

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

Nita Taylor, County Manager

Preston Stone, Vice Chair

Kathryn L. Minter, Member

Robert Shepperd, Sheriff

Paul Baca, Assessor

Stirling Spencer, Probate Judge

AGENDA

Commission Chambers, Tuesday, December 17, 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- November 19, 2013 Regular Commission Meeting
7. Approval of Consent Agenda
 - a. Payroll/Accounts Payable/Budget/ Expenditures
 - b. Treasurer’s Financial Report for the Month ending November 30, 2013
 - c. Quay County Joint Powers Agreement for Housing Prisoners
8. DFA Acknowledgement of Mid-Year Budget Adjustments
9. Greentree Solid Waste Authority (GSWA) Update
10. **9:30 A.M.:** PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY OFFICIALS (Items are for discussion only – no action will be taken)
11. Consideration and Action on Bid Award 13-14-003 Annual Base Course Supply

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

12. Manager's Report
13. Consideration and Potential Action on Tower Site Contract with Trans World Network
14. Consideration and Potential Action on new FEMA Grant Application Supported by Lincoln County OES to Equip and Gear the new All Hazard Incident Management Team
15. Consideration and Action of Indigent Health Care Claims
16. Water Issues/Forest/Wildlife Health Programs/Land and Natural Resources Issues
 - a. Consideration and Potential Action on NRCS Matching Fund Obligation
 - b. Consideration and Potential Action to Initiate an Investigation Re: Cibola National Forest – Mountainair District's Suspension or Reduction of Active Grazing Allotments for limited periods of time
17. Consideration of Vacation of Subdivision Plat for Pollard Tracts located within Sections 29 and 30, Township 1 South, Range 12 East. Fred and Cheryl Haller
18. Authorization to Schedule Public Hearing to Consider Other Outdated or New Lincoln County Ordinance
19. Consideration of Appointments and Removals from Boards/Commissioners/Committees:
 - a. Planning Commission
 - b. Chaves County Community Action Program
 - c. Joint Municipal-County Zoning Authority-City of Ruidoso Downs
 - d. Lincoln Historic Preservation Board
 - e. Senior Citizens Olympic Committee

CHRISTMAS HOLIDAY POTLUCK LUNCHEON

20. Consideration of Attorney Contract Renewal (contract ends December 31, 2013)
21. 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).
22. Consideration and Potential Action on Lincoln County Medical Center Lease Agreement
23. Signing of Official Documents
24. Next meetings: - January 14, 2014 Regular Commission Meeting
25. 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

SUBJECT

Approval of Minutes:

1. November 19, 2013 Regular Commission Meeting

1 **COUNTY OF LINCOLN**

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

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

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

8
9 **Minutes**
10 **Tuesday, November 19, 2013**

11
12 Minutes of the Regular Meeting of the Lincoln County Commission held at 8:30 AM on
13 November 19, 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 8:33:06 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 Commissioner Stone.

33
34 **4. Pledge of Allegiance**

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

38
39 **5. Approval of Agenda**

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

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

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

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

48 **6. Approval of Minutes**

- 49
50 a. October 15, 2013 - Regular Commission Meeting
51 b. November 5, 2013 - Special Commission Meeting
52

53 **Motion:** Approve the minutes of the October 15, 2013 Regular Commission Meeting with
54 removal of language on lines 79 and 80 of the draft minutes and the November 5, 2013 Special
55 Commission Meeting as presented.

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

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

58 **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth,
59 Commissioner Draper.
60

61 **7. Approval of Consent Agenda**

- 62
63 a. Payroll/Accounts Payable/Budget/ Expenditures
64 b. Treasurer's Financial Report for the Month ending October 31, 2013
65 c. Road Name Requests
66

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

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

70 **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth,
71 Commissioner Draper.
72

73 **SEE EXHIBIT A:** Copies of Consent Items are attached hereto in reference thereto made a part
74 hereof.
75

76 **8. Smokey Bear District Ranger Update**

77
78 Ranger Warnack stated the USFS and the NRCS recently reached an agreement to fund and
79 seek joint projects to treat hazardous fuels, protect infrastructure, and restore watershed
80 integrity on both USFS land and private land. Ranger Warnack stated the Smokey Bear Ranger
81 District in consultation with the NRCS, South Central RC&D, NM State Forestry, and Lincoln
82 County officials submitted a proposal requesting one million for projects on USFS land and one
83 million for projects on private land. Ranger Warnack provided a copy of the proposal and noted
84 the pre-work done by Lincoln County officials in preparation for a prior FEMA grant expedited
85 preparation of the proposal.
86

87 Ranger Warnack commented on three recent prescribed fire projects and stated these burns
88 would continue through the winter months.
89

90 Ranger Warnack discussed the recent three month assignment of the Veterans Fire Crew which
91 is composed of armed forces veterans. Ranger Warnack stated this was the third year the
92 Ranger District participated in the program and discussed his desire to expand the crew's
93 assignment to include work on non-Forest land. Ranger Warnack requested the County's
94 cooperation through Joe Kenmore of OES to identify projects and funding sources for additional
95 work in the area. Ranger Warnack commented on the benefits of the program for veterans
96 including the accumulation of experience for the crew which translated into opportunities for full
97 time employment with the USFS.
98

99 Ranger Warnack discussed the ongoing Wildland Urban Interface (WUI) Speaker Series and
100 noted the initial sessions were posted on the Eastern New Mexico University website with a
101 third session scheduled for December 3, 2013.
102

103 Commissioner Minter questioned the status of the proposed timber sale from land in the Little
104 Bear Fire area. Ranger Warnack stated the decision was signed and pending a comment
105 period. Commissioner Minter discussed the length of time to approve the timber sale and
106 remarked on legislation introduced by Congressman Steve Pearce to speed up post fire timber
107 sales.
108

109 Commissioner Stone noted the proposed joint agency project between the USFS and NRCS did
110 not include the Soil and Water Conservation Districts as cooperating agencies. Ranger
111 Warnack acknowledge the role of the conservation districts and voiced agreement to include
112 them moving forward.
113

114 Chair Powell requested some project funding be directed toward damage caused by silt to
115 steam beds further down the watershed. Ranger Warnack acknowledged the connectivity
116 between all areas of the watershed and the need to take an extended view.
117

118 Chair Powell suggested inviting the local Future Farmers of America (FFA) team which won a
119 silver medal in Timber Management at the National FFA convention to participate in the WUI
120 Speaker Series. Ranger Warnack took note of the suggestion. Nita Taylor, County Manager
121 suggested the FFA team be invited to do a presentation for the Commission.
122

123 **9. Lincoln County Detention Center Update**

124

125 Warden Arthur Anderson informed on monthly bookings and releases at the Lincoln County
126 Detention Center and stated the total average daily population since January 1, 2013 to current
127 date was 123. Warden Anderson stated the current population was 123.
128

129 Warden Anderson reported no outstanding facility problems at the detention center.
130

131 Commissioner Minter commented on a proposed budget adjustment of \$1 million from the
132 General Fund to the Detention Center due to a loss of revenue from housing federal prisoners.
133

134 **10. Greentree Solid Waste Authority (GSWA) Update**

135

136 Ms. Taylor provided the approved minutes from the GSWA Regular Meeting of September 26,
137 2013. Ms. Taylor commented on highlights from the minutes including:
138

- 139 a. Year to date expenditures for GSWA exceeded revenues by \$53,934.
- 140 b. Bio – Grind, Inc. awarded the bid for “Yard/Forest Waste Recycling/Disposal.
- 141 c. Operational Supervisor granted approval to seek a process to incorporate
142 Yard/forest waste disposal into current operations.
- 143 d. Discussion regarding illegal dumping clean up as a courtesy with the county
144 member not paying for the service and efforts to form an Illegal Dumping Task
145 Force.
146

147 **11. Consideration / Action Re: Issuing Notice Of Intent to Withdraw from JPA that** 148 **Created the Greentree Solid Waste Authority** 149

150 Ms. Taylor provided background on the relationship between GSWA and the County over the
151 past several years. Ms. Taylor stated problems included disagreements over quality of service
152 to County residents and a refusal to recognize the County's right to adequate representation on
153 the Authority's Board. Ms. Taylor reminded the County is GSWA's largest source of revenue
154 contributing between sixty to sixty five percent of all GSWA revenues through billing to County
155 residents and from revenue generated by the Environmental Gross Receipts Tax. Ms. Taylor
156 discussed the withdrawal of the Alto Lakes Water and Sanitation District from the Authority and
157 the subsequent filing of suit by GSWA against the County.
158

159 Ms. Taylor stated a formal mediation to resolve disagreements was held on November 11, 2013
160 with William Walker serving as mediator. Ms. Taylor stated the mediation was unsuccessful
161 with no resolution regarding the issues under litigation due to the withdrawal of ALWSD and no
162 agreement on any of the other issues presented by the parties including rate making authority.
163

164 Ms. Taylor stated a District Court hearing was scheduled for January 24, 2014 on a Motion to
165 Reconsider filed by GSWA after an earlier court ruling that the County did not have the authority
166 to stop ALWSD from withdrawing from GSWA. Ms. Taylor suggested regardless of the outcome
167 of the hearing, the Commissioners must consider whether the County wished to continue
168 participation as a member in the Authority under current circumstances.
169

170 Alan Morel, Attorney stated should the County decide to proceed by providing a Notice of Intent
171 to Withdraw from the Joint Powers Agreement he would recommend the County also send
172 notice to each of the participating governmental agencies. Attorney Morel opined the notice to
173 other agencies in GSWA would either encourage them to work to resolve differences or prompt
174 agreement with the County's decision to withdraw. Attorney Morel stated should the County
175 withdraw from GSWA the participating agencies could agree on the division of assets and
176 liabilities or they might choose to litigate the matter.
177

178 **Motion:** Issue a Notice of Intent to Withdraw to participating agencies and develop an RFP for
179 waste collection and disposal. **Action:** Approve, **Moved by** Commissioner Doth, **Seconded by**
180 Commissioner Draper.
181

182 Commissioner Stone reminded during the mediation there was discussion about meeting with
183 the New Mexico Department of Finance and Administration (DFA) about related financial issues.
184 Attorney Morel reported contacting the attorney for DFA but stated no response was received as
185 of this date.
186

187 Commissioner Minter stated opposition to withdrawing from the JPA. Commissioner Minter
188 questioned if the JPA might still be revised or clarified to resolve "sticking points".
189

190 Attorney Morel reminded while there were various problems with the JPA and its Amendments,
191 the County had also operated under an Ordinance in place for over twenty years. Attorney
192 Morel expressed hope that the Notice of Intent to Withdraw might prompt other governmental
193 entities to review their representation and encourage more negotiation.
194

195 Chair Powell discussed the current year to date loss of \$53,934 as reported by GSWA and the
196 recent receipt of a notice of termination of agreement from GSWA.
197

198 Attorney Morel confirmed the County received a notice of termination of the 2006 Agreement
199 between the County and GSWA. Attorney Morel stated the agreement addressed several
200 issues not covered by the JPA including the recognition of the ability of water and sanitation

201 districts to provide their own services. Attorney Morel stated the termination of the agreement
202 did not affect the JPA's validity.

203
204 Commissioner Draper expressed disappointment the mediation was unsuccessful as an
205 opportunity to "save" GSWA but noted the actual provision of services to the residents as the
206 primary concern of the County.

207
208 **Vote:** Motion passed (**summary:** Yes = 4, No = 1, Abstain = 0).

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

210 **No:** Commissioner Minter.

211
212 **12. 9:00 A.M.: Consideration / Action on Lodger's Tax Applications:**

213
214 a. Application 1707: Funding Request: \$5,000 Purpose: Ruidoso Visitor
215 Guide

216 Date(s) of Event: 2013 Guide

217 Presenter: Lajuana Martinez, Adventure Marketing, Ltd. Co

218
219 Commissioner Doth expressed support for the application but questioned if the Village of
220 Ruidoso or City of Ruidoso Downs would contribute funding. Commissioner Minter requested
221 verification from Ms. Martinez regarding the question. Chair Powell commented on the lack of
222 other visitor guides for the County but requested Lincoln County lodgers and events receive
223 expanded exposure within the guide.

224
225 **Motion:** Approve Application 1707 for \$5000 pending expanded exposure of Lincoln County
226 lodgers and events, **Action:** Approve, **Moved by** Chair Powell, **Seconded by** Commissioner
227 Doth.

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

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

231
232 b. Application 1705: Funding Request: \$2,000

233 Purpose: High Mesa Artist Studio Tour

234 Date(s) of Event: April 26-27, 2013

235 Presenter: Madeleine Sabo, High Mesa Artist Studio Tour

236
237 **Motion:** Approve Application 1705 for \$2,000, **Action:** Approve, **Moved by** Commissioner
238 Doth, **Seconded by** Commissioner Minter.

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

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

242
243 c. Application 1706: Funding Request: \$4,000

244 Purpose: Music in the Parks

245 Date(s) of Event: 2014- 5-6 Classical Concerts & 3-4 School Concerts

246 Presenter: Elaine Brannen/Music in the Parks/Carrizozo Works, Inc.

247
248 Commissioner Doth noted the Lodger's Tax Board minutes indicated a lack of documentation
249 and preparation for this application.

250

251 **Motion:** Deny the request based on a lack of supporting documentation, **Action:** Approve,
252 **Moved by** Commissioner Doth, **None seconded.**
253 **Motion died for lack of a second.**

254
255 Commissioner Stone stated support for the application and suggested a defined list of
256 expectations be provided to applicants if more information was desired. Commissioner Minter
257 commented positively on the events and noted the group received support from other sources.

258
259 Chair Powell suggested all requests for events within municipalities be funded equally by the
260 relevant municipality and the County but noted the County should provide additional support for
261 events within the unincorporated areas.

262
263 **Motion:** Approve Application 1706 for \$2000. **Action:** Approve, **Moved by** Commissioner
264 Draper, **Seconded by** Commissioner Doth.

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

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

267 **No:** Commissioner Minter, Commissioner Stone.

268
269 Commissioner Stone clarified his "no" vote as opposition to the reduced amount of funding
270 approved and stated support for full funding of the application. Commissioner Minter concurred
271 with this position.

272
273 **13. 9:30 A.M.: PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY**
274 **OFFICIALS**

275
276 Glenna Robbins, County Treasurer presented detailed pie charts illustrating the breakdown of
277 taxes billed and collected by the County on behalf of numerous entities and agencies. Ms.
278 Robbins reported a total of \$26,825,927.79 in property taxes were billed for 2013.
279 Commissioner Draper questioned the amount of budgeted revenue as a percentage of total
280 property tax billed. Ms. Robbins stated the County budgeted conservatively but anticipated a
281 96% collection rate for the property taxes billed.

282
283 Commissioner Minter questioned a possible loss of revenue to the County due to Ruidoso
284 based contractors collecting Ruidoso gross receipts tax on work performed in the County.
285 Commissioner Minter stated if a problem exists, the proposed permitting MOU with the Village
286 might contribute to expanding the problem. Ms. Robbins stated she would research information
287 regarding the State's methods of auditing the reporting of gross receipt taxes.

288
289 Commissioner Draper thanked Joe Kenmore and Spencer Baldwin of the Office of Emergency
290 Services for a recent fire safety presentation at Rainmakers in conjunction with the Bonito
291 Volunteer Fire Department.

292
293 **14. Consideration / Action on Lincoln County State Audit Report**

294
295 A. J. Bowers of the Accounting and Consulting Group, LLP presented an Executive Summary of
296 the County's FY 2012-2013 audit. Mr. Bowers stated the company performed 61 audits of local
297 governments this fiscal year of which 9 were county audits.

298
299 Mr. Bowers stated financial highlights included \$59.3 million in assets and \$7.9 million in
300 liabilities resulting in a \$51.4 million "net position"; \$11 million unrestricted in the County's
301 General Fund; and \$24.1 million in revenues offset by \$21.1 million in expenses.

302
303 Mr. Bowers stated the purpose of the audit was to provide an opinion on the financial
304 statements. Mr. Bowers discussed three reports contained in the audit itself with the first being
305 a report of an unqualified opinion on the financial statements. Mr. Bowers explained an
306 unqualified opinion was the highest level of opinion given and reflected a job well done by the
307 County and staff.

308
309 Mr. Bowers stated the second report was an Internal Control Report for which an opinion was
310 not issued but instead findings related to internal controls were reported. Mr. Bowers stated the
311 third report was the A-133 Report in accordance with required audits for federal awards. Mr.
312 Bowers stated the County also received an unqualified opinion on those audits of federal
313 funding received for Hazardous Fuels Reduction and Hazard Mitigation programs.

314
315 Mr. Bowers stated there were a few findings related to internal controls which were presented to
316 staff in the exit conference. Mr. Bowers noted the County had resolved five of the internal
317 control findings from the prior year.

318
319 Chair Powell expressed appreciation for the work of the Finance Director and staff and the
320 Treasurer and her staff. Chair Powell commented on the difficulties presented by the 2012
321 Little Bear Fire and acknowledged the extra work by all County staff.

322
323 **Motion:** Approve the Annual Audit for FY 2012-2013, **Action:** Approve, **Moved by**
324 **Commissioner Doth, Seconded by** Chair Powell.

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

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

328
329 Chair Powell recessed the Regular Meeting at 9:48:47 AM and reconvened at 10:01:57 AM.

330
331 **15. Joint Presentation Re: Completion of LCMC's Physician's Office Building –**
332 **Dekker/Perich/Sabatini, Jaynes Corporation**

333
334 Bobby George of Dekker/Perich/Sabatini provided a final overview of the project. Mr. George
335 commented on the 2010 Master Plan for the Lincoln County Medical Center which included
336 plans for a 15,000 square foot professional office building with a total project cost of
337 approximately \$5.3 million. Mr. George reminded in 2011 revisions were made to
338 accommodate specialty service needs resulting in an increase to 20,000 square feet with a
339 project budget of about \$6.7 million. Mr. George stated in 2012 after bids were received for
340 23,350 square feet and after a meeting to revise and approve the budget, the total project
341 budget was about \$6.7 million with the construction only portion being about \$5.3 million.

342
343 Mr. George stated the initial contract with Jaynes Corporation was for \$5.27 million. Mr. George
344 informed the project was completed for \$5.16 million or \$100,000 under budget. Mr. George
345 stated in addition to completing the project under budget hands free faucets were added,
346 additional electronic security installed on doorways, and drainage improvements were made to
347 El Paso Road. Mr. George reminded the original contract was signed on November 30, 2012
348 with a substantial completion deadline of 365 days. Mr. George stated substantial completion
349 was achieved on November 01, 2013 with approval for occupancy by the State Health
350 Department on November 8, 2013. Mr. George spoke to the collaborative effort between
351 Jaynes and Dekker/Perich/Sabatini to facilitate management of the project and to save money.

352 Mr. George commended Jaynes Corporation for their performance on the job being both ahead
353 of schedule and under budget.

354
355 Commissioner Draper thanked Jaynes Corporation for working to include local subcontractors
356 on the project.

357
358 Ms. Taylor recognized Gordon Burch and Jason Parsons from Jaynes Corporation for their
359 work. Jason Parsons, Superintendent for Jaynes Corporation stated the past year spent on the
360 project resulted in his appreciation for the local area.

361
362 **16. Consideration / Action on Professional Services Agreements with SNMEDD to**
363 **Provide Professional Administrative Services for Lincoln County CDBG Grant and**
364 **Legislative Capital Outlay projects:**

365
366 Ms. Taylor reminded the County received two Capital Outlay grants for its senior centers as
367 follows:

- 368
369 a. NM Aging & Long Term Services Department Capital Outlay Grant Agreement #
370 2014-1173 for \$49,400 to purchase and install meals equipment in senior centers
371 county-wide in Lincoln County;
372 b. NM Aging & Long Term Services Department Capital Outlay Grant Agreement #
373 2014-1174 for \$245,000 to plan, design, construct, equip and furnish a senior
374 center in Carrizozo, NM.

375
376 Ms. Taylor further reminded the County entered into a Professional Services Agreement with
377 SNMEDD to provide administrative services at a 2% fee for a CDBG Grant award of \$500,000
378 towards the building of the new senior center in Carrizozo. Ms. Taylor recommended the
379 County similarly enter into administration agreements with SNMEDD for the two Capital Outlay
380 Grants.

381
382 **Motion:** Authorize the County Manager to enter into professional services agreements with
383 SMNEDD for the Capital Outlay grants as listed, **Action:** Approve, **Moved by** Commissioner
384 Draper, **Seconded by** Chair Powell.

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

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

388
389 **17. Consideration /Action on Resolution 2013-25; Mid-Year Budget Adjustments:**
390 **FY13-14**

391
392 Ms. Taylor presented the proposed mid-year budget adjustments and the associated Resolution
393 noting the adjustments were divided by revenues, transfers, and expenses. Ms. Taylor
394 discussed the significant budget adjustments including:

- 395
396 a transfer to Lease Proceeds in the amount of \$1,373,820 as a part of the financing for
397 the lease and repayment for new road equipment; a transfer of \$1,090,000 from the General
398 Fund to accommodate loss of revenue for the housing of federal prisoners; and a transfer of
399 \$39,920 from a budgeted salary position to Maintenance Agreements to cover the cost of data
400 system maintenance by Systems MD.

401

402 Commissioner Draper questioned the transfer of funding from a full time salary position. Ms.
403 Taylor clarified the salary for an "IT" position was carried in the budget for several years but the
404 position was never staffed. Ms. Taylor stated the adjustment from salaries was to cover the
405 cost of the maintenance agreement with Systems MD until the end of the fiscal year. Rhonda
406 Burrows, County Clerk expressed a desire to revisit the idea to staff a full time position to
407 accommodate daily technical issues and reminded Systems MD recommended the County hire
408 someone to deal with daily issues.

409
410 Commissioner Minter questioned the final net adjustment to the General Fund. Glenna
411 Robbins, Treasurer informed the approved original budget included \$621,845 over required
412 reserves. Ms. Robbins stated after the adjustments presented were approved the budget
413 would reflect \$476,691 over required reserves.

414
415 Commissioner Minter questioned the adjustment and expenditure for \$97,000 of dental
416 equipment. Ms. Taylor stated the expenditure was approved in the prior fiscal year but the
417 funding reverted at end of the fiscal year requiring an adjustment this year prior to the purchase.

418
419 **Motion:** Adopt Resolution 2013-25 and grant the County Manager authority to enter into an
420 agreement with Systems MD, **Action:** Approve, **Moved by** Commissioner Doth, **Seconded by**
421 Chair Powell.

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

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

425
426 **SEE EXHIBIT B:** Copy of Resolution 2013-25 is attached hereto in reference thereto made a
427 part hereof.

428 429 **18. Manager's Report**

430
431 **1. Forest Health Funding Initiatives.** The Manager provided the following updates on
432 funding initiatives:

433
434 **A. NRCS EWP Grant - \$194,947 with a 25% County (landowner) Match.** This Little
435 Bear Fire Emergency Watershed Project is taking corrective action on four areas in the
436 County. In all cases the Little Bear Fire destroyed vegetation on watershed, increasing
437 potential for damage to residences and infrastructure from channel overtopping and
438 overland flow down steep slopes:

439
440 **1. Angus and Church Camp Subdivision.** The proposed action is to install concrete
441 walls around a domestic well and sewer lift station to protect them from flooding.
442 Wattles and mulch to be placed in critical areas and channel to be constructed to
443 protect historic building. Cost estimate \$55,800.

444 **2. Eagle Creek and Villa Madonna.** The proposed action is to install jersey barriers
445 around homes, and to conduct excavation, compacted fill, place wattles and remove
446 debris to restore channel capacity. Cost estimate \$94,500.

447 **3. Bonito Creek.** Little Bear Fire destroyed vegetation on watershed above Bonito
448 Lake, which supplies 40% of water for City of Alamogordo and Holloman Air Force
449 Base. Proposed action is to construct several small debris and sediment basins.
450 Cost estimate \$50,000.

451 **4. Lower Rio Bonito.** Proposed action is to construct sediment and debris basin to
452 protect private road crossing in a subdivision. This is the only entrance and it is not

453 maintained by the county nor eligible for federal aid. Wattles will be placed to protect
454 soil from erosion in critical areas. Cost estimate \$36,000.
455

456 The Manger stated the grant funds were to be expended by January 7, 2014 but she
457 requested and received a 17 day extension due to the federal shutdown.
458

459 **B. FEMA - NM Homeland Security Grant - \$3.5 Million.** The Manager reported
460 approval of the grant by FEMA was moving very slowly, partly due to the government
461 shutdown and partly due to a changing of the requirements. The County received
462 notification of a requirement to submit the Voluntary Participation Agreement Letters as
463 part of the initial application. The Manger stated this was a time-consuming step the
464 County intended accomplishing once assured of funding but were now working with
465 FEMA and the NM Department of Homeland Security and Emergency Management
466 (NMDHSEM) to meet the requirement.

467 **C. Presidential Declaration for NM.** The Manager stated the declaration was for rain
468 events that occurred between September 9, 2013 and September 22, 2013. Per
469 NMDHSEM, the County must meet a minimum threshold of damage of \$90,000. The
470 County's estimate for road damage alone exceeded the threshold. FEMA personnel
471 were scheduled in the County on November 20, 2013 to work with County staff to
472 identify and develop Project Worksheets. The Manager stated estimated total costs and
473 the proposed State match were unknown and she would return for Commission approval
474 at a later date.

475 **D. Governor's Executive Order.** The Manager stated Governor Martinez issued
476 Executive Order 2013-027 to address flooding and major damage to areas across the
477 state. Emergency Management, Planning and other departments were working to
478 identify damage in the County in particular areas with heavy build-up of slash that would
479 threaten health, safety and welfare in the circumstance of flooding. The Manager stated
480 she would seek Commission approval to apply for funding once the estimate was
481 complete. Ms. Taylor noted prior State funding received required a 25% County match.
482

483 Ms. Taylor requested direction as to whether the Commissioners wished to pursue the State
484 funding available as a result of the Governor's Executive Order. Chair Powell cited the arroyo
485 damage near Fox Cave as an example of damage due to post fire flooding. Commissioner
486 Doth stated there were ongoing issues with culverts being clogged with debris resulting in road
487 damage.
488

489 There was a general consensus to identify and seek any available funding to offset damage or
490 potential damage acknowledging a potential cost of 25% to the County.
491

492 **2. FY13 Audit.** The Manager reminded the annual audit was complete with the County
493 receiving an unqualified Opinion for both the Financial Statement and the Federal
494 Awards. The Manager commented on the hard work of staff to achieve these results
495 and noted five out of seven of last year's findings were totally resolved. The Manager
496 noted this year's audit carried forward two findings and included four new findings. The
497 Manager expressed confidence the staff would "chip away" at these findings.
498

499 **3. LCMC Update.** The Manager reported working with Attorney Morel and LCMC on the
500 modified Lease Agreement. The Manager stated plans to present the modified
501 agreement for review at the December meeting. The Appraisal Report was submitted
502 for DFA review, as required by law, but DFA would not complete their review until mid-
503 December or later. The Manager stated if DFA completed their review, it could be

504 submitted to the State Board of Finance by December 31, 2014 and presented for
505 Commission approval at the January meeting.
506

507 Commissioner Draper questioned if the required DFA approval would affect the timing of lease
508 payments by LCMC. The Manager reminded of the Commissions' prior approval for lease
509 payments in the amount of \$1.1 million to begin January 1, 2014. Attorney Morel stated
510 although State approval was pending, LCMC had taken occupancy of the new buildings, and
511 recommended LCMC begin lease payments as agreed. Attorney Morel stated any adjustments
512 could come later if needed.
513

514 **4. Building Updates.** 515

516 **A. Lincoln County Courthouse/Sheriff's Expansion.** Work is continuing on
517 the courthouse expansion. Although Basic IDIQ normally holds weekly meetings
518 on Wednesday, Nancy Kerr Project Manager, will provide a tour of the project to
519 any Commissioners interested directly after the end of the Commission meeting.

520 **B. Ft. Stanton Fire Station.** Work has commenced on the site for the Fire
521 Station with concrete poured and inspected and the building structure standing.
522 The Manager stated once the metal building was complete stucco would be
523 applied as required by State Monuments.
524

525 **6. Updates from Staff:** 526

527 Michelle Caskey, Assets and Information informed the new Medical Office Complex was
528 open with patients being seen and noted waiting areas were well designed. Ms. Caskey
529 discussed the planned Grand Opening for the new Medical Office Complex for
530 November 20, 2013 with tours being conducted.
531

532 Joe Kenmore, Director of OES discussed the ongoing safety program titled RAP being
533 conducted by all County departments. Mr. Kenmore reported six to seven no burn days
534 in the County in the last month due to wind conditions. Mr. Kenmore discussed recent
535 rains including five inches of snow on the mountain. Mr. Kenmore reported ICS 300
536 and 400 classes were held at the OES facility with attendance by several county
537 employees to facilitate establishment of an emergency management team in the County.
538 Mr. Kenmore reported State forestry held a class regarding chainsaw safety for local
539 contractors involved in tree thinning.
540

541 **5. MOU with Village of Ruidoso: Permitting and Inspections** – Curt Temple, Planning 542 Director discussed progress on the MOU between the Village of Ruidoso and the 543 County. Mr. Temple stated one outstanding question related to the imposition of a fee 544 for County services and requested guidance from the Commissioners. 545

546 Commissioner Minter questioned and Mr. Temple confirmed the Village would eliminate their
547 10% surcharge for permitting to County residents. Commissioner Minter suggested no fee be
548 added by the County. Commissioner Doth stated support for a percentage of the fee charged
549 by the Village to be returned to the County. Commissioner Draper suggested a fixed minimal
550 fee to offset County services.
551

552 Mr. Temple detailed other proposed changes including a 60 day termination clause
553 should the Village of Ruidoso lose or terminate any permitting services. Mr. Temple
554 stated the outright termination period was expanded from 30 days to 60 days. Mr.

555 Temple stated a requirement was proposed for the Village of Ruidoso to retain all
556 records for a period of six years.

557
558 Commissioner Minter questioned if reporting requirements were defined in the agreement. Mr.
559 Temple discussed a current permit report received by the Assessor's office. Paul Baca,
560 Assessor discussed recent problems with reporting and his agreement with the Village for them
561 to enter County owner numbers on the permits with copies of each permit to come to the
562 County.

563
564 After lengthy discussion there was a general consensus, excepting Commissioner Minter, to
565 charge a \$25.00 fee for County services regardless of the size of the project. The consensus
566 included direction to the Village of Ruidoso to remit the fee to the County from their collected
567 permitting fee and not to add the fee as a separate charge.

568
569 **6. Updates from Staff: (continued)**

570
571 Carl Palmer, Road Superintendent discussed road repair status on the eastern side of
572 the County following the heavy rains in the area. Mr. Palmer stated initial repairs were
573 made and further damage estimates were to be provided to FEMA in the upcoming
574 inspection.

575
576 Ms. Taylor provided upcoming time and dates for public hearings on the Environmental
577 Impact Study for Reintroduction of the Wolf to be held in Albuquerque and Pine Top,
578 Arizona. Ms. Taylor stated she planned to attend the Albuquerque hearing if possible.

579
580 Ms. Taylor reported after an NMAC safety inspection which identified carpet in the
581 administration building as a trip hazard, work would begin to replace that carpet.

582
583 Curt Temple, Planning Director reported on improvements required to replace sewer
584 pipe connections to the restrooms in the main county office/court building.

585
586 **19. Consideration and Action of Indigent Health Care Claims**

587
588 Scott Annala, IHC Administrator presented the Sole Community Provider/Lincoln County
589 Medical Center claims for approval. Mr. Annala processed 87 claims with 82 recommended for
590 approval and 5 recommended for disapproval for a total authorization of \$86,862.65 and a year
591 to date authorization of \$531,452.82. Mr. Annala noted the average monthly hospital claims to
592 date was \$114,324 with a projected annual approval for FY 2013-2014 of approximately \$1.27
593 million.

594
595 Mr. Annala presented the Indigent Health Care Payments request for the month. Mr. Annala
596 processed 76 claims with 68 recommended for approval and 8 recommended for disapproval.
597 Mr. Annala stated the total of claims recommended for payment this month was \$14,939.20 for
598 a year to date total of \$100,619. Mr. Annala noted the average monthly indigent claims to date
599 were \$20,132 with a projected annual expenditure of \$244,488. Mr. Annala reminded the FY
600 2013 -2014 budget for Indigent claims was \$393,278.

601
602 Mr. Annala provided charts and graphs for comparison of current payments to prior fiscal years.
603

604 **Motion:** Approval and denial of the claims as indicated for Sole Community Provider and
605 Indigent Health Care Program payments as recommended, **Action:** Approve, **Moved by**
606 Commissioner Minter, **Seconded by** Commissioner Doth.
607 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).
608 **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth,
609 Commissioner Draper.

610
611 Mr. Annala stated conversations including the Health Care Affiliate were ongoing regarding the
612 potential State intercept of the dedicated 1/8th GRT for Indigent Health Care. Mr. Annala noted
613 County opposition to the intercept and the potential for legislation to be introduced in the next
614 session. Chair Powell requested updates as the legislative session approached.

615
616 **SEE EXHIBIT C:** Copies of the Sole Community Provider and Indigent Health Care Payments
617 are attached hereto in reference thereto made a part hereof.

618
619 **20. Consideration and Approval of New Medical Provider #53,**
620 **Gary Harmon, Psy.D- Psychological Services**

621
622 Ms. Taylor reminded all medical providers wishing to receive funding from the Indigent Health
623 Care Fund must be approved as a Medical Provider

624
625 Commissioner Minter noted the provider had offered to reduce the hourly rate for services to
626 those qualifying for Indigent Health Care.

627
628 **Motion:** Approve Medical Provider Agreement #53, **Action:** Approve, **Moved by**
629 Commissioner Minter, **Seconded by** Commissioner Doth.
630 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5)
631 **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth,
632 Commissioner Draper.

633
634 **21. Water Issues/Forest/Wildlife Health Programs/Land and Natural Resources**
635 **Advisory Committee (LANRAC)**

636
637 Ms. Taylor presented the list of water right notices posted for Lincoln County:

638
639 a. Sea Gem LLC File No. 01407-1 and H-207 into 0275-1 et al and H-272 an application
640 to discontinue the diversion of 203.125 acre feet per annum of the surface waters of the Rio
641 Bonito and supplemental groundwater and to temporarily commence the diversion of 203.125
642 acre feet per annum of the surface waters of the Rio Ruidoso with supplemental groundwater.

643
644 b. Sea Gem LLC File No. H-50-1 into 0275.1 and H272 et al (T) an application to
645 commence diversion of 12.096 acre feet per annum from the surface waters of the Rio Ruidoso
646 and to move points of diversion for municipal use with 50% return flow credit.

647
648 c. Village of Ruidoso and Ruidoso Properties Irrevocable Management Trust Application
649 No. H-53-1 into 0275-1 and H272 et al (T) an application to temporarily change points of
650 diversion, place and purpose of use of 123.0 acre feet per annum by ceasing diversion from the
651 described wells and severing said waters from commercial racetrack purposes within the
652 Ruidoso Downs Racetrack facilities and to commence the diversion of 123 acre feet per annum
653 of groundwater and surface waters of the Rio Ruidoso with supplemental groundwater.

654 Ms. Taylor stated she conveyed the concerns of the Board of County Commissioners regarding
655 the timely postings of applications to the website to the office of the State Engineer. Ms. Taylor
656 informed the State Engineer maintained posting to their website was a courtesy only with the
657 notification requirement being met by publication in the newspaper. Ms. Taylor suggested the
658 County consider filing IPRA requests weekly or routinely to obtain adequate notice of water right
659 applications.

660
661 Chair Powell commented on the adverse effects of a request to transfer rights from one
662 streambed to an entirely separate streambed as proposed by the application to transfer 203.125
663 acre feet per annum. Chair Powell also commented on the futility of transferring water on paper
664 when the water was not present to be transferred. Chair Powell noted the applications were
665 initially to be considered as "emergency" which would have eliminated the comment period.

666
667 There was a general consensus to submit comments protesting applications by Sea Gem LLC.,
668 File No. 01407-1 and H-207 into 0275-1 et al; and H-272-203 and the Sea Gem LLC., File No. H-
669 50-1 into 0275.1 and H272 et al (T).

670
671 Ms. Taylor reminded of the prior discussion regarding the EPA Wetlands Guidance Process and
672 the draft scientific report, "Connectivity of Streams and Wetlands to Downstream Waters: A
673 Review and Synthesis of the Scientific Evidence." Ms. Taylor provided copy of the comment
674 letter submitted in a timely fashion on behalf of the County. Ms. Taylor stated comments
675 protested the proposed regulations which would usurp private property rights in water and the
676 State of New Mexico's jurisdiction over water rights administration. Ms. Taylor noted the
677 comments submitted on behalf of Lincoln County were "borrowed" from comments submitted by
678 the Arizona/New Mexico Association of Counties.

679
680 **24. Termination Agreement between County of Lincoln and Presbyterian Health**
681 **Services relating to Property at 129 El Paso Road, Ruidoso, NM**

682
683 Attorney Morel reminded agreements were entered into to obtain property for the location of the
684 new Medical Office Complex. Attorney Morel stated construction was completed without the
685 need to purchase this particular piece of property and Presbyterian wished to retain the property
686 for other use.

687
688 **Motion:** Terminate the agreement for purchase of 129 El Paso Road, **Action:** Approve, **Moved**
689 **by** Commissioner Doth, **Seconded by** Commissioner Minter.

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

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

693
694 **25. Authorization to Schedule Public Hearing to Consider Other Outdated or New**
695 **Lincoln County Ordinance**

696
697 Chair Powell questioned if there was need to review the Lodger's Tax Ordinance. Attorney
698 Morel stated requirements for the use of the lodger's tax were set by State Statute. Attorney
699 Morel stated an event such as the Motorcycle Rally, while not physically located in the County,
700 most probably met the requirement to fund advertisement for events which brings lodgers to the
701 area.

702
703 **23. Approval of Required 2014 Operational Resolutions:**

704

- 705 a. Resolution 2013-22 – Establishing 2014 Regular Commission Meetings
706 b. Resolution 2013-23 - Establishing 2014 County Official Holiday Calendar
707 c. Resolution 2013-24 - Open Meetings Act
708 d. Other 2014 Committee Meetings – Planning Commission, Lincoln Historic
709 Preservation and Lodger’s Tax
710

711 Ms. Taylor noted these were the “traditional” resolutions presented for adoption prior to the new
712 calendar year.

713
714 **Motion:** Adopt Resolution 2013-22; Resolution 2013-23; Resolution 2013-24 and approve the
715 Other 2014 Committee Meetings, **Action:** Approve, **Moved by:** Commissioner Minter,
716 **Seconded by** Commissioner Draper.

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

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

720
721 **SEE EXHIBIT D:** Copies of Resolution 2013-22, Resolution 2013-23, and Resolution 2013-24
722 are attached hereto in reference thereto made a part hereof.

723
724 Chair Powell recessed the Regular Meeting at 12:01:22 PM.

725
726 Chair Powell reconvened the Regular Meeting, recessed the Regular Meeting and convened the
727 Public Hearing at 1:04:35 PM.

728
729 **26. 1:00 p.m. Public Hearings beginning at 1:00 PM and the second hearing to follow**
730 **immediately:**

- 731
732 a. Public Hearing to consider a Variance from Section 5.A.7 of Ordinance
733 2006-06 Lincoln County Outdoor Advertising Regulation, disallowing intermittent,
734 moving or flashing lights, or video images. The variance is requested by
735 ZiaScapes Landscaping.

736
737 Attorney Morel presented the request for variance based on the “undue hardship” provision in
738 the Ordinance and reminded a similar variance was granted last month.

739
740 Jim Secor, owner of ZiaScapes stated upon notification his sign was not in compliance with the
741 current Ordinance and requested a variance to allow the sign to remain. Mr. Secor stated his
742 request was for a variance from the requirement a sign be 1000 feet from the billboard. Mr.
743 Secor stated the sign would comply with all other aspects of the Ordinance including the night
744 sky requirements and flashing light limitations.

745
746 Chair Powell recessed the Public Hearing and reconvened the Regular Meeting at 1:11:25 PM.

747
748 **Motion:** Grant the variance to ZiaScapes for an illuminated sign and message board subject to
749 display of a single, non-flashing message to be shut off at 10:00 PM daily, **Action:** Approve,
750 **Moved by** Commissioner Minter, **Seconded by** Commissioner Doth.

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

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

754
755 Chair Powell recessed the Regular Meeting and reconvened the Public Hearing at 1:13:55 PM.

756
757 b. Public hearing to Amend Ordinance 2008-5 Lincoln County Planning
758 Commission- Section 10.E. with Ordinance 2013-06
759

760 Attorney Morel explained an amendment was requested to allow the Planning and Zoning
761 Commission to elect the Chair and Vice Chair of the Commission rather than those positions be
762 appointed by the Board of Commissioners.
763

764 Receiving no public comment, Chair Powell adjourned the Public Hearing and reconvened the
765 Regular Meeting at 1:17:25 PM.
766

767 **Motion:** Adopt Ordinance 2013-06 with the changes as presented, **Action:** Approve, **Moved**
768 **by** Commissioner Stone, **Seconded by** Commissioner Doth

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

770 **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth,
771 Commissioner Draper.
772

773 **SEE EXHIBIT E:** Copy of Ordinance 2013-06 is attached hereto in reference thereto made a
774 part hereof.
775

776 **22. Consideration/ Potential Action to Formally Oppose USFS– Cibola National Forest**
777 **Action to Suspend or Reduce Grazing on Active Grazing Allotments on the**
778 **Mountainair Ranger District for limited periods of time.**
779

780 Ms. Taylor discussed the prior appearance and presentation by Ranger Karen Lessard of the
781 Cibola Ranger District to discuss her decision to suspend the use of grazing allotments by
782 permit holders on that District. Ms. Taylor reminded a group of affected permit holders from
783 Lincoln County had expressed concern about the basis for this action and the potential impact
784 of the decision. Ms. Taylor reminded Resolution 2013-13 Opposing the Blanket Removal of
785 Livestock from the Mountainair Ranger District was subsequently adopted. Ms. Taylor noted
786 the Ranger District recently made some modifications to the Order allowing limited grazing on
787 limited allotments.
788

789 Commissioner Stone reported on a meeting between the allotment holders in Lincoln County,
790 the Cibola Ranger District, NM Department of Agriculture, the USDA Range Task Force,
791 representatives from New Mexico State University and various other range experts.
792 Commissioner Stone discussed a range analysis presented by the USDA Range Task Force on
793 two allotments. Commissioner Stone stated the analysis by the Range Task Force indicated
794 there was sufficient forage available to meet the US Forest Service standards of forage
795 utilization.
796

797 Commissioner Stone reported due to Congressional intervention, the Cibola Ranger had
798 extended an invitation for limited restocking conditional upon a signed agreement with permit
799 holders. Commissioner Stone stated it was his understanding the permit holders would not
800 sign the proposed agreement believing it was an infringement on their rights.
801

802 Commissioner Stone stated there was not sufficient scientific data to support the decisions of
803 the Ranger District. Commissioner Stone discussed an upcoming critical meeting which may
804 set a precedent in the infringement of permittee rights. Commissioner Stone suggested the
805 actions of the Ranger District were supportive of a claim of "malfeasance" and noted the
806 removal of livestock from permits caused a loss to the County in the form of livestock tax.

807 Commissioner Stone requested the County file appropriate claims of grievance with the
808 appropriate agencies to initiate an investigation.
809

810 Attorney Morel stated there were administrative procedures to object to the decision and
811 possibly to the actions of a particular Ranger. Attorney Morel stated given direction he would
812 research those procedures.
813

814 Commissioner Draper questioned if there was precedence for the USFS to utilize Range Task
815 Force data as a basis for decisions. Commissioner Stone stated in 1992 a Memorandum of
816 Understanding was signed by the USDA Range Task Force and the US Forest Service to work
817 as cooperating agencies.
818

819 **Motion:** Direct the County Attorney to move forward filing a request for a Congressional
820 Investigation of the Mountainair Ranger District, **Action:** Approve, **Moved by** Commissioner
821 Stone, **Seconded by** Chair Powell.

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

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

826 **28. Consideration of Appointments and Removals from Boards/Commissioners/
827 Committees:**

828
829 a. Planning Commission
830

831 No action was taken.
832

833 **30. Signing of Official Documents**
834

835 Chair Powell recessed the Regular Meeting at 1:40:46 PM and reconvened at 2:00:21 PM.
836

837 **27. 2:00 p.m. Public Hearing to consider the approval of T-Mobile's Co-location
838 Application (NM04084C Border Hills) for Special Use Permit for Wireless
839 Telecommunication Facility to Extend Tower by 15'.**
840

841 Mel Patterson, Center for Municipal solutions and under contract with the County to conduct cell
842 tower negotiations presented the application from T Mobile. Mr. Patterson stated the
843 application was unique for several reasons including the initial request for a new tower in close
844 proximity to an existing tower. Mr. Patterson reminded the County's Ordinance required
845 companies to use existing towers within a specific range. Mr. Patterson stated T-Mobile
846 negotiated for placement of equipment on with the existing tower but the owner required the
847 tower be extended an additional 15 feet. Mr. Patterson stated the request as presented was to
848 co-locate equipment and extend the tower.
849

850 Commissioner Doth clarified towers over 200 feet required lighting by the FAA. Mr. Patterson
851 confirmed the height requirement and stated after extension this tower would be 195 feet.
852

853 Receiving no public comment, Chair Powell adjourned the Public Hearing and reconvened the
854 Regular Meeting at 2:06:58 PM.
855

856 **Motion:** Approve the T-Mobile Co-location Application and the extension of the tower height
857 subject to the seven conditions listed. **Action:** Approve, **Moved by** Commissioner Minter,
858 **Seconded by** Chair Powell.

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

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

862
863 **29. Executive Session Pursuant to the Open Meetings Act: Discussion of all**
864 **Threatened and/or Pending Litigation Section 10-15-1, Sub-Paragraph H.(7); and**
865 **Discussion of the purchase, acquisition or disposal of real property or water**
866 **rights by the public body, Section 10-15-1, Sub-Paragraph H.(8).**
867

868 **Motion:** To close the meeting for the purposes of an Executive Session to discuss Threatened
869 and/or Pending Litigation pursuant to the Open Meetings Act, Section 10-15-1, Sub Paragraph
870 H.(7) and the purchase, acquisition or disposal of real property or water rights by the public
871 body, Section 10-15-1, Sub-Paragraph H.(8) and as follows:
872

873 **New or Updated Matters since last report = ***
874

- 875 1. *Lodger's Tax Issue B Casa del Cocinero B making regular payments.
- 876 2. *Cooper, Gale and DeBaca County News v. County of Lincoln, Sheriff of Lincoln County,*
877 *et al.* D-1329-CV-200701364. Suit filed: October 15, 2007. Verified Complaint for
878 Declaratory Judgment Ordering Production of Certain Records and Information. Hearing
879 to rule on plaintiff's motions for cost, sanctions and production of records scheduled
880 Dec. 13, 2013.
- 881 3. *Michael Wheaton v Paul F. Baca, Lincoln County Assessor, et. al.* D-1226-CV-2011-
882 00341. Suit filed October 18, 2011. Notice of Appeal of Final Order of the Lincoln
883 County Valuation Protests Board.-Attorney has agreed to stay the case pending the
884 decision from the Court of Appeals.
- 885 4. *Coble Constructors, LLC, et al v Carl Kelley Construction Ltd. Co, et al.* D-1226-CV-
886 2012-00003. Suit filed January 15, 2012. Complaint to Foreclose Mechanic's Lien.
887 Order granting motion for resetting 4/17/13. Waiting on court date.
- 888 5. **Alto Lakes Golf & Country Club, Inc. v. Barbara Fleming, and Jesus and Maria*
889 *Guardiola, et al.* D-1226-CV-2011-00044. Suit filed February 18, 2011. Complaint to
890 Foreclose Lien. Counterclaim and Crossclaim suit filed by Washington Federal Savings
891 on September 21, 2012 naming Board of Commissioners of Lincoln County and Lincoln
892 County Solid Waste Authority. *Stipulated and Default Judgment, Decree for
893 Foreclosure, Order of Sale, and Appointment of Special Master, entered by the Court on
894 8-12-13. L.C.'s lien was not extinguished and is still a valid lien against the subject
895 property. Order approving sale and Special Master's Report filed Oct. 23, 2013
- 896 6. *Johnathan Warren v. Lincoln County Detention Center, Emerald Healthcare Systems, et*
897 *al.* 2:12-CV-01086-CG-LAM. Suit filed October 19, 2012. Complaint for the Recovery
898 of Damages Caused by the Deprivation of Civil Rights.
- 899 7. **Greentree Solid Waste Authority v. Lincoln County, et. al.* D-0101-CV-2013-00104. Suit
900 filed January 9, 2013. Petition for Declaratory Judgment; Preliminary and Permanent
901 Injunction. *Order Granting ALW&SD's Motion for Judgment on the Pleadings and for
902 Summary Judgment entered by the court on 6-15-13. Mediation with Mr. Walker Nov.
903 11, 2013 was unsuccessful. Hearing for plaintiff's Motion to Reconsider scheduled with
904 Judge Singleton Jan. 24, 2013.
- 905 8. *Rio Grande-Alameda, Ltd. v Paul Baca, Lincoln County Assessor* D-1226-CV-2013-
906 00005. Suit filed January 9, 2013. Complaint for Refund of Taxes Paid. Defendant=s

- 907 first motion to dismiss or Summary Judgment filed August 29, 2013, with plaintiff=s
908 response filed Oct. 4, 2013. Defendant=s Reply to Motion to Dismiss or for Summary
909 Judgment filed Oct. 21, 2013.
- 910 9. *Washington Federal Savings v. Timothy Rose; Chanda Rose; and Lincoln County D-*
911 *1226-CV-2013-00105.* Suit filed April 15, 2013. Complaint for Foreclosure. July 29,
912 2013 Ltr to Bishop, White, Marshall & Weibel, P.S. advising of payoff amount through
913 Aug. 5, 2013. Lots 139, 169, 170 paid in full. Partial Release of Lien has been delivered
914 and is on file.
- 915 10. *Wells Fargo Bank, NA, et al v. Jerry Turner, Board of County Commissioners of the*
916 *County of Lincoln, New Mexico, et al. D-1226-CV-2013-00129.* Suit filed May 6, 2013.
917 First Amended Complaint for Foreclosure filed by Morel on June 21, 2013.
- 918 11. **State of New Mexico (Lincoln County) v. Stephen Gore M-30-MR-2013-00113.* Citation
919 filed June 17, 2013. Lincoln County Solid Waste Ordinance 2009-03 Violation. *June 17,
920 2013 Trial continued. Non-Jury hearing Oct. 22, 2013 gave Mr. Gore 30 days to
921 progress with clean-up. Notice of Sentencing Hearing scheduled for Dec. 4, 2013.
- 922 12. **Steven Miller, et al. v. State Forestry Division, NM Energy, Minerals, and Natural*
923 *Resources Department, County of Lincoln, et al. D-1226-CV-2013-00160.* Suit filed
924 June 15, 2013. Lincoln County Manager and Commissioners served July 9, 2013.
925 Complaint for Negligence, Injury and Damages. *On August 2, 2013, NMAC advised
926 Attorney Bryan Evans has been assigned as counsel for Lincoln County. Peremptory
927 challenge of Judge Angie Schneider filed by Commission Chair Jackie Powell. Judge
928 Jerry Ritter assigned case October 2, 2013. Judge Waylon Counts has been reassigned
929 the case Oct. 25, 2013.
- 930 13. *Barbara Diane Latham, et al v. Neal Cox, Ben Hazen, Lincoln County Sheriff=s*
931 *Department and the County of Lincoln. D-1226-CV-2013-00191.* Suit filed July 19,
932 2013. Complaint for Violation of Civil Rights, Wrongful Death and Damages by Attorney
933 Gary Mitchell. LCSO and LC Manager were served on August 5, 2013. Tort Claim
934 Notice was filed on October 27, 2011. Advised NMAC has assigned the case to Brennan
935 and Sullivan Law Firm 9/5/13. Case has been moved to Federal Court August 30, 2013.

936 **Tort Claims Notices Received or Threatened**

937 **2013**

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

940 **Borrego, Albert** - Tort Claim Notice received from attorney Gary Mitchell on June 14,
941 2013, alleging continued harassment to Albert G. Borrego by police while responding to a noise
942 complaint at Mr. Borrego's residence on February 28, 2013, and a separate incident resulting in
943 Mr. Borrego's arrest on March 5, 2013, due to an outstanding warrant, during which Mr. Borrego
944 allegedly sustained injuries while in custody due to an existing broken back injury.

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

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

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

957 **Ramos, Aaron** - Tort Claim Notice received by attorney Robert J. Beauvais on April 18,
958 2013, (correspondence dated September 13, 2011) alleging concerns about Mr. Ramos= safety
959 and welfare and violation of his U.S. Constitutional rights.

960 **Silva, Elmo B** Tort Claim Notice received from attorney Richard Marquez November 6,
961 2013. Alleges false imprisonment for Mr. Silva, who was sentenced in the 12th Judicial District
962 Court to 38 years filed on July 3, 1990.

963 **Prins, Chad** – Tort Claim Notice received from attorney Anne-Kathryn Ziehe on Nov. 15,
964 2013. Alleges negligence, great bodily harm and damages by the employees of Lincoln County
965 Detention Center during Mr. Prins' incarceration.

966

967 **2012**

968

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

973 **Riordan, J.T. B** Correspondence received from Theresa Riordan on March 28, 2012,
974 concerning her son=s treatment and detention conditions while being held in LCDC.

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

978 **Biggs, M. Jolene B** Tort Claim Notice received from Attorney, Adam Rafkin on February
979 6, 2012, claiming liability by the County of Lincoln by failing to maintain the surface of the
980 parking lot across from the Lincoln County Courthouse in Carrizozo, NM.

981

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

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

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

986

987 Chair Powell recessed the Regular Meeting and convened the Closed Session at 2:09:08 PM.

988

989 Chair Powell adjourned the Closed Session and reconvened the Regular Meeting at 3:07:31
990 PM.

991

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

994

995 **31. Next meeting:**

996

997 December 17, 2013 - Regular Commission Meeting

998

999 **32. Adjournment**

1000

1001 There being no further business to come before the Board of County Commissioners, Chair
1002 Powell adjourned the meeting at 3:07:55 PM.

1003

1004 Respectfully submitted by,

1005

1006 Rhonda B. Burrows

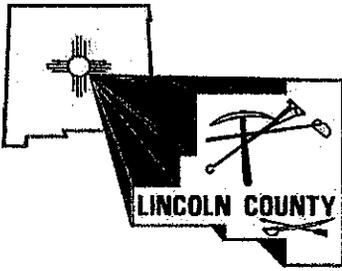
1007 Lincoln County Clerk

Agenda Item No. 7

SUBJECT

Approval of Consent Agenda:

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



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County of Lincoln

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

ACCOUNTS PAYABLE and PAYROLL

The following claims or bills on file with the office of the Lincoln County Manager were examined and approved as paid with checks hereof drawn upon the various County funds according to the check register covering the period from November 1 through November 30, 2013 in the amount of \$ 1,230,358.62.

NOW, THEREFORE, the above bills are hereby approved.

ADOPTED, PASSED AND SIGNED the 17th day of December, 2013.

BOARD OF COMMISSIONERS LINCOLN COUNTY, NEW MEXICO

Jackie M Powell, Chairwoman

Preston Stone , Vice-Chair

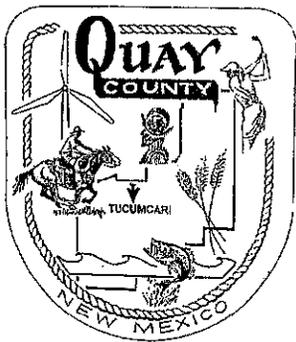
Kathryn Minter, Member

Dallas Draper, Member

Mark Doth, Member

ATTEST:

Rhonda B Burrows, County Clerk



Quay County Detention Center

223 W. High Street
P.O. Box 1321
Tucumcari, NM 88401
Phone: (575) 461-4664
Fax: (575) 461-0139

RECEIVED

DEC 13 2013

ADMINISTRATION
LINCOLN COUNTY NM

December 11, 2013

Enclosed are two (2) original JPA's for housing of prisoners for your County Commission's approval. If and when the Commission has given their approval please return an original to the address listed above. Do not hesitate to call if you have any questions.

Sincerely,

Georgia Gallegos

Don "TJ" Rich, Administrator
Chris Birch, Assistant Administrator / Lieutenant

JOINT POWERS AGREEMENT

1.0 PURPOSE

1.1 This Agreement is pursuant to the Joint Powers Agreement Act (JPAA) [11-1-1 to 11-1-7 NMSA 1978] and sets forth the terms and conditions under which Quay County will house prisoners in the Quay County Detention Center from Lincoln County.

2.0 ADMINISTERING AGENCY

2.1 This agreement will be administered or executed by the Quay County Detention Center. Pursuant to 11-1-5 NMSA 1978.

3.0 APPROVAL DATE

3.1 This contract shall become effective upon approval by both parties by and through their respective Officials. The contract shall be effective for a term of four (4) calendar years, expiring four year from the date the contract is fully executed.

3.2 The term of the contract will begin on or about January 1, 2014 and end on or about January 1, 2018, Quay County and Lincoln County shall have the yearly option of renewing the contract at the end of every year.

4.0 ADULT PRISONER HOUSING AND BOARD

4.1 The Quay County Detention Center will house prisoners from Lincoln County at its facility in Tucumcari, New Mexico on a space available basis. The parties agree that Lincoln County will call the Detention Center for accommodation before bringing any prisoner to the facility.

4.2 Lincoln County prisoners are subject to the rules of the Quay County Detention Center, such rules to apply equally to all prisoners. Lincoln County prisoners will receive comparable treatment and accommodations as provided to other contract prisoners.

4.3 Lincoln County will pay Quay County \$125.00 per day and any portion thereof for housing and board and related services.

5.0 JUVENILE HOUSING AND BOARD

5.1 The Quay County Detention Center will house male juvenile prisoners from Lincoln County at its approved male juvenile facility in Tucumcari, New Mexico on a space available basis. The parties agree that Lincoln County will call the Quay County Detention Center for accommodations before bringing any male juvenile prisoners to the facility.

5.2 Lincoln County male juvenile prisoners are subject to the Detention Center rules, which apply equally to all male juvenile prisoners. Lincoln County Male Juvenile prisoners will have comparable treatment and accommodations as provided to other contract male juvenile prisoners.

5.3 Lincoln County will pay Quay County \$75.00 per day and any portion thereof for housing and board and related services.

5.4 Quay County shall not confine a male juvenile prisoner for more than 30 days unless a valid extension is obtained from the New Mexico Supreme Court. If an extension is not obtained by the end of the 30 day period, said prisoner shall be released to the custody of the parents or Legal Guardian unless, Juvenile Probation and Parole gives notification that an extension is being obtained.

6.0 REJECTION/RETURN

6.1 The Jail Administrator of the Quay County Detention Center shall have the right to reject any prisoner tendered by Lincoln County.

7.0 PRISONER INFORMATION

7.1 When submitting any prisoner to the Quay County Detention Center, Lincoln County, will provide the following documentation, if and as available to it:

1. Arrest Warrant and Supporting Affidavit
2. Arrest report;
3. Judgment and Sentence; and

4. Release Order
5. Age
6. Criminal Complaint or other Charging Document

In addition, Lincoln County will provide the Quay County Detention Center with any information it may have concerning prisoners tendered pertaining to medical problems, suicidal tendencies, escape records or tendencies toward violence and disruptions.

8.0 MEDICAL CARE

- 8.1 As used herein, “medical care” and “medical treatment” shall include medical and emergency dental treatment, and all prescribed drugs or medications.
- 8.2 Lincoln County prisoners will receive the same medical care that is provided to other prisoners, while incarcerated in the Quay County Detention Center. Our facility is equipped with an in-house doctor that does sick call twice a week, which will keep medical to a minimum.
- 8.3 With regard to all medical expenses, before any major decisions in reference to medical or dental visits that may arise outside the facility. It shall be the responsibility of Lincoln County to promptly pay for any medical bills incurred outside the facility, by any prisoner, adult or juvenile, held for Lincoln County at this facility.
- 8.4 The Quay County Detention Center is expressly authorized to direct health care providers to bill Lincoln County directly for any medical care rendered.
- 8.5 Juvenile physicals are mandated by New Mexico Children, Youth, and Families, that all juveniles that are housed in the Quay County Detention Center are required to have a physical examination within 72 hours. Therefore there will be a charge on all male juvenile physicals.

9.0 TRANSPORTATION

- 9.1 Lincoln County shall transport its prisoners (adult and juvenile) to and from the Quay County Detention Center.

10.0 PAYMENT

10.1 Payment for the above specified services shall be remitted by Lincoln County to the Quay County Detention Center upon receipt of prisoner care billing. Billing information will be forwarded to Lincoln County on the first business day of each month.

10.2 There shall be strict accountability of all receipts and disbursements. Appropriate records will be maintained by both Quay County and Lincoln County.

11.0 MODIFICATION

11.1 This contract contains the entire agreement between the parties and shall not be modified in any manner except by instrument in writing between the parties or their respective successors-in-interest.

11.2 If either Lincoln County or Quay County desires to terminate this agreement, written notice of such desire must be given to the other party at least thirty (30) days in advance of the completed termination date.

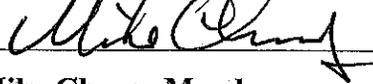
In Witness Whereof, the Agreement has been entered into this _____ day of _____.

Board of County Commissioner:

Quay County



Brad Bryant-Chairperson



Mike Cherry-Member



Sue Dowell-Member

Board of County Commissioners:

Lincoln County

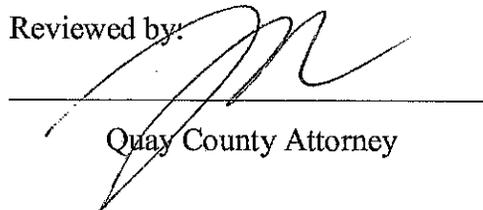
Attest:



County Clerk

County Clerk

Reviewed by:



Quay County Attorney

JOINT POWERS AGREEMENT

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11.0 MODIFICATION

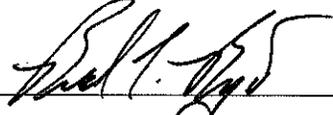
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In Witness Whereof, the Agreement has been entered into this _____ day of _____.

Board of County Commissioner:
Quay County

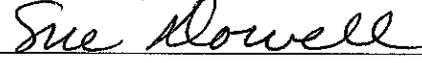
Board of County Commissioners:
Lincoln County



Brad Bryant-Chairperson



Mike Cherry-Member



Sue Dowell-Member

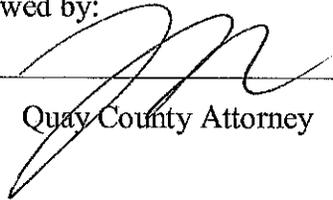
Attest:



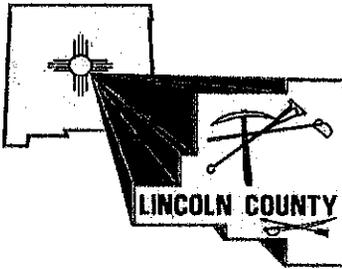
County Clerk

County Clerk

Reviewed by:



Quay County Attorney



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County of Lincoln

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Agenda Item 8

December 10, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Approval of Mid-Year Budget Adjustment by DFA

Purpose: To acknowledge approval of our FY 2013-2014 mid-year budget adjustment.

Discussion:

Attached is an approval stamp from DFA approving our mid-year budget adjustment for FY 2013-2014.

According to state requirements, the Board of County Commissioners must acknowledge DFA approval of budget in the minutes of a commission meeting.

Recommendation:

Acknowledge receipt of DFA approval of our 2013-2014 mid-year budget adjustment.

Department of Finance and Administration
 Local Government Division
 Financial Management Bureau
 SCHEDULE OF BUDGET ADJUSTMENTS

REVISED 12/08/06
 ENTITY NAME: COUNTY OF LINCOLN
 FISCAL YEAR: 2013-2014
 DFA Resolution Number: 14-228

APPROVED PURSUANT TO
 LOCAL GOVERNMENT DIVISION
 LOCAL GOVERNMENT DIVISION

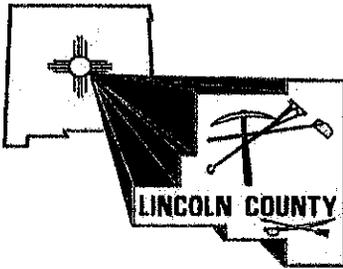
DATE: 11-25-13
 BY: *Tom O'Brien*
 DEPARTMENT OF FINANCE AND ADMINISTRATION

(A) ENTITY RESOLUTION NUMBER	(B) FUND	(C) REVENUE EXPENDITURE TRANSFER (TO or FROM)	(D) APPROVED BUDGET	(E) ADJUSTMENT	(F) ADJUSTED BUDGET	(G) PURPOSE
2013-25						Mid-Year Adjustments
	101	REVENUE	\$11,849,347	\$57,722	\$11,907,069	
	101	TRANSFER (TO or FROM)	(\$13,441,023)	(\$212,873)	(\$13,653,902)	
	101	EXPENDITURE	\$6,805,334	(\$8,003)	\$6,797,331	
	203	REVENUE	\$243,500	\$6,246	\$249,746	
	204	REVENUE	\$999,422	\$1,385,465	\$2,384,917	
	204	TRANSFER (TO or FROM)	\$1,859,580	\$104,159	\$1,963,739	
	204	EXPENDITURE	\$2,861,193	\$1,375,065	\$4,236,258	
	206	REVENUE	\$43,209	\$6,910	\$50,119	
	206	EXPENDITURE	\$43,224	\$6,910	\$50,134	
	208	REVENUE	\$761,339	\$3,509	\$764,848	
	208	EXPENDITURE	\$1,559,870	\$3,509	\$1,563,379	
	211	REVENUE	\$31,400	\$2,018	\$33,418	
	211	EXPENDITURE	\$51,472	\$2,018	\$53,490	
	218	REVENUE	\$1,821,687	\$18,445	\$1,840,132	
	218	EXPENDITURE	\$2,279,314	\$8,001	\$2,287,315	
	219	REVENUE	\$625,000	\$85,775	\$710,775	
	219	EXPENDITURE	\$656,453	\$72,821	\$729,274	
	221	REVENUE	\$3,764,847	\$488,095	\$4,252,942	
	221	EXPENDITURE	\$6,952,276	\$1,361,303	\$8,313,579	
	225	REVENUE	\$300,479	\$0	\$300,479	
	226	REVENUE	\$1,292,438	(\$1,086,052)	\$206,386	
	226	TRANSFER (TO or FROM)	\$1,763,690	\$1,088,032	\$2,851,732	
	299	EXPENDITURE	\$1,879,925	\$0	\$1,879,925	
	300	TRANSFER (TO or FROM)	\$360,280	\$21,632	\$381,912	
	300	EXPENDITURE	\$2,127,533	\$21,631	\$2,149,164	
	600	REVENUE	\$188,900	\$16,445	\$205,345	
	600	TRANSFER (TO or FROM)	\$9,793,617	(\$1,000,964)	\$8,792,653	
	600	EXPENDITURE	\$10,124,049	(\$988,020)	\$9,136,029	

ATTEST: *Therese B. Reeves* 11-19-2013 (Date)
 Title: Lincoln County Clerk

Jacobs Powell 11/19/13 (Date)
 Mayor/Board Chairman

SEAL OF LINCOLN COUNTY MISSOURI



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County of Lincoln

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AGENDA ITEM NO. 9

December 9, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager 

SUBJECT: Greentree Solid Waste Update

Purpose: To provide an update of GSWA matters

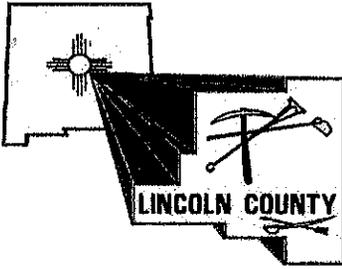
Discussion:

As directed by the Commission, a Notice of Intent of the County of Lincoln to withdraw from Greentree Solid Waste Authority (GSWA) was sent under the Manager's signature to the Boards of Trustees for the Village of Capitan, the Town of Carrizozo, the Village of Corona, the Village of Ruidoso and the City of Ruidoso Downs. See Enclosure 1 for sample letter. An initial interest in holding additional discussions has been shown by several of the municipalities.

Mr. Morel has informed the NMFA attorney of this action, and has requested a discussion regarding the issues surrounding the County's withdrawal from the Authority, as well as what options, if any are available.

GSWA's next meeting is scheduled for Thursday, December 19th at 10:00 a.m. See Enclosure 2 for Notice of Regular Meeting Agenda.

Recommendation: None – information only at this time.



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County of Lincoln

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

December 6, 2013

Wesley Lindsay, Mayor
Carrizozo Board of Trustees
Town of Carrizozo
P.O. Box 247
Carrizozo, NM 88301

Re: Notice of Intent of the County of Lincoln to Withdraw from Greentree Solid Waste Authority (GSWA)

Dear Mayor Lindsay and Town Trustees:

Please be advised that the Board of County Commissioners of the County of Lincoln (“County”) voted on November 19, 2013 to begin the process of withdrawal from the GSWA. The County was hopeful that withdrawal from the Authority would not be necessary. The County participated in a mediation with GSWA representatives on November 11, 2013 in hopes of being able to resolve the well-publicized issues that have arisen between GSWA and the County. Unfortunately, the mediation was not successful and even the mediator admitted there was little chance of resolution of the issues between the parties.

The County anticipates that their withdrawal from the Authority will occur in much the same way as the Village of Ruidoso withdrew from the Authority in February, 1998. The County intends to remain a member of Lincoln County Solid Waste Authority as partial owner of the Otero/Lincoln County Regional Landfill. The County also recognizes that it has pledged its Environmental Gross Receipts Tax to guarantee the repayment of GSWA debt which cannot be altered by the County’s withdrawal from the Authority. Additionally, the County realizes there are debts and assets that will need to be addressed as a part of the County’s withdrawal.

It is unfortunate that the County finds it necessary to withdraw from the Authority, due to the Authority’s failure and refusal to negotiate in good faith with the County. This is in addition to the fact GSWA has breached its duty of good faith and fair dealing with the county when it elected to sue its member entity, rather than sit down and discuss the issues at hand.

ENCL 1

County Manager’s Fax
(575) 648-4182

Finance/Purchasing Fax
(575) 648-2381

Rural Addressing Fax
(575) 648-2816

The County remains willing to sit down and attempt to negotiate a resolution of the issues that have arisen; however, that does not appear to be an option. If the Town of Carrizozo supports the position of its representative on the GSWA Board, then the County has no choice but to proceed with withdrawal from the Authority. If, on the other hand, the Town of Carrizozo believes there is merit in sitting down to discuss a viable resolution of the issues that would allow the County to remain a member of the Authority, please contact me at your earliest convenience. If there is no ability to work through the issues that are outstanding, the County stands ready to negotiate an acceptable agreement providing for the withdrawal of the County from the Authority.

I would respectfully request that each Trustee of the Town of Carrizozo be provided a copy of this correspondence.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Nita Taylor".

Nita Taylor, Manager of the County of Lincoln
NT/sh

Greentree Solid Waste Authority

NOTICE OF REGULAR MEETING AGENDA

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

1. Roll Call;
2. Approval of Agenda;
3. Approval of Minutes of Regular Meeting Oct. 22, 2013;
4. Approval of Financial;
 - a. Accounts Payable for Oct, 2013;
 - b. Financials Oct 2013;
 - c. County Billing Letters;
5. Approval of Accounts Receivables for Oct, 2013;
6. Approval of Operational Supervisor Report;
7. Discussion/Possible Action- Destruction of File FY 2007-08;
8. Discussion/ Possible Action- Lease/Purchase Agreement Post 79 American Legion;
9. Discussion/Possible Action – Members Service Request;
10. Discussion/Possible Action – Recycling Agreement Village of Ruidoso;
11. Update – Otero/Greentree Regional Landfill - JPA Amendment – Rebate of Excess Funds;
12. Executive Session –Limited Personnel Matters, Threatened and/or Pending Litigation
0101-CV-2013-00104;
13. Discussion/Possible Action Concerning Executive Session –Limited Personnel Matters,
Threatened and/or Pending Litigation D-0101-CV-2013-00104;
14. Comments from the Public;
15. New/Old Business;
16. Next Regular Meeting Thursday Dec. 19, 2013 10:00 a.m.;
17. Adjourn;

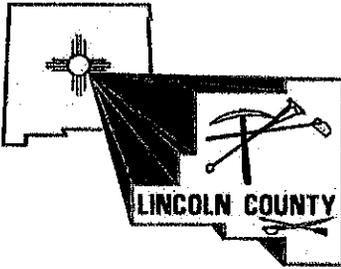
The public is invited to attend the meeting. I certify that notice to the Public Meeting has been given in compliance with Section 10-15-1 through 10-15-4 1989 and Resolution 2013-06-01.

D Ingle, Operational Supervisor
Posted: Nov.15, 2013 3:37 p.m.;

Agenda Item No. 10

SUBJECT

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



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County of Lincoln

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

AGENDA ITEM NO. 11

December 10, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Bid Award for Annual Base Course Supply

Purpose: To award bid 13-14-003

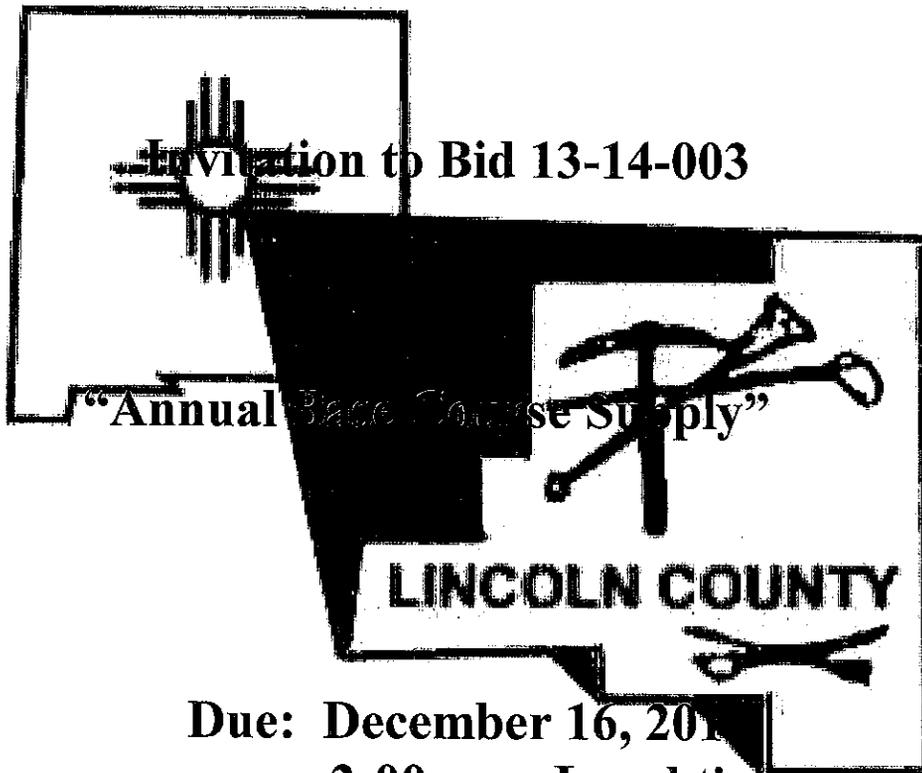
Discussion:

This bid is to secure sources of aggregate material at various locations to be used for construction project in all parts of the County and may be awarded to more than one supplier. Bids are not due until Monday, December 16, 2013 and will be presented at the December 17th Commission meeting.

Recommendation: Manager will present information on bids received, and make a recommendation to the Commission.

COUNTY OF LINCOLN

Carrizozo, NM 88301



Due: December 16, 2013
2:00 p.m. Local time

**COUNTY OF LINCOLN
Carrizozo, NM 88301**

Invitation to Bid 13-14-003

“Annual Base Course Supply”

**Due: December 16, 2013
2:00 p.m. Local Time**

SPECIFICATIONS

1. SCOPE OF WORK

The County of Lincoln is requesting bids to supply the Spec Base Course material that is used on County roads. This is a “supply” or “supply and deliver” bid and does not include application of the base course materials.

2. TYPE OF BASE COURSE

Spec Base Course, Class I-B or Class II-B, must meet the New Mexico Highway and Transportation Department Specifications for Base Course (Blue Book, Section #304, for Class I-B or II-B).

Base course and sub-base aggregate shall be composed of materials consisting of crushed stone, crushed or screened gravel, caliche, sand or a combination of such materials. Base course and sub-base aggregate shall be free from vegetable matter and all other deleterious materials including silt and clay balls.

The aggregate materials shall be combined in such proportions that the resulting composite blend meets the requirements of one of the classes in Table 304 (below) unless otherwise shown in the contract.

Table 304: Base Course & Sub-Base Gradation

<u>Sieve Sizes</u>	<u>I-B</u>	<u>II-B</u>
1”	100	100
3/4”	80-100	85-100
No. 4	30-600	40-70
No. 10	20-45	30-55
No. 200	3-10	4-12
2FF*	50% or more	50% or more

*Fractured faces tests shall be performed on the material retained in the No. 4 sieve. A face shall be counted as fractured whenever one-half (1/2) or more of the surface, when viewed normal to the face, is fractured.

Type I-B, Type II-B aggregate shall have a percent of wear of fifty (50) or less at 500 revolutions when tested in accordance with AASHTO T-96 and the course aggregate shall have a percent of soundness loss of eighteen (18) or less when tested in accordance with AASHTO T-104 using magnesium sulfate solution and a test duration of five (5) cycles.

3. LOS ANGELES WEAR AND SOUNDNESS SAMPLE TESTING

Samples from each of the rock quarries you are bidding must be tested to determine their quality in terms of the Los Angeles Wear and Soundness Loss. Tests will be at the Bidder's expense. The LA Wear and Soundness results must be furnished with the bid package. The County will accept LA Wear and Soundness tests that have been conducted within the last year. Failure to submit the LA Wear and Soundness Test(s) with your bid or failure to meet the Wear and Soundness specifications will result in your bid being disqualified.

4. The winning bidder will provide sample testing twice a month, with the road superintendent being at the site when the samples are taken. If the winning bidder has more than one pit each pit must be tested twice a month and the results sent to the road superintendent.

5. ESTIMATED QUANTITY

The County estimates an annual usage of 40,000 tons of spec base course. This figure is an estimate only and does not represent a commitment to purchase any specific amount of base course. Ordering will be done on an "as needed" basis. The supplier must maintain a stockpile of at least 700 tons of spec base course and be responsible for loading the material onto the County vehicles when picked up at the supplier's stockpile.

6. AWARD METHOD

Bids may be awarded to more than one supplier. It is the County's intent to secure sources of aggregate material at various locations to be used for construction projects in all parts of the County.

The bids will be awarded on the lowest cost to the County to have the base course either picked up by the County at the Supplier's site or delivered to the County Road Department Yard in Capitan. The "lowest cost" figure will be arrived at by adding the County's cost in time, fuel and vehicle maintenance to the bid price for "Pick Up" at the various stockpiles. This adjusted cost will then be compared to the bid price for "Delivered" material.

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

7. TERM OF CONTRACT

The term of this contract shall be one year from January 1, 2014 through December 31, 2014. Bid prices shall remain firm for the entire contract year.

8. ORDERING PROCEDURE

Successful suppliers will be provided one week's advance notice when large amounts of base course are required unless an emergency occurs. Lincoln County reserves the right to use different successful suppliers from other Districts in case of any emergency, bad road conditions or if the awarded supplier does not meet the specifications or does not have quantities available when requested.

9. METHOD OF PAYMENT

The County intends to pay by the ton measured at the Supplier's stockpile. The method of measurement shall be in a manner acceptable to the County. The County will only be billed for actual tons of spec base course used. If no spec base course is purchased by December 31, 2014, there will be no charge to the County.

10. HOW TO RESPOND TO THIS BID

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

You may submit just the Bid Sheet and the LA Wear and Soundness Test.

11. IMPORTANT INFORMATION REGARDING MAIL DELIVERY

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

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

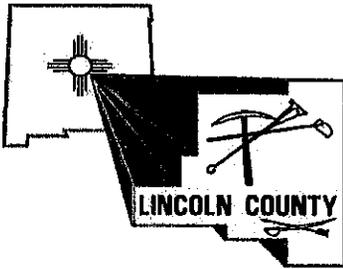
12. CAMPAIGN CONTRIBUTION DISCLOSURE FORM

Effective May 17, 2006 Chapter 81, Laws of 2006 requires and prospective contractor seeking to enter into a contract with any state agency or local public body to file a "Campaign Contribution Disclosure Form" with that state agency or local public body.

THIS FORM MUST BE FILED BY ANY PROSPECTIVE CONTRACTOR WHETHER OR NOT THEY, THEIR FAMILY MEMBER, OR THEIR REPRESENTATIVE HAS MADE ANY CONTRIBUTIONS SUBJECT TO DISCLOSURE.

13. GENERAL INSTRUCTIONS, TERMS AND CONDITIONS

The enclosed "*General Instructions, Terms and Conditions*" is a part of this Invitation to Bid.



www.lincolncountynm.net

County of Lincoln

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

Agenda Item 12

December 13, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager 

SUBJECT: Manager's Report

1. HATS OFF. High praise was received for our Whitney Whitaker, Bureau of Elections Clerk:

*"I would like to let you know that **Whitney Whitaker** in the clerks office is an outstanding representative of the Lincoln county clerks office. She was very friendly and helpful over the phone December 10, 2013, when I called to get information on the declarations for my condominium association. Whitney got the information I needed even though I wasn't sure what name it was under. **Great Employee!**"*

Thank you to Charlotte Clements for taking the time to formally recognize a job well done.

2. Lincoln County Medical Center:

- a. Lease Agreement. County and LCMC are finalizing the Lease Agreement for Commission consideration and approval. As previously discussed, once Lease Agreement and DFA review of Market Appraisal for the complex are final and approved, we will request the State Board of Finance to calendar the matter for its subsequent approval. If provided to the State Board of Finance by December 31st, we will be scheduled for the January meeting (January 21st). Its next meeting will be on February 18th.
- b. The Village of Ruidoso has notified LCMC of non-compliance with parking requirements for the "new office complex building". According to the VOR Municipal Code, the site must include 96 spaces with 3 spaces being designated as accessible. The VOR is scheduling meetings with LCMC.

3. FEMA Updates.

- a. Hazard Mitigation Grant – 4047. County continues to work with NMDHS and FEMA on the application for the \$3.5 million Hazard Mitigation Grant. FEMA has directed us to split our single multi-phased application into two separate applications: 1) Education & Outreach and 2) Implementation. The Education & Outreach effort will include the purchasing of the SIMS Table, and the county-wide efforts to work with Lincoln County residents and

- a. land owners on the hazards facing them due to fire and the associated potential hazards. The Implementation includes the actual treatment of identified areas. (See Enclosure 1). As illustrated, treatment is planned over a two-year timeline, with approximately 1800 acres treated per year. We aim to have the amended Application to NMDHS and FEMA by the end of January.
- b. FEMA Disaster 4152, for damages caused by rain events between September 9th and 22nd. The formal kick-off meeting for FEMA Declaration 4152 was held on Tuesday, December 10th, which starts the 60-day timeline under which all projects must be identified and turned into FEMA. The Road Department has already identified approximately \$120,000 of damages. Other governmental entities, including Acequia owners, may seek to have damages recovered.

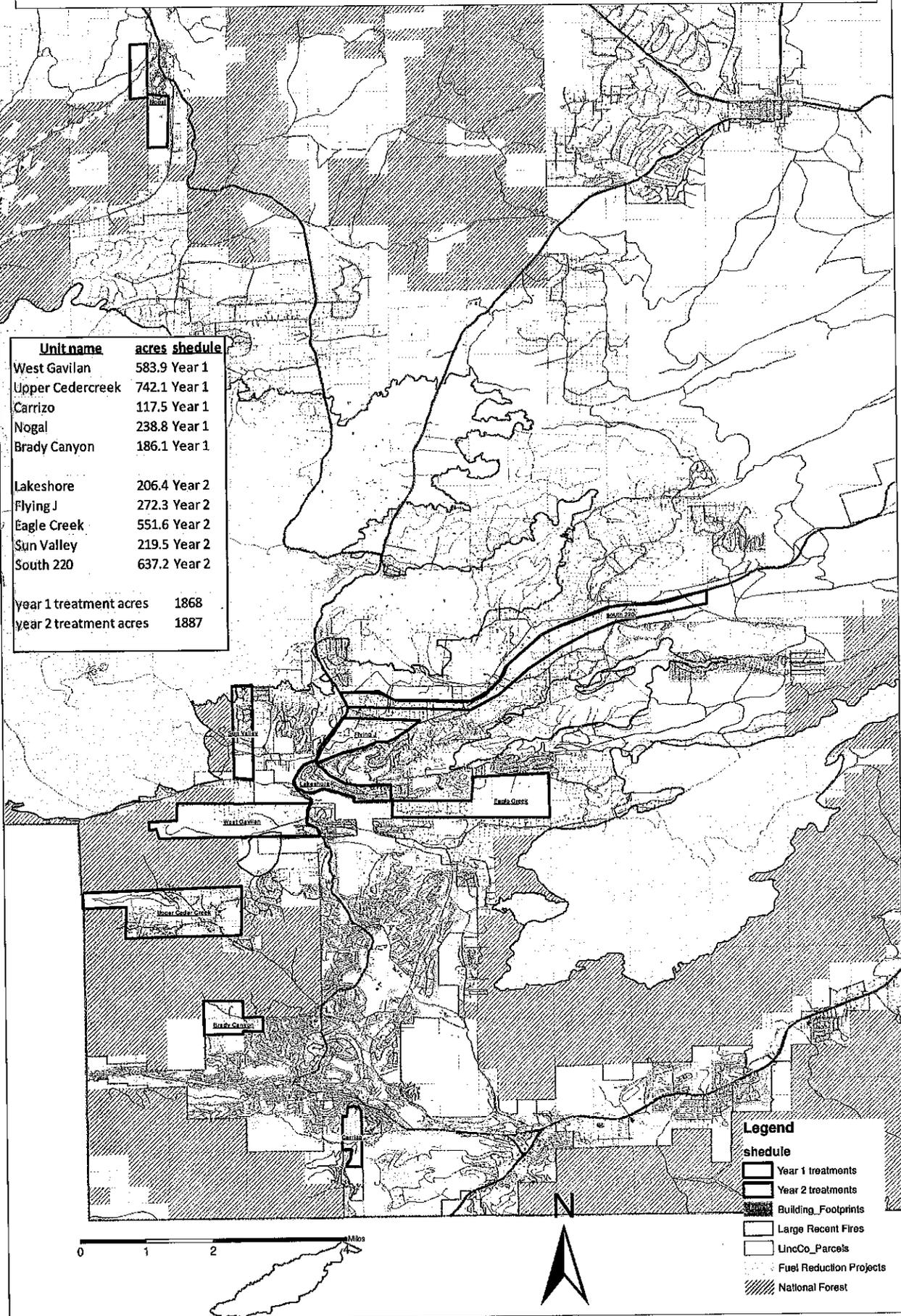
4. Legislative Initiatives.

- a. Lincoln County Legislators' Panel for Capital Outlay Requests. Representatives Zach Cook and Nora Espinoza and Senator Bill Burt attended the Capital Outlay and "Meet Your Legislators" in Ruidoso on Thursday, December 12. Manager and Commissioner Draper presented the County top five projects, as identified on the ICIP. See Enclosure 2. Other local governments submitting requests included the Villages of Capitan, Corona and Ruidoso; the Town of Carrizozo; the City of Ruidoso Downs and GSWA.
- b. Legislative Health & Human Services Committee is meeting on Friday, December 19 & 20th. Of key importance to all counties is the discussion on the 20th (8:30 a.m.) regarding Hospital Funding and County Indigent Fund. See Enclosure 3. Discussion will be lead by Brent Earnest, Human Services Department; Steve Kopelman, NMAC; and Jeff Dye, NM Hospital Association.
- c. Lincoln County Day in Santa Fe, sponsored by the Ruidoso Valley Chamber of Commerce is scheduled for February 5, 2014. See Enclosure 4.

5. **Registering on State Website of County Chief Procurement Officer.** State law passed earlier this year requires each county to register its Chief Procurement Officer. See Enclosure 5. The impetus of this new legislation is that all state agencies and local public bodies must, by January 1, 2014, register their Chief Procurement Officer on a website provided by State Purchasing. The Chief Procurement Officer is responsible for the control of procurement of items or tangible personal property, services or construction. The law requires that, on or before January 1, 2015, a certification program shall be established that includes initial certification and recertification every two years; and that the chief procurement officer shall pass a recertification examination approved by the secretary of general services.

FEMA Grant Proposed Treatment Areas

Unit name	acres	shedule
West Gavilan	583.9	Year 1
Upper Cedercreek	742.1	Year 1
Carrizo	117.5	Year 1
Nogal	238.8	Year 1
Brady Canyon	186.1	Year 1
Lakeshore	206.4	Year 2
Flying J	272.3	Year 2
Eagle Creek	551.6	Year 2
Sun Valley	219.5	Year 2
South 220	637.2	Year 2
year 1 treatment acres	1868	
year 2 treatment acres	1887	



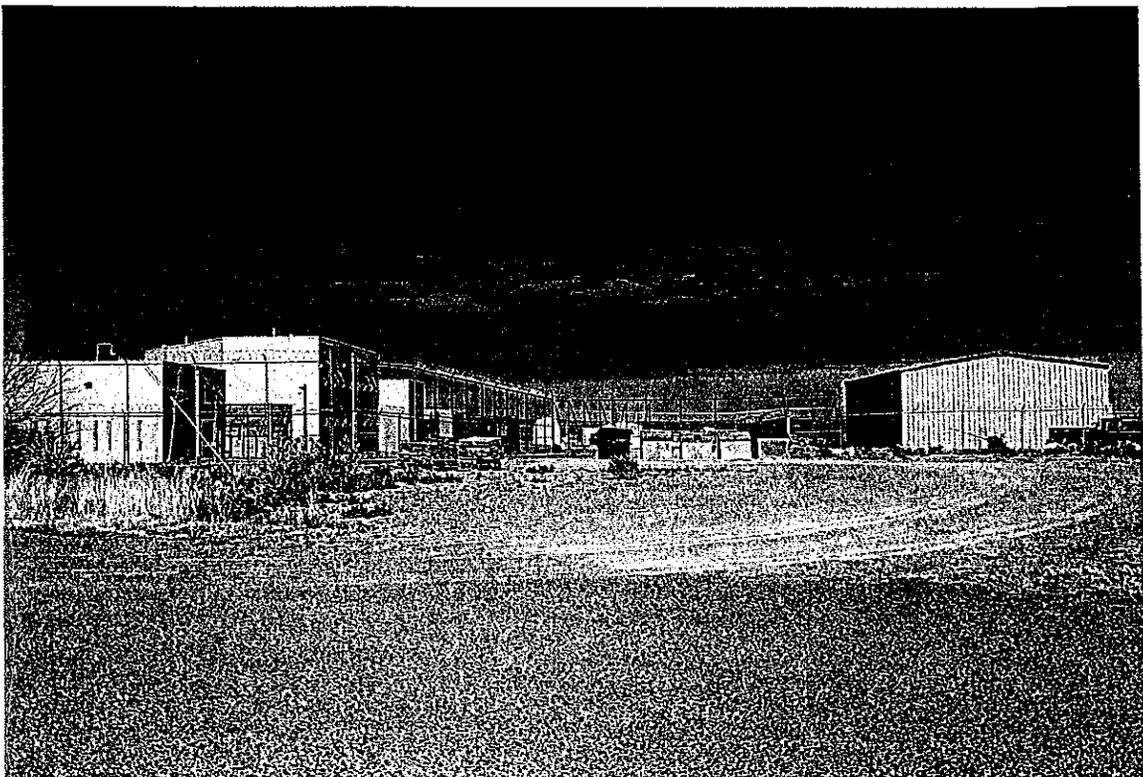
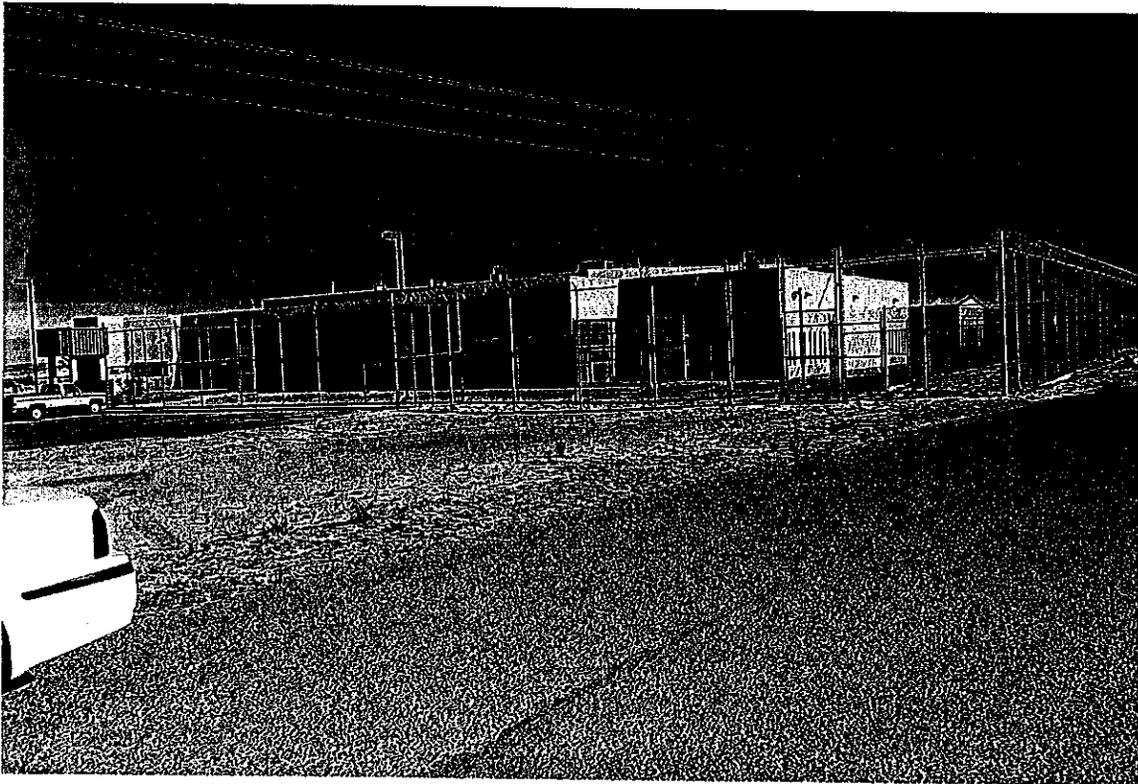
Legend

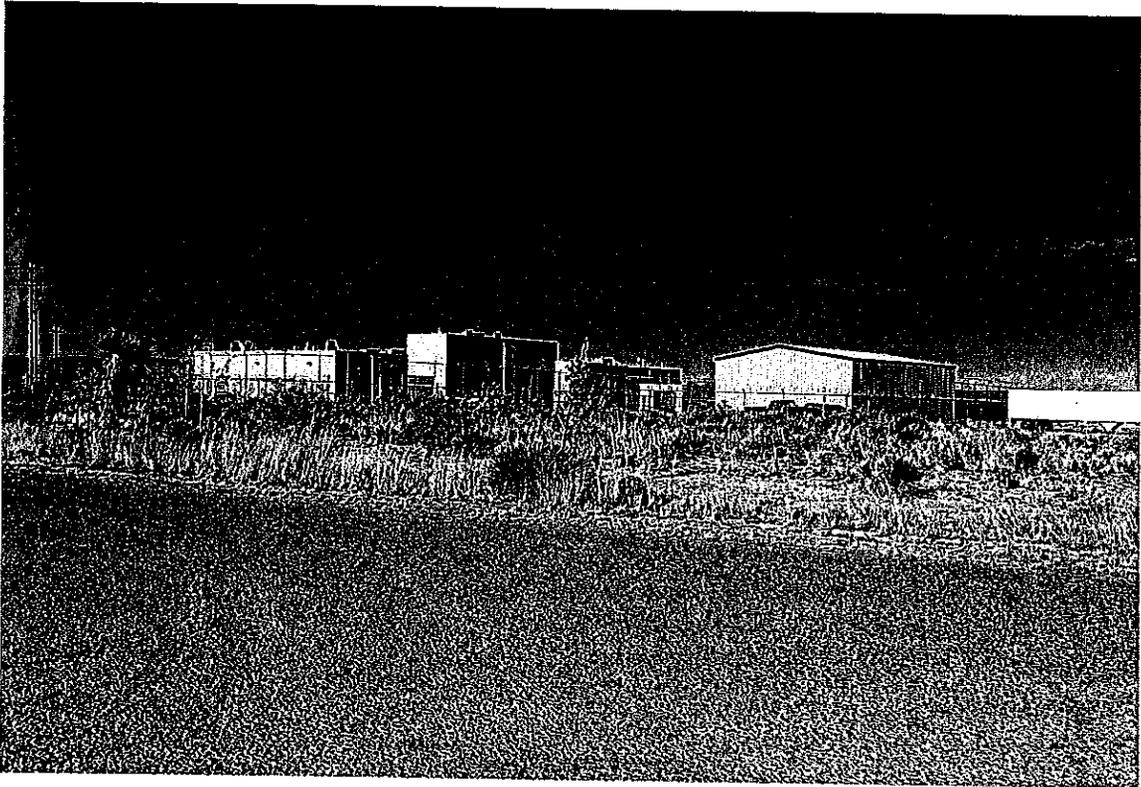
shedule	
[White box]	Year 1 treatments
[Light gray box]	Year 2 treatments
[Hatched box]	Building_Footprints
[Dotted box]	Large Recent Fires
[White box]	LincCo_Parcel
[Dotted box]	Fuel Reduction Projects
[Hatched box]	National Forest

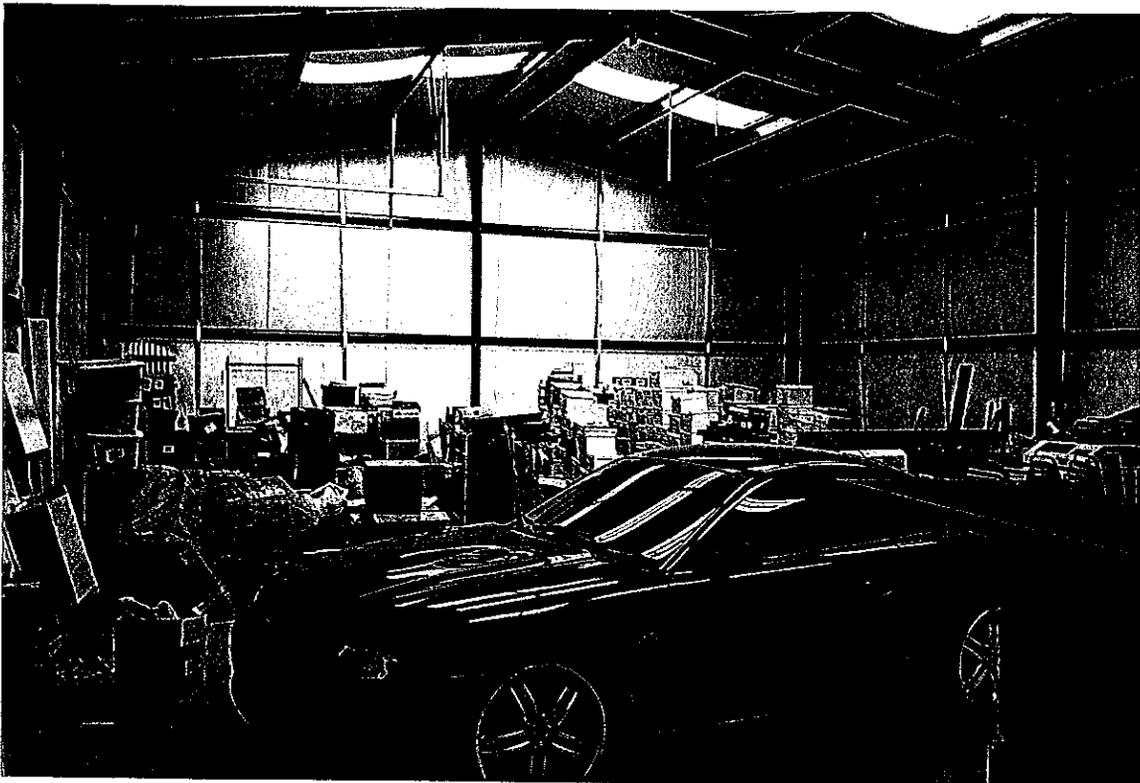
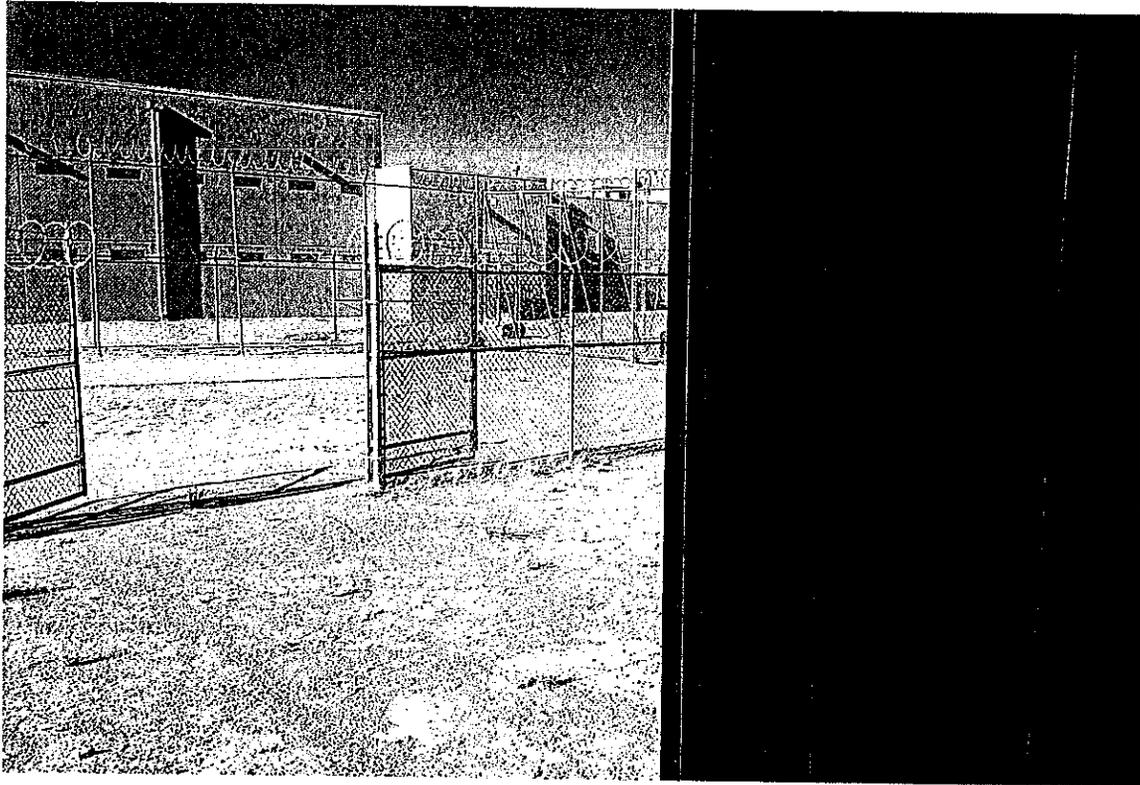
LINCOLN COUNTY 2015 CAPITAL OUTLAY REQUESTS

1. **Detention Center Expansion - \$400,000.** Currently the Detention Center is sized for 144 detainees. Prior to March, 2013, the County had adequate space to house US Marshall (\$50 – 70k per month) and BIA detainees (\$15 - \$40k per month), bringing revenues into the county of approximately \$800,000 - \$1,300,000 per year. Since June, 2013, the county has had inadequate space to house minimal detainees other than those residing in the county. This request is to expand the existing facility by renovating existing adjacent warehouse to accommodate 40 additional cells to adequately house Lincoln County inmates, as well as federal inmates traditionally housed in the County; expansion also required to properly size critical medical facilities. Expansion is critical to ensure county inmates are housed locally without causing overcrowded conditions, risking health, safety and welfare of inmates and employees. Pgs. 1-3
2. **New Hondo Fire Station \$200,000.** This request is to plan, design, construct and furnish a new Hondo Fire Station. The existing station shares a cesspool with an adjacent private landowner. The building is in a state of unreparable disrepair and is undersized to station new apparatus. The new metal-constructed station will have three bays, be sized at approximately 50' x 80', and will assist Lincoln and Glencoe fire stations by adding housing for additional apparatus. Structure will include restroom and meeting room qualifying it as a main station. Pgs. 4-6
3. **Energy Improvements to County Offices \$165,000.** This request is to plan, design and construct energy improvements to county offices in Carrizozo, NM. This project will implement recommendations of energy audit to improve energy conservation. Audit disclosed deficiencies in mechanical, electrical and the overall building envelope to all three building in the County Complex. The County has already funded the majority of the project (\$458k), and is seeking funding for the County Annex (housing the District Attorney offices, Ag. Extension offices and county Rural Addressing.) Improvements will include energy efficient replacement of windows, lightning and HVAC units. Pgs. 7-12
4. **Communications Tower - \$100,000.** This request is to replace and relocate the existing communications tower in Carrizozo currently located (grandfathered) on roof-top of the Sheriff's complex. The existing tower will be removed and replaced with a new tower to be located at ground level adjacent to the Sheriff's complex. At current location, grounding capability is inadequate, making it vulnerable to direct lightning strike that would take out critical communications for the entire County; all law enforcement agencies. Pgs. 13-14
5. **Expand White Oaks Fire Station \$152,000.** This request is to expand the existing White Oaks Fire Station. This is necessary to house existing apparatus and meet the needs of the residents and property owners. The expansion will be of metal construction, resized to approximately 50' x 80'; have three bays, a bathroom and a meeting room, meeting the requirements for a main station. Pgs. 15-16

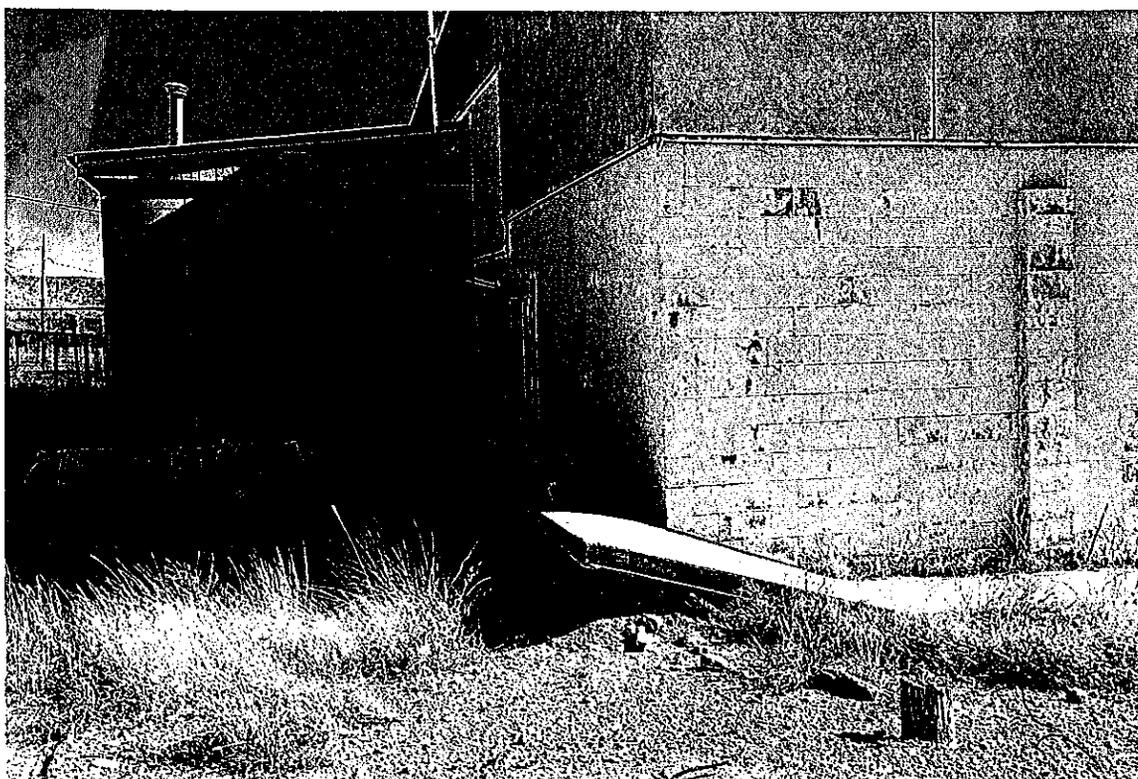
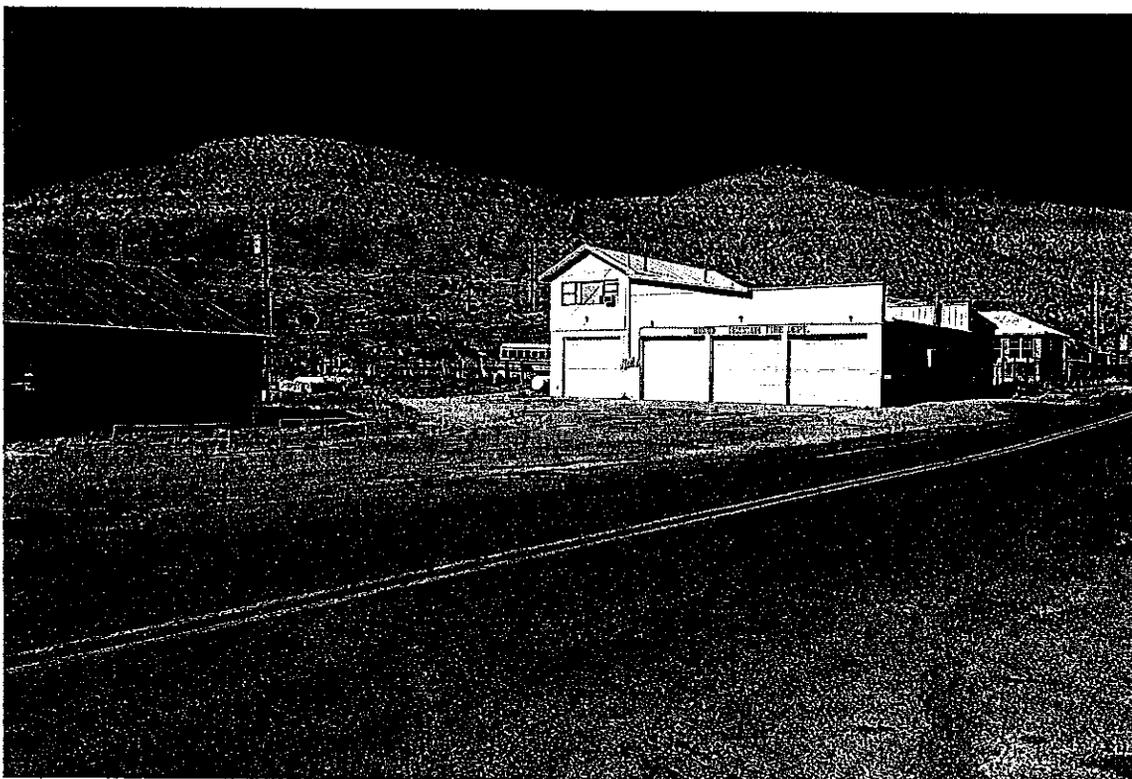
Lincoln County Detention Center

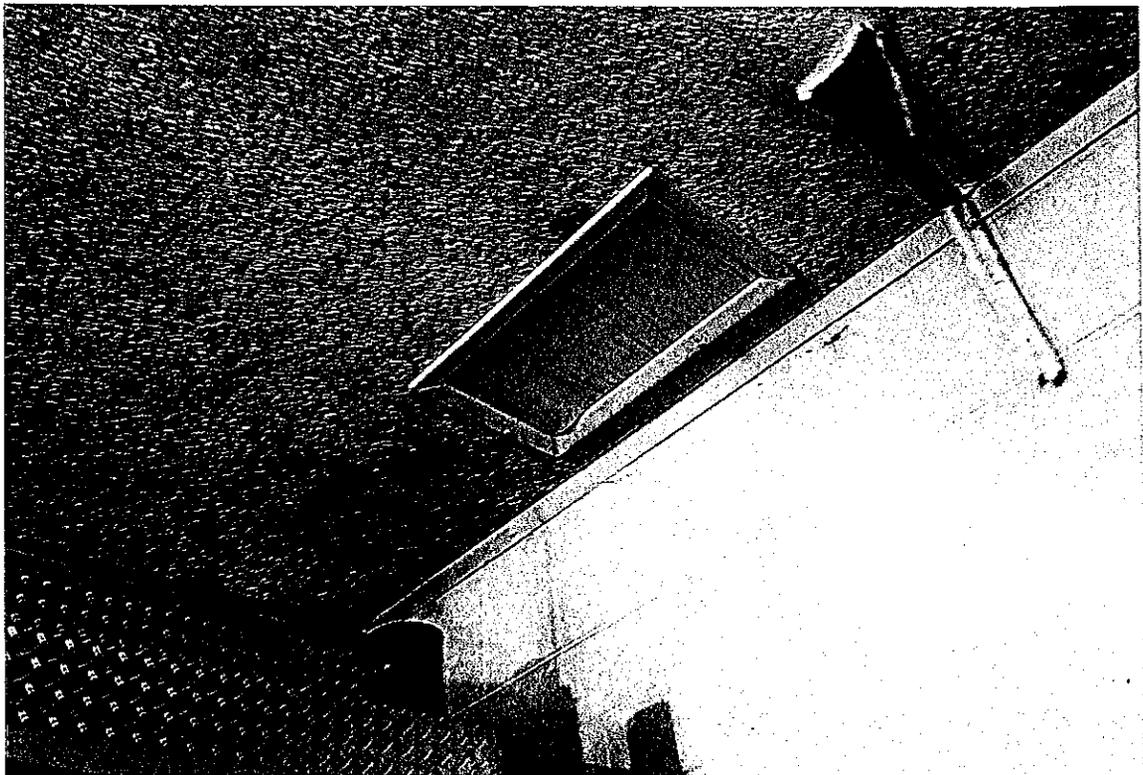
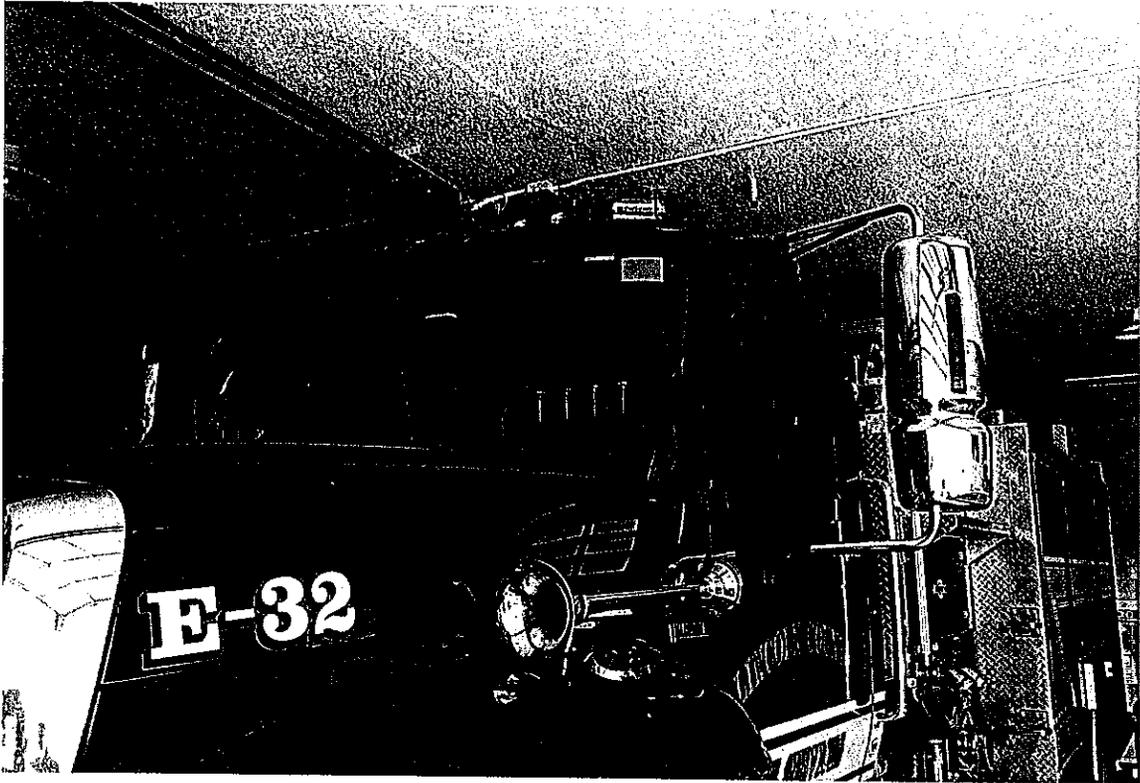


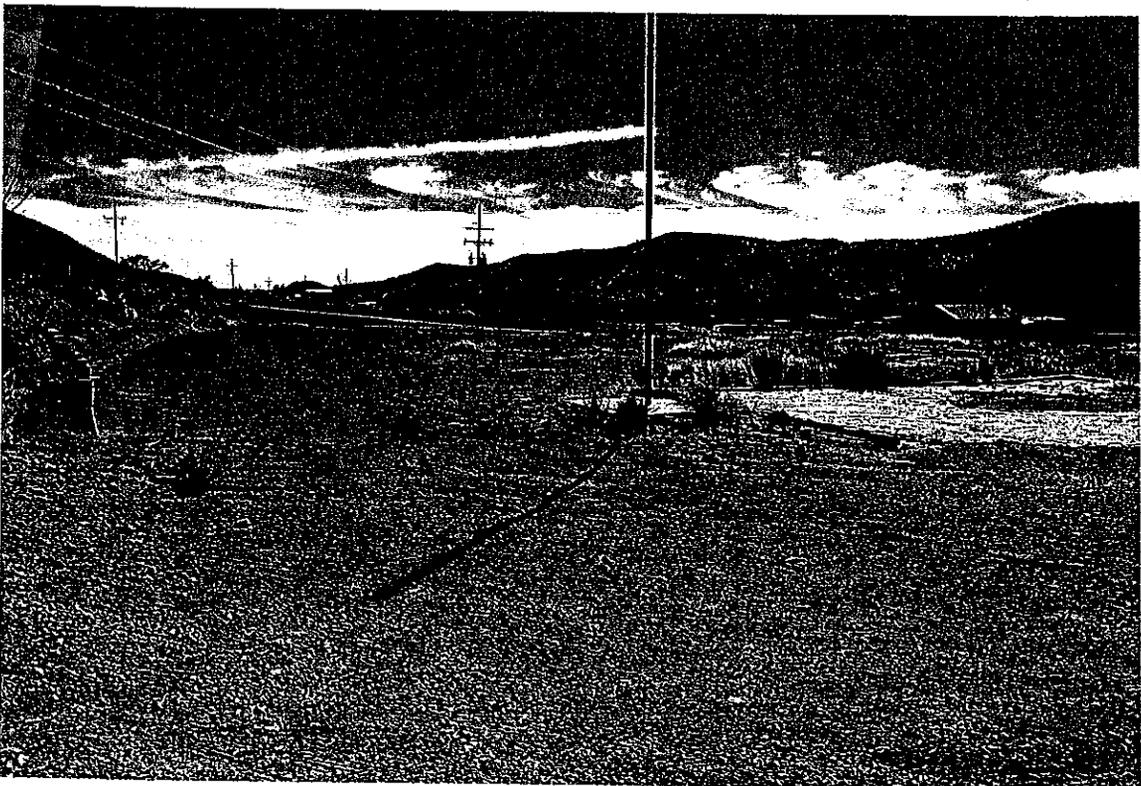
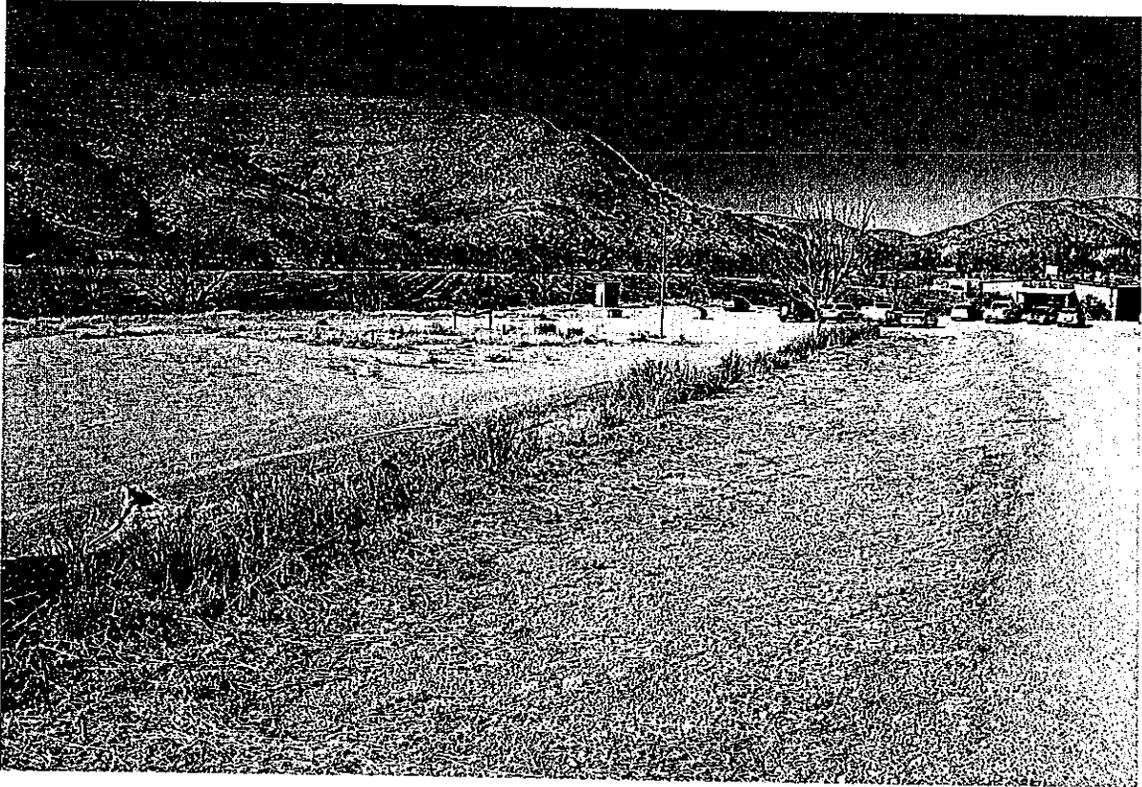




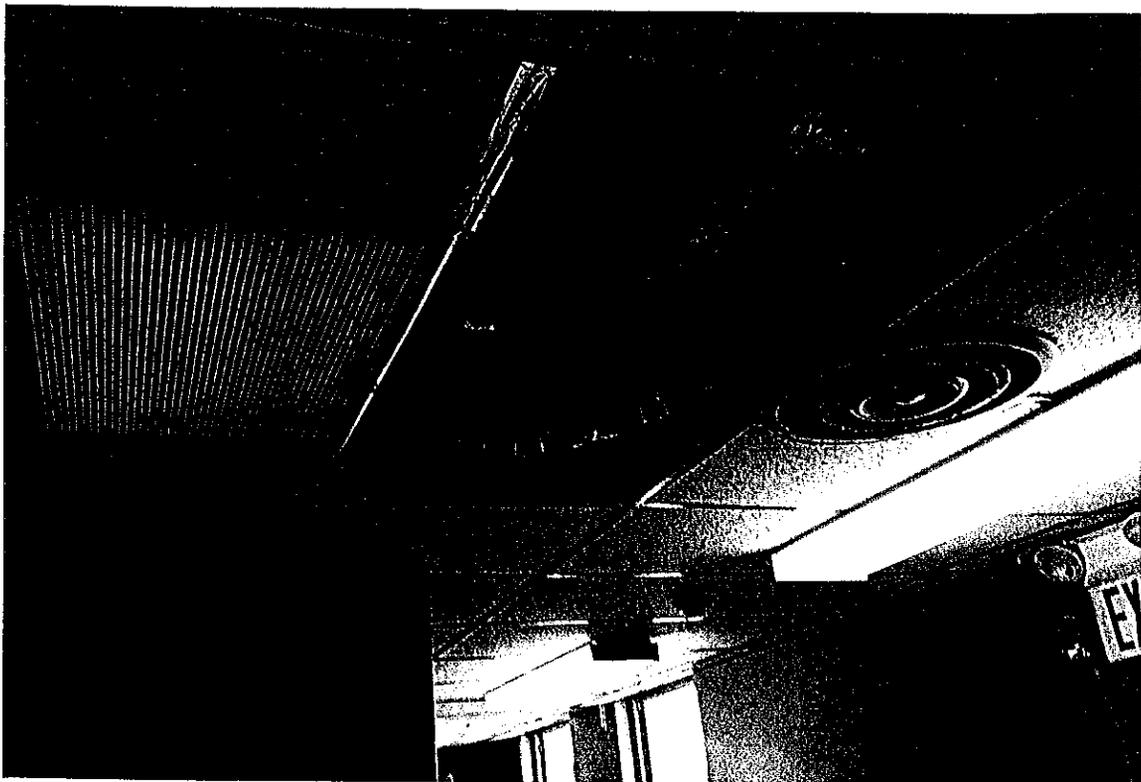
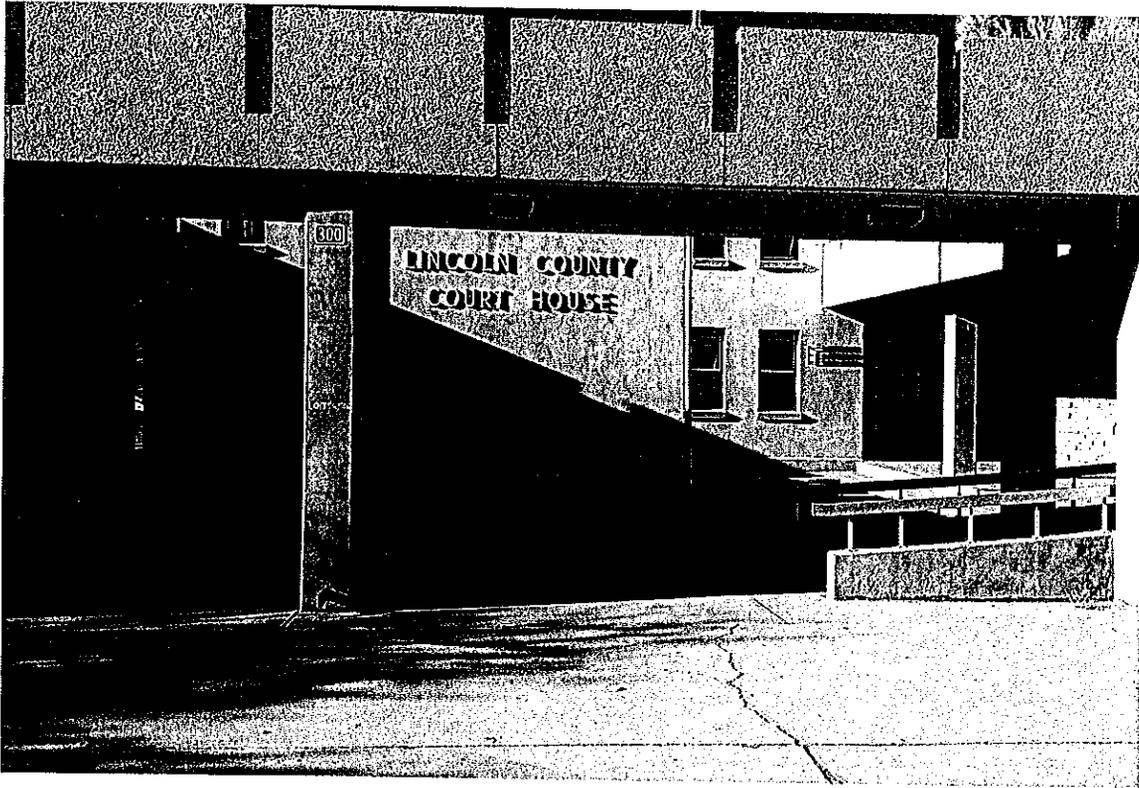
Hondo Fire Station





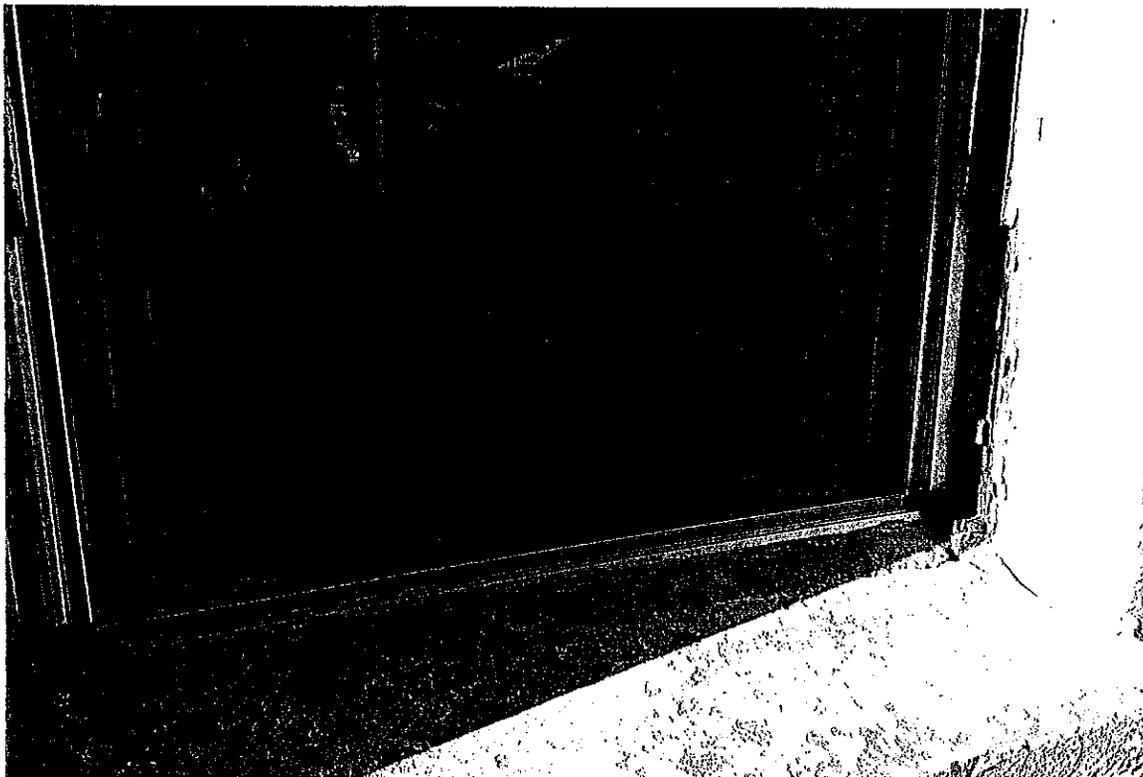
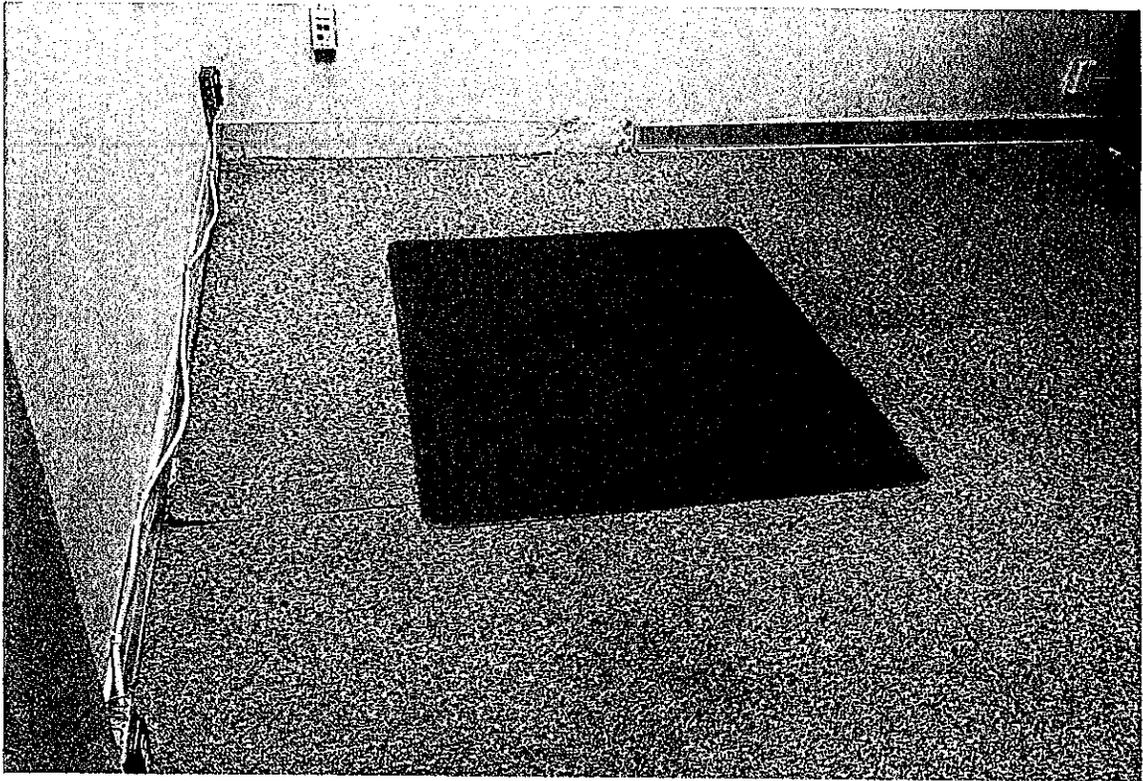


Annex

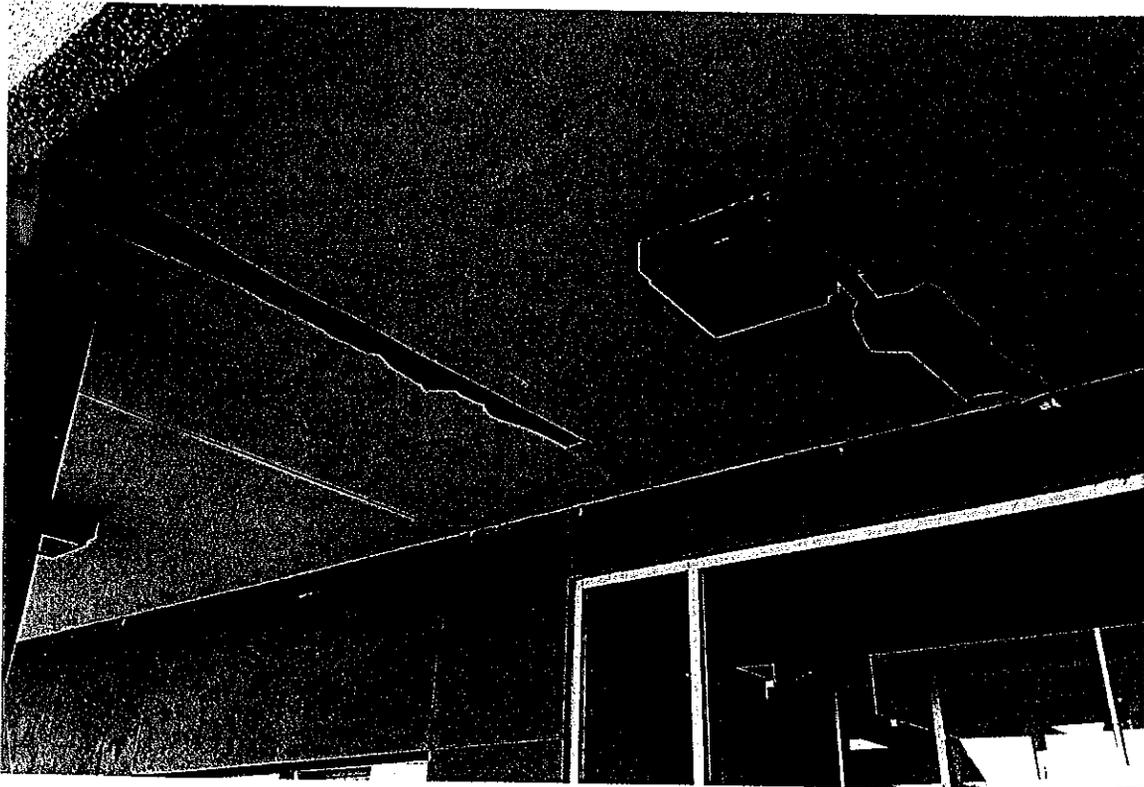
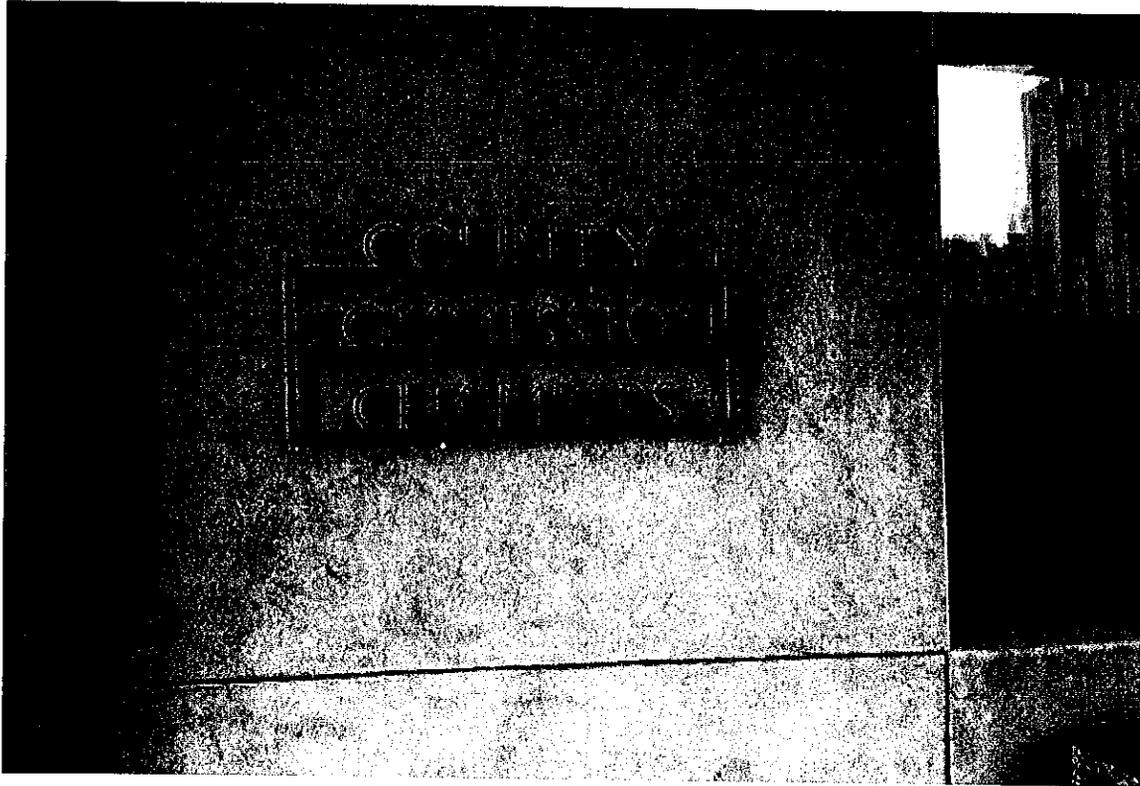


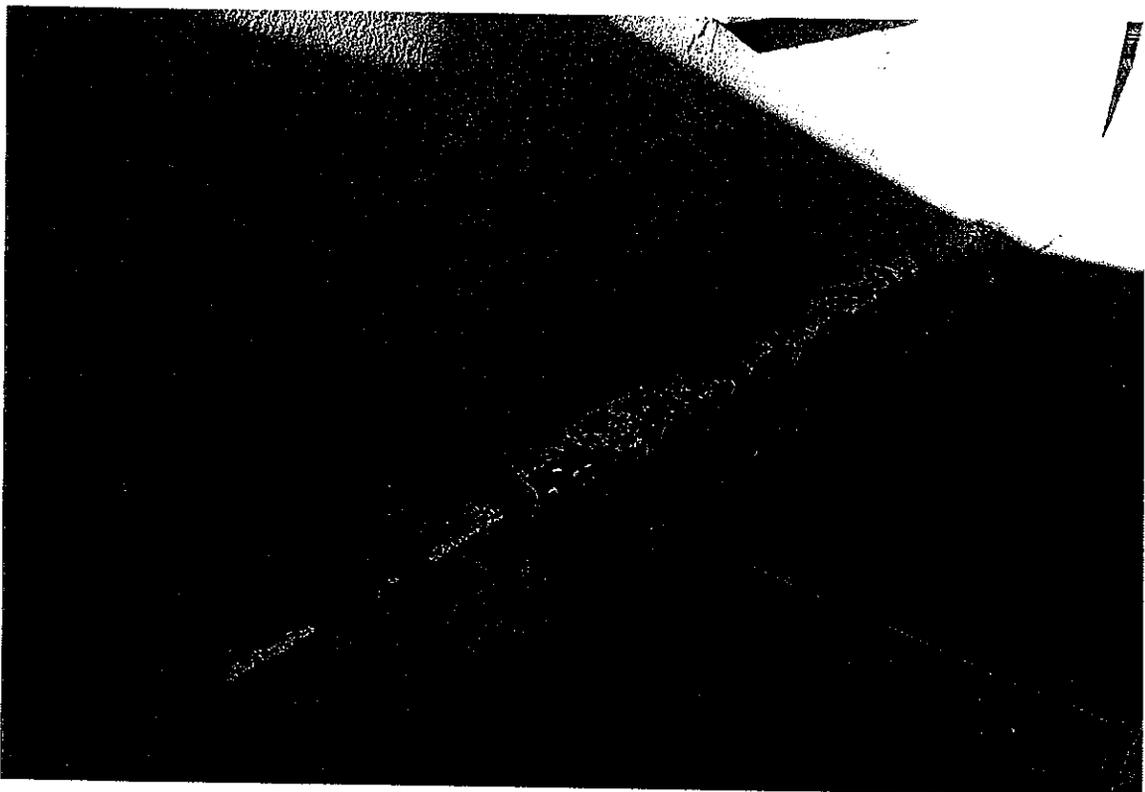
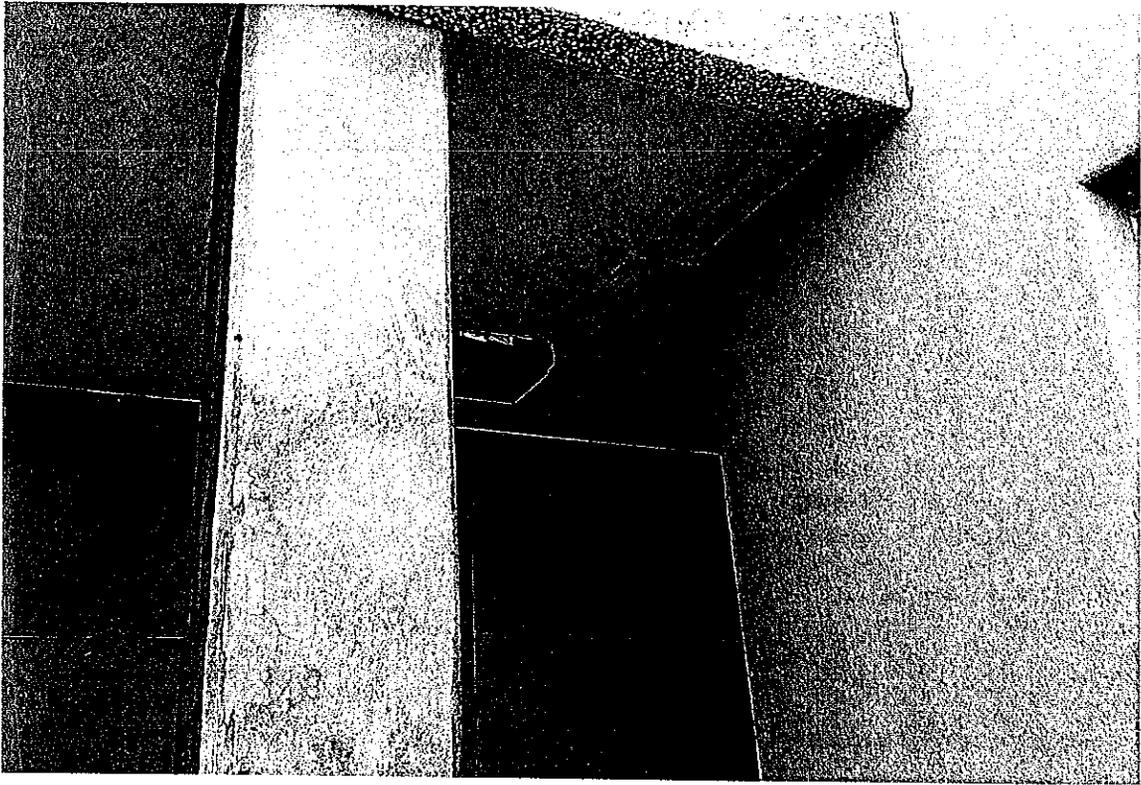
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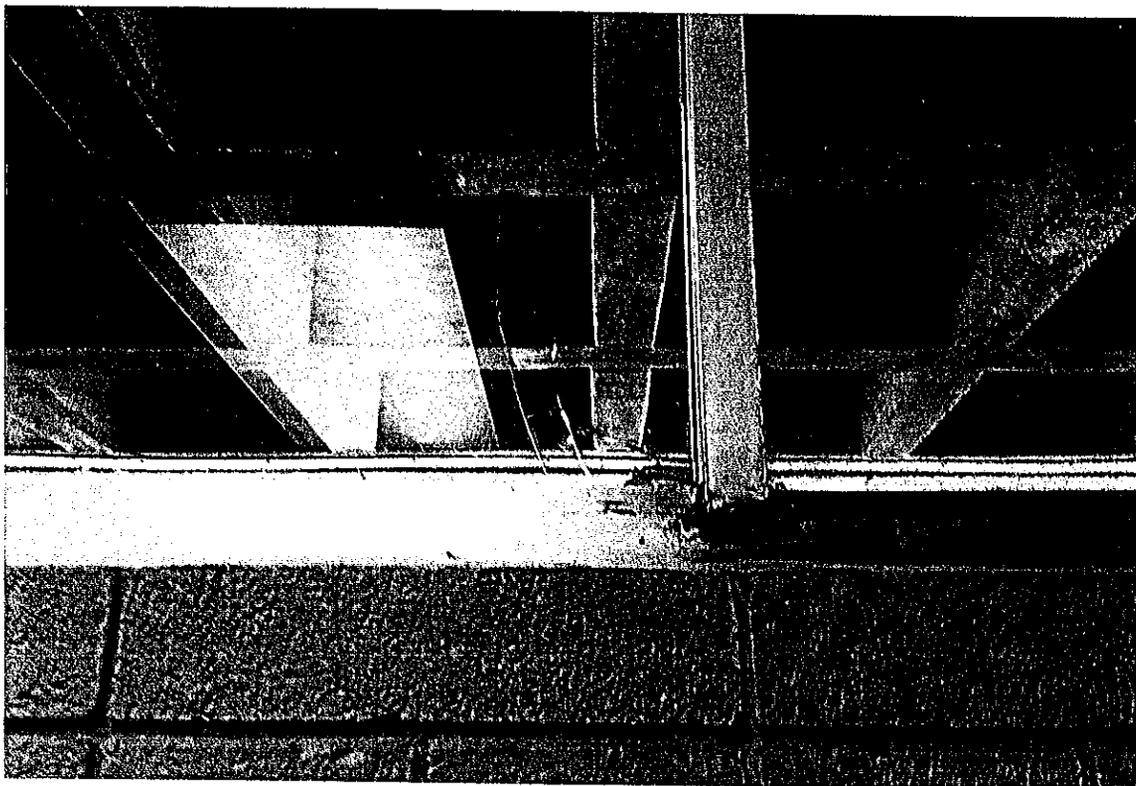
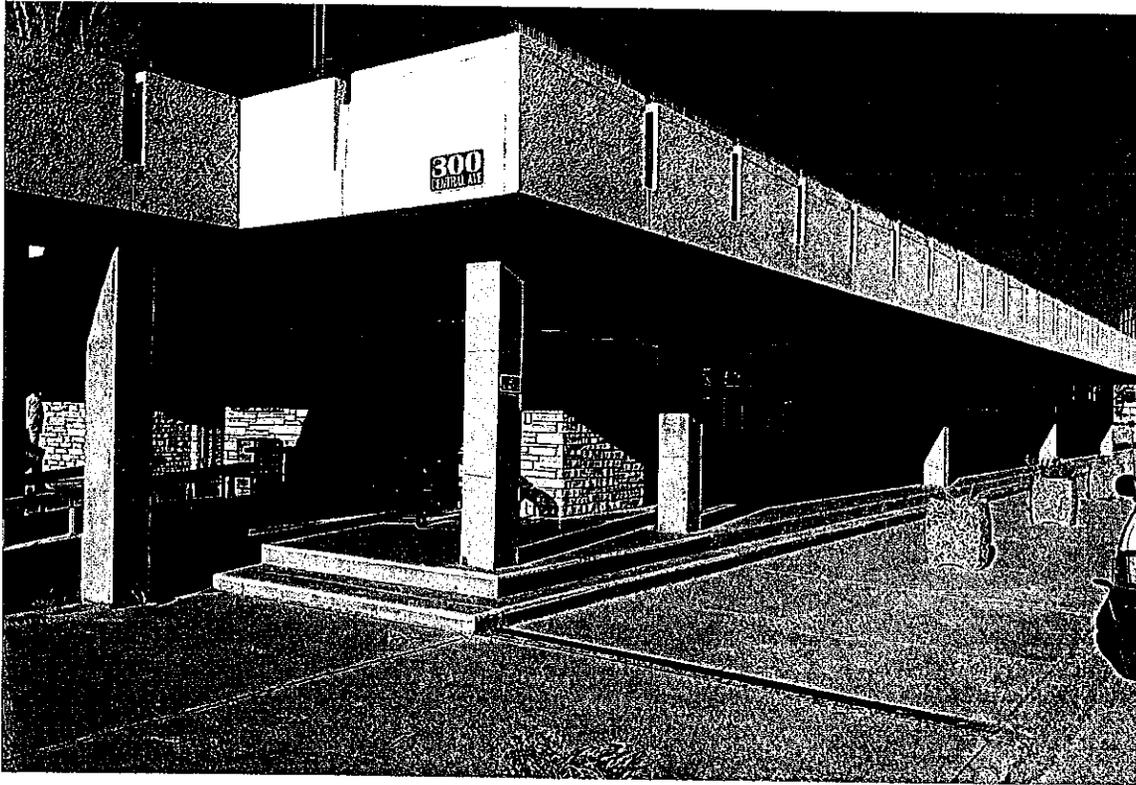


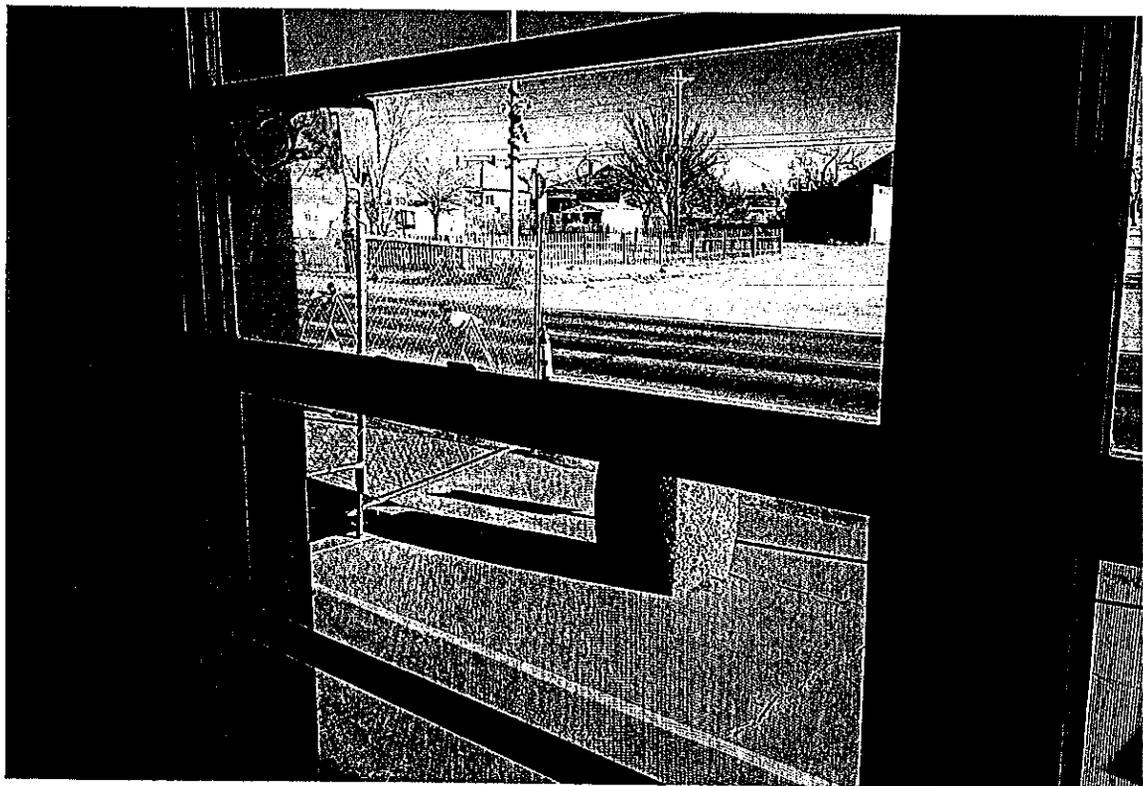
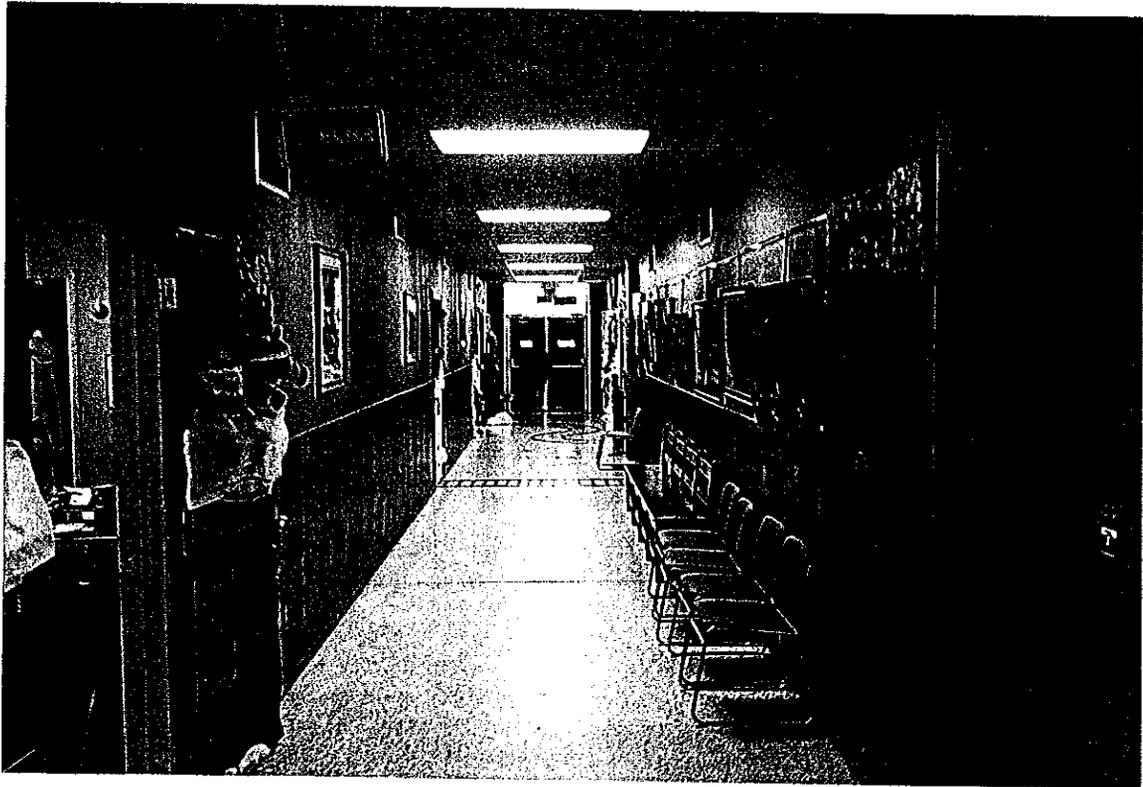
Commission Chambers



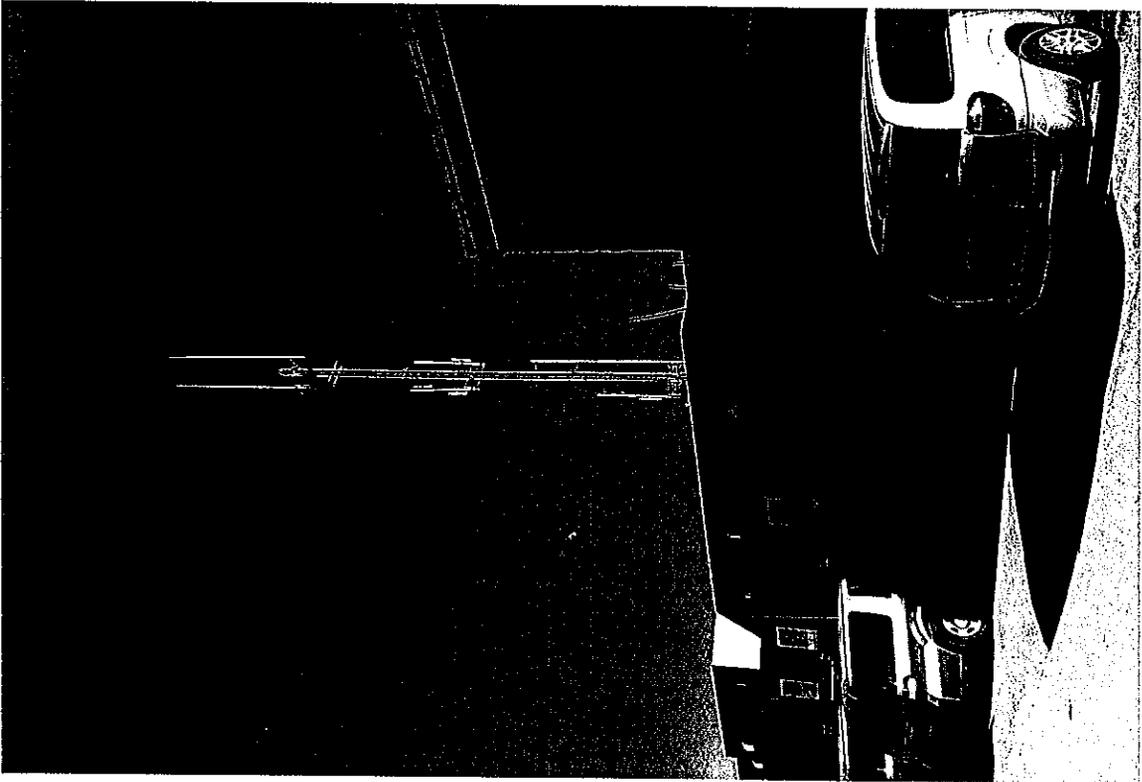
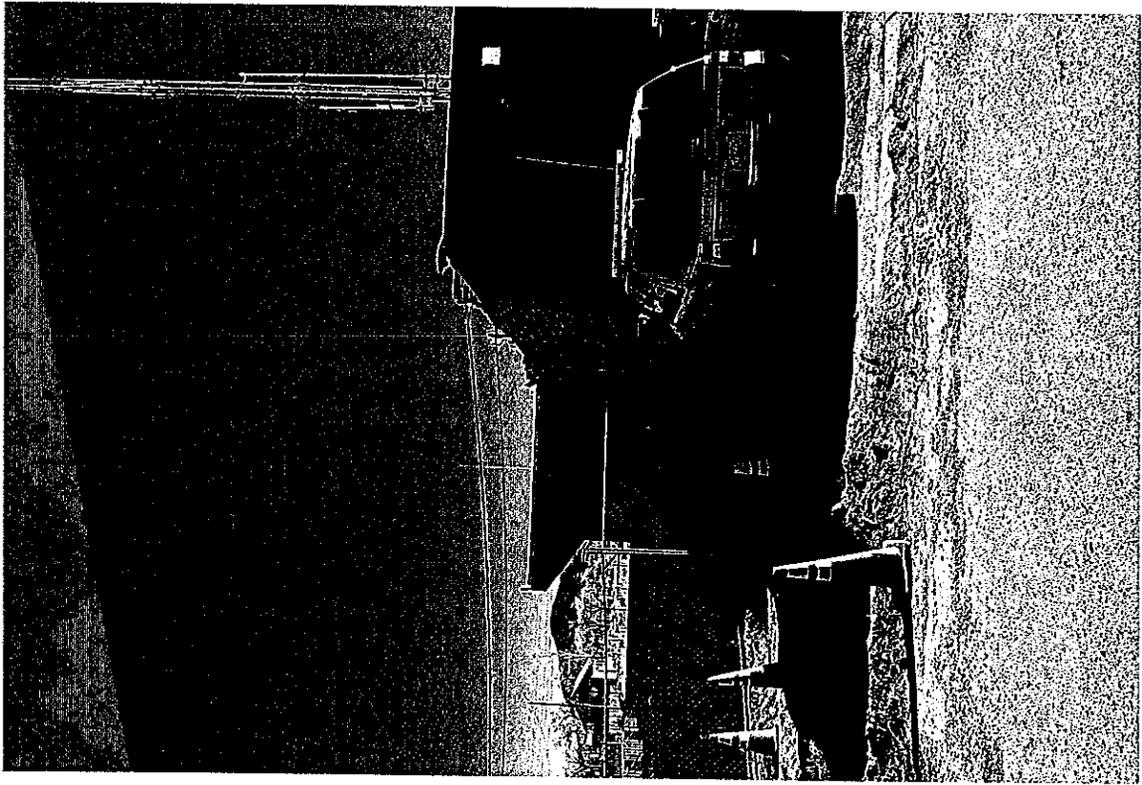


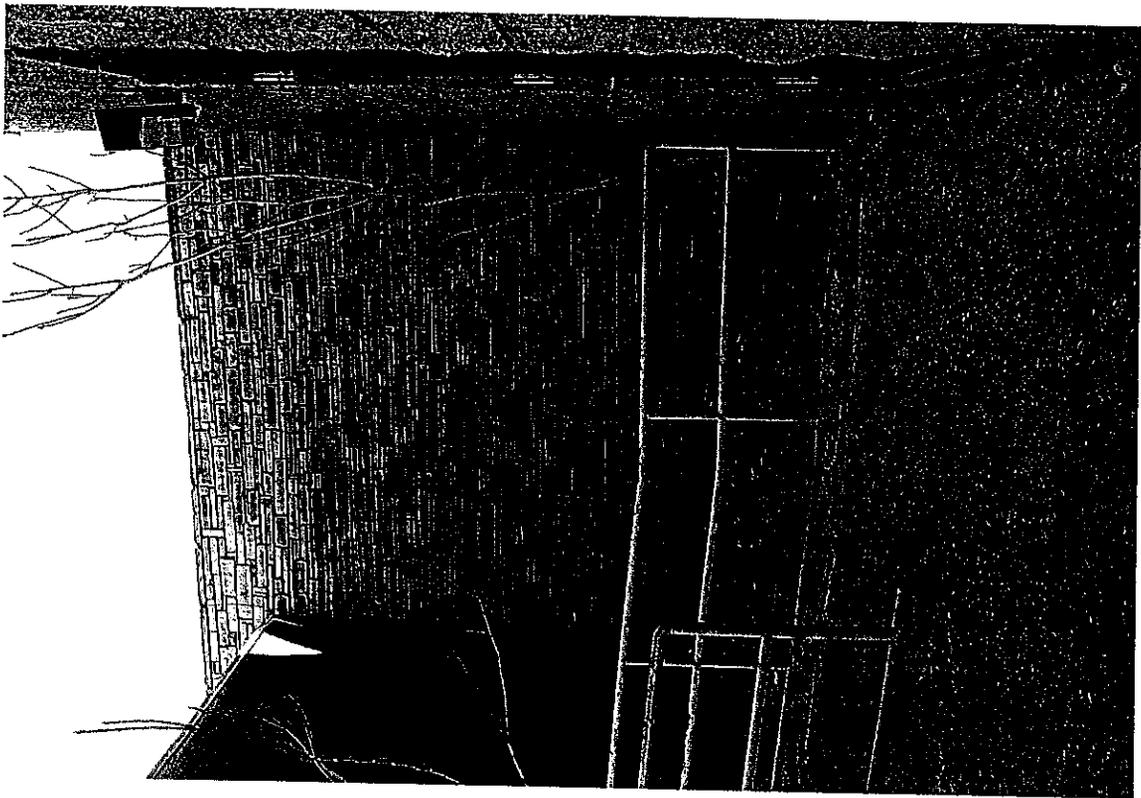
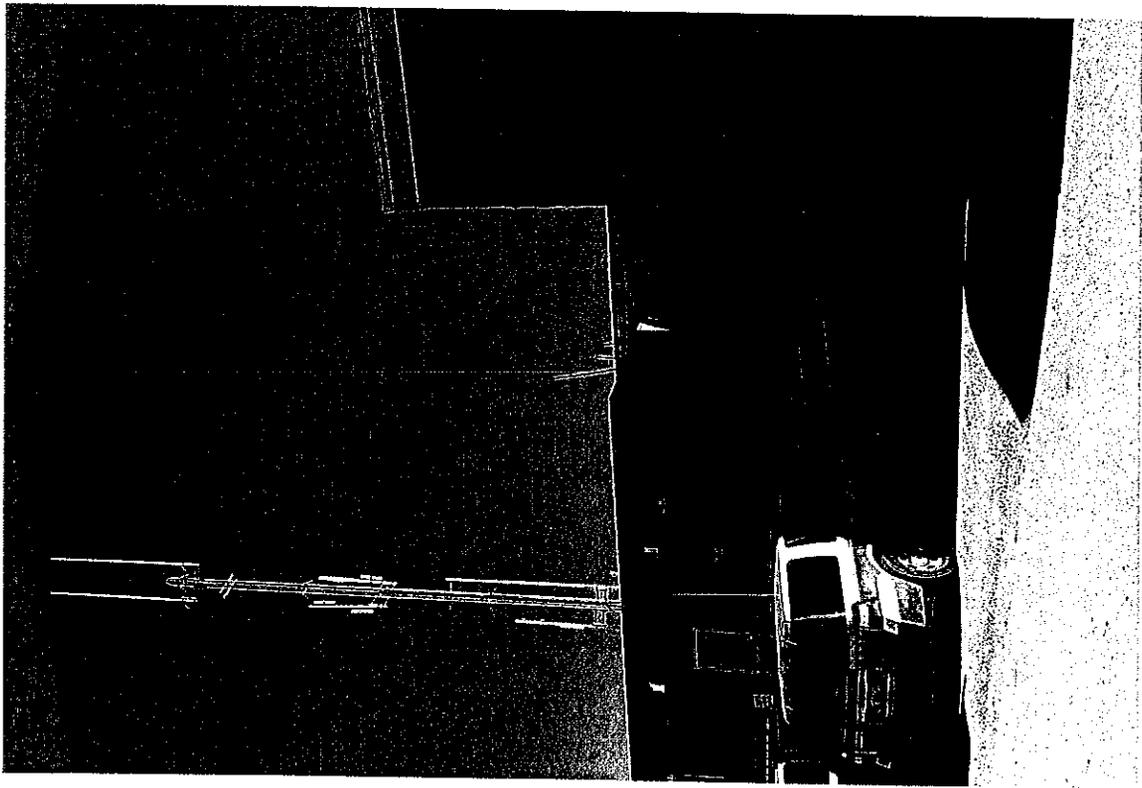
Courthouse / Public Offices



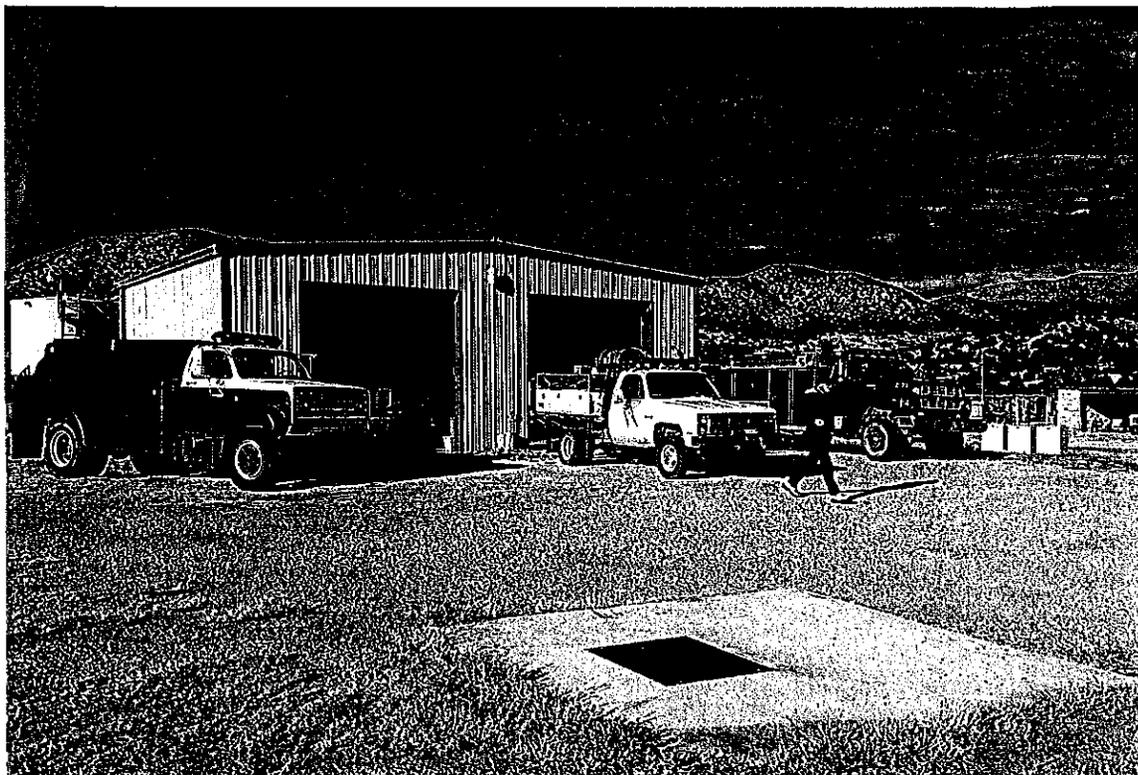
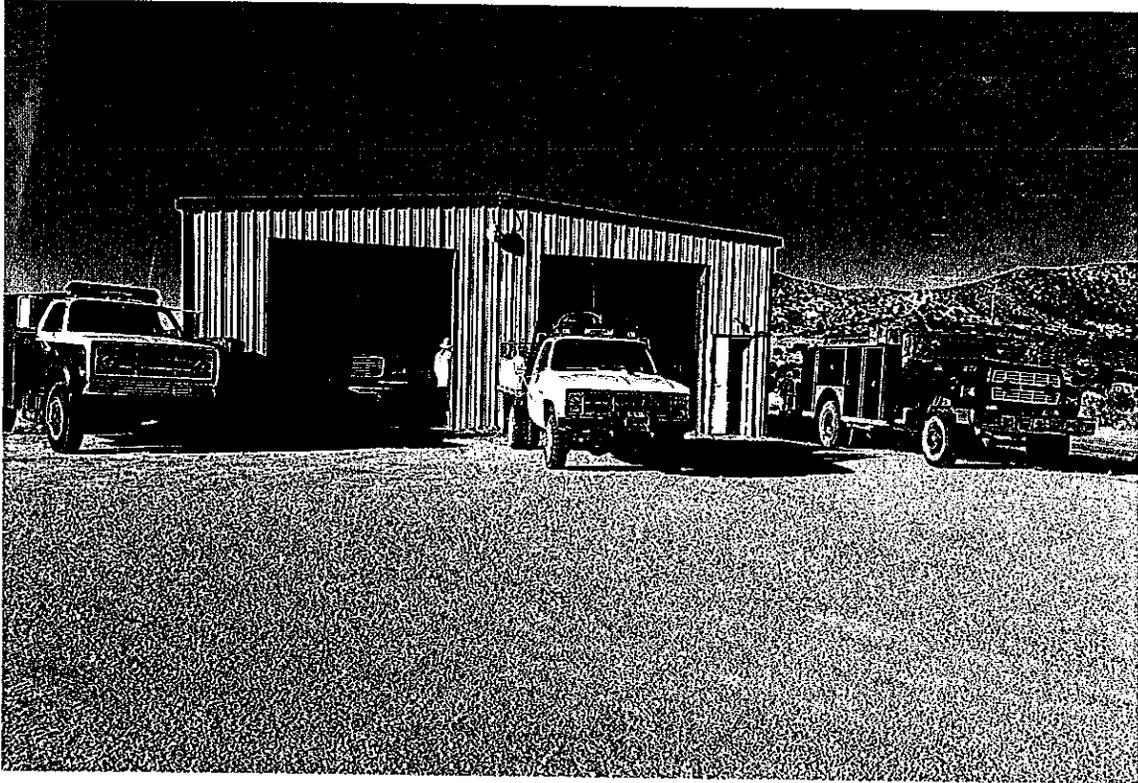


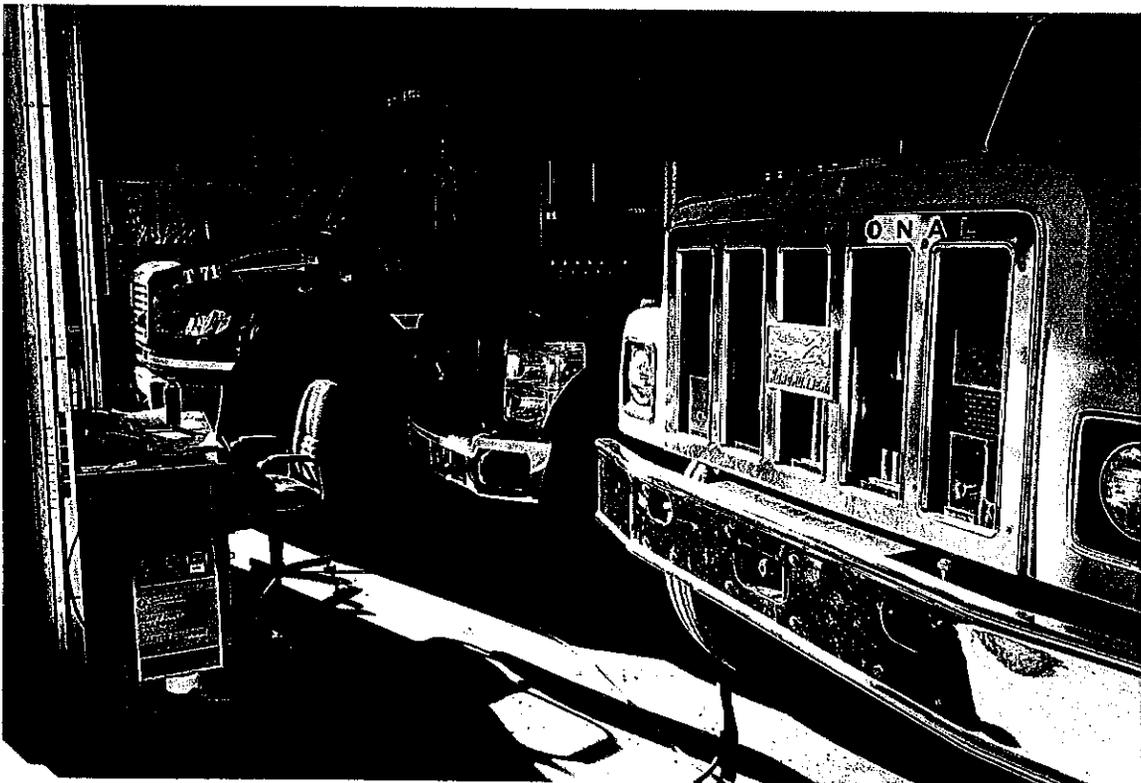
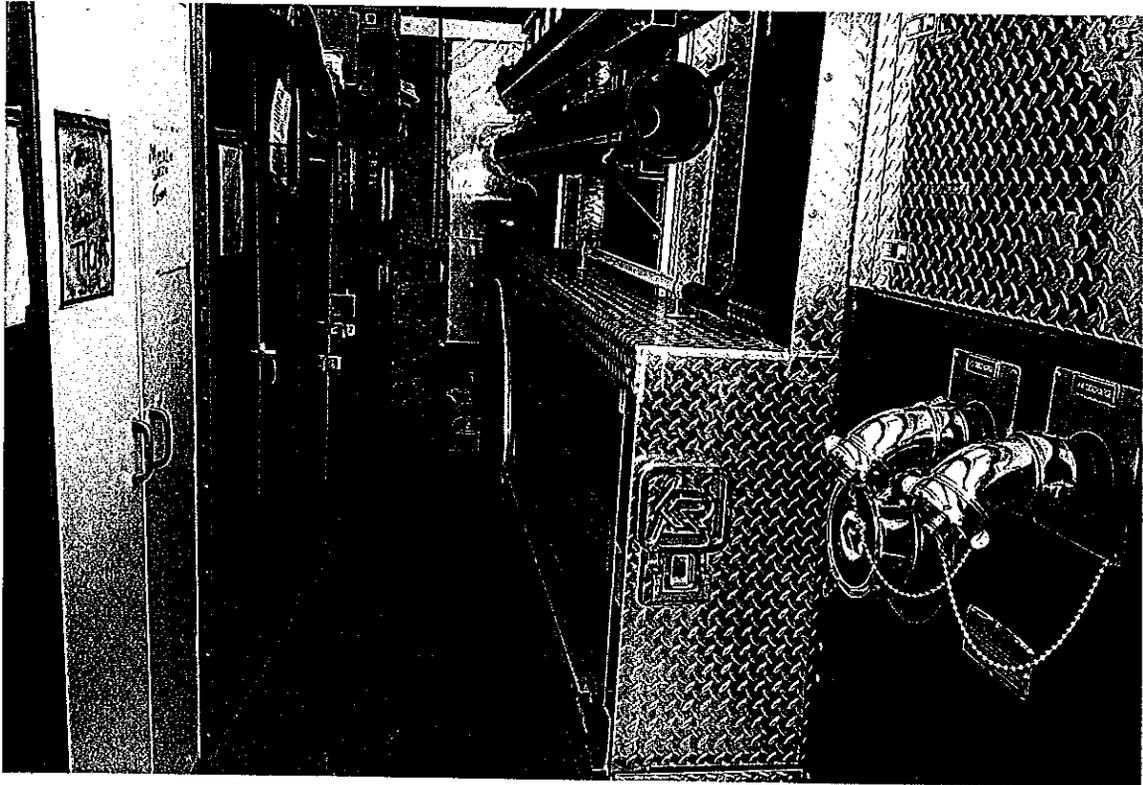
Communications Tower





White Oaks Fire Station





Revised: November 22, 2013

**TENTATIVE AGENDA
for the
SEVENTH MEETING
of the
LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE**

**December 19-20, 2013
Room 307, State Capitol
Santa Fe**

Thursday, December 19

- 8:30 a.m. **Welcome and Introductions**
—Representative James Roger Madalena, Chair
- 8:35 a.m. (1) **Computer Adaptive Testing — Mental Health Suicide Prevention Solution**
—Steve Trubow, Medical Engineer, Olympic Labs
—Robert Gibbons, Ph.D., Center for Health Statistics, University of Chicago
—Jan Fawcett, M.D., Department of Psychiatry, University of New Mexico (UNM)
- 10:00 a.m. (2) **Native American Suicide Prevention Clearinghouse**
—Sheri Lesansee, Program Manager, UNM Center for Rural and Community Behavioral Health, Native American Behavioral Program
—Doreen Bird, M.P.H., Community-Based Research Specialist, University of New Mexico Center for Rural and Community Behavioral Health
- 11:30 a.m. **Lunch**
- 1:00 p.m. (3) **New Mexico Dental Association (NMDA) Update**
—Thomas J. Schripsema, D.D.S., NMDA
—Julius N. Manz, D.D.S., NMDA
- 1:30 p.m. (4) **Dental Therapists-Hygienist Legislation**
—Pamela Blackwell, Esq., Health Action New Mexico (HANM)
- 2:00 p.m. (5) **Discussion of Dental Health Care Work Force Matters**
—Thomas J. Schripsema, D.D.S., NMDA
—Julius N. Manz, D.D.S., NMDA
—Pamela Blackwell, Esq., HANM

3:30 p.m. (6) **Brain Injury Services**
—Jerome Mee, President, Mentis El Paso, LLP
—Glenn Ford, Glenn Ford Associates

4:30 p.m. (7) **Public Comment**

Friday, December 20

8:30 a.m. (8) **Hospital Funding and County Indigent Fund**
—Brent Earnest, Deputy Secretary, Human Services Department
—Steven Kopelman, Esq., Executive Director, New Mexico Association of
Counties
—Jeff Dye, President, New Mexico Hospital Association

10:30 a.m. (9) **Community Health Workers**
—Retta Ward, Secretary of Health

11:30 a.m. (10) **International Community Health Specialists**
—Francisco Ronquillo, P.A., Community Health Advocate

12:00 noon (11) **Working Lunch: New Mexico Health Insurance Exchange — Native
American Centers Update**
—Mike Nunez, Chief Executive Officer, New Mexico Health Insurance
Exchange

1:30 p.m. (12) **2013 Senate Memorial 94 Report: Guardianships and Decision-Making
Authority**
—John Block, Executive Director, Developmental Disabilities Planning
Council
—Jim Jackson, Executive Director, Disability Rights New Mexico

2:30 p.m. (13) **Public Comment**

3:00 p.m. (14) **Review and Endorsement of 2014 Legislation**
—Michael Hely, Staff Attorney, Legislative Council Service

5:00 p.m. **Adjourn**

MEMORANDUM

To: County Managers
Cc: County Attorneys
From: Steven Kopelman, Executive Director
Re: Proposal by Human Services Department
Date: November 22, 2013

As you know, the Sole Community Provider program is being replaced beginning January 1, 2014, by a new supplemental program for New Mexico hospitals called the Safety Net Care Pool, as outlined in the Centennial Care program. No longer will sole community hospitals be receiving a direct three to one return on public money that the county pays to the state for the federal match. Rather, the New Mexico Human Services Department is proposing to intercept from each county its second 1/8 % gross receipts tax increment, or the equivalent, to fund both the Uncompensated Care Pool and a base rate increase in Medicaid for inpatient services. On an aggregate basis, the three to one match will be retained, but the distributions to individual hospitals will not be based on the contributions made by the county in which the hospital is located.

This proposal is troubling to many counties since it would preempt local county authority on how to utilize these tax proceeds, and it would jeopardize current county health care programs for its indigent citizens. In addition, the state proposal appears to be inequitable to many counties, requiring some to pay far more than they have contributed in previous years and resulting in distributions to some hospitals that are as much as 20 times greater than the amount the state will be intercepting from some counties, and as low as .09 times greater than the payment made to others. The NMAC Board of Directors recently passed a resolution opposing "any proposal or legislation that would preempt local government authority, by taking from counties the authority to utilize revenues generated by local taxes in the best interests of their citizens." Several counties have also taken formal action opposing the HSD proposal. Attached to this email are two spreadsheets prepared by HSD which give projections concerning the proposal.

“Lincoln County Day in Santa Fe”

Ruidoso Valley Chamber of Commerce



The Ruidoso Valley Chamber of Commerce (RVCC) Board of Directors and staff would like to encourage all Chamber members and Village businesses to join us in representing the voice of our community at the Chamber's annual *“Lincoln County Day in Santa Fe”* on February 5, 2014

There will be a Chamber hosted Reception with Legislators at 5:00 pm at The Inn & Spa at Loretto. Business leaders from Lincoln County, Ruidoso, and Ruidoso Downs will be in attendance to address specific issues affecting local commerce and business and to initiate dialogue with respective legislators. The chamber's top priority is to represent our membership by making our voices heard and to be certain the legislators recognize the needs of our Village and County.

You can show your support by contributing in any of the following ways:

1. Attend the Legislative Reception at the Inn & Spa at Loretto (guests: \$30 in advance, \$40 at the door)
2. Sponsor a Legislator - \$50
3. Sponsor a Table - \$250
4. Sponsor an Informational Display Table for your business at the reception on the 5th - \$500
5. General donation (any amount) to offset expenses of this event

To sponsor the “Lincoln County Day in Santa Fe” or to make reservations to attend, please contact Becky at the Chamber at 575-257-7395.

The Chamber has a block of rooms for February 4th & 5th at the Inn & Spa at Loretto. The rate for rooms is \$88 per night. To book your room at that rate call the Central reservation number **1-866-582-1646** and ask for the Ruidoso Valley Chamber of Commerce group rate



. Definition; chief procurement officer.

"Chief procurement officer" means that person within a state agency's or local public body's central purchasing office who is responsible for the control of procurement of items of tangible personal property, services or construction. "Chief procurement officer" includes the state purchasing agent. History: Laws 2013, ch. 70, § 1.



. Chief procurement officers; reporting requirement; training; certification.

A. On or before January 1 of each year beginning in 2014, and every time a chief procurement officer is hired, each state agency and local public body shall provide to the state purchasing agent the name of the state agency's or local public body's chief procurement officer and information identifying the state agency's or local public body's central purchasing office, if applicable.

B. The state purchasing agent shall maintain a list of the names of the chief procurement officers reported to the state purchasing agent by state agencies and local public bodies. The state purchasing agent shall make the list of chief procurement officers available to the public through the web site of the purchasing division of the general services department and in any other appropriate form.

C. The state purchasing agent shall offer a certification training program for chief procurement officers each year.

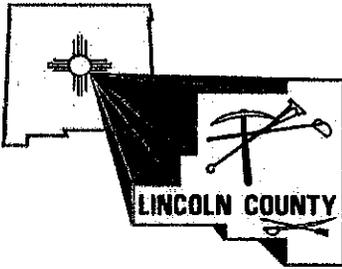
D. On or before January 1, 2015, the state purchasing agent shall establish a certification program for chief procurement officers that includes initial certification and recertification every two years for all chief procurement officers. In order to be recertified, a chief procurement officer shall pass a recertification examination approved by the secretary of general services.

E. On and after July 1, 2015, only certified chief procurement officers may do the following, except that persons using procurement cards may continue to issue purchase orders and authorize small purchases:

- (1) make determinations, including determinations regarding exemptions, pursuant to the Procurement Code;
 - (2) issue purchase orders and authorize small purchases pursuant to the Procurement Code;
- and
- (3) approve procurement pursuant to the Procurement Code.

History: Laws 2013, ch. 70, § 3.

ENCL 5



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County of Lincoln

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AGENDA ITEM NO. 13

December 13, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Tower Site Lease Agreement with TransWorld Network Corp.

Purpose: To Consider and Take Action on Proposed Tower Site Real Estate Lease Agreement with TransWorld Network Corp

Discussion: The Office of Emergency Services was required to relocate 2-way radio equipment located on the Gallinas Peak due to the destruction of the existing tower during inclement weather. The new agreement at Enclosure 1 is between the County and TransWorld Network Corp., which has an existing tower on site. This tower will better suit County needs, and could potentially be utilized in the future for addition communications equipment.

Recommendation: Approve Manager to enter into Agreement with TransWorld Network Corp.

REAL ESTATE LEASE AGREEMENT

This Real Estate Lease Agreement, hereinafter called the "Agreement", made and entered into the 1st day of December, 2013, by and between **Lincoln County Commissioners**, together hereinafter called the "Lessee", and **TransWorld Network Corp**, a Minnesota corporation, hereinafter called the "Lessor", jointly and together called the "Parties".

WITNESSETH:

WHEREAS Lessor owns the real property comprised of a cinder block building and a 100' tall guyed tower on a parcel of land under permit from the USFS at the Gallinas Peak, NM communication site, hereinafter known as the "Premises"; and

WHEREAS the Lessee is in need of a tower for antenna placement and a building in which to house 2-way radio equipment; and

WHEREAS the Lessor has available space on the tower and space within the building on the Premises; and

NOW, THEREFORE, it is agreed by and between the Parties hereto to enter into this Agreement on the date first written above, and as follows, together the Parties witness:

1. **TERM.** The term of this Agreement shall commence on December 1, 2013 and shall terminate on November 30, 2018. Upon expiration of this original term, this Agreement shall automatically renew for additional periods of 5 years on the same terms as this Agreement unless either party gives written notice of the intent to not renew no later than 180 days prior to the end of the original term or any renewal term.
2. **COMPENSATION.** Lessee shall pay to Lessor a use fee of One Hundred Dollars (\$100.00) per month for space upon the Tower, floor space within the building, and electrical power at nominal 120 VAC from a 20 Amp circuit.
3. **QUIET ENJOYMENT.** Lessor warrants that it is the owner of the Premises and has full right and authority to enter into this Agreement. Lessor covenants that, for and during the term of this Agreement and any extension or renewals thereof, it will not cause or allow anything to be done which will impair Lessee's leasehold interest and rights hereunder. Lessor shall defend the Lessee in the enjoyment and peaceful possession of the leased Premises during all terms of this Agreement.
4. **PREMISES & USE.** Lessee, at Lessee's expense shall, in the conduct of its business on the Premises, comply with and carry out all applicable laws, ordinances, regulations and orders of public authority respecting the structure and other conditions of the Premises. Lessor hereby leases to Lessee, and Lessee hereby rents from Lessor, space upon the 100' tower for its 2-way radio antenna, space within the building for the 2-way radio equipment and ancillary devices, and connection to and use of electrical power from the mains source and the backup generator source.
5. **CONDITION OF PREMISES.** Lessee's entry into possession of the Premises shall be deemed its acceptance of the leased Premises in good order, condition and repair. Upon termination of this Agreement, whether by lapse of time or otherwise, Lessee shall immediately yield up possession, and surrender same to Lessor, with the leased Premises in a good state of repair and condition.
6. **UTILITIES.** Lessor will provide electric power for Lessee's equipment at 120 VAC and a 20 Amp circuit. No other utilities are needed.
7. **REPAIR AND MAINTENANCE.** Lessee shall, at its expense, keep and maintain the leased portion of the Premises in a clean, neat, and sanitary order, and in good condition and repair.
8. **ACCESS.** Lessee and its duly authorized agents shall have access to the Premises seven days a week on a twenty-four hour a day basis.
9. **TERMINATION.** In the event that the Lessee no longer desires to maintain wireless communications equipment at this site it shall have the right to terminate this Agreement upon 120 days written notice to Lessor. It is expressly written that Lessee will remove all equipment placed by the Lessee unless other written arrangements have been made.
10. **LIENS.** Lessee agrees and covenants that it will not cause or suffer the creation of any mechanic's liens, or other liens, for any labor performed or materials furnished for or on behalf of Lessee, which may cloud or impair Lessor's title to the leased Premises; and that if any such lien shall arise due to an act or omission of Lessee, Lessee shall promptly remove the same at its own expense.
11. **ALTERATIONS.** Lessee shall not make any alterations to the leased Premises, or any part thereof, without the consent of Lessor first had and obtained, other than those indicated in this Agreement and required for Lessee's intended use of the Premises.
12. **DESTRUCTION OF PREMISES.** In the event that the leased Premises shall be rendered unfit to a material extent for use by Lessee due to fire, earthquake, flood, windstorm, tornado, ice storm or other casualty, the compensation payable under this Agreement shall abate during the time such damage remains un-repaired or Lessee is unable to operate his equipment.
13. **ASSIGNMENT.** Lessee shall have the right to assign this Agreement. Upon assignment of this Agreement and such assignee's written assumption of the payment of compensation and performance of all other obligations to be performed on the part of Lessee with respect to the leased Premises, the Lessee's liability hereunder shall cease and terminate.

14. **INSURANCE.** Lessee shall procure and keep in force, at all times, during the term of this Agreement, at its expense, general liability insurance in an amount not less than \$1,000,000. Lessee shall timely notify Lessor in the event of any cancellation or change in coverage of such insurance affecting the interests of Lessor.

15. **REMEDIES.** In case the Lessor shall fail or neglect to keep and perform any of the covenants or agreements of Lessor contained in this Agreement, the Lessee, in addition to all other remedies now or hereafter afforded or provided by law, may at its election, perform such covenant or agreement on behalf of Lessor or make good any such default. Any amount or amounts which the Lessee shall advance in such event shall be repaid by the Lessor to the Lessee on demand, together with interest thereon at the legal rate, from the date of such advance to the repayment thereof in full.

In case of any default by Lessee, Lessor shall provide written notice by certified mail to Lessee and Lessee shall have thirty days (30) from the date of mailing of such notice to cure such default. In the event the default is not cured in a timely fashion, Lessor, at its election, may terminate the Agreement with notice to Lessee in writing. Lessor may in the alternative pursue Lessee for any defaults and may pursue these or any other remedies available at law.

In the event either party is required to enforce any of the provisions of this Agreement by legal process or otherwise, the prevailing party shall in addition to the amounts due under the Agreement be entitled to recover its costs and reasonable attorney's fees.

16. **NOTICE.** Any notice required herein shall be sent by certified or registered mail. Notice to the Lessee shall be addressed to:

TransWorld Network, Corp
ATTN: Regulatory Dept.
255 Pine Ave N.
Oldsmar, FL 34677

Contact: Jim Gardiner at 813-890-4766

And notice to the Lessor shall be addressed to:

Lincoln County Commissioners
P. O. Box 711, 300 Central Ave.
Carrizozo, NM 88301-0711

Site Contact: Joe Kenmore at 575-336-8600

Upon notice to the other party, either party may change the address to which notice to it is to be sent. Notice shall be deemed to have been given when properly mailed.

17. **WAIVER.** No waiver by Lessor of any breach or default by Lessee in the performance of any of the provisions, agreements or covenants hereunder shall be construed as a waiver of such provision, agreement or covenant or of any other or subsequent breach thereof.

18. **REAL PROPERTY TAX.** Lessee shall pay when due all real property taxes and special tax assessments levied on any and all equipment attachments made by Lessee on the leased Premises during all terms of this Agreement.

19. **MODIFICATION.** Parties agree that this Agreement contains the entire agreement between them and shall not be modified in any manner, except by an Addendum to this Agreement signed by the Parties.

20. **BINDING.** The terms of this Agreement shall become binding upon the successors, administrators, executors, heirs and assigns of the Parties hereto.

21. **COUNTERPART SIGNATURES.** This Agreement may be executed in counterpart documents. The execution of this Agreement and transmittal of it via fax or copy shall bind the executing party and shall be as fully enforceable as would the original.

22. **SEVERABILITY.** If any portion of this Agreement shall be held to be invalid or unenforceable for any reason, the remaining provisions shall be valid and enforceable. If a court finds that any provision of this Agreement is invalid or unenforceable, but that by limiting such provision it would become valid and enforceable, such provision shall be deemed to be written, construed, and enforced as so limited.

23. **GOVERNING LAW.** The laws of New Mexico shall govern this Agreement without giving effect to applicable conflict of law provisions. The federal and state courts located in New Mexico alone have jurisdiction over all disputes arising out of or related to this Agreement. Lessor consents to the personal jurisdiction of such courts sitting in New Mexico with respect to such matters or otherwise between Lessor and Lessee, and waives Lessor's rights to removal or consent to removal. In the event any litigation or other proceeding is brought by either Party in connection with this Agreement, the prevailing Party in such litigation or other proceeding shall be entitled to recover from the other Party all costs, attorneys' fees and other expenses incurred by such prevailing Party in such litigation.

24. **NON-INTERFERENCE.** Lessor will not grant, after the date of this Agreement, a lease, license, or any other right to any third party for use of the Premises if such use may in any way adversely affect or interfere with Lessee's equipment, the operations of Lessee, or the rights of Lessee under this Agreement.

25. **RIGHTS UPON SALE.** Should the Lessor, at any time during the term of this Agreement or any renewal term of this Agreement, decide (i) to sell or transfer all or any part of the Premises to a purchaser other than Lessee, or (ii) to grant to a third party by easement or other legal instrument an interest in and to that portion of the Premises occupied by Lessee, or a larger portion thereof, the sale or grant of an easement or interest therein shall be under and subject to this Agreement and any such purchaser or transferee shall recognize Lessee's rights hereunder under the terms of this Agreement.

SIGNATURES

IN WITNESS WHEREOF, the parties hereto have executed this Lease Agreement as of the day and year first above written.

LESSEE: _____ for the LINCOLN COUNTY

Nita Taylor, County Manager

State of New Mexico County of Lincoln. Subscribed and sworn before me a Notary Public this ____ day of December, 2013, by

_____.

My Commission expires _____.

NOTARY

LESSOR: _____ for TRANSWORLD NETWORK CORP

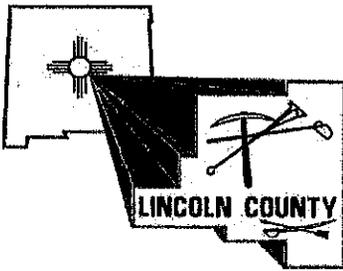
A. Milton Jensen, Manager of Site Acquisition

State of Arizona , County of Greenlee , Subscribed and sworn before me a Notary Public this ____ day of December, 2013, by

_____.

My Commission expires _____.

NOTARY



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AGENDA ITEM NO. 14

December 13, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager

SUBJECT: Matching Funds for FEMA Grant Application from Office of Emergency Services to Equip and Gear All Hazard Incident Management Team.

Purpose: To Consider and Take Action on OES FEMA Grant Application – Matching Funds

Discussion: The Office of Emergency Services has submitted a grant application to FEMA that will equip and gear the County's All Hazards Mitigation Team in a manner required to sustain the team for a couple of days, in the circumstance of an emergency. The amount of the Grant is \$19,220, with FEMA paying 90% (\$17,280), with a 10% matching fund requirement (\$1,920).

See Enclosure 1 for narrative supporting the application.

Recommendation: Approve the \$1,925 matching funds for this critical Grant Request.

The Lincoln County Office of Emergency Services, located in New Mexico, is requesting funding to provide personal protective equipment and gear to outfit a new All Hazard Incident Management Team. This "Team" will be the first of its kind in the County of Lincoln.

Organization:

The Lincoln County Office of Emergency Services (FDID# 27000) program focuses on coordinating county government's response to natural, technological and human conflict emergencies and disasters. The primary management focus is on preparedness for, mitigation of, response to, and recovery from major emergencies and disasters.

The Office of Emergency Services is also responsible for the coordination of fire protection services and administration of all volunteer fire departments serving the unincorporated areas of Lincoln County.

Collectively, the county volunteer fire services consist of the following:

- Seven (7) volunteer fire districts
- Thirteen (13) fire stations
- Sixty-two (62) pieces of fire apparatus and support vehicles
- 200 dedicated volunteer firefighters
- All departments are 100% NIMS Compliant
- All departments report to NIFRS
- All departments have state issued FDID numbers.

Other responsibilities include:

- Development and enforcement of uniform fire service standards and protocols for all county volunteer fire departments.
- Coordination of fire training activities.
- Incident command assistance at all major emergency incidents.
- Development and maintenance of uniform fire station, apparatus, and equipment standards.
- Development of countywide fire mitigation standards.
- Presentation of community fire prevention education and preparedness programs.
- Development of preparedness, readiness and mitigation strategies for the county.
- Development of all-hazard emergency management plans and documents.
- Management of all county and allied agency emergency activities in response to real or threatened disasters.

Lincoln County is ranked in the Top Ten in the nation most likely to have a devastating natural disaster occur. Major disasters consisting of wildland/ urban interface fires with post fire flooding likely to occur. Due to the wildfire urban interface complexity and the need for mitigating these fires/ floods safety is our top priority. New Mexico has one Type-2 and one Type-3 incident management teams within the state. The Type-2 team is on a rotational basis with the state of Arizona. Having this team on rotation and only one Type-3 team means the potential of having a team available to manage an incident within our County may be hard to obtain.

Lincoln County is implementing its own All Hazard Incident Management Team. With this being a "new" team we are need of outfitting the members with the proper personal protective equipment and gear needed to sustain the team until the incident is mitigated or another team is available to take over the incident. This team will consist of ten (10) initial starting members.

Our All Hazard Incident Management Team will be filling a gap for the community from incident operations stage to the state's incident management team's arrival. The AHIMT will provide accountability and safety to all personnel and citizens affected by the hazard.

The Lincoln County AHIMT members have a minimum of ICS 100, 200, 300, 400, 700, 800b courses. Chief Officers have National Fire Academy courses for I.C., Deputy I.C., Operations, Planning, Logistics, and Finance. The Lincoln County AHIMT will be activated and on call beginning in March 2014.

Financial Need:

The County of Lincoln is providing costs share in the means of; county personnel available to respond, training tuition (including travel costs), communications, overtime costs, and outfitting any additional personnel needed after the initial ten (10) are outfitted with the equipment requested by this grant.

Lincoln County has a population of approximately 20,400. This population can double during heavy tourist times. Lincoln County has an unemployment rate of 4.80% and a tax rate of 5.6875%. The Lincoln County Office of Emergency Services operates with an annual budget of \$47,900.00 without any accrued income. This budget has to be stretched to accommodate everything from office supplies, maintenance, and fuel to training needs. This minimal budget leaves us with little to no room to accommodate any additional duties such as the All Hazard Incident Management Team.

Project Description:

The items and costs of the items listed are from one vendor. If awarded this grant request a more in depth search will be done to ensure we obtain the best price for the equipment requested.

Tecasafe Plus Outfitters Package (Wildland)

Pants/ Shirt/ Gloves	\$181.00	
Helmet	\$40.00	
Safety Glasses	\$4.50	
Briefcase	\$52.75	
Initial Attack Packs	\$120.00	
Headlamp	\$31.00	
Belt	<u>\$10.00</u>	
Sub Total	\$439.25	\$439.25
Wildland Shirt (Red)	\$106.25	
Wildland Pants (Type One Khaki)	\$273.00	
Boots (Lasportivawildland)	\$280.00	
Fire Shelter (New Generation)	<u>\$354.50</u>	
Sub Total	\$1,013.75	\$1,013.75

Tent (Eureka 5'X7' Tetragon 2")	\$94.50	
Sleeping Bag (Copper River Long 30*)	\$68.00	
Uniform Jacket (Dragon Wear "Alpha")	\$255.00	
Chest Pack (Radio Harness Mesh Packshack)	\$40.00	
I.C. Command Vest	<u>\$9.50</u>	
Subtotal	\$467.00	<u>\$467.00</u>

Total	\$1,920.00
QTY 10	<u>\$19,200.00</u>
10% Match	\$1,920.00

History has proven that the majority of large incidents within our county comprise of wildfires. Therefore the majority of personal protective equipment needed is for wildfire incidents. It is mandated by our county that all personnel involved in wildfire incidents will have the proper protective equipment on at all times. The added equipment listed will be used to sustain our team for multiple operation periods.

Lincoln County Office of Emergency Services will provide the 20% match of \$3,800.00 out of their operating budget. Future costs for the AHIMT will be minimal after this initial start up purchase.

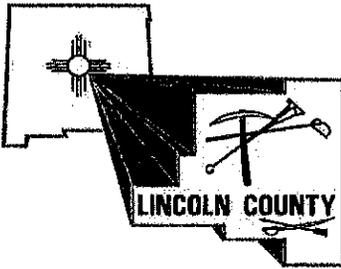
Cost Benefit:

The benefit of the grant will be the ability to purchase all of the needed personal protective equipment and additional equipment at one time. Without this grant the County of Lincoln will have to make smaller purchases extending the time to officially activate the AHIMT. This could take several months to a year to properly outfit the team to a ready state. With the team members trained and properly outfitted we will be able officially activate the team by March 2014 in time for our upcoming wildfire season.

Statement of Effect:

The Lincoln County AHIMT will provide our firefighters and citizens with the ability to; provide accountability of our responders, ensure the best safety practices are adhered to, reduce costs to the County of Lincoln, logistical support, reduced stress and workload on our local fire departments, a working relationship with Emergency Operations Center personnel, and organization to a normally chaotic situation.

Future visions of the AHIMT will be to respond to neighboring counties in need, and then become a statewide resource.



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AGENDA ITEM NO. 15

December 13, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Sole Community Provider & Indigent Health Care Claims

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

Discussion:

Sole Community Provider Payments: This month our coordinator processed fifty-five (55) claims, fifty-two (52) of which are recommended for approval, and three (3) for disapproval for the reason indicated at Enclosure 1. If approved, the total recommended payment this month is **\$105,898.72**. See Enclosure. 1.

Indigent Health Care Claims: This month our coordinator processed fifty-five (55) claims. Fifty-two (52) are recommended for approval, and three (3) for disapproval for the reason indicated at Enclosure 2. If approved, total recommended for payment this month is **\$27,964.99**. At Enclosure 2 is a summary of total applications approved and denied. At Enclosure 3 is the summary of the Indigent Fund Meeting for December and the Year-To-Date summary that each lists the applications by provider.

Manager's Analysis – For the last two years, the average Indigent Health Care monthly payments were **\$21,651 and \$24,262** respectively. The FY 12-13 year-end total was **\$291,140.11**. Our budget for FY13 - 14 is \$393,278. To date, the total expenditure is \$128,584.74 or an average of \$21,430.79 monthly.

Similarly, for the last two fiscal years, the total Commission-approved Sole Community Provider Claims were **\$1,201,132 and \$1,371,890** respectively. The FY 12-13 monthly average was **\$114,324.16**. To date, the total expenditure is \$631,351.54, with a monthly average of \$106,225.26.

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

Approved: _____
Jackie Powell

SOLE COMMUNITY PROVIDER CLAIMS FISCAL YEAR 2013 - 2014

PREVIOUS AMOUNT APPROVED THIS FISCAL YEAR \$531,452.82

ADJUSTMENTS

TOTAL ADJUSTMENTS: \$0.00 \$0.00

DECEMBER # CLAIMS FOR APPROVAL 52
CLAIMS FOR DENIAL 3
DECEMBER # TOTAL CLAIMS 55

DECEMBER TOTAL \$ AMOUNT APPROVED \$105,898.72

TOTAL # CLAIMS THIS FY APPROVED 368
TOTAL # CLAIMS THIS FY DENIED 19
TOTAL # CLAIMS FY 2013 - 2014 387

TOTAL APPROVED THIS FISCAL YEAR \$637,351.54

FACILITY: LINCOLN COUNTY MEDICAL CENTER 12/17/2013 THROUGH 12/17/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
20119	11/12/2013	447.00	344.19	077%
20018	11/22/2013	1101.00	847.77	077%
20019	09/27/2013	550.00	423.50	077%
20025	08/06/2013	895.00		000%
CLAIM WAS PREVIOUSLY APPROVED				
20028	11/19/2013	2572.00	1980.44	077%
20029	09/18/2013	60.00	46.20	077%
20055	09/13/2013	557.00	428.89	077%
20031	11/22/2013	609.00	468.93	077%
20032	11/05/2013	476.00	366.52	077%
20033	11/12/2013	6335.00	4877.95	077%
20034	11/20/2013	2537.00	1953.49	077%
20116	10/25/2013	70662.90	18218.27	026%
20036	11/20/2013	3221.00	2480.17	077%
20037	11/30/2012	450.00	346.50	077%
20038	11/23/2013	1279.00	984.83	077%
20118	10/24/2013	152.00	117.04	077%
20111	10/07/2013	15325.80	11800.87	077%
20039	10/28/2013	2516.00	1937.32	077%
20043	04/05/2013	50.00	38.50	077%
20044	05/29/2013	375.00	288.75	077%
20045	06/06/2013	200.00	154.00	077%
20046	07/11/2013	50.00	38.50	077%
20106	02/23/2013	1668.00	1284.36	077%
20107	02/26/2013	5178.00	3577.22	069%
20108	02/27/2013	459.00	353.43	077%
20109	04/20/2013	731.00	562.87	077%

FACILITY: LINCOLN COUNTY MEDICAL CENTER 12/17/2013 THROUGH 12/17/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
20051	11/15/2013	330.00	254.10	077%
20058	10/24/2013	8882.24	6839.32	077%
20061	07/02/2013	336.00	258.72	077%
20062	10/29/2013	1176.00	905.52	077%
20065	09/09/2013	229.00	176.33	077%
20066	11/13/2013	750.00	577.50	077%
20077	11/26/2013	394.00	303.38	077%
20079	10/02/2013	740.00	569.80	077%
20081	09/11/2013	223.11	171.79	077%
20082	08/15/2013	335.00		000%
PATIENT HAS MET OR EXCEEDED POLICY LIMIT				
20083	09/19/2013	1144.00		000%
PATIENT HAS MET OR EXCEEDED POLICY LIMIT				
20085	10/09/2013	9474.00	7294.98	077%
20086	10/16/2013	13887.01	5792.88	042%
20087	10/22/2013	460.50	354.59	077%
20088	11/14/2013	6985.00	4248.48	061%
20090	08/28/2013	909.00	699.93	077%
20091	10/10/2013	124.20	95.63	077%
20092	11/16/2013	757.00	582.89	077%
20095	08/31/2013	2028.00	1561.56	077%
20096	09/03/2013	250.00	192.50	077%
20097	09/26/2013	8454.40	6509.89	077%
20099	09/14/2013	54.40	41.89	077%
20101	09/20/2013	110.60	85.16	077%
20121	08/31/2012	441.00	339.57	077%
20125	09/05/2012	7975.00	6140.75	077%
20103	11/26/2013	539.00	415.03	077%
20104	11/05/2013	152.00	117.04	077%
20105	11/07/2013	6189.00	4765.53	077%
20120	11/26/2013	3485.00	2683.45	077%

105898.72

APPROVED- 52 REJECTED- 3

INDIGENT HEALTH CARE CLAIMS FISCAL YEAR 2013 - 2014

PREVIOUS AMOUNT APPROVED THIS FISCAL YEAR \$100,619.75

ADJUSTMENTS

TOTAL ADJUSTMENTS:

DECEMBER # CLAIMS FOR APPROVAL	52
# CLAIMS FOR DENIAL	3
DECEMBER # TOTAL CLAIMS	55

DECEMBER TOTAL \$ AMOUNT APPROVED \$27,964.99

TOTAL # CLAIMS THIS FY APPROVED	370
TOTAL # CLAIMS THIS FY DENIED	47
TOTAL # CLAIMS FY 2013 - 2014	417

CURRENT TOTAL APPROVED THIS FISCAL YEAR \$128,584.74
*Assuming the above is approved

ENCL 2

FACILITY: ANESTHESIA ASSOCIATES OF NM 12/17/2013 THROUGH 12/17/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
20026	09/19/2013	714.00	117.90 017%
20056	09/12/2013	714.00	117.90 017%
20057	10/10/2013	952.00	157.20 017%
20054	10/21/2013	1071.00	176.85 017%
			569.85

APPROVED- 4 REJECTED-

FACILITY: FRONTIER MEDICAL 12/17/2013 THROUGH 12/17/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
20114	09/18/2013	121.68	121.68 100%
			121.68

APPROVED- 1 REJECTED-

FACILITY: GERALD CHAMPION REGIONAL MED CTR 12/17/2013 THROUGH 12/17/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
20017	10/02/2013	2469.00	1901.13 077%
20022	08/27/2013	5914.85	4554.43 077%
20023	09/03/2013	268.00	206.36 077%
20024	09/06/2013	1874.00	239.21 013%
20042	08/23/2012	252.20	194.19 077%
20069	04/17/2013	2469.00	1901.13 077%
20117	06/04/2013	1556.98	1198.87 077%
			10195.32

APPROVED- 7 REJECTED-

FACILITY: LC AMBULANCE-PRES HEALTH SVCS 12/17/2013 THROUGH 12/17/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
20035	11/20/2013	525.20	500.00 095%
20115	09/03/2013	806.00	500.00 062%
20110	10/07/2013	2314.00	500.00 022%
20084	10/09/2013	525.20	500.00 095%
20089	11/14/2013	972.40	000%
PATIENT HAS MET OR EXCEEDED POLICY LIMIT			
20100	09/20/2013	89.43	89.43 100%
20124	09/05/2012	2330.60	500.00 021%
			2589.43

APPROVED- 6 REJECTED- 1

FACILITY: LINCO MEDICAL & SUPPLY, INC 12/17/2013 THROUGH 12/17/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
20050	11/07/2013	206.79	206.79 100%
20064	11/18/2013	206.79	206.79 100%
20070	07/10/2013	82.82	82.82 100%
20071	09/04/2013	177.36	177.36 100%
20072	10/04/2013	177.36	177.36 100%
20073	11/12/2013	207.03	207.03 100%
20078	11/18/2013	206.79	206.79 100%
20094	11/06/2013	177.36	177.36 100%

1442.30

APPROVED- 8 REJECTED-

FACILITY: LINCOLN COUNTY FAMILY MEDICAL 12/17/2013 THROUGH 12/17/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
20016	11/08/2013	199.78	81.91 041%
20021	11/13/2013	379.03	140.80 037%
20030	11/13/2013	199.78	81.91 041%
20047	10/25/2013	199.78	81.91 041%
20048	10/25/2013	69.17	4.00 006%
20049	11/04/2013	267.78	99.43 037%
20059	07/30/2013	309.86	136.80 044%
20060	08/15/2013	199.78	81.91 041%
20063	10/08/2013	309.86	136.80 044%
20076	11/07/2013	309.86	136.80 044%
20080	10/21/2013	309.86	136.80 044%
20093	10/25/2013	249.78	95.73 038%

1214.80

APPROVED- 12 REJECTED-

FACILITY: LINCOLN COUNTY RADIOLOGY 12/17/2013 THROUGH 12/17/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
20040	03/21/2013	455.00	94.90 021%
20098	08/18/2013	258.00	50.53 020%
20122	08/31/2012	92.00	21.22 023%

166.65

APPROVED- 3 REJECTED-

FACILITY: NEW MEXICO ONCOLOGY HEMATOLOY 12/17/2013 THROUGH 12/17/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
20020	10/30/2013	113.47	14.00 012%
20027	10/24/2013	13.93	000%
PATIENT'S BILL IS BELOW \$50			
20075	10/24/2013	252.25	81.91 032%
			95.91

APPROVED- 2 REJECTED- 1

FACILITY: PATHOLOGY CONSULTANTS OF NM 12/17/2013 THROUGH 12/17/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
20053	07/22/2013	122.54	25.70 021%
			25.70

APPROVED- 1 REJECTED-

FACILITY: PRESBYTERIAN HOSPITAL 12/17/2013 THROUGH 12/17/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
20112	10/16/2013	41843.00	350.00 001%
20123	09/16/2012	76675.40	5000.00 007%
			5350.00

APPROVED- 2 REJECTED-

FACILITY: RUIDOSO HOME CARE & HOSPICE 12/17/2013 THROUGH 12/17/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
20052	10/02/2013	200.00	100.00 050%
			100.00

APPROVED- 1 REJECTED-

FACILITY: SUBSTANCE ABUSE SERVICES OF LC 12/17/2013 THROUGH 12/17/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
20102	11/27/2013	708.00	708.00	100%
			708.00	

APPROVED- 1 REJECTED-

FACILITY: UNM HEALTH SCIENCES CTR 12/17/2013 THROUGH 12/17/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
20041	06/25/2013	68.00	52.36	077%
20113	10/31/2013	173576.60	4650.00	002%
20067	10/24/2013	559.00	430.43	077%
20068	10/24/2013	328.00	252.56	077%
20074	09/10/2013	157.00		000%

PATIENT HAS MET OR EXCEEDED POLICY LIMIT

5385.35

APPROVED- 4 REJECTED- 1

INDIGENT FUND MEETING

DECEMBER 17, 2013

TOTAL APPLICATIONS	110	133,863.71
TOTAL APPROVED	104	
TOTAL DENIED	6	
ALBUQUERQUE		
ANESTHESIA ASSOCIATES OF NM		569.85
APPROVED-	4	
DENIED-		
RUIDOSO		
FRONTIER MEDICAL		121.68
APPROVED-	1	
DENIED-		
ALAMOGORDO		
GERALD CHAMPION REGIONAL MED CTR		10,195.32
APPROVED-	7	
DENIED-		
RUIDOSO		
LC AMBULANCE-PRES HEALTH SVCS		2,589.43
APPROVED-	6	
DENIED-	1	
RUIDOSO		
LINCO MEDICAL & SUPPLY, INC		1,442.30
APPROVED-	8	
DENIED-		
RUIDOSO		
LINCOLN COUNTY FAMILY MEDICAL		1,214.80
APPROVED-	12	
DENIED-		
RUIDOSO		
LINCOLN COUNTY MEDICAL CENTER		105,898.72
APPROVED-	52	
DENIED-	3	
ALTO		
LINCOLN COUNTY RADIOLOGY		166.65
APPROVED-	3	
DENIED-		
ALBUQUERQUE		
NEW MEXICO ONCOLOGY HEMATOLOY		95.91
APPROVED-	2	
DENIED-	1	
ROSWELL		
PATHOLOGY CONSULTANTS OF NM		25.70
APPROVED-	1	
DENIED-		

ENCL 3

ALBUQUERQUE PRESBYTERIAN HOSPITAL		
APPROVED-	2	5,350.00
DENIED-		
RUIDOSO RUIDOSO HOME CARE & HOSPICE		
APPROVED-	1	100.00
DENIED-		
RUIDOSO SUBSTANCE ABUSE SERVICES OF LC		
APPROVED-	1	708.00
DENIED-		
ALBUQUERQUE UNM HEALTH SCIENCES CTR		
APPROVED-	4	5,385.35
DENIED-	1	

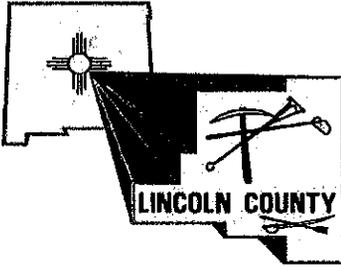
YTD

INDIGENT FUND MEETING

DECEMBER 17, 2013

TOTAL APPLICATIONS	804	765,936.28
TOTAL APPROVED	738	
TOTAL DENIED	66	
ALBUQUERQUE		
ANESTHESIA ASSOCIATES OF NM		3,145.05
APPROVED-	20	
DENIED-	2	
RUIDOSO		
FRONTIER MEDICAL		225.57
APPROVED-	2	
DENIED-		
ALAMOGORDO		
GERALD CHAMPION REGIONAL MED CTR		27,818.28
APPROVED-	31	
DENIED-	2	
RUIDOSO		
LC AMBULANCE-PRES HEALTH SVCS		11,116.43
APPROVED-	29	
DENIED-	9	
RUIDOSO		
LINCO MEDICAL & SUPPLY, INC		8,425.27
APPROVED-	45	
DENIED-	2	
RUIDOSO		
LINCOLN COUNTY FAMILY MEDICAL		8,705.07
APPROVED-	124	
DENIED-	3	
RUIDOSO		
LINCOLN COUNTY MEDICAL CENTER		637,351.54
APPROVED-	368	
DENIED-	19	
ALTO		
LINCOLN COUNTY RADIOLOGY		2,134.58
APPROVED-	35	
DENIED-	4	
RUIDOSO		
MICHAEL P CLEMENTS, M.D.		911.61
APPROVED-	9	
DENIED-	4	
PHOENIX		
NATIVE AM. AIR AMBULANCE, INC		490.00
APPROVED-	1	
DENIED-		

ALBUQUERQUE NEW MEXICO ONCOLOGY HEMATOLOGY	APPROVED- DENIED-	16 8,	7,993.65
ROSWELL PATHOLOGY CONSULTANTS OF NM	APPROVED- DENIED-	3	76.19
LOS ANGELES PHI AIR MEDICAL	APPROVED- DENIED-	2 1'	985.00
ALBUQUERQUE PRESBYTERIAN HOSPITAL	APPROVED- DENIED-	7 4	22,567.72
BRENTWOOD ROSWELL CLINIC CORP	APPROVED- DENIED-	2,	104.16
RUIDOSO RUIDOSO HOME CARE & HOSPICE	APPROVED- DENIED-	7	3,135.63
RUIDOSO RUIDOSO PHYSICAL THERAPY, INC.	APPROVED- DENIED-	7"	1,675.00
RUIDOSO SUBSTANCE ABUSE SERVICES OF LC	APPROVED- DENIED-	6	1,884.00
RUIDOSO TALL PINES MEDICAL, INC	APPROVED- DENIED-	3 2	298.01
ALBUQUERQUE UNM HEALTH SCIENCES CTR	APPROVED- DENIED-	21 6	26,893.52



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AGENDA Item No. 16

December 13 , 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Water Issues/Forest Health/Wildlife Programs

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

Discussion:

1. **Water Rights Notice.** There are no new Notices for Publication posted on the State Engineer's website since those posted in November (See Enclosure 1). As we discussed last meeting, State law requires that applications be published once a week for three consecutive weeks in a newspaper of general circulation published within the county, and Lincoln County applications must be published in the Ruidoso News. Per the District II office, none of these applications have yet been published.

On Tuesday, November 26th Commissioner Powell and Manager met with members of the State Engineer's Office, District II: Andy Morley, Acting Supervisor, Juan Hernandez, Staff Manager and Mike Hunter, Water Master. We reviewed in detail the water rights notices that have been posted in the county in the last few months. They confirmed the posting and review processes posted on the State Engineer's website, and provided additional information regarding their review process when the application is filed under "Emergency Status". Under that circumstance, the application is analyzed and an opinion rendered as to the need to grant the application without due process; without an opportunity for protest. In order to have full knowledge of documentation supporting the granting of the application, the County may need to formally request documents under IPRA.

Manager received an update from Andy Morley, confirming that none of the applications have been yet posted in the Ruidoso News; the application seeking to divert water from the Bonito

River to the Rio Ruidoso has been recently withdrawn, and the others amended. Commissioner Powell and Manager are scheduled to meet with the State Engineer on Monday, December 16th.

2. **EPA Wetlands Guidance Process.** Manager reported last month that comments had been timely submitted regarding the draft scientific report, "Connectivity of Streams and Wetlands to Downstream Waters: A Review and Synthesis of the Scientific Evidence." Excerpts from the County submission were picked up and posted by Foxnew.com. See Enclosure 2.

3. **Mexican Wolf Environment Impact Study.** Manager attended the formal hearing in Albuquerque on November 20th. The attendance was overwhelming, with the vast majority of the commenters favoring protection of the Wolf. Commissioner Stone attended full day Cooperating Agency IPT Meeting on Tuesday, December 10th. Prior to the meeting, a massive summary of all written comments was provided, and a Power Point presentation of information addressed at the meeting has been made available. Along with Lincoln County, the counties of Luna, Hidalgo, McKinley, Sierra and San Miguel have signed MOUs; in addition, the Arizona/New Mexico Coalition of Counties is actively involved and is always a key resource. See Enclosure 3 for excerpts from that presentation. Both documents are available to you on request.

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



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LINCOLN COUNTY

Notice For Publication

WATER INFORMATION

- [Active Water Resource Management](#)
- [Water Rights](#)
- [Glossary of Water Terms](#)
- [Subdivision Review](#)
- [Acequias](#)
- [Dam Safety](#)
- [Hydrology](#)
- [Maps and Geospatial Data](#)

WATER RIGHTS LOOKUP

WATER USE & CONSERVATION

LEGAL

PROGRAM SUPPORT

SPECIAL PROJECTS

RELATED LINKS

ON-LINE SERVICES

File No:	Name	Date Posted
01407-1 & H-207 into 0275-1 et al & H-272	SEA GEM LLC	8-Nov-13
H-50-1 into 0275-1 and H-272 et al (T)	SEA GEM LLC	8-Nov-13
H-53-1 into 0275-1 and H-272 et al (T)	Village of Ruidoso and Ruidoso Properties Irrevocable Management Trust	8-Nov-13
01407-1 & H-207	Sea Gem, LLC & Village of Ruidoso	9-Oct-13

ENCL 1

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Politics

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ENVIRONMENT

EPA power grab? Pols, states claim new water reg could bring feds into your backyard

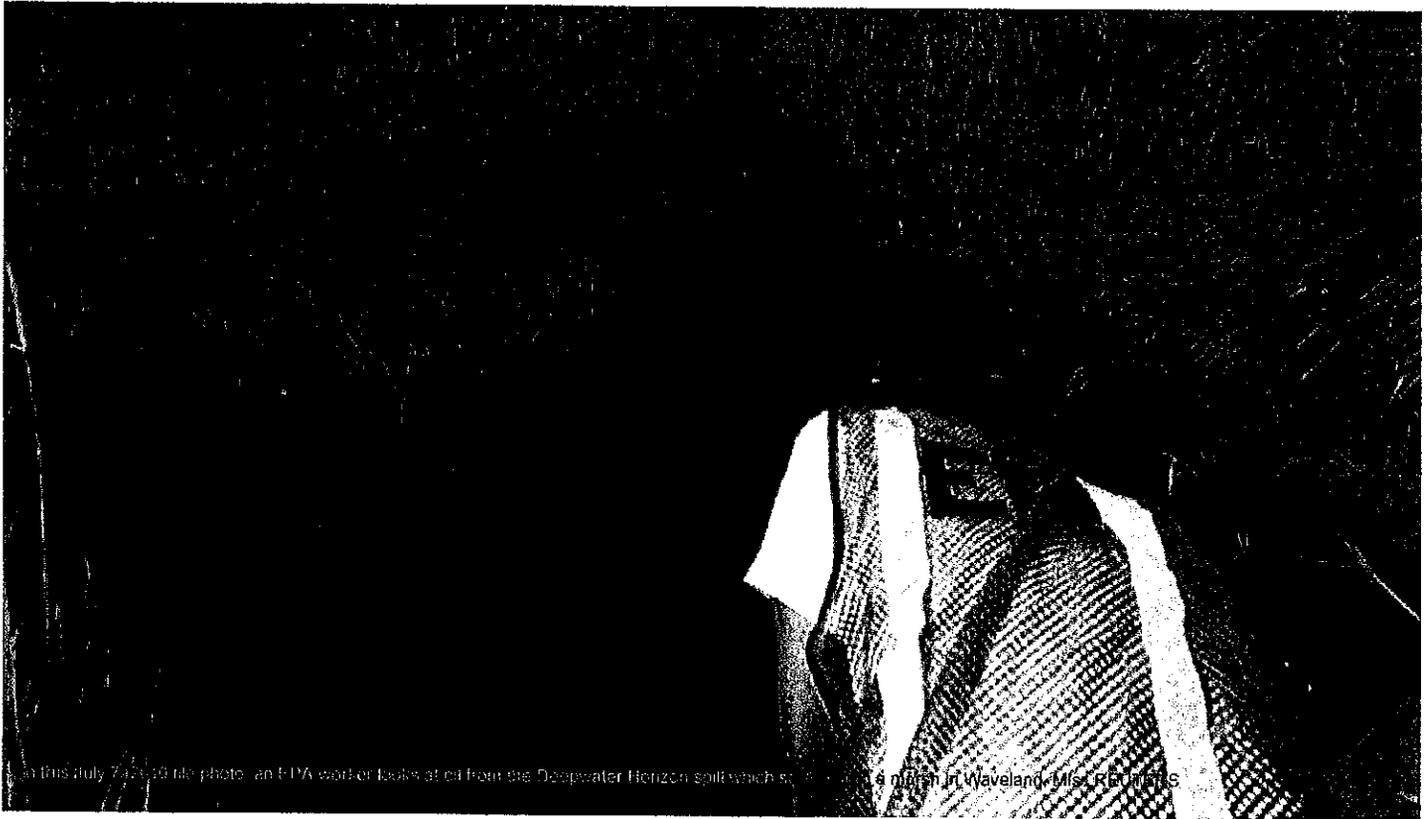
Executive

By Kelley Vlahos

Senate
Published November 21, 2013

0 0 0

FoxNews.com



In this July 7, 2013 file photo, an EPA worker looks at oil from the Deepwater Horizon spill which sank a rig in Waveland, Miss. (REUTERS)

A river runs through it -- and Uncle Sam isn't far behind.

That's what several Republican lawmakers and even state farming groups and local governments are warning, after a draft rule from the Environmental Protection Agency proposed expanding which waterways are federally protected under the Clean Water Act.

The concern is that the move could give the feds authority over virtually any stream or ditch, and hand environmentalists another way to sue property owners. In other words, critics say, the government might soon be able to declare jurisdiction over a seasonal stream in your backyard.

ENCL 2

If so, good luck getting a permit to expand building space on your property, or marketing your land to prospective developers.

"(The) draft rule sent to the White House for review could expand the EPA's regulatory power to give the agency unprecedented new authority over seasonal streams and ditches on private property," Rep. Lamar Smith, R-Texas, chairman of the House Science, Space and Technology Committee, said in a statement to FoxNews.com.

The EPA flatly denies this charge. Officials told FoxNews.com that the draft rule, which was published on Nov. 8, is nothing like its detractors claim. "The proposed rule would not expand EPA's or the (Army Corps of Engineers') jurisdiction or protect any new waters that have not historically been covered under the Clean Water Act," the agency told FoxNews.com.

"In fact, the proposed rule specifically takes into account the more narrow reading of Clean Water Act jurisdiction established by the Supreme Court."

The EPA and its supporters say "mass confusion" over what constitutes a protected water body under the 1972 Clean Water Act (CWA), has been fueled mostly by a host of narrow rulings by the Supreme Court, and a lack of clarity in the current law.

In the most recent court case, Rapanos v. The United States, Justice Anthony Kennedy proclaimed that in order for an isolated wetland or smaller body of water (like a stream) to be protected under the CWA, the science must show a "significant nexus" to waters already protected under the law, like major river systems and lakes.

Jan Goldman-Carter, senior wetlands and water resources counsel with the National Wildlife Fund and supporter of the new rule, says the EPA is doing just what Justice Kennedy suggested -- establishing, with scientific criteria, the kind of wetlands and water bodies that have a "significant nexus" to protected waters. These waters and wetlands are in the floodplain of "navigable waters," and would meet the test anyway, she insists. Now it's in black and white.

"(The new rule) is almost entirely about clarification," she said. "The big difference is it will all be understood up front so you won't have to waste agencies' time and resources and landowners' time and resources doing it all case-by-case."

But the idea that there would be no expansion of the number of water bodies or wetlands covered under the CWA is disingenuous, say legal experts, who see plenty of room for EPA creep and bureaucratic red tape in the proposed measure.

"Under the leaked draft rule, more waters would be facially jurisdictional than under the current regime," said attorneys Lowell Rothschild and Matthew Haynie, who both provide consulting services to developers and industries on environmental and public policy issues.

Writing on their blog for the law offices of Bracewell & Giuliani, LLP, they said the proposed rule "could have significant impact on infrastructure, energy and land development." The definitions would be changed in more than one way, with "perhaps the most significant" being that many waters and wetlands would meet the "significant nexus" label automatically, bypassing the "fact intensive inquiry" they might have gone through to get those protections in the past.

But John Devine, senior attorney for the National Resources Defense Council, which supports the rule, says the EPA is "grounding these new rules in the science that has already been compiled about how streams and wetlands function in the aquatic system" and that critics are "twisting the facts to meet their political agendas."

Therein lies the rub. On the other side, critics -- who now include local land managers -- say the EPA is basing its science on a draft environmental report that has yet to be fully vetted by the independent Science Advisory Board. Rep. Smith joins a number of Republican lawmakers in hoping to stop the rule from going forward, at least until that draft report, which provides justification for the new rule, is given a proper public airing.

Further, critics contend the report itself goes too far. (When it was released for public comment in October, Nita Taylor, county manager of Lincoln, New Mexico, told her fellow commissioners she interpreted the report as the EPA and Army Corps of Engineers seeking to "gain jurisdiction over all water in the United States, and all activities affecting all water; and to regulate water now considered entirely under state jurisdiction.")

Other commissioners agreed and suggested joining forces with neighboring county governments to fight the EPA on this front. They see federal bureaucracy getting in the way of their land management. "It's bad enough with the state in charge. Turning it over to federal agencies would be disastrous," County Commission Chairman Jackie Powell told reporters.

Meanwhile, in comments submitted to the EPA, the South Carolina Farm Bureau warned that the report appears to say that "streams and most wetlands are connected and exert an influence on downstream waters" -- however, the "EPA stops short of asking important questions about the scientific significance of these connections." David Winkles, Farm Bureau president, wrote it would seem "any measurable connection would be enough" to declare a water body or wetland under federal jurisdiction.

Proponents note that many areas will still be considered on a case-by-case basis, according to both the report and draft rule. But those elements are being ignored for political reasons, they say. "Industry and members of Congress calling EPA's actions an overreach are the same people who deny science and reasonable environmental protections on a whole host of other issues," charged Dalal Aboulhosn, spokesman for Sierra Club, which supports the rule.

Smith says the devil is in the details, and that the EPA appears to be rushing forward to avoid scrutiny.

"The agency's own science advisors have not had the opportunity to review the science underpinning this rule," he said. "Any rule that could give EPA the authority to tell us what to do in our own backyards needs to be supported by sound science."



Cooperating Agency IPT Meeting

10 December 2013



**Proposed Revision to the Nonessential Experimental
Population of the Mexican Wolf (*Canis lupus baileyi*)
and the Implementation of a Management Plan**



Welcome
Opening Remarks
Meeting Objective
Introductions

Sherry Barrett

USFWS Mexican Wolf Recovery Coordinator

Meeting Objectives

- Discuss comments received during scoping that are pertinent to possible revisions to Chapter 1 (Purpose and Need) and Chapter 2 (Proposed Action and Alternatives).
- Provide opportunity for IPT input.
- Discuss next steps/schedule of development.



Meeting Agenda

Tracy Melbihess
Mexican Wolf Recovery Program
Mexican Wolf Recovery Plan Manager

Meeting Agenda

Tuesday, 10 December 2013

9:00-9:10 am	Welcome and Opening Remarks, Meeting Objective, Introductions - Sherry Barrett, USFWS Mexican Wolf Recovery Coordinator
9:10-9:15	Meeting Agenda - Tracy Melbiness
9:15-9:20	Cooperating Agency Status - Jonathan Olson
9:20-9:30	Current Status/Progress of EIS Development - Jonathan Olson
9:30-9:45	Overview of Public Scoping Comments on Ch. 1&2 - Jonathan Olson
9:45-10:15	Discussion of Substantive Comments: Purpose & Need -Tracy Melbiness
10:15-10:30	BREAK
10:30-11:45	Discussion of Substantive Comments: Purpose & Need (cont) -Tracy Melbiness
11:45-1:00 pm	LUNCH BREAK
1:00-2:30	Discussion of Substantive Comments: Proposed Action and Alternatives - Tracy Melbiness
2:30-2:45	BREAK
2:45-3:30	Discussion of Substantive Comments: Proposed Action and Alternatives (cont)- Tracy Melbiness
3:30-3:45	Next Steps - Jonathan Olson
3:45-4:00	Closing Remarks/Wrap- Up - Sherry Barrett
4:00	ADJOURN



Cooperating Agency Status Current Status/Progress of EIS Development Overview of Public Scoping Comments

Jonathan Olson
Mexican Wolf Recovery Program
Environmental Planning Consultant

Cooperating Agency Status (Signed MOUs)

- Reached out in June, 2013 to multiple federal, state, tribes and county local governments with invitations to participate as a cooperating agencies.
- Focus on counties and tribal areas with potential wolf habitat.
- Signed MOUs from:
 - Federal agencies: BIA, USFS, NPS, BLM-NM, BLM-AZ, Fort Huachuca, WSMR, US CBP,
 - State agencies: NMDGF, NMMDA, AGFD
 - Tribes: Laguna
 - Counties:
 - AZ: EACO, Graham, Greenlee, Gila, Navajo, Cochise.
 - NM: Luna, Hidalgo, McKinley, Lincoln, Sierra, San Miguel.

MOU Pertinent Provisions

- Provide available information, data, supporting analyses, resources.
- Provide timely review, provide comments on working drafts.
- Help collect data, participate in discussions, assist and provide input.
- Provide technical expertise in order to assist in evaluating the effectiveness of all alternatives and the EIS.
- Participate in the planning process in good faith.
- Make every reasonable effort to resolve any perceived areas of conflict.
- Internal working draft documents and discussions are pre-decisional and are not for dissemination to other individuals or organizations.

Current Status/Progress of EIS

Development

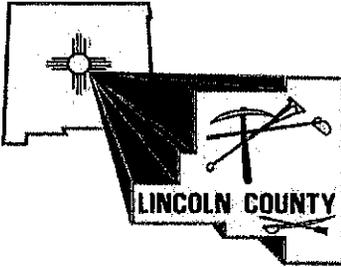
- Continuing scoping phase of EIS development:
- Attended multiple public meetings/hearings sponsored by AGFD and by county governments.
- Public hearings/information session on proposed 10(j) rule held in Albuquerque on 20 Nov and Pinetop, AZ on 03 Dec.
- Meeting with Hopi Tribe held on 26 Nov.
- Review of comments received on preliminary draft of Ch 1&2 in progress.
- Public comment period on proposed 10(j) rule will close 17 Dec.
- Today's meeting with Cooperating Agencies to address possible revisions to purpose/need, proposed action/alternatives.

Current Status/Progress of EIS Development

- Internal review draft of Mexican Wolf Management Plan.
- Ch. 3 (Affected Environment) under development.
- Data collection/request for information
 - State wildlife agencies –biological resources
 - Counties and tribes –socioeconomic and environmental justice, biological resources
- Tribal working group meeting to be held 12 Dec.

Overview of Public Scoping Comments

- PD EIS Ch 1&2: One hundred docket numbers assigned to comments.
 - Additional comments via letter and email directly to FWS.
- Over 800 line entries broken into categories and subcategories for analysis and response:
 - Purpose and Need (9 subcategories)
 - Proposed Action and Alternatives (15 subcategories)
 - Impacts (18 subcategories)
 - Process (17 subcategories)
- Proposed rule comment period still open
 - 5,100 comments received to date on proposed 10(j) rule
 - Based on oral testimony at hearings expect alignment of concerns expressed in those comments with those received on Ch. 1&2



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AGENDA Item No. 16a

December 13, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: NRCS Matching Fund Obligation

PURPOSE: Consideration and Potential Action Regarding Provision of Matching Funds

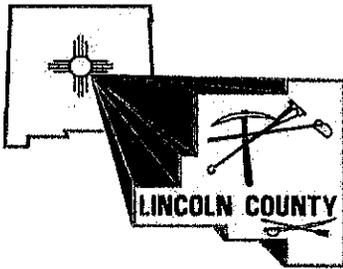
Discussion: During its November 17th Commission meeting, Manager provided an update of the NRCS Emergency Watershed Protection Grant, as follows:

NRCS EWP Grant - \$194,947; 25% County (landowner) Match. This Little Bear Fire Emergency Watershed Project is taking corrective action on four areas in the County. In all cases the Little Fire destroyed vegetation on watershed, increasing potential for damage to residences and infrastructure from channel overtopping and overland flow down steep slopes. One project in particular will result in protecting public infrastructure:

Eagle Creek & Villa Madonna. The proposed action is to install jersey barriers, and to conduct excavation, compacted fill, place wattles and remove debris to restore channel capacity. Cost estimate \$94,500.

Because this project will result in the protection of downstream public infrastructure, it is appropriate for the 25% match to be provided by the county.

Recommendation: Approve up to 25% matching funds.



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AGENDA Item No. 16b

December 13, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Cibola National Forest Action to Suspend or Reduce Grazing on Acting Grazing Allotments

Purpose: Consider Request of Investigation of Cibola National Forest Actions

Discussion: During its November 19th meeting, the Commission discussed the status of the prior actions of the Cibola National Forest – Mountainair District; their issuance of a removal order requiring permittees to remove livestock from assigned forest allotments. Commissioner Stone summarized a number of meetings he'd attended regarding the matter, including one attended by the Cibola Ranger District, the allotment holders, and the Range Task Force. Based on the Range Task Force analysis, sufficient forage was available to meet the US Forest Service standards of forage utilization. Although the Cibola Ranger District had since extended an invitation for limited restocking, the permit holders consider that to be an infringement on their rights, and would not enter into that limited agreement. After lengthy discussion, the Commission agreed there was sufficient cause to investigate the actions of the Mountainair Ranger District, and directed Attorney Morel to move forward filing a request for a Congressional Investigation.

Since then, on Monday, December 2nd, Commissioner Stone and Manager participated in a teleconference with Cibola National Forest Supervisor Elaine Kohrman, other Cibola National Forest employees, a representative from Steve Pearce' office and members of the Range Task Force. During that meeting, Supervisor Kohrman provided an update regarding a revised letter sent to permit holders dated December 2nd, rescinding the earlier de-stocking notice of June 2013. See Enclosure 1. This letter authorized stocking to the full permitted number and types of livestock to complete the current grazing period, which ends on February 28, 2014. Supervisor Kohrman also provided a copy of its draft "Stocking and Forage Monitoring Strategy". See Enclosure 2.

Supervisor Kohrman expressed an interest in meeting with the Commission to discuss strategy and address any issues or concerns; however, she is unable to attend this December meeting. She inquired as to whether the Commission intends to move forward with its investigation.

Commissioner Stone, Attorney Morel and Manager have discussed the status of this matter and agree there are additional concerns: 1) there is no assurance that at the end of this grazing period, which ends on February 28, 2013, that permittees will be allowed to keep their cattle on the allotments; there is no assurance that a blanket removal will not again be ordered; there is no showing that scientific data ever existed to support the removal order; there is scientific data from the Range Task Force to support that forage levels were adequate for existing livestock levels at the time of the removal order.

Recommendation: Continue will efforts to initiate an investigation of the Mountainair Ranger District's June 2013 de-stocking notice and removal order.



File Code: 2230

Date: December 2, 2013

Jesus & Ermina Baca
2670 Hwy 47
Los Lunas, NM 87031

Dear Mr. & Mrs. Baca:

This letter modifies your 2013-2014 Annual Operating Instructions (AOI). The Cibola National Forest and National Grasslands (CNF) authorizes you to stock your full permitted number and types of livestock on your allotment to complete this grazing period, which for billing ends on February 28, 2014. It is not a requirement to stock full numbers for this period.

This letter supersedes the de-stocking notice of June 2013, and current numbers that were communicated by telephone in early November 2013. Previous numbers will not have an effect on future allotment numbers.

Please contact the Mountainair District Office to set a time and date to make your grazing application for the rest of the 2013 – 2014 grazing season, and to prepare the Annual Operating Instructions (AOI) and a new grazing application for the upcoming 2014 – 2015 grazing season of March 1, 2014, to February 28, 2015.

Again, please understand that you are not required to stock full permitted numbers. Any non-use taken will be considered for resource protection. The actual numbers and types of livestock grazed on your allotment will need to be reported to the Mountainair Ranger District (MRD) prior to the end of the 2013-2014 AOI. Please note you are responsible to follow all the terms and conditions of your permit.

The Mountainair Ranger District (MRD) is collaborating with the New Mexico Drought Task Force (NMDTF), New Mexico Department of Agriculture (NMDA) and the New Mexico State University Range Improvement Task Force (NMRITF) to develop an annual monitoring strategy to assess grazing outcomes. Specific monitoring methodology and associated management action criteria will be provided to you for your review and comment prior to adoption into your grazing operation.

Should range conditions change into the 2014-2015 grazing season the CNF, MRD, NMDTF, NMDA, and NMRITF will work with you to determine the best response to on-the-ground conditions. These changes will then be provided to you in written form.

Also, beginning with this letter, you will be notified at least 5 business days prior to when monitoring will occur on your allotment. We welcome and encourage your participation. Please contact us with any questions or comments regarding this notice.



Stocking and Forage Monitoring Strategy-Cibola National Forest- Mountainair Ranger District

Draft - December 3, 2013

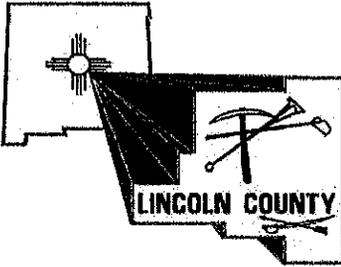
Threshold minimum stubble height guidelines will be 1.5 inches above root crown for short grasses such as blue grama (3/4" for sod-bound growth forms) and 4 inches above root crown for mid grasses such as sideoats or as defined in Holechek and Galt 2004, 2000. Measurements above these will be considered as acceptable for continued grazing and additional authorization and billing can be made by the grazing permittee and Forest Service. Stubble height measurements below thresholds would indicate need for management action.

To manage livestock numbers on National Forest System (NFS) lands in New Mexico:

1. End of growing season RAM transects (Allison et al. 2003) or some other accepted method shall be completed annually.
2. To support AOI planning prior to April 1, a mid-dormant season assessment of residual stubble heights for dominant key forage species on key areas of the yearlong allotments that were authorized to graze livestock may be conducted as needed.
3. In the event of a needed management action resulting in modification of the AOI (e.g., removal, reduction in numbers, or restocking), additional monitoring or assessments may be conducted as needed to support the modification.

Monitoring or assessments will be accomplished in a cooperative manner by the Forest Service and livestock producer. The NMSU Range Improvement Task Force and New Mexico Department of Agriculture are available upon request to assist in data collection, analysis, and interpretation.

In addition to monitoring data and assessment outcomes, other allotment conditions or factors may be used in modification of the AOI (e.g. Forest Plan Utilization Guidelines, Allotment Management Plan, or Watershed Condition).



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County of Lincoln

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

AGENDA ITEM NO. 17

December 10, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *nt*

SUBJECT: Plat Approval of the Pollard Tracts

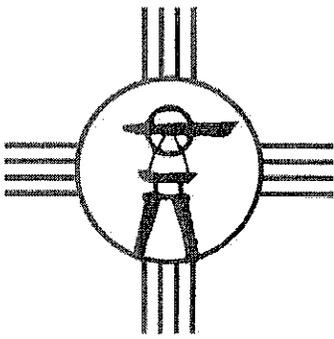
Purpose: To request the vacation of the Pollard Tracts.

Discussion:

Approval is requested for the vacation of the Pollard Tracts located within Sections 29 & 30, Township 1 South, Range 12 East, N.M.P.M., Lincoln County, NM by Fred B & Cheryl A. Haller whose address is 16 Brittany Road, Tularosa, NM.

Curt Temple, Planning Director is present to answer any questions you may have.

Recommendation: Approve the vacation of the Pollard Tracts requested by Fred & Cheryl Haller of Tularosa.



D. T. Collins & Associates, P. C.

surveying, mapping
site development, subdivisions
land planning, consultation

November 11, 2013

Per Section 8.3 Vacation of Plats

Fred B. and Cheryl A Haller, whose address is 16 Brittany Road, Tularosa, NM 88352, request the Vacation of the Pollard Tracts located within Sections 29 and 30, Township 1 South, Range 12 East, N.M.P.M., Lincoln County, New Mexico

This is a list of owners of record of property contiguous to the subdivided land to be vacated:

- 1) Jacob W. K. Manning
1015 Cr5
Clovis NM 88101
- 2) Rio Grande-Alameda a NM LTD Partnership
703 Osuna Rd, NE Ste 6
Albuquerque, NM 87113
- 3) William D. Tyree
P. O. Box 257
Corona, NM 88318

It is my understanding that you set the time and date of the meeting and are to notify them by mail at least fifteen days before the proposed meeting.

Thank you
D.T. Collins & Associates, P.C.

Vacation of the Pollard Tracts
Located within Sections 29 and 30,
Township 1 South, Range 12 East, N.M.P.M.,
Lincoln County, New Mexico

Know all men by these presents that Fred B. Haller and Cheryl A. Haller, are the record owners and proprietors of Tract 1A of the Pollard Tracts as shown by the Boundary Survey Plat Claim of Exemption thereof filed in the office of the County Clerk and Ex-officio Recorder of Lincoln County, New Mexico on April 5, 2010 in Cabinet J, Slide No. 477.

Whereas, the Subdivision known as the Pollard Tracts was originally created by the Summary Review Plat thereof filed in the office of the County Clerk and Ex-officio Recorder of Lincoln County, New Mexico on September 1, 2006 in Cabinet I, Slide No. 568 and originally contained five(5) tracts; and

Whereas, two tracts of land, known as Tract X and Tract Y were created using a County Claim of Exemption on the Boundary Survey thereof filed in the office of the County Clerk and Ex-officio Recorder of Lincoln County, New Mexico on September 26, 2007 in Cabinet I, Slide No. 792; and

Whereas, the five tracts and Tract X were consolidated into one large tract known as "Tract 1A" as shown by the Boundary Survey Plat Claim of Exemption thereof filed in the office of the County Clerk and Ex-officio Recorder of Lincoln County, New Mexico on April 5, 2010 in Cabinet J, Slide No. 477.

Whereas, the owners of said Tract 1A, request to vacate the subdivision known as the Pollard Tracts, hereby acknowledging the vacation of the restrictive covenants of the subdivision and have the land known as "Tract 1A" to be considered as a single tract of land by the County of Lincoln.

Therefore, by the filing of this document, Fred B. Haller, Cheryl A. Haller and the Board of the County Commissioners of Lincoln County, New Mexico do hereby vacate said Pollard Tracts Subdivision.

Fred B. Haller
Fred B. Haller

Cheryl A. Haller
Cheryl A. Haller

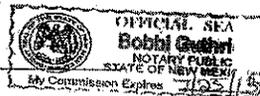
ACKNOWLEDGMENT

STATE OF NEW MEXICO) SS
COUNTY OF LINCOLN) SS

This instrument was acknowledged before me this 6th day of November, 2013, by Fred B. Haller and Cheryl Haller, owner of the Pollard Tracts Subdivision.

My Commission Expires: 7/25/15

Bobbi Guthrie
Notary Public



APPROVAL BY LINCOLN COUNTY

Approved by the Board of County Commissioners of Lincoln County, New Mexico on this _____ day of _____, 2013.

Attest: _____
Rhonda Burrows, County Clerk

Jackie Powell, Chairman

STATE OF NEW MEXICO) SS
COUNTY OF LINCOLN) SS

This instrument was acknowledged before me this _____ day of _____, 2013, by Jackie Powell, Chairman of the Board of County Commissioners of Lincoln County, New Mexico on behalf of said County Commission.

My Commission Expires: _____

Notary Public

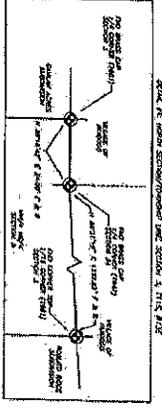
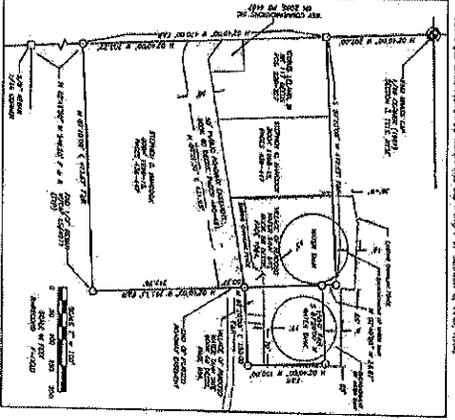


TABLE 1.0: SUMMARY OF PROPOSED DEVELOPMENT

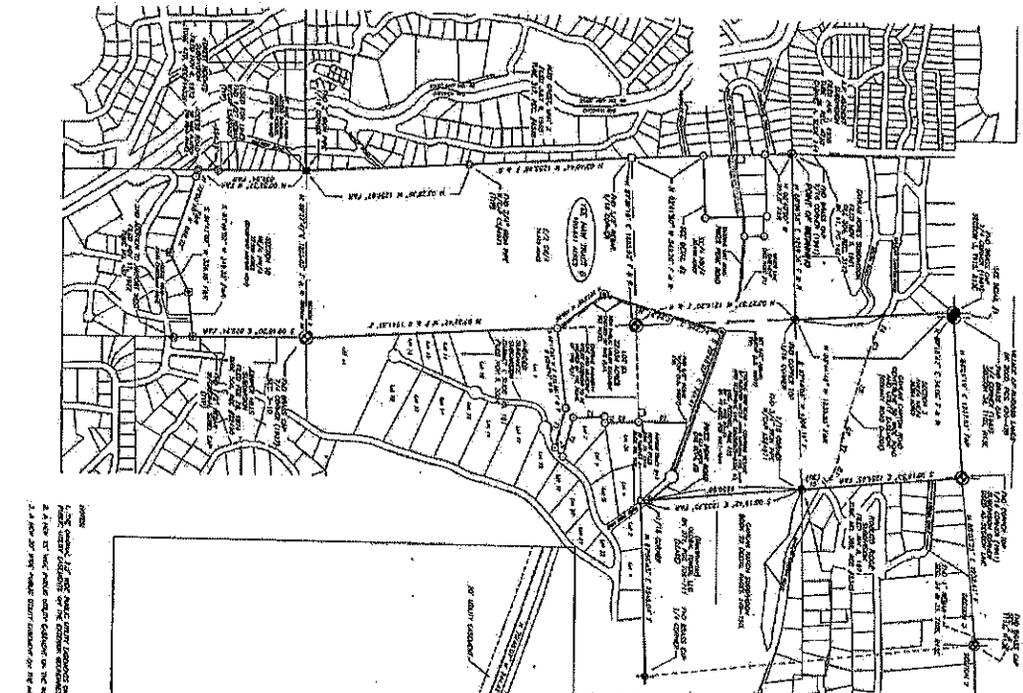
Category	Area (sq. ft.)	Volume (cu. yd.)
Gravel	10,000	10,000
Asphalt	5,000	5,000
Concrete	2,000	2,000
Other	1,000	1,000
Total	18,000	18,000



1. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE BOARD OF SUPERVISORS OF LINCOLN COUNTY, NEW MEXICO, AND THE CITY OF SANDANCE, NEW MEXICO.

2. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE BOARD OF SUPERVISORS OF LINCOLN COUNTY, NEW MEXICO, AND THE CITY OF SANDANCE, NEW MEXICO.

3. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE BOARD OF SUPERVISORS OF LINCOLN COUNTY, NEW MEXICO, AND THE CITY OF SANDANCE, NEW MEXICO.



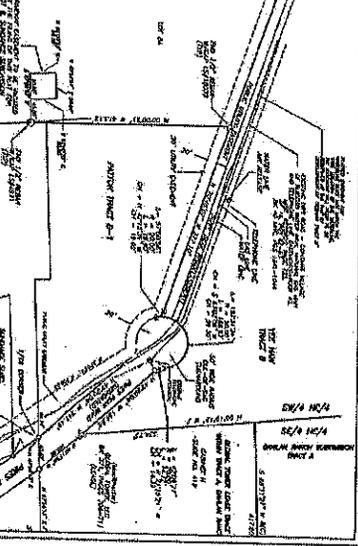
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3. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE BOARD OF SUPERVISORS OF LINCOLN COUNTY, NEW MEXICO, AND THE CITY OF SANDANCE, NEW MEXICO.

TABLE 2.0: SUMMARY OF PROPOSED DEVELOPMENT

Category	Area (sq. ft.)	Volume (cu. yd.)
Gravel	10,000	10,000
Asphalt	5,000	5,000
Concrete	2,000	2,000
Other	1,000	1,000
Total	18,000	18,000



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3. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE BOARD OF SUPERVISORS OF LINCOLN COUNTY, NEW MEXICO, AND THE CITY OF SANDANCE, NEW MEXICO.



Agenda Items No. 18

SUBJECT

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

Agenda Item No. 19

SUBJECT

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

- A. Planning Commission
- B. Chaves County Community Action Program
- C. Joint Municipal-County Zoning Authority-City of Ruidoso Downs
- D. Lincoln Historic Preservation Board
- E. Senior Citizens Olympic Committee

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

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

NEW MEXICO COUNTY INSURANCE AUTHORITY - WORKERS' COMPENSATION

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

NEW MEXICO COUNTY INSURANCE AUTHORITY - MULTI-LINE POOL

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

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

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

September 13, 2012

To the Members of the Lincoln County Commission;

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

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

Sincerely,

Jennie Dorgan Levi

Billie-Jo Guevara

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

Another bites the dust from the PC.

--

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

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

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

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

CARRIZO HEALTH CENTER ADVISORY BOARD - 2 YEAR TERM

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	JOAN MEANS	BOX 484, CARRIZO (648-2884)	1		
	DR. DALE GOAD - EX-OFFICIO	BOX 610, CARRIZO (648-2839)	1		
	OPEN (BARONE)				
	EILEEN M. SEDILLO - EX-OFFICIO	BOX 536, CARRIZO (648-2975)	1		
	OPEN (GONZALES) - EX-OFFICIO	B			
	SUE ANN STEARNS	BOX 98, NOGAL (648-2941)	1		
	JENNY KELLY	BOX 866, CARRIZO (648-2379)	1		
	SUSAN HIGHTOWER	SR1 BOX 45, CARRIZO (648-2417)	1		
	MARGO LINDSAY	BOX 428, CARRIZO (648-2896)	1		
	THOMAS F. STEWART - EX-OFFICIO	BOX 711, CARRIZO (648-2385 X 101)	4		
	JAMES GIBSON - EX-OFFICIO	BOX 8000, RUIDOSO (257-8250)	3		

CHAVES COUNTY COMMUNITY ACTION PROGRAM (STATE STATUTES)

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	EILEEN M. SEDILLO	BOX 536, CARRIZO (648-2975)	1	12/20/11	12/13

ECONOMIC DEVELOPMENT - ORDINANCE 2009-2

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

JOINT MUNICIPAL-COUNTY ZONING AUTHORITY - CITY OF RUIDOSO DOWNS - TERM OF OFFICE (AGREEMENT NO. 648)

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	JACKIE POWELL	BOX 91, GLENCOE (653-4072)	5	01/03/2011	12/13
	KATHRYN MINTER	104 SONTERRA DR, ALTO NM 88312	4	01/03/2011	12/13
	MAYOR/COUNCIL MEMBER	CITY OF RUIDOSO DOWNS			

INTERSTATE STREAM COMMISSION (SUB-COMMITTEE ON THE PECOS)

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

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

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

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

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

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
DIST 1	Pete Gnatkowski Vice Chairman jlincoln@nmsu.edu	HC 31, Box 48, Carrizozo, NM		02/19/13	02/15
DIST 2	Mary Ann Siegel-Russ siegrieg1@hotmail.com	104 Plumas Place, Ruidoso 575-937-0720		10/16/12	10/2014
DIST 3	Bob Johnson bobj@valmet.com	Box 464, Alto, NM 88312 (575)336.4002		01/22/13	01/2015
DIST 4	Douglas Fuqua dfuqua1@hotmail.com	Box 1042 Alto, NM 88312 (575)336.1832		9/17/13	09/2015
DIST 5	Joel Bonnell jbonnell@live.com	Box 1, Glencoe, 88324 (575)653.4310		01/22/13	01/2015
AT LARGE	Duane Frost dsfrost@plateauteil.net	Box 81, Claunch, NM 87011 (849.4950)		01/22/13	01/2015
AT LARGE	Rick Simpson, Chairman justcuz@swvmail.net	HC66, Box 70, Glencoe, NM 88324 (575)653.4249		02/19/13	02/2015

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

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

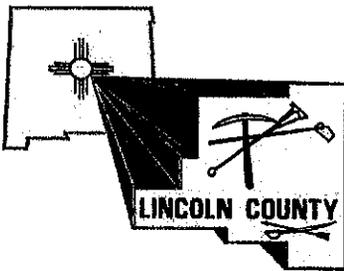
DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
DIST 1	BILL STRAUSSER	BOX 197, LINCOLN (653-4670)	5	12/20/11	12/13
DIST 2	ELAINE ALLEN	BOX 74, LINCOLN (653-4251)	5	01/22/13	01/15
DIST 3	L.M. SMITH	#5 MERCEDES CT, ROSWELL, NM	5	04/16/13	04/15
DIST 4	MELISSA BOUTE	BOX 162, LINCOLN, NM 88338	5	09/17/13	09/15
DIST 5	LINDA FOX-CHAIR	BOX 174, LINCOLN (653-4619)	5	03/28/12	03/14

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

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

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

NOMINATIONS ARE MADE BY CHAMBERS OF COMMERCE AND APPOINTED BY OTHER MUNICIPALITIES.



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County of Lincoln

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November 26, 2013

RECEIVED

DEC 11 2013

ADMINISTRATION
LINCOLN COUNTY NM

Bill Strauser
Post Office Box 197
Lincoln, New Mexico 88338

Dear Mr. Strauser:

Your term for the Lincoln Historic Preservation Board is scheduled to expire next month. If you would like to serve an additional two year term and be re-appointed at the next commission meeting, December 17, 2013, please indicate below and return for further processing.

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

Sincerely,

Billie-Jo Guevara
Administrative Assistant/
Human Resources

Yes I would like to remain on the Lincoln Historic Board.

No I would not like to remain on the Lincoln Historic Board.

Bill Strauser

PREDATORY ANIMAL CONTROL BOARD, LINCOLN COUNTY - 5 YEAR TERM

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

ACB HOLDS ELECTION - PUBLICATION IS REQUIRED

PROPERTY TAX PROTEST BOARD - 2 YEAR TERM

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

REGIONAL WASTE WATER JOINT USE BOARD - 2 YEAR TERM

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

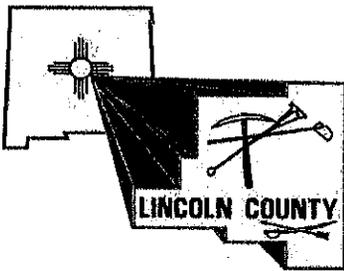
ROAD REVIEW ADVISORY COMMITTEE, LINCOLN COUNTY - 2 YEAR TERM (ORDINANCE NO. 2003-5)

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
DIST 1	LANCE HALE 575-430-9060	BOX 745 RUIDOSO DOWNS, 88346	1	8/20/13	8/15
DIST 2	ROBERT BARBER	BOX 126, CAPITAN, NM	1	10/16/12	10/14
DIST 3	JAMES RUSS	PO BOX 2362 RUIDOSO NM	3	8/20/13	8/15
DIST 4	J.BRYAN WHITE (336-2619 OR 208-610-5464; COCHCH@BAJABB.COM	PO BOX 237, ALTO, NM 88312		01/22/13	01/15
DIST 5	BILLY SEELBACH (258-1704)	406 GAVILAN CANYON, DOSO 88345	2	06/12/12	06/14

PUBLICATION IS REQUIRED

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

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



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County of Lincoln

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RECEIVED

DEC 10 2013

ADMINISTRATION
LINCOLN COUNTY NM

November 26, 2013

Jim Clements
101 Pow Wow Trail
Ruidoso, New Mexico 88345

Dear Mr. Clements:

Your term for the Senior Citizens Olympic Committee is scheduled to expire next month. If you would like to serve an additional two year term and be re-appointed at the next commission meeting, December 17, 2013, please indicate below and return for further processing.

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

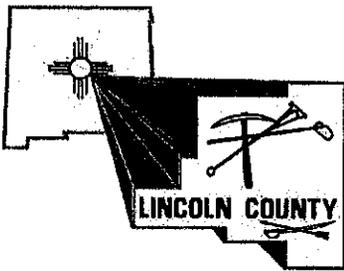
Sincerely,

Billie-Jo Guevara
Administrative Assistant/
Human Resources Director

Yes I would like to remain on the Senior Citizens Olympic Committee.

No I would not like to remain on the Senior Citizens Olympic Committee.

Jim Clements



RECEIVED

DEC 02 2013

County of Lincoln ADMINISTRATION
LINCOLN COUNTY NM

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

www.lincolncountynm.net

November 26, 2012

Gene Nitz
218 Jack Little Dr.
Ruidoso, NM 88345

Dear Mr. Nitz:

Your term for the Senior Citizens Olympic Committee is scheduled to expire next month. If you would like to serve an additional two year term, please indicate below and return for further processing.

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

Sincerely,

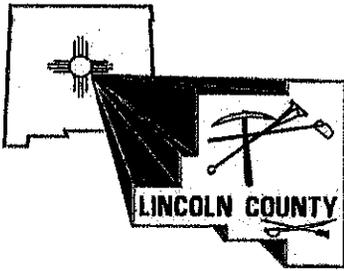
Billie-Jo Guevara
Administrative Assistant/
Human Resources Director

Yes I would like to remain on the Senior Citizens Olympic Committee

No I would not like to remain on the Senior Citizens Olympic Committee.

Gene Nitz

30 NOV 2013



www.lincolncountynm.net

County of Lincoln

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

Agenda Item 20

December 10, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Attorney's Contract Renewal

Purpose: To consider potential renewal of the County Attorney's contract for service.

Discussion:

The attorney's current 2012-2013 contract is for a flat fee of \$14,475.00 plus \$1,248.47 in tax per month which includes all fees and costs, but not litigation of individual cases of ordinance violations in magistrate and district courts (Encl.1). Attorney Morel is proposing to negotiate a new flat rate or go back to billing hourly which must go into effect January 1, 2014.

Recommendation: Consider taking appropriate action on the contract.

AGREEMENT

THIS AGREEMENT is made and entered into on the 18th day of December, 2012, by and between the **BOARD OF COUNTY COMMISSIONERS OF LINCOLN COUNTY, NEW MEXICO**, whose address is Post Office Box 711, Carrizozo, New Mexico, 88301-0711, hereinafter referred to as "County," and **ALAN P. MOREL, P.A.**, hereinafter referred to as "Attorney."

1. County hereby retains and employs Attorney, pursuant to the authority conferred upon it by New Mexico Statute, to act under the title of "Lincoln County Attorney," and to render to County and its duly authorized officers and elected officials all legal advice and services to include, but not limited to:

- A. Representing the County and its duly authorized officers and elected officials in all matters brought by or against said County, during and throughout the continuance of this Agreement, which may be pending or which may hereafter be instituted in the courts of the State of New Mexico and the courts of the United States of America located within the State of New Mexico, and before all administrative agencies and departments of the government;
- B. Travel to and attending all meetings of the Board of County Commissioners of Lincoln County, New Mexico;
- C. Travel to and attending all meetings of the New Mexico Association of Counties;
- D. Routine telephone calls;
- E. Preparing and/or reviewing all contracts, ordinances, resolutions, franchises, and other miscellaneous documents;
- F. Advising each of the elected officers and various department heads;
- G. Handling of routine litigation matters that arise during a fiscal year, such as the receipt, cataloging, and response to tort claims notices, gathering of information and transmission of that information to the New Mexico Association of Counties defense counsel, and coordination of communication regarding the defense of those matters;
- H. Rendering legal opinions;

- I. Undertaking all collections as requested;
- J. Examining abstracts of title;
- K. Performing any and all other legal services as the County or its duly authorized officers or elected officials may request or require from time to time.

2. Attorney hereby accepts the employment by County and will render to the best of its ability the services described herein during the continuance of this Agreement.

Attorney shall have the authority to retain on behalf of County, at the direction of the Board of County Commissioners, such other professional assistance as is necessary to Attorney in the performance of this Agreement. Such assistance may include the retention of other legal counsel for specialized matters, and experts or professionals in various fields as required in the performance of this contract.

3. As compensation in full for all services to be rendered during the initial term of this Agreement by Attorney, County shall pay to Attorney for its services a flat fee of Fourteen Thousand, Four Hundred Seventy Five and No/100 Dollars (\$14,475.00) per month for work performed by Alan P. Morel, his paralegals, legal assistants and his staff, plus gross receipts tax at the current Village of Ruidoso rate of 8.6250% in the amount of \$1,248.47. The sum of \$15,723.47 shall include all fees and costs (mileage, photocopies, postage, facsimile, long distance telephone calls, registration fees, and travel expenses). In the event the Village of Ruidoso gross receipts tax rate of 8.6250% increases or decreases, the gross receipts tax payable herein shall be adjusted accordingly.

4. The flat fee set forth in paragraph 3 above, may or may not include extraordinary work or assignments. In such instances, the Lincoln County Manager and the Attorney shall meet to discuss the particular matter, establish a projected cost, and determine whether it should be handled by the County Attorney's office or forwarded to outside counsel. The Lincoln County Manager and the Attorney would then present the matter to the Board of County Commissioners of Lincoln County for their consideration and approval. In certain instances, the County Attorney could be conflicted, or be required to appear as a witness, and this contingency would cover such matters as well. In addition, I am requesting that the County continue to pay me on an hourly basis for any litigation matters for which I represent the County. I am also requesting that the County continue to pay for the cost of my legal research software and services, currently obtained through New Mexico One Source of Law.

All work excepted from the flat fee will be billed at an hourly rate of One Hundred Fifty and No/100 Dollars (\$150.00) per hour for Mr. Morel, and Seventy Five and No/100 Dollars (\$75.00) per hour for paralegals, legal assistants, and support staff. The hourly rate charges will be figured in fractional portions of an hour, breaking the hour into segments of 1/10th of an hour each, thereby billing 1/10th of the hourly amount for each tenth of an hour's work.

I am also requesting that, in the event the County Manager resign for any reason, I immediately be allowed to return to compensation on an hourly basis.

5. The County of Lincoln and the County Attorney shall establish a budget for collective bargaining issues that might arise during the fiscal year, and those matters shall be handled internally or through assignment to outside counsel or consultants based upon the nature of the matter and the economic requirements.

6. A separate fiscal budget line-item shall be established for the payment of litigation costs, filing fees, expert witness fees, deposition and other discovery costs, and document production.

7. This Agreement shall remain in full force and effect for a period of 1 year from the date hereof or until such time as it is terminated by Attorney upon sixty (60) days written notice or by County upon sixty (60) days written notice that employment is to be so terminated. This original Agreement may be renewed and the terms renegotiated by the parties hereto for up to two (2) additional one (1) year terms.

a. The term of this Agreement shall begin on the 1st day of January, 2013.

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

COUNTY:

ATTORNEY:

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

ALAN P. MOREL, P.A.

By: Jackie Powell
Jackie Powell, Chairwoman

By: [Signature]
Alan P. Morel, President

ATTEST:

Rhonda Burows
Rhonda Burows
Lincoln County Clerk



Agenda Item No. 21

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

December 17, 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 B Casa del Cocinero B making regular payments
2. *Cooper, Gale and DeBaca County News v. County of Lincoln, Sheriff of Lincoln County, et al.* D-1329-CV-200701364. Suit filed: October 15, 2007. Verified Complaint for Declaratory Judgment Ordering Production of Certain Records and Information. Hearing to rule on plaintiff=s motions for cost, sanctions and production of records was 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. Order approving sale and Special Master=s Report filed Oct. 23, 2013

6. *Johnathan Warren v. Lincoln County Detention Center, Emerald Healthcare Systems, et al.* 2:12-CV-01086-CG-LAM. Suit filed October 19, 2012. Complaint for the Recovery of Damages Caused by the Deprivation of Civil Rights.

*7. *Greentree Solid Waste Authority v. Lincoln County, et al.* D-0101-CV-2013-00104. Suit filed January 9, 2013. Petition for Declaratory Judgment; Preliminary and Permanent Injunction. *Order Granting ALW&SD=s Motion for Judgment on the Pleadings and for Summary Judgment entered by the court on 6-15-13. Mediation with Mr. Walker Nov. 11, 2013 was unsuccessful. Hearing for plaintiff's Motion to Reconsider scheduled with Judge Singleton Jan. 24, 2013.

*8. *Rio Grande-Alameda, Ltd. v Paul Baca, Lincoln County Assessor* D-1226-CV-2013-00005. Suit filed January 9, 2013. Complaint for Refund of Taxes Paid. Defendant=s first motion to dismiss or Summary Judgment filed August 29, 2013, with plaintiff=s response filed Oct. 4, 2013. Defendant=s Reply to Motion to Dismiss or for Summary Judgment filed Oct. 21, 2013 Hearing scheduled Jan. 6, 2014.

*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. Stipulated and Default Judgment ordering foreclosure filed Nov. 22, 2013

10. *Wells Fargo Bank, NA, et al v. Jerry Turner, Board of County Commissioners of the County of Lincoln, New Mexico, et al.* D-1226-CV-2013-00129. Suit filed May 6, 2013. First Amended Complaint for Foreclosure filed by Morel on June 21, 2013.

*11. *State of New Mexico (Lincoln County) v. Stephen Gore* M-30-MR-2013-00113. Citation filed June 17, 2013. Lincoln County Solid Waste Ordinance 2009-03 Violation. Notice of Sentencing Hearing scheduled for Dec. 4, 2013. Documentation was supplied showing Mr. Gore in in compliance. Dismissal filed Dec. 4, 2013.

*12. *Steven Miller, et al. v. State Forestry Division, NM Energy, Minerals, and Natural Resources Department, County of Lincoln, et al.* D-1226-CV-2013-00160. Suit filed June 15, 2013. Lincoln County Manager and Commissioners served July 9, 2013. Complaint for Negligence, Injury and Damages. On August 2, 2013, NMAC advised Attorney Bryan Evans has been assigned as counsel for Lincoln County. Peremptory challenge of Judge Angie Schneider filed by Commission Chair Jackie Powell. Judge Waylon Counts has been assigned the case Oct. 25, 2013. Hearing requested Nov. 25, 2013 for state's motion to dismiss

13. *Barbara Diane Latham, et al v. Neal Cox, Ben Hazen, Lincoln County Sheriff=s Department and the County of Lincoln.* D-1226-CV-2013-00191. Suit filed July 19, 2013. Complaint for Violation of Civil Rights, Wrongful Death and Damages by Attorney Gary Mitchell. LCSO and LC

Manager were served on August 5, 2013. Tort Claim Notice was filed on October 27, 2011. Advised NMAC has assigned the case to Brennan and Sullivan Law Firm 9/5/13. Case has been moved to Federal Court August 30, 2013.

Tort Claims Notices Received or Threatened

2013

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

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

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

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

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

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

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

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

2012

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

Riordan, J.T. B Correspondence received from Theresa Riordan on March 28, 2012, concerning her son=s treatment and detention conditions while being held in LCDC.

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

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