

COUNTY OF LINCOLN
New Mexico
Regular Meeting
Board of County Commissioners

Jackie Powell, Chairwoman

Mark Doth, Member

Dallas Draper, Member

Glenna N. Robbins, Treasurer

Rhonda B. Burrows, Clerk

Preston Stone, Vice Chair

Kathryn L. Minter, Member

Robert Shepperd, Sheriff

Paul Baca, Assessor

Stirling Spencer, Probate Judge

Nita Taylor, County Manager

AGENDA

Commission Chambers, Tuesday, October 15, 2013 @8:30 A.M.

1. Call to Order
2. Roll Call
3. Invocation
4. Pledge of Allegiance
 - a. Pledge – U.S. A. Flag
 - b. Salute – N.M. Flag (“I salute the flag of the State of New Mexico, the Zia Symbol of perfect friendship among united cultures”)
5. Approval of Agenda
6. Approval of Minutes- September 9, 2013 Special Commission Meeting
September 17, 2013 Regular Commission Meeting
7. Approval of Consent Agenda
 - a. Payroll/Accounts Payable/Budget/ Expenditures
 - b. Treasurer’s Financial Report for the Month ending September 30, 2013
8. Greentree Solid Waste Authority (GSWA) Update
9. **9:30 A.M.:** PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY OFFICIALS (Items are for discussion only – no action will be taken)
10. Consideration/Approval or Disapproval of Indigent Health Care Claims
11. Water issues/Forest/Wildlife Health Programs/Land and Natural Resources Advisory Committee (LANRAC)
 - a. Consider Submittal of Comments regarding EPA Wetlands Guidance Regulations: Deadline November 6, 2013

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

12. Consideration/Action on Contracts with South Central Mountain RC&D
 - a. Project Manage NRCS Award 68-8C30-13-001
 - b. Project Manage ENMRD WUI/Hazardous Fuels Reduction Project – Cedar Creek NFL – Project No 14-05-1156
13. Consideration/Action on Proposed Lincoln County all Hazard Incident Management Team
14. Manager’s Report
15. Consideration/Action on Resolution 2013-16, amending Resolution 2011-29
2013 Local Road Fund Project/CAP COOP/School Bus
16. Consideration/Action on Resolution 2013-17 to Trade-In Four Obsolete Cardiac Monitors
17. Consideration/Action on Resolution 2013-18 to Amend Lincoln County Purchasing Policy
18. Consideration/Action on Resolution 2013-19 for the Formation of a Lincoln County Loss Prevention Committee
19. Consideration/Action on Resolution 2013-20 for the 2015 – 2019 Infrastructure Capital Improvement Plan
20. Review of and Discussion of Funding Alternatives for Construction Costs Relating to Courthouse / Sheriff’s Complex Expansion
 - a. Consideration/Action on Reimbursement Resolution 2013-21
21. Consider/ Adoption of Domestic Violence Awareness Month Proclamation
22. **1:00 P.M.:** Continue public hearing to consider amending Ordinance 2002-08, an ordinance requiring a certificate issued by the Lincoln County Treasurer establishing that Property Tax Obligations are current prior to any subdivision plat or claim of exemption approval by the County of Lincoln with Ordinance 2013-05.
23. **1:30 P.M.:** Public Hearing to consider a Variance from Section 5.A.7 of Ordinance 2006-06 Lincoln County Outdoor Advertising Regulation, disallowing intermittent, moving or flashing lights, or video images. The variance is requested by the Angus Church of the Nazarene.
24. Consideration/Action on ZiaScapes Landscaping Request for Variance of Ordinance No. 2006-6, Lincoln County Outdoor Advertising Regulation Ordinance

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

25. Consideration of Appointments and Removals from Boards/Commissioners/Committees:
 - a. Planning Commission
26. Authorization to Schedule Public Hearing to Consider Other Outdated or New Lincoln County Ordinance
27. Consideration/Action of County Manager Contract Renewal
28. 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).
29. Signing of Official Documents
30. Next meetings:
 - a. October 31, 2013 Special Meeting to Award Bid for NRCS Project
 - b. November 19, 2013 Regular Commission Meeting
31. 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 Item No. 6
October 15, 2013

SUBJECT

Approval of Minutes:

1. September 9, 2013 Special Commission Meeting
2. September 17, 2013 Regular Commission Meeting

1 **COUNTY OF LINCOLN**

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

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

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

8
9 **Minutes**
10 **Monday, September 9, 2013**

11
12 Minutes of the Special Meeting of the Lincoln County Commission held at 9:00 AM on
13 September 9, 2013 in the County Commission Chambers, Lincoln County Courthouse, in
14 Carrizozo, New Mexico.

15
16 **1. Call to Order**

17
18 Chair Powell called the Special Meeting of the Board of County Commissioners to order at
19 9:00:50 AM.

20
21 **2. Roll Call**

22
23 **Roll Call.**

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

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 Commissioner Stone.

33
34 **4. Pledge of Allegiance**

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

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 Minter, Seconded by Commissioner Draper.
43 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 4).
44 **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Draper.

45
46 **6. Approval/Imposition of 2013 Property Tax Rates**

47
48 Ms. Taylor reminded State statute required the Board of Commissioners to approve and impose

49 the tax rates within five days of receipt of the letter from the Department of Finance and
50 Administration.

51
52 **Motion:** Approve the 2013 Property Tax Rates, **Action:** Approve, **Moved by** Commissioner
53 Minter, **Seconded by** Chair Powell.

54
55 Paul Baca, Assessor discussed the year to year fluctuations in tax rates as related to changes
56 in valuation. Mr. Baca stated the Assessor's office makes annual adjustments to valuation
57 including new valuation, improvements and other changes. Mr. Baca provided a spreadsheet of
58 comparison between each taxation district's rate from 2012 to 2013 and also a comparison of
59 valuation for that district. Mr. Baca informed total valuation for tax assessment purposes within
60 the County of Lincoln had increased from \$1,105,798,545 in 2012 to \$1,131,149,006 in 2013 an
61 increase of 2.9%.

62
63 Mr. Baca discussed the removal of homes from the residential category to non-residential
64 property based on proof the homes were converted to nightly rentals. Commissioner Draper
65 questioned what criteria distinguished a rental versus a residential home. Yovonne Lucero,
66 Chief Deputy Assessor explained rental homes were required to have a fire inspection and a
67 license from the Village of Ruidoso. Ms. Lucero stated the County utilized information obtained
68 from the Village and proof of year long advertisement as a nightly rental to reclassify these
69 homes.

70
71 Commissioner Minter questioned if valuation had declined due to the Little Bear Fire. Mr. Baca
72 confirmed approximately \$25 million in value was lost during the Little Bear Fire. Mr. Baca
73 stated the loss had been offset by the routine 3% increase in valuation, the addition of new
74 property improvements, and a reassessment of large land parcels.

75
76 Mr. Baca also provided a detailed report on Livestock Quantities and Values within the County.
77 Mr. Baca noted the total number of livestock declined by 11.7% from 2012 to 2013. Mr. Baca
78 pointed out declining livestock numbers would result in reduced revenue from the Predatory
79 Control Tax. Mr. Baca noted while total numbers declined, valuation increased overall for
80 livestock.

81
82 Glenna Robbins, Treasurer informed while reviewing the tax rates her office noted the shift in
83 valuation from residential to nonresidential and had verified the final rates with the Department
84 of Finance and Administration. Ms. Robbins stated her office also worked with all entities within
85 the County who received tax revenue to obtain verification the final rates were sufficient to
86 support their budget. Ms. Robbins stated all of the entities confirmed the rates were in line with
87 their budgeting process.

88
89 Chair Powell clarified properties for which an owner had lodged a protest of valuation were not
90 included in the final valuation for the County. Mr. Baca confirmed that until a protest was
91 resolved the values of those properties were not included in the final valuation but once a
92 protest was resolved any tax collected would be over and above the budgeted revenue amount.

93
94 Ms. Robbins stated while tax collection was approximately 96 to 97% the County typically
95 budgeted for 93% of tax value.

96
97 Commissioner Stone questioned the annual number and value of protests. Mr. Baca stated his
98 office received approximately 125 protests for a total of approximately \$4,000,000 in valuation
99 for both residential and nonresidential. Mr. Baca stated primarily the protests were from owner's
100 of commercial property within Ruidoso. Mr. Baca stated many of the protests were resolved by

101 working with owners informally.

102
103 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 4).
104 **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Draper.
105

106 Exhibit A: Copy of 2013 Property Tax Rates are attached hereto in reference thereto made a
107 part hereof.
108

109 **7. Consideration/Potential Action on MOU between U.S. Fish & Wildlife Services and**
110 **Numerous NM and Arizona Counties**
111

112 Ms. Taylor reminded the Board of Commissioners expressed an interest in providing comment
113 to the U.S. Fish and Wildlife Service's on the Mexican Wolf Environmental Impact Statement
114 (EIS). Ms. Taylor discussed ongoing efforts by the New Mexico and Arizona Coalition of
115 Counties to enable participation in the process. Ms. Taylor stated options for the County
116 included signing a Memorandum of Understanding (MOU) to establish County input as a
117 Cooperating Agency; providing comment and participate as a Stakeholder; or proposing
118 revisions to the language of the MOU for consideration by Fish and Wildlife.
119

120 Chair Powell commented the proposed plan was an example of the Federal government
121 regulating and impacting local government and recommended the County participate at the
122 highest level possible.
123

124 There was a general discussion about potential changes to the MOU as proposed by other
125 counties and the option of signing the MOU now versus revising the MOU and submitting the
126 revisions for approval prior to signing. Attorney Morel suggested signing an MOU as a
127 Cooperating Agency to provide for maximum participation by the County. Attorney Morel
128 suggested the County send a letter of intent to sign the MOU but request a copy of the
129 proposed changes, request clarification of the deadline for signature of the MOU, and indicate a
130 desire to participate as a "cooperating agency".
131

132 **Motion:** Send a letter of intent to sign an MOU; request a copy of the proposed changes by
133 other counties; request clarification of the final date to sign the MOU; and send a letter
134 requesting status as a stakeholder in the interim. **Action:** Approve, **Moved by** Commissioner
135 Stone, **Seconded by** Commissioner Draper.
136

137 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 4).
138 **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Draper.
139

140 **8. Consideration/Approval of Formal Name for LCMC's Physician's Office Building**
141 **(POB)**
142

143 Ms. Taylor stated the administration of Lincoln County Medical Center had suggested the office
144 building be named the Lincoln County Medical Office Complex.
145

146 Commissioner Minter commented on the "ownership" of the name both for the building and for
147 LCMC itself. Commissioner Minter suggested the County request LCMC relinquish ownership
148 of the Lincoln County Medical Center name during lease negotiations.
149

150 **Action:** Approve the name of Lincoln County Medical Office Complex, **Moved by**
151 Commissioner Draper, **Seconded by** Commissioner Stone.
152

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

153 **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Draper.
154

155 **9. Executive Session Pursuant to the Open Meetings Act: Discussion of all**
156 **Threatened and/or Pending Litigation Section 10-15-1, Sub-Paragraph H.(7); and**
157 **Discussion of the purchase, acquisition or disposal of real property or water**
158 **rights by the public body, Section 10-15-1, Sub-Paragraph H.(8).**
159

160 **New or Updated Matters since last report = ***
161

- 162 1. Lodger's Tax Issue – Casa del Cocinero
- 163 2. *Cooper, Gale and DeBaca County News v. County of Lincoln, Sheriff of Lincoln County,*
164 *et al.* D-1329-CV-200701364. Suit filed: October 15, 2007. Verified Complaint for
165 Declaratory Judgment Ordering Production of Certain Records and Information.
- 166 3. *Green Tree Servicing, LLC v. William T. Joiner, Lincoln County, et. al.* D-1226-CV-2010-
167 394. Suit filed November 17, 2010. Complaint for Enforcement of Contract and
168 Foreclosure of Security Interest and Mortgage.
- 169 4. *Luis Grife as Personal Representative of The Estate of Arturo Grife, Jr., and Lizeth Grife*
170 *v. County of Lincoln.* D-1226-CV-201100148. Complaint for Wrongful Death and
171 Negligence, Jury Demand.
- 172 5. *New Mexico Ranch Sales v Mary T. Greene, LC Treasurer, et. al.* D-1226-CV-2011-
173 00226. Suit filed August 1, 2011. Complaint In Rem to Foreclosure Mortgage Upon
174 Real Property.
- 175 6. *Michael Wheaton v Paul F. Baca, Lincoln County Assessor, et. al.* D-1226-CV-2011-
176 00341. Suit filed October 18, 2011. Notice of Appeal of Final Order of the Lincoln
177 County Valuation Protests Board.
- 178 7. *New Mexico Ranch Sales v Marianne Clark, LC Treasurer, et. al.* D-1226-CV-2011-
179 00409. Suit filed November 17, 2011. Complaint to Enforce and Collect Upon
180 Promissory Note and to Foreclose Mortgage Upon Real Property.
- 181 8. *Bank of Clovis v Mona Bryant as Personal Representative of Marjorie Bryant*
182 *(deceased), Village of Ruidoso, Lincoln County, et al.* D-1226-CV-2011-00429. Suit
183 Filed February 10, 2012. Complaint for Foreclosure.
- 184 9. *New Mexico Ranch Sales v Tammy Palombi-Cade, LC Treasurer, et. al.* D-1226-CV-
185 2012-00042. Suit filed February 13, 2012. Complaint to Enforce and Collect Upon
186 Promissory Note and to Foreclose Mortgage Upon Real Property.
- 187 10. *Coble Constructors, LLC, et al v Carl Kelley Construction Ltd. Co, et al.* D-1226-CV-
188 2012-00003. Suit filed January 15, 2012. Complaint to Foreclose Mechanic's Lien.
- 189 11. **Alto Lakes Golf & Country Club, Inc. v. Barbara Fleming, and Jesus and Maria*
190 *Guardiola, et al.* D-1226-CV-2011-00044. Suit filed February 18, 2011. Complaint to
191 Foreclose Lien. Counterclaim and Crossclaim suit filed by Washington Federal Savings
192 on September 21, 2012 naming Board of Commissioners of Lincoln County and Lincoln
193 County Solid Waste Authority. *Stipulated and Default Judgment, Decree for
194 Foreclosure, Order of Sale, and Appointment of Special Master, entered by the Court on
195 8-12-13. L.C.'s lien was not extinguished and is still a valid lien against the subject
196 property.
- 197 12. *Johnathan Warren v. Lincoln County Detention Center, Emerald Healthcare Systems, et*
198 *al.* 2:12-CV-01086-CG-LAM. Suit filed October 19, 2012. Complaint for the Recovery
199 of Damages Caused by the Deprivation of Civil Rights.
- 200 13. **Greentree Solid Waste Authority v. Lincoln County, et. al.* D-0101-CV-2013-00104. Suit
201 filed January 9, 2013. Petition for Declaratory Judgment; Preliminary and Permanent
202 Injunction. *Order Granting ALW&SD's Motion for Judgment on the Pleadings and for
203 Summary Judgment entered by the court on 6-15-13. *August 21, 2013 is the deadline
204 for GSWA to file its Notice of Appeal. *In the process of scheduling Mediation.

- 205 14. *Rio Grande-Alameda, Ltd. v Paul Baca, Lincoln County Assessor D-1226-CV-2013-*
206 *00005.* Suit filed January 9, 2013. Complaint for Refund of Taxes Paid.
- 207 15. **Washington Federal Savings v. Timothy Rose; Chanda Rose; and Lincoln County D-*
208 *1226-CV-2013-00105.* Suit filed April 15, 2013. Complaint for Foreclosure. *July 29,
209 2013 Ltr to Bishop, White, Marshall & Weibel, P.S. advising of payoff amount through
210 Aug. 5, 2013.
- 211 16. *Wells Fargo Bank, NA, et al v. Jerry Turner, Board of County Commissioners of the*
212 *County of Lincoln, New Mexico, et al. D-1226-CV-2013-00129.* Suit filed May 6, 2013.
213 First Amended Complaint for Foreclosure.
- 214 17. **State of New Mexico (Lincoln County) v. Stephen Gore M-30-MR-2013-00113.* Citation
215 filed June 17, 2013. Lincoln County Solid Waste Ordinance 2009-03 Violation. *June 17,
216 2013 Trial continued - Defendant given 60 days to complete clean up of property.
- 217 18. ** Steven Miller, et al. v. State Forestry Division, NM Energy, Minerals, and Natural*
218 *Resources Department, County of Lincoln, et al. D-1226-CV-2013-00160.* Suit filed
219 June 15, 2013. Complaint for Negligence, Injury and Damages. *On August 2, 2013,
220 NMAC advised Attorney Bryan Evans has been assigned as counsel for Lincoln County.
- 221 19. ** Barbara Diane Latham, et al v. Neal Cox, Ben Hazen, Lincoln County Sheriff's*
222 *Department and the County of Lincoln. D-1226-CV-2013-00191.* Suit filed July 19,
223 2013. Complaint for Violation of Civil Rights, Wrongful Death and Damages by Attorney
224 Gary Mitchell. LCSO and LC Manager were served on August 5, 2013. Tort Claim
225 Notice was filed on October 27, 2011.
- 226 20. **State of New Mexico (Lincoln County) v. Erma Jim* (need approval to proceed with filing
227 of Complaint prepared by Deputy David Hightower for possession of a Samsung cell
228 phone with a charged cell phone battery contrary to L.C. Ordinance No. 2011-01.
- 229 21. **State of New Mexico (Lincoln County) v. Leandra Pino* (need approval to proceed with
230 filing of Complaint prepared by Deputy David Hightower for possession of a Samsung
231 cell phone with a charged cell phone battery contrary to L.C. Ordinance No. 2011-01.
- 232 22. **State of New Mexico (Lincoln County) v. Michael Mitchell* (need approval to proceed
233 with filing of Complaint prepared by Deputy David Hightower for possession of a
234 Samsung cell phone with a charged cell phone battery contrary to L.C. Ordinance No.
235 2011-01.

Tort Claims Notices Received or Threatened

2013

241 **Borrego, Albert** - Tort Claim Notice received from attorney Gary Mitchell on June 14,
242 2013, alleging continued harassment to Albert G. Borrego by police while responding to a noise
243 complaint at Mr. Borrego's residence on February 28, 2013, and a separate incident resulting in
244 Mr. Borrego's arrest on March 5, 2013, due to an outstanding warrant, during which Mr. Borrego
245 allegedly sustained injuries while in custody due to an existing broken back injury.

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

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

252 **Ramos, Aaron** - Tort Claim Notice received by attorney Robert J. Beauvais on April 18,
253 2013, (correspondence dated September 13, 2011) alleging concerns about Mr. Ramos' safety
254 and welfare and violation of his U.S. Constitution Fifth and Sixth Amendment rights.

257 **2012**

258
259 **Cathy and Steve Altstatt** – Telephone conference with Cathy Altstatt on April 19, 2012,
260 concerning their unbuildable and unsellable Deer Park Valley lot due to lot size, septic tank set
261 back requirements, and an easement granted to Alto Lakes Water & Sanitation District for a
262 water well.

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

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

268 **Biggs, M. Jolene** – Tort Claim Notice received from Attorney, Adam Rafkin on February
269 6, 2012, claiming liability by the County of Lincoln by failing to maintain the surface of the
270 parking lot across from the Lincoln County Courthouse in Carrizozo, NM.

271
272
273 **Action:** Approve, **Moved by** Chair Powell, **Seconded by** Commissioner Stone.

274 **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 4).

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

276
277 Chair Powell recessed the Regular Meeting and convened the Closed Session at 10:02:26 AM.

278
279 Chair Powell adjourned the Closed Session and reconvened the Regular Meeting at 11:08:27
280 AM.

281
282 Commissioner Stone attested that no action was taken during the closed session and items
283 discussed were limited to those as stated in the motion for closure.

284
285 **10. Next Regular Meeting**

286
287 Tuesday, September 17, 2013

288
289 **11. Adjournment**

290
291 There being no further business to come before the Board of County Commissioners, Chair
292 Powell adjourned the meeting at 11:08:39 AM.

293
294 Respectfully submitted by,

295
296 Rhonda B. Burrows
297 Lincoln County Clerk

1 **COUNTY OF LINCOLN**

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

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

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

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

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

15
16 **1. Call to Order**

17
18 Chair Powell called the Regular Meeting of the Board of County Commissioners to order at
19 8:31:22 AM.

20
21 **2. Roll Call**

22
23 **Roll Call.**

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

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

29
30 **3. Invocation**

31
32 The invocation was presented by Pastor Barbara Buttram.

33
34 **4. Pledge of Allegiance**

- 35
36 a) Pledge – U.S. A. Flag – Commissioner Stone
37 b) Salute – N.M. Flag – Commissioner Doth
38

39 **5. Approval of Agenda**

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

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

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

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

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

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- a) August 14, 2013 - Special Commission Meeting
- b) August 20, 2013 - Regular Commission Meeting

Motion: Approve the minutes of the August 14, 2013 Special Commission Meeting and the August 20, 2013 Regular Commission Meeting with a minor revision.

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

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

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

7. Approval of Consent Agenda

- a) Payroll/Accounts Payable/Budget/ Expenditures
- b) Treasurer's Financial Report for the Month ending August 31, 2013
- c) Sun Valley Water & Sanitation District Mill Levy Request
- d) Road Name Request

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

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

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

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

8. Smokey Bear District Ranger Update

Ms. Taylor provided copy of the Briefing Paper prepared by Ranger David Warnack detailing planned thinning and prescribed burn projects. Ms. Taylor further reported the Smokey Bear District office in Ruidoso was undergoing renovations and most USFS seasonal employees were to be laid off as of September 21, 2013.

Chair Powell questioned if Ranger Lessard of the Cibola District had rescinded the order removing permitted grazing from that forest. Ms. Taylor expressed belief the order was not rescinded.

9. Greentree Solid Waste Authority (GSWA) Update

Ms. Taylor provided copy of the minutes of the GSWA Regular Meeting of July 23, 2013 for review and commented on her attendance at the meeting. Ms. Taylor discussed a misquote attributed to her in the minutes and clarified she had voiced belief the County maintained rate approval authority over any proposed rate changes in the unincorporated area of the County.

After discussion there was a general consensus to request GSWA's draft minutes be provided for review by the County Manager and County Attorney.

Commissioner Stone questioned if the County might appoint an alternate to attend GSWA meetings should the appointed Commissioner be unable to do so. Commissioner Doth clarified the Board of GSWA does not acknowledge alternates but utilizes "proxy" voting. Attorney Morel

99 stated the County continued to maintain proxy voting was improper. Attorney Morel suggested
100 it would be beneficial to have a Commissioner present at GSWA meeting's if the appointed
101 member could not attend. Chair Powell stated she would attend as an alternate should
102 Commissioner Doth be unavailable, pending mediation.
103

104 **10. Lincoln County Detention Center Update**

105

106 Warden Arthur Anderson informed on monthly bookings and releases and stated the total
107 average capacity since January 1, 2013 as of this date was 140 and with a current population of
108 134.
109

110 Commissioner Minter requested Warden Anderson and Emerald Company work with the
111 County Manager to determine an accurate estimated cost to expand the Detention Center.
112

113 Chair Powell recessed the Regular Meeting and convened the Board of Finance at 8:46:56 AM.
114

115 **11. Board of Finance**

116

117 Glenna Robbins, Treasurer reported the Treasurer's office sent a list of properties delinquent on
118 taxes for more than two years to the NM Property Tax Division (PTD) as required on July 12,
119 2013. Ms. Robbins stated the list included 100 new properties owing 2010 taxes and 27
120 properties from previous years. Ms. Robbins reported the total delinquent list was down from
121 last year's 239 properties.
122

123 Ms. Robbins informed PTD had authorized County Treasurer's to accept partial payment of
124 property taxes for properties on the State's delinquent list. Ms. Robbins reminded this was a
125 point of contention between PTD and the County Treasurer's last year.
126

127 Ms. Robbins stated In June the New Mexico Association of Counties hosted a mediated
128 meeting with County Treasurer's, PTD, the Department of Taxation and Revenue, and the
129 Department of Finance to discuss the concerns of County Treasurer's on a variety of issues
130 including property tax payment on installment agreements, disposition of penalties and interest
131 for properties on the State's delinquent property list, and the process of conducting tax auctions.
132

133 Ms. Robbins stated the meeting was productive and two issues were identified as top legislative
134 priority issues to be advanced by the New Mexico Association of Counties. Ms. Robbins stated
135 the legislative priorities would permit County Treasurer's to receive all payments of property
136 taxes including those placed on the State's delinquent property list and placed on installment
137 agreements. Ms. Robbins stated the second priority would clarify that the County would receive
138 both payment and penalty and interest for properties which were removed from the State's
139 delinquent property list.
140

141 Ms. Robbins provided charts detailing the collection of gross receipts tax for the last four years.
142 Ms. Robbins reminded the County imposed two 1/8th GRT increments in January of 2000 for
143 Detention Center debt service and for Indigent Health Care. Ms. Robbins noted a slight
144 increase in gross receipts tax revenues over last year. Ms. Robbins also discussed the 1/8th
145 Environmental GRT imposed on residents in the unincorporated areas of the County to support
146 the collection of solid waste and noted revenue from this tax was forwarded to Greentree Solid
147 Waste.
148

149 Ms. Robbins reported the County received the annual distribution of the Business Retention Tax
150 (BRT) in the amount of \$138,984, the balance of the BRT collected after the \$750,000 tax
151 credit. Ms. Robbins stated this was only the second distribution the County had received from
152 the BRT with last year's distribution being \$109,160.
153

154 Chair Powell adjourned the Board of Finance meeting and reconvened the Regular Meeting at
155 8:55:22 AM.
156

157 **15. Consideration of entering into a Contract for a Lincoln County Medical Center**
158 **Condition Assessment**
159

160 Ms. Taylor stated Lincoln County Medical Center (LCMC) Administration and the architect for
161 the current construction project of the Professional Office Building (POB) recommended the
162 County conduct a "condition assessment" of the main LCMC building and physical plant. Ms.
163 Taylor stated the purpose of the assessment would be to determine the overall health of the
164 existing building, the potential lifespan of the building, and the potential costs of bringing the
165 infrastructure up to standard.
166

167 Ms. Taylor discussed the prior assessment and energy audit conducted by Vertterre
168 Corporation for the County Courthouse complex. Ms. Taylor presented a proposal from
169 Vertterre to perform a similar audit of the main hospital building.
170

171 Chair Powell suggested as the POB still under construction it was premature to consider
172 additional work as the LCMC POB was still under construction. Commissioner Doth stated
173 appreciation for the previous analysis performed by Vertterre but noted current Commissioners
174 were very aware of the age and condition of the hospital. Commissioner Draper commented
175 any study conducted now would be outdated by the time the County was prepared to proceed.
176

177 **16. Consideration of Approval or Disapproval of Indigent Health Care Claims**
178

179 Scott Annala, IHC Administrator presented the Sole Community Provider/Lincoln County
180 Medical Center claims for approval. Mr. Annala processed 55 claims with 54 recommended for
181 approval and 1 recommended for disapproval for a total authorization of \$92,947.33 and a year
182 to date authorization of \$316,943. Mr. Annala noted the average monthly hospital claims to
183 date was \$105,647 with a projected annual approval for FY 2013-2024 of approximately \$1.3
184 million.
185

186 Mr. Annala presented the Indigent Health Care Payments request for the month. Mr. Annala
187 processed 92 claims with 84 recommended for approval and 8 recommended for disapproval.
188 Mr. Annala stated the total of claims recommended for payment this month was \$21,187 for a
189 year to date total of \$69,139. Mr. Annala noted the average monthly indigent claims to date was
190 \$23,046 with a projected annual expenditure of \$276,552. Mr. Annala reminded the FY 2013 -
191 2014 budget for Indigent claims was \$393,278.
192

193 Mr. Annala provided charts and graphs for comparison of current payments to prior fiscal years.
194

195 **Motion:** Approval and denial of the claims as indicated for Sole Community Provider and
196 Indigent Health Care Program payments as recommended. **Action:** Approve, **Moved by**
197 Commissioner Doth, **Seconded by** Commissioner Minter.
198

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

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

201
202 **SEE EXHIBIT B:** Copies of the Sole Community Provider and Indigent Health Care Payments
203 are attached hereto in reference thereto made a part hereof.
204

205 **17. Manager's Report**
206

207 **1. Forest Health Funding Initiatives.** The Manager reported on progress on a
208 number of funding initiatives:
209

- 210 a. NRCS EWP Process – application being finalized
211 b. Finalization of FEMA - NM Homeland Security grant – application being finalized
212 c. 2012 Lincoln County WUI – approximately \$150,000 of the \$255,000 grant remains
213 d. 2014 Lincoln County WUI - \$300,000 grant applied for by State Forestry for Lincoln
214 County
215 e. The Little Bear Forest Reform Coalition was exploring the possibility of having a
216 public outreach event this fall on forest health with additional details to follow.
217 f. South Central Mountain RC&D was working on updating the Lincoln County
218 Community Wildfire Protection Plan (CWPP). The greater Ruidoso plan was written
219 in 2004 and included only the Villages of Ruidoso and Ruidoso Downs. The Lincoln
220 County Plan was written in 2008 and excludes the Villages. To ensure the County
221 and municipalities remain current with planning and with competing for the fuel
222 reduction grants a document common to the entire County would help identify and
223 prioritize areas for treatment. Once the update work has been complete, it will be
224 presented to the County for approval.
225

226 **2. FY 2012 - 2013 Audit.** The Manager reported representatives from the Accounting
227 & Consulting Group, LLP, were in the County last week concluding the in-house
228 review for the annual audit. Based on the questions asked, additional information
229 requested and feedback at the conclusion of their visit, the Manager expressed belief
230 audit findings would be minimal.
231

232 **3. The New Mexico Association of Counties.** The Manager provided several dates
233 of interest announced by NMAC including various NMAC Board meetings. The
234 Manager informed Paul Gutiérrez, Executive Director of NMAC had accepted
235 another position and NMAC would conduct a search to fill the position.
236

237 **4. LCMC Update.** The Manager reported on attendance at a meeting with Scott
238 Annala, Indigent Health Care Administrator and LCMC representatives regarding the
239 development of reporting requirements for Sole Community Provider claims as
240 requested during the July final budget meeting. The Manager anticipated the first
241 reports would be available for the Regular Meeting of October 15, 2013 for review
242 and direction.
243

244 **5. Building Updates.**
245

- 246 a. LCMC Physician's Office Building (POB). The Manager stated work on the POB
247 was expected to be complete by mid-October, enabling move-in activities shortly
248 thereafter. The Manager stated LCMC initially proposed a grand opening at that

249 time, but now proposed to wait until mid-January. The Manager stated LCMC
250 was seeking Commission input on the timing of the event, as well as the
251 attendee invitation list. The Manager anticipated the project would be complete
252 ahead of time and on or below budget.
253

254 There was a general consensus to request the Open House for the new POB be held in
255 November.
256

- 257 b. Lincoln County Courthouse/Sheriff's Expansion. The Manager reported work
258 had commenced on the courthouse expansion. The Manager stated James
259 Parker of JWP Master Builders would provide a progress report and a summary
260 of the utilization of local contractors during the meeting. The Manager reminded
261 the total timeline commitment from start to finish was 365 days.
- 262 c. Ft. Stanton Fire Station. The Manager stated work had commenced on the site
263 for the Fire Station with the building ordered and expected on site in a couple of
264 weeks. The Manager stated Mr. Parker would also provide an update on this
265 project which has a total timeline commitment from start to finish of 182 days.
- 266 d. Carrizozo Senior Center. The Manager stated Wilson and Company had
267 completed design work on the project. The Manager stated Wilson would issue
268 Requests for Proposals for the project, assist in the selection process and
269 project-manage the construction. The Manager stated the project was on hold
270 pending formal receipt of the CDBG grant.
271

- 272 **6. MOU with Village of Ruidoso (VOR)** – The Manager reported Attorney Morel and
273 Planning Director, Curt Temple met with the Village of Ruidoso and reached
274 preliminary agreement on the area to be permitted and inspected by the VOR. The
275 Manager stated a draft MOU was in progress.
276

277 Curt Temple, Planning Director informed he worked with Attorney Morel and VOR Attorney Dan
278 Bryant to identify subdivisions currently split by jurisdiction and to discuss a process to assure
279 County Ordinance requirements were met prior to the issuance of any permit.
280

281 Attorney Morel stated the Assessor would prepare a map to illustrate the proposed jurisdiction
282 boundaries. Attorney Morel discussed the option of an administrative fee being remitted to the
283 County for the review of County requirements. Attorney Morel stated another question arose
284 regarding whether a property owner might be allowed to opt out of VOR permitting in favor of
285 State CID permitting. Attorney Morel also discussed the process by which fees might be
286 increased in the future. Attorney Morel stated the proposed contract would provide a 90 day
287 termination clause but failure to exercise the termination clause would result in automatic
288 renewal. Attorney Morel reminded the VOR would be responsible for initial compliance in the
289 proposed jurisdiction but ultimately the State would have enforcement responsibilities.
290

291 Attorney Morel requested guidance as to whether the County wished to charge an
292 administrative fee. Commissioner Doth suggested the Village of Ruidoso should return a
293 portion of their fee to the County rather than add an additional fee. Mr. Temple reminded the
294 Road Department does receive a \$25 culvert fee for approval of each entrance.
295

296 After lengthy discussion there was a general consensus to ask the Village of Ruidoso to return a
297 \$25 fee to the County without increasing their permit fee. After further discussion regarding an
298 "opt out" provision for property owners it was agreed Attorney Morel would discuss this option
299 with the State CID Director.

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14. 9:30 A.M.: PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY OFFICIALS

Harvey Foster, local realtor and businessman objected to the fee of \$100 charged as per recently adopted Resolution 2012-40 for information he obtained monthly from the Assessor's office. Mr. Foster informed he had compensated the County's software vendor many years ago for the creation of the file format to export the information required and expressed belief any fee charged should not exceed \$25.00.

Paul Baca, Assessor and Rhonda Burrows, Clerk discussed the background for the Fee Resolution change including the passage of recent state statute which designated County assessment information as a database for which a royalty fee may be charged.

Sheriff Robert Shepperd provided pictures of an illegal dump at the GSWA compactor site on Highway 37. Sheriff Shepperd stated despite numerous complaints GSWA refused to clean up the dump area and was informing the public it was the duty of the Sheriff's office. Sheriff Shepperd stated it was not the duty of the Sheriff's office to pick up refuse nor did he believe it was the duty of the County Road Department. Sheriff Shepperd noted cameras at the site were installed and controlled by GSWA but GSWA had provided no photos of the recent illegal dumping. The Sheriff reminded without evidence his office could not pursue nor prosecute the individuals responsible.

Ms. Taylor suggested a tracking report be developed to ensure GSWA continued to provide information, reports and photos related to illegal dumping to the Sheriff's office.

17. Manager's Report (continued)

7. Health Insurance Marketplace. Attorney Morel informed the County would notify all employees prior to October 1, 2013 of the availability of alternative health insurance as per the Affordable Health Care Act federal requirements.

8. Summary of Recent Rain Events. Joe Kenmore, Emergency Services Director and Carl Palmer, Road Superintendent provided an update of total rainfall at various locations within the County and provided charts indicating stream flow rise. Mr. Kenmore noted Bonito Lake was full and water was being release as previously planned for flood control. Mr. Kenmore stated the cleaning of the water ways after the Little Bear Fire resulted in favorable conditions to allow the flow of water to progress with minimal damage.

Mr. Palmer discussed the impact to County roads including the closure of County Road A012 in the northern part of the County. Mr. Palmer stated every district in the County had experienced road problems as a result of heavy rains.

Chair Powell recessed the Regular Meeting at 10:22:51 AM and reconvened at 10:34:02 AM.

24. Proclamation for Grant Dean

Ms. Taylor presented the proclamation to recognize Grant Dean and memorialize his assistance to Lincoln County during times of catastrophic emergencies including the 2012 Little Bear Fire.

351 **Motion:** Approve the Proclamation for Grant Dean, **Action:** Approve, **Moved by** Chair Powell,
352 **Seconded by** Commissioner Doth.
353 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).
354 **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth,
355 Commissioner Draper.

356
357 **13. JRP Master Builders Presentation**
358

359 James Parker of JRP provided a status report for the Courthouse/Sheriff's Office Complex
360 Expansion. Mr. Parker discussed the preference of JRP to use local subcontractors. Mr.
361 Parker stated outside work was delayed somewhat due to rain but inside work continued to
362 progress.

363
364 Commissioner Draper questioned if there had been any major issues other than rain delay. Mr.
365 Parker noted due to the age of the building there were some "unforeseens" but these were not
366 insurmountable.

367
368 Chair Powell reminded the County preferred projects to be on time and under budget. Ms.
369 Taylor stated Basic IDIQ and JRP were holding weekly meetings to provide status updates on
370 the construction project.

371
372 Mr. Parker also informed JRP had begun the project to build the new Fort Stanton Fire Station.
373 Mr. Parker stated due to the historical nature of the site any excavation required oversight by
374 the State Archeologist. Mr. Parker stated the excavation was completed with no findings which
375 would delay the project.

376
377 **12. Systems MD Presentation – Lior Glikshtern**
378

379 Lior Glikshtern, Lead Systems Engineer for Systems MD provided a detailed written summary of
380 the County's current Information Technology (IT) network and the proposed solution to
381 reconfigure and upgrade the entire County IT network.

382
383 Mr. Glikshtern stated Systems MD would begin establishing the new network next week. Mr.
384 Glikshtern informed the intent was to create a secure network which would allow the sharing of
385 data, access to data from off-site users, and ongoing backup and disaster planning.

386
387 Commissioner Stone questioned why the Sheriff's office was on a separate network. Sheriff
388 Shepperd informed of the federal requirement for access to data acquired by the Sheriff's office
389 to be additionally protected from unauthorized users.

390
391 Commissioner Draper questioned how long the new system would be sustainable. Mr.
392 Glikshtern informed based on a 20% data growth factor, the system had an estimated eight year
393 life before a need might arise to upgrade servers and storage.

394
395 **18. Renewal of Lease Agreement Ruidoso Downs Senior Center**
396

397 Attorney Morel presented the Cooperative Agreement and Lease for the Ruidoso Downs Senior
398 Citizens Center for a period of ten years beginning October 21, 2013 to October 21, 2023.
399 Attorney Morel stated the terms and conditions were the same as set forth in the original
400 agreement between the County and the City of Ruidoso Downs including a \$1.00 lease amount
401 which was appropriate for a government to government lease.

402
403 Commissioner Minter questioned a provision which referenced the use of a City of Ruidoso
404 Downs van. Michelle Caskey, Fixed Assets confirmed currently there were two County owned
405 vans in use at the site. Attorney Morel stated he would revise the agreement to remove the
406 outdated reference and reflect County ownership and maintenance of the vans.

407
408 **Motion:** Approve the Lease Agreement for the Ruidoso Downs Senior Center with the revision
409 as discussed. **Action:** Approve, **Moved by** Commissioner Doth, **Seconded by** Commissioner
410 Minter.

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

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

414
415 **19. Resolution 2013-14 Adopting Revisions to Resolution 2010-34 of the Indigent**
416 **Claims Policy Limits Payable from the Lincoln County Indigent Healthcare Fund**
417

418 Attorney Morel presented two proposed Resolutions the first of which would set Lincoln County
419 IHC income limits at 200 percent of the Federal Poverty Level (FPL) and the second utilizing
420 Income limits of 180 percent of the FPL. Attorney Morel commented LCMC currently utilized the
421 200 percent poverty levels for their sliding scale program.

422
423 Attorney Morel stated both Resolutions included a new category of payment for Physical
424 Therapy with a payment cap of \$3,000 and an Air Ambulance category with a payment cap of
425 \$1,000.

426
427 Commissioner Doth questioned the impact of the change in the poverty level limit to the
428 program. Scott Annala, IHC Administrator recommended the County adopt the 200 percent
429 FPL to be consistent with LCMC's sliding scale. Mr. Annala stated belief the change would not
430 have a great impact on the IHC fund.

431
432 **Motion:** Adopt Resolution 2013-14 with the 200 percent FPL income limits. **Action:** Approve,
433 **Moved by** Commissioner Doth, **Seconded by** Commissioner Minter.

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

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

437
438 **SEE EXHIBIT C:** Copy of Resolution 2013-14 is attached hereto in reference thereto made a
439 part hereof.

440
441 **20. Tabled New Medical Provider No. 52; the Ruidoso Physical Therapy Clinic, Inc.**
442

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

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

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

448
449 Ms. Taylor reminded all requests to receive Indigent Health Care funds must be approved by
450 the Board of Commissioners.

451

452 **Motion:** Approve the IHC Medical Provider Agreement with Ruidoso Physical Therapy Clinic,
453 Inc., **Action:** Approve, **Moved by** Commissioner Stone, **Seconded by** Commissioner Doth.
454 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).
455 **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth,
456 Commissioner Draper.

457
458 **21. Water issues/Forest/Wildlife Health Programs/Land and Natural Resources**
459 **Advisory Committee (LANRAC)**
460

461 Ms. Taylor stated Application T-5977 was filed on July 17, 2013 by FNF Construction, Inc. for
462 permit to temporarily appropriate Underground Water not to exceed 10 acre feet per annum
463 from an existing well to be diverted for road construction on Highway 54 with a time period not
464 to exceed one year.

465
466 Ms. Taylor informed the Cibola National Forest was one of eight national forests selected to
467 implement the new USFS 2012 Planning Rule. Ms. Taylor stated the Cibola released a
468 tentative Plan Revision Schedule revising its 1985 Forest Plan beginning in 2012 and ending in
469 2016 with the Final Plan Approval and Final EIS. Ms. Taylor stated she had informed LANRAC
470 members they might be assigned oversight of this initiative.

471
472 Chair Powell requested a letter to Ranger Lessard asking her to rescind the order removing
473 permitted grazing on the Cibola.

474
475 Ms. Taylor provided copy of a letter sent to the U.S. Fish and Wildlife Service as a result of
476 discussion at the Special Meeting of September 9, 2013 informing of the County's intent to enter
477 into a Memorandum of Understanding (MOU) in order to participate as a cooperative agency for
478 the Environmental Planning of the Mexican Wolf Recovery Program. Ms. Taylor provided
479 additional information regarding three related items currently out for review along with the dates
480 for Public Hearing and Public Comment. Ms. Taylor further provided copy of a stakeholder
481 letter to the USFWS requesting a number of actions be taken as requested at the last meeting.

482
483 Ms. Taylor reported the three counties which planned to propose language changes to the MOU
484 were making suggestions to accommodate NEPA Ordinances enacted by each of those
485 counties.

486
487 Chair Powell expressed concern about water right transfer notices not being posted to the State
488 Engineer's website. There was a general consensus to send a letter of concern to the State
489 Engineer about the non-posting of water right transfer notices to the website for potential
490 comment.

491
492 **22. Lodger's Tax Audit Random Draw**
493

494 Ms. Taylor stated Lincoln County Ordinance 2004-04 required an annual random audit of "one
495 or more vendors" to verify the amount of gross rent subject to lodger's tax.

496
497 Ms. Taylor reminded the County traditionally drew from two pools, one for small lodgers and
498 another for larger entities. Ms. Taylor also reminded lodger's who were audited in the prior
499 year were removed from this year's pool selection.

500
501 Chair Powell drew for the audit from both the small lodger's pool and the large lodger's pool.
502

503 **23. Designation of Polling Places for Precincts by Resolution 2013-15**
504

505 Rhonda Burrows, Clerk stated NM State Statute 1-3-2 required the Board of County
506 Commissioners to designate by resolution the polling places for the upcoming 2014 Primary and
507 General Elections. Ms. Burrows stated NMSA 1-3-4D provided for consolidation of precincts to
508 accommodate Vote Center voting. Ms. Burrows reminded vote centers were utilized with
509 success during the 2012 election cycle. Ms. Burrows reported feedback from voters and
510 related election organizations regarding vote center voting was positive overall.

511
512 **Motion:** Adopt Resolution 2013-15, **Action:** Approve, **Moved by** Commissioner Doth,
513 **Seconded by** Commissioner Draper.

514
515 Commissioner Draper questioned if the planned construction at the Capitan Schools might
516 prove to be a problem for that vote center location. Ms. Burrows stated awareness of the plans
517 for construction on the school campus. Ms. Burrows noted the entire campus was designated
518 as a polling location allowing some flexibility and commented that should there be an
519 insurmountable problem with construction the Clerk may by State Statute obtain a District Court
520 Order to relocate the polling site.

521
522 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5)
523 **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth,
524 Commissioner Draper.

525
526 **SEE EXHIBIT D:** Copy of Resolution 2013-15 is attached hereto in reference thereto made a
527 part hereof.

528
529 **25. Consideration and Action on the Infrastructure Capital Improvement Plan (ICIP)**
530

531 Ms. Taylor presented a revised ICIP list based on recommendations from the August 20, 2013
532 Regular Meeting. Ms. Taylor reported working with the Department of Finance and
533 Administration to populate the State ICIP Data Base with the information to meet the deadline for
534 submission of September 30, 2013.

535
536 Ms. Taylor stated projects and estimated costs were currently listed as follows:

537

538	1) Detention Center Expansion	\$500,000
539	2) New Hondo Fire Station	\$300,000
540	3) Live Fire Training Facility	\$500,000
541	4) Tower on Sheriff's office	\$100,000
542	5) Improvements to Fairgrounds Existing Facilities	\$120,000
543	6) Improvements to Fairgrounds Water Crossings	\$318,000 - \$1,370,000
544	7) Expand White Oaks Fire Station	\$152,000
545	8) Repair the Glencoe Bridge	\$500,000
546	9) Energy Audit Improvements to County Offices	\$165,000
547	10) New Road Yard	\$560,000
548	11) Fire Station Water Holding Tanks	\$ 30,000

549

550 Commissioner Doth questioned if recent rains had impacted the water crossing at the
551 fairgrounds. Carl Palmer, Road Department noted there was overflow but the current culverts
552 were handling the run off. Commissioner Doth suggested ongoing monitoring of flow in the

553 area to provide a historic understanding of water levels to assist with a decision as to the type of
554 crossing needed.

555
556 Commissioner Doth questioned the cost of contracting out the housing of inmates versus the
557 cost of expansion of the Detention Center. Ms. Taylor informed one factor to consider in
558 contracting out housing was the cost of transport. Ms. Taylor stated costs provided by
559 neighboring counties were fairly expensive.

560
561 Commissioner Stone stated belief the final use of the fairgrounds property should be determined
562 prior to requesting funding for improvements. Commissioner Stone expressed support for
563 expansion of the Detention Center based on the opportunity to house Federal prisoners.
564 Commissioner Stone suggested the Live Fire Training Facility be lowered on the priority list.

565
566 Commissioner Draper questioned if the Capitan Schools wished to acquire the adjacent County
567 Road Yard property for their expansion. Commissioner Draper noted several of the projects
568 were interrelated and dependent on the final determination of use of existing County Property
569 land. Commissioner Draper expressed support for the Detention Center expansion and
570 suggested the Energy Audit be moved up the priority list.

571
572 Chair Powell reminded the State legislature typically considered the top three priorities for
573 potential funding and the remaining items were more typically utilized for County planning.

574
575 Commissioner Minter suggested moving the White Oaks Fire Station up the priority list to
576 number three and requested the cost for the top three priorities be identified. Commissioner
577 Minter commented on some current live-fire training facilities in the County and discussed the
578 advantages to sending personnel for training in Socorro.

579
580 The Board of Commissioners approved the top five priorities on the list as follows and to
581 authorize the Manager to update estimated costs with notification to the Commissioners:

582

583	1) Detention Center Expansion	\$500,000
584	2) New Hondo Fire Station	\$300,000
585	3) Energy Audit Improvements to County Offices	\$165,000
586	4) Tower on Sheriff's office	\$100,000
587	5) Expand White Oaks Fire Station	\$152,000

588

589 **26. Consideration and Action on Angus Church of the Nazarene Request for Variance**
590 **of Ordinance No. 2006-6, Lincoln County Outdoor Advertising Regulation**
591 **Ordinance**

592
593 Attorney Morel discussed the Ordinance language which provided for an application for a
594 variance. Attorney Morel informed the Ordinance required a public hearing prior to approval of
595 any variance should the Board of Commissioners wish to consider the application. Attorney
596 Morel noted this variance was required due to the proposed sign's display of moving lights and
597 images.

598
599 Rick Hutchinson, Pastor of the Angus Church submitted the application for a variance. Pastor
600 Hutchinson discussed the Church's request to install the digital sign to not only inform of church
601 activities but to be utilized to post community service notices for the surrounding residents in
602 partnership with the County Emergency Services Department.

603

604 Attorney Morel commented the Ordinance also required adjacent property owners be notified in
605 addition to the public hearing.

606
607 **Motion:** Schedule the public hearing to Consider the application for variance as required by
608 Ordinance 2006-6, **Action:** Approve, **Moved by** Commissioner Stone, **Seconded by**
609 Commissioner Minter.

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

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

613
614 **27. Authorization to Schedule Public Hearing to Consider Other Outdated or New**
615 **Lincoln County Ordinance**

616
617 Public Hearing scheduled as per Agenda Item 26.

618
619 **29. Consideration of Appointments and Removals from Boards/Commissioners/**
620 **Committees:**

621
622 a) LANRAC

623
624 **Motion:** Reappoint Douglas Fuqua, **Action:** Approve, **Moved by** Commissioner Doth,
625 **Seconded by** Commissioner Stone

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

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

629
630 b) Lincoln Historic Preservation Board

631
632 **Motion:** Reappoint Melissa Boute, **Action:** Approve, **Moved by** Commissioner Doth,
633 **Seconded by** Commissioner Minter

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

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

637
638 c) Planning Commission

639
640 **Motion:** Reappoint Mary Dokianos, **Action:** Approve, **Moved by** Commissioner Minter,
641 **Seconded by** Commissioner Doth.

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

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

645
646 Chair Powell recessed the Regular Meeting at 11:54:19 AM and reconvened at 1:00:11 PM.

647
648 Chair Powell recessed the Regular Meeting and convened the 1:00 PM Public Hearing at
649 1:01:07 PM.

650
651 **28. 1:00 P.M.: Public Hearing to consider amending Ordinance 2002-08 An**
652 **ordinance requiring a certificate issued by the Lincoln County Treasurer**
653 **establishing that Property Tax Obligations are current prior to any subdivision**

654 plat or claim of exemption approval by the County of Lincoln with Ordinance 2013-
655 05.

656
657 Ms. Taylor requested the item tabled until the next meeting pending additional revisions of the
658 current Ordinance.

659
660 Chair Powell adjourned the Public Hearing and reconvened the Regular Meeting at 1:02:09 PM.
661

662 **Motion:** Continue the Public Hearing to consider amending Ordinance 2002-08 until the next
663 Regular Meeting on October 15, 2014 at 1:00 PM. **Action:** Approve, **Moved by** Chair Powell,
664 **Seconded by** Commissioner Doth.

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

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

668
669 **21. Water issues/Forest/Wildlife Health Programs/Land and Natural Resources**
670 **Advisory Committee (LANRAC) – continued**

671
672 **a) Consideration of Entering into MOU with US Fish and Wildlife Services and**
673 **other Arizona / New Mexico Counties Re: Development of the Mexican Wolf**
674 **Environmental Impact Statement (EIS)**
675

676 Ms. Taylor discussed the difference between participating as cooperating agency or a
677 coordinating agency which required a higher level of knowledge and commitment for
678 participation. Ms. Taylor stated Attorney Morel recommend proceeding as a cooperating
679 agency by signing the MOU

680
681 **Motion:** Approve the MOU with US Fish and Wildlife Services in cooperation with Howard
682 Hutchinson and the Coalition of Counties, **Action:** Approve, **Moved by** Commissioner Stone,
683 **Seconded by** Commissioner Doth.

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

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

687
688 **31. Signing of Official Documents**

689
690 **30. Executive Session Pursuant to the Open Meetings Act: Discussion of all**
691 **Threatened and/or Pending Litigation Section 10-15-1, Sub-Paragraph H.(7); and**
692 **Discussion of the purchase, acquisition or disposal of real property or water**
693 **rights by the public body, Section 10-15-1, Sub-Paragraph H.(8).**
694

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

699
700 **New or Updated Matters since last report = ***

701
702 1. Lodger's Tax Issue – Casa del Cocinero

- 703 2. *Cooper, Gale and DeBaca County News v. County of Lincoln, Sheriff of Lincoln County,*
704 *et al.* D-1329-CV-200701364. Suit filed: October 15, 2007. Verified Complaint for
705 Declaratory Judgment Ordering Production of Certain Records and Information.
- 706 3. *Green Tree Servicing, LLC v. William T. Joiner, Lincoln County, et. al.* D-1226-CV-2010-
707 394. Suit filed November 17, 2010. Complaint for Enforcement of Contract and
708 Foreclosure of Security Interest and Mortgage. Sale of property reported by county
709 treasurer with liens satisfied.
- 710 4. *Luis Grife as Personal Representative of The Estate of Arturo Grife, Jr., and Lizeth Grife*
711 *v. County of Lincoln.* D-1226-CV-201100148. Complaint for Wrongful Death and
712 Negligence, Jury Demand. Stipulated notice of dismissal with prejudice 8/20/13.
- 713 5. *New Mexico Ranch Sales v Mary T. Greene, LC Treasurer, et. al.* D-1226-CV-2011-
714 00226. Suit filed August 1, 2011. Complaint In Rem to Foreclosure Mortgage Upon
715 Real Property. Sale confirmed 12/8/11.
- 716 6. *Michael Wheaton v Paul F. Baca, Lincoln County Assessor, et. al.* D-1226-CV-2011-
717 00341. Suit filed October 18, 2011. Notice of Appeal of Final Order of the Lincoln
718 County Valuation Protests Board.
- 719 7. *New Mexico Ranch Sales v Marianne Clark, LC Treasurer, et. al.* D-1226-CV-2011-
720 00409. Suit filed November 17, 2011. Complaint to Enforce and Collect Upon
721 Promissory Note and to Foreclose Mortgage Upon Real Property. Deficiency Judgment
722 filed 5/2/13 in favor of NM Ranch Sales
- 723 8. **Bank of Clovis v Mona Bryant as Personal Representative of Marjorie Bryant*
724 *(deceased), Village of Ruidoso, Lincoln County, et al.* D-1226-CV-2011-00429. Suit
725 Filed February 10, 2012. Complaint for Foreclosure Report of sale 6/12/12; release of
726 lien, county payment of taxes and sale of property confirmed by county assessor and
727 Bank of Clovis
- 728 9. **New Mexico Ranch Sales v Tammy Palombi-Cade, LC Treasurer, et. al.* D-1226-CV-
729 2012-00042. Suit filed February 13, 2012. Complaint to Enforce and Collect Upon
730 Promissory Note and to Foreclose Mortgage Upon Real Property. Deficiency Judgment
731 in favor of NM Ranch Sales filed October 4, 2012.
- 732 10. *Coble Constructors, LLC, et al v Carl Kelley Construction Ltd. Co, et al.* D-1226-CV-
733 2012-00003. Suit filed January 15, 2012. Complaint to Foreclose Mechanic's Lien.
734 Order granting motion for resetting 4/17/13. Waiting on courtdate.
- 735 11. **Alto Lakes Golf & Country Club, Inc. v. Barbara Fleming, and Jesus and Maria*
736 *Guardiola, et al.* D-1226-CV-2011-00044. Suit filed February 18, 2011. Complaint to
737 Foreclose Lien. Counterclaim and Crossclaim suit filed by Washington Federal Savings
738 on September 21, 2012 naming Board of Commissioners of Lincoln County and Lincoln
739 County Solid Waste Authority. *Stipulated and Default Judgment, Decree for
740 Foreclosure, Order of Sale, and Appointment of Special Master, entered by the Court on
741 8-12-13. L.C.'s lien was not extinguished and is still a valid lien against the subject
742 property. Notice of sale scheduled 9/17/13.
- 743 12. *Johnathan Warren v. Lincoln County Detention Center, Emerald Healthcare Systems, et*
744 *al.* 2:12-CV-01086-CG-LAM. Suit filed October 19, 2012. Complaint for the Recovery
745 of Damages Caused by the Deprivation of Civil Rights.
- 746 13. **Greentree Solid Waste Authority v. Lincoln County, et. al.* D-0101-CV-2013-00104. Suit
747 filed January 9, 2013. Petition for Declaratory Judgment; Preliminary and Permanent
748 Injunction. *Order Granting ALW&SD's Motion for Judgment on the Pleadings and for
749 Summary Judgment entered by the court on 6-15-13. August 21, 2013 was the deadline
750 for GSWA to file its Notice of Appeal. *In the process of scheduling mediation and
751 determining between Walker or White as mediators.

- 752 14. *Rio Grande-Alameda, Ltd. v Paul Baca, Lincoln County Assessor D-1226-CV-2013-
753 00005. Suit filed January 9, 2013. Complaint for Refund of Taxes Paid. Defendant's first
754 motion to dismiss or Summary Judgment filed 8/29/13.
- 755 15. *Washington Federal Savings v. Timothy Rose; Chanda Rose; and Lincoln County D-
756 1226-CV-2013-00105. Suit filed April 15, 2013. Complaint for Foreclosure. *July 29,
757 2013 Ltr to Bishop, White, Marshall & Weibel, P.S. advising of payoff amount through
758 Aug. 5, 2013. Lots 139, 169, 170 paid in full. Partial Release of Lien is on file.
- 759 16. Wells Fargo Bank, NA, et al v. Jerry Turner, Board of County Commissioners of the
760 County of Lincoln, New Mexico, et al. D-1226-CV-2013-00129. Suit filed May 6, 2013.
761 First Amended Complaint for Foreclosure.
- 762 17. *State of New Mexico (Lincoln County) v. Stephen Gore M-30-MR-2013-00113. Citation
763 filed June 17, 2013. Lincoln County Solid Waste Ordinance 2009-03 Violation. *June 17,
764 2013 Trial continued - Defendant given 60 days to complete clean up of property. Non-
765 Jury hearing set for 10/1/13.
- 766 18. * Steven Miller, et al. v. State Forestry Division, NM Energy, Minerals, and Natural
767 Resources Department, County of Lincoln, et al. D-1226-CV-2013-00160. Suit filed
768 June 15, 2013. Lincoln County Manager and Commissioners served July 9, 2013.
769 Complaint for Negligence, Injury and Damages. *On August 2, 2013, NMAC advised
770 Attorney Bryan Evans has been assigned as counsel for Lincoln County. Waiting on
771 court to assign new judge 8/27/13.
- 772 19. * Barbara Diane Latham, et al v. Neal Cox, Ben Hazen, Lincoln County Sheriff's
773 Department and the County of Lincoln. D-1226-CV-2013-00191. Suit filed July 19,
774 2013. Complaint for Violation of Civil Rights, Wrongful Death and Damages by Attorney
775 Gary Mitchell. LCSO and LC Manager were served on August 5, 2013. Tort Claim
776 Notice was filed on October 27, 2011. Advised NMAC has assigned the case to Brennan
777 and Sullivan Law Firm 9/5/13. Case has been moved to Federal Court.
- 778 20. *State of New Mexico (Lincoln County) v. Erma Jim (need approval to proceed with filing
779 of Complaint prepared by Deputy David Hightower for possession of a Samsung cell
780 phone with a charged cell phone battery contrary to L.C. Ordinance No. 2011-01.
- 781 21. *State of New Mexico (Lincoln County) v. Leandra Pino (need approval to proceed with
782 filing of Complaint prepared by Deputy David Hightower for possession of a Samsung
783 cell phone with a charged cell phone battery contrary to L.C. Ordinance No. 2011-01.
- 784 22. *State of New Mexico (Lincoln County) v. Michael Mitchell (need approval to proceed
785 with filing of Complaint prepared by Deputy David Hightower for possession of a
786 Samsung cell phone with a charged cell phone battery contrary to L.C. Ordinance No.
787 2011-01.

788
789 **Tort Claims Notices Received or Threatened**

790
791 **2013**

792 **Harrisburg Document Issues:** Attempts to recover historical county documents illegally
793 taken from the county.

794 **Borrego, Albert** - Tort Claim Notice received from attorney Gary Mitchell on June 14,
795 2013, alleging continued harassment to Albert G. Borrego by police while responding to a noise
796 complaint at Mr. Borrego's residence on February 28, 2013, and a separate incident resulting in
797 Mr. Borrego's arrest on March 5, 2013, due to an outstanding warrant, during which Mr. Borrego
798 allegedly sustained injuries while in custody due to an existing broken back injury.

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

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

805 **Ramos, Aaron** - Tort Claim Notice received by attorney Robert J. Beauvais on April 18,
806 2013, (correspondence dated September 13, 2011) alleging concerns about Mr. Ramos' safety
807 and welfare and violation of his U.S. Constitution Fifth and Sixth Amendment rights.
808

809 **2012**

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

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

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

819 **Biggs, M. Jolene** – Tort Claim Notice received from Attorney, Adam Rafkin on February
820 6, 2012, claiming liability by the County of Lincoln by failing to maintain the surface of the
821 parking lot across from the Lincoln County Courthouse in Carrizozo, NM.
822

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

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

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

827
828 Chair Powell recessed the Regular Meeting and convened the Closed Session at 1:36:58 PM.
829

830 Chair Powell adjourned the Closed Session and reconvened the Regular Meeting at 2:37:54
831 PM.

832
833 Commissioner Doth attested that no action was taken during the closed session and items
834 discussed were limited to those as stated in the motion for closure.
835

836 **32. Next meetings:**

837
838 October 15, 2013 - Regular Commission Meeting
839

840 **33. Adjournment**

841
842 There being no further business to come before the Board of County Commissioners, Chair
843 Powell adjourned the meeting at 2:38:21 PM.
844

845 Respectfully submitted by,

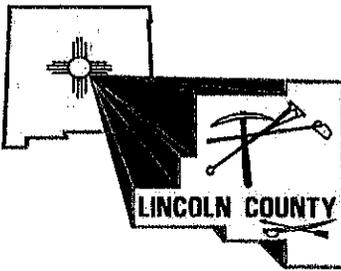
846
847 Rhonda B. Burrows
848 Lincoln County Clerk
849

Agenda Item No. 7
October 15, 2013

SUBJECT

Approval of Consent Agenda:

- a. Payroll/Accounts Payable/Budget/ Expenditures
- b. Treasurer's Financial Report for the Month ending
September 30, 2013



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County of Lincoln

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ACCOUNTS PAYABLE and PAYROLL

The following claims or bills on file with the office of the Lincoln County Manager were examined and approved as paid with checks hereof drawn upon the various County funds according to the check register covering the period from September 1 through September 30, 2013 in the amount of \$ 2,146,630.89.

NOW, THEREFORE, the above bills are hereby approved.

ADOPTED, PASSED AND SIGNED the 15th day of October, 2013.

BOARD OF COMMISSIONERS LINCOLN COUNTY, NEW MEXICO

Jackie M Powell, Chairwoman

Preston Stone , Vice-Chair

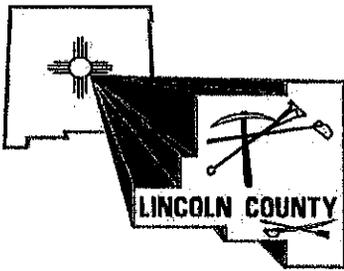
Kathryn Minter, Member

Dallas Draper, Member

Mark Doth, Member

ATTEST:

Rhonda B Burrows, County Clerk



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AGENDA ITEM NO. 8

October 9, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Greentree Solid Waste Update

Purpose: To provide a Greentree Solid Waste Authority update.

Discussion:

Operational Supervisor Debra Ingle provided minutes of GSWA's August 22, 2013 minutes. See Enclosure 1.

Per GSWA's website, its next meeting is scheduled for October 22, 2013; no agenda is yet available. See Enclosure 2 for a print screen of its homepage on October 10th; and Enclosure 3 for a "Notice of Public Hearing for a discussion of Special Service Rates which will take place on October 22, 2013, beginning at 10:00 a.m."

Mediation between GSWA and the County of Lincoln has been set for Monday, November 11 at 9:00. Mr. William A. Walker, Jr., P.C. will be the mediator.

Recommendation: None – information only at this time.

Greentree Solid Waste Authority
REGULAR MEETING
August 22, 2013

Vice-Chairman Bradford called the Regular Meeting of the Greentree Solid Waste Authority (GSWA) to order at 10:04am at the office of Greentree Solid Waste Authority in Ruidoso Downs, NM.

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

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

Public present: Dennis Haskell (Village of Capitan)

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

APPROVAL OF MINUTES REGULAR MEETING JULY, 2013: Motion by Member Williams to approve the Regular Meeting July 23, 2013, a copy of which is attached and made a part hereof, seconded by Member Dean, motion carried with all ayes.

APPROVAL OF FINANCIAL: OS Ingle presented the July 2013 Accounts Payable of \$272,648.40; copies of which are attached and made apart here of, The Month-End Financial Report for July 2013, copies of which are attached and made apart here of; reflects that the general operating bank accounts had a balance of \$36,741.92, Loan funds, EGRT, closure funds, \$285,758.58. Overall the Authority's budget shows that they should be at 8%, with actual numbers reflecting Revenues at 13%, Expenditures at 11%, Payroll should be at 12%, and the budget reflects 8% and the Transfer of funds at 0%. Current year-to-date figures reflect that Revenue exceed Expenditures by \$29,041. Motion by Member Hammons to approve July 2013 Financial Report, seconded by Member Williams, motion carried with all ayes upon a roll call vote.

DISCUSSION/POSSIBLE ACTION ACCOUNTS RECEIVABLE JULY 2013: OS Ingle provided the Board Approval Determination of Accounts Receivable, a copy of which is attached and made apart hereof; Motion by member Hammons to approve the Accounts Receivables in the amount of \$116.40 for July 2013, seconded by Member Williams, motion carried with all ayes upon a roll call vote.

APPROVAL OF OPERATIONAL SUPERVISOR REPORT: OS Ingle provided to the Board the Recycling report for July 2013, a copy of which is attached and made apart hereof; 49.17 tons of metal. Illegal Dumping sites 57, Illegal Dumping yards year-to-date 22.5, Yard Waste Collected 1,240 yards- year to date 1,240 yds. OS Ingle presented the Otero Co. / Greentree Regional Landfill Quarterly Report, a copy of which is attached and made apart hereof. OS Ingle presented the policy/procedure with the deadlines for Agenda and Member Requests as directed at the last Board Meeting, a copy of which is attached and made apart hereof, OS Ingle provided information that the ALW&SD customers have been using the compactor and recycling at Sun Valley and it has started to overflow the site. Member Dean would like OS Ingle to provide this documentation to the County Commissioners at the next County Commission meeting. Motion by Member Hammons to Approve Operational Supervisor Report as presented including the Policy for Member Request, seconded by Member Williams, motion carried with all ayes upon a roll call vote.

DISCUSSION/POSSIBLE ACTION- COMPACTOR QUOTES: OS Ingle presented the Quote Tabulation, a copy of which is attached and made apart hereof; which showed the 2 quotes that had been received for the compactors SC-T2-34 as a part of the STB 1350 & 1351 Grants. There was some discussion about instillation costs. OS Ingle recommended approving J.V. Manufacturing Inc. as both quotes received met the specs as requested the difference was in the price. Motion by Member Williams approve J.V. Manufacturing Inc with approval by CPB, seconded by Member Hammons, motion carried with all ayes upon a roll call vote.

DISCUSSION/POSSIBLE ACTION- ICIP 2015-2019: OS Ingle presented the Board with the ICIP (Long Range Capital Projects Plan) request 2015-2019, a copy of which is attached and made apart hereof; OS Ingle stated that the 2 most important requests are Emergency replacement for the Roll Off trucks and a waste collection truck. Motion by Member Hammons approve ICIP request as presented, seconded by Member Williams, motion carried with all ayes upon a roll call vote.

DISCUSSION/POSSIBLE ACTION-MEMBER COUNTY OF LINCOLN ILLEGAL DUMPING: OS Ingle presented the board with the article from the newspaper about the Illegal dumping in the County, a copy of which is attached and made apart hereof; OS Ingle stated that in the last couple of weeks GSWA was asked by the County Manager Nita Taylor to clean up the illegal dumping through out the County. OS Ingle stated that the grapple truck had to be pulled off of collecting yard waste in order to pick up the items at the different compactor and dumpsters. OS Ingle reported that 94 yards of miscellaneous waste had been collected from these illegal dumpsites, She also informed the Board that the very next day people had illegally dumped more miscellaneous waste. OS

Ingle stated that she had met last week with Benjamin Byrd from the New Mexico Game and Fish Department about the "Bear Baiting" residents and tourist are participating in, which causes the bears in the area to become dangerous. Mr. Byrd granted permission for GSWA to hand out and post the Bear Alive brochure to customers. Motion by Member Dean for OS Ingle to send a letter to the County informing them that collecting illegal dumping was a courtesy which had been supplemented financially by GSWA and now that with the loss of revenue and roll off rentals being down GSWA could no longer afford to clean up illegal dumping at no charge letter is also to include the rates for the cleanup, seconded by Member Williams, motion carried with all ayes upon a roll call vote.

DISCUSSION/POSSIBLE ACTION- COUNTY/AUTHORITY MEETING WITH MEDIATOR; OS Ingle presented to the Board the Guidelines for the Mediation Team, She stated that the Team had met on August the 16th, OS Ingle stated that they had been working on the list of Mediators that are apart of the Municipal League. No Action Taken.

EXECUTIVE SESSION- CONTRACTUAL NEGOTIATIONS--THREATENED AND/ OR PENDING LITIGATION D-0101-CV-2013-00104; Member Hammons requested that Dennis Haskell, as the Alternate for Capitan also be invited into executive session. Motion by Member Hammons at 10:50 am to go to Executive Session Contractual Negotiations-Threatened and/or Pending Litigation D-0101-CV-2013-00104, seconded by Member Dean, motion carried with all ayes upon a roll call vote. Motion by Member Hammons to return from Executive Session at 12:16 pm, seconded by Member Dean, motion carried with all ayes upon roll call vote. Member Hammons attested the only discussion was on Contractual Negotiation-Threatened and/or Pending Litigation D-0101-CV-2013-00104.

DISCUSSION/POSSIBLE ACTION - EXECUTIVE SESSION- CONTRACTUAL NEGOTIATION-THREATENED AND/ OR PENDING LITIGATION D-0101-CV-2013-00104; Motion by Member Hammons to instruct legal to continue with the Declaratory Judgment , seconded by Member Dean, motion carried with all ayes upon roll call vote. Motion by Member Hammons for the Mediation Team to prepare mediation list and send the timeline to the County, seconded by Member Dean, motion carried with all ayes upon roll call vote.

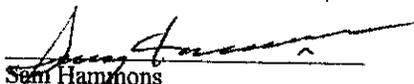
COMMENTS FROM THE PUBLIC; None

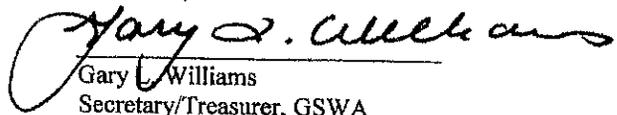
NEW/OLD BUSINESS; OS Ingle announced that the Metal and Tire Amnesty would be held on the 27th and 28th of September, The E-Waste event would be held on November 2nd

NEXT MEETING; the next regular meeting is scheduled for September 24th at 10:00 am.

ADJOURN; Motion by Member Dean to adjourn the meeting at 12:25 pm, seconded by Member Williams, motion carried with all ayes.

Passed and approved this 26th day of September 2013.


Sam Hammons
Chairman, GSWA


Gary Williams
Secretary/Treasurer, GSWA

Transcribed by:


M. Ginny Mansfield
GSWA Administrative Assistant

Greentree Solid Waste Authority
Located in Beautiful Lincoln County New Mexico

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*****Update 10/10/13 11:30am*****

The poly cart route for Capitan that is to be run on October 10, 2013 has been delayed due to safety training and mechanical difficulties. The truck is now running and will be servicing the Capitan area. We apologize for any inconvenience this may cause. Check back here for updates as they become available.

Greentree

October 2013						
Su	Mo	Tu	We	Th	Fr	Sa
29	30	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	26
27	28	29	30	31	1	2
3	4	5	6	7	8	9

Ruidoso Downs

 **68°F**

AccuWeather.com
Weather Forecast

Call us about our current drop-off rate as well as our current Yard Waste, and Roll Offs specials and 575-378-4697

Follow

[@Greentreeswa](#)

Notice of Public Hearing

In observance of Columbus Day, the Greentree Solid Waste Authority office and yard will be closed on Monday October 14, 2013. The office and yard will reopen at 8am on Tuesday October 15, 2013.

Greentree Solid Waste Authority's garbage routes scheduled to be collected on Monday, will be collected as usual.

We hope you have a safe Columbus Day.

Illegal dumping: This Years Dirty Dozen



Please don't feed the bears.

Illegal dumping krqe.com

Notice:

Landfill rates have changed from \$13.90 a ton to \$14.18 a ton

ACH Now available

The price for scrap metal and iron is at a great rate.



We are located at 26590 US Hwy 70 Ruidoso Downs, NM 88346
Click [HERE](#) for a map to our location.

The phone number listed in some phone books of 575-378-4562 is not a proper contact phone number nor is the 222 second street address. Please use 575-378-4697, or 1-877-548-8772 to contact us by phone.

ENCL 2



Greentree Solid Waste Authority
PO Box 2405, 26590 US Highway 70
Ruidoso Downs, NM 88346
*(575) 378-4697 *1-877-548-8772 Fax (575) 378-4896*
www.greentreeswa.org

Legal Notice
Public Hearing

NOTICE is hereby given that the Greentree Solid Waste Authority Board has called a Public Hearing for discussion of Special Service Rates which will take place on October 22, 2013, beginning at 10:00am, immediately followed by the regular monthly Board Meeting. The meeting will be held in the Greentree Solid Waste Authority Conference Room at 26590 US Highway 70, Ruidoso Downs, New Mexico.

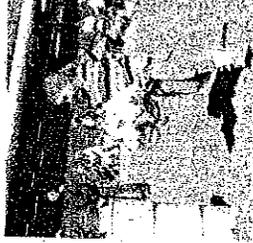
Copies of Agenda may be picked up at the Greentree Solid Waste Authority office 72 hours prior to the meeting.

+ Today's web bonus » A local murder case to be featured on TV. ruidosonews.com

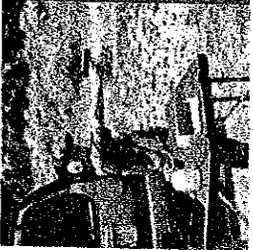


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VAMOS
Cowboy Symposium gets underway
Inside special



SPORTS
Gun group takes aim at raising funds
Page B1



SENIOR LIVING
More input sought for quality of life survey
Page B6



RUIDOSO NEWS

Sunny, breezy
H: 63 L: 44
PAGE A2

Friday, October 11, 2013 75 CENTS FACEBOOK.COM/RUIDOSONEWS TWITTER.COM/RUIDOSONEWS

ruidosonews.com

MIGHTY MICROBES

NO NEW NOMINEE

Legal # 10149
(Published 10/11 &
10/16/2013)

**Legal Notice
Public Hearing**

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Copies of Agenda may be picked up at the Greentree Solid Waste Authority office 72 hours prior to the meeting.



"Since 1905 -- Locally Owned"

50c

LINCOLN COUNTY NEWS

"Published Weekly in Beautiful Downtown Carrizozo, New Mexico"

VOLUME #109 -- NUMBER 41

THURSDAY, OCTOBER 10, 2013

CARRIZOZO, NEW MEXICO 88301

LEGALS - LEGALS

Legal Notice

Public Hearing

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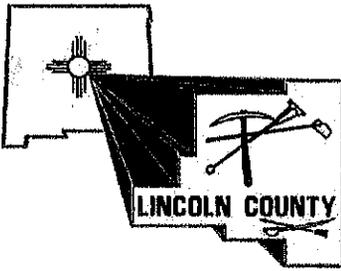
Copies of Agenda may be picked up at the Greentree Solid Waste Authority office 72 hours prior to the meeting.

Published in the Lincoln County News on October 10 and 17, 2013.

Agenda Item No. 9
October 15, 2013

SUBJECT

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



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County of Lincoln

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AGENDA ITEM No. 10

October 11, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager

SUBJECT: Sole Community Provider & Indigent Health Care Claims

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

Discussion:

Sole Community Provider Payments: This month our coordinator processed sixty-one (61), fifty-four (54) of which are recommended for approval, and one (7) for disapproval for the reason indicated at Enclosure 1. If approved, the total recommended payment this month is **\$127,647.56**. See Enclosure. 1.

Indigent Health Care Claims: This month our coordinator processed fifty-six (56) claims. Forty-six (46) are recommended for approval and ten (10) for disapproval for the reasons indicated at Enclosure 2. If approved, total recommended for payment this month is **\$16,541.80**. At Enclosure 2 is a summary of total applications approved and denied. At Enclosure 3 is a summary of applications by provider.

Manager's Analysis – For the last two years, the average Indigent Health Care monthly payments were **\$21,651** and **\$24,262** respectively. The FY 12-13 year-end total was **\$291,140.11**. Our budget for FY13 - 14 is \$393,278. To date, the total expenditure is \$85,680.55, or an average of \$21,420.14 monthly. At current pace, actual expense will under run the budget by 35%.

Similarly, for the last two fiscal years, the total Commission-approved Sole Community Provider Claims were **\$1,201,132** and **\$1,371,890** respectively. The FY 12-13 monthly average was **\$114,324.16**. To date, the total expenditure is \$444,590.17, with a monthly average of \$111,147.54. The total budget for the first half of FY13-14 is \$1,100,000, with the county portion \$922,148 or 73%. At current pace, actual expense will overrun the budget by 23%.

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

Approved: _____

Jackie Powell

County Manager's Fax
(575) 648-4182

Finance/Purchasing Fax
(575) 648-2381

Rural Addressing Fax
(575) 648-2816

SOLE COMMUNITY PROVIDER CLAIMS FISCAL YEAR 2013 - 2014

PREVIOUS AMOUNT APPROVED THIS FISCAL YEAR \$316,942.61

ADJUSTMENTS

TOTAL ADJUSTMENTS: \$0.00 \$0.00

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

OCTOBER TOTAL \$ AMOUNT APPROVED \$127,647.56

TOTAL # CLAIMS THIS FY APPROVED 234
TOTAL # CLAIMS THIS FY DENIED 11
TOTAL # CLAIMS FY 2013 - 2014 245

TOTAL APPROVED THIS FISCAL YEAR \$444,590.17

ENCL 1

FACILITY: LINCOLN COUNTY MEDICAL CENTER 10/15/2013 THROUGH 10/15/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
19776	08/30/2013	550.00	423.50	077%
19829	09/19/2013	130.00	100.10	077%
19778	07/31/2013	1101.00	847.77	077%
19777	09/04/2013	2537.00	1953.49	077%
19779	08/16/2013	6123.00	3577.22	058%
19780	08/22/2013	4386.00	3377.22	077%
19782	09/03/2013	337.00	259.49	077%
19785	08/08/2013	1053.00	810.81	077%
19786	08/29/2013	530.00	408.10	077%
19784	09/10/2013	10411.40		000%
PATIENT IS MEDICAID ELIGIBLE				
19789	07/12/2013	534.00	411.18	077%
19787	09/04/2013	6613.00	5092.01	077%
19790	08/26/2013	28183.24	17392.75	062%
19791	08/29/2013	1473.00		000%
PATIENT HAS MET OR EXCEEDED POLICY LIMIT				
19792	08/26/2013	399.00		000%
PATIENT HAS MET OR EXCEEDED POLICY LIMIT				
19793	09/10/2013	235.00		000%
PATIENT HAS MET OR EXCEEDED POLICY LIMIT				
19834	09/22/2013	994.00	765.38	077%
19794	09/11/2013	1241.00	955.57	077%
19833	09/19/2013	2537.00	1953.49	077%
19821	03/31/2013	750.00		000%
PATIENT FAILED TO PROVIDE INFORMATION				
19851	08/27/2013	2151.00	1656.27	077%
19736	07/23/2013	1137.00	875.49	077%
19806	11/07/2012	1228.00	945.56	077%
19807	11/07/2012	1389.82	1070.16	077%
19808	11/10/2012	906.00	697.62	077%
19809	12/12/2012	2306.00	1775.62	077%
19800	04/07/2013	701.00		000%
PATIENT FAILED TO PROVIDE INFORMATION				
19801	04/09/2013	303.00		000%
PATIENT FAILED TO PROVIDE INFORMATION				
19811	07/23/2013	5481.01	4220.38	077%
19813	08/04/2013	3191.00	2457.07	077%
19814	08/06/2013	378.00	291.06	077%
19835	09/18/2013	229.00	176.33	077%
19815	09/11/2013	2449.00	1885.73	077%
19816	09/03/2013	17242.30	13276.57	077%

127647.56

APPROVED- 54 REJECTED- 7

FACILITY: LINCOLN COUNTY MEDICAL CENTER 10/15/2013 THROUGH 10/15/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
19737	08/29/2013	3896.00	2999.92	077%
19738	09/03/2013	1485.00	1143.45	077%
19822	08/28/2013	423.00	325.71	077%
19837	09/03/2013	447.00	344.19	077%
19739	07/09/2013	1054.00	811.58	077%
19740	08/21/2013	14001.30	10781.00	077%
19838	09/28/2013	1594.00	1227.38	077%
19843	09/27/2013	14947.30	4966.83	033%
19741	08/23/2013	9942.80	7655.96	077%
19824	09/19/2013	5180.00	3988.60	077%
19826	06/03/2013	68.09	52.43	077%
19840	10/01/2013	492.00	378.84	077%
19754	09/13/2013	845.00	650.65	077%
19839	09/24/2013	1727.00	1329.79	077%
19841	09/12/2013	8946.90	6889.11	077%
19743	07/18/2013	1100.00	847.00	077%
19827	07/24/2013	7352.40	5661.35	077%
19745	09/05/2013	5451.00	4197.27	077%
19842	09/20/2013	294.00	226.38	077%
19804	03/09/2013	1508.00	1161.16	077%
19805	06/28/2013	1461.57	1125.41	077%
19748	08/28/2013	256.00	197.12	077%
19852	04/30/2013	224.00	172.48	077%
19771	07/29/2013	2349.90	1809.42	077%
19772	02/19/2013	57.80	44.51	077%
19774	09/04/2013	380.00	292.60	077%
19775	09/11/2013	924.00	711.48	077%

INDIGENT HEALTH CARE CLAIMS FISCAL YEAR 2013 - 2014

PREVIOUS AMOUNT APPROVED THIS FISCAL YEAR . \$69,138.75

ADJUSTMENTS

TOTAL ADJUSTMENTS:

OCTOBER # CLAIMS FOR APPROVAL	46
# CLAIMS FOR DENIAL	10
OCTOBER # TOTAL CLAIMS	56

OCTOBER TOTAL \$ AMOUNT APPROVED \$16,541.80

TOTAL # CLAIMS THIS FY APPROVED	250
TOTAL # CLAIMS THIS FY DENIED	36
TOTAL # CLAIMS FY 2013 - 2014	286

CURRENT TOTAL APPROVED THIS FISCAL YEAR \$85,680.55

*Assuming the above is approved

FACILITY: ANESTHESIA ASSOCIATES OF NM 10/15/2013 THROUGH 10/15/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
19825	04/09/2013	714.00	117.90	017%
19764	07/24/2013	833.00	137.55	017%
19756	06/06/2013	952.00	157.20	017%
19844	08/16/2013	833.00	137.55	017%
19758	11/01/2012	526.40		000%
PAST FILING DEADLINE				
19759	12/13/2012	829.08		000%
PAST FILING DEADLINE				
19850	08/22/2013	833.00	137.55	017%
19849	09/04/2013	833.00	137.55	017%
19803	06/04/2013	1547.00	255.45	017%
19817	09/03/2013	1190.00	196.50	017%

1277.25

APPROVED- 8 REJECTED- 2

FACILITY: LC AMBULANCE-PRES HEALTH SVCS 10/15/2013 THROUGH 10/15/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
19751	06/29/2013	2418.00	500.00	021%
19770	07/28/2013	427.40	427.40	100%
19760	07/06/2013	912.60	10.00	001%
19762	07/06/2013	670.80		000%
PATIENT HAS MET OR EXCEEDED POLICY LIMIT				
19799	08/18/2013	749.80		000%
PATIENT HAS MET OR EXCEEDED POLICY LIMIT				
19810	07/23/2013	1939.60	500.00	026%

1437.40

APPROVED- 4 REJECTED- 2

FACILITY: LINCO MEDICAL & SUPPLY, INC 10/15/2013 THROUGH 10/15/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
19828	09/07/2013	206.79	206.79	100%
19781	09/12/2013	207.03	207.03	100%

413.82

APPROVED- 2 REJECTED-

FACILITY: LINCOLN COUNTY FAMILY MEDICAL 10/15/2013 THROUGH 10/15/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
19750	08/05/2013	134.55	52.08	039%
19752	08/16/2013	205.55	75.64	037%
19753	09/11/2013	134.55	52.08	039%
19747	09/06/2013	134.55	52.08	039%
19765	07/10/2013	199.78	81.91	041%
19768	08/06/2013	134.55	52.08	039%
19819	07/11/2013	134.55	52.08	039%
19769	07/02/2013	134.55	52.08	039%
19796	09/12/2013	184.55	65.90	036%
			535.93	

APPROVED- 9 REJECTED-

FACILITY: LINCOLN COUNTY RADIOLOGY 10/15/2013 THROUGH 10/15/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
19802	03/18/2013	300.00	72.00	024%
19836	06/28/2013	76.00	16.62	022%
19742	07/08/2013	219.00	45.13	021%
19744	07/18/2013	46.00		000%
PATIENT'S BILL IS BELOW \$50				
19755	06/05/2013	204.00		000%
PAST FILING DEADLINE				
19757	08/13/2013	260.00	62.40	024%
19783	08/23/2013	98.00	22.76	023%
19797	07/24/2013	418.00	99.11	024%
19812	08/04/2013	84.00	19.28	023%
			337.30	

APPROVED- 7 REJECTED- 2

FACILITY: MICHAEL P CLEMENTS, M.D. 10/15/2013 THROUGH 10/15/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
19773	09/04/2013	100.00	81.91	082%
19788	04/11/2013	100.00	81.91	082%
19798	08/01/2013	20.00		000%
PATIENT'S BILL IS BELOW \$50				
			163.82	

APPROVED- 2 REJECTED- 1

FACILITY: NEW MEXICO ONCOLOGY HEMATOLOGY 10/15/2013 THROUGH 10/15/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
19823	08/27/2013	82.36	63.42 077%
19746	07/31/2013	200.00	41.33 021%
19820	07/03/2013	2563.00	2198.60 085%
			2303.35

APPROVED- 3 REJECTED-

FACILITY: PATHOLOGY CONSULTANTS OF NM 10/15/2013 THROUGH 10/15/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
19848	09/26/2013	299.27	35.73 012%
			35.73

APPROVED- 1 REJECTED-

FACILITY: PHI AIR MEDICAL 10/15/2013 THROUGH 10/15/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
19761	07/06/2013	53569.00	490.00 001%
			490.00

APPROVED- 1 REJECTED-

FACILITY: PRESBYTERIAN HOSPITAL 10/15/2013 THROUGH 10/15/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
19749	07/01/2013	10506.00	4135.13 039%
19832	08/21/2013	10985.20	000%
INCOME EXCEEDS PROGRAM LIMIT			
19763	07/15/2013	58497.58	3098.87 005%
			7234.00

APPROVED- 2 REJECTED- 1

FACILITY: RUIDOSO HOME CARE & HOSPICE 10/15/2013 THROUGH 10/15/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
19766	07/29/2013	1217.35	698.50 057%
19767	08/28/2013	1400.00	700.00 050%
			1398.50

APPROVED- 2 REJECTED-

FACILITY: RUIDOSO PHYSICAL THERAPY, INC. 10/15/2013 THROUGH 10/15/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
19845	10/02/2013	250.00	250.00	100%
19846	10/03/2013	180.00	180.00	100%
			430.00	

APPROVED- 2 REJECTED-

FACILITY: TALL PINES MEDICAL, INC 10/15/2013 THROUGH 10/15/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
19795	09/25/2013	316.84	136.80	043%
19847	10/01/2013	194.92	83.79	043%
			220.59	

APPROVED- 2 REJECTED-

FACILITY: UNM HEALTH SCIENCES CTR 10/15/2013 THROUGH 10/15/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
19818	07/08/2013	343.00	264.11	077%
19830	08/09/2013	68.00		000%
PATIENT HAS MET OR EXCEEDED POLICY LIMIT				
19831	09/10/2013	6096.85		000%
PATIENT HAS MET OR EXCEEDED POLICY LIMIT				
			264.11	

APPROVED- 1 REJECTED- 2

INDIGENT FUND MEETING

OCTOBER 15, 2013

TOTAL APPLICATIONS	117	144,189.36
TOTAL APPROVED	100	
TOTAL DENIED	17	

ALBUQUERQUE		
ANESTHESIA ASSOCIATES OF NM		1,277.25
APPROVED-	8	
DENIED-	2	

RUIDOSO		
LC AMBULANCE-PRES HEALTH SVCS		1,437.40
APPROVED-	4	
DENIED-	2	

RUIDOSO		
LINCO MEDICAL & SUPPLY, INC		413.82
APPROVED-	2	
DENIED-		

RUIDOSO		
LINCOLN COUNTY FAMILY MEDICAL		535.93
APPROVED-	9	
DENIED-		

RUIDOSO		
LINCOLN COUNTY MEDICAL CENTER		127,647.56
APPROVED-	54	
DENIED-	7	

ALTO		
LINCOLN COUNTY RADIOLOGY		337.30
APPROVED-	7	
DENIED-	2	

RUIDOSO		
MICHAEL P CLEMENTS, M.D.		163.82
APPROVED-	2	
DENIED-	1	

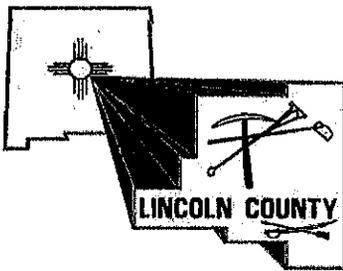
ALBUQUERQUE		
NEW MEXICO ONCOLOGY HEMATOLOY		2,303.35
APPROVED-	3	
DENIED-		

ROSWELL		
PATHOLOGY CONSULTANTS OF NM		35.73
APPROVED-	1	
DENIED-		

LOS ANGELES		
PHI AIR MEDICAL		490.00
APPROVED-	1	
DENIED-		

Encl 3

ALBUQUERQUE PRESBYTERIAN HOSPITAL		7,234.00
APPROVED-	2	
DENIED-	1	
RUIDOSO RUIDOSO HOME CARE & HOSPICE		1,398.50
APPROVED-	2	
DENIED-		
RUIDOSO RUIDOSO PHYSICAL THERAPY, INC.		430.00
APPROVED-	2	
DENIED-		
RUIDOSO TALL PINES MEDICAL, INC		220.59
APPROVED-	2	
DENIED-		
ALBUQUERQUE UNM HEALTH SCIENCES CTR		264.11
APPROVED-	1	
DENIED-	2	



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County of Lincoln

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

AGENDA Item No. 11

October 11, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager 

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

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

Discussion:

1. **Water Rights Notice.** On October 9, 2013, a notice was posted on the State Engineer's website for a permit to "Temporarily Change Surface and Supplemental Groundwater Points of Diversion and Change Place and Purpose of Use in the Hondo Underground Water Basin in the State of New Mexico. The applicant proposes to discontinue the diversion of 203.125 acre-feet per annum of the surface waters of the Rio Bonito via the Kirkland Ditch and to temporarily commence the diversion of 203.125 acre-feet per annum of the surface waters of the Rio Ruidoso, and supplemental shallow groundwater, from multiple points of diversion for municipal purposes within the Village of Ruidoso.

The temporary lease and permit period will begin as of the filing date of the application and extend through October 31, 2021. The presently authorized points of diversion and place of use are located in Hondo, NM; the move to points of diversion and place of use are located within the Village of Ruidoso, NM. See Enclosure 1.

2. **EPA Wetlands Guidance Process.** EPA's Science Advisory Board released for public comment a draft scientific report, "Connectivity of Streams and Wetlands to Downstream Waters: A Review and Synthesis of the Scientific Evidence." This draft report synthesizes more than 1,000 peer-reviewed pieces of scientific literature about how smaller, isolated water bodies are connected to larger ones and represents the state-of-the-science on the connectivity and isolation of waters in the United States.

The final version of this report will serve as a basis for a joint EPA and Army Corps of Engineers rulemaking, resulting in “Guidance Regulations”, that would clarify the jurisdiction of the Clean Water Act. **Per EPA**, this joint rule will provide greater consistency, certainty and predictability nationwide by providing clarity for determining where the Clean Water Act applies and where it does not. **Per The American Land Rights Association, the EPA and Army Corp are attempting to:**

- a.** neutralize the requirement that the EPA and Corps have jurisdiction over “Navigable Waters” [only];
- b.** gain jurisdiction over all waters of the Unites States, and all activities affecting all waters of the Unites states;
- c.** regulate waters now considered entirely under state jurisdiction.

A public docket has been opened to receive comments by November 6, 2013. Comments will be provided to the Scientific Advisory Board (SAB) Panel for its consideration in advance of its December 16 – 18 , 2013 meeting.

Recommendation: Determine whether the Commission wishes to formally provide comments on either of the above-mentioned matters. Manager will work with other organizations to obtain position statements or comments regarding the EPA Wetlands Guidance Process, prior to the November 6th deadline for comments.

Posted Oct. 9, 2013

County: Lincoln
Name: Sea Gem, LLC & Village of Ruidoso
File No.: 01407-1 & H-207

NOTICE is hereby given that on July 15, 2013, Sea Gem, 9203 East 825 South, Upland, IN 46989, and Village of Ruidoso, 313 Cree Meadows Drive, Ruidoso, NM 88345 filed application No. 01407-1 & H-207 into 0275-1 et al & H-272 et al (T) with the STATE ENGINEER for permit to Temporarily Change Surface and Supplemental Groundwater Points of Diversion and Change Place and Purpose of Use in the Hondo Underground Water Basin in the State of New Mexico.

The applicant proposes to discontinue the diversion of 203.125 acre-feet per annum (101.5625 acre feet consumptive irrigation requirement) of the surface waters of the Rio Bonito, a tributary of the Rio Hondo, via the Kirkland Ditch, which diverts from the Rio Bonito at a point in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, Township 11 South, Range 17 East, N.M.P.M., and supplemental shallow groundwater diverted from shallow well No. H-207 located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 4, Township 11 South, Range 17 East, N.M.P.M. by severing said water right from the irrigation of 62.5 acres of land described as follows:

SUBDIVISION	SECTION	TOWNSHIP	RANGE	ACRES
Pt. E3/4	4	11 S.	17 E.	62.5

The applicant proposes to temporarily commence the diversion of 203.125 acre-feet per annum (101.5625 acre feet consumptive irrigation requirement) of the surface waters of the Rio Ruidoso, and supplemental shallow groundwater, from the following described points of diversion:

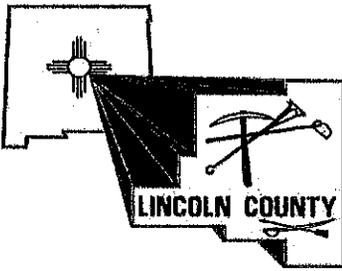
	SUBDIVISION	SECTION	TOWNSHIP	RANGE
SURFACE:				
Rio Ruidoso				
	0275-1A-POD1	NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$	19	11 S. 13 E.
	0275-1A-POD2	SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$	19	11 S. 13 E.
	0275-1A-POD3	SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$	26	11 S. 13 E.
WELLS:				
	H-272	NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$	36	11 S. 13 E.
	H-272-S	SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$	25	11 S. 13 E.
	H-272-S-2	SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$	2	11 S. 13 E.
	H-272-S-3	NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	2	11 S. 13 E.
	H-272-S-4	SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$	11	11 S. 13 E.
	H-272-S-5	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$	14	11 S. 13 E.
	H-272-S-6	SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$	15	11 S. 13 E.
	H-272-S-7	SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$	10	11 S. 13 E.
	H-272-S-8	SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$	14	11 S. 13 E.
	H-272-S-9	NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$	23	11 S. 13 E.
	H-272-S-11	NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$	25	11 S. 13 E.

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

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

The presently authorized points of diversion, Kirkland Ditch, and well H-207, and place of use are located in Hondo, in Lincoln County, New Mexico. The move to points of diversion and place of use are located within the Village of Ruidoso, Lincoln County, New Mexico.

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



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County of Lincoln

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AGENDA Item No. 12

October 11, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Agreement with South Central Mountain RC&D to Manage Forest Health Projects

PURPOSE: To Obtain Approval to Enter into Agreement(s) with SCMRC&D to Manage Two Forest Health Projects

Discussion:

- 1. Cedar Creek Non-Federal Lands.** On September 16, 2013, County entered into agreement with State Forestry to conduct a hazardous fuels reduction project, which will treat at least 81.1 acres of private lands in Lincoln County. The Contractor will advertise the project by word of mouth, community meetings, posting flyers at the post office and through the SCMRC&D website, and will select landowners that meet the project goals on a first-come, first-served basis. See Enclosure 1 for Agreement.
- 2. Little Bear Fire Emergency Watershed Protection program.** On September 19, 2013, County entered into agreement with USDA Natural Resource and Conservation District (NRCS) to implement emergency recovery measures for private land owners in four areas of the County: 1) Angus and Church Camp Subdivision; 2) Eagle Creek and Villa Madonna; 3) Bonito Creek; and 4) Lower Rio Bonito. See Enclosure 2 for Agreement.

Recommendation: The County has entered into a number of Agreements with the South Central Mountain RC&D and the Grantor (State Forestry and/or NRCS) over time to project manage forest health grants. They have developed adequate processes to interact with land-owners, work with contractors, inspect work completed, invoice for services and report accordingly. Manager recommends approval of both Agreements.

**AGREEMENT FOR SERVICES BETWEEN
COUNTY OF LINCOLN
AND
SOUTH CENTRAL MOUNTAIN RC&D COUNCIL, INC.**

THIS AGREEMENT FOR SERVICES is entered into by and between the County of Lincoln, referred to as the COUNTY, and the South Central Mountain RC&D, Inc., a 501 (c) (3) non-profit organization.

WITNESSETH:

WHEREAS, the Board of County Commissioners of the COUNTY has determined that SOUTH CENTRAL MOUNTAIN RC&D COUNCIL, INC. performs unique and necessary services for the citizens residing within the COUNTY by coordinating and implementing natural resources related projects and project accounting, meeting all New Mexico Energy, Minerals, Natural Resources Department – Forestry Division, referred to as “EMNRD”, grant requirements as stated in Project Workplan 14-05-1156 (Cedar Creek Non-Federal Land Hazardous Fuel Reduction) under the on-going JPA10-521-2301-0235 between COUNTY and EMNRD; and

WHEREAS, SOUTH CENTRAL MOUNTAIN RC&D COUNCIL, INC. has agreed to provide all necessary services including, but not limited to: property owner project orientation; tree marking and inspections; property owner and contractor liaison; property owner and/or contractor reimbursement payments; all communications, record keeping, and reporting requirements; and preparation and delivery of Certificates for Payment, approved by the COUNTY, for EMNRD reimbursement; and

NOW, THEREFORE, IN CONSIDERATION of the mutual promises contained herein, the parties agree as follows:

1. **Purpose.** The purpose of the Agreement is to contract with the SOUTH CENTRAL MOUNTAIN RC&D COUNCIL, INC., for complete management and implementation of Workplan 14-05-1156, also known as the Cedar Creek NFL, under on-going JPA 10-521-2301-0235.
2. **Consideration.** In consideration for the services to be provided hereunder, the COUNTY agrees to provide “**invoiced this billing**” amount and 80% of “**10% administrative fees**”, as stated on each Certificate of Payment submitted to EMNRD to the SOUTH CENTRAL MOUNTAIN RC&D COUNCIL, INC. as fair compensation.

ENCL 1

3. **Stipulations.** SOUTH CENTRAL MOUNTAIN RC&D COUNCIL, INC. agrees that it will be responsible for all facets of these services, including any additional auditing expenses, and shall be responsible for providing a monthly report of services to the COUNTY.
4. **Release.** SOUTH CENTRAL MOUNTAIN RC&D COUNCIL, INC. hereby releases, waives and discharges the COUNTY from all liability, for any and all losses from damages, and any claims of damages resulting therefrom, on account of personal injury or property damages resulting while providing services and expressly agrees that this release, waiver and indemnity agreement is intended to be as broad and inclusive as permitted by the laws of the State of New Mexico, and that if any portion thereof is held invalid, it is agreed that the balance shall, notwithstanding, continue in full legal force and effect.
5. **Term.** The term of this Agreement for Services shall be in effect until June 30, 2015, unless otherwise mutually agreed to, in writing, by both parties.
6. **Modification of Agreement.** Any changes to this Contract of Services shall be in writing and agreed to and signed by both parties.

DONE THIS 15th day of October, 2013.

COUNTY OF LINCOLN

**SOUTH CENTRAL MOUNTAIN
RC&D COUNCIL, INC.**

By: _____
Jackie Powell, Chair
Board of County Commissioners

By: _____
Jerry Burchett, Chair
Board of Directors

Attest:

Rhonda Burrows, County Clerk

**AGREEMENT FOR SERVICES BETWEEN
COUNTY OF LINCOLN
AND
SOUTH CENTRAL MOUNTAIN RC&D COUNCIL, INC.**

THIS AGREEMENT FOR SERVICES is entered into by and between the County of Lincoln, referred to as the COUNTY, and the South Central Mountain RC&D, Inc., a 501 (c) (3) non-profit organization.

WITNESSETH:

WHEREAS, the Board of County Commissioners of the COUNTY has determined that SOUTH CENTRAL MOUNTAIN RC&D COUNCIL, INC. performs unique and necessary services for the citizens residing within the COUNTY by coordinating and implementing emergency watershed protection related projects and project accounting, meeting all requirements of United States Department of Agriculture, Natural Resource and Conservation District, referred to as "NRCS", grant requirements as stated in Cooperative Agreement 69-8C30-13-0001 (Lincoln County, NM (FY2013) Emergency Watershed Protection (EWP) Project (5029, Non-Exigency) – Technical and Financial Assistance), referred to as "Lincoln County 2013 Emergency Watershed Protection Project", between COUNTY and NRCS; and

WHEREAS, SOUTH CENTRAL MOUNTAIN RC&D COUNCIL, INC. has agreed to provide all necessary services including, but not limited to: property owner project orientation; property owner and contractor liaison; property owner and/or contractor reimbursement payments; all communications, record keeping, and reporting requirements; and preparation and delivery of Certificates for Payment, approved by the COUNTY, for NRCS reimbursement; and

NOW, THEREFORE, IN CONSIDERATION of the mutual promises contained herein, the parties agree as follows:

1. **Purpose.** The purpose of the Agreement is to contract with the SOUTH CENTRAL MOUNTAIN RC&D COUNCIL, INC., for complete management and implementation of the Lincoln County 2013 Emergency Watershed Protection Project.
2. **Consideration.** In consideration for the services to be provided hereunder, the COUNTY agrees to provide "**invoiced this billing**" amount and 95% of "**10% technical assistance fees**", as stated on each Certificate of Payment submitted to NRCS to the SOUTH CENTRAL MOUNTAIN RC&D COUNCIL, INC. as fair compensation.

3. **Stipulations.** SOUTH CENTRAL MOUNTAIN RC&D COUNCIL, INC. agrees that it will be responsible for all facets of these services, including any additional auditing expenses, and shall be responsible for providing a monthly report of services to the COUNTY.
4. **Release.** SOUTH CENTRAL MOUNTAIN RC&D COUNCIL, INC. hereby releases, waives and discharges the COUNTY from all liability, for any and all losses from damages, and any claims of damages resulting therefrom, on account of personal injury or property damages resulting while providing services and expressly agrees that this release, waiver and indemnity agreement is intended to be as broad and inclusive as permitted by the laws of the State of New Mexico, and that if any portion thereof is held invalid, it is agreed that the balance shall, notwithstanding, continue in full legal force and effect.
5. **Term.** The term of this Agreement for Services shall be in effect until June 30, 2015, unless otherwise mutually agreed to, in writing, by both parties.
6. **Modification of Agreement.** Any changes to this Contract of Services shall be in writing and agreed to and signed by both parties.

DONE THIS 15th day of October, 2013.

COUNTY OF LINCOLN

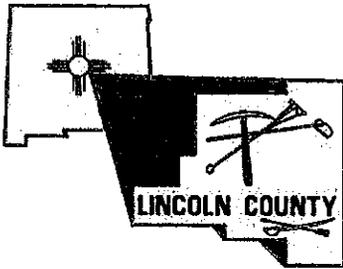
**SOUTH CENTRAL MOUNTAIN
RC&D COUNCIL, INC.**

By: _____
Jackie Powell, Chair
Board of County Commissioners

By: _____
Jerry Burchett, Chair
Board of Directors

Attest:

Rhonda Burrows, County Clerk



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County of Lincoln

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AGENDA Item No. 13

October 11, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager 

SUBJECT: Lincoln County All Hazard Mitigation Team

PURPOSE: To Obtain Approval to formalize Lincoln County All Hazard Incident Management Team (AHIMT)

Discussion: During and after the Little Bear Fire, Lincoln County employees were called on, and stepped up to the challenge, to actively participate on the Incident Command Team (ICT) charged primarily with mitigating flood damage. This team consisted of not only County employees, but also of Village of Ruidoso employees, a number individuals representing other local and state agencies, volunteer firefighters, as well as other highly trained and experienced members of the community, some of whom were assigned leadership roles. During this time, in August, 2012, the Commission approved and adopted the Lincoln County All Hazard Mitigation Plan, subsequently approved by FEMA.

Because Lincoln County is very aware that it can be plagued with disasters / emergencies other than fire and flood, its Office of Emergency Services has picked up the charge to establish an "All Hazard Incident Management Team". This team will consist largely of County employees and supplemented with members from the Village of Ruidoso and the County's Volunteer Fire Departments....with the ability to call on additional resources should the situation demand.

Spencer Baldwin, Emergency Services Coordinator, will summarize the proposal to move forward with establishing this critical, formal Lincoln County AHIMT. See Enclosure 1.

Recommendation: Approve the establishment of the Lincoln County All Hazard Mitigation Team.

The Lincoln County All Hazard Incident Management Team

Introduction: The Lincoln County Office of Emergency Service is requesting your support in initiating an All Hazard Incident Management Team (AHIMT) for the County of Lincoln. This team will be comprised of County of Lincoln employees, County of Lincoln Volunteer Firefighters, and The Village of Ruidoso employees.

Mission

Statement: Provide a safe, effective, and qualified All-Hazards Incident Management Team for the County of Lincoln capable of supporting and assisting in the management of natural and manmade emergencies or disasters.

Maintain a professional attitude and performance for the duration of the assignment by promoting and maintaining good communications, respect for all team members, and a safe work environment.

Description: Incident Management Teams (IMTs) are primarily used on large-scale and complex emergency incidents that require the use of an expanded emergency management system which can occur in any community.

Fire and police organizations that serve heavily populated urban areas usually have sufficient personnel available to staff the Command positions that are required to manage these types of incidents effectively. Smaller departments, such as ours, when faced with the need for an expanded Incident Command System (ICS) to deal with a major incident, may lack the readily available number of officers for adequate staffing of the required supervisory positions.

A practical solution to this problem, in many cases, is to organize IMTs.

IMTs are similar to the "overhead teams" that are used by Federal agencies in managing large forest fires. An IMT normally consists of fire or police officers and other specialized support personnel from various agencies who have the expertise to provide on scene management and support for large or complex emergency situations.

However, IMTs can be assembled on a local, county wide, geographical, or statewide basis. We will operate in a true "team" concept, in that the same team members meet to plan, train, and operate together when we arrive at the incident scene. Familiarity with each other, concurrent training, and expertise developed through their previous experiences enhance their ability to organize and manage emergency incidents.

PROCEDURE:

The Incident Commander may use as many personnel as deemed necessary to mitigate the incident. The Incident Commander may request additional personnel or the "Team" to be dispatched to facilitate the needs of the incident. The command staff shall maintain his or hers' span of control at all times.

Training:

All members involved in Incident Management Team shall complete the required qualifications per the National Incident Management Systems requirements. At a minimum all response personnel shall complete the ICS-100, ICS-200, ICS-300, ICS-400, ICS-700, and ICS-800 courses. Additional training is always encouraged.

Summary:

The Lincoln County All Hazard Incident Management Team will be filling a gap in the ICS organization from the on-scene local Incident Commander to the Type-3, 2, or 1 Teams which may be called in to manage an incident within our county. Filling this "gap" in our system decreases possible safety issues for our personnel and the citizens we are here to protect. The control of our expenditures, accountability of personnel and resources, and the recorded documentation of the incident will provide a smooth and safer transition in the event another Incident Management Team is requested to oversee the incident. Your support for this "Team" is requested before any further research and development can be completed.



Incident Command System (ICS)

What is an Incident?

An incident is an occurrence, either caused by human or natural phenomena, that requires response actions to prevent or minimize loss of life, or damage to property and/or the environment (i.e., fire, floods, earthquakes, disease outbreaks, Hazmat, terrorist incident, active shooter, etc.)

Incident Command System (ICS)

What is ICS?

ICS is primarily a command and control system delineating job responsibilities and organizational structure for the purpose of managing day-to-day operations for all types of emergency incidents.

Incident Command System (ICS)

ICS Purposes

Using management best practices, ICS helps to ensure:

- The safety of responders and others.
- The achievement of tactical objectives.
- The efficient use of resources.

Incident Command System (ICS)

In the past, weaknesses in incident management were due to:

- Lack of accountability.
 - Poor communications.
 - Lack of a planning process.
 - Overloaded Incident Commanders.
 - No method to integrate interagency requirements.
- The identification of these areas of management weakness resulted in the development of ICS.

Incident Command System (ICS)

ICS Benefits

- Meets the needs of incidents of any kind or size.
- Allows personnel from a variety of agencies to meld rapidly into a common management structure.
- Provides logistical and administrative support to operational staff.
- Is cost effective by avoiding duplication of efforts.

ICS is designed to be interdisciplinary and organizationally flexible.

Incident Command System (ICS)

The basic features of the Incident Command System include:

- Common Terminology
- Modular Organization
- Management by objectives
- Chain of Command & Unity of Command
- Unified Command
- Resource Management
- Integrated Communication
- Accountability
- Mobilization

Incident Command System (ICS)

Chain of Command

Chain of command is an orderly line of authority within the ranks of the incident management organization.

Unity of Command

Unity of command means that every individual has a designated supervisor to whom they report to at the scene of the incident.

Incident Command System (ICS)

Unified Command

- Enables all responsible agencies to manage an incident together by establishing a set of incident objectives and strategies.
- Allows Incident Commanders to make joint decisions by establishing a single command structure.
- Maintains unity of command. Each employee only reports to one supervisor.

Incident Command System (ICS)

Command Staff – Consists of the following:

The Incident Commander – Provides overall leadership for incident response. Delegates authority to others. Takes general direction from agency administrator/official.

Public Information Officer – Information dissemination and media relations.

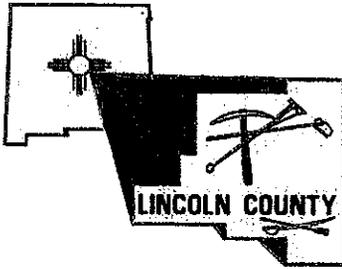
Liaison Officer – Assists Incident Commander by serving as point of contact for agency representatives who are helping to support the operation (i.e., Executive Policy Group, other agencies, etc.)

Safety Officer – Advises Incident Commander on issues regarding incident safety. Works with Operations Section to ensure safety of field personnel.

Incident Command System (ICS)

General Staff – Consists of the Following:

- Operations Section
- Planning Section
- Logistics Section
- Finance Section



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AGENDA Item No. 14

October 11, 2013

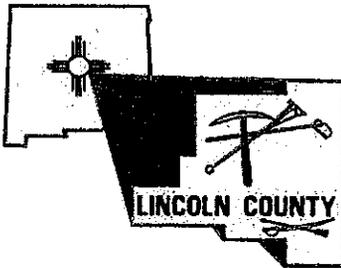
MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager

SUBJECT: Manager's Report

UNDER CONSTRUCTION



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AGENDA ITEM No. 15

October 11, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

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

Purpose: To obtain commission approval of Resolution Number 2013 – 16, amending Resolution 2011-29 for the FY 2013-2014 State Highway Cooperative funding projects

Discussion:

The County Road Department is requesting modifications to its original plans for spending State Highway Cooperative funding. Original projects were completed at less cost than anticipated. Additional projects have been identified to enable the Road Department to take full advantage of these funds.

- **School Bus:** State funding - \$ 55,998.00; County Match - \$ 18,666.00; Total - \$74,664.00. Bramble Lane and Gavilan Canyon Road have been identified for additional work.
- **COOPERATIVE AGREEMENT:** State funding - \$ 53,613.00; County Match - \$ 17,871.00; Total - \$71,484.00. Homestead Loop, High Mesa Drive, French Drive, Deer Pa4k Drive, Ft. Stanton Drive, Paso Monte Drive, Sun Valley Road and Gavilan Canyon Road have been identified for additional work.
- **COUNTY Arterial Project (CAP):** State \$ 144,664.00; County Match \$ 48,221.00; Total - \$192,885.00. Homestead Loop and Gavilan Canyon Road have been identified.

Recommendation: Approve Resolution Number 2013-16 (Enclosure 1) amending Resolution 2011-29 (Enclosure 2).

RESOLUTION NUMBER 2013-16
AMENDING RESOLUTION 2011-29
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 2012-2013 cooperative program applications; and

WHEREAS, the New Mexico State Transportation Department has requested our FY 2012-2013 Local Government Road Fund Applications for the projects indicated:

1. **SCHOOL BUS ROUTE PROJECT:** County Subdivision-Valley Heights Subdivision Bramble Lane & Part of Wild Rose Circle, and Gavilan Canyon Road. **Bramble Lane**-North of Ruidoso on Hwy 48 MM 13 turn East onto Bramble Lane project begins goes .09 miles turn North onto Wild Rose Circle project continues goes .18 miles to intersection with Connection Way project stops goes South on Connection Way to intersection with Wild Rose Circle turn West onto Wild Rose Circle project begins again and goes .27 miles back to Bramble end of project. **Gavilan Canyon Road**- Turn East off Hwy 48 MM 8.3 go 4.3 miles to intersection with Warrior Drive project begins and goes 1.3 miles.
Blading and Shaping, Pavement Rehabilitation/Improvements, Misc. on approx 0.54 miles of various county roads.
Project No. **SB-7727(935)13**, Control No. **L200103**
State \$55,998.00 County \$18,666.00 Total Cost \$74,664.00.

2. **COOPERATIVE AGREEMENT:** County Subdivision- Gavilan Subdivision-Homestead Loop, Alto Village Subdivision-High Mesa Drive, French Drive, Deer Park Drive, Ft. Stanton Drive, and Paso Monte Drive, Sun Valley Subdivision-Sun Valley Road and Gavilan Canyon Road. **Homestead Loop**-Hwy 48 MM 8.1 turn East onto Gavilan Canyon Road go 1.99 miles turn East onto Homestead Loop project begins and goes .47 miles. **High Mesa Drive**-turn off Hwy 48 mm 9.3 East into Alto Village onto High Mesa Road project starts goes 3.2 miles. **French Drive**-turn off Hwy 48 MM 9.3 into Alto Village onto High Mesa Drive go east .74 miles to French Drive turn North onto French Drive and project begins and goes .66 miles. **Deer Park Drive**- turn off Hwy 48 MM 9.3 into Alto Village onto High Mesa Drive go east .74 miles to French Drive turn North onto French Drive go .46 miles turn East onto Deer Park Drive project begins and goes 1.97 miles. **Ft. Stanton Drive**-Northeast off SR 48 MM 9.3 into Alto Village project begins and goes 2.28 miles. **Paso Monte Drive**-2.2 miles East of Junction SR 48 MM 11.5 and SR 220 turn Southeast onto Paso Monte Drive projects begins and goes 2.25 miles. **Sun Valley Road**-Hwy 48 MM 9 turn West onto Sun Valley Road projects starts and goes 1.6 miles to intersection with Mogul Drive. **Gavilan Canyon Road**- Turn East off Hwy 48 MM 8.3 onto Gavilan Canyon Road project begins and goes 4.24 miles.
Blading and Shaping, Pavement Rehabilitation/Improvements, Misc. on approx .47 miles of various county roads.
Project No. **SP-2-13(956)**, Control No. **L200071**
State \$53,613.00 County \$17,871.00 Total Cost \$71,484.00.

3. **COUNTY ARTERIAL PROJECT:** County Subdivision- Homestead Acres Subdivision – Homestead Loop, Gavilan Canyon Road. **Homestead Loop**-Hwy 48 MM 8.1 turn East onto Gavilan Canyon Road go 2.85 miles turn North onto Homestead Loop go .25 miles project starts goes 1.20 miles to end of project. **Gavilan Canyon Road**- Turn East off Hwy 48 MM 8.3 go 4.3 miles to intersection with Warrior Drive project begins and goes 1.3 miles.

ENCL 1

Blading and Shaping, Pavement Rehabilitation/Improvements, Drainage Improvements, Misc. on
approx 1.2 miles of various county roads.

Project No. **CAP-2-13(456)**, Control No. **L200111**

State \$144,664.00 County \$48,221.00 Total Cost \$192,885.00

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

PASSED, APPROVED AND ADOPTED this 15th day of Oct. 2013.

Board of Commissioners
Lincoln County, State of New Mexico

Jackie Powell, Chairwomen

Preston Stone, Vice-Chairman

Dallas Draper, Member

Kathryn L Minter, Member

Mark Doth, Member

ATTEST:

Rhonda B. Burrows, County Clerk

RESOLUTION NUMBER 2011-29
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 2012-2013 cooperative program applications; and

WHEREAS, the New Mexico State Transportation Department has requested our FY 2012-2013 Local Government Road Fund Applications for the projects indicated:

1. **SCHOOL BUS ROUTE PROJECT:** County Subdivision-Valley Heights Subdivision Bramble Lane & Part of Wild Rose Circle.
North of Ruidoso on Hwy 48 MM 13 turn East onto Bramble Lane project begins goes .09 miles turn North onto Wild Rose Circle project continues goes .18 miles to intersection with Connection Way project stops goes South on Connection Way to intersection with Wild Rose Circle turn West onto Wild Rose Circle project begins again and goes .27 miles back to Bramble end of project. Project is .54 miles of 20' wide roadway in Valley Heights Subdivision.
Pavement Rehabilitation/Improvements, Prime & Patch Needed Areas Overlay with 1 ½" PMBP QC/QA .54 miles of county roads. State \$55,998.3; County \$18,666.10; Total Cost \$74,664.41.
2. **COOPERATIVE AGREEMENT:** County Subdivision- Gavilan Subdivision-Homestead Loop.
Hwy 48 MM 8.1 turn East onto Gavilan Canyon Road go 1.99 miles turn East onto Homestead Loop project begins and goes .47 miles. Project is .47 miles of 22' wide roadway in Gavilan Subdivision.
Pavement Rehabilitation/Improvements, Tack & Patch Needed Areas Overlay with 1 ½" PMBP QC/QA, .47 miles of county road. State \$53,613.16; County \$17,871.05; Total Cost \$71,484.21.
3. **COUNTY ARTERIAL PROJECT:** County Subdivision- Homestead Acres Subdivision – Homestead Loop
Hwy 48 MM 8.1 turn East onto Gavilan Canyon Road go 2.85 miles turn North onto Homestead Loop go .25 miles project starts goes 1.20 miles to end of project. Project is 1.20 miles of 22' roadway in Homestead Acres Subdivision.
Pavement Rehabilitation/Improvements, Prime & Patch Needed Areas Overlay with 1 ½" PMBP QC/QA, 1.20 miles of county road. State \$139,953.92; County \$46,651.31; Total Cost \$186,605.23

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

PASSED, APPROVED AND ADOPTED this 21th day of February, 2012.

**Board of Commissioners
Lincoln County, State of New Mexico**

Eileen M Sedillo
Eileen M Sedillo, Chairwoman

Jackie Powell
Jackie Powell, Vice Chairwoman

Kathryn L. Minter
Kathryn Minter, Member

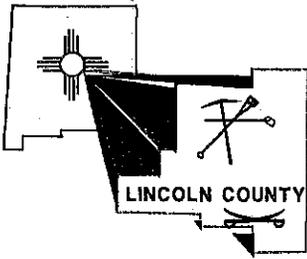
Mark Doth
Mark Doth, Member

Tom Battin
Tom Battin, Member

ATTEST:

Rhonda Burrows
Rhonda Burrows, County Clerk





County of Lincoln

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AGENDA ITEM NO. 16

October 2, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager 

SUBJECT: Permission to Trade-In Obsolete cardiac monitors

Purpose: To obtain approval of Resolution 2013- 17 allowing the trade-in of obsolete cardiac monitors towards purchase of new

Discussion:

The Emergency Medical Department has negotiated the trade-in of four obsolete Lifepak 12 Cardiac Monitors towards the purchase of four new Lifepak 15 Cardiac Monitors. The Lifepak 12 monitors are over 10 years old and service/repair support was terminated on October 31, 2012. Approval is sought to allow EMS to return these obsolete cardiac monitors to Physio-Control.

ITEM	DEPARTMENT	SERIAL #	INVENTORY #
Lifepak 12 Cardiac Monitor	EMS	32589642	8703822
Lifepak 12 Cardiac Monitor	EMS	31548220	8703645
Lifepak 12 Cardiac Monitor	EMS	9693778	8702252
Lifepak 12 Cardiac Monitor	EMS	32092754	8704557

Recommendation: Approve Resolution 2013 – 17, for the trade in of (deleting from inventory) listed property for reporting to the State Auditor and DFA.

County Manager's Fax
(505) 648-4182

Finance/Purchasing Fax
(505) 648-2381

Planning/GIS Fax
(505) 648-2816

RESOLUTION NO. 2013-17

APPROVAL OF TRADE-IN OF OBSOLETE CARDIAC MONITORS

WHEREAS, the Lincoln County Board of Commissioners meeting in regular session on October 15, 2013, did review the listed obsolete inventory that is recommended for trade-in, and

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

WHEREAS, the items listed are valued at \$5,000 each for trade-in, and

ITEM	DEPARTMENT	SERIAL #	INVENTORY #
Lifepak 12 Cardiac Monitor	EMS	32589642	8703822
Lifepak 12 Cardiac Monitor	EMS	31548220	8703645
Lifepak 12 Cardiac Monitor	EMS	9693778	8702252
Lifepak 12 Cardiac Monitor	EMS	32092754	8704557

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Lincoln County, approves the listed obsolete inventory be disposed of via trade-in.

PASSED, APPROVED AND ADOPTED this 15th day of October, 2013.

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

Jackie Powell, Chairwoman

Preston Stone, Vice Chair

Kathryn Minter, Member

Mark Doth, Member

Dallas Draper, Member

ATTEST:

Rhonda Burrows, County Clerk

To
Michelle



Physio-Control, Inc. Lifesaving starts here.™

ADDRESS
11811 Willows Road NE
Redmond, WA 98052

PHONE
GENERAL
425 867 4000
TOLL-FREE
800 442 1142

www.physio-control.com

September 2013

Dear Physio-Control Customer:

Physio-Control appreciates having had the opportunity to serve your organization over the years and is grateful for your continued support. We are providing this notification to allow you time to plan for upgrading to our newer technology products at your convenience. We strive to provide repair services for our devices for at least 8 years after date of manufacture. Unfortunately, parts and components purchased by Physio-Control become obsolete which limits our ability to repair and service our products indefinitely. This letter provides the dates that we will discontinue support for our legacy and current product lines. Physio-Control will continue to fulfill service contracts which include discontinued items. However, discontinued items will not be allowed on new or renewal contracts.

Physio-Control intends to provide Technical Service Support (parts and repair) for the following products until the support termination dates noted below:

Legacy Products

LIFEPAK® 500 automated external defibrillator (Biphasic)	Jan. 31, 2015
LIFEPAK 12 defibrillator/monitor (Monophasic)	Oct. 31, 2012
LIFEPAK 500 automated external defibrillator (Monophasic)	Jan. 31, 2012
LIFEPAK 20 defibrillator/monitor LIFEPAK 12 defibrillator/monitor (Biphasic) Mobile Battery Service System Battery Support System 2 LUCAS® 1 Chest Compression System	Factory configured useful life is 8 years after date of manufacture ¹

*
*

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Current Products

LIFEPAK CR® Plus AED LIFEPAK EXPRESS® AED LIFEPAK 1000 defibrillator LIFEPAK 20a defibrillator/monitor LIFEPAK 15 monitor/defibrillator LUCAS 2 Chest Compression System	Factory configured useful life is 8 years after date of manufacture ¹
LIFEPAK 12 RELI Refurbished defibrillator/monitor	Factory reconditioned useful life is 3 years after date of refurbishment/shipment ¹

Please be advised that some components for these devices may become unavailable before the support termination date. If this occurs we may not be able to make repairs, but will review with you available alternatives.

Trade-in programs may be available to help you update your inventory. We encourage you to take advantage of any applicable trade-in programs and upgrade any devices you have that are more than eight (8) years old. Please contact your local Physio-Control sales or service representative for details.

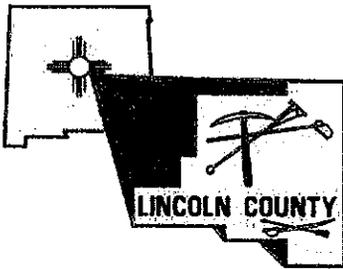
Sincerely,

PHYSIO-CONTROL, INC.

Paul Kamps, Vice President, Customer Services

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¹Physio-Control may be able to further extend the useful life through maintenance program options. Please contact your sales or service representative for details.



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AGENDA ITEM No. 17

October 11, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Modification of Lincoln County Purchasing Policy

Purpose: To obtain commission approval of Resolution Number 2013 – 18, Repealing Resolution 2011-25, entitled the “Lincoln County Purchasing Policy” and Re-adopting the modified “Lincoln County Purchasing Policy”.

Discussion:

The County Purchasing Policy required to be modified due to 2013 changes in State Law . Key changes include, but are not limited to:

1. Willful or knowing violation of Purchasing Policy (\$50,000 or less) is a misdemeanor;
2. Willful of knowing violation of Purchasing Policy (more than \$50,000) is a fourth degree felony. §1.7
3. Changes the monetary guidelines for various types of purchases and bids. §2.6
4. New guidelines for entering into Sole Source Contract. §1.7.2.D
5. New guidelines for Emergency or Urgent Purchases and Emergency Contracts. §3.2
6. New guidelines for “Exemptions from the procurement Code. §3.7B

Recommendation: Approve Resolution Number 2013-18 (Enclosure 1), repealing Resolution 2011-29 (Enclosure 1).

RESOLUTION 2013-9_18

**A RESOLUTION REPEALING RESOLUTION 2011-25, ENTITLED THE
"LINCOLN COUNTY PURCHASING POLICY" AND RE-ADOPTING THE
EXISTING "LINCOLN COUNTY PURCHASING POLICY."**

WHEREAS, the Board of County Commissioners of Lincoln County, meeting in regular session on August 20, 2013, did review the following purchasing policy; and

WHEREAS, the Board of County Commissioners of Lincoln County did determine that the following Lincoln County Purchasing Policy does meet or exceed the requirements of the State of New Mexico purchasing laws.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners re-adopts the Lincoln County Purchasing Policy as indicated in this policy of Resolution 2013-9.

PASSED, APPROVED AND ADOPTED this 20th-day of August, 2013.

Board of Commissioners
Lincoln County, State of New Mexico

Jackie Powell, Chairwoman

Preston Stone, Vice Chair

Mark Doth, Member

Kathryn Minter, Member

Dallas Draper, Member

ATTEST:

Rhonda Burrows, County Clerk

LINCOLN COUNTY PURCHASING POLICY
RESOLUTION 2013-9 18

1.0 SECTION I: GENERAL PROVISIONS

1.1 User Applicability

These procedures and provisions relate to all departments, agencies, personnel, individuals or other users authorized to make purchases from public funds budgeted, controlled by or otherwise under the supervision of Lincoln County Government.

1.2 Administration

The responsibility for administration of the provisions of this policy shall be under the Lincoln County Manager. The Purchasing Agent shall have the responsibility and authority to insure that all provisions of law and this policy are followed and shall be authorized to issue any supplement consistent with this policy deemed necessary to administer, manage or clarify this policy. Supplements shall be approved by the County Manager and certified copies of all supplements shall be attached to and made a part of this policy. The Purchasing Agent shall be responsible for having the knowledge to insure that all provisions of this policy and all other purchasing concerns and activities of Lincoln County are appropriate and consistent with the most current, generally accepted purchasing techniques, and all provisions of law. Upon the absence of the County Manager, the Finance Director will be responsible for approval of provisions as set forth in the policy.

1.3 Purchasing Agent and Purchasing Office

The Purchasing Agent and Purchasing Office are the general terms for the individuals or offices designated by the County Manager to fulfill the responsibility and functions of the Purchasing Agent and Purchasing Office as provided in this policy. The terms Finance Department and Finance Director are used to describe the office and/or personnel directly responsible for establishing accountability procedures in relationship to the purchasing function.

1.4 Authorized Purchasers

Only individuals authorized by the directors or top level supervisors of the applicable users shall be permitted to make Lincoln County purchases. Such authorization shall be submitted to the Purchasing Agent on form FD-1 to include name and written signature of all authorized users. All authorized users shall receive and sign for a copy of the policy, and such users shall thereby be responsible for the knowledge and appropriate compliance and use of the provisions of this policy.

1.5 Definition of a Purchase

For the purpose of this policy, a purchase includes the execution of any expense to be paid out of County supervised funds.

1.6 Unauthorized Purchases

Any purchase which is not legally and appropriately approved within the County budget or by other County Commission action, or which does not substantially

comply with the provisions of the State Statutes, particularly the State Procurement Code, and the provisions of this policy shall be considered an unauthorized County purchase, and thereby not subject to payment by the County. The County hereby declares and establishes that it will assume no responsibility for payment of unauthorized purchases. Furthermore, any individual initiating or otherwise executing any unauthorized purchase is solely responsible for payment. All authorized purchases shall be legally budgeted or approved within an appropriate fund, or within an appropriate line item as approved by Lincoln County Commission. Purchases which are not within the authorized budget, or otherwise have not received County Commission approval are unauthorized purchases. All questionable purchases shall be submitted to the County Manager for review, and determination shall be made by the County Manager regarding their being authorized or unauthorized purchases under the provisions of this policy.

1.7 Civil Penalties

Any business or person that willfully or knowingly violates the Procurement code is guilty of:

A. A misdemeanor if the transaction involves fifty thousand dollars (\$50,000) or less; or

B. A fourth degree felony if the transaction involves more than fifty thousand dollars (\$50,000).

Persons knowingly violating the State Procurement Code, or this policy based on State law, may be subject to a civil penalty up to one thousand dollars (\$1,000) for each violation in accordance with New Mexico State Statutes. Procurement Code violations are not longer simply a misdemeanor. A fourth degree felony if the transaction involves more that \$50K. Misdemeanor if the transaction involves \$50K or less. To be a violation, the conduct must first be "willful" violation of the Code.

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1.8 Consistency with State Procurement Code

The provisions of this policy are subject to change as per the revised State Procurement Code. Any revision thereof that is inconsistent with the provisions of this policy shall rule. All purchase users shall be given a copy of such revisions and notified that they are in effect.

1.9 Amendment

Amendment of this policy shall be executed by resolution approved by the Board of County Commissioners ~~after changes have been submitted to all user departments for review prior to approval.~~

1.10 Interpretation of Policy and Supplements

In any case that a provision of the purchasing policy is vague or unclear, the County Manager may provide a written supplement for clarification so that the provision shall be implemented consistently by all departments and offices.

2.0 SECTION II: STANDARD PURCHASING PROCEDURES

2.1 Standard Purchases Procedures Applicability

The provisions of this section apply to all standard or non-emergency purchases, and

are hereafter referred to as "standard purchasing procedures" in this policy. "Standard Purchases" are described as systematic, planned and necessary purchases for administration and operation of a project, division, and/or department. There shall be no exception to these standard procedures except as provided in "Non-Standard, Urgent (FD-6) and Emergency Purchases (FD-14) Procedures": in Section III of this policy.

2.2 Initiating a Purchase: Purchase Requisition

Standard purchases may be initiated either by use of a completed Lincoln County Purchase Requisition (FD-2) submitted to the Purchasing Office or by electronic submission in the format specified by the AS-400 by an authorized purchaser with access to our system and as recorded in the Purchasing Office. If the Purchase Requisition (FD-2) is used it shall include pertinent information as required by the Purchasing Agent to include but not necessarily limited to:

- A. Vendor to whom the purchase order will be issued.
- B. Quantity - Specify approximate number per unit being requested. Units may be "each", "box", "gals", "reams", "pounds" etc.
- C. Description - The description of the items or services should be sufficiently complete to identify the item being purchased and to allow processing of the requisition without requesting additional information. Common use items may be identified by brand names.
- D. Unit cost, or estimated cost, if exact cost cannot be determined.
- E. Department -Department initiating the requisition.
- F. Date - Date the requisition is prepared.
- G. Department Head or Authorized Agent -Signature. (Should match information as submitted on FD-1)
- H. GSA Number or BID Number, State Purchasing Contract or Lincoln County Bid Number.
- I. General Ledger Account Number - The appropriate budgeted fund, department and line item number must be shown on each requisition in order for the costs of the items purchased to be appropriately charged. It is the authorized user's (as described in 1.4 of this policy) responsibility to assign the line item account number to the requisition.

Requisitions may include multiple line items PROVIDED they are within the same fund.

Requisitions which do not include the above information will be refused by the Purchasing Agent or representative. After a sufficient requisition is accepted by the Purchasing Office, the Purchase Order will be processed.

2.3 Purchase Orders

Prior to executing the purchase, the vendor must receive the purchase order or purchase order number. Purchases executed prior to obtaining a purchase order are considered unauthorized, except as otherwise provided in "Non-Standard and Emergency Purchasing Procedures", Section III of this policy. The purchaser shall

inform the vendor that the purchase order number must be included on the invoice submitted to the County for payment. If a change to the purchase order is necessary due to adding or subtracting of goods, form FD13 Purchase Order Change/Cancellation must be filed in the Finance Department.

2.4 Invoices

An invoice is an itemized document submitted by the vendor to the County for payment for material or services provided to the County. It is the responsibility of the department to insure that a purchase order is provided to the vendor when ordering materials or services and the vendor shall include the purchase order number on the invoice submitted to the County for payment. Exceptions to this policy must meet all criteria as outlined in Section 3.2.2 of this policy.

2.4.1 Verification of Invoices

Authorized personnel of the ordering department will verify the correctness of invoices, including purchase order number, pricing and that all goods have been received. Invoices shall be approved by authorized personnel of the ordering department (should match information as submitted on FD-1).

2.4.2 Processing for Payment

It shall be the responsibility of the Finance Office to insure that all invoices received are appropriately authorized prior to payment. It is the responsibility of the Finance Administrator to ensure that appropriate procedures are established and followed for payment of invoices, and that payments are made in a timely manner, and to insure that discounts are taken and late charges avoided.

2.5 Over Expenditures

Requisitions shall not be initiated and purchase orders shall not be issued, approved or processed in cases that line items will be over expended, except as approved by the Finance Director in accordance with State and County regulations and provisions, and provided there are legally sufficient budget balances available otherwise. It shall be the primary responsibility of the purchase user to insure sufficient funds are available prior to initiating a purchase. The Finance Administrator shall provide sufficient information; data or reports, upon request, to keep purchasers properly updated on budget balances, and shall notify any office, department or agency head, after analysis of the monthly budget report, of any indications of an existing or impending budget balance problem.

2.6 Competitive Purchases

Purchase users shall attempt to insure that all purchases are made at the best possible prices, and purchases shall be made in accordance with the following provisions. The dollar limits assigned to each category apply to the cost of the total order, not to the cost of each item.

- A. \$2,500 or Less:** Purchases shall be made at the best obtainable price (according to State Statute 13-1-125 C).

- B. \$2,501 to ~~\$20,000~~ ~~5,000~~:** Purchases shall be made at the best obtainable price after three (3) bona fide written or telephone quotes from different vendors (using form FD-3) have been solicited for the items(s) being purchased. Form FD-3 must be submitted to the Purchasing Department to support the purchases.
- C. ~~\$20,001~~ ~~5,001~~ to ~~\$19,999~~ ~~\$ 60,000~~:** (Except as stated in Sections 2.6 E and F of this policy). All purchases exceeding ~~\$5,000~~~~\$20,000~~ shall be appropriately initiated, processed and executed through the Purchasing Agent, and require either three (3) bona fide written quotes or State/Federal Purchasing contract, if available.
- D. ~~\$20,000~~ ~~\$60,000~~ and Above:** Pursuant to State Statute 13-1-104 all purchases exceeding ~~\$20,000~~~~\$60,000~~ require formal bid procedures as specified by State regulations and shall be processed and executed by the Purchasing Agent after receiving approval from the County Manager to advertise for bids. Such purchases must be approved in the current budget and, if deemed appropriate, the county manager may request approval of the County Commission to go out for bid. Such bids exclude the amount of state and local gross receipt taxes from price evaluation of the small purchase cap. The central purchasing office shall maintain for a minimum of three (3) years records of all competitive sealed bids or proposals. Excludes amount of state and local gross receipts taxes from price evaluation of the small purchase cap. The central purchasing office shall maintain for a minimum of three (3) years, records of all competitive sealed bids or proposal.
- E. Telephone and Written Quote Exceptions:** In the event there are not three (3) known vendors which have materials or services available, less than three (3) quotes are permissible provided the user verifies on the requisition that every reasonable attempt has been made to obtain three (3) quotes, and the quotes obtained will be included with the requisition. Sole source documentation must be included with the requisition when the above procedures have been followed, but there is only one vendor available. When a vendor has a State or Federal Purchasing Contract, or if a vendor has an agreement or contract with the County to provide materials or services, multiple quotes are not required.
- F. State or Federal Purchasing Contract and Cooperative Bid Exceptions:** Direct purchases may be made in cases that a vendor has a State or Federal Purchasing Contract recorded in the Purchasing Office. Also, the County may purchase items cooperatively through another public body's bid process consistent with State regulations.
- G. Bid Specifications:** Specifications should be written primarily to address the need of the County for a specific item to perform a specific function. Specifications written for purchases shall not be "closed or exclusive," or otherwise written in such a way as to intentionally favor or exclude a vendor. Reference to specific types or quality shall be followed by wording "or equal" and all specifications regardless of wording shall be considered as "or equal."

2.7 Sole Source Purchase SB 182 (HELP)

A sole source purchase is permissible when there is only one (1) vendor in the overall geographical region that can provide an item or service. The department head shall certify on a sole source form (FD-5) that a good faith effort has been made to contact other vendors in the general overall geographical region that the sole source has been located, and that the item or service is the only source found to be available in the region. The Purchasing Agent shall certify that

1. every effort has been made to determine if there is a Federal Purchasing or State Contract for the item or service requested and
2. that negotiations, as appropriate, have been conducted with the sole source vendor to determine that it is the best obtainable price. The central purchasing office shall maintain for a minimum of three (3) years, records of all sole source procurement. The record of such procurement shall be public record and shall contain:
 - A. The contractor's name and address:
 - B. The amount and term of the contract
 - C. A listing of the services, construction or items of tangible personal property procured under the contract; and
 - D. The justification for the procurement method form FD-5.

A new section of the Procurement Code is enacted to read:

“SOLE SOURCE CONTRACT—NOTICE—PROTEST

A. At least thirty days before a sole source contract is awarded, the state purchasing agent, a central purchasing office or designee of either shall post notice of the intent to award a sole source contract on its website. If a central purchasing office does not maintain a web site, it shall post the notice on the state purchasing agent's website. The notice shall identify at a minimum:

1. The parties to the proposed contract;
2. The nature and quantity of the service, construction or item of tangible personal property being contracted for; and
3. The contract amount.

B. Any qualified potential contractor who was not awarded a sole source contract may protest to the state purchasing agent or a central purchasing office. The protest shall be submitted in writing within fifteen calendar days of the notice of intent to award a contract being posted by the state purchasing agent or central purchasing office.”

“COMPETITIVE SEALED BIDS AND PROPOSALS—RECORD MAINTENANCE.—A central purchasing office shall maintain, for a minimum of three years, all records relating to the award of a contract through a competitive sealed bid or competitive sealed process.”-----
SB182.

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2.8 Fixed Asset Purchase

All All capital outlay purchases are considered fixed assets pursuant to State Statute 12-6-10 and shall be noted as such on the purchase requisition. The

following documents shall be completed as applicable, Form FD-10 FIXED ASSETS ADDITION, Form FD-11 FIXED ASSETS DELETION FORM and Form FD-12 FIXED ASSETS TRANSFER FORM. It shall be the responsibility of the Purchasing Office to screen all purchases and identify and process fixed assets in accordance with all current State and County Provisions and Laws regarding fixed assets.

2.9 Procurement of Professional Services

All professional services having a value not exceeding sixty thousand dollars (\$60,000) will be procured at the best negotiated price as pursuant to State Statute 13-1-125 B-C

2.10 Personal Use Prohibited

There shall be no purchases made for personal or private use.

3.0 SECTION III: NON-STANDARD, URGENT AND EMERGENCY PURCHASING PROCEDURES

3.1 Non-Standard, Urgent and Emergency Procedures:

General Provisions

The provisions of this section apply to all purchases other than purchases subject to the standard purchasing procedures as specified in Section II of this policy. Generally, this section includes all purchases which are justifiably urgent or are emergencies, and cannot, therefore, reasonably follow the standard processing and other non-standard procedures of this policy. It is the responsibility of the Authorized Purchaser to insure that all purchases made under provisions of this section are immediate and unforeseen. Questionable purchases shall be reported to and reviewed by the County Manager.

3.2 Emergency or Urgent Purchases

Emergency purchases (FD-14) are authorized purchases only in cases which are justifiable, necessary and cannot be delayed until the standard purchasing procedures can be utilized. As pursuant to State Statute 13-1-127B an emergency condition is a situation which creates a threat to public health, welfare or safety such as may arise by reason of floods, epidemics, riots, equipment failures, acts of terrorism, or similar events and includes the planning and preparing for an emergency response. The existence of the emergency condition creates an immediate and serious need for services, construction, or items of tangible personal property that cannot be met through normal procurement methods and the lack of which would seriously threaten:

1. the functioning of government;
2. the preservation or protection of property; or
3. The health or safety of any person

Purchases which could have been reasonably pre-planned or anticipated shall not be considered as an emergency or urgent purchase. Emergency procurements shall be made with competition as is practicable under the circumstances. Emergency or

urgent purchases are permissible provided they are in accordance with the following provisions.

Emergency procurements shall not include the purchase or lease purchase of heavy road equipment. The state purchasing agent or a central purchasing office shall use due diligence in determining the basis for the emergency procurement and for the selection of the particular contractor. The determination shall be in writing and included in the procurement file.

A new section of the Procurement Code is enacted to read:

“EMERGENCY CONTRACT—NOTICE—PROTEST

C. When an emergency contract is awarded, the state purchasing agent, a central purchasing office or designee of either shall post notice of the intent to award an emergency contract on its website within three (3) business days. If a central purchasing office does not maintain a web site, it shall post the notice on the state purchasing agent’s website. The notice shall identify at a minimum:

4. The parties to the proposed contract;

5. The nature and quantity of the service, construction or item of tangible personal property being contracted for; and

6. The contract amount.

D. Any qualified potential contractor who was not awarded an emergency contract may protest to the state purchasing agent or a central purchasing office. The protest shall be submitted in writing within fifteen calendar days of the notice of intent to award a contract being posted by the state purchasing agent or central purchasing office.”

3.2.1 Urgent Purchases

An urgent purchase is a purchase which justifiably requires immediate purchase, and which cannot reasonably or practicably be telephoned in to the Purchasing Office to obtain a purchase order number prior to the purchase being made. A written explanation on form FD-6 shall be submitted three (3) normal working days after the purchase is made. In cases that an invoice is received by the Purchasing Office prior to form FD-6 being submitted, processing shall not proceed. All urgent purchases (form FD-6) shall be approved by the top level office or department head, or designee as stated on form FD-1 Authorized Purchasers.

3.2.2 Emergency Purchases

An emergency purchase (FD-14) is permissible when there is an existing condition which creates a threat to public health, welfare or safety such as may arise by reason of floods, epidemics, riots, equipment failures, acts of terrorism, or similar events, and includes the planning and preparing for an emergency response. The existence of the emergency condition creates an immediate and serious need for procurement of items or services or construction that

cannot be met through normal procurement methods and which would seriously threaten the functioning of government; the preservation or protection of property; or the health or safety of any person. An emergency condition must be determined by the County Manager and concurred in by the Chairman of the Board of County Commissioners. The central purchasing office shall maintain for a minimum of three (3) years, records of all emergency procurement. The record of such procurement shall be public record and shall contain:

1. The contractor's name and address.
2. The amount and term of the contract.
3. A listing of the services, construction or items of tangible personal property procured under the contract; and
4. The justification for the procurement method must be recorded on form FD-13.

A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the procurement file.

3.2.3 Urgent or Emergency Requisitions

All urgent or emergency requisitions shall have the words "Urgent" or "Emergency" written on the top as is applicable, and shall be accompanied by a receipt or invoice for the purchase.

3.3 Telephone Orders and Repairs

All orders for new telephones or telephone repairs must be initiated and processed through the Finance Office to insure appropriate and legal purchasing procedures are followed, and to insure appropriate record keeping.

3.4 Open Purchase Orders

For the purpose of this policy, open purchase orders are purchase orders which are utilized for numerous and repeated daily purchases which are anticipated over an extended period of time, not to exceed 31 days.

- A. Authorization to use open purchase orders in all cases shall require prior approval by the County Manager after written justification for using open purchase orders is submitted on form FD-7.
- B. A written requisition shall be submitted for each vendor each time that an open purchase order is requested. The words "OPEN" must be marked boldly on the requisition before it may be used for multiple purchases and an estimated amount must be stated. The period for each open purchase order shall begin on the date issued and end on the last day of the month it is issued.
- C. Actual invoices for the purchases made against an open purchase order shall be submitted to the Finance Office upon receipt and the final invoice shall be

marked "FINAL" to denote closing of the open purchase order. The Purchasing Agent shall review any cases of improper use of open purchase orders with the County Manager.

- D. The purchase user shall advise the vendor that when the amount of the purchases reaches the total dollar amount issued for the open purchase order the purchase order shall be closed out and a new one issued for additional purchases.
- E. Care should be exercised that an open purchase order is always in force before a purchase is made against it.

3.5 Petty Cash Purchases

Petty cash funds are cash funds which are made readily available to offices or department heads for the purpose of making small purchases in times when it is not practical or feasible to pay by warrant. Single purchases must not exceed a maximum of twenty-five dollars (\$25.00). Petty cash fund custodians for each fund shall consist of the Department Head and his authorized designee(FD8). Fund custodians and other employees who are authorized to make petty cash purchases are responsible for preparing vouchers and all other paperwork involved in these purchases.

A petty cash fund shall not exceed two hundred dollars (\$200.00) for any County Office as form FD8 designates (and filed with the Finance Department).

A petty cash fund shall be established in the amount of one- thousand dollars (\$1000.00) in the Sheriff's Department for use as per diem for out-of-state transportation and extradition of prisoners or emergency per diem for purchases where normal purchasing procedures are not feasible. This fund is to be established by a checking account, and reconciliation with supporting documents must be submitted to the Treasurer's Office monthly.

3.5.1 Responsibility

- A. The Finance Administrator shall be responsible for establishing written safeguards, provisions and procedures to insure appropriate accounting and maximum accountability for all petty cash funds. The Finance Administrator may at any time change the procedures for petty cash funds, or eliminate a petty cash fund if deemed appropriate, or eliminate a petty cash fund in cases when procedures are not being reasonably followed or in cases when unnecessary or repetitious shortages/overages in funds occur.
- B. Petty cash funds are subject to audit by the County Manager or Finance Administrator at any time without notice.
- C. Custodians shall be assigned to each individual petty cash fund and be held responsible to the Finance Administrator for the fixed amount of all funds in their custody and for the appropriate management of the petty cash funds.
- D. A custodian's statement of responsibility, FD-8, will be signed and kept on file in the Finance Department for the

- amount of each fund in the possession of the custodian.
- E. All custodians shall sign for a copy of the Petty Cash Procedures and be knowledgeable thereof. Certified copies of updated Petty Cash Procedures shall be attached to and made a supplement of this Policy.
 - F. Transfer of a fund from one (1) person to another will be made by the Finance Administrator. At such time, the fund will be counted, the present custodian's statement of responsibility signed, and the fund transferred.
 - G. The purchaser is responsible for the full amount of cash received from the petty cash fund until a cash register tape or invoice is returned to the petty cash custodian.

3.5.2 Safeguarding Petty Cash Funds

Petty cash funds should be kept by the custodian in a metal box equipped with a lock. This locked box will be kept overnight in a locked cabinet, vault or safe. These funds and supporting invoices should not be carried on the person of the custodian. Only the department head and his authorized designee should have access to the petty cash funds.

3.5.3 Petty Cash Receipt/Vouchers

A petty cash receipt/voucher, (hereinafter called "voucher") must be processed in the following manner:

- A. A voucher should be completed in ink for each disbursement from the petty cash fund.
- B. An invoice will be secured for each purchase showing exact items purchased. If only a cash register tape is available items purchased should be described on the voucher.
- C. Only purchases for twenty-five dollars (\$25.00) and under may be paid from petty cash.
- D. Splitting of invoices for purchases of over twenty-five dollars (\$25.00) will not be permitted under any circumstances. Personal use is strictly prohibited.

3.6 Routine Monthly Purchases and Other Non-standard Purchases

Routine monthly County purchases such as utility bills or other service charges, subscription renewals and membership dues and other non-standard purchases such as professional services, lease purchases, formal bids, purchase of real property, funds appropriated for support to other agencies, emergency purchases, or other purchases requiring special approval purchases for County construction projects, purchases by agreement or contract, and other special purchases shall be processed in accordance with State statutes and this Purchasing Policy.

3.7 Exemptions from the Procurement Code

Hospital and health care exemption: The provisions of the Procurement Code shall not apply to procurement of items of tangible personal property or services by a state

agency of a local public body through: (State statute 13-1-98.1)

A. an agreement with any other state agency, local public body or external procurement unit or any other person, corporation, organization or association that provides that the parties to the agreement shall join together for the purpose of making some or all purchases necessary for the operation of public hospitals or public and private hospitals, if the state purchasing agent or a central purchasing office makes a determination that the arrangement will or is likely to reduce health care costs; or

B. an agreement with any other state agency, local public body or external procurement unit or any other person, corporation, organization or association for the purpose of creating a network of health care providers or jointly operating a common health care service, if the state purchasing agent or a central purchasing office makes a determination that the arrangement will or is likely to reduce health care costs, improve quality of care or improve access to care.

The provisions of the Procurement Code shall not apply to the purchase for resale by the state fair commission of feed and other items necessary for the upkeep of livestock; contracts entered into by the Crime Victims Reparation Commission to distribute federal grants to assist victims of crime, including grants from the federal Victims of Crime Act of 1984 and the federal Violence Against Women Act; and procurements exempt from the Procurement Code as otherwise provided by law.

The provisions of the Procurement Code shall further not apply to purchases of books, periodicals, and training materials in printed or electronic format from the publishers or copyright holders thereof; purchases not exceeding ten thousand dollars (\$10,000.00) consisting of magazine subscriptions, web-based or electronic subscriptions, conference registration fees and other similar purchases where prepayments are required.

3.8 End of Fiscal Year

Special purchasing procedures shall be followed to insure that State law and regulations and proper accounting procedures are followed to appropriately close out at the end of the fiscal year.

Provisions are as follows:

A. Thirty (30) Days Prior to Year Ending:

Thirty (30) days prior to end of the fiscal year, purchase orders will be issued only for purchases in which invoices will be received within an estimated thirty (30) days, except as otherwise specifically approved by the Purchasing Agent.

B. Fifteen (15) Days Prior to Year Ending:

There shall be no purchases of any kind made, or purchase orders issued or processed within fifteen (15) days prior to the end of the fiscal year, except in extreme emergencies or as specifically approved otherwise by the Purchasing Agent.

3.9 Approval and Revision of Supplements

All supplements or revisions to supplements of this policy shall be approved by the County Manager and attached to and made a part of this policy.

4.0 SECTION IV: FORMS

4.1 Standardized Forms

Standardized forms used for the processing of the foregoing policy are as follows:

- A. **FD-1 AUTHORIZED PURCHASERS**
Authorized signatures for Requisition/Purchase Orders. This is the form used by purchase users authorizing personnel in their respective departments to sign requisition/purchase orders.
- B. **FD-2 REQUISITION/PURCHASE ORDER**
The requisition/purchase order is required as per Section 2.2 and 2.3. The requisition/purchase order is supplied to the purchase user and is the authorization to make a purchase as per Section 2.3. The white copy is the original document which must be given to the vendor; the yellow copy is the purchase user copy, the pink and goldenrod copies are for the Finance Department use.
- C. **FD-3 TELEPHONE QUOTES**
The telephone quotes form must be used in compliance with Section 2.6.B
- D. **FD-4 REQUEST FOR WRITTEN QUOTE**
The written quotation form must be used in compliance with Section 2.6.B
- E. **FD-5 SOLE SOURCE CERTIFICATION**
The sole source certification is used in compliance with Section 2.7.
- F. **FD-6 URGENT PURCHASE**
The urgent purchase form is used in compliance with Section 3.2.2.
- G. **FD-7 REQUESTS FOR AUTHORIZATION FOR OPEN PURCHASE ORDERS**
This form is used in compliance with Sections 2.2, 3.3, 3.4, 3.7 and 3.9.
- H. **FD-8 CUSTODIAN STATEMENT OF RESPONSIBILITY**
This form is used in compliance with Section 3.7 and supplements thereof and designates the custodian and his responsibility regarding Petty Cash Funds.
- I. **FD-9 REPORT OF PETTY CASH FUND**
This form is used in compliance with Section 3.5 and supplements thereof to report any discrepancies in the Petty Cash Fund.
- J. **FD-10 ADDITIONS TO FIXED ASSETS**
This form is used to add fixed assets to inventory
- K. **FD-11 DELETIONS TO FIXED ASSETS**
This form is used to delete fixed assets from inventory
- L. **FD-12 TRANSFER OF FIXED ASSETS**
This form is used to transfer fixed assets within inventory.
- M. **FD-13 PURCHASE ORDER CHANGE/CANCELLATION**
This form is used to make changes to an existing purchase order prior to receipt of Invoice.
- N. **FD-14 EMERGENCY PURCHASE**

This justification for an emergency purchase is used in compliance with Section 3.2.2.

4.2 Revision of Forms

All standardized forms as specified in this Policy may be changed as deemed appropriate by the County Manager.

COUNTY OF LINCOLN
PO BOX 711
CARRIZOZO, NM 88301-0711

TO: PURCHASING DEPARTMENT, OFFICE OF THE MANAGER

FROM: _____

SUBJECT: AUTHORIZED SIGNATURES FOR REQUISITIONS

DATE: _____

.....
THE FOLLOWING PERSONS ARE AUTHORIZED TO SIGN AND/OR ENTER PURCHASE REQUISITIONS FOR EXPENDABLE SUPPLIES, SERVICES, AND/OR CAPITAL OUTLAY.

- A. NOT TO EXCEED TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00)

	NAME	COMPUTER USER ID
1.	_____	_____
2.	_____	_____

- B. ~~OVER MORE THAN~~ TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00) AND ~~LESS THAN SIXTY THOUSAND DOLLARS (\$60,000.00) AND~~ CAPITAL OUTLAY REQUISITIONS.

	NAME	COMPUTER USER ID
1.	_____	_____
2.	_____	_____

REQUEST FOR WRITTEN QUOTE

This is an Inquiry - NOT AN ORDER

Please Quote Promptly

TO:

Please quote prices on items listed below. Note delivery requirements and state firm delivery date.

LINCOLN COUNTY

DEPARTMENT _____

PO BOX 711

300 Central

Carrizozo, NM 88301-0711

DATE: _____

REPLY DUE BY _____

DELIVERY REQUESTED BY _____

Items must be quoted Lincoln County pays net 30 unless other arrangement
FOB Carrizozo, FFA are made

ITEM	QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT

Vendor: Please complete this information

1. Delivery Promised _____ **Purchasing Department**
2. Terms _____ Requisition # _____
3. Date of Quotation _____ P.O. # _____

FED ID

No. _____

NM CRS

No. _____

NM Pref. No. _____

Authorized Vendor Signature

SOLE SOURCE CERTIFICATION

A Sole Source Certification is required when there is only one (1) vendor ~~in the overall geographical region~~ that can provide an item or service.

For example, if the sole source is located in the County, an attempt must be made to contact vendors in only the County which may have the item. However, if the sole source is located in Texas, then an attempt must be made to contact vendors in the Texas, New Mexico region.

If there is a GSA or State Contract for the item a sole source certification is not permissible.

CERTIFICATION BY DEPARTMENT

I hereby certify that a good faith effort has been made to contact other vendors in the general overall geographical region that the sole source has been located, and that the item or service is the only source found to be available in that region.

Names of vendors contacted which do not have the item or service available:

Description of sole source item or service

Name of Sole Source Vendor:

Address of Sole Source Vendor:

Price of Sole Source Items or Service:

Department Head

Date

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CERTIFICATION OF PURCHASING AGENT

I certify that there is not a GSA or State Contract for the item or service requested and that negotiations, as appropriate, have been conducted with the sole vendor to determine that this is the best price obtainable.

Purchasing Agent

Date

URGENT PURCHASE

Required immediate purchase which could not reasonably or practicably be telephoned into the Purchasing Office to obtain a Purchase Order number prior to the purchase.

DATE: _____

The attached Invoice Number _____ purchased on _____
Invoice # Date

from _____ purchased at _____ am/pm being submitted for
Vendor Name Time

payment from line item: _____
Budget Line #

The following reasons substantiate this purchase made without pre-authorization at a time other than regular business hours of the Finance Office.

Signed:

Title:

- Above urgent purchase allowed
- Above urgent purchase must go before Commission
- Additional information is needed before approval is allowed
- Appears to be an ongoing situation.

COMMENTS: _____

Signed:

Title:

**PETTY CASH
CUSTODIAN'S STATEMENT OF RESPONSIBILITY**

This is to certify that I, _____ am the authorized department head of the _____ department and that I have designated _____ as my authorized alternate custodian of the _____ fund.

Furthermore, I certify that I have received from the County of Lincoln \$ _____ to be used for the _____ Fund. Upon my termination as custodian of this fund, I will account for the entire fund to the Finance Administrator. If there is a shortage in the fund which cannot be explained to the County, I hereby authorize the County to deduct same amount from any wages or salary which may be due me and promise to pay to the County any deficiency, immediately. If such shortage in the fund is due to criminal act on my part, I realize that I may be prosecuted for the same.

I have read and understand the procedures relating to petty cash funds and agree to abide by these procedures.

Custodian-Department Head

Alternate Custodian

REPORT OF PETTY CASH FUND

DATE: _____ DEPARTMENT: _____

PETTY CASH FUND TOTAL AMOUNTS \$ _____
TOTAL CASH ON HAND \$ _____
TOTAL RECEIPTS \$ _____
TOTAL FUND \$ _____
(SHOULD EQUAL TOTAL PETTY CASH FUND)

CASH ON HAND (CASH COUNT LISTED BELOW) EXPENDITURES

CASH ON HAND (CASH COUNT LISTED BELOW)		EXPENDITURES	
	\$	LINE NUMBER	AMOUNT
PENNIES	\$		\$
NICKELS	\$		\$
DIMES	\$		\$
QUARTERS	\$		\$
ONES	\$		\$
FIVES	\$		\$
TENS	\$		\$
TWENTYS	\$		\$
	\$		\$
TOTAL CASH	\$	TOTAL ALL EXPENDITURES	\$

ADDITION TO FIXED ASSETS

DEPT# _____ G/L _____
LOCATION _____ PURCHASE PRICE _____
SOURCE _____ MODEL _____
SERIAL NUMBER _____ TYPE/CLASS _____

DESCRIPTION _____

FINANCIAL _____ PHYSICAL _____

Is this a replacement for an existing item already in inventory? _____
If yes, please give Inventory Tag Number _____

Is this a repair to an existing item in inventory? _____
If yes, please give Inventory Tag Number _____

Does this add value to an existing item already in inventory? _____
If yes, please give Inventory Tag Number _____

*** Is item being replaced by transfer or deleted? If so, please complete section below. ***

DELETION TO FIXED ASSETS

DATE _____ INVENTORY# _____
DEPARTMENT _____ G/L# _____
DESCRIPTION _____ BOOK VALUE _____

EXPLANATION _____

TRANSFER OF FIXED ASSETS

DATE _____ INVENTORY# _____
DESCRIPTION _____

FROM _____ TO _____
PERSON AUTHORIZING TRANSFER _____
PERSON RECEIVING TRANSFER _____

FOR FINANCE PERSONNEL ONLY

DATE ENTERED _____ INITIAL _____
INVENTORY NUMBER _____
CHECK NUMBER _____
LABEL PRINTED _____ INITIAL _____

DEFINITIONS

1. Department

Name of department purchasing item

2. G/L #

Line number(s) used from budget listing, this should correspond to the purchase order

3. Location

Where item will be used or kept

4. Source

Name of company you purchased from

5. Model

Model number is on the label from manufacturer

6. Serial Number

Number that will identify product to vendor-generally found on the same label as the model number

7. Type/Class

Brief description to categorized inventory (see list below)

8. Description

Words that describe the product (example: HP8150dtn Printer)

9. Financial

Type of monies used to buy product (see list below)

10. Physical

General category of purchase (see list below)

Note: Everything that has a listing below cannot be deviated from.

TYPE/CLASS		FINANCIAL	PHYSICAL
Appliance	Audio Equip	County	Land
Build Equip	Building	Bonds	Buildings
Computer	Copier	Federal Funds	Other Improvements
EMS Equip	Equip	Special Revenue	Machinery & Equipment
Field Supply	Fire Equip	Special Assessment	Construction in Progress
Land & Improvements	Furniture	State Grant/Appropriations	Infrastructure
Firearms	Med Equip	Local Grants	
Office Equip	Printer		
Recreation	Road Equip		
Safe	Tools		
Vehicle/Trailer	Vehicle Equip		
Video Equip	Voting Equip		

PURCHASE ORDER CHANGE/CANCELLATION

CIRCLE ONE: **CHANGE** **CANCEL**

PURCHASE ORDER NO. _____

VENDOR NAME: _____

VENDOR NUMBER _____

ORIGINAL DATE PURCHASE ORDER WAS ISSUED: _____

DEPARTMENT: _____

DATE CHANGE REQUESTED _____

PERSON REQUESTING CHANGE _____

CHANGE VENDOR **FROM:** _____

CHANGE VENDOR **TO:** _____

CHANGE LINE NO. **FROM:** _____

CHANGE LINE NO. **TO:** _____

CHANGE DOLLAR AMOUNT **FROM:** _____

CHANGE DOLLAR AMOUNT **TO:** _____

EXPLANATION: _____

PURCHASING DEPARTMENT

Purchase Order Changed _____
Date

Purchase Order Changed _____
By

EMERGENCY PURCHASE

An emergency condition is a situation which creates a threat to public health, welfare or safety - creating an immediate and serious need for services, construction or urgent purchases without which would threaten the function of government preservation or protection of property, or the health or safety of any person.

DATE: _____

The attached Invoice Number _____ purchased on _____

Invoice Date

from _____ at _____ am/pm is being submitted for payment

Vendor Name Time

from line item: _____
Budget Line No.

The following reasons substantiate this purchase made without pre-authorization at a time other than regular business hours of the Financial Office.

Signed:

Title:

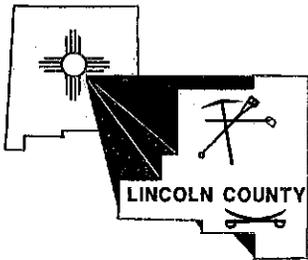
Emergency conditions must be determined by the County Manager with the consensus of three Commissioners.

- Above emergency purchase allowed.
- Above emergency purchase must go before Commission.
- Additional information is needed before approval is allowed.
- Appears to be an ongoing situation.

COMMENTS:

Signed: _____

Titled: _____



County of Lincoln

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

AGENDA ITEM No. 18

October 11, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Formation of Loss Prevention Committee

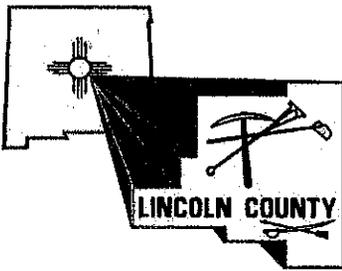
Purpose: To obtain commission approval of Resolution Number 2013 – 19, establishing a Loss Prevention Committee

Discussion:

At its August meeting, the Commission authorized the Manager to enroll the County in NMAC's Risk Awareness Program (RAP). The RAP requires county employee participation in a 12 – 15 minute safety awareness meeting each week for 50 weeks. Coincident with the RAP is the need to have a Loss Prevention Committee. Each department has identified a representative to serve on that Committee, and James Chaves with NMAC provided initial training on September 24th.

Other counties have experienced a loss in county accidents and claims due to participation in this program.

Recommendation: Approve Resolution Number 2013-19 (Enclosure 1).



www.lincolncountynm.net

County of Lincoln

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

AGENDA ITEM NO. 19

October 9, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager 

SUBJECT: Resolution 2013-20 – Adoption of FY 2015 – 2019 ICIP

Purpose: To obtain approval of Resolution 2013-20, adopting previously approved FY2015 – 2019 ICIP.

Discussion:

At its September 17, 2013 meeting, the Commission approved and assigned priority to the projects to be included in the FY2015 – 2019 Infrastructure Capital Improvement Plan. The Commission also requested that the estimated costs of the projects be reviewed and revised if necessary prior to submitting the ICIP. Enclosure 1 is a summary page of the ICIP projects. The top five priorities are as follows:

Priority # 1	Expand Detention Center	\$ 700,000
Priority # 2	Construct New Hondo Fire Station	\$ 300,000
Priority # 3	Energy Improvements to County Offices	\$ 165,000
Priority # 4	Relocate Communications Tower	\$ 100,000
Priority # 5	Expand White Oaks Fire Station	\$ 252,000

The Department of Finance and Administration requires that the Commission approve a resolution adopting the FY 2015 – 2019 ICIP. See enclosure 2.

Recommendation: Approve Resolution 2013-20 adopting FY2015 – 2019 ICIP

Infrastructure Capital Improvement Plan FY 2015-2019

**Lincoln County
Project Summary**

ID	Year	Rank	Project Title	Category	Funded to date	2015	2016	2017	2018	2019	Total Project Cost	Total Amount Not Yet Funded	Phases
28733	2015	001	Expand Detention Center	Domestic Violence Facilities	0	700,000	0	0	0	0	700,000	700,000	No
27104	2015	002	New Hondo Fire Station	Fire	0	300,000	0	0	0	0	300,000	300,000	No
28734	2015	003	Energy Improvements to County Ovices	Adm/Service Facilities (local)	458,000	165,000	0	0	0	0	623,000	165,000	No
28944	2015	004	Communications Tower	Public Safety Equipment/Bldgs	0	100,000	0	0	0	0	100,000	100,000	No
23877	2015	005	Expand White Oaks Fire Station	Fire	0	252,000	0	0	0	0	252,000	252,000	No
28949	2016	001	Live Fire Training Facility	Fire	0	0	700,000	0	0	0	700,000	700,000	No
24124	2016	002	Improve Fairgrounds	Convention Facilities	0	0	120,000	0	0	0	120,000	120,000	No
29037	2016	003	Water Crossings At Fairgrounds	Public Safety Equipment/Bldgs	0	0	700,000	0	0	0	700,000	700,000	No
10779	2017	001	Fire Station Water Holding Tanks	Fire	0	0	30,000	0	0	0	30,000	30,000	No
27264	2017	002	Glencoe Bridge	Hiways/Roads/Streets/Bridges	0	0	0	100,000	0	0	100,000	100,000	No
24125	2017	003	New Road Yard	Adm/Service Facilities (local)	0	0	0	560,000	0	0	560,000	560,000	No

Number of projects:	11	Year 1:	1,517,000	Year 2:	1,550,000	Year 3:	660,000	Year 4:	0	Year 5:	0	Total Project Cost:	4,185,000	Total Not Yet Funded:	3,727,000
Grand Totals	458,000														

**COUNTY OF LINCOLN
RESOLUTION NO. 2013-20
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. 2012-10.

PASSED, APPROVED AND ADOPTED by the Lincoln County Board of Commissioners at its meeting of October 15, 2013.

Board of Commissioners
Lincoln County, State of New Mexico

Jackie Powell, Chairwoman

Preston Stone, Vice Chair

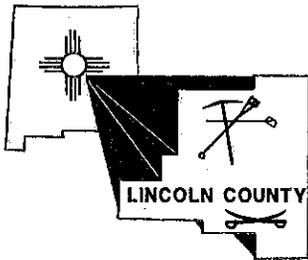
Kathryn Minter, Member

Mark Doth, Member

Dallas Draper, Member

ATTEST:

Rhonda Burrows, Clerk



County of Lincoln

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

AGENDA ITEM No. 20

October 11, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Funding Alternatives for the Courthouse/Sheriff's Complex Expansion:
Potential Reimbursement Resolution 2013-21

Purpose: Consideration of funding Alternatives for the Lincoln County Courthouse / Sheriff's Complex Expansion. Consider Reimbursement Resolution 2013 - 21

Discussion:

The County's financial advisor, First American Financial Advisors, Inc., and investment banking firm RBC Capital Markets (whom we have used on our previous detention center refinancings) have prepared a study at Enclosure 1 pertaining to the funding of our energy efficiency and judicial complex projects. There may be benefits for funding the project through the use of a bond issue instead of using our accumulated cash reserves.

There are two steps necessary to determine whether the County desires to use the bond issue method of paying for the two projects.

1. In order to maintain the right to do this, without incurring any obligation to issue a bond, the County is required to pass a resolution allowing us to recoup any costs paid in the last 60 days, as well as any incurred until we might issue a bond. This proposed resolution at Enclosure 2 was prepared by the Modrall Law firm whom we have used as bond counsel on all of our previous bond issues.
2. It would be prudent to have our financial advisor conduct a full study of the issue, based not only on the numbers but also with input from the County Commissioners, County Manager and County Treasurer.

Recommendation: Approve Resolution Number 2013-21 and direct Manager to have Financial Advisor conduct full study of the issues.

County Manager's Fax
(505) 648-4182

Finance/Purchasing Fax
(505) 648-2381

Planning/GIS Fax
(505) 648-2816



**LINCOLN COUNTY JUDICIAL COMPLEX & ENERGY EFFICIENCY
DEBT VERSUS CASH LONG TERM STUDY**

October 11, 2013

Earnings Rate	3.6500%	(current 15 yr treasury rate)
Judicial Complex Average Interest Rate	3.56%	
Judicial Complex Debt Maturity	15.00	
Energy Efficiency Average Interest Rate	2.59%	
Energy Efficiency Debt Maturity	8.00	

Date	Purpose	Amounts	Payments Due	S/A Interest Income	Annual Totals
1/1/2015	General Fund Account	\$4,200,000.00	\$0.00	\$76,650.00	\$153,300.00
1/1/2015	Judicial Complex Debt	\$3,600,000.00	\$155,098.61		\$310,197.22
1/1/2015	Energy Efficiency Debt	\$600,000.00	\$40,676.76		\$81,353.52
	First 8 years				\$544,850.74
	Last 7 years				\$463,497.22
	Total Interest Income				\$2,299,500.00
	Total Debt Service				\$5,303,786.46
	Total Interest Expense				\$1,103,786.46
	General Fund Balance				\$4,200,000.00
	Net Income				\$1,195,713.54



Prepared for study purposes only by First American Financial Advisors, Inc.

**LINCOLN COUNTY, NEW MEXICO
RESOLUTION NO. 2013-21**

A RESOLUTION OF THE COUNTY COMMISSION OF THE COUNTY OF LINCOLN, NEW MEXICO DECLARING ITS OFFICIAL INTENT TO REIMBURSE ITSELF WITH THE PROCEEDS OF A FUTURE TAX-EXEMPT BORROWING FOR CAPITAL EXPENDITURES TO ACQUIRE, IMPROVE, EXTEND, ENLARGE AND BETTER COURTHOUSE AND COUNTY ADMINISTRATIVE FACILITIES; IDENTIFYING THE CAPITAL EXPENDITURES AND THE FUNDS TO BE USED FOR SUCH PAYMENT; AND PROVIDING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the County of Lincoln, New Mexico (the "County") is a legally and regularly created, established, organized and existing county under the general laws of the State of New Mexico; and

WHEREAS, the Board of County Commissioners (the "Governing Body") is the governing body of the County; and

WHEREAS, the Governing Body has determined that it is in the best interest of the County to make certain capital expenditures in connection with constructing purchasing, furnishing, equipping, rehabilitating, making additions to or making improvements to the County Courthouse and County Administrative Complex (the "Project"); and

WHEREAS, the County currently intends and reasonably expects to participate in a tax-exempt borrowing to finance such capital expenditures within 18 months of the date of such capital expenditures or the placing in service of the Project, whichever is later (but in no event more than three years after the date of the original expenditure of such moneys), including an amount not to exceed \$5,000,000 for reimbursing the County for the portion of such capital expenditures made no earlier than 60 days prior to the date hereof or to be made after the date hereof but before such borrowing; and

WHEREAS, the Governing Body hereby desires to declare its official intent, pursuant to 26 C.F.R. §1.150-2, to reimburse the County for such capital expenditures with the proceeds of the County's future tax-exempt borrowing.

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

Section 1. Declaration of Official Intent. The County presently intends and reasonably expects to finance a portion of the costs of the Project with moneys currently held in the County's general fund.

Section 2. Dates of Capital Expenditures. All of the capital expenditures within the scope of this Resolution were made no earlier than 60 days prior to the date of this Resolution.

Section 3. Issuance of Bonds or Notes. The County presently intends and reasonably

expects to participate in a tax-exempt borrowing within 18 months of the date of the expenditure of moneys on the Project or the date upon which the Project is placed in service or abandoned, whichever is later (but in no event more than three years after the date of the original expenditure of such moneys), and to allocate an amount not to exceed \$5,000,000 of the proceeds thereof to reimburse the County for its prior expenditures in connection with the Project.

- Section 4. Confirmation of Prior Acts. All prior acts of the officials, agents and employees of the County that are in conformity with the purpose and intent of this Resolution, and in furtherance of the Project, shall be and the same hereby are in all respects ratified, approved and confirmed.
- Section 5. Repeal of Inconsistent Resolutions. All other resolutions of the Governing Body or parts of resolutions, inconsistent with this Resolution are hereby repealed to the extent of such inconsistency.
- Section 6. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption.

PASSED, APPROVED AND ADOPTED by the Lincoln County Board of Commissioners at its regular meeting of October 15, 2013.

Board of Commissioners
Lincoln County, State of New Mexico

Jackie Powell, Chairwoman

Preston Stone, Vice Chair

Kathryn Minter, Member

Mark Doth, Member

Dallas Draper, Member

ATTEST:

Rhonda Burrows, Clerk

Resolution 2013-19
Loss Prevention Committee Formation

WHEREAS, the Lincoln County Board of Commissioners meeting in regular session on October 15, 2013; *and*

WHEREAS, the County of Lincoln recognizes that every employee is entitled to a work environment which affords every reasonable safety protection within the mission and authority of the County; *and*

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

1. The County Manager shall establish a Loss Prevention Committee (the "Committee"). The Committee shall serve as an advisory committee to the County Manager on all matters related to the County Risk Management program.
2. The Committee shall assist management in protecting the County's human, capital and financial resources. The Committee shall strive to identify and eliminate or reduce sources of actual or potential loss to employees, citizens, and County property and equipment.
3. The Committee is charged with reviewing all safety and loss prevention issues; e.g., review all claims, accidents and losses and make appropriate loss prevention recommendations to management; review accidents and injuries to determine causation and make recommendations to management; recommend loss prevention techniques to management to avoid future losses; conduct inspections for hazard identification and to confirm the implementation of loss prevention policies; educate employees, elected officials and management concerning loss prevention issues; design and promote a program to recognize employees with exemplary safety records; review employee use of personal protective device practices; and promote loss prevention and safety awareness to all employees.
4. The Committee recommendations shall be submitted to the County Manager for timely review and disposition.
5. The Committee shall meet on a monthly basis.
6. Member of the Committee shall be nominated by management and appointed by the Board of County Commissioners. Appointments will be for a term of one(1) year, and employees may be reappointed for subsequent terms.
7. The Committee shall consist of five(5) or no more than nine(9) member, representing keys areas of County government. Membership should comprise a cross-representation of the County; e.g., elected officials, managers, supervisors, and employees. Membership shall include at least a sworn member from the sheriff's office, a detention officer, and employee from public works, maintenance, and general administration.
8. The Committee shall appoint the chairperson, vice chair, and secretary at the first Committee meeting. Appointment shall be for a period of one(1) year.
9. The County Loss Prevention Representative shall serve as an ex officio member to the Committee.

Lincoln County is committed to make its Loss Prevention Committee a success. It shall require all County employees to assist and cooperate in this effort, and shall encourage County Employees to participate on the Committee.

PASSED AND ADOPTED on the 15th day of October, 2013.

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

Jackie Powell, Chairwoman

Preston Stone, Vice Chair

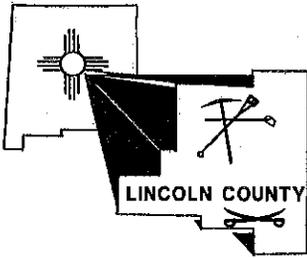
Mark Doth, Member

Dallas Draper, Member

Kathryn Minter, Member

ATTEST:

Rhonda Burrows, County Clerk



County of Lincoln

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

AGENDA ITEM No. 21

October 11, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Domestic Violence Awareness Month

Purpose: Commission Consideration of Adopting Domestic Violence Proclamation

Discussion:

As October is Domestic Violence Awareness month, the Commission recognizes the problems with domestic violence across the County and supports the important work done by domestic violence programs, as well as the efforts of many who work toward improving victim safety and holding perpetrators of domestic abuse accountable for their actions against individual victims, and our society as a whole.

Recommendation: Approve Domestic Violence Proclamation.

PROCLAMATION
Lincoln County Commission
October 2013

WHEREAS, the crime of domestic violence violates an individual's privacy and dignity, security and humanity, due to systematic use of physical, emotional, sexual, psychological and economic control and/or abuse, including abuse to children and the elderly and

WHEREAS, the problems of domestic violence are not confined to any group or groups of people, but cut across all economic, racial and societal barriers, and are supported by societal indifferences and

WHEREAS, the impact of domestic violence is wide ranging, directly affecting individuals and society as a whole, here in this community, throughout the United States and the world and

WHEREAS, 1 out of every 3 women in America be will be subjected to violence by an intimate partner in their lifetimes and

WHEREAS, HEAL serves over 300 women and children survivors at the Nest domestic violence shelter every year and

WHEREAS, survivors of domestic violence themselves have been at the forefront of efforts to bring peace and equality to the home.

NOW THEREFORE, in recognition of the important work done by domestic violence programs, we do hereby proclaim the month of October to be National Domestic Violence Awareness Month and urge all citizens to actively participate in the scheduled activities and programs to work toward improving victim safety and holding perpetrators of domestic abuse accountable for their actions against individual victims and our society as a whole.

Passed and approved on the 15th day of October, 2013.

Jackie Powell, Chairman

Preston Stone, Vice Chair

Kathryn Minter, Member

Dallas Draper, Member

Mark Doth, Member

ATTEST:

Rhonda Burrows, County Clerk

Agenda Item No. 22
October 15, 2013

SUBJECT

1:00 P.M.:

Continue public hearing to consider amending Ordinance 2002-08 An Ordinance requiring a certificate issued by the Lincoln County Treasurer establishing that Property Tax Obligations are current prior to any subdivision plat or claim of exemption approval by the County of Lincoln with Ordinance 2013-05

ORDINANCE NO. 2013-05

AN ORDINANCE REQUIRING A CERTIFICATE ISSUED BY THE LINCOLN COUNTY TREASURER ESTABLISHING THAT PROPERTY TAX OBLIGATIONS ARE CURRENT PRIOR TO ANY SUBDIVISION PLAT OR CLAIM OF EXEMPTION APPROVAL BY THE COUNTY OF LINCOLN; REPEALING ORDINANCES IN CONFLICT; PROVIDING FOR THE SEVERABILITY OF PARTS HEREOF; AND PROVIDING AN EFFECTIVE DATE AND REPEALING ORDINANCE NO.2002-08

Whereas, pursuant to Section 4-37-1, NMSA 1978, the Board of County Commissioners of the County of Lincoln is empowered to enact regulations which provide for the safety, preserve the health, promote the prosperity and improve the order, comfort and convenience of the citizens of the County of Lincoln; and

Whereas, the Board of County Commissioners and the County of Lincoln finds that an ordinance requiring proof that property taxes are current prior to County issuing approval of subdivision plats or claims of exemption would serve a valid public purpose

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE COUNTY OF LINCOLN, NEW MEXICO:

Section 1: Short title.

This Ordinance may be cited as the “County of Lincoln Tax Obligation for Land Divisions and/or Recombinations Ordinance.”

Section 2. Legislative Intent.

The Lincoln County Assessor is charged with the responsibility of maintaining current records of property tax assessments. The division of land and recombination of land within Lincoln County has the potential to impede the Assessor’s ability to maintain current records of property tax assessments. Therefore, it is deemed that no plat approval or claim of exemption shall be issued for land within Lincoln County unless the property owner or his agent first provides to the County Manager, County Planner, or County Commission, as the case may be applicable, a certificate from the Lincoln County Treasurer which states that all property tax obligations are current on the land parcels to be divided or recombined and are assessed on the rolls of the Lincoln County Assessor in the name of the current owner.

NM SB406 requires all taxes, penalties, interest and fees be paid in full through the taxable year in which a property is divided or combined prior to filing a plat. Prior to any division or combination of property, or the filing of same, the Lincoln County Assessor or his designee must certify all taxes, penalties, interest and fees are paid in full. After signature, the Assessor's certification will be valid for a period of thirty (30) days or December 31 of the current year.

Section 3. Ownership Information.

A. The property owner or his agent, prior to requesting authorization to file a subdivision plat or claim of exemption, shall complete an application form provided by the Lincoln County Treasurer, providing the following information:

- (1) the property owner number; Universal Parcel Code number (UPS #), name and address, and
- (2) the name and address of the new owner, or the person to receive the next assessment and tax notice.

The completed application shall be hand-delivered, mailed or faxed to the Lincoln County Treasurer.

B. Within five days of receipt, the Lincoln County Treasurer shall make a determination as to whether or not to sign the certificate attesting that the property taxes are current on the parcels of land to be divided or recombined. If the application is approved, the Treasurer shall forward the application and certificate to the County Manager, Planning Manager or County Commission, a copy of the application and certificate. If the application is denied, the application shall be returned to the property owner or agent.

Section 4. Definition.

A. The term *subdivision* is defined in NMSA 47-6-2 (J) (1973) as follows: "subdivision means the division of a surface area of land, including land within a previously approved subdivision, into two or more parcels for the purpose of sale, lease or other conveyance or for building development, whether immediate or future.

B. Subdivision claims of exemption are defined in NMSA 47-6-2 (J) (1) through (13), as follows:

1. the sale, lease or other conveyance of any parcel that is thirty-five (35) acres or larger in size within any twelve (12) month period, provided that the land has been used primarily and continuously for agricultural purposes, in accordance with §7-36-20 NMSA 1978, for the preceding three (3) years;
2. the sale or lease of apartments, offices, stores or similar space within a building;
3. the division of land within the boundaries of a municipality;
4. the division of land in which only gas, oil, mineral or water rights are severed from the surface ownership of the land;
5. the division of land created by court order where the order creates no more than one parcel per part;
6. the division of land for grazing or farming activities provided that the land continue to be used for grazing or farming activities;
7. the division of land resulting only in the alteration of parcel boundaries where parcels are altered for the purpose of increasing or reducing the size of contiguous parcels and where the number of parcels is not increased;
8. the division of land to create burial plots in a cemetery;
9. the division of land to create a parcel that is sold or donated as a gift to an immediate family member; however, this exception shall be limited to allow the seller or donor to sell or give no more than one parcel per tract of land per immediate family member. As used herein the term "immediate family member" means a husband, wife, father, stepfather, mother, stepmother, brother, stepbrother, sister, stepsister, son, stepson, daughter, stepdaughter, grandson, stepgrandson, granddaughter, stepgranddaughter, nephew and niece, whether related by birth or adoption;
10. the division of land created to provide security for mortgages, liens or deeds of trust; provided that the division is not the result of a seller-financed transaction;
11. the sale, lease or other conveyance of land that creates no parcel smaller than one hundred forty (140) acres;

- 12 the division of land to create a parcel that is donated to any trust or nonprofit corporation granted an exemption from federal income tax, as described in §501(c)(3) of the United States Internal Revenue Code of 1986, as amended; school, college or other institution with a defined curriculum and a student body and faculty that conducts classes on a regular basis; or to any church or group organized for the purpose of divine worship, religious teaching or other specifically religious activity;
13. the sale, lease, or other conveyance of a single parcel from a tract of land, except from a tract within a previously approved subdivision., within any five (5) year period; provided that a second or subsequent sale, lease or other conveyance from the same tract of land within five (5) years of the first sale, lease or other conveyance shall be subject to the provisions of the New Mexico Subdivision Act and these Regulations; provided further that a survey shall be filed with the County Clerk indicated the five (5) year holding period for both the original tract and the newly created tract.

Section 5. Severability.

It is hereby declared to be the intention of the Board of County Commissioners that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance shall be deemed severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance is declared unconstitutional or otherwise invalid by the valid judgment of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections hereof.

Section 6. Conflict Clause.

Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. Effective Date.

This Ordinance takes effect thirty days after recording in the Public Records of Lincoln County.

PASSED, APPROVED, and ADOPTED this ____ day of _____, 2013.

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

Jackie Powell, Chair

Preston Stone, Vice Chair

Mark Doth, Member

Dallas Draper, Member

Kathryn Minter, Member

ATTEST:

Rhonda Burrows, Lincoln County Clerk

Agenda Item No. 23
October 15, 2013

SUBJECT

1:30 P.M.:

Public Hearing to consider a Variance from Section 5.A.7 of Ordinance 2006-06 Lincoln County Outdoor Advertising Regulation, disallowing intermittent, moving or flashing lights, or video images. The variance is requested by the Angus Church of the Nazarene .

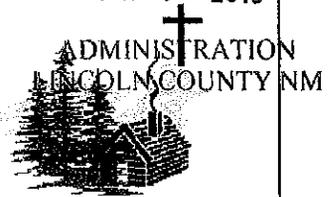
RECEIVED

SEP 06 2013



Angus Church of the Nazarene

HC 71 Box 1162
Capitan, New Mexico 88316
Phone: (575) 336-8032
Fax: (575) 336-1663



Rick Hutchison, Senior Pastor
Rhonica Toler, Children's Pastor
Sue Hutchison, Clinician
Korey & Lauren Frazier, Ministers of Technology and Community

Phil Jones, Youth Pastor
Paul Garber, Sunday School/ Small Groups
Marco Sanchez, Hispanic Ministries

John Rivas, Associate Pastor
Linda Brooks, Treasurer
Shelly Jones, Office Manager

Members of Lincoln County Commission:

September 7, 2013

Angus Church is situated in a unique position to be community minded and a point for community service. Because of recent disasters, the church has been a clearing house for several national and local relief organizations, including Samaritan's Purse, the Salvation Army and the local Little Bear Recovery Center. Also a designated evacuation shelter, Angus Church is a vital and functional part of the local landscape. Citizens are accustomed to depending on the church for updates and assistance.

Angus Church has ordered at their expense, a digital sign, 4' X 8'. Far from just the usual usages, Angus Church wants to utilize the sign as a community service to the residents of Bonito Road and Angus hill and those approaching Nogal Canyon on Highway 37. In addition to informing local citizens of pending church activities, Angus stands ready to partner with county emergency officials to present messages of caution, information, and crisis as need be. At no cost to the county, Angus Church is prepared to install the digital sign, follow county guidelines and offer our assistance to the county whenever notifications are needed.

Angus is also in the process of planning to remove the large billboard signs after the commission approves the digital sign, to insure that excess highway clutter is not an issue.

Realizing that Lincoln County Ordinance 2006-06 places requirements on such signs, the church sees no areas of non-compliance save one area and requests the commission consider a variance. Section five (5), A-7 of Lincoln County Ordinance 2006-06 refers to the Night Sky Protection Act, amended as HB 461 in 2009. In the Act, at section three (3) A, non-conforming light fixtures are listed and given the provision that says, "...an outdoor lighting fixture not meeting these provisions shall be allowed, if the fixture is extinguished by an automatic shutoff device between the hours of 11:00 p.m. and sunrise." Angus Church is willing to comply with the Night Sky Protection Act amendment if the commission desires.

Angus Church wishes to meet the terms of all county ordinances and submits this request to the commission in hopes of becoming a source of immediate information to local citizens. The nearest digital sign to Angus is south of the top of Angus hill and is not visible to those who live in the Angus/Bonito area and travel nearby. With the church willing to assume all costs in installation, utility fees and management, the church hopes the commission will view this request as a community service project.

Thank you for your consideration.

Sincerely,

Rick Hutchison, Pastor, Angus Church of the Nazarene
Donnie Glover, Chairman, Angus Church Board

Welcome Home!

ENCL 1



LINCOLN COUNTY-NM
TAMMIE J MADDOX, CLERK
200610061
Book 3 Page 1244
1 of 8
10/18/2006 08:00:26 AM
BY LOREE1

ORDINANCE NO. 2006-6

Lincoln County Outdoor Advertising Regulation Ordinance

AN ORDINANCE ESTABLISHING RESTRICTIONS AND PROHIBITIONS TO PROMOTE SAFETY OF TRAVELERS ALONG CERTAIN HIGHWAYS, TO PREVENT VISUAL POLLUTION OF THOSE HIGHWAYS THROUGH REGULATION OF OUTDOOR ADVERTISING, TO PROTECT THE INVESTMENT IN PUBLIC HIGHWAYS AND PRIVATE PROPERTY VALUES; DEFINING AREAS TO BE REGULATED; MAKING RESTRICTIONS ON SIGNS AND BILLBOARDS; REQUIRING A PERMIT PRIOR TO CONSTRUCTION OR ALTERATION; PROVIDING FOR EXCEPTIONS; PROHIBITING ABANDONED AND DANGEROUS SIGNS; PROVIDING FOR REMOVAL OF NON-COMPLIANT BILLBOARDS, AND ESTABLISHING PENALTIES FOR VIOLATIONS; PROVIDING FOR ORDINANCES IN CONFLICT HEREWITH AND FOR THE SEVERABILITY OF PARTS HEREOF; PROVIDING AN EFFECTIVE DATE; AND REPEALING ORDINANCE 2004-10.

WHEREAS, pursuant to the New Mexico *Highway Beautification Act*, § 67-12-1, *et seq.*, the Board of County Commissioners is empowered to enact regulations regarding outdoor advertising along the highways within its jurisdiction; and

WHEREAS, the County of Lincoln has a long and rich history, which is significant to the cultural heritage of the state of New Mexico. Such history, in part, is the natural beauty of the land; and

WHEREAS, the United States Supreme Court has ruled that the concept of public welfare includes aesthetic as well as monetary values; and

WHEREAS, billboards placed at certain locations may obstruct the vision of drivers and therefore constitute a traffic menace, diminishing the safety of those traveling on public highways; and

WHEREAS, in order to promote public safety, health, welfare, convenience and enjoyment of public travel, protect the public's investment in public highways and private property rights, and preserve and enhance the scenic beauty of lands bordering the public highways within the County of Lincoln, the Board of County Commissioners finds that regulation of outdoor advertising is a valid public purpose; and

WHEREAS, for the reasons stated herein, the regulation of outdoor advertising along highways is a reasonable and proper exercise of the police power of the County of Lincoln.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE COUNTY OF LINCOLN, NEW MEXICO:

Section 1. Short Title.

This Ordinance may be cited as the "Lincoln County Outdoor Advertising Regulation Ordinance."

Section 2. Purpose.

The purpose of this Ordinance is to promote public safety, health, welfare, convenience and enjoyment of public travel, protect the public investment in public highways and private property values, and preserve and enhance the scenic beauty and prevent visual pollution of lands bordering the public highways within the County of Lincoln through regulation of outdoor advertising.

Section 3. Definitions.

For the purpose of this Ordinance, the following terms and words are hereby defined:

Billboard shall mean any freestanding sign more than sixteen (16) square feet in face area, including the sign trim, which advertises or directs attention to a business, product, service or event.

Mural shall mean a non-commercial picture or illustration applied directly to a wall of a building or structure which does not advertise or promote business, service or product.

Outdoor advertising shall mean any outdoor sign, display, light, device, figure, painting, drawing, message, plaque, poster, billboard or other object that is designed, intended or used to advertise or inform, any part of which is located within six hundred sixty feet of the nearest edge of the right-of-way and is visible from the main-traveled way of the interstate or primary systems or those located beyond six hundred sixty (660) feet of the right-of-way, located outside of urban areas, visible from the main-traveled way of the system and erected with the purpose of their message being read from such main-traveled way.

Sign shall mean any outdoor display or other representation which shall be so constructed, placed, attached, painted, erected, fastened or manufactured in any other manner whatsoever, so that the same shall be used for advertising.

Section 4. Areas of Regulation.

This Ordinance shall govern the lands located along highways within the County of Lincoln, New Mexico, and specifically within six hundred sixty (660) feet of the nearest edge of the right-of-way of the following:

- U.S. Highway 380 from the Socorro County line southeast to the Town of Carrizozo, from the Town of Carrizozo southeast to the Village of Capitan limits, and from the Village of Capitan limits to the Chaves County line;

- the entire length of N.M. Highway 37, from its inception at Highway 380 south to the Townsite of Nogal limits, and from the southern limits of Nogal to its intersection with N.M. Highway 48;

- U.S. Highway 54 from Corona south to the Town of Carrizozo limits, from the Town of Carrizozo limits south to the Otero County line;

- the entire length of N.M. Highway 48 from its northerly inception at the southern limits of the Village of Capitan south to the Village of Ruidoso limits;

- from the southerly limits of the Village of Ruidoso on Highway 70 east to the Mescalero Indian Reservation;

- Highway 70 from the limits of the City of Ruidoso Downs east to the Chaves County line;

- N.M. Highway 220 from its easterly inception at Highway 48 east to Fort Stanton where it merges with Highway 380; and

These "Areas of Regulation" are not bound by Lincoln County zoning regulations and therefore are deemed to be "unzoned industrial or commercial areas" pursuant to New Mexico Administrative Code § 18.21.5, AB.

Section 5. Restrictions and Prohibitions.

A. There shall be no billboard more than 300 square feet in size within the County of Lincoln. Any lawfully erected sign or billboard that existed prior to the enactment of this Ordinance shall be classified as a non-conforming structure.

1. A nonconforming sign/billboard shall be allowed to remain; however it may not be enlarged, expanded, modified, extended, or relocated.

2. A nonconforming sign/billboard that has been destroyed by natural causes may be reconstructed within the following thirty (30) days to the same dimensions which existed prior to its destruction.

3. Whenever a nonconforming sign/billboard has been discontinued as an outdoor advertising device for a period of sixty (60) consecutive days, the County of Lincoln may cause the billboard to be removed at the expense of the property owner.

4. Customary maintenance shall be performed on all outdoor advertising devices in order that they be kept in a good state of repair.

5. **Spacing requirement.** No billboard shall be nearer than one thousand (1,000) feet radius to any other billboard, with the exception that a separate, adjacent property owner may erect a billboard within a 1,000-foot radius of an existing or permitted billboard, and other than the exceptions provided for in subparagraphs C, E, and F of Section 6, hereof. This provision shall not prevent the erection of double-faced, back-to-back, or V-type advertising displays, providing the maximum separation of signs is five feet or less.

6. **Variations.** A variance may be requested when it can be shown that in the case of a particular billboard, strict compliance with the provisions of this Ordinance would cause undue hardship. The Commission may authorize a variance provided that the general intent of this Ordinance is preserved, that the public interest is protected, and that such variance does not have the affect of nullifying the intent and purpose of the Ordinance. Under no circumstance shall a variance be granted that significantly conflicts with or nullifies the objectives, spirit, and intent of the Ordinance.

a. **Requirement for Public Notification To Surrounding Property Owners.** Any such application for variance shall be made to the Commission and shall require publication of public notice prior to the public hearing on the matter. The County Commission shall make the final determination whether to grant or deny the application for variance.

(1) All requests for variances shall be submitted in writing to the Commission at least ten (10) days prior to the County Commission public hearing. Notice shall be mailed by the County to each owner of property situated wholly or partly within one thousand (1,000) feet of the property to which the proposed variance relates. At least twenty (20) days in advance of any hearing that requires publication of public notice to surrounding property owners, the County Commission shall publish notice of the hearing on the application in a newspaper of local circulation. The notice of public hearing shall:

(a) Give the date, time and place of the hearing;

(b) Contain a statement describing the location of the property and the subject matter(s) of the hearing; and

(c) Specify how additional information can be obtained.

b. The owner of the property which is the subject of a public hearing that requires public notice to surrounding property owners, or his authorized agent, shall appear at the public hearing scheduled on the matter.

c. The County Commission shall act on an application for variance at the first regular meeting following the appropriate legal notification set forth

above. The County Commission shall state for the record the key findings of fact on which the County Commission's decision is based.

d. When any application for variance is approved, approved with conditions, or denied, written notification of the County Commission's action listing any conditions imposed shall be sent within seven (7) days of the County Commission's action to the applicant and to any other party who has requested to be so informed. The County Commission's decisions shall be the final administrative appeal. The exclusive remedy for parties dissatisfied with the action of the County Commission shall be filing of a petition for review with the District Court within thirty (30) days of the date the decision of the County Commission was rendered.

7. All permissible outdoor advertising signs and billboards shall comply with the regulations of the *Night Sky Protection Act*, § 74-12-1, *et seq.*, NMSA 1978, and shall not have intermittent, moving or flashing lights, or video images.

B. **Size of Signs/Billboards.** All references to maximum allowable size shall refer to one side of a sign/billboard. The total area of any one sign face shall not exceed three hundred (300) square feet, including the sign trim, and be no higher than ten (10) feet high by thirty (30) feet in length. The total aggregate of all faces of signs or combination of signs allowed shall not exceed six hundred (600) square feet of sign area.

1. Signs made of individual cut out letters or shapes shall include the sum area of the combination of letters or shapes. Stacking of signs vertically or horizontally is prohibited, regardless of total face area permitted.

2. Signs and billboards shall have a ground clearance of no more than five (5) feet and be no more than 15 feet off the ground at the highest point of the sign/billboard.

C. Portable/trailer signs are prohibited, due to the risk these signs pose related to visual pollution, traffic, and hazards to persons and property during high winds, excepting those signs utilized by the State of New Mexico Highway and Transportation Department during construction or repair of roadways.

D. **Permit Required.** Any person who wishes to construct or alter a billboard within the areas regulated by this Ordinance is required to make application to the County of Lincoln and obtain approval for same prior to construction or alteration. The applicant shall attach to the application form an approved permit from the State of New Mexico. The application and plans shall be reviewed by the County Manager, or his designee, within thirty (30) days from receipt thereof, and either approved, approved with conditions, or denied for not meeting the requirements of this Ordinance.

Section 6. Exceptions.

The following are exempt from regulation under this Ordinance:

- A. Any sign or billboard lawfully erected within the Areas of Regulation shall remain a legal and compensable sign so long as all permits for the sign or billboard are timely obtained and all permit fees, if any, are timely paid.
- B. Any sign or billboard for which a New Mexico State permit has been approved and which is under construction at the time this Ordinance becomes effective.
- C. "Official signs and notices," "public service signs," and "public utility signs" as those terms are defined in NMAC §18.21.5 and which are erected and maintained by public officers or public agencies.
- D. Signs having less than sixteen (16) square feet in face.
- E. Murals of a non-commercial nature.
- F. "Temporary signs" for the purpose of announcing events open to the public for a limited time period not to exceed sixty (60) days. Temporary signs shall be a maximum of thirty-two (32) square feet per sign. Temporary signs shall be removed within ten (10) days after the event.
- G. Any outdoor advertising device 25 years of age or more that qualifies as a landmark sign, as that term is defined in NMAC §18.21.5.12.

Section 7. Abandoned or dangerous signs.

An "*abandoned sign*" is any sign which no longer directs, promotes, or advertises a business, lessee, owner, product or activity conducted, or product or service available, on the premises where such sign(s) is displayed. A "*dangerous sign*" is any sign that is materially, structurally, or electrically defective whether by construction, maintenance, neglect, abuse or age. If it is determined by the County Manager or his designee that any sign is determined to be "abandoned" or "dangerous" or in any way endangers the public, the County may issue an order to the owner of the property upon which the sign is located. Said order shall state the nature of the violation and require repair or removal of the sign within thirty (30) days of the date of order. If a "*dangerous sign*" provides the potential for immediate peril to persons or property, the County Manager or his designee may cause such sign to be removed and assess the costs of removal to the owner of the land upon which said sign is located, if the owner of such sign cannot be reached and/or does not comply.

Upon vacating the premises or discontinuing the business, the property owner or lessee shall cause all signs to be removed, blanked out, or covered. The owner or lessee will have thirty days from the date of closure of said business within which to comply.

Section 8. Penalties for Violation.

Any outdoor advertising device that does not comply with the provisions of this Ordinance is subject to removal. Such removal will be preceded by notice *via* certified mail to the owner of the device, and to the owner, if known, of the land upon which the device is located, of the particular standard and/or specification that the device violates, and that the violation(s) must be corrected within thirty (30) days or the device will be subject to removal by the County at the owner's expense. Any person who violates any of the provisions of this Ordinance shall be punished by a fine of up to three hundred dollars (\$300) and/or imprisonment of not more than ninety (90) days, or both. Each day a violation continues shall constitute a separate offense.

Section 9. Conflict Clause.

Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 10. Severability Clause.

It is hereby declared to be the intention of the Board of County Commissioners that the sections, paragraphs, sentences, clauses and phrases of this Ordinance shall be deemed severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance is declared unconstitutional or otherwise invalid by the valid judgment of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections hereof.

Section 11. Effective Date.

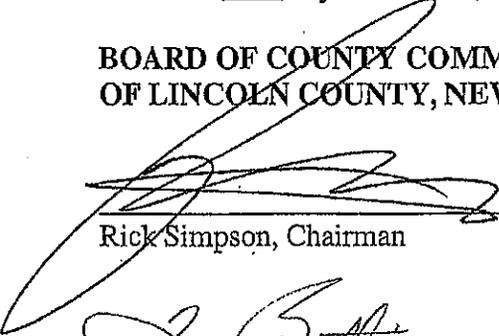
This Ordinance shall take effect thirty (30) days after recording in the Public Records of Lincoln County.

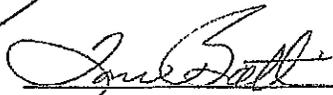
Section 12. Repeal.

Lincoln County Ordinance 2004-10 is repealed upon the effective date of this Ordinance.

PASSED, APPROVED, and ADOPTED this 17th day of October, 2006.

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


Rick Simpson, Chairman


Tom Battin, Vice Chairman

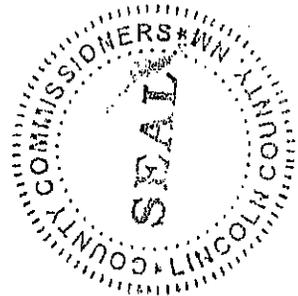
Earl B. Hobbs, Member

Eileen Lovelace
Eileen Lovelace, Member

Mauriece St. John
Mauriece St. John, Member

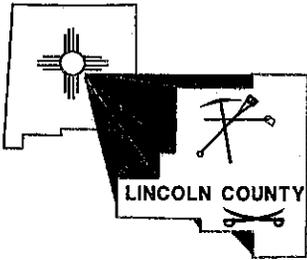
Attest:

Tammie J. Maddox
Tammie J. Maddox
Lincoln County Clerk



CountyAtty/WM/Ordinances/Billboards2006

LINCOLN COUNTY-NM
TAMMIE J MADDOX, CLERK
200610061
Book 3 Page 1251
8 of 8
10/18/2006 08:00:26 AM
BY LOREE1



County of Lincoln

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

AGENDA ITEM NO. 24

September 11, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Request for Variance of Ordinance 2006-06, Lincoln County Outdoor Advertising Regulation Ordinance

Purpose: TO consider a request from Zia Scapes Landscaping for a variance from Section 5.A.7 of the Ordinance

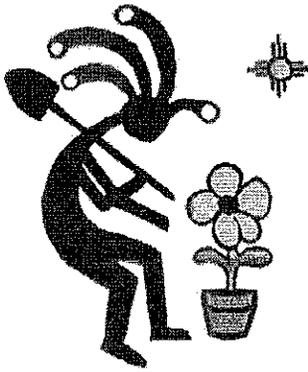
Discussion:

Zia Scapes Landscaping has requested a variance from requirements of the Lincoln County Outdoor Advertising Regulation Ordinance. Per Section 5.5, a variance may be requested:

A variance may be requested when it can be shown that in the case of a particular billboard, strict compliance with the provisions of this Ordinance would cause undue hardship. The Commission may authorize a variance provided that the general intent of this Ordinance is preserved, that the public interest is protected, and that such a variance does not have the effect of nullifying the intent and purpose of the Ordinance. Under no circumstance shall a variance be granted that significantly conflicts with or nullifies the objectives, spirit and intent of the Ordinance.

Jim Secor with Zia Scapes Landscaping has submitted he required letter of application for a variance. See Enclosure 1. Enclosure 2 is the current Ordinance 2006-06. Should the commission agree to consider the request, a public hearing must be considered

Recommendation: Schedule a public hearing for the November 19, Commission meeting to consider the request for variance.



ZiaScapes

1110 State Highway 48
P. O. Box 685
Alto, NM 88312-0685
Nursery 575-336-7674
Fax 575-336-8261

October 1, 2013

County of Lincoln
Planning Department
115 Kansas City Road
Ruidoso, NM 88345

To Whom It May Concern:

In response to your letter advising us that our billboard was not properly permitted we are requesting permitting of the billboard and the appropriate variances. We purchased the sign on April 22, 2010 with the understanding that the sign was in compliance with all regulations and permitting requirements. The sign was installed on May 22, 2010. We purchased the sign because our customers could not see the previous signage due to the grade of Highway 48 leading up to our facility.

We have a lighted acrylic sign which we have illuminated from dusk until 10:00 PM. There is also an electronic message board on which we display information about hours of operation, sales, etc. during the hours of 6:00 AM to 10:00 PM. We were unaware of the requirements under the Night Sky Protection Act and were changing the messages throughout the day. Failure of an electronic component that controls the on/off times did cause the sign to be constantly illuminated for some number of nights. In order to keep this from occurring in the future we will not use the feature and will turn the message board on and off manually so that the message board will only be illuminated during our business hours from 9:00 AM through 6:00 PM. In order to comply with the act we will only display one message throughout the duration of the day. On each day we may display a different message than the previous day.

In filling out your Application for Permit, I contacted the State of New Mexico Regulation & Licensing Department, was told that they did not permit billboards and was instructed to contact the NMDOT. I spoke to Mr. Michael Otero at the NMDOT and after consulting his maps he told me that for my location no permits were required for on-site billboards, only for off-site billboards.

We pray that you will grant us a permit and variance for our sign as we feel it is important to our business and customers.

Thank you.

A handwritten signature in black ink that reads "Jim Secor".

Jim Secor
ZiaScapes, LLC
jim@ziascapes.com
www.ziascapes.com

**Application for Permit for Construction or Alteration
of Billboard in Lincoln County**

The Lincoln County Outdoor Advertising Regulation Ordinance was enacted to preserve, protect, and enhance the investments made in public highways and private property values; promote the safety of travelers along certain highways, and to prevent visual pollution of those highways, through regulation of outdoor advertising. Any person who wishes to place a billboard within the areas regulated by the Ordinance is required to make application to the County and obtain approval for same prior to construction or alteration. *Billboard* shall mean any freestanding sign more than sixteen (16) square feet in face area, including the sign trim, which advertises or directs attention to a business, product, service or event. All references to size shall refer to one sign face, including the sign trim, and be no higher than 10 feet high by 30 feet in length. Signs and billboards shall have a ground clearance of no more than five (5) feet.

The application and plans shall be reviewed by the County Manager, or his designee, within thirty (30) days from receipt thereof, and either approved, approved with conditions, or denied for not meeting the requirements of Ordinance No.2006-06. The Ordinance governs any and all signs larger than sixteen (16) square feet, with the **maximum allowable size** being three hundred (300) square feet. Any application not approved or denied within thirty days from receipt of the application shall be deemed approved.

Date 9/28/13

Name(s) of applicant/property owner ZIA SCAPES LANDSCAPING (Jim Secor)
Mailing Address PO BOX 685 City ALTO
State NM Zip 88312 Phone 575-336-7674

Name(s) of owner of billboard ZIASCAPES LANDSCAPING (Jim Secor)
Mailing Address PO BOX 685 City ALTO
State NM Zip 88312 Phone 575-336-7674

Property Address where billboard is to be located 1110 STATE HIGHWAY 48
ALTO, NM 88312

Property Legal Description HIGH SIERRA ESTATES SUBDIVISION
BLOCK 1, LOT 13

Type of project Alteration to existing New Construction
If alteration, describe: CURRENTLY EXISTING SIGN THAT
WAS NOT PERMITTED

Name(s) of Electrical Contractor, if applicable LAMAY ELECTRIC
Mailing Address 26360 HIGHWAY 70 City RUIDOSO DOWNS
State NM Zip 88396 Phone 575-376-1980

Plans and specifications: Scaled plans, diagrams, and other data shall be submitted with each application for a permit and contain the following information:

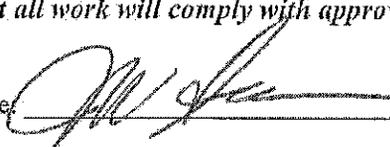
- (1) Drawing of sign/billboard, indicating dimensions and the sign message or copy;
- (2) Construction details, including method of attachment or erection; ✓
- (3) Details of illumination, if any, including type of illumination, number of fixtures, operating voltage, number of circuits, total line load, and location of electrical disconnect.
- (4) What hours will sign/billboard be illuminated? 5 AM/PM to 8 AM/PM.
- (5) Sign/billboard will have a ground clearance of 5' feet (5 ft. max. allowed).
- (6) Site plan, indicating street/road frontage, property lines, sign visibility triangles, proposed and existing rights-of-way, location of sign on property, and relationship of proposed sign to ingress and egress points.
- (7) State the nearest linear distance to any other billboard: 350 feet.
No billboard shall be nearer than 1,000 linear feet to any other billboard, other than the exceptions provided for in subparagraphs C, E, and F of Section 6 of the Ordinance. Exceptions include the following: "official signs and notices," "public service signs," and "public utility signs" as those terms are defined in NMAC §18.21.5; murals of a non-commercial nature; and "temporary signs" or banners made of canvas, vinyl, or other cloth with or without framework for the purpose of announcing events open to the public for a limited time period not to exceed sixty (60) days.
- (8) State the nearest distance to any intersection(s) 200 feet.

Attach a copy of the billboard permit issued by the State of New Mexico for this project

Variations. The County Manager or his designee may, in his sole discretion, grant a variance to this Ordinance under circumstances whereby one property owner has applied for a billboard permit which would be placed within the 1,000 linear foot limit from that of another billboard already permitted and constructed by another property. Under no circumstance shall a variance be granted that significantly conflicts with or nullifies the objectives, spirit, and intent of the Ordinance.

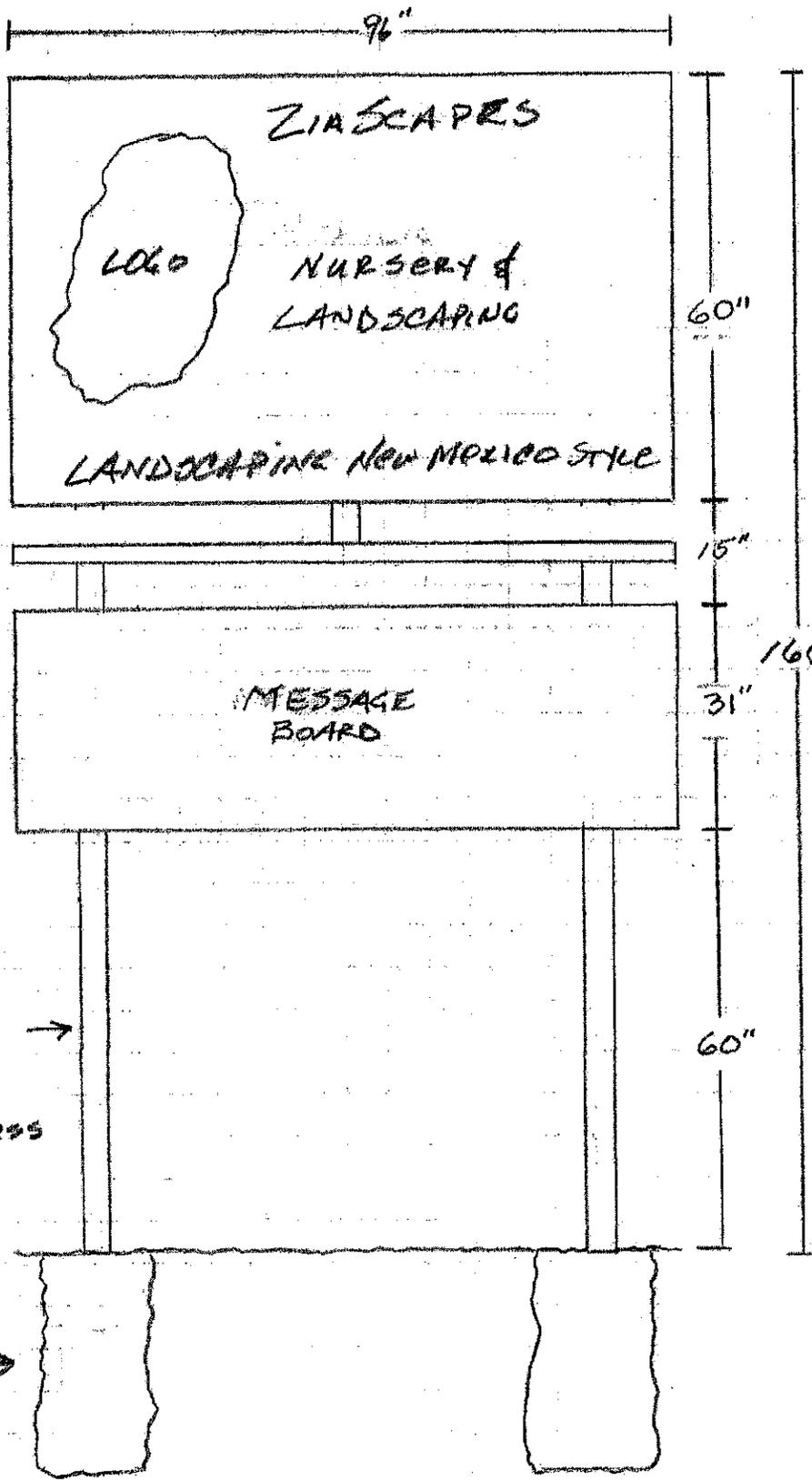
I hereby agree that all work will comply with approved plans.

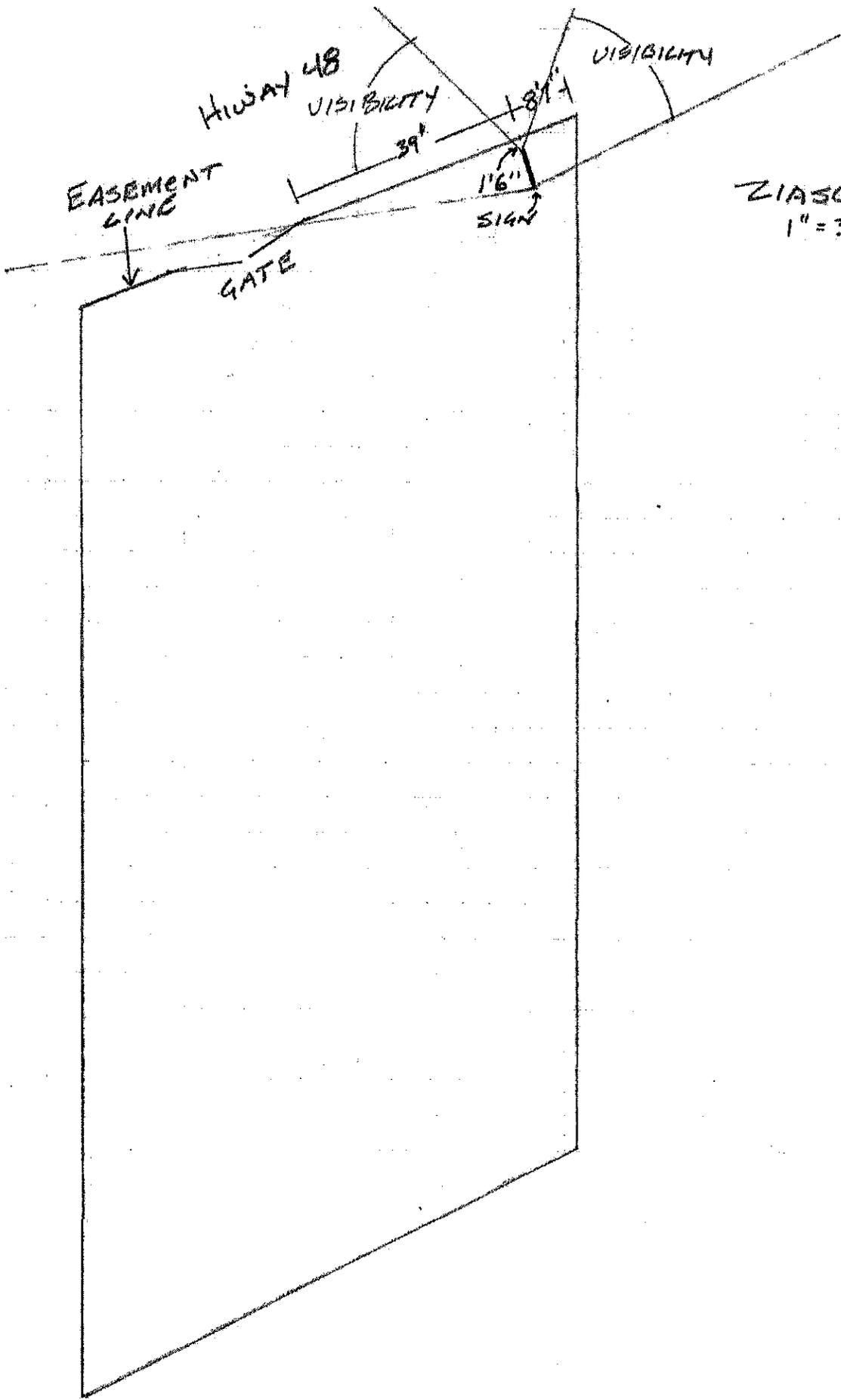
Applicant's Signature: _____



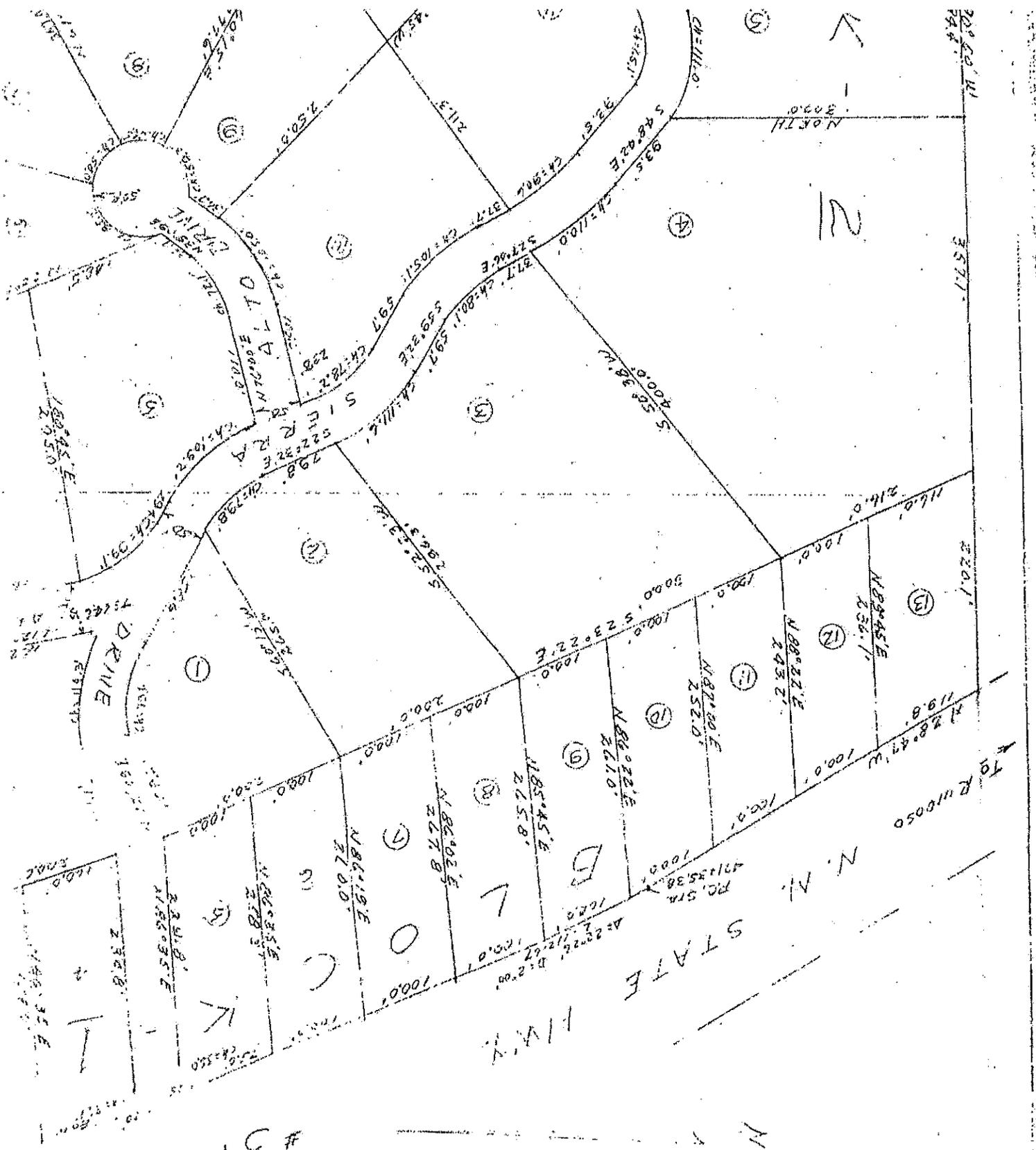
BELOW THIS LINE FOR ADMINISTRATIVE USE ONLY

Date billboard application received: _____	
Action taken: <input type="checkbox"/> Approved <input type="checkbox"/> Approved with conditions <input type="checkbox"/> Denied <input type="checkbox"/> Withdrawn	
<input type="checkbox"/> Notes on conditions _____	
County of Lincoln	
By: _____	Date: _____





ZIASCAPES
1" = 30'



37

37 CAP...

STATE HIGHWAY

STATE

N. H.

To R 110050

NORTH

21

(5)

(4)

(3)

(2)

(1)

(13)

(12)

(11)

(10)

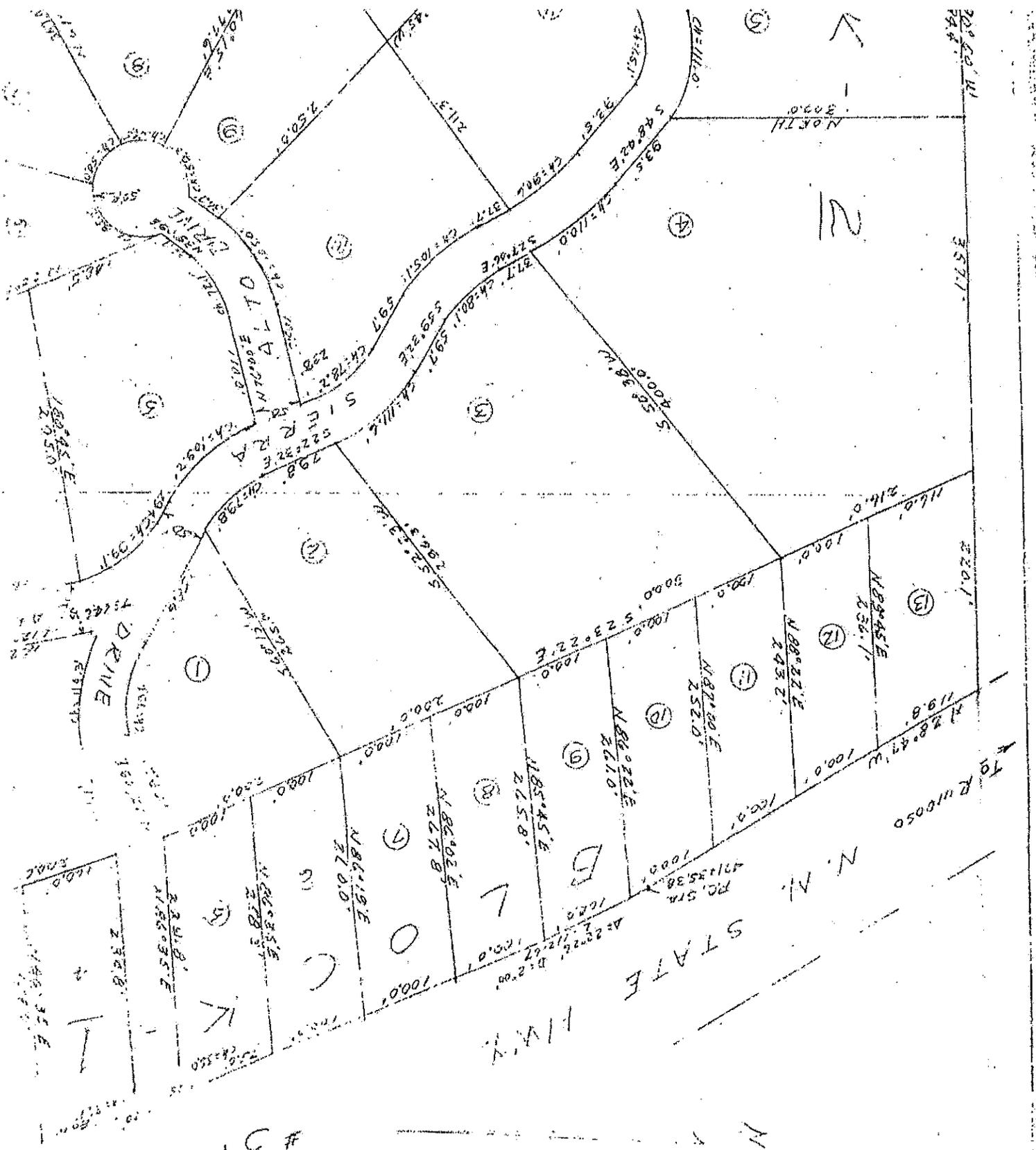
(9)

(8)

(7)

(6)

(5)



Agenda Item No. 25
October 15, 2013

SUBJECT

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

A. Planning Commission

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

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

NEW MEXICO COUNTY INSURANCE AUTHORITY - WORKERS' COMPENSATION

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

NEW MEXICO COUNTY INSURANCE AUTHORITY - MULTI-LINE POOL

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

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

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

*

September 13, 2012

To the Members of the Lincoln County Commission;

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

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

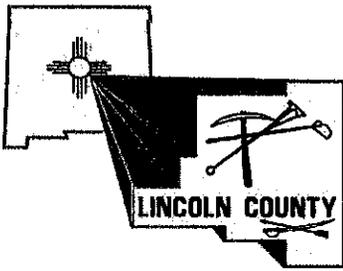
Sincerely,

Jennie Dorgan Levi

Agenda Items No. 26
October 15, 2013

SUBJECT

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



www.lincolncountynm.net

County of Lincoln

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

AGENDA NO. 27

October 10, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager 

SUBJECT: Potential Manager's Contract Renewal

Purpose: To consider potential renewal of the manager's contract.

Discussion:

The attached contract at enclosure 1 expires November 7, 2013. In accordance with Section 5, the Board of the County Commissioners may negotiate a new contract or elect to terminate the agreement.

The manager is willing to negotiate a continuation of the contract and enter a third year in the position.

Recommendation: Consider taking appropriate action on the contract.

**EMPLOYMENT CONTRACT
BETWEEN
THE BOARD OF COUNTY COMMISSIONERS
OF
LINCOLN COUNTY, NEW MEXICO
AND
NITA TAYLOR**

This agreement is entered into effective the 8th of November 2012, by and between the **BOARD OF COUNTY COMMISSIONERS OF LINCOLN COUNTY, NEW MEXICO**, (hereinafter referred to as "Employer") and **NITA TAYLOR** (hereinafter referred to as "Employee").

The purpose of this agreement is to specify the terms and conditions of employment for Employee in her capacity as Lincoln County Manager, and other relations, interactions, and activities of the Employer and Commissioners, individually, as they relate to Employee. Any reference to "Board" or "Commission" in this agreement means the Board of County Commissioners of Lincoln County, New Mexico.

SECTION 1 -- TERM OF EMPLOYMENT

The term of employment provided for in this contract is from the date of this agreement through November 7, 2013, with two one-year options to renew, pursuant to Section 5 hereof.

SECTION 2 -- EMPLOYEE'S GENERAL RESPONSIBILITY

Employee is expected to provide generalized supervision of the affairs of the County of Lincoln in accordance with the directions of Employer *via* votes of the Commission, resolutions, approved budgets, and ordinances. Employee is expected to utilize those resources provided to the maximum benefit of the citizens of the County of Lincoln. Employee shall do that which is within her power to assure that all County functions are performed in a manner consistent with the laws of the United States, the laws of the State of New Mexico, and resolutions and ordinances of the County of Lincoln.

Employee shall do all things directed of her by action of the Board of County Commissioners which Employee has no reason to believe are not consistent with any law of the United States or the State of New Mexico. Employee shall not take direction or do anything at the direction of one or more Commissioners, if such direction was not acted upon at a properly convened meeting of the Board.

Employee will be an FLSA-exempt employee, not subject to overtime compensation or accrual of compensatory time. Employee is expected to keep customary office hours and to

complete a demanding work schedule consistent with the position held. Flexibility relating to Employee's hours, in terms of number of hours worked in any week or the schedule of hours worked, is granted and required, relevant to the demands of the position.

Employee is expected to keep Employer informed of Employee's activities and of issues of concern to Employer *via* agreed-upon methods. Employee will strive to establish positive relations with the community, elected leadership, and with representatives of the media.

Employee is expected to treat Employer and individual Commissioners with proper respect and dignity.

SECTION 3 -- EMPLOYER'S GENERAL RESPONSIBILITY

Employer shall establish clear and reasonable goals to which Employee may strive. Employer will provide Employee with necessary resources with which to achieve these goals, and shall give Employee necessary latitude in determining required resources.

Employer shall allow Employee to exercise those management responsibilities assigned in a professional manner. Employer shall allow Employee the opportunity to provide input into matters being debated before the Board which impact Employee's ability to manage the affairs of the County, or matters in which Employee, in her capacity as County Manager, is expected to be or should be knowledgeable.

Employer shall allow and encourage Employee to participate in appropriate professional associations, boards, or committees associated with the responsibilities assigned to Employee. Employer shall allow and encourage Employee to attend available training seminars or educational courses relative to Employee's responsibilities, within the confines of approved budgetary allowances, and subject to the advice and consent of the Board of County Commissioners. Employer reserves the right to restrict attendance of Employee at the above-referenced educational/training opportunities, if Employer determines that Employee's performance as County Manager is being adversely affected by such activity.

SECTION 4 -- TERMINATION OF EMPLOYMENT

Employer may terminate Employee at-will, and without cause, upon a majority vote of the Board of County Commissioners.

Employer may terminate Employee, with cause, as set forth in the Lincoln County Personnel Policies and Procedures ordinance as adopted, and as it may be amended from time-to-time, upon the majority vote of the Board of County Commissioners.

Employee may terminate employment only after giving two (2) months notice to Employer, and Employer, by vote of the Commission, may elect to reduce the notice requirement if it so deems.

SECTION 5 -- RENEWAL OF AGREEMENT/RENEGOTIATION

No less than two (2) months before the scheduled termination of this contract, Employer, by a vote of the Commission, may make a decision to negotiate a new contract with Employee or to allow this contract to terminate.

If, within two (2) months of the scheduled termination of this contract, a decision to allow termination of the contract has not been made, or a new contract has not be agreed upon by both parties to this agreement, then, all aspects of this agreement shall remain in force and be binding upon both parties until:

- a) a new agreement is adopted by the parties;
- b) two (2) months from the date the Employer decides by majority vote of the Commission, to not negotiate for or offer a new contract to Employee; or
- c) a date specified by Employee on which she agrees to terminate said contract, providing Employee gives at least two (2) months notice in writing.

SECTION 6 -- COMPENSATION

The annual salary for Employee shall be Eighty Five Thousand Dollars and No/100 Dollars (\$85,000.00) per year. Salary increases will be determined by the Board and based on the work load assigned to the Employee, annual reviews, and other factors the Board may wish to consider. Employee shall not receive cost of living increases or other percentage increases approved for other County employees. Due to the "on-call" nature of the position, employee shall also receive a county paid "smart phone" and take home vehicle for official use.

Employee's compensation shall not be reduced during the term of this contract or during any extensions provided under this agreement.

In the event of an at-will termination, as provided in this agreement, Employee shall receive two (2) months compensation/severance pay based on the salary of Employee at the time of termination.

In the event of a termination with cause, as provided for in this agreement, or as the result of a criminal conviction associated with Employee's activities as County Manager, Employee shall receive no compensation/severance pay.

Nothing in this agreement shall preclude Employer from increasing the compensation amounts in this section if Employer so desires.

SECTION 7 -- BENEFITS

All benefits afforded regular employees of the County of Lincoln, established by policy or custom, save and except those exceptions noted in this agreement, shall be granted to Employee.

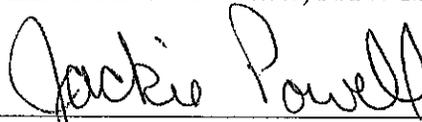
Employee shall be entitled to take paid vacation, up to a maximum of three (3) weeks annually, as the work schedule permits. Employee will coordinate vacation time or other extended absences with the Chairman of the Board, and shall provide Employer with two (2) weeks advance notice of any vacation which is for one (1) week or longer. Employee is required to assure that in her absence matters are properly addressed as if she were present, to the best of her ability. During vacation, Employee is required to keep in regular contact with the County staff and Board Chairman and shall continue to provide direction and be available for consultation.

Employee shall be entitled to five (5) days of paid personal leave annually.

Any vacation or sick leave benefits for each one year period from November 8, 2012 to November 7, 2013 that are not used by Employee during that one year period may be banked for use during the following year; however, any time in excess of 5 days personal leave and 15 days vacation leave shall not be banked but be forfeited by Employee.

EMPLOYER:

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



Jackie Powell, Chairwoman



Mark Doth, Vice Chair

Tom Battin, Member

Kathryn L. Minter
Kathryn Minter, Member

Eileen M. Sedillo
Eileen Sedillo, Member

Attest:

Rhonda Burrows
Rhonda Burrows
Lincoln County Clerk



EMPLOYEE:

Nita Taylor
Nita Taylor

Agenda Item No. 28
October 15, 2013

SUBJECT

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

See attached list.

Alan P. Morel, P.A.

Attorney at Law

700 Mechem Drive, Suite 12
Post Office Box 1030
Ruidoso, New Mexico 88355-1030

Jira Plaza
Telephone (575) 257-3556
Facsimile (575) 257-3558

October 15, 2013

LINCOLN COUNTY EXECUTIVE SESSION PURSUANT TO THE OPEN MEETINGS ACT: DISCUSSION OF ALL THREATENED AND/OR PENDING LITIGATION SECTION 10-15-1, SUBPARAGRAPH H.(7); AND DISCUSSION OF THE PURCHASE, ACQUISITION OR DISPOSAL OF REAL PROPERTY OR WATER RIGHTS BY THE PUBLIC BODY, SECTION 10-15-1, SUBPARAGRAPH H.(8)

New or Updated Matters since last report = ■

1. Lodger's Tax Issue – Casa del Cocinero
- *2. *Cooper, Gale and DeBaca County News v. County of Lincoln, Sheriff of Lincoln County, et al.* D-1329-CV-200701364. Suit filed: October 15, 2007. Verified Complaint for Declaratory Judgment Ordering Production of Certain Records and Information. Hearing to rule on plaintiff's motions for cost, sanctions and production of records scheduled Dec. 13, 2013.
- *3. *Michael Wheaton v Paul F. Baca, Lincoln County Assessor, et al.* D-1226-CV-2011-00341. Suit filed October 18, 2011. Notice of Appeal of Final Order of the Lincoln County Valuation Protests Board.-Attorney has agreed to stay the case pending the decision from the Court of Appeals.
- *4. *Coble Constructors, LLC, et al v Carl Kelley Construction Ltd. Co, et al.* D-1226-CV-2012-00003. Suit filed January 15, 2012. Complaint to Foreclose Mechanic's Lien. Order granting motion for resetting 4/17/13. Waiting on court date.
- *5. **Alto Lakes Golf & Country Club, Inc. v. Barbara Fleming, and Jesus and Maria Guardiola, et al.* D-1226-CV-2011-00044. Suit filed February 18, 2011. Complaint to Foreclose Lien. Counterclaim and Crossclaim suit filed by Washington Federal Savings on September 21, 2012 naming Board of Commissioners of Lincoln County and Lincoln County Solid Waste Authority. *Stipulated and Default Judgment, Decree for Foreclosure, Order of Sale, and Appointment of Special Master, entered by the Court on 8-12-13. L.C.'s lien was not extinguished and is still a valid lien against the subject property. Notice of sale scheduled 9/17/13.

6. *Johnathan Warren v. Lincoln County Detention Center, Emerald Healthcare Systems, et al.* 2:12-CV-01086-CG-LAM. Suit filed October 19, 2012. Complaint for the Recovery of Damages Caused by the Deprivation of Civil Rights.

*7. *Greentree Solid Waste Authority v. Lincoln County, et al.* D-0101-CV-2013-00104. Suit filed January 9, 2013. Petition for Declaratory Judgment; Preliminary and Permanent Injunction. *Order Granting ALW&SD's Motion for Judgment on the Pleadings and for Summary Judgment entered by the court on 6-15-13. August 21, 2013 was the deadline for GSWA to file its Notice of Appeal. *In the process of scheduling mediation and determining between Walker or White as mediators. Mediation scheduled with Mr. Walker November 11, 2013.

*8. *Rio Grande-Alameda, Ltd. v Paul Baca, Lincoln County Assessor* D-1226-CV-2013-00005. Suit filed January 9, 2013. Complaint for Refund of Taxes Paid. Defendant's first motion to dismiss or Summary Judgment filed August 29, 2013, with plaintiff's response filed October 4, 2013.

*9. **Washington Federal Savings v. Timothy Rose; Chanda Rose; and Lincoln County* D-1226-CV-2013-00105. Suit filed April 15, 2013. Complaint for Foreclosure. *July 29, 2013 Ltr to Bishop, White, Marshall & Weibel, P.S. advising of payoff amount through Aug. 5, 2013. Lots 139, 169, 170 paid in full. Partial Release of Lien has been delivered and is on file.

10. *Wells Fargo Bank, NA, et al v. Jerry Turner, Board of County Commissioners of the County of Lincoln, New Mexico, et al.* D-1226-CV-2013-00129. Suit filed May 6, 2013. First Amended Complaint for Foreclosure.

*11. *State of New Mexico (Lincoln County) v. Stephen Gore* M-30-MR-2013-00113. Citation filed June 17, 2013. Lincoln County Solid Waste Ordinance 2009-03 Violation. *June 17, 2013 Trial continued - Defendant given 60 days to complete clean up of property. Non-Jury hearing set for October 22, 2013.

*12. *Steven Miller, et al. v. State Forestry Division, NM Energy, Minerals, and Natural Resources Department, County of Lincoln, et al.* D-1226-CV-2013-00160. Suit filed June 15, 2013. Lincoln County Manager and Commissioners served July 9, 2013. Complaint for Negligence, Injury and Damages. *On August 2, 2013, NMAC advised Attorney Bryan Evans has been assigned as counsel for Lincoln County. Peremptory challenge of Judge Angie Schneider filed by Commission Chair Jackie Powell. Judge Jerry Ritter assigned case October 2, 2013.

*13. *Barbara Diane Latham, et al v. Neal Cox, Ben Hazen, Lincoln County Sheriff's Department and the County of Lincoln.* D-1226-CV-2013-00191. Suit filed July 19, 2013. Complaint for Violation of Civil Rights, Wrongful Death and Damages by Attorney Gary Mitchell. LCSO and LC Manager were served on August 5, 2013. Tort Claim Notice was filed on October 27, 2011. Advised NMAC has assigned the case to Brennan and Sullivan Law

Firm 9/5/13. Case has been moved to Federal Court.

Tort Claims Notices Received or Threatened

2013

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

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

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

Harrisburg Documents- Attempts to recover Lincoln County documents illegally taken from the county

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

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

2012

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

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

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

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