardson
Governor

Rhonda G. Faught P.E.
Cabinet Secretary

Commission

Johnny Cope
Chairman
District 2

David Schutz
Vice Chairman
District 5

Gregory T. Ortiz
Secretary
District 6

Norman Assed
Commissioner
District 3

Jim Franken
Commissioner
District 4

Jon Hummer
Commissioner
District 1

AGENDA DOCUMENTATION
September 18, 2012

Agenda Item No. 18

SUBJECT

Approval of Citizenship Day & Constitution Week Proclamation

ACTION REQUESTED BY

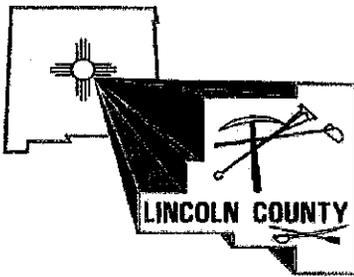
County Manager

ACTION REQUESTED

To be determined

BACKGROUND

See an attached proclamation and memorandum from county manager.



www.lincolncountynm.net

County of Lincoln

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

September 11, 2012

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager 

SUBJECT: Citizenship Day & Constitution Week Proclamation

Purpose: To proclaim special recognition of this year's Citizenship Day & Constitution Week celebration.

Discussion: On behalf of a grateful nation, it is fitting to specifically recognize this year's Citizenship Day and Constitution Week.

Recommendation: Approve the attached proclamation.

**PROCLAIMING CITIZENSHIP DAY AND CONSTITUTION WEEK
IN LINCOLN COUNTY**

WHEREAS, delegates to the Constitutional Convention of 1787 crafted what would become the United States Constitution and grasped that our future should be built on the foundations of national consent to a Federal Government and respect for individual rights; and

WHEREAS, the delegates ratified the Constitution on September 17, 1787, and submitted it to the States for approval; and

WHEREAS, our Nation now celebrates one of the longest written Constitutions in history, and our Republic would surely falter except for the faith and confidence that we place in our Constitution, and

WHEREAS, the Congress, by resolution of February 29, 1952 (36 U.S.C. 106), designated September 17 as "Citizenship Day," and by resolution of August 2, 1956 (36 U.S.C. 108), requested that the President proclaim the week beginning September 17 and ending September 23 of each year as "Constitution Week."

NOW, THEREFORE, WE DO HEREBY PROCLAIM SEPTEMBER 17, 2012 THROUGH SEPTEMBER 23, 2012 AS CONSTITUTION WEEK IN LINCOLN COUNTY AND ASK ALL OUR CITIZENS TO REAFFIRM THEIR COMMITMENT TO OUR NATION AND THE CONSTITUTION.

PROCLAIMED this 18th Day of September 2012 in Lincoln County, New Mexico.

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

Eileen Sedillo, Chairwoman

Jackie Powell, Vice Chairwoman

Kathryn Minter, Member

Tom Battin, Member

Mark Doth, Member

ATTEST:

Rhonda Burrows, County Clerk

AGENDA DOCUMENTATION
September 18, 2012

Agenda Item No. 19

SUBJECT

1:00 P.M. Public Comment and Other Business from County Officials
(Items are for discussion only – no action will be taken)

ACTION REQUESTED BY

County Manager

ACTION REQUESTED

No Action Required

BACKGROUND

AGENDA DOCUMENTATION
September 18, 2012

Agenda Item No. 20

SUBJECT

Public Hearing

ACTION REQUESTED BY

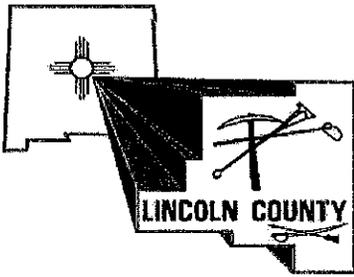
County Manager

ACTION REQUESTED

Public Input/Adoption

BACKGROUND

1. 1:30 P.M.: Public hearing to consider the final adoption of the Lincoln County Mitigation Plan.



www.lincolncountynm.net

County of Lincoln

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

September 13, 2012

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *mt*

SUBJECT: Lincoln County Local Hazard Mitigation Plan

Purpose: To obtain Adoption of the “Lincoln County Local Hazard Mitigation Plan”

Discussion:

At its August meeting, the Commission was provided copies of the Lincoln County All Hazard Mitigation Plan (Plan) to be considered for approval at its September 18th meeting. During that timeline, FEMA was in the process of reviewing the Plan for final approval. At Enclosure 1 is FEMA’s “Approval Pending Adoption Letter” that ties their formal approval of this plan to:

the formal adoption of this plan by the participant (Lincoln County), and further, the receipt of all components of this plan in an electronic form (CD). An adopting resolution must be submitted to this agency for review and approval no later than 90 days from the date of this letter (September 11, 2012). Failure to submit these resolutions in a timely manner could lead to a required update of the plan prior to FEMA approval.

The “Approval Pending Adoption Letter” pointed out that the plan identifies Lincoln County, New Mexico as the only jurisdiction included within the plan, and consequently referenced it as the “Lincoln County, New Mexico **Local** Hazard Mitigation Plan”.

Recommendation: Adopt the Lincoln County Local Hazard Mitigation Plan. (Adopting Resolution to be provided at September 18th meeting).



FEMA

9/11/2012

Ms. Wendy Blackwell
New Mexico Department of Homeland Security and Emergency Management, Preparedness Bureau
Office of Emergency Management
P.O. Box 27111
Santa Fe, NM 87502-1628

RE: Review of the Lincoln County, New Mexico Local Hazard Mitigation Plan
FY07-PDM-EMT-2007-PC-0007; 7

Dear Mr. Ms. Blackwell

This office has concluded its review of the referenced plan, in conformance with the Final Rule on Mitigation Planning (44 CFR Part 201.6). This plan identifies Lincoln County, New Mexico as the only jurisdiction included within the plan.

Upon reviewing this plan using the guidance, "Multi-Hazard Mitigation Planning Guidance under the Disaster Mitigation Act of 2000", the enclosed review indicates that this plan cannot be approved as submitted. Formal approval of this plan is contingent upon the adoption of this plan by the participant as well as the receipt of all components of this plan in an electronic form (CD). **An adopting resolution must be submitted to this agency for review and approval no later than 90 days from the date of this letter. Failure to submit these resolutions in a timely manner could lead to a required update of the plan prior to FEMA approval.** Once these requirements have been met, a letter of official approval will be generated from this office. Please advise the referenced jurisdiction of these requirements.

This office has provided the enclosed Local Hazard Mitigation Plan Crosswalk, with reviewer's comments, to further assist the jurisdiction in complying with the planning requirements.

If you have any questions, please contact Patricia Schaffer, Community Planner at (940) 898-5136.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Zimmerer".

for Gary Zimmerer
Risk Analysis Branch Chief

Enclosures

cc: Taran Roddy, R6-MT-HM

FEMA Region 6 requests that states follow the procedures for **Adoption Submittals** to the Regional office as referenced in the State Submittal Procedures for Local Hazard Mitigation Plans – March 5, 2007. As a reminder, all plans must be submitted through the state. Any plan bypassing the state review process will be returned.

Adoption Submittal (Final)

Region VI recommends that all jurisdictions refrain from adopting a plan until it has received a satisfactory evaluation from FEMA. Following the issuance of a Satisfactory Review (Approvable Pending Adoption) letter, all participants are provided 90 days to adopt the plan and submit it through the state to FEMA. For multi-jurisdictional plans, multiple adoptions should be submitted as a complete package as outlined below.

- ✓ Include a state transmittal letter containing:
 - Plan name, sub-grantee, FEMA funding source, grant or disaster number, and project number, as applicable.
 - Information on enclosed adoptions.
- ✓ Include an electronic (CD) version containing the final plan formatted as a single document, and all signed resolutions as an additional single document on the disk.
 - Track changes, strikethroughs, highlights must be removed from the final plan.
 - Three-ring binder of full plan is not required for this submittal.
 - Plan must be dated to final adoption month and year.
- ✓ E-mail submittals will not be accepted.
- ✓ Submittals which do not conform to the above requirements will be returned to the State for resubmission.

AGENDA DOCUMENTATION
September 18, 2012

Agenda Item No. 21

SUBJECT

Presentation on NMAC legislative priorities for 2013

ACTION REQUESTED BY

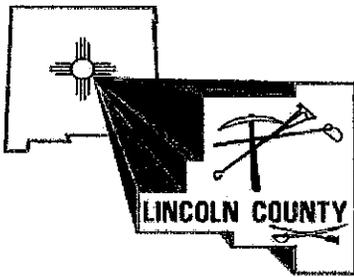
County Manager

ACTION REQUESTED

To be determined

BACKGROUND

See an attached memorandum from county manager.



www.lincolncountynm.net

County of Lincoln

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

September 13, 2012

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager 

SUBJECT: Support for NMAC Legislative Priorities

Purpose: To obtain approval of the attached resolution.

Discussion:

Annually, the New Mexico Association of Counties (NMAC) adopts legislative priorities to focus efforts at changing state statutes and other pieces of legislation.

At enclosure 1 is a proposed county resolution 2012-12 in support of the legislative priorities.

Recommendation: Discuss and approve resolution 2012-12 for forwarding to NMAC and our state legislators.

RESOLUTION 2012-12

**A Resolution Supporting the 2013 Legislative Priorities of the
New Mexico Association of Counties**

WHEREAS, in August, 2012, the Board of Directors of the New Mexico Association of Counties approved six legislative priorities for consideration by the New Mexico Legislature and its 2013 Regular legislative session; and

WHEREAS, the Association has requested that the Board of County Commissioners in each of the state's 33 counties adopt a resolution supporting the Association's legislative priorities; and

WHEREAS, this is an important step in assuring maximum understanding of, and support for, the Association's legislative priorities at the county level; and

WHEREAS, the adoption of such resolutions will enable the Association to demonstrate to the state legislature local and statewide support for the Association's legislative priorities; and

WHEREAS, the legislative priorities adopted by the Association's Board of Directors include support for legislation on the following six issues:

- A. Disclosure of sales data for all real property;
- B. Authorizing local government royalties for database access;
- C. Decriminalization of minor traffic offenses;
- D. Funding for rural emergency medical systems;
- E. Mandating sales of delinquent properties;
- F. Expanding the list of fireworks restricted by local governments

NOW, THEREFORE, BE IT RESOLVED THAT THE Lincoln County Board of Commissioners does hereby support the legislative priorities of the New Mexico Association of Counties as set forth above, and urges that legislation incorporating these priorities be enacted by the state legislature during its 2013 Regular legislative session.

PASSED AND ADOPTED on the 18th day of September, 2012.

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

Eileen Sedillo, Chairwoman

Jackie Powell, Vice Chair

Mark Doth, Member

Tom Battin, Member

Kathryn Minter, Member

ATTEST:

Rhonda Burrows, County Clerk

New Mexico Association of Counties



2013 NMAC Legislative Priority Resolutions

2013 NMAC LEGISLATIVE PRIORITY RESOLUTIONS

Assessors #4	Real Property Sales Disclosure	Page 4
Clerks #	Local Government Database Royalties	Page 7
Commissioners #2	Traffic Violation Reform	Page 12
Commissioners #3	EMS Funding	Page 14
Commissioners #7	Fireworks Licensing & Safety	Page 15
Treasurers #1	Delinquent Property Tax Sales	Page 19

**SUGGESTED PROTOCOL
FOR NMAC BOARD OF DIRECTORS MEMBERS'
PRESENTATION OF NMAC LEGISLATIVE PRIORITIES
TO BOARD OF COUNTY COMMISSIONS**

- Attached is a packet of the 6 legislative resolutions adopted by the NMAC Board of Directors on August 2, 2012.
- Each Board member is requested to present the resolutions at a meeting of the BOCC in their county **during the month of September**, for approval by the BOCC.
- Reports on actions by the BOCC in each county will be presented during the NMAC Board meeting in Los Alamos **on Friday, October 5**.
- The Assessor, Clerk, Fire and EMS personnel, and Treasurer in each county will be able to serve as resources on each of their particular resolutions.
- Paul Gutierrez and Tasia Young will try, as their schedules permit, to be present at a BOCC meeting to which they are invited, to help with presentation and discussion of the resolutions.

**NEW MEXICO ASSOCIATION OF COUNTIES
ASSESSOR'S AFFILIATE**

RESOLUTION NUMBER 4

Disclosure of all sales to Assessor

WHEREAS, 7-38-12.1 NMSA 1978 requires transferors or transferees of "residential property" to file an affidavit with the County Assessor disclosing sale price and other related information; and

WHEREAS, "residential property" is defined in the property tax code as real property with dwelling placed on it, and does not include vacant land that is zoned residential; and

WHEREAS, the Assessor's duty is to appraise and assess all tax taxable properties, residential and non-residential, fairly and equitably according to its' market value; and

WHEREAS, the best approach in determining the market value of a property is utilizing the "sales comparison approach" which requires the use of sales data; and

WHEREAS, 7-38-12.1 only requires the disclosure of "residential" sales data to the Assessor; and

WHEREAS, without adequate sales data the assessor must rely on other less reliable approaches to fairly assess non-residential properties; and

NOW THEREFORE BE IT RESOLVED that the New Mexico Association of Counties support legislation that will provide for the disclosure of sales data for all real property.

Date: 6/25/12

Signed:

Affiliate Chair Debra A. Ward

7-38-12.1. Residential property transfers; affidavit to be filed with assessor.

A. After January 1, 2004, a transferor or the transferor's authorized agent or a transferee or the transferee's authorized agent presenting for recording with a county clerk a deed, real estate contract or memorandum of real estate contract transferring an interest in real property classified as residential property for property taxation purposes shall also file with the county assessor within thirty days of the date of filing with the county clerk an affidavit signed and completed in accordance with the provisions of Subsection B of this section.

B. The affidavit required for submission shall be in a form approved by the department and signed by the transferors or their authorized agents or the transferees or their authorized agents of any interest in residential real property transferred by deed or real estate contract. The affidavit shall contain only the following information to be used only for analytical and statistical purposes in the application of appraisal methods:

- (1) the complete names of all transferors and transferees;
- (2) the current mailing addresses of all transferors and transferees;
- (3) the legal description of the real property interest transferred as it appears in the document of transfer;
- (4) the full consideration, including money or any other thing of value, paid or exchanged for the transfer and the terms of the sale including any amount of seller incentives; and
- (5) the value and a description of personal property that is included in the sale price.

C. Upon receipt of the affidavit required by Subsection A of this section, the county assessor shall place the date of receipt on the original affidavit and on a copy of the affidavit. The county assessor shall retain the original affidavit as a confidential record and as proof of compliance and shall return the copy marked with the date of receipt to the person presenting the affidavit. The assessor shall index the affidavits in a manner that permits cross-referencing to other records in the assessor's office pertaining to the specific property described in the affidavit. The affidavit and its contents are not part of the valuation record of the assessor.

D. The affidavit required by Subsection A of this section shall not be required for:

- (1) a deed transferring nonresidential property;
- (2) a deed that results from the payment in full or forfeiture by a transferee under a recorded real estate contract or recorded memorandum of real estate contract;
- (3) a lease of or easement on real property, regardless of the length of term;
- (4) a deed, patent or contract for sale or transfer of real property in which an agency or representative of the United States, New Mexico or any political subdivision of the state is the named grantor or grantee and authorized transferor or transferee;
- (5) a quitclaim deed to quiet title or clear boundary disputes;
- (6) a conveyance of real property executed pursuant to court order;
- (7) a deed to an unpatented mining claim;
- (8) an instrument solely to provide or release security for a debt or obligation;
- (9) an instrument that confirms or corrects a deed previously recorded;
- (10) an instrument between husband and wife or parent and child with only nominal actual

consideration therefor;

- (11) an instrument arising out of a sale for delinquent taxes or assessments;
- (12) an instrument accomplishing a court-ordered partition;
- (13) an instrument arising out of a merger or incorporation;
- (14) an instrument by a subsidiary corporation to its parent corporation for no consideration, nominal consideration or in sole consideration of the cancellation or surrender of the subsidiary's stock;
- (15) an instrument from a person to a trustee or from a trustee to a trust beneficiary with only nominal actual consideration therefor;
- (16) an instrument to or from an intermediary for the purpose of creating a joint tenancy estate or some other form of ownership; or
- (17) an instrument delivered to establish a gift or a distribution from an estate of a decedent or trust.

E. The affidavit required by Subsection A of this section shall not be construed to be a valuation record pursuant to Section ~~7-38-19~~ NMSA 1978.

F. Prior to November 1, 2003, the department shall print and distribute to each county assessor affidavit forms for distribution to the public upon request.

History: Laws 2003, ch. 118, § 2; 2005, ch. 24, § 1.

**NEW MEXICO ASSOCIATION OF COUNTIES
COUNTY CLERKS AFFILIATE RESOLUTION 8**

Brief Title or Subject

Local Government Database Royalties

Affected NMAC Affiliates and/or County Offices

Clerks, Assessors, Treasurers

Type of Governmental Entity (Federal or State) & Whether Legislative or Regulatory

State Legislative

Impact on Government Revenues & Finances

Protects current revenue streams.

Submitted as: NMAC Priority

WHEREAS, *County Databases are public records, subject to the Inspection of Public Records Act, which as of 2011 mandates electronic sharing of information upon request of any person;* and

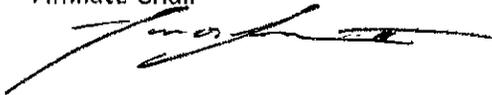
WHEREAS, Counties have historically charged a royalty fee for complete access to databases, such as property records, tax files, assessor valuations, etc., much in the same way state agencies charge a royalty as provided for state agencies but not local governments; and

WHEREAS, in 2012 the Executive Committees of the Association of counties and the Municipal League both endorsed legislation that would create a parallel process for local governments to charge of royalties for complete access to databases in the same way state agencies already do;

NOW THEREFORE BE IT RESOLVED THAT the New Mexico Association of Counties support legislation that would allow local governments the same option already provided to state agencies to charge a royalty for complete access to certain databases.

Signed /s/ Mario Jimenez III
Affiliate Chair

Date: June 21, 2012



**Supplemental Information For
County Clerks Affiliate Resolution 8
Local Government Database Royalties
REQUEST NMAC PRIORITY STATUS**

In 2012, the NMAC Executive Committee and the NM Municipal League Executive Committee jointly endorsed the concept for this bill, which was introduced as SB 245 (see attached – the crucial amendments are on pages 8 and 9). The bill seeks to allow local governments to charge a royalty for access to certain databases in the same way as state agencies may currently charge a royalty for access to their databases.

County Clerks receive requests for a complete electronic copy of the Property Records Database, Assessors receive requests for valuations of each property in the county including the names and addresses of each owner, and Treasurers receive requests for the tax rolls of the county. Increasingly, those requesting the entire database want to receive this information for free. Under existing law, state agencies may currently charge a royalty fee for access to their complete databases. This bill mirrors the language already in place for state agencies and extends that option to local governments.

There is litigation against several counties initiated by companies attempting to receive all this information for free. So far the counties have won in court. This bill would provide clarity with regard to the ability to charge a fee for access to the information in local government databases.

As this issue affects more than one Affiliate, the NMAC County Clerks Affiliate requests priority status for this bill.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 245

50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012

INTRODUCED BY

David Ulibarri

AN ACT

RELATING TO PUBLIC RECORDS; UPDATING CERTAIN PROVISIONS
CONCERNING INDEXING OF COUNTY RECORDS; PROVIDING FOR PROTECTION
OF STATE, COUNTY AND MUNICIPAL DATABASES; RECONCILING MULTIPLE
AMENDMENTS TO THE SAME SECTION OF LAW IN LAWS 2011; DECLARING
AN EMERGENCY.

(see pages 8+9)

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 14-2-6 NMSA 1978 (being Laws 1993,
Chapter 258, Section 3, as amended by Laws 2011, Chapter 134,
Section 3 and by Laws 2011, Chapter 181, Section 1 and also by
Laws 2011, Chapter 182, Section 1) is amended to read:

"14-2-6. DEFINITIONS.--As used in the Inspection of
Public Records Act:

A. "custodian" means any person responsible for the
maintenance, care or keeping of a public body's public records,

.188154.1

underscored material = new
~~[bracketed material]~~ = delete

underscoring material = new
[bracketed material] = delete

1 for a document or product generated by a geographic information
2 system

3 C. Except as otherwise provided by federal or state
4 law, information contained in a computer database shall be a
5 public record and shall be subject to disclosure in printed or
6 typed format by a county or municipality that has inserted that
7 information into the database, in accordance with the Public
8 Records Act.

9 D. The administrator may advise and assist county
10 and municipal officials with the procedures, schedules and
11 technical standards for the retention of computer databases.

12 E. A county or municipality that has inserted data
13 in a computer database shall authorize an electronic copy to be
14 made of the computer database of a public record on a currently
15 available electronic medium for a person if the person agrees
16 to pay a reasonable fee based upon the cost of:

- 17 (1) materials;
- 18 (2) making an electronic copy of the computer
19 database; and
- 20 (3) personnel time to research and retrieve
21 the electronic record.

22 F. A county or municipality that has inserted data
23 in a computer database created to record property rights or
24 taxation records shall authorize an electronic copy to be made
25 of the computer database of a public record on a currently

. 188154. 1

new material

underscored material = new
[bracketed material] = delete

1 available electronic medium for a person if the person agrees:

2 (1) not to make unauthorized copies of the
3 database;

4 (2) not to use the database for solicitation
5 or advertisement unless such use is otherwise specifically
6 authorized by law;

7 (3) not to allow access to the database by any
8 other person; and

9 (4) if the request is for more than one
10 hundred records, to pay a royalty or other consideration to the
11 county or municipality as may be agreed upon by the county or
12 municipality that created the database.

13 [~~F~~] G Subject to any confidentiality provisions
14 of law, a county or municipality may permit another federal,
15 state or local government entity access to all or any portion
16 of a computer database created by the county or municipality.

17 [~~G~~] H A county or municipality may at its option,
18 and if it has the capability, permit access or use of its
19 computer and network system to search, manipulate or retrieve
20 information from a computer database and charge reasonable fees
21 based on the cost of materials, personnel time, access time and
22 the use of the [~~county~~] county's or municipality's computer
23 network."

24 **SECTION 5.** Section 14-10-1 NMSA 1978 (being Laws 1903,
25 Chapter 87, Section 1, as amended) is amended to read:

. 188154.1

New Material

NEW MEXICO ASSOCIATION OF COUNTIES
COUNTY COMMISSION RESOLUTION NUMBER 2

Traffic Reform

Commissioners, Sheriffs, Managers, Attorneys, Detention Administrators

State-Legislative

Reduce Detention and Sheriff Department Expenditures

Submitted as NMAC Priority

WHEREAS, New Mexico law provides criminal penalties for a broad spectrum of traffic violations, such as exceeding the speed limit and failure to stop at a stop sign; and

WHEREAS, thousands of individuals are incarcerated in county detention facilities each year for failure to pay penalty assessments for traffic infractions or for failing to appear for court dates for their traffic citations, costing counties in excess of \$3.6 million annually; and

WHEREAS, assessing criminal penalties for minor traffic violations puts a substantial burden not only on county detention facilities but also on law enforcement agencies (In Bernalillo County alone there are approximately 40,000 outstanding warrants relating to traffic offenses) and the court system (the Santa Fe County magistrate court estimates that it takes about 40 hours of judges' time per week to handle these cases); and

WHEREAS, several states have successfully changed the way they deal with these infractions by providing civil penalties rather than criminal penalties for these traffic violations.

NOW THEREFORE BE IT RESOLVED THAT the New Mexico Association of Counties supports legislation that would decriminalize certain penalty assessment misdemeanor traffic violations in New Mexico and instead provide for civil penalties. Such legislation will also simplify the traffic citation process.

Signed Caleb Chandler
Affiliate Chair

Date: 6-21-2012

Signed Donald W. Bell
Affiliate Chair Pro Tem

Date: 6/21/12

Citations As Civil And Not Criminal

Citations are currently petty misdemeanors and all of them, including the PAs, require full criminal process. This means that a driver cannot be found to have committed the offense without a hearing before a judge, so that when the driver ignores the citation the court must issue an arrest warrant in order to get the driver into court, adjudicate the citation, and enter judgment. Courts spend time and energy trying to give notice to delinquent drivers who have not appeared to address a citation, and many thousands of arrest warrants are issued every year because the driver did not go to court to pay or contest the citation.

If PAs were civil and not criminal, the initial process would be the same as proposed above. A citation would provide 15 days to pay or require an appearance on a date the officer wrote on the ticket, about 30 days after the date of issuance. Officers send the citations to the court, court clerks scan the citation into Odyssey, the CPC enters the data and opens a case on the citation, and most drivers follow the instructions on the citation by sending payment to the CPC by mail, phone or Internet.

If the driver fails to pay or to appear on the required date, the court does not need to try to track down the driver to schedule a court date nor need the court issue a warrant. Instead, the judge enters a default judgment against the driver, who now owes the fine and fees stated on the citation as well as court costs.

- Collection of fines, fees and costs is supported by collateral consequences intended to get the driver to pay the citation. These collateral consequences can include suspension of the driver's license, suspension of the registration for the car the driver was driving, suspension of or inability to obtain a license to hunt or fish, referral of the matter to a professional collection agency, and other similar measures.
- If the collateral consequences and other collection efforts fail to convince the driver to pay after a set time (for example, 180 days), the court could open a contempt case, give notice to the driver, and proceed to adjudicate the contempt if the driver responds to notice or issue an arrest warrant if the driver fails to respond to notice from the court.
- Making penalty assessment misdemeanors civil infractions may create a more efficient system in the courts and a better means to collect money owed to the courts. This change would not completely eradicate the ability of a judge to issue a warrant for a defendant. The warrant becomes the last action to be taken as it is connected to a contempt charge.
- Law enforcement would benefit because there would be many, many fewer outstanding traffic warrants to be accounted for by each agency as well as NCIC. Additionally, there will be more officer time on the roads when they do not have to book someone into jail for a traffic violation warrant.
- Many states have appointed hearing officers to handle the adjudication of civil traffic infractions which, in this time of fewer resources, allows for magistrate and metropolitan court judges to focus on the more serious civil and criminal cases.

NEW MEXICO ASSOCIATION OF COUNTIES
COMMISSIONERS AFFILIATE RESOLUTION no. 3

Title: EMS Funding

Commissioners, Managers, Fire & Emergency, Health Care, Risk Managers

State - Legislative

EMS/Health Care Budget

Submitted as NMAC Priority

A Resolution Requesting Legislative Support to Create a Recurring Revenue Stream for Rural
Emergency Medical Services

WHEREAS, emergency medical services are essential to the health, safety, and welfare of the people of rural communities by providing potentially life-saving emergency care and transportation to the nearest emergency medical treatment at hospital emergency rooms; and

WHEREAS, local government plays an essential role in providing emergency medical services with public funds because the cost of service is generally not covered fully by the fees for services paid by patients; and

WHEREAS, many local governments, particularly rural counties with low income populations where the need for EMS is especially acute, do not generate enough tax revenue to provide adequate funding to sustain reliable and viable emergency medical services; and

WHEREAS, it is in the interest of the State of New Mexico and its citizens that rural counties have the capacity to provide quality and efficient emergency medical services; and

WHEREAS, a steady, reliable, and consistent state-based revenue stream for rural EMS is critically needed for New Mexico to ensure the public health, safety, and welfare.

NOW THEREFORE BE IT RESOLVED, THAT the New Mexico Association of Counties supports legislation that would create a state-based revenue stream, other than existing emergency response funds, to supplement local funds for rural EMS and calls upon the State Legislature to amend applicable statutes to create such a source of recurring funds.

Signed Caleb Chandler
Affiliate Chair

Date: 6-21-2012

[Signature]
FIRE & EMERGENCY MANAGERS AFFILIATE

6/21-2012

Signed David W. Deed
Affiliate Chair pro Tem

Page 14

Date: 6/21/12

**NEW MEXICO ASSOCIATION OF COUNTIES
COMMISSIONERS AFFILIATE RESOLUTION NUMBER 7**

Fireworks Licensing and Safety Act

All County Affiliates Except Detention

State-Legislative

County-GRTs and Public Safety, Health, and Welfare

NMAC Priority

WHEREAS, acres burned across New Mexico between 2008-2011 was 2,427,023, roughly two times the 2002-2007 acreage of 1,357,887; and

WHEREAS, according to statistics from National Interagency Fire Center (NIFC), the New Mexico average number of fires between 2008-2011 was 1,328 and between 2002-2007 was 1,681 a decrease in the average fires; however between 2008-2011 the average acres burned per fire was 415.65, almost four times the 2002-2007 average acres per fire which was 113.61; and

WHEREAS, the risk to life, property and the environment clearly exists within New Mexico, due to the extremely dry conditions; and

WHEREAS, extreme fire situations can severely tax current local, state and federal resources; and

WHEREAS, the 1999 amendments to the Fireworks Licensing and Safety Act, NMSA 1978 60-2C-1 through 60-2C-11 authorize governing bodies of counties to limit and restrict the sale and use of fireworks within the unincorporated portions of the County under certain circumstances; and

WHEREAS, 60-2C-8.1. E. of the Act authorizes the governing body of a county to hold a hearing to determine if fireworks restrictions should be imposed within the unincorporated portions of the county affected by extreme or severe drought conditions, with the findings of the governing body to be based on current drought indices published by the National Weather Service and any other relevant information supplied by the U.S. Forest Service; and

WHEREAS, pursuant to 60-2C-8.1 F. of the Act, the governing body of a county shall issue a proclamation declaring extreme or severe drought conditions within the unincorporated portions of the county if the governing body determines such conditions exist; and

WHEREAS, pursuant to 60-2C-8.1 F. the governing body has the authority within such proclamation to ban the sale of use of various classes of fireworks within the unincorporated

portions of the county if the governing body determines extreme or severe drought conditions exist within the unincorporated portions of the county; and

WHEREAS, the National Integrated Drought Information System has determined and found that extreme or severe drought conditions do exist within the unincorporated portions of the counties, with such findings being based on current drought indices published by the national weather service or relevant information supplied by the U.S. Forest Service;

NOW THEREFORE BE IT RESOLVED THAT the New Mexico Association of Counties support legislation that would be proposed to amend NMSA 1978, Section 60-2C-8.1 (B)(1) (1999) and NMSA 1978, Section 60-2C-8.1 (F)(1) (1999) to include "roman candles, mines and shells".

Signed  Date: 6-21-2012
Affiliate Chair

Signed  Date: 6/21/12
Affiliate Chair

60-2C-8.1. Extreme or severe drought conditions; restricted sale and use.

A. The governing body of a municipality may hold a hearing to determine if fireworks restrictions should be imposed within the boundaries of the incorporated municipality affected by extreme or severe drought conditions. The findings of the governing body shall be based on current drought indices published by the national weather service and any other relevant information supplied by the United States forest service.

B. Pursuant to any hearing under Subsection A of this section, the governing body of a municipality shall issue a proclamation declaring extreme or severe drought conditions within the boundaries of the incorporated municipality if the governing body determines such conditions exist. The governing body's proclamation:

(1) shall ban the sale and use of missile-type rockets, helicopters, aerial spinners, stick-type rockets and ground audible devices within the affected drought area; and

(2) shall give the governing body the power to:

(a) limit the use within its jurisdiction of any fireworks not listed in Paragraph (1) of this subsection 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;

(b) ban the use of all fireworks within wildlands in its jurisdiction, after consultation with the state forester; and

(c) ban or restrict the sale or use of display fireworks.

C. The municipal governing body's proclamation declaring an extreme or severe drought condition shall be issued no less than twenty days prior to a holiday for which fireworks may be sold. The proclamation shall explain restrictions on the sale or use of fireworks and permitted sales or uses of fireworks.

D. A municipal governing body's proclamation shall be effective for thirty days and the governing body may issue succeeding proclamations if extreme or severe drought conditions warrant. A proclamation may be modified or rescinded within its thirty-day period by the governing body upon conducting an emergency hearing to determine if weather conditions have improved.

E. The governing body of a county may hold a hearing to determine if fireworks restrictions should be imposed within the unincorporated portions of the county affected by extreme or severe drought conditions. The findings of the governing body shall be based on current drought indices published by the national weather service and any other relevant information supplied by the United States forest service.

F. Pursuant to any hearing under Subsection E of this section, the governing body of a county shall issue a proclamation declaring extreme or severe drought conditions within the unincorporated portions of the county if the governing body determines such conditions exist. The governing body's proclamation:

(1) shall ban the sale and use of missile-type rockets, helicopters, aerial spinners, stick-type rockets and ground audible devices within the affected drought area; and

(2) shall give the governing body the power to:

(a) limit the use within its jurisdiction of any fireworks not listed in Paragraph (1) of this subsection 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;

(b) ban the use of all fireworks within wildlands in its jurisdiction, after consultation with the state forester; and

(c) ban or restrict the sale or use of display fireworks.

G. The county governing body's proclamation declaring an extreme or severe drought condition shall be issued no less than twenty days prior to a holiday for which fireworks may be sold. The proclamation shall explain restrictions on the sale or use of fireworks and permitted sales or uses of fireworks.

H. Except as otherwise provided in this subsection, a proclamation shall be effective for thirty days, and the county governing body may issue succeeding proclamations if extreme or severe drought conditions warrant. A proclamation may be modified or rescinded within its thirty-day period by the governing body upon conducting an emergency hearing to determine if weather conditions have improved.

History: Laws 1997, ch. 17, § 9; 1999, ch. 58, § 3.

**NEW MEXICO ASSOCIATION OF COUNTIES
TREASURERS' AFFILIATE – RESOLUTION #1**

AMENDMENT OF STATE STATUTE 7-38-65, COLLECTION OF DELINQUENT TAX ON REAL PROPERTY

AFFECTED NMAC AFFILIATES AND/OR COUNTY OFFICES: County Treasurer & County Assessor

TYPE OF GOVERNMENTAL ENTITY & WHETHER LEGISLATIVE OR REGULATORY: Property Tax Division – Legislative

IMPACT ON GOVERNMENT REVENUES & FINANCES: County Collections will increase. Property Tax Division revenues will increase with sale of properties because P&I will be collected at time of sale.

SUBMITTED AS NMAC PRIORITY

WHEREAS, county treasurers turn over to Property Tax Division delinquent properties that are 2 years delinquent on June 30 of each year; and

WHEREAS, Property Tax Division has sole authority to sell these properties at auction if taxes remain unpaid; and

WHEREAS, all penalties and interest amounts associated with these properties are given to Property Tax Division to pay for costs of performing this collection effort on behalf of counties;

NOW THEREFORE BE IT RESOLVED THAT the New Mexico Association of Counties supports legislation that would amend State Statute 7-38-65 A to make the sale by the Taxation and Revenue Department, of real property on which taxes are delinquent mandatory rather than discretionary.

Date: 7/24/2012

Signed: Catherine Procher
Chairman, Treasurers Affiliate

7-38-65. Collection of delinquent taxes on real property; sale of real property.

A. If a lien exists by the operation of Section 7-38-48 NMSA 1978, the department may collect delinquent taxes on real property by selling the real property on which the taxes have become delinquent. The sale of real property for delinquent taxes shall be in accordance with the provisions of the Property Tax Code [Articles 35 to 38 of Chapter 7 NMSA 1978]. Real property may be sold for delinquent taxes at any time after the expiration of three years from the first date shown on the tax delinquency list on which the taxes became delinquent. Real property shall be offered for sale for delinquent taxes either within four years after the first date shown on the tax delinquency list on which the taxes became delinquent or, if the department is barred by operation of law or by order of a court of competent jurisdiction from offering the property for sale for delinquent taxes within four years after the first date shown on the tax delinquency list on which the taxes became delinquent, within one year from the time the department determines that it is no longer barred from selling the property, unless:

(1) all delinquent taxes, penalties, interest and costs due are paid by 5:00 p.m. of the day prior to the date of the sale; or

(2) an installment agreement for payment of all delinquent taxes, penalties, interests and costs due is entered into with the department by 5:00 p.m. of the day prior to the date of the sale pursuant to Section 7-38-68 NMSA 1978.

B. Failure to offer property for sale within the time prescribed by Subsection A of this section shall not impair the validity or effect of any sale which does take place.

C. The time requirements of this section are subject to the provisions of Section 7-38-83 NMSA 1978.

History: 1953 Comp., § 72-31-65, enacted by Laws 1973, ch. 258, § 105; 1983, ch. 215, § 3; 1985, ch. 109, § 9; 1985, ch. 226, § 1; 1990, ch. 22, § 7; 2001, ch. 253, § 1; 2001, ch. 254, § 1; 2003, ch. 95, § 4.

AGENDA DOCUMENTATION
September 18, 2012

Agenda Item No. 22

SUBJECT

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

ACTION REQUESTED BY

County Manager

ACTION REQUESTED

To be determined

BACKGROUND

1. Modifications to Wireless Communications Facilities Ordinance 2007-3

AGENDA DOCUMENTATION
September 18, 2012

Agenda Item No. 23

SUBJECT

Lodgers Tax Activities with backup material

ACTION REQUESTED BY

County Manager

ACTION REQUESTED

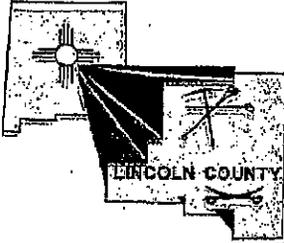
To be determined

BACKGROUND

- A. Application 1686: Funding Request: \$2,499.00; Purpose: 1 Yr. Contract for 3 1/3 page ads; Date(s) of Event: True West Magazine FY 2012-2013; Presenter: David Vigil

- B. Application 1684: Funding Request: \$12,000.00; Purpose: Ruidoso Billy the Kid Country Pocket Guide; Date(s) of Event: Pocket Guide; Presenter: Gina Kelly/Village of Ruidoso

- C. Application 1685: Funding Request: \$20,000.00; Purpose: Billy the Kid Country Media Tour; Date(s) of Event: Spring 2013; Presenter: Gina Kelley/Village of Ruidoso



County of Lincoln

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

NAME OF EVENT: Magazine Advt DATE(S) OF EVENT: FY 12-13
NAME OF ORGANIZATIONS(S) APPLYING FOR FUNDING: David Vigil for True West Magazine
AMOUNT REQUESTED: \$ \$2499 for three 1/3 page ads.

DESCRIBE EVENT BACKGROUND & RATIONALE:
1 year contract for 3 1/3 page ads in True West Magazine for Lincoln County. Aug 12-Jul 13

HOW WILL YOU ADVERTISE AND MARKET THE EVENT?
Same as the last two years.

HOW WILL ATTENDANCE AND ORIGIN BE MEASURED?
NA. Media advertising.

HAVE YOU DISCUSSED SPECIAL ROOM PACKAGES DURING YOUR EVENT WITH A LINCOLN COUNTY LODGER?
NA. Media advertising.

WHAT PERCENTAGE OF YOUR MEDIA BUDGET WILL BE USED OUTSIDE OF LINCOLN COUNTY? 100%

WILL YOU HAVE A WEBSITE FOR YOUR EVENT? _____

FUNDS WILL BE USED FOR:
NEWSPAPER ADVERTISING: \$ _____
RADIO: \$ _____
MAGAZINE: \$ 100%
INTERNET: \$ _____
PRINTING: \$ _____
OTHER: \$ _____
TOTAL: \$ _____
Funding requested by Lincoln County lodger David Vigil for a PO to True West Magazine, Attn: Sue Lambert, 6702 E. Cave Creek Rd. Suite 5 P.O. Box 8008 Cave Creek, AZ 85327

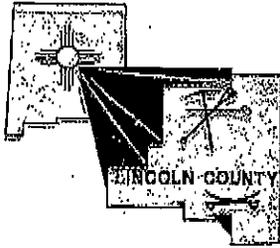
Please feel free to add additional pages, samples of ads or brochure artwork, etc.

RULES AND REGULATIONS

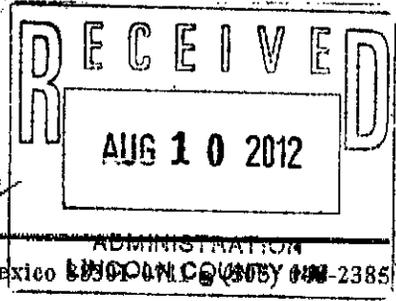
I understand that these are public funds and they are to be administered according to State Law and County Ordinances, and I agree to submit a follow up report with a financial statement within (90) days following the event or I could forfeit the funds. Funding recommended for approval by the Lincoln 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:	<u>David Vigil</u>
SIGNATURE OF APPLICANT:	<u>[Signature]</u>
ADDRESS/CITY/ZIP:	<u>Ellis Store, Lincoln, NM</u>
PHONE:	<u>653-4609</u>
EMAIL ADDRESS:	<u>ellistore@pvtm.net</u>
DATE SUBMITTED:	<u>July 31, 2012</u>
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

Ruidoso Billy the Kid

NAME OF EVENT: Country Pocket Guide DATE(S) OF EVENT: _____

NAME OF ORGANIZATION(S) APPLYING FOR FUNDING: Village of Ruidoso

AMOUNT REQUESTED: \$ 20,000

DESCRIBE EVENT BACKGROUND & RATIONALE:

The newly published Ruidoso Billy the Kid Country Visitors Pocket Guide is in big demand. To get this guide into the hands of even more potential visitors we are requesting funds for additional printing & cost-sharing for distribution.

HOW WILL YOU ADVERTISE AND MARKET THE EVENT? The brochures will be distributed in all drive markets, at trade shows & in visitor info meetings.

HOW WILL ATTENDANCE AND ORIGIN BE MEASURED?

na

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

na

WHAT PERCENTAGE OF YOUR MEDIA BUDGET WILL BE USED OUTSIDE OF LINCOLN COUNTY? 100 %

WILL YOU HAVE A WEBSITE FOR YOUR EVENT? www.DiscoverRuidoso.com

FUNDS WILL BE USED FOR:

NEWSPAPER ADVERTISING:	\$ _____
RADIO:	\$ _____
MAGAZINE:	\$ _____
INTERNET:	\$ _____
PRINTING:	\$ <u>15,000</u>
OTHER: <i>Distribution</i>	\$ <u>5,000</u>
TOTAL:	\$ _____

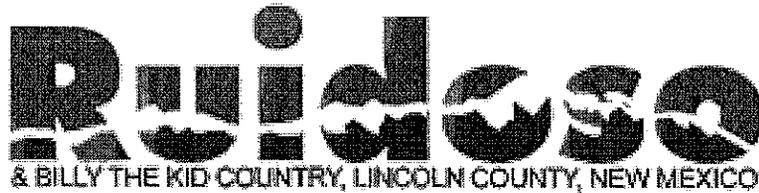
Please feel free to add additional pages, samples of ads or brochure artwork, etc.

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:	<i>Gina Kelley / V.o.R.</i>
SIGNATURE OF APPLICANT:	<i>Gina Kelley</i>
ADDRESS/CITY/ZIP:	<i>313 Cree Meadows Dr Ruidoso NM 88345</i>
PHONE:	<i>575-257-7395</i>
EMAIL ADDRESS:	<i>director @ DiscoverRuidoso.com</i>
DATE SUBMITTED:	<i>8/10/12</i>
PRESENTED AT MEETING ON:	<i>8/28/12</i>

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.



Lincoln County Commission
Village of Ruidoso Lodgers Tax Request
Printing & Distribution Ruidoso Billy The Kid Country Pocket Guide
Sept 18, 2012

Request: Lincoln County Lodgers Tax funding for the reprint & distribution of the Ruidoso Billy The Kid Country Pocket Visitors Guide

Background: At the direction of the Village of Ruidoso Lodgers Tax Committee, Ruidoso Tourism recently produced a brochure sized visitor guide that includes information on events and attractions as well as a comprehensive list of available lodging encompassing all of Lincoln County. The initial print run of 15,000 is already in distribution on a state and local level; 150,000 more are needed for additional distribution to our drive markets, at industry trade shows and to visitor centers throughout New Mexico.

As this effort promotes all of Lincoln County, a request for cost-sharing was presented to the Lincoln County Lodgers Tax Committee. The cost for reprinting 150,000 of the guides will be approximately \$18,368.00 and distribution through Certified Distribution incurs a cost of \$10,560.97.

The Village of Ruidoso purchasing department obtained three quotes for the reprint and has selected Starline Printing in Albuquerque as the winning bid. The quote of \$18,368.00 includes drop shipping of over 135,000 brochures to Certified Distribution warehouses. These quotes are attached.

Hey Gina. Here is your printing price and the freight shipping costs for each location

4x9 booklet
16 pages
4/4 Color
100# gloss text / UV coating on Cover Only.
Cut/Fold/Stitch/Trim

Qty - 150,000
\$0.1562 Cents each
Total - \$23,430.00

32 - box's - Tucson 85713	\$425.71
38 - box's - Albuquerque 87107	\$587.08
21 - box's - Carlsbad NM 88220	\$305.17
38 - box's - El Paso 79925	\$500.18
23 - box's - Midland 79701	\$388.21
22 - box's - Lubbock 79415	\$378.81
07 - box's Rio - Rancho 87144	\$250.11
11 - box's - Ruidoso 88345	\$248.22
Total Shipping =	\$3083.49

Total print + ship = \$26513.49

Bryon Stout
M3 Printing
Account Executive/Marketing

T 215.463.6348 x9303
F 530.869.7077
bryon.s@m3printing.com
www.m3printing.com/bryon.s

STARLINE PRINTING

Star Quality Printing

7111 Pan American Hwy NE * Albuquerque, NM 87109 * 505.345.8900 800.873.7827 fax 505.344.9763 * www.starlineprinting.com

Estimate # 24911

8/29/12

Gina Kelley
Village of Ruidoso Tourism Department
313 Cree Meadows Drive
Ruidoso, NM 88345
575-257-7395
director@discoverruidoso.net

Tourism Brochure:

8 x 9 Flat Size
4 x 9 Finished Size
16 Page Self Cover
100# Gloss Text Stock
Prints 4 Color Process Throughout
Full Bleeds
Trim, Score, Fold, Saddle Stitch, Carton Pack, **Delivered to 8 Different Locations per RFP**
Customer to Provide Electronic File

Quantity:

150,000 \$24,444

Quantity – with option of 80# gloss text, no scoring:

150,000 \$18,368

Prices include delivery and do not include taxes if applicable. Job alterations after proof is provided may incur additional charges.

Thank you for the opportunity to quote on this project and we look forward to receiving your order.

David.

David Lewiecki
dlewiecki@starlineprinting.com
Office 505-345-8900
Cell 505-250-3893



TREND OFFSET PRINTING SERVICES

California

3701 Catalina Street
Los Alamitos, CA 90720
T 562 598 2446
F 562 493 6840

WEST

Texas

2323 McDaniel Drive
Carrollton, TX 75006
T 972 243 3556
F 972 484 6130

SOUTHWEST

Florida

10301 Busch Drive North
Jacksonville, FL 32218
T 904 696 8675
F 904 696 8676

SOUTHEAST

Quotation Number: T- 9976
 Title Description: Visitors Pocket Guide
 Quantity:
 Frequency: 1 x
 Trim Size: 4" x 9" (binding side)
 Pre-Press: Single page digital files (PDF, P/S, EPS, DCS-2, TIFF/IT, or CT/LW) supplied to T.O.P. specifications for Computer-to-Plate processing. Trend Offset will supply an InSite proof for content verification.

Pages: 16 Page Self Cover
 Presswork: 4/4 (process) throughout
 Paper: 6 Pt C2S (106 lb - 25 x 38)

Note: Paper prices included in this quote are based on current market rates and are subject to change. Please see conditions affecting the price of paper and other general provisions in the "Paper Terms & Conditions Acknowledgment" form attached.

Binding: Saddle Stitched
 Mailing: None

Packaging: Bundle tie in 100's and carton pack
 Delivery: See pricing on page - 2.
 Schedule: Quote subject to a mutually agreeable schedule based on available manufacturing time.
 Overs/Unders: An over-run of 3% or under-run of 3% of the quantity ordered will constitute an acceptable delivery and shall be billed according to the actual quantity delivered.

Pricing: See page - 2

Terms:

- Subject to credit approval by Trend
- Any applicable federal, state, or local taxes are not included in quoted price and will be added to the invoice.
- Freight rates exclude any fuel surcharge. A line item for fuel surcharge will be added based on the week the product was shipped. Rates are determined by the Department of Energy and are published weekly.
- The instructions, terms, conditions and provisions appearing herein and on page 2, and any attachments, are made part of this quotation, and customer has read and agrees to all terms and conditions.
- Additional thousands or Less thousands price can be used for either increased or decreased quantities, as long as the quantity is within 10% of the quantity quoted. Variances greater than 10% (plus or minus) must be re-quoted.
- Pre-Press services required due to files or proofs not meeting Trend specifications will be processed without notice as long as the incremental cost is \$400.00 or less, and will be invoiced accordingly. Trend will notify the Customer if the charges exceed \$400.00
- An energy surcharge may be added as a general percentage to the entire invoice (not including freight) based on current market conditions.
- The miscellaneous price list attached to this quote will be used for invoicing those services not covered under this quote.
- Pallets included in this quote are based on 1,500 lbs per pallet. Any incremental pallets used due to distribution requirements will be charged in addition to the above price at \$18.00 per skid

This quote is valid, with the exception of paper pricing, for the Time Period of: 9/4/2012 through 1/2/2013. This quote shall become null and void upon the expiration of the Time Period, or after five months have passed from the signature date by the customer.

Customer Acceptance:

A facsimile signature shall be deemed an original and can be used as such for all purposes.

Signature: _____ Date: _____

Name: Gina Kelley

Title: _____

The Village of Ruidoso Tourism Department

313 Cree Meadows Dr.

Ruidoso, NM 88345

Phone: 575-257-7395 Fax:

Email: director@discoverruidoso.com

Trend Offset Printing Services:

Signature: _____ Date: _____

Name: Tony Lienau

Title: National Account Executive

TREND OFFSET PRINTING, SERVICES, Inc.

2323 McDaniel Dr.

Carrollton, TX 75006-6844

Phone: 972-243-3556

Fax: 972-484-6130



TREND OFFSET PRINTING SERVICES

CALIFORNIA
3701 Catalina Street
Los Alamitos, CA 90720
(562) 598-2446 - Fax (562) 493-6840

TEXAS
2323 McDaniel Drive
Carrollton, TX 75006
(972) 243-3558 - Fax (972) 484-6130

FLORIDA
10301 Busch Drive North
Jacksonville, FL 32218
(904) 696-8675 - Fax (904) 696-8676

T-9976
September 3, 2012
Visitors Pocket Guide

<u>Description</u>	<u>150,000</u>	<u>Add'l M's</u>	<u>Less M's</u>
Text Stock - 6 Pt C2S. 16 pages, 4/4, Saddle Stitch -	\$21,017.00	\$130.01	\$91.01

Additional(s)

<u>Estimated Freight</u>		
25,000 Copies to Tucson 857133 -	\$235.00	<i>(plus fuel surcharge. At time of quote - 35.10.0%)</i>
30,000 Copies to Albuquerque 87107 -	\$235.00	<i>(plus fuel surcharge. At time of quote - 35.10.0%)</i>
16,500 Copies to Carlsbad, NM 88220 -	\$115.00	<i>(plus fuel surcharge. At time of quote - 35.10.0%)</i>
30,000 Copies to El Paso 79925 -	\$170.00	<i>(plus fuel surcharge. At time of quote - 35.10.0%)</i>
18,000 Copies to Midland 79701 -	\$100.00	<i>(plus fuel surcharge. At time of quote - 35.10.0%)</i>
17,000 Copies to Lubbock 79415 -	\$90.00	<i>(plus fuel surcharge. At time of quote - 35.10.0%)</i>
5,000 Copies to Rio Rancho 87144 -	\$90.00	<i>(plus fuel surcharge. At time of quote - 35.10.0%)</i>
8,500 Copies to Ruidoso 88345 -	\$90.00	<i>(plus fuel surcharge. At time of quote - 35.10.0%)</i>

Accepted by Customer:

Submitted By: Toni Lienu

Signature: _____
Gina Kelley

Signature: _____
National Account Executive

Quote#: T- 9976

Date: September 4, 2012

The Village of Ruidoso Tourism Department
313 Cree Meadows Dr.
Ruidoso, NM 88345

TERMS AND CONDITIONS

- 1. QUOTATIONS/PRICES: The prices quoted herein are subject to press availability and paper stock and will remain in effect for the Time Period set forth on Page 1 herein, with the exception of paper price changes and excessive price increases in related products. Prices are based on scheduling work on a mutually agreeable deadline. Overtime rate may apply if pre-determined schedules are not adhered to by the Customer.
Trend Offset Printing Services, Inc. ("Trend") reserves the right to rebid this job if, upon receipt of Customer input, there are variations requiring additional labor and/or materials and/or the complexity of work to be done is different from the information on which the bid was based.
All quotations are based upon regular straight time hourly rates of wages and conditions prevailing at date of quotation and are subject to amendment or withdrawal at any time without notice prior to the receipt and acknowledgement by Trend of any acceptance thereof.
The acceptance of this quotation is based upon written specifications herein set forth only.
- 2. QUANTITIES DELIVERED: Over-runs or under-runs of three percent (3%) shall constitute an acceptable delivery unless otherwise stated herein, and shall be billed according to the actual quantity delivered. Any mill or specialty paper quotations not used due to a decrease in Customer requirement will remain the Customer's responsibility and will be billed accordingly. All UPS and overnight delivery charges are subject to a handling fee.
- 3. TERMS OF PAYMENT: Terms of payment are certified funds in advance unless otherwise provided in writing. Customer agrees to pay finance charges on all past due amounts from the date due until paid at the rate of one and one-half (1-1/2%) percent per month, or the lawful limit if less. Claims for defects, damages, or shortages must be made by the Customer in writing within a period of five (5) days after delivery of all or any part of the quotation. Failure to make such claim within the stated period shall constitute irrevocable acceptance and an admission that they fully comply with terms, conditions, and specifications. Invoices will become due and payable if Customer discontinues business, or becomes insolvent, or is involved in legal proceedings.
- 4. APPROVAL: Any revisions or alterations to quotes or attachments must be approved by Trend in writing.
- 5. MISCELLANEOUS ITEMS: Plates and other items when supplied by Trend shall remain Trend's exclusive property unless otherwise agreed in writing. Trend agrees to use them only on work authorized by the Customer. In the absence of specific written quotation to the contrary, Trend does not assume the responsibility of holding or protecting any of the above after the completion of the quotation involving their use.
- 6. ALTERATIONS: Proposals are only for work according to the original specifications, if through Customer's error or change in specification, the work has to be done more than once; Customer shall pay Trend the additional charge at prevailing rates for work performed.
- 7. PROOFS: Proofs will not be submitted unless originally contemplated and charged for in the quotation. Special proofs or corrected proofs ordered by Customer will be additional and charged at current rates. Corrections, if any on proofs, must be plainly marked and returned with the original copy marked "O.K." or "O.K. as corrected" and signed by Customer's authorized representative. If revised proof is desired, request must be made for the same when the first proof is returned. No responsibility for errors is assumed if work is printed as per Customer's O.K. Because of the difference in equipment and conditions between the color proofing and the pressroom operations, a reasonable variation in color between color proofs and the completed job shall constitute an acceptable delivery.
- 8. PRESS PROOFS: An extra charge will be made for press proofs, unless the Customer is present when the plate is made ready on the press, so that no press time is lost. Customer shall pay any press down time charge resulting from Customer generated changes or alterations.
- 9. COLOR MATCH: Colors or ink used, unless otherwise specified, will be Trend's regular standard colors. Exact duplication of colors of ink and other materials is not guaranteed, however, Trend will make every effort to replicate color proof.
- 10. CUSTOMER'S PROPERTY: Trend will charge the Customer, at prevailing rates, for handling and storing Customer's stock or Customer's printed matter held more than thirty (30) days. All Customer's property which is stored with Trend is at the Customer's risk and Trend is not liable for any loss or damage thereto caused by fire, water, leakage, breakage, theft, negligence, insects, rodents, or from any other cause, whether or not similar to those herein specifically enumerated.
- 11. PACKING AND SHIPPING/FREIGHT: Unless otherwise specified herein, goods will be packed on skids and wrapped in plastic stretch wrap. Any incremental packaging requirements will be charged additional, unless such requirements have been identified in the quote and have been included in the price quoted. Unless otherwise specified, the price quoted for shipping shall be F.O.B. Trend. Any freight shipping to Customer directed location will be additional, and subject to that week's fuel surcharge as published by the Department of Energy. Any delivery dates set forth on this quotation are approximate and based on each party fulfilling the production schedule outlined in advance. Any delays of delivery caused by Customer's failure to adhere to this schedule shall not be held against Trend for non-compliance. Any incremental freight expense arising out of such failure shall be paid by the Customer.

The title of goods passing shall occur when Customer takes possession of product at Trend, when Trend has delivered product to a Customer directed location, or when Customer has paid their invoice in full (whichever comes first). Customer shall assume all risks and pay all expenses in connection with any storage of Customer's property. Trend, as bailee, retains the right to possession of said goods until payment of charges incurred in connection with any storage of said goods.

12. CUSTOMER SUPPLIED PAPER: Customer agrees to the terms, conditions, and provisions in the Paper Terms and Conditions Acknowledgment-Customer Supplied Paper attached.

13. DISCLAIMER/WARRANTY: TREND SPECIFICALLY DISCLAIMS AND CUSTOMER SPECIFICALLY WARRANTS THAT THE CONTENT OF THE PRODUCT TO BE PRODUCED BY TREND FOR CUSTOMER DOES NOT VIOLATE OR INFRINGE UPON THE RIGHTS OF ANY THIRD PARTIES. CUSTOMER FURTHER WARRANTS THAT IT WILL NOT SUBMIT ANY CONTENT THAT 1) IS UNLAWFUL, HARMFUL, HARMFUL TO MINORS, THREATENING, ABUSIVE, HARASSING, TORTIOUS, DEFAMATORY, VULGAR, OBSCENE, LIBELOUS, INVASIVE OF ANOTHER'S PRIVACY, HATEFUL, OR RACIALLY, ETHICALLY, OR OTHERWISE OBJECTIONABLE; (2) CUSTOMER DOES NOT HAVE THE RIGHT TO MAKE AVAILABLE UNDER ANY LAW OR UNDER CONTRACTUAL OR FIDUCIARY RELATIONSHIPS (SUCH AS INSIDE INFORMATION, OR DISCLOSED AS PART OF EMPLOYMENT RELATIONSHIPS OR UNDER NONDISCLOSURE QUOTATIONS); AND 3) INFRINGES ANY PATENT, TRADEMARK, TRADE SECRET, COPYRIGHT OR OTHER PROPRIETARY RIGHTS OF ANY PARTY. ANY VIOLATION OF THIS WARRANTY SHALL CONSTITUTE A DEFAULT ON PART OF CUSTOMER.

14. INDEMNIFICATION: The Customer shall indemnify, defend and hold harmless Trend from any and all claims, losses, costs, expenses, and damages (including court costs and reasonable attorneys' fees) on account of any and all manner of claims, demands, actions, and proceedings that may be instituted against Trend on any grounds, which include, without limitation, that the said printing violates any copyrights or any proprietary right of any person or that it contains any matter that is libelous or obscene or scandalous, or invades any person's right to privacy or other personal rights. The Customer agrees, at the Customer's own expense, to promptly defend and continue the defense of any such claim, demand, action, or proceeding that may be brought against Trend, provided that Trend shall promptly notify the Customer with respect thereto, and provided further that Trend shall give the Customer such reasonable time as the exigencies of the situation may permit in which to undertake and continue the defense thereof.

15. QUOTATION: All quotations are made accepted contingent upon strikes, fires, accidents, war, unusual market conditions, delays of carriers, and all other causes unavoidable or beyond Trend's control, whether or not similar to those herein specifically enumerated. Trend will not be responsible for possible loss or damage which may be brought about by such causes.

16. state sales tax or similar tax or additional expense caused by the result of governmental action which Trend may be required to pay by reason of the execution or performance of this quotation.

17. SEVERABILITY: If any of the terms and conditions in this quotation are held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the terms and conditions shall remain in full force and effect and shall in no way be affected, impaired, or invalidated.

18. ATTORNEYS' FEES: If any action at law or equity, including an action for declaratory relief, is brought to enforce or interpret the provisions of this quotation, the prevailing party shall be entitled to recover reasonable attorneys' fees and costs, together with any other costs and expenses incurred in obtaining and enforcing the final Judgment, in addition to any other relief to which said party may be entitled.

19. VENUE: If any action at law or equity is brought to enforce or to interpret the provisions of this quotation, the parties hereto agree that such action shall be commenced in a court of competent jurisdiction in the County of Orange, State of California, and the parties hereto submit to the jurisdiction within the courts of the County of Orange, State of California.

20. NO WAIVER: No waiver, alteration or modification of any of the terms and provisions hereof shall be binding unless in writing and signed by a duly authorized representative of each party hereto.

21. DISPUTES: This Quotation shall be governed by and construed in accordance with the laws of the State of California applicable to agreements made and to be performed in that state.

22. LIMITATION OF LIABILITY: In the event of a material breach of this Quotation by Trend, Trend's liability shall be limited to the manufacturing costs of the defective pages or publications. Trend shall not be liable for special, incidental, exemplary, or consequential damages, whether foreseeable or not, and including, without limitation lost profits, business interruption, or loss of goodwill, or any damages or expenses arising out of any third-party claims.

23. WAIVER OF TRIAL BY JURY: Both parties waive their right to a jury trial.

Customer Acknowledgment _____ Date _____
Gina Kelley



TREND OFFSET PRINTING SERVICES

California
3701 Catalina Street
Los Alamitos, CA 90720
T 562 598 2446
F 562 493 6840
WEST

Texas
2323 McDaniel Drive
Carrollton, TX 75006
T 972 243 3556
F 972 484 6130
SOUTHWEST

Florida
10301 Busch Drive North
Jacksonville, FL 32218
T 904 696 8675
F 904 696 8676
SOUTHEAST

T- 9976

September 4, 2012

Visitors Pocket Guide

Paper Terms & Conditions Acknowledgment

In an effort to provide our customers with the utmost flexibility, timeliness and competitive paper pricing, Trend Offset Printing will routinely utilize our vast inventory of fine printing papers to manufacture your product. For your convenience, Trend Offset Printing has access to over 100 sizes, types, and grades for just in time delivery. The information below outlines our paper terms and conditions.

General Paper Provisions:

Upon the mutual agreement of both Printer and Customer in writing, changes may be made in delivery schedules, specifications as to quantities, specifications as to finished sizes and page count, specifications as to paper or any other matters affected by the conditions referred to above. In the event Customer changes delivery schedule, quantity, page count or finished size without mutual agreement of Printer in writing, Customer will be financially responsible for balance of unused paper that Printer has secured for job(s) currently in and / or scheduled for production. If Printer purchases paper on behalf of Customer, and Customer leaves Printer prior to using such paper, then Customer agrees to financially reimburse Printer for any unused paper. Unused paper is defined as paper on printers floor, off-site storage locations, or in transit from the vendor whom the paper was purchased.

Paper Price:

The agreed upon contract price includes paper priced as of the date of the contract. Paper prices are market driven and subject to change at any time. In the event the cost of paper on date of delivery of paper exceeds the paper cost on the date of this contract, Trend Offset Printing reserves the right to charge customer the added paper cost to the contract price. If consumption of paper in contract exceeds 44,000 lbs, printer agrees to provide customer 30 days written notice of stated paper price increase in the contract price.

Paper Shortage Clause:

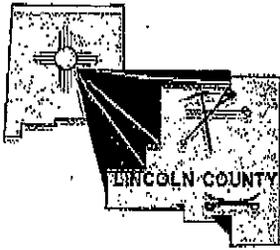
Printer shall not be liable for damages, either proximate or remote, arising in any way from its failure to make or delay in making delivery because of its inability to obtain paper in the amounts and grades specified herein or arising in any way from any circumstances or other unavoidable cause beyond the control of Printer. Within a reasonable time after receiving knowledge of any condition referred to above, Printer shall give notice to customer of such condition.

Quantity Variation:

Variations in quantity of three (3) percent over and three (3) percent under quantities ordered shall constitute acceptable delivery, and the excess or deficiency shall be charged or credited at the additional rate stated in the price schedule.

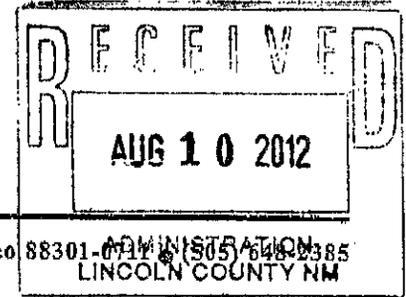
Accepted by Customer:

Signature: _____ Date: _____
Gina Kelley



County of Lincoln

P.O. Box 711 • 300 Central Ave. • Carrizozo, New Mexico



NAME OF EVENT: Billy the Kid Country media tour DATE(S) OF EVENT: Spring 2013

NAME OF ORGANIZATION(S) APPLYING FOR FUNDING: Village of Ruidoso

AMOUNT REQUESTED: \$ 20,000 (total cost \$ 40,000)

DESCRIBE EVENT BACKGROUND & RATIONALE: See attached

HOW WILL YOU ADVERTISE AND MARKET THE EVENT?
Griger + Associates will solicit media participants

HOW WILL ATTENDANCE AND ORIGIN BE MEASURED?

n/a

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

n/a

WHAT PERCENTAGE OF YOUR MEDIA BUDGET WILL BE USED OUTSIDE OF LINCOLN COUNTY? n/a%

WILL YOU HAVE A WEBSITE FOR YOUR EVENT? n/c

FUNDS WILL BE USED FOR:

NEWSPAPER ADVERTISING:	\$ _____
RADIO:	\$ _____
MAGAZINE:	\$ _____
INTERNET:	\$ _____
PRINTING:	\$ _____
OTHER: <u>media tour</u>	\$ <u>20,000</u>
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:	<u>Village of Ruidoso, Gina Kelley</u>
SIGNATURE OF APPLICANT:	<u>Gina Kelley</u>
ADDRESS/CITY/ZIP:	<u>313 Cree Meadows Lane Ruidoso, NM 88345</u>
PHONE:	<u>575-257-7385</u>
EMAIL ADDRESS:	<u>Director@DiscoverRuidoso.com</u>
DATE SUBMITTED:	<u>8/10/12</u>
PRESENTED AT MEETING ON:	<u>8/28/12</u>

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.



Lincoln County Commission
Village of Ruidoso Lodger's Tax Request
Spring Media Tour
Sept 18, 2012

Request: Lincoln County Lodger's Tax funding for a Billy The Kid Country Spring media tour.

Background: In an effort to increase media coverage of Lincoln County, the Village of Ruidoso is issuing a Request for Proposal seeking the services of an individual or firm to plan and execute a national media tour.

The goal of this tour is to bring 20-30 national media to Ruidoso and the surrounding area in late Spring 2013. There will be a variety of "tracks" that media participants may take part in – for instance, a history track that brings them to historic sites around the county, an outdoor recreation track and an art track.

The company that is selected will be required to do the following:

- Solicit targeted media outlets for participation, including but not limited to media in Texas metropolitan areas and regional lifestyle publications (Texas Monthly, Sunset, Southern Living, Tucson Lifestyle, Southwest Art, outdoor publications, etc.)
- Provide airfare for the participants
- Collaborate with Ruidoso Tourism and the participating lodgers tax committees on itinerary development
- Provide ground transportation for the participants
- Orchestrate and provide staff for the media tour
- Provide post-tour reports on media coverage generated by the tour.

One of the companies that will be submitting a proposal is Geiger and Associates. Geiger has been running very successful media tours throughout New Mexico for several years that have generated several million dollars' worth of media coverage for destinations in our state. Albuquerque, Las Cruces, New Mexico Regions 5 and 6, Farmington and Las Vegas have all contracted with them to organize media tours that achieved impressive results. To provide the County Commission with an example of the type of media tour that we would like to organize in Lincoln County and the results of these tours, Geiger & Associates has provided information that details the advertising equivalency per New Mexico media tour, a list of the media that participated in the Las Cruces media tour a few weeks ago, and the itinerary that was put together for these journalists. I have included this information here.

This expense was approved by the Ruidoso Lodger's Tax committee at their August 9, 2012 meeting. At that time direction was given to reach out to our neighboring lodger's tax committees to cost-share on this effort, which may incur a cost of up to \$40,000.00.

September 7, 2012 (via e-mail)

Gina,

Here are the latest results figures for our New Mexico media tours:

New Mexico North (Region 5)

Average advertising equivalency per media tour: \$4,065,274

Average circulation: 180,853,411

Heart of New Mexico (Region 6)

Average advertising equivalency per media tour: \$578,163

Average circulation: 6,576,776

Las Cruces CVB

Average advertising equivalency per media tour: \$351,718

Average circulation: 7,828,400

Ski New Mexico

Average advertising equivalency per media tour: \$903,292

Average circulation: 59,574,743

Farmington CVB

Average advertising equivalency per media tour: \$368,084

Average circulation: 3,355,186

Albuquerque CVB

Average advertising equivalency per media tour: \$264,491

Average circulation: 21,464,059

Best regards,

Diana

Diana Lane

Geiger & Associates Public Relations, Inc.

1846 Junwin Court

Tallahassee, FL 32308

850.942.6685 (office)

850.942.1057 (fax)

www.geigerpr.com

Note: The Las Vegas (NM) CVB is not included in this e-mail, but previous correspondence indicated that the average ad equivalency for their media tour was \$243,519 and Average circulation was 13,331,019.

Geiger & Associates Public Relations
August 22-26 2012 Las Cruces Press Tour

This is a partial list of the media that participating press write for:

AAA : Arizona Highroads, Home & Away, Horizons, Westways, Going Places, New Mexico & Texas Journey

Golf: Texas Golfer, Golf Oklahoma, Golfer's Guide, Cybergolf

RV: Trailer Life, Family Motor Coaching

Motorcycle related: American Iron, Rider, RoadBike, Harley Davidson's HOG

Regional Lifestyle: AZ Lifestyle, H Magazine (Houston), Accent West (Amarillo)

Newspapers: Atlanta Journal-Constitution, Dallas Morning News, Fort Worth Star Telegram, Chicago Tribune, Chicago Sun-Times, Scripps Howard News Service, Philadelphia Inquirer

Travel: Frommer's Travel Guides, frommers.com, AudioLog-The Travel Show (NPR)

Other:

American Way (inflight magazine)

History Channel Magazine

American Cowboy

Disney's Family Fun

FIDO Friendly

Adventure Cyclist (bicycling)

Geiger & Associates Public Relations
August 22-26 2012 Las Cruces Press Tour

This is a partial list of the media that participating press write for:

AAA : Arizona Highroads, Home & Away, Horizons, Westways, Going Places, New Mexico & Texas Journey

Golf: Texas Golfer, Golf Oklahoma, Golfer's Guide, Cybergolf

RV: Trailer Life, Family Motor Coaching

Motorcycle related: American Iron, Rider, RoadBike, Harley Davidson's HOG

Regional Lifestyle: AZ Lifestyle, H Magazine (Houston), Accent West (Amarillo)

Newspapers: Atlanta Journal-Constitution, Dallas Morning News, Fort Worth Star Telegram, Chicago Tribune, Chicago Sun-Times, Scripps Howard News Service, Philadelphia Inquirer

Travel: Frommer's Travel Guides, frommers.com, AudioLog-The Travel Show (NPR)

Other:

American Way (inflight magazine)

History Channel Magazine

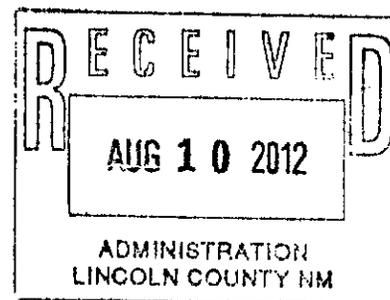
American Cowboy

Disney's Family Fun

FIDO Friendly

Adventure Cyclist (bicycling)

Billy The Kid Country Media Tour
Spring 2013



Name of Event: Billy The Kid Country Media Tour

Date(s) of Event: TBA Spring 2013

Amount Requested: \$20,000 (total cost is \$40,000)

Event background & Rationale: In response to the negative publicity surrounding the Little Bear Fire, the Village of Ruidoso is contracting with Geiger & Associates to conduct a "Billy the Kid Country" media tour. Geiger & Associates has been conducting very successful media tours in New Mexico for several years with very impressive results. We believe that one of the best ways for us to get the word out that the tourism related businesses and attractions of Lincoln County were by & large not affected by the Little Bear fire is to get the media here to experience it first hand.

Debbie Geiger will be in Southern New Mexico wrapping up a Las Cruces media tour and is planning to attend the Lincoln County Lodgers Tax meeting with me to make a presentation on their media tours.

MINUTES

1. Call to Order. 10:05.
2. Roll Call. Present David Vigil, Brad Cooper, Gail Major, Alice Seely; absent Victor Garrison.
3. Approval of Minutes – July 31, 2012 Regular Lodger’s Tax Meeting. Motion Gail, second Alice. Passed.
4. Funding Request: \$2,499.00
Purpose: 1 Yr. Contract for 3 1/3 page ads
Date(s) of Event: True West Magazine FY 2012-2013
Presenter: David Vigil
Discussion. David feels that True West pays off for Lincoln. This would be the third or fourth year that we have supported this schedule. David recused self. Alice made a motion to approve the amount requested, \$2499, for a three time placement in True West over the next year. Brad seconded. Passed.
5. Funding Request: \$20,000.00
Purpose: Ruidoso Billy the Kid Country Pocket Guide
Date(s) of Event: Pocket Guide
Presenter: Gina Kelly/Village of Ruidoso

16-page pocket guide. Certified Folder distribution alone is \$10,000. We printed 30,000 of these and need to go back on the presses to print 150,000. Committee noted that they are seeing a lot of traffic from Colorado, also Albuquerque market continues to grow. Quotes current printer: \$13,450, \$.16 @. Shipping based on destination: \$3,083. Certified Folder annual \$10,500. (Initial/proof printing \$15,000, graphic design \$2500). Total cost since creation through the next 150,000 press run \$43,000.

Committee asked for more detailed written proposal (from the committee’s discussion) prior to the County Commission meeting. Maybe even market distribution by Certified. Send to Billie Jo to add to commissioner’s packet.

Motion to recommend expenditure of \$12,000 to county commissioners to the Village of Ruidoso for participation in the production/printing/distribution of the 16-page Billy the Kid Country pocket guide made by Gail, seconded Alice. Passed.

Brad Cooper recused himself on this item since he does work for the Village of Ruidoso.

6. Funding Request: \$20,000.00
Purpose: Billy the Kid Country Media Tour
Date(s) of Event: Spring 2013
Presenter: Gina Kelley/Village of Ruidoso

(Of a total cost of \$40,000.) Funds to put together a professional media tour of the area. The company organizes a media trip by targeting media that they want, targeting writers, put together agenda of what the writers are going to do/go. Provided vans. DO EVERYTHING. (SEE SAMPLE OF LAS CRUCES PRESS TOUR GOING ON RIGHT NOW.) Tour will accent Lincoln County attractions (of which 85% are located in Lincoln County). The village can put together report on value received. Tour to be partially funded by NM State Tourism Department and a commitment for participation from the Mescalero Tribe, Village of Ruidoso and possibly Homeland Security.

Live presentation by Gina was fantastic on this, recommend that Gina attend the commissioner's meeting to present the details on this.

Motion to recommend expenditure of \$20,000 to county commissioners to the Village of Ruidoso for participation in the spring 2013 Lincoln County media press tour made by Alice, seconded Gail. Passed.

Brad Cooper recused self on this item since he does work for the Village of Ruidoso.

7. Discussion. **Regards awarded funds spreadsheet. We have not awarded \$39,000+ to date in this FY. Might be a carry over on that line from last year. (Later corrected by county.)**

8. Acceptance -
 - A. Lodgers Tax Report – July 2012
9. Acceptance -
 - A. Budget Report Ending July 31, 2012

10. Other Items (for discussion only - no action will be taken)
 - A. Outstanding Purchase Orders as of July 31, 2012
 - B. Awarded Funds Summary - July 2012
 - C. Memorandum from Finance along with Expense Budget
11. Adjournment 11:40 a.m.

Date: 8-28-12

Nº 1686

LINCOLN COUNTY LODGER'S TAX APPLICATION FOR FUNDING

Section 1 True West Magazine

Name of Organization

Organization is: Profit Non Profit Government Related

Address _____ City _____ State _____ Zip _____

DAVID A. VIGIL

575-653-4609

Contact Person (s)

Telephone # (s)

Amount Requested: \$ 2499.00 Money is to be used for: 3 1/3 page ads in TW mag.

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 LODGER'S TAX ORDINANCE.

David A. Vigil
Signature

8-28-2012
Date

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

Section 2

LODGER'S TAX COMMITTEE

Meeting Date: 8/28/12

Amount Approved: \$ 2499.00

Request Denied: _____

Comments: (True West is a sponsor of the Cowboy Symposium) - This is less cost to us than prior 2 yrs.

Harold J. Major
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: 8-28-12

Nº 1684

LINCOLN COUNTY LODGER'S TAX APPLICATION FOR FUNDING

Section 1
Name of Organization Village of Ruidoso

Organization is: Profit Non Profit Government Related

313 Cree meadows Dr Ruidoso NM 88345
Address City State Zip

Gina Kelley 505-257-7395
Contact Person (s) Telephone # (s)

Amount Requested: \$ 20,000 Money is to be used for: printing & distribution
of Ruidoso Billy The Kid Country Pocket Guide. \$50,000
will be distributed locally, statewide & to drive markets
in Texas & Arizona

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.

Gina Kelley 8/28/12
Signature Date

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

Section 2

Meeting Date: 8-28-12 LODGER'S TAX COMMITTEE
Amount Approved: \$ 12,000.00 Request Denied: _____

Comments: Other lodger tax board participating
David A. Dipe
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: 8/28/12

Nº 1685

LINCOLN COUNTY LODGER'S TAX APPLICATION FOR FUNDING

Section 1

Name of Organization Village of Ruidoso

Organization is: Profit Non Profit Government Related

Address 313 Cree Meadows Dr Ruidoso NM 88345
City State Zip

Contact Person (s) Gina Kelley Telephone # (s) 575-257-7395

Amount Requested: \$ 20,000 Money is to be used for: Lincoln County Billy The Kid
county media tour. This 5 day tour will involve
all destinations & attractions in Lincoln County.

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 A. Kelley Date 8/28/12

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

Section 2

Meeting Date: 8-28-12 LODGER'S TAX COMMITTEE

Amount Approved: \$ 20,000 Request Denied: _____

Comments: Presenter has back up to give a Commission meeting
David Cortez
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.

AGENDA DOCUMENTATION
September 18, 2012

Agenda Item No. 24

SUBJECT

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

ACTION REQUESTED BY

County Manager

ACTION REQUESTED

To be determined

- A. **TABLED** - Land and Natural Resources Advisory Committee
- B. **TABLED** - Road Review Advisory Committee
- C. **TABLED** - Planning Commission

INTERSTATE STREAM COMMISSION (SUB-COMMITTEE ON THE PECOS)

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	JACKIE POWELL	BOX 91, GLENCOE 653-4072		01/10/2012	01/13

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

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

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

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

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
DIST 1	Pete Gnatkowski Vice Chairman lincoln@nmsu.edu	HC 31, Box 48, Carrizozo, NM		12/21/10	12/2012
DIST 2	TABLED				
DIST 3	Bob Johnson bobj@valernet.com	Box 464, Alto, NM 88312 (575)336.4002		12/21/10	12/2012
DIST 4	Douglas Fuqua dfuqua1@hotmail.com	Box 1042 Alto, NM 88312 (575)336.1832		08/16/11	08/2013
DIST 5	Joel Bonnell jbonnell@live.com	Box 1, Glencoe, 88324 (575)653.4310		01/03/11	01/2013
AT LARGE	Duane Frost dsfrost@plateaute1.net	Box 81, Claunch, NM 87011 (849.4950)		12/21/10	12/2012
AT LARGE	Rick Simpson, Chairman justcuz@swvmail.net	HC66, Box 70, Glencoe, NM 88324 (575)653.4249		12/21/10	12/2012

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

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

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
DIST 1	BILL STRAUSSER	BOX 197, LINCOLN (653-4670)	5	12/20/11	12/13
DIST 2	ELAINE ALLEN	BOX 74, LINCOLN (653-4251)	5	12/21/10	12/12
DIST 3	L.M. SMITH	#5 MERCEDES CT, ROSWELL, NM	5	03-15-11	03/13
DIST 4	MELISSA BOUTE	BOX 162, LINCOLN, NM 88338	5	09/20/11	09/13
DIST 5	LINDA FOX-CHAIR	BOX 174, LINCOLN (653-4619)	5	03/28/12	03/14

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

LOCAL WORKFORCE INVESTMENT ACT ADVISORY BOARD – 03/03/00

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

NOMINATIONS ARE MADE BY CHAMBERS OF COMMERCE AND APPOINTED BY OTHER MUNICIPALITIES.

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

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
648-4257	TOURIST RELATED - BRAD COOPER	HC 31 BOX 36, CARRIZOZO 88301	1	10/19/10	10/12
648-1400	GENERAL PUBLIC - GAIL MAJORS	BOX 742, CARRIZOZO 88301	1	06/21/11	06/13
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
	TOM BATTIN	308 MCBRIDE DR, RUIDOSO 88345	4	01/10/2012	1/2013
	ALTERNATE - NITA TAYLOR	BOX 93, LINCOLN, NEW MEXICO	1	01/10/2012	1/2013

NEW MEXICO COUNTY INSURANCE AUTHORITY - MULTI-LINE POOL

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	TOM BATTIN	308 MCBRIDE DR, RUIDOSO 88345	4	01/10/2012	01/13
	ALTERNATE - NITA TAYLOR	BOX 93, LINCOLN, NEW MEXICO	1	01/10/2012	01/13

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

DISTRICT NO.	MEMBER	ADDRESS	RECOMMENDED BY	DATE APPOINTED	TERM EXPIRATION
DIST 1	DENNIS RICH; DENANDYVONNE@NETISCAPE.NET	PO BOX 575, CAPITAN, NM 937-5996	COMM.POWELL	04/17/12	04/14
DIST 2	JENNIE DORGAN, Vice Chair	BOX 359, ALTO 88312 (336-4312)	COMM. WILLIAMS	03/15/11	03/13
DIST 3					
DIST 4	MARY DOKIANOS	103 WINTER HAWK HEIGHTS, ALTO	COMM. MINTER	09/20/2011	09/13
DIST 5	TOM MANN MEMBER-AT-LARGE - DENNIS DUNNUM	BOX 77, LINCOLN NM (653-4272) 443 JICARILLA RD WHITE OAKS 648-1022	COMM. POWELL COMM.MINTER	07/26/12 03/15/11	07/14 03/13
	MEMBER-AT-LARGE - NORA MIDKIFF nora.midkiff@gmail.com	175 EAGLE CREEK CANYON RUIDOS	COMM. POWELL	06/21/11	06/13

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 HALL	BOX 745 RUIDOSO DOWNS, 88346	1	06/21/11	06/13
DIST 2			1		
DIST 3					
DIST 4	DONALD S. HAWLEY (257-2987)	BOX 7624, RUIDOSO 88355	3	4/19/2011	04/13
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	BOX 2811, RUIDOSO 88355		01/13/11	01/13
	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

PUBLICATION IS REQUIRED.

SOUTHEASTERN NEW MEXICO ECONOMIC DEVELOPMENT DISTRICT (SNMEDD) 2 YEAR TERM

AGENDA DOCUMENTATION
September 18, 2012

Agenda Item No. 25

SUBJECT

Executive Session

ACTION REQUESTED BY

County Manager

ACTION REQUESTED

To be determined

BACKGROUND

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 10, 2012

**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. *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.
2. *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.
3. *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.
4. *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.
5. *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.
6. *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.

7. *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.
8. *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.
9. *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.
10. *Daniel A. Dean v Emerald Correctional Management, LL, Arthur Anderson, The Board of Commissioners of Lincoln County, and Lincoln County. 2:12-CV-00671-WPL-GBW.* Suit filed June 21, 2012. Complaint for Damages for Deprivation of Civil Rights and Common Law Torts.
11. *New Mexico Ranch Sales v Perla Garcia, LC Treasurer, et. al. D-1226-CV-2012-00042.* Suit filed August 6, 2012. Complaint to Enforce and Collect Upon Promissory Note and to Foreclose Mortgage Upon Real Property.

Tort Claims Notices Received or Threatened

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.

Meadows Group, LLC - Tort claim notice received May 23, 2011 from attorney George P. Marquez alleging refusal and non-timely production of public records by the County of Lincoln and damages allowed under the Inspection of Public Records Act 14-2-11 NMSA 1978.

Salas, Johnny – Tort claim notice received from Johnny Salas on May 20, 2011 alleging damage to residence caused by a LCSWA (GSWA) garbage truck.

Saldana, Renetta - Tort claim notice received from Renetta Saldana on May 4, 2011 alleging sexual harassment suffered during transportation from LCDC to Magistrate Court in Ruidoso, NM.

2010

Powers, Travis - Tort Claim Notice received from Attorney Jose R. Coronado on October 5, 2010 alleging unlawful arrest due to lack of officer investigation.

Shannon, Michael - Tort Claim Notice received from Attorney Jose R. Coronado on September 13, 2010 alleging unlawful arrest due to lack of warrant cancellation.