COUNTY OF LINCOLN
New Mexico
Regular Meeting
Board of County Commissioners

Jackie Powell, Chairwoman	**Mark Doth**, Vice Chair
Eileen Sedillo, Member	**Kathryn L. Minter**, Member
Tom Battin, Member	**R.E. "Rick" Virden**, Sheriff
Glenna N. Robbins, Treasurer	**Paul Baca,** Assessor
Rhonda B. Burrows, Clerk	**Stirling Spencer,** Interim Probate

Nita Taylor, County Manager

Agenda
Commission Chambers, Tuesday, November 20, 2012 @8:30 A.M.

1. Call to Order

2. Roll Call

3. Invocation

4. Pledge of Allegiance
   A. Pledge – U.S. A. Flag
   B. Salute – N.M. Flag ("I salute the flag of the State of New Mexico, the Zia Symbol of perfect friendship among united cultures")

5. Approval of Agenda

6. Approval of Minutes- October 9, 2012, Special Commission Meeting
   October 16, 2012, Regular Commission Meeting

7. Approval of Consent Agenda
   A. Payroll/Accounts Payable/Budget/ Expenditures
   B. Treasurer's Financial Report for the Month ending October 31, 2012
   C. Road Name Request

8. Smokey Bear District Ranger Update

9. Wilson & Company Presentation - Lincoln County Fairgrounds

10. USGS Project Office Update – Mike Darr

11. **10:00 AM:** Public Hearing to consider 2013 CDBG Project

12. CDBG Project Selection and Resolution 2012-16

13. Potential Consequences of Alto Lakes Water and Sanitation District leaving Greentree Solid Waste Authority (GSWA)

14. Update on NM Taxation & Revenue Division Regulation Taking County Authority away for Partial payments on Delinquent Property Taxes

15. Permission to auction a number of surplus inventory items by Resolution 2012-20
    - Permission to transfer HIDTA Inventory from county to HIDTA- Resolution 2012-21

16. Road Review Requests:
    A. Abandonment and Vacation of R-O-W, & Lot Consolidation of Lot 12, BLK 1, a portion of Gray Road in the Holiday Hills Subdivision, 32,256 sq.ft. by Greg Sturgeion & Rachelle Raven.
    B. Abandonment and Vacation of 5100 sq' or .11708 Acres of Pinon Street in the Township of White Oaks for Marlon & Teresa Coffman.
    C. Abandonment and Vacation of .103 ac as a portion of Dry Gulch Lane and approval of the South Right-Of-Way of Slane Avenue in the Township of Nogal, by John Denys and Caroline McCoy.

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

18. Manager's Report

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

20. Approval of Required 2013 Operational Resolutions:
    A. Resolution 2012-17 - Establishing 2013 Regular Commission Meetings
    B. Resolution 2012-18 - Establishing 2013 County Official Holiday Calendar
    C. Resolution 2012-19 - Open Meetings Act
    D. Other 2013 Committee Meetings – LANRAC, Planning Commission, Lincoln Historic Preservation and Lodger's Tax

21. **1:00 P.M.:** PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY OFFICIALS (Items are for discussion only – no action will be taken)

22. **1:30 P.M.:** Public Hearing to consider adoption of an Ordinance 2012-04 Imposing a Temporary Moratorium on Subdivision Development within Lincoln County.

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

24. RFP award:

A. 12-13-003 Physician's Office Building

25. Lodger's Tax Activities with back up material:
    A. Application 1229: Reprint Of White Oaks Flyer
       Amount Requested: $1,000.00
       Presenter: Judy Fitz – Carrizozo Chamber of Commerce for White Oaks Community

26. Consideration of Appointments and Removals from Boards/Commissioners/Committees:
    A. **Tabled** – Road Review Advisory Committee
    B. **Tabled** - Planning Commission
    C. **Tabled** - Lodger's Tax Committee
    D. Southeastern New Mexico Economic Development District (SNMEDD)

27. 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).

28. Potential Property Purchase

29. Signing of Official Documents

30. Next meeting: December 18, 2012 Regular Commission Meeting

31. Adjournment

AGENDA DOCUMENTATION
November 20, 2012

Agenda Item No. 6

SUBJECT

Approval of Minutes

ACTION REQUESTED BY County Clerk

ACTION REQUESTED To be determined

BACKGROUND

1. October 9, 2012 Special Commission Meeting
2. October 16, 2012 Regular Commission Meeting

COUNTY OF LINCOLN

New Mexico

Special Meeting

Board of County Commissioners

Eileen M. Sedillo, Chair
Jackie Powell, Vice Chair

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

Minutes
Tuesday, October 9, 2012

Minutes of the Special Meeting of the Lincoln County Commission held at 9:00 AM on October 9, 2012 in the County Conference Room, Lincoln County Courthouse, in Carrizozo, New Mexico.

1. Call to Order

Chair Sedillo called the Special Meeting of the Board of County Commissioners to order at 9:00:22 AM.

2. Roll Call

Roll Call.
Present: Chair Sedillo, Commissioner Minter, Commissioner Powell, and Commissioner Battin (participated telephonically).
Absent/Excused: Commissioner Doth.

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

3. Invocation

The invocation was presented by Johnson Stearns.

4. Pledge of Allegiance

A. Pledge – U.S. A. Flag – Commissioner Minter
B. Salute – N.M. Flag – Commissioner Doth

5. Approval of Agenda

Motion: Acceptance of the Agenda and authorized the Chair to move items as necessary.
Action: Approve. **Moved by** Commissioner Powell, Seconded **by** Commissioner Minter.
Vote: Motion carried by unanimous vote (**summary:** Yes = 4).
Yes: Chair Sedillo, Commissioner Minter, Commissioner Powell, Commissioner Battin.
Absent: Commissioner Doth.

6. Relinquishment of Chairmanship & Appointment of New Chair

Chair Sedillo announced her resignation as Chair of the Board of County Commissioners for personal reasons. Chair Sedillo stated that although there were only two months remaining in her term she was concerned she would not be able to fulfill the duties of the Chair during that time. Chair Sedillo noted pursuant to Robert's Rules of Order the Vice Chair, Commissioner Powell, would serve as Chair but requested the Board of Commissioners formally appoint Commissioner Powell.

Motion: Appoint Commissioner Powell to act as Chair for the remainder of the term. **Action:** Approve. **Moved by** Commissioner Battin, **Seconded by** Chair Sedillo.

Commissioner Minter voiced concern about the appearance of such action with two Commissioners being termed out at the end of the year. Commissioner Minter questioned if the Vice Chair could serve as Chair without formal appointment. Alan Morel, County Attorney stated the Board could function in that manner but if the Vice Chair were absent there would be no Chair or Vice Chair.

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

Attorney Morel recommended the Board consider appointment of a Vice Chair at the next Regular Meeting of October 18, 2012.

7. Consideration/Approval to start bidding process for the Professional Office Building

Nita Taylor, County Manager presented a time line for commencement of the construction of the new Physician's Office Building (POB) to be located on El Paso Road in Ruidoso. Ms. Taylor informed a Request for Proposal had been developed and presented it for approval by the Board of Commissioners.

Attorney Morel discussed the project development to date including the request made by the County to the Village of Ruidoso to vacate El Paso Road. Attorney Morel stated the actual request had been to vacate and then close all of El Paso Road but a compromise had been reached to vacate all but a 40 foot strip which the Village of Ruidoso would retain for utilities and road traffic. Attorney Morel stated there were would be additional discussions with all stake holders about traffic and safety controls.

Attorney Morel reported he was awaiting the deeds transferring the vacated land as well as the procurement and deed for the final property needed for construction. Attorney Morel stated this procurement was in process with an estimated expenditure of $100,000 pending final property appraisal.

Attorney Morel also stated a setback variance was needed from the Village of Ruidoso and informed that request would be filed by October 10th. Attorney Morel stated the original application for the variance had listed numerous conditions which added significant cost. Attorney Morel stated after discussion with the Village of Ruidoso many of the issues had been resolved but additional cost would still be incurred both for planning and construction of modifications to meet the variance requirements.

Attorney Morel presented the proposed RFP and noted there was a very short timeline from issuance of the RFP until the bid award date. Attorney Morel stated the accelerated timeline was designed accommodating the upcoming winter months and the budget timeline of Lincoln County Medical Center.

Chair Powell questioned the effect on the timeline if the original responses to the RFP were over budget. Attorney Morel stated the RFP could be terminated at any time for such a reason and it could be revised and reissued at another date. Chair Powell questioned if the RFP process needed suspending if the deeds and variance were not received. Attorney Morel stated the RFP contained language making the award contingent upon resolution of the outstanding issues.

Commissioner Sedillo questioned the need for the accelerated timeline. Attorney Morel stated the two primary factors were the weather and the committed funding by Presbyterian for fixtures and furniture which were estimated to be $1 million dollars.

Commissioner Minter expressed concern about the project being rushed. Commissioner Minter noted Commissioner Doth was absent and as the final language of the RFP was not available for review until the prior evening she suggested the item tabled until the Regular Meeting next week.

Attorney Morel stated concern about the rush but reminded that language had been added to the RFP which made any award contingent upon the receipt of the deed, the purchase of the additional property, and the receipt of the variance.

Motion: Approve the RFP for the Physician's Office Building. **Action:** Approve. **Moved by** Commissioner Sedillo, **Seconded by** Commissioner Battin.

Commissioner Minter reiterated her objection to rushing the approval and requested the item be tabled until next week.

Vote: Motion passed (**summary:** Yes = 3, No = 1, Abstain = 0).
Yes: Chair Powell, Commissioner Battin, Commissioner Sedillo.
No: Commissioner Minter.
Absent: Commissioner Doth.

9. Reauthorize funding approval for the All-Hazard Mitigation Plan Final Invoice

Ms. Taylor reminded the Public Hearing as required by FEMA was held at the last regular meeting to approve the All Hazard Mitigation Plan. Ms. Taylor requested reauthorization and approval for payment of the final invoice in the amount of $3,926.

Chair Powell questioned the amount of the original budgeted amount in 2008. Punkin Schlarb, Finance Director informed the original budgeted amount in 2008 had been $21,800 with annual budget adjustments since that time.

Motion: Approve payment of the final invoiced amount for the All Hazard Mitigation Plan. **Action:** Approve. **Moved by** Commissioner Sedillo, **Seconded by** Commissioner Minter.
Vote: Motion carried by unanimous vote (summary: Yes = 5).
Yes: Chair Powell, Commissioner Battin, Commissioner Doth, Commissioner Minter,

Commissioner Sedillo.

10. Signing of Official Documents

11. Next Regular Commission Meeting

Tuesday, October 16, 2012

12. Adjournment

There being no further business to come before the Board of County Commissioners, Chair Powell adjourned the meeting at 9:49:19 AM.

Respectfully submitted by,

Rhonda B. Burrows
Lincoln County Clerk

DRAFT

COUNTY OF LINCOLN

New Mexico

Regular Meeting

Board of County Commissioners

Jackie Powell, Chair
Eileen M. Sedillo, Member
Kathryn Minter, Member
Mark Doth, Member
Tom Battin, Member

Minutes
Tuesday, October 16, 2012

Minutes of the Regular Meeting of the Lincoln County Commission held at 8:30 AM on October 16, 2012 in the County Commission Chambers, Lincoln County Courthouse, in Carrizozo, New Mexico.

1. Call to Order

Chair Powell called the Regular Meeting of the Board of County Commissioners to order at 8:30:14 AM.

2. Roll Call

Roll Call.
Present: Chair Powell, Commissioner Minter, Commissioner Sedillo, Commissioner Doth.
Absent/Excused: Commissioner Battin.

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

3. Invocation

The invocation was presented by Father Tony Basso.

4. Pledge of Allegiance

A. Pledge – U.S. A. Flag – Commissioner Doth
B. Salute – N.M. Flag – Commissioner Minter

5. Appointment of Vice Chair of the Lincoln County Board of County Commissioners

Nita Taylor, County Manager reminded that Commissioner Powell had been appointed as Chair during the Special Meeting of October 9, 2012 which left the position of Vice Chair vacant.

Motion: Appoint Commissioner Doth as Vice Chair. **Action:** Approve. **Moved by** Chair Powell, **Seconded by** Commissioner Minter.
Vote: Motion carried by unanimous vote (**summary:** Yes = 4).
Yes: Chair Powell, Commissioner Doth, Commissioner Minter, Commissioner Sedillo.

Absent: Commissioner Battin.

6. Approval of Agenda

Motion: Acceptance of the Agenda and authorized the Chair to move items as necessary.
Action: Approve. **Moved by** Chair Sedillo, **Seconded by** Commissioner Doth.
Vote: Motion carried by unanimous vote (**summary:** Yes = 4).
Yes: Chair Powell, Commissioner Doth, Commissioner Minter, Commissioner Sedillo.
Absent: Commissioner Battin.

7. Approval of Minutes

September 6, 2012, Special Commission Meeting
September 18, 2012, Regular Commission Meeting

Motion: Approve the minutes of the September 6, 2012 Special Commission Meeting and the September 18, 2012 Regular Commission Meeting.
Action: Approve. **Moved by** Commissioner Minter, **Seconded by** Chair Sedillo.
Vote: Motion carried by unanimous vote (**summary:** Yes = 4).
Yes: Chair Powell, Commissioner Doth, Commissioner Minter, Commissioner Sedillo.
Absent: Commissioner Battin.

8. Approval of Consent Agenda

A. Payroll/Accounts Payable/Budget/ Expenditures
B. Treasurer's Financial Report for the Month ending September 30, 2012

Motion: Approval of Consent items as presented.
Action: Approve. **Moved by** Commissioner Minter, **Seconded by** Chair Sedillo.

Commissioner Minter noted payments on the loan agreements for the Detention Center and Deer Park Valley were not in this month's Treasurer's Report. Beverly Calaway, Chief Deputy Treasurer stated the current report was for the period ending in September and those payments would be reflected in October's Treasurer's report.

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

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

9. Green Tree Solid Waste Update

Debra Ingle, Operational Supervisor reported recycling prices were increasing and GSWA was disposing of materials accumulated while prices were low. Ms. Ingle informed Capitan Municipal Schools had begun a recycling competition with other schools in New Mexico and on the national level.

Ms. Ingle reported on GSWA activities associated with clean-up after the Little Bear Fire. Ms. Ingle stated GSWA did not plan to ask for assistance either from FEMA or the County to defray

costs. Ms. Ingle stated individual clients had been paying and she anticipated all clean-up costs would be covered.

Ms. Ingle reported the GSWA Board of Directors had received formal notice from Alto Lakes Water and Sanitation District of their intent to withdraw from the authority. Ms. Ingle stated based on the notice GSWA would cease operations in the area as of November 30, 2012.

Ms. Ingle discussed the financial impact of the Water and Sanitation District's decision and estimated associated fees from approximately 1171 homes would be lost. Ms Ingle stated this would be in addition to the loss of revenue from the 207 homes lost in the Little Bear Fire. Ms. Ingle estimated a combined loss of 25 – 26% of total revenue for GSWA. Ms. Ingel anticipated revenue loss of this amount would necessitate a layoff of ten employees.

Commissioner Doth questioned if the home sites which had been burned in the Nazarene Camp area were billed as one customer or multiple customers. Ms. Ingle reported the area included both the church camp as a commercial client and 81 private homes which were all separate customers. Commissioner Doth anticipated additional loss of customers due to homeowners who would not be rebuilding. Commissioner Doth questioned if the loss of revenue due directly related to the Little Bear Fire might be submitted to FEMA for consideration. Nita Taylor, County Manager stated FEMA did not consider loss of revenue to be compensable as damages.

Commissioner Doth requested information about a reported illegal dump site associated with the fire. Ms. Ingle reported the Sheriff's office had conducted an investigation and review of the site. Ms. Ingle stated in addition to concerns about the potential transport and burial of asbestos materials to a different site, the reported site did not meet other requirements for onsite burial. Sheriff Virden reported the owner of the site also owned the land from which the material had been transported. Sheriff Virden stated since he had been contacted the owner had ceased plans to bury the debris. Ms. Ingel reminded the waiver received from the State of New Mexico for compliance with certain asbestos materials handling requirements would expire December 1, 2012. Chair Powell requested Curt Temple, Planning Director inform the landowner of the pending deadline.

Commissioner Doth questioned the size and scope of the Alto Lakes Water and Sanitation District. Ms. Ingle reported there were seven subdivisions in the District which contained approximately 1800 lots. Commissioner Doth questioned if Alto Lakes intended to provide service themselves or to hire a contractor. Ms. Ingle stated she was uncertain of the District's plan.

Chair Powell expressed concern about residents of the Alto Lakes WSD disposing of trash at other County sites. Attorney Morel stated he had reviewed the contracts related to GSWA and commented should GSWA lose a significant portion of its revenues he could foresee a request for an increase in rates. Attorney Morel stated Alto Lakes might be liable for some of GSWA's debt but he was not prepared to provide an opinion at this time.

Chair Powell noted there had recently been advertisement by GSWA of a potential rate review in the local paper. Ms. Ingle reported this review and public hearing had been scheduled in response to the Little Bear Fire but not in anticipation of the Alto Lakes withdrawal. Ms. Ingle stated the GSWA Board would have to consider a potential rate increase based on the loss of revenue and commented no rate increase had been requested in five years.

Commissioner Minter requested a report on outstanding loans for GSWA. Ms. Ingle stated GSWA had three loans with payoffs in 2023, 2025, and 2033 which total $4.7 million. Ms. Ingle stated this did not include equipment and other operational loans. Commissioner Minter recalled at the time the Village of Ruidoso had withdrawn from GSWA the Village had assumed a portion of GSWA's outstanding debt. Attorney Morel commented the debt Ruidoso took from GSWA was most likely debt they brought into the Authority versus debt incurred.

Chair Powell requested guidance as to how to proceed. Attorney Morel reminded the County was a member of the GSWA but it would be the responsibility of the Board of GSWA to negotiate with the Alto Lakes WSD. Ms. Ingle stated during negotiations Alto Lakes WSD had indicated willingness to assist with costs associated with the Capitan Landfill. Ms. Ingle stated Alto Lakes WSD had requested an opinion from the County as to how to consider debt incurred before the district was created in 2008.

Commissioner Sedillo requested the County Manager and Attorney work with GSWA, keep the Board of County Commissioners informed, and consider how to avoid a rate increase to the rest of the County.

17. Approval to Reimburse the State Fire Marshal – Nogal Fire Department

Ms. Taylor reported an audit by the State Fire Marshall of the Nogal Fire Protection Fund expenditures for 2010 led to a finding of $40,000 in expenditures which had not received prior approval by the State Fire Marshall's office.

Travis Atwell, Director of Emergency Services stated the expenses were incurred during an expansion of the Nogal Fire Station and were originally intended to be paid from CDBG funding as part of the fire station expansion. Mr. Atwell stated when the CDBG funds were exhausted the expenses were paid from the Nogal Fire Protection Funds. Mr. Atwell stated the problem was not the nature of the expenditure but the failure to obtain prior approval from the State Fire Marshall as required.

Motion: Approve the reimbursement of funds to the Nogal Fire Protection Fund. **Action:** Approve. **Moved by** Commissioner Minter, Seconded **by** Chair Powell.

Commissioner Doth questioned how the refund to the Fire Protection Fund would be made. Mr. Atwell reported repayment to the Nogal Fire Fund would be made from the County General Fund.

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

10. Smokey Bear District Ranger Update

David Warnack, District Ranger provided a map of the newly revised closure order which would open to the public a majority of the area within the Little Bear Fire burn area. Ranger Warnack stated the USFS, the City of Alamogordo, the County Manager, and the County Attorney were working to resolve the issue of removing the pipes from Bonito Road. Ranger Warnack stated the pipes required the road around the lake itself be limited to a single lane of traffic. Ranger Warnack stated post fire seeding was effective and there were areas of green growth and signs of recovery throughout the area.

Ranger Warnack stated the USFS was also working with the City of Alamogordo and Clark Taylor of the Upper Hondo to locate a site for disposal of debris and other material to be dredged from Bonito Lake in the future. Ranger Warnack stated disposal of any dredged material would be contingent on soil testing for contaminants. Ranger Warnack reported Ski Run Road continued to be closed due to the large scale operations involved in rebuilding the lifts which had burned at Ski Apache.

Ranger Warnack reported he had accompanied a group of specialists for a site review of the North Fork Eagle Creek Well area. Ranger Warnack stated 98% of the watershed was damaged by the Little Bear Fire and a complete reanalysis of the area would be necessary prior to a decision on the Special Permit application. Ranger Warnack stated the USFS had entered into an agreement with the Village of Ruidoso for the Village to providing funding to offset the cost of the reanalysis. Ranger Warnack anticipated the reanalysis would take approximately nine months.

Commissioner Battin joined the meeting telephonically at 9:28:35 AM.

Chair Powell commented gauges used in the past for analysis of the Eagle Creek area were now buried under debris and would be unusable for the reanalysis. Ranger Warnack stated the gauges would most likely be unusable for five or more years and any reanalysis would be based on saturation rather than gauge measurement.

Ranger Warnack provided an update on Hazards Fuels Reduction programs. Ranger Warnack stated further work on fuels reduction would depend on partnerships due to funding constraints of the US Forest Service. Ranger Warnack stated the Smokey Bear District had received authority to continue with the prescribed burning program and plans were made to continue prescribed burns throughout the fall and winter.

Ranger Warnack reported continued work on grazing allotments in the Hale Lake Area and anticipated no problems with completion of those projects.

Ranger Warnack reported a salvage timber sale opportunity had been identified on a 211 acre parcel in the Little Bear Fire area and the District would proceed with the sale. Commissioner Doth questioned if previously identified areas for the Spotted Owl or Goss Hawk would be eliminated as potential sale sites. Ranger Warnack stated he was uncertain of the answer to the question but timber sales would not normally occur on these parcels as they were typically the most inaccessible.

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

Scott Annala, IHC Administrator presented the Sole Community Provider claims for approval. Mr. Annala processed 54 claims with 52 recommended for approval and 2 recommended for disapproval for a total authorization of $112,023.

Mr. Annala presented the Indigent Health Care Payments request for the month. Mr. Annala processed 42 claims with 38 recommended for approval and 4 recommended for disapproval. Mr. Annala stated the total of claims recommended for payment this month was $16,281.

Mr. Annala provided analysis which indicated the average monthly Indigent Health Care payment for the last two fiscal years had been $36,447 and $21,651 respectively. Mr. Annala stated the total year to date Indigent Claims including this month's claims would be $78,457 for

a monthly average of $19,614 by comparison. Mr. Annala reported the total budget for claim payment for this fiscal year to be $386,461. Mr. Annala stated he had received two small refunds for two prior fiscal years which would be refunded to the program.

Mr. Annala stated the total yearly claims approved for Sole Community for the previous years had been $1,119,278 and $1,201,132 respectively. Mr. Annala stated the Sole Community Provider total claims for the FY 2012-2013 including this month's claims would be $438,558 with a monthly average of $109,639. Mr. Annala reminded the County had budgeted $1,003,040 for Sole Community Provider match payments to the State.

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

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

12. Manager's Report

1. Staff Stuff:

a. The Manager reported she and Commissioner Powell were included in a panel to review job applications for the NMSU Extension Associate I position. Six candidates were selected for interviews to be held October 30th and 31st, 2012.
b. The Manager stated OEC Staff had hosted and conducted Fire Investigation training for fire-fighters around the state. Twenty-four attended and successfully completed the training, including Commissioner Minter and Michele Caskey. Travis Atwell, Emergency Services Director joined seasoned trainers from other states to present the course. A number of Lincoln County volunteer fire-fighters assisted with the training.
c. Curt Temple, Planning Director introduced Samantha Mendez, newly hired Ordinance Administrator.

2. FEMA Activities:

a. The Manager reported Federal Coordinating Officer, Nancy Casper was in the County to meet FEMA applicants and address any issues. Ms. Casper and the Manager drove up Bonito Road to view the damage to the road caused by flooding and extensive heavy equipment travel. The FEMA team was working with Carl Palmer, Road Superintendent to evaluate the cost to repair the road. FEMA confirmed the agency would reimburse expenses only to restore the road to the condition it was in just prior to the declared disaster incident period of June 22, 2012.
b. FEMA and NMDHSEM allowed several parties, including the Town of Carrizozo, the Mescalero Tribe and a number of Acequias to become applicants after the formal application date. As a result, additional

Applicant and Kick-off meetings were held in Carrizozo, Mescalero and Hondo.

c. Curt Temple, Planning Director continued work on obtaining required reports/permits for emergency repair work. The hydrology report for the upgrade of 3 culverts will be completed next week. Mr. Temple was also working with the Army Corps of Engineers on permits for emergency projects, and proposed road department projects.

Curt Temple, Planning Director reported the County had received new flood plain maps due to an error identified in the maps approved by the Commissioner's in November of 2011. Mr. Temple informed the area affected was Ruidoso Downs through the Hondo Valley. Mr. Temple stated the error had been discovered by a surveyor attempting to utilize the new maps. Mr. Temple stated the surveyor had reported his findings to FEMA and FEMA then suspended use and adoption of the flood maps pending review. Mr. Temple anticipated the County would be required to approve corrected maps and adopt a new Resolution. Mr. Temple stated until corrected maps were received individuals attempting to build in the area may face problems.

3. **Property / Building Update**

a. The Manager reported the Courthouse survey by D.T. Collins was near completion. Mr. Temple scheduled the County to be on the November 12, 2012 Carrizozo City Council agenda to consider vacation of Brick Ave and an alley.

b. The soil geo-technological report for the Courthouse expansion and the Senior Center was ordered with the project completion date set for 21 days.

c. Agenda items for the Village of Ruidoso Council meeting on October 30th and the following Planning & Zoning meeting on November 6th were set to address requirements for Lincoln County to receive requested variances.

d. The RFP for the Physician's Office Building was published in the Ruidoso News, the Albuquerque Journal, the El Paso Times and the Las Cruces Sun News on Friday, October 12th. A mandatory Pre-Proposal Conference was scheduled for October 18, 2012.

4. **Water and Natural Resources Legislative Committee**

a. The Water and Natural Resources Committee held its October meeting in Lincoln County (Ruidoso). The Manager reported both Ruidoso and the County were invited to report to the Committee on the "Local effects of the Little Bear Fire, and Wildfire Mitigation and forest and watershed Management".

b. The Village of Ruidoso discussed their severe water problems tied to burned watersheds and estimated the cost to complete required projects would approach $15 million over the next several years.

c. Presenting information for Lincoln County were the Manager, Commissioner Powell, and Commissioner Minter. Travis Atwell, OES Director and Carl Palmer, Road Superintendent were in attendance to help respond to questions. The Manager provided copy of the summary presented. Commissioner Powell provided information regarding the condition of the silted-in Acequias. Commissioner

Powell requested legislative funding to make Incident Command training available to all county leadership who may be in a position to deal with emergency situations such as fire and flood. Commissioner Powell also strongly relayed the need for New Mexico to enter into a compact agreement with the federal government and affected western states for the purpose of cooperative management of forested lands. Commissioner Powell also emphasized any land management compact must have local government involvement, coordination and cooperation. Commissioner Doth addressed the same issue in the panel discussion which followed. Commissioner Minter relayed the experiences of private land-owners and the help that has been available to them. Commissioner Minter strongly supported the concept of states taking back federal lands.

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

Ms. Taylor reported as of this date no new water right notices for Lincoln County had been posted to the State Engineer's web site.

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

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

Chair Powell commented on two significant water right notices published in a local newspaper. Chair Powell expressed concern these deadlines for protest might go unnoticed as they had not been posted to the website. Chair Powell requested a letter be sent to the State Engineer's Office with a copy to the Governor's office regarding the timely posting of these notices to the State's website.

Chair Powell recessed the meeting at 10:04:59 AM and reconvened at 10:16:17 AM.

14. Tabled – Consideration of Development Agreement – Avalon Forest

Motion: Remove the item from the table. **Action:** Approve. **Moved by** Commissioner Minter, **Seconded by** Commissioner Battin.
Vote: Motion carried by unanimous vote (**summary:** Yes = 5).
Yes: Chair Powell, Commissioner Battin, Commissioner Doth, Commissioner Minter, Commissioner Sedillo.

Mr. Temple provided background on the development and noted the developer, Don Murphy, was present to answer any questions. Mr. Temple reported the bond amount, development agreement, and accompanying plats all met County requirements for approval.

Chair Powell commented on the irresponsibility of continued development based on current drought conditions and damage to the watershed from the Little Bear Fire.

Attorney Morel stated the current request was to approve the final plat. Attorney Morel noted the developer had obtained preliminary approval several years ago and had continued to

expend money on the development based on the preliminary approval. Attorney Morel stated the developer had met conditions for approval of the final plat and advised this developer could not be held to a different standard than previous applicants.

Commissioner Sedillo voiced support for Chair Powell's concerns but expressed belief the Commission was bound to approve the agreements.

Don Murphy stated he had thinned and cleared the property based upon recommendations by the US Forest Service at his own expense. Mr. Murphy discussed his volunteer scale back from a planned 66 lots to 24 building sites even though the State Engineer had approved 33 lots. Mr. Murphy stated he had expended over $400,000 for roads and underground utilities. Mr. Murphy further stated deed restrictions had been created to promote fire safety.

Commissioner Minter questioned if a $25,000 bond was adequate to finish the roads. Mr. Murphy reported all that was lacking to complete the roads would be base course. Commissioner Minter requested clarification the roads were to be privately maintained. Mr. Murphy confirmed this was true.

Commissioner Doth requested responses to concerns raised by the Upper Hondo Soil and Water Conservation District. Mr. Murphy discussed plans to designated specific building sites and engineering work to deal with drainage issues raised by the Conservation District.

There was a general consensus it would be good policy for the developer to advocate for catchment systems.

Motion: Approve the Final Plat of Avalon Forest. **Action:** Approve. **Moved by** Commissioner Minter, **Seconded by** Commissioner Doth.
Vote: Motion carried by unanimous vote (**summary:** Yes = 5).
Yes: Chair Powell, Commissioner Battin, Commissioner Doth, Commissioner Minter, Commissioner Sedillo.

Motion: Approve the Development and Bond Agreements for Avalon Forest. **Action:** Approve, **Moved by** Commissioner Minter, **Seconded by** Commissioner Powell.
Vote: Motion carried by unanimous vote (**summary:** Yes = 5).
Yes: Chair Powell, Commissioner Battin, Commissioner Doth, Commissioner Minter, Commissioner Sedillo.

15. Approval of an Agreement between DFA for Severance Tax Bond Capital Appropriation Project

Ms. Taylor reminded Lincoln County had requested and was granted a Legislative appropriation in the amount of $397,000 to plan, design, purchase, install, equip and furnish a building for the Fort Stanton Volunteer Fire Department. Ms. Taylor reported the formal Grant Agreement had been received and now required approval by the Board of Commissioners prior to return to the Department of Finance and Administration.

Ms. Taylor reported working with Hubert Quintana of SNMEDD and with State Monuments to secure a long term lease by Memorandum of Understanding for property on which to build the fire station. Ms. Taylor stated the timing of the MOU was not a concern at this point as the reversion date of the proposed grant agreement was June 30, 2016.

Motion: Approve Grant Agreement Number 04250. **Action:** Approve. **Moved by** Commissioner Minter, **Seconded by** Commissioner Doth.
Vote: Motion carried by unanimous vote **(summary:** Yes = 5).
Yes: Chair Powell, Commissioner Battin, Commissioner Doth, Commissioner Minter, Commissioner Sedillo.

16. Consideration/Approval to Hire Architectural Firm for Carrizozo Sr. Center

Ms. Taylor stated as of this date the land for the new Senior Center had been purchased, cleared and was construction ready. Ms. Taylor stated the director of the Zia Senior Center had received a grant for $50,000 to be used for design of the new center. Ms. Taylor stated the current estimated cost for design was approximately $90,000 for a 3,700 square foot building. Ms. Taylor discussed options to apply for an additional $50,000 CDBG Grant or a NM Finance Authority Grant to be used toward the cost of design.

Ms. Taylor further reported Capital Specialists from the NM Area Agency Services had inspected the proposed sites and reviewed potential plans. Ms. Taylor stated recommendations had been made to upsize the building to approximately 5,000 square feet to accommodate long term County needs.

Ms. Taylor stated as a result of the CDBG Public Hearing held in Carrizozo on October 15, 2012 she would recommend the County seek a CDBG Grant in the amount of $500,000 for construction of the new center. Ms. Taylor stated Ada Hendryx, Senior Center Director would then seek a capital appropriation for the remainder of the construction costs.

Chair Powell voiced support for increasing the size of the building based on experience with the new Capitan Senior Center. Chair Powell voiced concern about the lack of full funding for the design phase. Ms. Taylor reported Hubert Quintana of SNMEDD supported application to NMFA for a design grant and expressed optimism about the receipt of that money.

Ada Hendryx, Senior Center Director in response to a question at the last Regular Meeting by Commissioner Minter, reported research had revealed the funds received as an award to the Senior Center Program could not replace or supplant operational funds and could not be used to offset design costs.

Commissioner Minter questioned the estimate of cost for a 5,000 square foot facility. Ms. Taylor confirmed the construction cost was estimated at $1.2 million with $500,000 to be obtained from a CDBG grant and $700,000 to be requested as a legislative appropriation.

Commissioner Sedillo questioned if a grant to complete the design was not forthcoming, if the County would have funds in the General Budget to accommodate the cost. Ms. Taylor confirmed there were adequate funds in the General Budget.

Commissioner Doth questioned if the Town of Carrizozo had been asked to contribute to the project. Ms. Taylor stated the Town of Carrizozo had worked cooperatively to develop the project and reminded the County was also working with the Town of Carrizozo on the Courthouse expansion project.

There was a general discussion as to whether a design firm should be engaged through RFP or through the State approved Cooperative Education Services (CES) agreement.

Motion: Grant the County Manager permission to engage a CES certified architectural firm. **Action:** Approve. **Moved by** Commissioner Sedillo, Seconded **by** Chair Powell. **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5). **Yes:** Chair Powell, Commissioner Battin, Commissioner Doth, Commissioner Minter, Commissioner Sedillo.

18. Consideration/Approval of Resolution 2012 – 14, amending Resolution 2012 – 10, the Lincoln County Infrastructure Capital Improvement Plan FY2014 – 2018

Ms. Taylor reported attending a Capital Outlay Training presented by SNMEDD during which she learned "emergency" projects could be submitted as Capital Outlay requests to the State Legislature but only if the project had been included on the County's ICIP.

Ms. Taylor reported there were substantial damages to Bonito Road as a result of the Little Bear Fire and subsequent flooding. Ms. Taylor suggested the needed repairs might qualify as an "emergency" project. Ms. Taylor suggested Resolution 2012-14 be adopted to amend 2012–10 to include the Bonito Road rebuild at an estimated cost of $1,500,000.

Motion: Adopt Resolution 2012-14 amending Resolution 2012-10. **Action:** Approve. **Moved by** Commissioner Minter, **Seconded by** Chair Powell.

Chair Sedillo questioned if a project listed as an "emergency" would be considered separately from other ICIP projects or would count as one of the limited requests a County could make. Ms. Taylor informed Hubert Quintana had requested counties identify no more than five priority projects including any "emergency" projects.

Commissioner Minter questioned the lack of reference to the Hondo Bridge on the ICIP list. Commissioner Sedillo commented the project had been combined under ICIP 2014-04 Highways, Roads, Streets and Bridges for the Hondo area.

Commissioner Doth questioned the continued presence of the Water Study on the ICIP plan. Ms. Taylor reported she planned to discuss the current status of the study and ongoing plan with Mr. Darr of the USGS. There was a consensus to request Mr. Darr provide a report at the November Regular Meeting.

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

SEE EXHIBIT C: Copy of the Resolution 2012-14 is attached hereto in reference thereto made a part hereof.

19. Consideration of Identification of Capital Outlay Projects for Submission to State Legislature

Ms. Taylor reported during the Capital Outlay Training conducted by SNMEDD governmental entities were encouraged to identify their ICIP priority projects as soon as possible so supportive efforts to work with legislative representatives could be made in a timely manner. Ms. Taylor reported a County wide meeting with all legislators representing Lincoln County and all governmental entities planning to request Capital Outlay would occur the last week in December.

Ms. Taylor stated projects which could be completed in a timely manner along with water and waste water projects had traditionally received priority for approval by the Legislature. Ms. Taylor suggested as the State was aware of the damages incurred in the County due to the Little Bear Fire and subsequent flooding, it would be good timing to submit the Bonito Road rebuild as one of the County's priorities. .

Commissioner Sedillo questioned how many projects the County should submit. Ms. Taylor stated the Commission had prioritized the projects within the ICIP but as of yet had not designated specific projects to submit.

Commissioner Doth stated he did not support listing Bonito Road as a priority until the USFS and the City of Alamogordo had completed mitigation projects which might further impact the road. Commissioner Sedillo questioned if the road might be maintained as a dirt road rather than trying to repave the surface.

Carl Palmer, Road Superintendent stated the condition of the road at this time would require some asphalt patching just to support access by current residents. Mr. Palmer stated the County could pulverize the existing damaged asphalt and maintain the road as a dirt road. Mr. Palmer stated FEMA had agreed to repair flood damage only and this would amount to about 10% of the total surface. Mr. Palmer recommended the County seek and use any FEMA funding for which the County was eligible to improve the road. Ms. Taylor stated if FEMA funding was approved for Bonito Road, the County could apply for a change in how the money might be expended which would in turn allow use of the funds to offset the cost of removing asphalt and restoring the surface to dirt. Mr. Palmer estimated the cost of returning the surface to dirt at approximately $60,000 not including the cost and use of County equipment. Ms. Taylor stated any activity would need to be coordinated with the USFS and the City of Alamogordo though the removal of asphalt would be limited to County owned road surface.

There was a general discussion of the benefit of asking for $1.5 million to repave under the ICIP versus $60,000 to eliminate the paving. Attorney Morel discussed a 1994 agreement which provided for the County to maintain the road. Attorney Morel recommended termination of this old agreement be considered at the next Regular meeting.

Ms. Taylor recommended adding the Bonito Road to the ICIP in the amount of $60,000 to provide for the opportunity to request legislative assistance. There was a general consensus to place the Bonito Road Rebuild on the ICIP at an estimated cost of $100,000 and to list the item as the fourth item of four priorities for legislative requests.

Motion: Add Bonito Road to the ICIP in the amount of $100,000; list the Bonito Road Rebuild as item number four on the ICIP list; and submit the top four ICIP priorities as legislative requests.
Action: Approve. **Moved by** Commissioner Minter, **Seconded by** Commissioner Doth.
Vote: Motion carried by unanimous vote (**summary:** Yes = 5).
Yes: Chair Powell, Commissioner Battin, Commissioner Doth, Commissioner Minter, Commissioner Sedillo.

20. Consideration/Approval of Proclaiming October 2012 as "Alpha Delta Kappa Month in Lincoln County"

Ms. Taylor reported the President of the ETA Chapter of Alpha Delta Kappa, an international Honorary Organization for Women Educators, had requested October be proclaimed as Alpha Delta Kappa Month. Ms Taylor reported the chapter had members in Corona, Carrizozo, Capitan, Hondo and Ruidoso which annually awarded scholarships to young women pursuing careers in education from Lincoln County. Ms. Taylor presented a proclamation for review.

Dottie McVeigh, President of the local Chapter along with Carolyn Stover thanked the Commission for their time and requested approval of the proclamation. Ms. McVeigh discussed the current membership and membership requirements of the organization.

Motion: Approve Proclamation of October 2012 as Alpha Delta Kappa Month in Lincoln County.
Action: Approve. **Moved by** Commissioner Sedillo, **Seconded by** Commissioner Minter.
Vote: Motion carried by unanimous vote (**summary:** Yes = 5).
Yes: Chair Powell, Commissioner Battin, Commissioner Doth, Commissioner Minter, Commissioner Sedillo.

21. Consideration/Approval of Hiring/Contracting a Temporary Project Manager/ Consultant to work on Lincoln County FEMA related activities

Ms. Taylor discussed the Little Bear Fire and the burden of related activities such as the subsequent Damage Survey Report's; FEMA review and involvement, and the associated reporting requirements. Ms. Taylor stated it was equally important to identify and track future projects and tasks necessary to meet recovery goals. Ms. Taylor reported on the anticipated tasks of the proposed position and noted FEMA representatives stated similar expertise was often sought by entities in a post disaster survey. Ms. Taylor stated 75% of the cost of the position would be reimbursable by FEMA and 12.5% would be reimbursable by the State of New Mexico.

Motion: Grant Approval to hire a Temporary Project Manager through the end of the fiscal year under a professional services contract. **Action:** Approve. **Moved by** Commissioner Doth, **Seconded by** Chair Powell.

Commissioner Sedillo questioned the anticipated length of employment for the position. Ms. Taylor suggested approval through June of 2013. Commissioner Sedillo questioned the salary for the position. Ms. Taylor recommended contracting with an individual for an amount of approximately $50,000. Commissioner Sedillo questioned if the position would be advertised for bid. Ms. Taylor stated procurement code did not require the position go out for bid for contracts under $50,000. Commissioner Doth suggested this be written as a professional services contract with an option to have a sole source provider based on advice from the Attorney. Attorney Morel stated he would need to review the terms of any contract to assure compliance with the procurement code and to consider who might be considered as a "sole source" provider.

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

22. Consideration/Approval to have a Lincoln County Display Ad in the 2013 Southwest New Mexico Legislative Guide

Ms Taylor reported she had received solicitation for the County to advertise in the 2013 Southwest New Mexico Legislative Guide and noted many counties had placed advertisements in the 2012 Guide. Commissioner Doth reviewed the distribution list for the publication and questioned the efficacy of the advertisement. Commissioner Minter stated she had found the Guide useful in the past but also questioned the need for Lincoln County to advertise.

There was general consensus not to purchase a display ad for the 2013 Legislative Guide.

Chair Powell recessed the Regular Meeting at 11:57:21 AM and reconvened at 1:02:06 PM.

27. 1:00 P.M.: PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY OFFICIALS

Beverly Calaway, Chief Deputy Treasurer reported the Treasurer's office would be mailing 30,744 property tax bills on October 17, 2012. Ms. Calaway stated the tax bills totaled $25,654,224.02. Ms. Calaway directed attention to the Tax Schedule Maintenance Report contained in the monthly Treasurer's Report which reflected a 96.52% collection rate for 2011 property taxes.

Commissioner Doth expressed disappointment with the withdrawal of the Alto Lakes Water and Sanitation District from Greentree Solid Waste Authority. Commissioner Doth suggested if the District wished to be independent they might also consider taking over their own police protection duties and maintenance of their roads. Commissioner Doth also suggested they might want to incorporate and create their own governance. Commissioner Minter stated understanding the District was trying to cut costs to finance repairs to their water system.

Rhonda Burrows, County Clerk provided dates and times for the opening and operation of the Early Vote Sites for the 2012 General Election in Lincoln County.

Commissioner Sedillo questioned if the Sheriff's Department did or did not issue speeding citations. Undersheriff Robert Shepherd stated the deputies will write citations and do traffic stops particularly within subdivisions but informed the County did not receive any revenue from citations written.

Nita Taylor, County Manager reminded a Commissioner and Commissioner Elect Training was scheduled for November 27 – 30, 2012 by the New Mexico Association of Counties. Ms. Taylor informed NMAC would cover the expenses for the Commissioner's Elect with the County covering the expense for current Commissioners and the County Manager. Joy Esparsen of NMAC stated training was conducted every two years as a part of the Better Informed Public Officials (BIPO) program to give newly elected officials training related to duties of public officials.

23. Consideration and Direction of Sole Community Provider Funding - Additional Supplemental Funds Available

Ms. Taylor informed the County had received notice additional Sole Community Supplemental funding was available for draw down by participating counties. Ms. Taylor stated Lincoln County Medical Center had expressed interest in the funding and requested a discussion with the Board of Commissioners.

Commissioner Sedillo questioned what the current match would be for any County funds which might be pledged. Ms. Taylor informed the match would be 2 to 1. Commissioner Doth stated he would not support committing additional funds. Commissioner Battin voiced his desire to allow the hospital to make a presentation should they desire to do so.

Commissioner Minter questioned the total percentage of increase of funding from last year to the current year. Chair Powell commented the federal match had declined from 4 to 1 in past years to 2 to 1 for current funding making annual comparisons difficult.

Ms. Taylor discussed the recent history of a 5% increase over the initial amount of Sole Community funding requested during the prior year. Ms. Taylor stated there had been a subsequent request and approval of $231,500 of supplemental funding for this fiscal year.

Commissioner Minter recalled she had supported the initial request for supplemental funding based on an increase in mill levy receipts. Commissioner Minter stated at this time it might be prudent to retain remaining mill levy funds for use on the upcoming project to build a new professional office building.

Commissioner Doth stated should the hospital request additional funding, he would need a more precise definition of what is considered "uncompensated care".

Chair Powell and Commissioner Battin voiced support for allowing the hospital to present a request to the Board of Commissioners at a future date.

Chair Powell recessed the Regular Meeting and convened the Public Hearing at 1:29:33 PM.

28. 1:30 P.M.: Public Hearing to consider Modify the Wireless Communications Facilities, Including Antennas, Towers & Other Facilities Ordinance 2007-3

Attorney Morel presented a draft with revisions and provided a discussion of recommended changes to bring the Lincoln County Ordinance into compliance with the associated Federal regulations.

Attorney Morel noted there were several deletions in the proposed Ordinance associated with the dissolution of the ETZ. Attorney Morel stated the principal revisions were made to allow for an Administrative Review for Eligible Facilities. Attorney Morel stated these revisions would provide for a limited review mechanism and expedited procedures for approval when an existing tower structure was being altered under particular circumstances.

Commissioner Doth commented on prior requests for relief on timing issues. Commissioner Minter noted she had asked Mel Patterson to consider if there should be revisions made at this time based on those requests. Attorney Morel stated each application had to be considered on a case by case basis and the proposed Ordinance had been reviewed and approved by Mr. Patterson.

No public input was received.

Chair Powell adjourned the Public Hearing and reconvened the Regular Meeting at 1:40:51 PM.

Motion: Adopt Ordinance 2012-3. **Action:** Approve. **Moved by** Commissioner Sedillo, **Seconded by** Commissioner Doth.

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

SEE EXHIBIT D: Copy of the Ordinance 2012-03 is attached hereto in reference thereto made a part hereof.

24. Discussion/Consideration in becoming a Member of the American Lands Council

Ms. Taylor informed the County of Lincoln had received a formal invitation from County of Otero Commissioners Rardin and Herrell to become a member of the American Lands Council.

Chair Powell commented public lands were in such bad condition it was not economically feasible for a county to assume ownership and responsibility for the care of these federal lands.

Commissioner Minter requested an update from Joy Esparsen from NMAC as a participant in other discussions regarding the American Lands Council. Ms. Esparsen discussed the inception of the American Lands Council, the presentation of a resolution of support to the NMAC Board, and the various concerns which were raised.

Chair Powell reminded of Lincoln County's current membership in the Western States Coalition and discussed some of the actions of that coalition. Chair Powell stated the local USFS Forest Plan was due for review in the near future and discussed the importance of local input at any opportunity.

Commissioner Minter questioned if the American Lands Council had addressed the potential financial impact of federal land reclamation. Ms. Esparsen stated the information was available on the entity's website. Commissioner Doth stated the issue was complicated by the funding mechanism for federal lands and the State of New Mexico would also need to consider the financial implications of reclaiming federal land.

Commissioner Minter noticed individual memberships were available and there would be a local panel discussion on October 20, 2012 in Ruidoso for those interested in participating.

There was a general consensus to take no action.

25. Discussion of NM Taxation & Revenue Division Regulation Taking County Authority away For Partial payments on Delinquent Property Taxes.

Ms. Taylor informed the Treasurer's office had received notice from New Mexico State Property Tax Division (NMPTD) which effectively removed the County Treasurer's ability to accept partial payment for taxes once a property had been listed on the State delinquent property tax list.

Beverly Calaway, Chief Deputy Treasurer discussed the implications of the inability to locally accept partial payments on these delinquent properties. Ms. Calaway noted the Lincoln County Treasurer's office has since had to refuse partial payments towards delinquent taxes from several property owners. Ms. Calaway provided the copy of the response by Glenna Robbins, County Treasurer to NMPTD and detailed specific concerns about collection and retention of these taxes by the State. Ms. Calaway stated a meeting with multiple entities including the County Treasurer's, Property Tax Division, and the State Department of Finance was planned with NMAC acting as a facilitator.

Chair Powell questioned what action the Board of Commissioners might take to assist the Treasurer. Ms. Calaway stated once NMPTD had received a strongly worded response from all 33 County Treasurer's they had agreed to meet and enter into negotiations. Ms. Calaway stated pending these negotiations the Treasurer's office would continue to report on the matter.

Commissioner Doth questioned if the new directives were in adherence with a law passed in 1990 as NMPTD claimed. Ms. Calaway stated based on her history with the Treasurer's office, County Treasurer's have since at least 1995 had the ability to enter into payment agreements with property owners for delinquent property tax sales regardless of this recent interpretation by Property Tax Division. Commissioner Doth questioned if this action was related to the recently passed NMAC Resolution which addressed the lack of Property Tax sales in other counties. Ms. Calaway stated she considered these to be two separate issues. Ms. Calaway stated belief that NMPTD could not serve or assist property owners in a more efficient manner than the local County Treasurer.

Paul Baca, County Assessor commented on the diligence of the County Treasurer's office in both verification of taxable property and the pursuit of past due taxes. Mr. Baca stated these actions benefited the property owner and noted the burden on property owners should they be required to travel to Santa Fe to establish a payment plan.

Ms. Taylor supported a strongly worded letter to the Governor. Joy Esparsen stated NMAC would be following the issue aggressively on behalf of the Treasurer's and the Assessor's Affiliates. Attorney Morel opined the Treasurer's Affiliate could file a declaratory judgment action to determine if NM Property Tax Division holds the authority to take this action.

Ms. Calaway suggested a letter of support for the Treasurer's position would be appropriate and further action could be taken pending the outcome of future meetings.

There was general consensus for the County Manager to write a strongly worded letter of objection to the Governor with input from the County Treasurer and Chief Deputy Treasurer.

26. Discussion/Approval of Resolution 2012 – 15 Amending Resolution 2012-12 Supporting the 2013 NMAC Legislative Priorities.

Ms. Taylor presented Resolution 2012-15 for consideration to amend Resolution 2012-12 supporting the NMAC legislative priorities. Ms. Taylor informed Ms. Esparsen from NMAC would address questions which had arisen since the adoption of the original resolution.

Commissioner Doth questioned the intent of the Treasurer's Resolution regarding the lack of property tax sales within some counties. Ms. Calaway, Chief Deputy Treasurer stated the Resolution sought a mandate to enforce the duties of NMPTD in conducting annual delinquent property tax sales in every county to maintain the integrity of the tax collection process.

Commissioner Doth expressed concern about the Resolution requesting funding for Rural Emergency Medical Systems and the potential impact to disbursements for local fire departments. Ms. Esparsen stated the Resolution endorsed by both Commissioners Affiliate and the Emergency Services Affiliate contained language to prohibit the use of funds which were to be directed to the fire departments. Ms Esparsen stated the intent of the Resolution was to initiate a discussion of how to fund EMT services in very rural areas with a limited tax base. Paul Baca, NMAC Board Member and Volunteer Fire Department member commented

on the critical need for Emergency Medical Response to accidents particularly in rural areas. Chair Powell commented on the EMS system within Lincoln County as being funded by mill levy revenue and suggested this was a workable funding solution. Ms. Esparsen stated in some of the small counties the tax base might not support even the incremental taxes which are currently allowed by the State.

Commissioner Doth voiced objection to passage of restrictions on a specific industry such as the Resolution to ban certain fireworks. Ms. Esparsen noted counties currently had the ability and power to pass fireworks restrictions during times of extreme drought or emergency. Ms. Esparsen stated the Resolution supported the addition of three specific types of fireworks to the list of those which could be banned.

Paul Baca informed he had conveyed the concern of the Lincoln County Board of Commissioners to the NMAC Board regarding the decision not to list the Interstate Compact Resolution regarding forest management as a NMAC priority. Ms. Esparsen assured the Resolution, though not chosen as a priority, had and would continue to receive attention during the legislative session.

Motion: Reaffirm adoption of Resolution 2012-12. **Action:** Approve. **Moved by** Chair Powell, **Seconded by** Commissioner Doth.
Vote: Motion carried by unanimous vote (**summary:** Yes = 5).
Yes: Chair Powell, Commissioner Battin, Commissioner Doth, Commissioner Minter, Commissioner Sedillo.

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

Chair Powell requested a Public Hearing be scheduled to consider a moratorium on approval of new subdivisions. Attorney Morel informed a moratorium could be adopted for a period of time in order to revise or amend an existing Ordinance.

Commissioner Minter suggested the Planning Commission be directed to review the current Subdivision Ordinance in consideration of the effects of the Little Bear Fire. Commissioner Minter suggested the Planning Commission might also review current State exemptions to the Ordinance requirements.

Attorney Morel noted there had not been a single subdivision proposed since the Ordinance had last been amended. Chair Powell questioned if revision of the current Ordinance could address previously approved older subdivisions which had not been built out as of this date. Attorney Morel informed a prior action to retire older incomplete subdivisions had been met with the threat of legal action. Attorney Morel discussed various exemptions from the subdivision law. Attorney Morel stated currently there were five types of subdivisions which could be subject to significant changes such as modification of the water requirements.

Commissioner Battin expressed concern revision of the current ordinance might prompt development of the older subdivisions which had been approved under more lenient ordinances.

Chair Powell suggested any Planning Commission review be limited to revisions related to language which concerned water regulations, catchment water systems, thinning and fire wise requirements for subdivisions. Attorney Morel stated since the Board of Commissioners

intended to take action to review and revise the subdivision Ordinance, it might be appropriate to hold a public hearing to consider a moratorium.

There was a general consensus to hold a public hearing to consider a moratorium on acceptance of new subdivisions pending review of the current Subdivision Ordinance.

Commissioner Battin objected to a moratorium and suggested the County might defer applications while reviewing the Subdivision Ordinance.

Motion: Schedule a Public Hearing to consider a moratorium on acceptance of new subdivision applications. **Action:** Approve. **Moved by** Chair Powell, Seconded **by** Commissioner Minter.
Vote: Motion passed (**summary:** Yes = 4, No = 1, Abstain = 0).
Yes: Chair Powell, Commissioner Doth, Commissioner Minter, Commissioner Sedillo.
No: Commissioner Battin.

30. Bid Award:

A. Bid 12-13-002 Resurfacing Enchanted Forest Loop & Ravens Wing

Ms. Taylor reported three bids had been received which met the requirements. Mesa Verde for $46,616.20; Renegade Construction for $48,085.60 and Star Paving for $47,856.99. Ms. Taylor recommended award of the bid to Mesa Verde.

Motion: Award Bid 12-13-002 to Mesa Verde for $46,616.20. **Action:** Approve. **Moved by** Commissioner Doth, **Seconded by** Commissioner Sedillo.

Commissioner Minter requested confirmation the State had approved utilization of Cap Co-op funds for the project. Mr. Palmer confirmed the State had approved the use of those funds for the project.

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

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

Motion: Remove all items from the table. **Action:** Approve. **Moved by** Chair Powell, **Seconded by** Commissioner Doth.
Vote: Motion carried by unanimous vote (**summary:** Yes = 5).
Yes: Chair Powell, Commissioner Battin, Commissioner Doth, Commissioner Minter, Commissioner Sedillo.

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

Motion: Appoint Mary Ann Siegle-Russ. **Action:** Approve. **Moved by** Commissioner Doth, **Seconded by** Commissioner Minter.
Vote: Motion carried by unanimous vote (**summary:** Yes = 5).
Yes: Chair Powell, Commissioner Battin, Commissioner Doth, Commissioner Minter, Commissioner Sedillo.

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

Motion: Appoint Robert Barber. **Action:** Approve. **Moved by** Chair Powell, **Seconded by** Commissioner Minter.
Vote: Motion carried by unanimous vote (**summary:** Yes = 5).
Yes: Chair Powell, Commissioner Battin, Commissioner Doth, Commissioner Minter, Commissioner Sedillo.

C. **Tabled** - Planning Commission

Motion: Accept the resignations of Dennis Dunham and Nora Midkiff. **Action:** Approve. **Moved by** Commissioner Sedillo, **Seconded by** Commissioner Minter.
Vote: Motion carried by unanimous vote (**summary:** Yes = 5).
Yes: Chair Powell, Commissioner Battin, Commissioner Doth, Commissioner Minter, Commissioner Sedillo.

Motion: Table appointments to Planning Commission. **Action:** Approve. **Moved by** Commissioner Sedillo, **Seconded by** Chair Powell.
Vote: Motion carried by unanimous vote (**summary:** Yes = 5).
Yes: Chair Powell, Commissioner Battin, Commissioner Doth, Commissioner Minter, Commissioner Sedillo.

D. Lodger's Tax Committee

Motion: Table appointment to Lodger's Tax Committee. **Action:** Approve. **Moved by** Chair Powell, **Seconded by** Commissioner Sedillo.
Vote: Motion carried by unanimous vote (**summary:** Yes = 5).
Yes: Chair Powell, Commissioner Battin, Commissioner Doth, Commissioner Minter, Commissioner Sedillo.

32. Potential County Manager Contract Renewal

Attorney Morel informed the County Manager's contract was up for annual renewal. Attorney Morel stated the Manager had expressed a desire to renew the contract and had also requested a salary increase be considered. Mr. Morel stated the Manager was currently salaried at 77% of the prior Manager's salary and detailed various salary options to be considered.

Chair Powell voiced her appreciation of the job performance of Ms. Taylor particularly in light of the Little Bear Fire. Chair Powell objected to approving a raise at this time as the Board of Commissioners had not approved a raise for other employees in deference to other potential financial obligations. Commissioner Sedillo concurred with Chair Powell about the financial status of the County.

Commissioner Minter suggested it might be helpful to have an evaluation process which would allow for an exchange of information on the performance of the County Manager and in turn the performance of the Commissioners in their interaction with the position of County Manager.

Commissioner Battin expressed discomfort in making a final decision today pending further consideration and comparison of compensation of the position in other counties.

Attorney Morel recommended the Commission extend the County Manager's contract today and suggested any salary revision could be made at a later date.

Motion: Approve extension of Ms. Taylor's contract at the current salary and conduct a compensation review within the next two months. **Action:** Approve. **Moved by** Commissioner Sedillo, **Seconded by** Commissioner Doth.

Commissioner Minter suggested a committee of two Commissioners and the other elected officials with a goal not of evaluation but an exchange of information.

There was a general consensus to form a committee consisting of Chair Powell and Commissioner Doth, the other elected officials, and the County Attorney to return with recommendations at the December meeting.

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

Ms. Taylor stated her acceptance of the contract extension at the current salary. Ms. Taylor discussed her desire for the County to move toward a performance based salary increase plan and stated intent to assist in the development of such a plan.

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

Motion: To close the meeting for the purposes of an Executive Session to discuss Threatened and/or Pending Litigation pursuant to the Open Meetings Act, 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) and as follows:

New or Updated Matters since last report = *

1. *Cooper, Gale and DeBaca County News v. County of Lincoln, Sheriff of Lincoln County, et al.* D-1329-CV-200701364. Suit filed: October 15, 2007. Verified Complaint for Declaratory Judgment Ordering Production of Certain Records and Information.
2. *Green Tree Servicing, LLC v. William T. Joiner, Lincoln County, et. al. D-1226*-CV-2010-394. Suit filed November 17, 2010. Complaint for Enforcement of Contract and Foreclosure of Security Interest and Mortgage.
3. *Luis Grife as Personal Representative of The Estate of Arturo Grife, Jr., and Lizeth Grife v. County of Lincoln.* D-1226-CV-201100148. Complaint for Wrongful Death and Negligence, Jury Demand.
4. *New Mexico Ranch Sales v Mary T. Greene, LC Treasurer, et. al. D-1226-CV-2011-00226.* Suit filed August 1, 2011. Complaint In Rem to Foreclosure Mortgage Upon Real Property.
5. *Michael Wheaton v Paul F. Baca, Lincoln County Assessor, et. al. D-1226-CV- 2011-00341.* Suit filed October 18, 2011. Notice of Appeal of Final Order of the Lincoln County Valuation Protests Board.

6. *New Mexico Ranch Sales v Marianne Clark, LC Treasurer, et. al. D-1226-CV-2011-00409.* Suit filed November 17, 2011. Complaint to Enforce and Collect Upon Promissory Note and to Foreclose Mortgage Upon Real Property.
7. *Bank of Clovis v Mona Bryant as Personal Representative of Marjorie Bryant (deceased), Village of Ruidoso, Lincoln County, et al. D-1226-CV-2011-00429.* Suit Filed February 10, 2012. Complaint for Foreclosure.
8. *New Mexico Ranch Sales v Tammy Palombi-Cade, LC Treasurer, et. al. D-1226-CV-2012-00042.* Suit filed February 13, 2012. Complaint to Enforce and Collect Upon Promissory Note and to Foreclose Mortgage Upon Real Property.
9. *Coble Constructors, LLC, et al v Carl Kelley Construction Ltd. Co, et al. D-1226-CV-2012-00003.* Suit filed January 15, 2012. Complaint to Foreclose Mechanic's Lien.
10. *New Mexico Ranch Sales v Perla Garcia, LC Treasurer, et. al. D-1226-CV-2012-00042.* Suit filed August 6, 2012. Complaint to Enforce and Collect Upon Promissory Note and to Foreclose Mortgage Upon Real Property.
11. * *Alto Lakes Golf & Country Club, Inc. v. Barbara Fleming, and Jesus and Maria Guardiola, et al. D-1226-CV-2011-00044.* Suit filed February 18, 2011. Complaint to Foreclose Lien. *Counterclaim and Crossclaim suit filed by Washington Federal Savings on September 21, 2012 naming Board of Commissioners of Lincoln County and Lincoln County Solid Waste Authority.

Tort Claims Notices Received or Threatened

2012

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

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

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

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

2011

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

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

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

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

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

Chair Powell recessed the Regular Meeting and convened the Closed Session at 3:39:46 PM.

Chair Powell adjourned the Closed Session and reconvened the Regular Meeting at 4:18:32 PM.

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

34. Signing of Official Documents

35. Next meeting:

November 9, 2012 - Special Commission Meeting
November 20, 2012 - Regular Commission Meeting

36. Adjournment

There being no further business to come before the Board of County Commissioners, Chair Powell adjourned the meeting at 4:20:28 PM.

Respectfully submitted by,

Rhonda B. Burrows
Lincoln County Clerk

DRAFT

AGENDA DOCUMENTATION
November 20, 2012

Agenda Item No. 7

SUBJECT

Approval of Consent Agenda

ACTION REQUESTED BY County Manager

ACTION REQUESTED To be determined

BACKGROUND

A. Payroll/Accounts Payable/Budget/Expenditures

B. Treasurer's Financial Report for the Month ending October 31, 2012

C. Road Name Request

County of Lincoln

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

ACCOUNTS PAYABLE and PAYROLL

The following claims or bills on file with the office of the Lincoln County Manager were examined and approved as paid with checks hereof drawn upon the various County funds according to the check register covering the period from October 1 through October 31, 2012 in the amount of $ 2,380,062.00.

NOW, THEREFORE, the above bills are hereby approved.

ADOPTED, PASSED AND SIGNED the 20th day of November, 2012.

BOARD OF COMMISSIONERS
LINCOLN COUNTY, NEW MEXICO

Jackie M Powell, Chairwoman

Mark Doth , Vice-Chair

William T Battin, Member

Kathryn Minter, Member

Eileen M Sedillo, Member

ATTEST:

Rhonda B Burrows, County Clerk

LINCOLN COUNTY

County of Lincoln

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

ROAD NAME REQUEST

This is a request to approve a new road name located in Section 8, Township 11S, Range 13E, SE4NE4 in the County of Lincoln. All interested parties have acknowledged and approved:

Alpine Meadows Ridge

This is a name that is currently available and not duplicated. Attached is a general map of the area.

The name **Alpine Meadows Ridge** is approved.

BOARD OF COMMISSIONERS OF LINCOLN COUNTY, NEW MEXICO

Eileen Sedillo, Member

Jackie Powell, Chairwoman

Kathryn Minter, Member

Mark Doth, Vice-Chairman

Tom Battin, Member

ATTEST:

Rhonda Burrows, County Clerk

Accepted this 20 day of November, 2012

APPLICATION FOR NEW ROAD NAME
COUNTYOF LINCOLN
RURAL ADDRESSING OFFICE
PO BOX 711
CARRIZOZO NM 88301
(575)648-2385, Ext 142 FAX (575)648-2816, Email: amanda@lincolncountynm.net

Purpose: In accordance with the County of Lincoln Street Naming and Street Addressing Ordinance, dated and approved April 28, 2005.

Road Naming Application Process:

If you are the third person required or requesting to obtain an address on a private drive or any road (one which is not currently named), the following is required:

1. A complete application form for road naming (attached).
2. A detailed location of the roadway by description and map.
3. The appropriate fees as depicted on the attached application form.

The proposed road name must comply with the following standards:

1. The road name shall not be a proper name or family surname, unless historically significant.

2. Road names shall not use corporate trade names unless coincidental.

3. Road names shall not be duplicated within the County of Lincoln.

4. Adjectives may be duplicated in a road name as long as they are not duplicated in the same subdivision (e.g., Red Stone Road and Red Fox Road).

5. Homonyms/phonetic duplications of road names are prohibited (e.g., Maple Trace Road and Maple Chase Lane).

6. Road names shall not include obscene, racial, and/or derogatory terms. Because North, South, East and West are directional features of the addressing system and lead to confusing addresses if included as part of the name, cardinal direction hall hot be part of any road name (e.g., Westover Road or Southwick Dr are not acceptable). Acceptable abbreviations for cardinal directions are N, S, E, and W or some combination thereof to represent direction.

7. Numbers shall not be used in road names except for those used in State, or Federal road systems.

8. Continuous roads must retain the same road name and cannot change at intersections.

9. Abbreviations used for road name prefixes and suffixes must be United States Postal Service compliant (e.g. N, S. E, W, RD, ST, LN). This list of abbreviations is in the office of the Rural Addresser. The following suffixes will not be used: Drive, Boulevard, Street or Avenue.

10. The main title of a road name shall not be abbreviated (e.g., Mount Shasta Dr NOT Mt. Shasta Drive).

The County of Lincoln Rural Address Coordinator will process and maintain the applications for road naming and shall mail questionnaires to the owners of all property abutting the road giving them an opportunity to suggest a different name.

Road Naming Application Particulars

Pursuant to the provisions of the County of Lincoln Street Naming and Street Addressing Ordinance, this application must be filed with the County of Lincoln for the purpose of naming a new road. This application, together with the required attachments and the filing fees outlined below must be filed with the County of Lincoln Rural Address Coordinator and approved by the Lincoln County Board of Commissioners. In the section below, answer all questions and attach any additional information that you may deem as relevant.

Applicant Name: Riker: Cindy Davis

Address: 111 Grove Drive, Ruidoso NM 88345

Telephone: (575) 258-5200 Email: Riker@RuidosoReservations.com

Location of Roadway: Town Road (connecting) Alpine Meadows Trail

Subdivision: Alpine Village Unit 2 Unit: 2 Block: 8 Lot(s): 6

Section: 8 Township: T11S Range: R13E

Provide the name of the legal owner: Riker: Cynthia Davis

Proposed Road Name: Alpine Meadows Ridge

Please explain your reasons for proposing the road Name: We own and will soon build on Tracts 1, 2, 3 + 4 which are accessed through Lot 6 of Block 8 on Alpine Meadows Trail. Our Road Entrance is just North of 116 Alpine Meadows Trail (previously Sun Valley Tr.). We would like to establish a new Road Name for 911 and Emergency Vehicle Access as we develop our 37.59 acres of County Land West of Alpine Village Lot 6, Block 8, with one or more Houses. Thank you for your consideration.

APPLICATION FOR NEW ROAD NAME

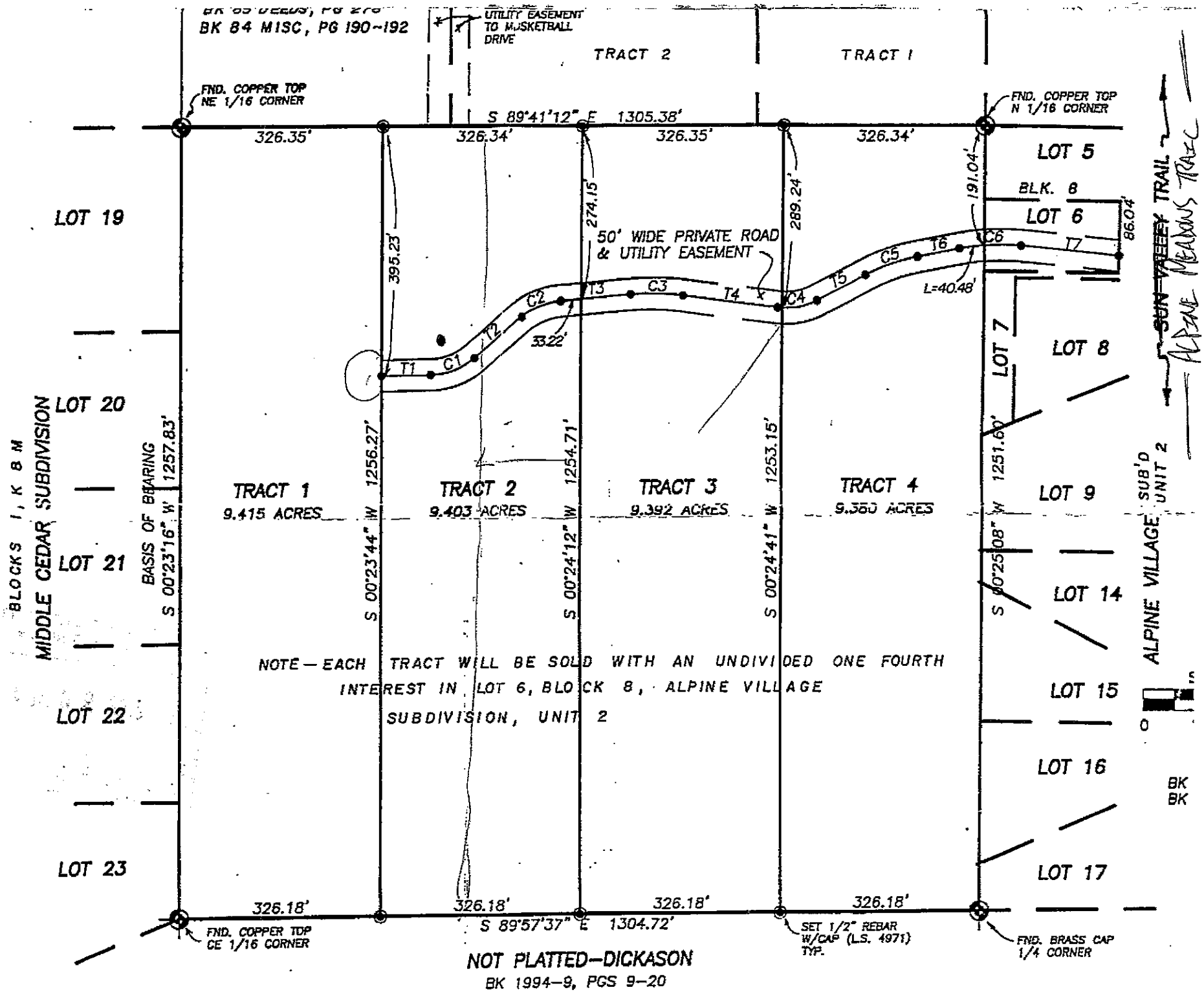
Required Enclosures:

- **Attached a detailed map showing the area and the roadway.**
- **$120.00 Per Road Sign (Two signs may be required) County Installed.**

Printed Name of Property Owner: RIKER : CINDY DAVIS

Signature of Property Owner: _____

Signature Date: 11/4/12


BK 84 MISC, PG 190-192
UTILITY EASEMENT TO MUSKETBALL DRIVE
TRACT 2
TRACT 1
FND. COPPER TOP NE 1/16 CORNER
S 89°41'12" E 1305.38'
FND. COPPER TOP N 1/16 CORNER
326.35'
326.34'
326.35'
326.34'
LOT 5
BLK. 8
LOT 6
LOT 19
LOT 20
LOT 21
LOT 22
LOT 23
LOT 7
LOT 8
LOT 9
LOT 14
LOT 15
LOT 16
LOT 17
50' WIDE PRIVATE ROAD & UTILITY EASEMENT
395.23'
274.15'
289.24'
191.04'
86.04'
L=40.48'
T1
C1
T2
C2
T3
C3
T4
C4
T5
C5
T6
C6
T7
322'
BLOCKS I, K & M
MIDDLE CEDAR SUBDIVISION
BASIS OF BEARING
S 00°23'16" W 1257.83'
S 00°23'44" W 1256.27'
S 00°24'12" W 1254.71'
S 00°24'41" W 1253.15'
S 00°25'08" W 1251.60'
TRACT 1
9.415 ACRES
TRACT 2
9.403 ACRES
TRACT 3
9.392 ACRES
TRACT 4
9.380 ACRES
NOTE — EACH TRACT WILL BE SOLD WITH AN UNDIVIDED ONE FOURTH INTEREST IN LOT 6, BLOCK 8, ALPINE VILLAGE SUBDIVISION, UNIT 2
ALPINE VILLAGE SUB'D UNIT 2
SUN VALLEY TRAIL
ALPINE MEADOWS TRACT
326.18'
326.18'
326.18'
326.18'
S 89°57'37" E 1304.72'
FND. COPPER TOP CE 1/16 CORNER
SET 1/2" REBAR W/CAP (LS. 4971) TYP.
FND. BRASS CAP 1/4 CORNER
NOT PLATTED—DICKASON
BK 1994-9, PGS 9-20

AGENDA DOCUMENTATION
November 20, 2012

Agenda Item No. 8

SUBJECT

Smokey Bear Ranger District Update

ACTION REQUESTED BY David Warnack

ACTION REQUESTED To be determined

BACKGROUND

See an attached memorandum from county manager.

www.lincolncountynm.net

County of Lincoln

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

November 5, 2012

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager

SUBJECT: Monthly Smokey Bear District Ranger Report

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

Discussion:

David Warnack will not appear to provide a monthly report to update commissioners and the public on activities in the district. At enclosure 1 may be a list of critical updates.

Recommendation: None – information only at this time.

AGENDA DOCUMENTATION
November 20, 2012

Agenda Item No. 9

SUBJECT

Wilson & Company Presentation- Lincoln County Fairgrounds

ACTION REQUESTED BY County Manager

ACTION REQUESTED To be determined

BACKGROUND

See an attached memorandum from the county manager.

www.lincolncountynm.net

County of Lincoln

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

November 7, 2012

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager

SUBJECT: Lincoln County Fairgrounds – Creek Crossings Analysis

Purpose: To provide an opportunity for Wilson & Company to present its Analysis of the Magado Creek Crossings.

Discussion:

Wilson & Company has conducted an analysis of the Magado Creek Crossings in accordance with the Lincoln County Fair Grounds Master Plan, and will present to the Commission their findings and alternative recommendations for solutions.

Recommendation: Consider information provided and determine whether action is required.

AGENDA DOCUMENTATION
November 20, 2012

Agenda Item No.10

SUBJECT

USGS Project Office Update – Mike Darr

ACTION REQUESTED BY County Manager

ACTION REQUESTED To be determined

BACKGROUND

See an attached memorandum from the county manager.

www.lincolncountynm.net

County of Lincoln

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

November 15, 2012

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager

SUBJECT: USGS Project – Hydrologic Characterization of the Upper Rio Hondo Basin

Purpose: To provide an opportunity for Michael Darr and Lauren Sherson to present an overview of project findings and next steps.

Discussion:

The County has partnered with USGS for a number of years by providing funding for the USGS Project 86369J310: Hydrologic Characterization of the Upper Rio Hondo Basin. In addition to this project, USGS also recently advanced the surface-water quality sampling schedule in the Upper Rio Hondo study, in order to help determine potential effect of the Little Bear Fire on the Rio Bonito, Eagle Creek and Magado Creek. At enclosure 1 find an illustration of the Water Quality Sampling Locations and of the Little Bear Fire Water Alert Systems. Enclosure 2 contains the Plan of Study (updated in November 2008) and annual reports through FY12.

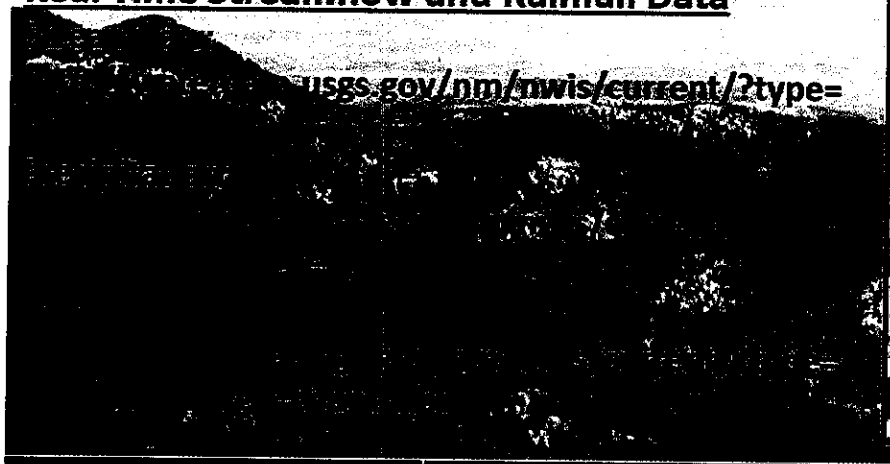
Recommendation: Consider information provided. No action required.

USGS Water Alert

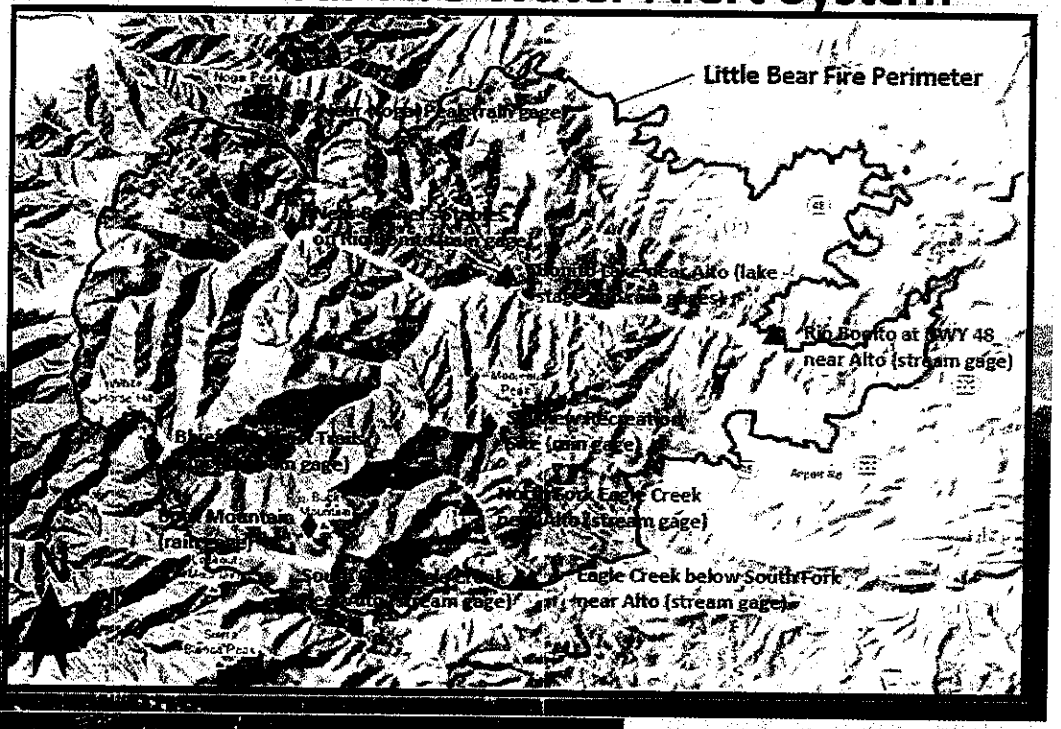
http://water.usgs.gov/wateralert

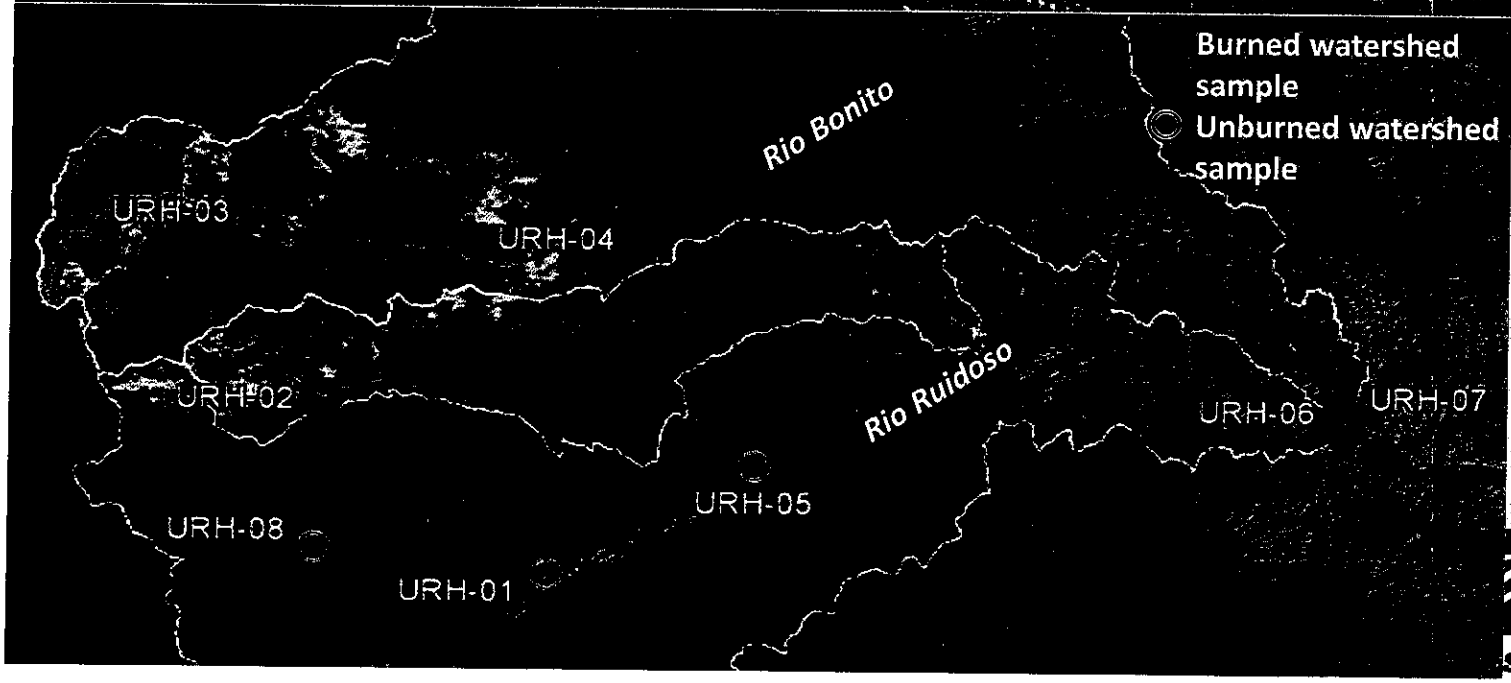
Subscribe to gages to receive email or text message when water is detected.

Real Time Streamflow and Rainfall Data



Little Bear Fire Water Alert System





USGS Water Quality Sampling Locations

USGS
science for a changing world

ENCL 1

2006 Plan of Study

PLAN OF STUDY: HYDROLOGIC CHARACTERIZATION OF THE UPPER RIO HONDO BASIN, LINCOLN COUNTY, NEW MEXICO

Introduction

The Upper Rio Hondo Basin, which is comprised of the Rio Bonito and Rio Ruidoso drainages, lies primarily within Lincoln County, in south-central New Mexico (figure 1). During the 1990's, the population of three incorporated areas within the Basin - Ruidoso, Ruidoso Downs, and Capitan - increased by 67 percent, 98 percent, and 71 percent, respectively (U.S. Census Bureau, 2005). There is concern among residents and government officials that the increase in water use associated with population growth may result in a decline of ground-water levels and a corresponding decrease in streamflow. There also is concern that, because wastewater from individual residences typically is treated by an individual sewage disposal system (ISDS), domestic wastewater disposal may be negatively impacting water quality. The New Mexico Environment Department (2000) has stated that septic tanks are, "...the single largest source of ground-water pollution in the State." Accordingly, the US Geological Survey (USGS), in cooperation with Lincoln County, New Mexico has designed a four-phase study to assess and characterize water resources in the Upper Rio Hondo Basin.

During Phase I, conducted by the U.S. Geological Survey during 2001-04, existing precipitation, streamflow, ground-water-level, and aquifer-test data were compiled and published (Donohoe, 2004). Ground-water levels were measured during 2003 and compared with historical ground-water levels collected in the 1950s by Mourant (1963). This Plan of Study is the product of Phase II. Phase III will be the implementation of this plan. Phase IV will include in-depth analysis and interpretation of historical data and data collected during Phase III of this study, and will result in a published interpretive report characterizing hydrologic conditions in the Upper Rio Hondo Basin.

Implementation of this plan of study will result in information that, when analyzed and interpreted, will provide Upper Rio Hondo Basin citizens, planners, and decision makers at the

ENCL 2

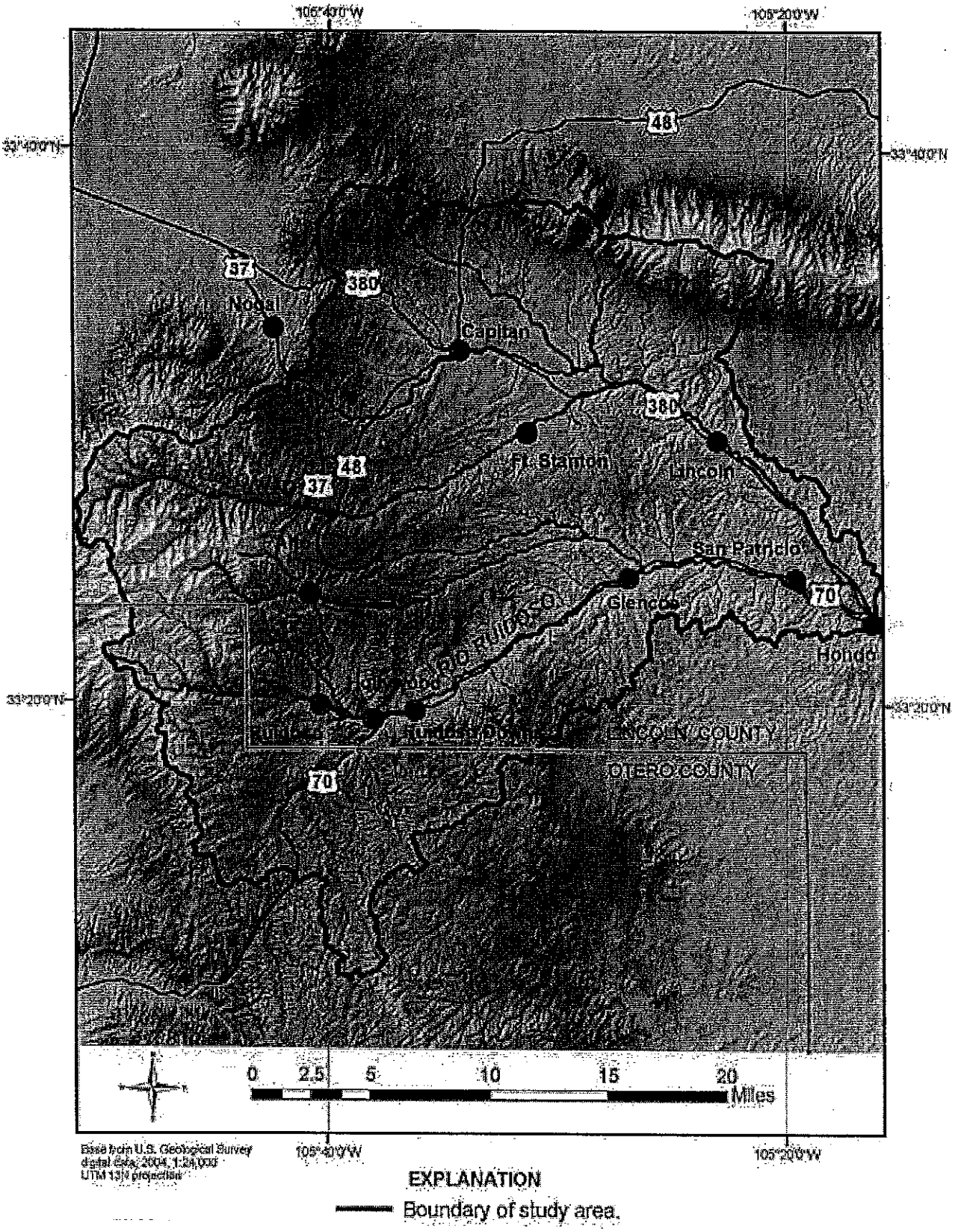


Figure 1.--The Upper Rio Hondo Basin, Lincoln and Otero counties, New Mexico.

Local, County, State, and Federal levels with an improved understanding of the hydrology of the Basin. This improved understanding will assist decision-makers in making water-resource-related decisions that will help ensure the sustainability of water resources in the basin.

This plan of study is a working document and is subject to revision. During Phase III, this document will be reviewed periodically and where appropriate, will be revised, to reflect knowledge gained from results of the study up to the time of review, to incorporate available advances in technology, and to adjust the focus of the study as may be necessary to optimize the results delivered to Lincoln County.

Development of this plan of study included review, evaluation, and preliminary analysis of available data, field reconnaissance and evaluation of potential data-collection sites, and preliminary selection of sites to be included in the monitoring network. This plan calls for the following data-collection infrastructure installation and data-collection activities:

1. Installation, operation, and maintenance of precipitation-measurement stations to supplement data collected by the National Weather Services (NWS) and its observers.

2. Re-establishment of streamflow gaging stations near the mouths of the Rio Bonito and the Rio Ruidoso or on the Rio Hondo at Picacho.

3. Regular measurement of water levels in selected existing wells.

4. Instrumentation of unused wells with continuous water-level monitoring equipment and subsequent operation and maintenance of the instrumentation.

5. Installation of piezometers and regular measurement of water levels in these piezometers in areas of interest where no wells that are appropriate for water-level measurement exist.

6. Collection of surface- and ground-water samples for laboratory analysis of concentrations of nutrients and other selected constituents.

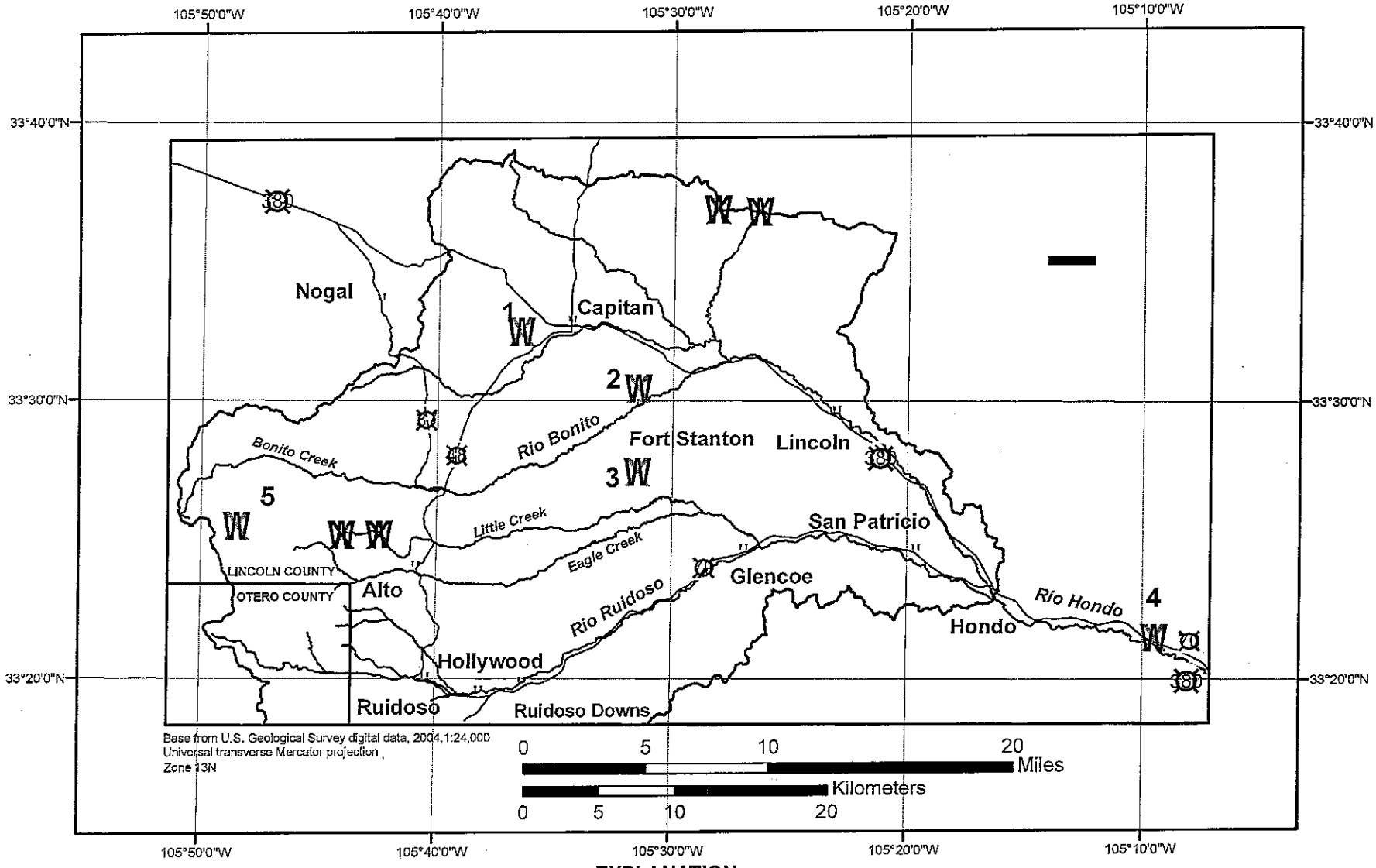
Data-collection activities and supporting preliminary data-analysis activities related to the characterization of precipitation, ground-water, surface-water and water-quality are discussed in the following individual sections.

Characterization of Precipitation

Precipitation data typically are used to estimate the maximum volume of water that enters a hydrologic system. In the Upper Rio Hondo Basin, where altitudes range from about 5,000 to 10,000 feet, snowfall is a significant component of annual precipitation, especially at higher altitudes in the western part of the Basin. At altitudes greater than about 8,000 feet, snow typically accumulates during the winter and slowly melts during several weeks in the springtime, providing streamflow and also a substantial part of the annual recharge to the ground-water system. Three measurements of precipitation are required to adequately estimate its contribution to the Upper Hondo Basin: monthly and annual total precipitation, winter snow depth or snowpack, and the water content of the snowpack.

Available Precipitation Data

Precipitation stations with periods of record of at least 25 years are located in Capitan, Fort Stanton, and Ruidoso by the National Weather Service (NWS) (National Oceanic and Atmospheric Administration, 2006). These stations are at altitudes of 6,500, 6,200 and 6,900 feet, respectively. The Capitan and Ruidoso stations currently (2006) are active; all three stations were active during 1942-66. In addition, an active station also is located at Picacho, NM, about 7 miles downstream of the confluence of the Rio Bonito and the Rio Ruidoso; its operation began in 1980. The altitude of this station is about 5,000 feet. These four precipitation data-collection stations are shown in figure 2 and listed in table 1.



EXPLANATION

Boundary of study area

4 X Precipitation station. Number is the number shown in table 1.

X Proposed precipitation station (approximate location).

Figure 2.--Current and proposed precipitation data-collection stations.

The National Resource Conservation Service (NRCS) operates a snow course and a SNOTEL (SNOwpack TELemetry) site on Sierra Blanca at an altitude of 10,280 feet. Snow depth and snow water equivalent have been measured routinely on or about the first days of February, March, and April from 1986 through 2006 at the snow course; precipitation has been routinely measured hourly and compiled by month starting in October 2003. Both data-collection activities are ongoing. This precipitation and snow data-collection station is shown on figure 2 and listed in table 1.

Table 1. Current (2006) NOAA and NRCS precipitation data-collection stations in and near the Upper Rio Hondo Basin.
[Complementary multiple sites at Ruidoso are grouped together and are shown in bold text. dd, degrees; mm, minutes]

Map number (figure 2)	Station name	Agency ID	Reported Altitude (feet)	Reported Latitude (dd/mm)	Reported Longitude (dd/mm)	Years of data
1	Capitan (NOAA)	291440	6480	3332	10536	1931-66; 1976-2006
2	Fort Stanton (NOAA)	293228	6224	3330	10531	1931-74
3	**Ruidoso (NOAA)**	**297649**	**6930**	**3322**	**10540**	**1942-65**
	Ruidoso Municipal Airport	**297649**	**6840**	**3323**	**10537**	**1965-87**
	Ruidoso 2	**297651**	**6937**	**3321**	**10540**	**1987-93**
	Ruidoso Sierra Blanca Airport	**No ID**	**6810**	**3327**	**10531**	**1993-2006**
4	Picacho (NOAA)	296804	5000	3321	10509	1980-2006
5	Sierra Blanca SNOTEL site (NRCS)	05R01	10,280	3325	10558	1986-2006

Activities to be Conducted by the USGS to Characterize Precipitation

Data collected at the existing precipitation stations will facilitate characterizing precipitation in the Upper Hondo Basin to an altitude of about 7,000 feet and at about 10,000 feet. Additional

data collection, however, will be required to facilitate characterizing precipitation at altitudes of about 8,000 and 9,000 feet. A minimum of four additional stations collecting precipitation, snow depth, and water content of the snowpack will be required to estimate the volume of water entering the hydrologic system, the areal extent of winter snowpack and the volume of water it contains, and how this water is partitioned into streamflow and into recharge to the ground-water system.

1. The USGS will install, operate and maintain four year-round precipitation stations and adjacent snow courses. Two stations will be at approximate altitudes of 8,000 and 9,000 feet in the Rio Ruidoso drainage and two stations will be in the Rio Bonito drainage on the south-facing slope of the Capitan Mountains, also at approximate altitudes of 8,000 and 9,000 feet. Data collected at these stations will supplement the data currently being collected by the NWS and NRCS.

Data collected at these existing and to-be-installed precipitation stations will facilitate estimating the total monthly and annual precipitation falling in the Upper Rio Hondo Basin. Data collected at the existing and to-be-established snow courses will facilitate characterizing the geographic extent, depth, and volume of water in the winter snowpack, and how these characteristics vary seasonally.

Characterization of Surface-Water Conditions

The primary concern regarding surface water is the potential for streamflow and shallow ground-water depletion resulting from diversion and/or impoundment of stream water or from pumping of ground water from wells. Areas of particular concern are in the Eagle Creek drainage and in the Rio Ruidoso and Rio Hondo drainages downstream from diversions. Future diversions that could result from transfer of water rights and subsequent movement of their points of diversion (POD) upstream from their original PODs also are of concern.

The New Mexico Office of the State Engineer (NMOSE) has set a minimum flow for the streamflow gaging station, Rio Ruidoso at Hollywood (USGS streamflow gaging station 08387000; fig. 3 and table 2) to support the New Mexico Environment Department (NMED) High-Quality Cold-Water Aquatic Life Designated Use. This designated use applies to the perennial reaches of the Rio Ruidoso and its tributaries, including Eagle Creek, upstream of the U.S. highway 70 bridge near Seeping Springs Lakes and to the perennial reaches of the Rio Hondo. This Designated Use also applies to the perennial reaches of the Rio Bonito.

Available Surface-Water Data

Historically, the USGS has operated and maintained six streamflow gaging stations in the Rio Bonito and Rio Ruidoso basins and a seventh station on the Rio Hondo at Picacho, about 7 miles downstream from the confluence of the Rio Bonito and Rio Ruidoso. Three of these stations are currently (2006) in operation; they are shown on Figure 3 and listed in Table 2.

Two currently (2006) active streamflow gaging stations, the Rio Ruidoso at Ruidoso (08386505) and the Rio Ruidoso at Hollywood (08387000) provide information about how much water can be diverted from the Rio Ruidoso to Grindstone Lake by the village of Ruidoso while still providing for adequate streamflow in the reach downstream of the diversion to sustain the High-Quality Cold-Water Aquatic Life Designated Use. The third currently (2006) active station, Eagle Creek below South Fork near Alto (08387600), is located just downstream of the confluence of the North Fork and the South Fork of Eagle Creek.

Two discontinued streamflow gaging stations, Rio Bonito at Hondo (08389500) and Rio Ruidoso at Hondo (0838000) were operated during 1930-55; the locations of these stations were within one mile of the mouths of these two streams, where they come together to form the Rio Hondo. These two stations were replaced by a third station, Rio Hondo at Picacho (08390100). This station was located about five miles downstream from the confluence of the Rio Bonito and the Rio Ruidoso; it began operation in 1956 and was discontinued in 1962. These three streamflow gaging stations provided information about streamflow leaving the Upper Rio Hondo Basin.

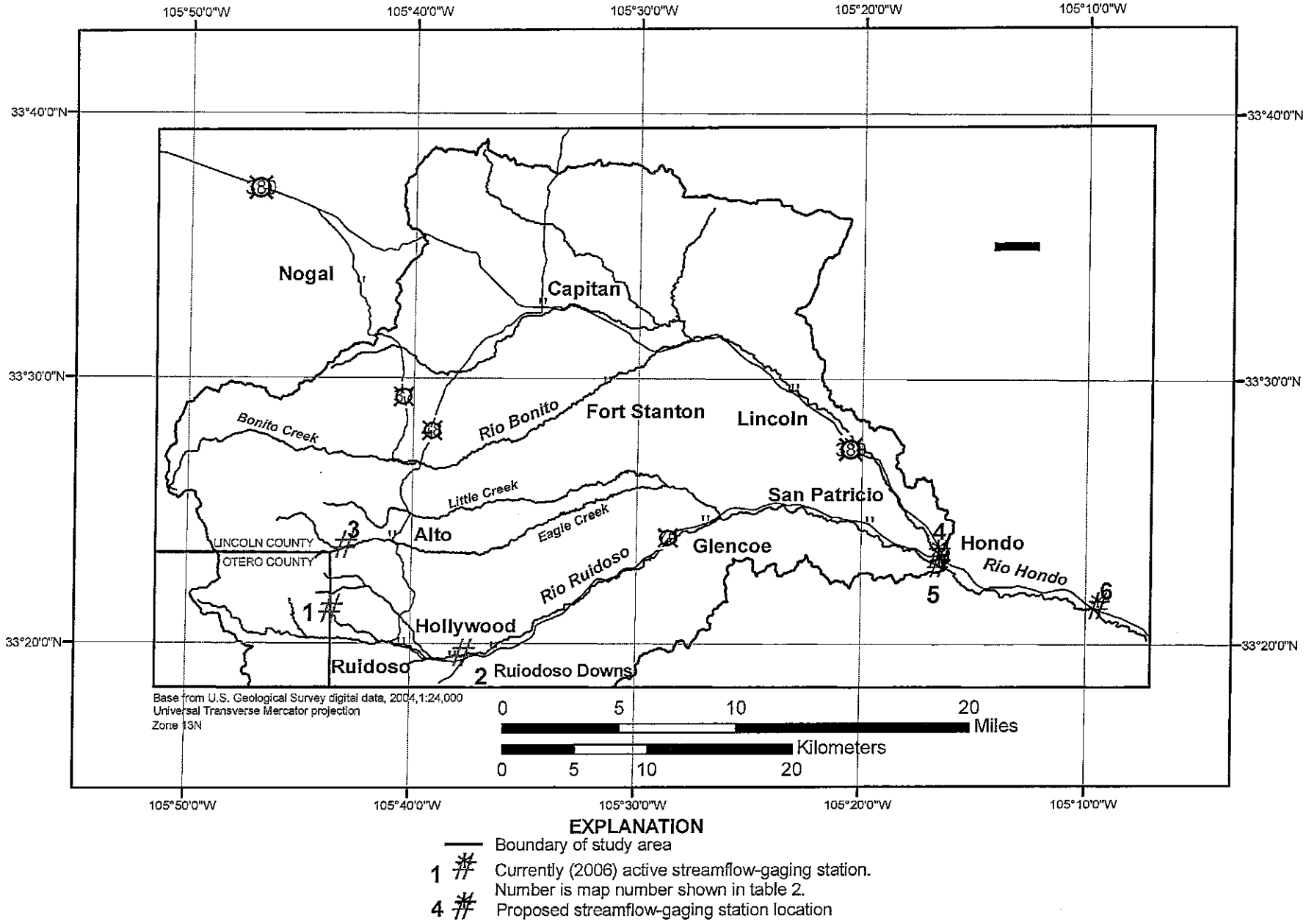


Figure 3.--Current and proposed streamflow-gaging stations.

Table 2. Current (2006) and proposed USGS streamflow gaging stations in and near the Upper Rio Hondo Basin.
[dd, degrees; mm, minutes; ss, seconds].

Map Number (fig. 3)	Station number	Latitude (dd/mm/ss)	Longitude (dd/mm/ss)	Altitude	Station name	Period of record
			Active Stations			
1	08386505	332115	1054334	7150	Rio Ruidoso at Ruidoso, NM	1998-present
2	08387000	331936	1053740	6420	Rio Ruidoso at Hollywood, NM	1953-present
3	08387600	332357	1054313	7600	Eagle Creek below South Fork near Alto, NM	1969-present
			Proposed Stations			
4	08389500	332320	1051632	5205	Rio Bonito at Hondo, NM	1930-55
5	08388000	332300	1051632	5181	Rio Ruidoso at Hondo, NM	1930-55
6	08390100	332125	1050927	4945	Rio Hondo at Picacho, NM	1956-62

Livingston Associates, a consulting firm retained by the Village of Ruidoso, has measured streamflow along with temperature, specific conductance, pH, and also has collected water samples and analyzed them for nutrient concentrations at 17 sites along the Rio Ruidoso and selected tributaries from approximately the western and southern boundaries of Lincoln County downstream to the community of Glencoe. This information has been collected approximately monthly beginning in 2003. The Village of Ruidoso and Livingston Associates have been contacted by the USGS and both have agreed to share these data. The data, however, have not yet been provided; the USGS will continue efforts to obtain it. These data will be used to supplement data collected at the USGS streamflow gaging stations.

Activities to be Conducted by the USGS to Characterize Surface-Water Conditions

1. The USGS will re-establish streamflow gaging stations near the confluence of the Rio Bonito and Rio Ruidoso to measure streamflow leaving the Upper Rio Hondo Basin. One of two alternatives for measurement of streamflow leaving the Upper Rio Hondo Basin will be conducted. The first and preferable alternative is to measure the amount of surface water that leaves via the Rio Bonito at Hondo and via the Rio Ruidoso individually. In this alternative, the USGS will re-establish streamflow gaging stations, Rio Bonito at Hondo (08389500) and Rio Ruidoso at Hondo (08388000) at or near their previous locations just upstream of their confluence (fig. 3; table 2). Continuous streamflow data will be collected at these stations and combined with data previously collected at these stations during 1930-55.

The second alternative is to measure the combined streamflow of the Rio Bonito and Rio Ruidoso, plus any streamflow gain to or loss from the Rio Hondo in the approximately five miles downstream of the Rio Bonito – Rio Ruidoso confluence. In this alternative, the USGS will re-establish the streamflow gaging station, Rio Hondo at Picacho (08390100); continuous streamflow data will be collected at this station and combined with data collected during 1956-62.

Re-establishing streamflow gaging stations on both the Rio Bonito at Hondo and the Rio Ruidoso at Hondo is the preferred alternative because: (1) the proximity of these sites to their confluence which marks the downstream terminus of the Upper Rio Hondo Basin will provide for a more accurate estimate of streamflow leaving the basin; (2) the longer historical record at these stations than at the Rio Hondo at Picacho station facilitates a longer-term analysis of streamflow leaving the Upper Rio Hondo Basin, and (3) stations near the confluence of both of these streams will facilitate examining streamflow conditions in each of the basins individually as well as collectively.

2. The USGS will conduct streamflow gain/loss studies (seepage surveys) to determine reaches of Rio Ruidoso that gain streamflow from shallow ground water and reaches that

lose streamflow to shallow ground water. The USGS will first conduct an analysis of the Rio Ruidoso streamflow data collected by Livingston Associates to determine if gaining and losing reaches of the Rio Ruidoso can be identified using these data. If these data provide adequate information, they will be used to determine reaches of the Rio Ruidoso that gain water from shallow ground-water, reaches that lose water to shallow ground-water, how these gains and losses vary seasonally, and how these gains and losses vary with the level of streamflow in the Rio Ruidoso.

In addition to the analysis of the Livingston Associates data, the USGS will conduct streamflow gain/loss studies in October or November of two successive years to determine gaining and losing reaches of the Rio Ruidoso. These studies will provide for an independent evaluation of conditions at or near base flow. Sites will be selected from those used by Livingston Associates and will be supplemented where necessary.

The USGS will conduct similar studies on the Rio Bonito and on Eagle Creek. If streamflow is intermittent in these streams, the USGS will measure the streamflow in the flowing reaches and also identify the non-flowing reaches.

Characterization of Ground-Water Conditions

The western part of the Upper Rio Hondo Basin includes the eastern slopes of the Sacramento Mountains and is geologically and hydrologically complex. In addition to surface and near surface unconsolidated deposits, 10 different consolidated geologic units have been reported to be used for water supply in the Basin. Geologic faults often juxtapose geologic units and, in some cases, may increase inter-unit ground-water movement, and in other cases may impede inter-unit ground-water movement. Fractures associated with the faults can be filled with less permeable material or, in carbonates such as limestone, are often enlarged by solution along fractures.

Ground water is the source of most water used in the Upper Rio Hondo Basin. Several commonly-expressed concerns and questions regarding ground water that this plan of study addresses include:

1. Is the ground-water resource adequate to supply water allocated under existing water rights as permitted by the New Mexico Office of the State Engineer?

2. What are the effects of these permitted withdrawals on surface-water flow and ground-water availability downstream and downgradient of the withdrawals?

3. How would transfer of water rights and associated points of diversion to locations upstream and upgradient of the originally-permitted points of diversion impact downstream/downgradient water availability?

4. What is the impact of withdrawal of water from the large number of un-permitted domestic wells?

5. Donohoe (2004) measured water levels in 31 wells in 2003 that were also measured in the 1950's by Mourant (1963). Water levels in 19 of these wells were higher in 2003 than in the 1950's and early 1960's. Can these higher water levels be explained by seasonal water-level fluctuations, by multi-year variations in precipitation and subsequent recharge preceding the measurements, or by another as-yet unidentified variable?

Available Ground-Water Data

The USGS has measured water levels more than once and as many as 117 times in each of 129 wells in the Upper Rio Hondo Basin. Water levels were measured first in 1947 and periods of water-level record for these wells range from less than one year to 57 years. These data are contained in the USGS National Water Information Service (NWIS) data base and will provide

for an assessment of water-level responses to annual precipitation variability and to seasonal water-use variability.

Sandia National Laboratory (SNL) is establishing a network of about 20 wells in which it will be regularly measuring ground-water levels. This network is primarily between the Rio Ruidoso and Little Creek (fig.4). SNL is planning to equip about seven of these wells with transducers and data loggers to collect continuous water-level data. Presently, two wells are instrumented; the remaining wells are scheduled to be instrumented during approximately the next six months.

Activities to be Conducted by the USGS to Characterize Ground-Water Conditions

1. The USGS will operate a monitoring-well network of approximately 50 wells selected from the 129 wells in the NWIS data base. Approximately one-half of these 50 wells will be measured monthly; the remaining 25 wells will be measured three times per year. Criteria considered in well selection included: 1) geologic formation in which the well was reported to be completed, 2) depth of the well, and 3) primary use of water from the well. A preliminary selection of the 50 existing wells to be included in the monitoring-well network has been conducted; these wells are shown in figure 4 and listed in table 3.

Wells that were identified as being completed in unconsolidated deposits were excluded because water levels in these wells typically respond rapidly and significantly to seasonal fluctuations in precipitation and to melting of the winter snow pack. Similarly, wells for which the geologic unit of completion was not identified and that were completed at depths of less than 100 feet below land surface were excluded to decrease the probability that the selected wells were completed in unconsolidated material. Wells completed in 10 geologic units are included in the list of selected wells.

Wells that were identified as unused or as used for stock watering were preferred because of no withdrawals from the unused wells and the relatively infrequent and small amounts of water typically withdrawn from stock wells. Conversely, wells identified as used for public supply

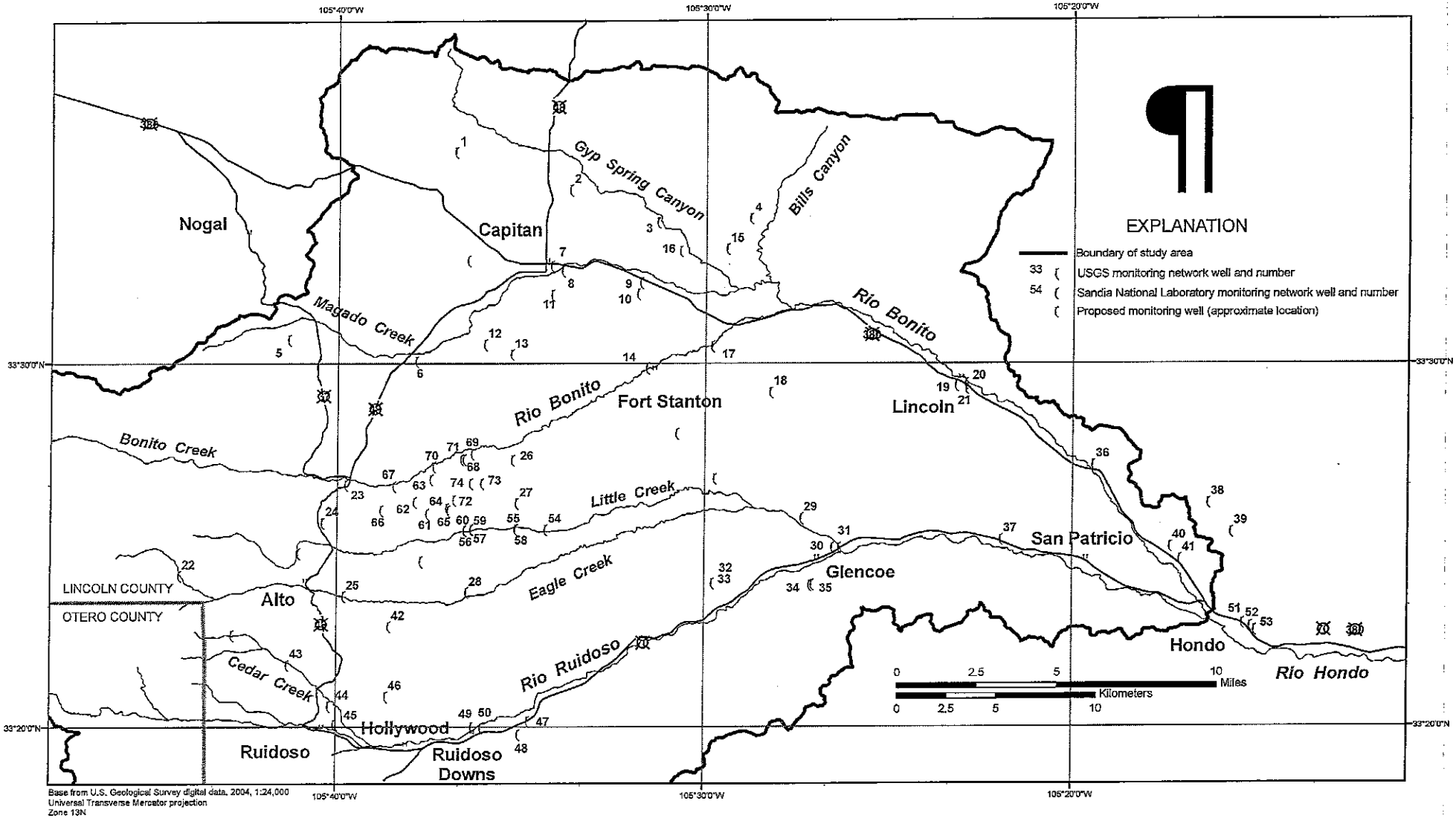


Figure 4.–Current and proposed water-level monitoring wells.

PRELIMINARY / SUBJECT TO REVISION
(DRAFT UPDATE NOV 2006)

Table 3. Water-level monitoring wells in the Upper Rio Hondo Basin.

[Geologic unit: Ti, igneous rocks; KMV, Mesa Verde Formation; Km, Mancos Shale; Kd, Dakota Sandstone; Trc, Chinle Formation; Trs, Santa Rosa Sandstone; Pa, Artesia Formation; Psa, San Andres Limestone; Pg, Glorieta Sandstone; Py, Yeso Formation; --, Not specified. Primary use of water: H, Domestic; I, Irrigation; P, Public Supply; R, Recreation; S, Stock Watering; U, Unused; --, Not specified.]

Map number (fig. 4)	Local well number	Geologic unit	Primary use of water	Depth of well (feet)	Period of record	Number of measure-ments
		Wells in USGS Network				
1	08S.14E.19.41121	Km	S	120	1956-2003	8
2	08S.14E.27.413324	--	S	126	1956-94	5
3	08S.14E.36.423443	--	S	179	1979-2003	5
4	08S.15E.33.321122	--	S	360	1957-88	4
5	09S.13E.21.31214	Km/Kmv	H	125	1956-2003	8
6	09S.13E.25.23111	--	U	100	1956-2003	12
7	09S.14E.10.13221	Km	P	320	1955-2005	117
8	09S.14E.10.14142	--	U	350	1979-94	4
9	09S.14E.12.32423	Trs	S	120	1955-2003	33
10	09S.14E.13.12124	Trc	S	105	1988-2003	5
11	09S.14E.15.111414	Km	S	125	1988-2003	6
12	09S.14E.20.32323	Km	S	300	1988-2003	5
13	09S.14E.21.333341	Km	S	150	1957-2003	7
14	09S.14E.25.23342	Psa	I	300	1984-2003	6
15	09S.15E.05.234444	Pa	S	180	1956-2003	4
16	09S.15E.06.32224	Pa	S	180	1956-2003	7
17	09S.15E.20.323241	--	S	100	1988-94	3
18	09S.15E.33.22410	--	S	366	1988-94	2
19	09S.16E.28.33313	--	P	110	1955-89	4
20	09S.16E.28.33322	--	U	125	1955-56	5
21	09S.16E.33.112311	Py	I	130	1972-2004	9
22	10S.12E.36.12322	Ti	U	800	1993-2003	3
23	10S.13E.15.213424	--	U	154	1955-89	12
24	10S.13E.22.13331	Kmv	U	93	1979-2004	9
25	10S.13E.34.43123	--	P	1000	1979-2002	6
26	10S.14E.09.133312	--	H	156	1979-88	3
27	10S.14E.16.332331	Kd	U	700	1956-2003	7
28	10S.14E.31.424	--	U	--	2002-03	2
29	10S.15E.22.23442	--	U	110	1955-99	7
30	10S.15E.26.23323	--	U	106	1955-62	37
31	10S.15E.26.24331	--	I	120	1994-2004	2
32	10S.15E.32.32144	--	S	215	1979-84	2
33	10S.15E.32.32144A	--	S	215	1956	1

Table 3. Water-level monitoring wells in the Upper Rio Hondo Basin--continued.

Map number (figure 4)	Local well number	Geologic unit	Primary use of water	Depth of well (feet)	Period of record	Number of measure-ments
34	10S.15E.34.224	Psa	--	189	2003-03	2
35	10S.15E.35.311	Psa	--	200	2003-03	2
36	10S.16E.12.32421	Py	I	425	1957-2003	9
37	10S.16E.27.113134	--	I	128	1954-84	4
38	10S.17E.16.43343	--	S	140	1955-2003	46
39	10S.17E.22.334112	--	S	210	1956-88	4
40	10S.17E.29.233143	--	U	288	1955-89	39
41	10S.17E.29.423	Py	S	130	2002-03	2
42	11S.13E.02.44111	--	P	510	1982-93	2
43	11S.13E.09.33343	Trc	P	100	1947-2003	9
44	11S.13E.22.13214	Km	U	700	1955-2003	59
45	11S.13E.22.34213	Km	R	119	1955-2003	8
46	11S.13E.23.22321	Pg	U	500	2003-03	2
47	11S.14E.21.34244	--	H	123	1955-79	2
48	11S.14E.28.132242	--	U	300	1980-84	2
49	11S.14E.29.112	Py	I	189	2003-03	2
50	11S.14E.29.121423	--	H	122	1994-2003	2
51	11S.17E.03.334141	--	U	260	1955-79	3
52	11S.17E.10.12211	--	U	260	1955-94	5
53	11S.17E.10.12422	--	U	260	1955-64	41
		Wells in Sandia National Laboratory Network				
54	10S.14E.22.313	--	P	656	--	--
55	10S.14E.21.413	--	P	650	--	--
56	10S.14E.19.424	--	P	105	--	--
57	10S.14E.20.313	--	P	440	--	--
58	10S.14E.21.413	--	P	921	--	--
59	10S.14E.20.313	--	P	905	--	--
60	10S.14E.19.424	--	P	300	--	--
61	10S.13E.24.422	--	--	440	--	--
62	10S.13E.13.131	--	H	600	--	--
63	10S.14E.18.311	--	H	412	--	--
64	10S.14E.19.221	--	S	1,050	--	--
65	10S.14E.19.221	--	--	--	--	--
66	10S.13E.23.212	--	H	1,005	--	--
67	10S.13E.13.131	--	H	200	--	--
68	10S.14E.07.441	--	H	1,232	--	--
69	10S.14E.08.311	--	H	250	--	--
70	10S.14E.07.313	--	H	600	--	--
71	10S.14E.07.341	--	H	780	--	--

Table 3. Water-level monitoring wells in the Upper Rio Hondo Basin--concluded.

Map number (figure 4)	Local well number	Geologic unit	Primary use of water	Depth of well (feet)	Period of record	Number of measure-ments
72	10S.14E.18.234	--	H	850	--	--
73	10S.14E.17.421	--	H	950	--	--
74	10S.14E.17.311	--	--	--	--	--

irrigation were avoided because of the frequent and large amount of water typically withdrawn from these wells. Finally, wells used for domestic supply were included where it was necessary to provide a more complete geographic coverage of areas where development is occurring or is anticipated to occur in the near future.

The USGS has strived to include in the monitoring-well networks wells completed in each geologic unit that is used for water supply; to concentrate wells in areas of high population density and attendant large ground-water withdrawals; and, in areas where more than one water-bearing unit is used for supply, to include wells completed in each of the units and in close geographical proximity to each other to facilitate assessing the hydrologic connection between the units. In areas where a monitoring well would be beneficial but none have been identified, existing wells will be considered for inclusion in the monitoring-well network; if no existing well is appropriate for the network, drilling of a new well specifically for the network will be considered. Areas where additional wells may be beneficial are shown on figure 4.

Water levels in wells to be measured three times per year will be measured in late winter (January or February) prior to the irrigation season, in late spring (May or June) prior to the typical beginning of the monsoon season, and in fall (October or November) following the irrigation and typical monsoon seasons. The late winter measurements will be representative of annual maximum water levels following winter recovery from the previous irrigation season. The early summer measurements will be representative of water levels affected by about three

months of irrigation withdrawals. The fall measurements will be representative of water levels affected by the entire irrigation season and by precipitation during the monsoon season.

2. The USGS will collect manual water-level data concurrently one or more times with Sandia National Laboratory in wells in the SNL monitoring network. If measurements made by both agencies are in agreement, the SNL monitoring network manual measurements will be incorporated into this study.

3. The USGS will instrument about 10 wells with transducers and data recorders to collect hourly water-level measurements. The USGS has made preliminary contacts with the operators of several community water systems in the Basin to locate unused wells to instrument. These unused wells typically are near other regularly-pumped wells that supply the community water systems. Hourly water-level measurements will facilitate characterization of impacts of ground-water withdrawal from the nearby pumping wells on water levels in the instrumented wells, as well as characterization of overlying seasonal variations and year-to-year trends.

4. The USGS will collect water samples from wells and springs where use of recent ground-water age dating techniques appears valuable; these samples will be analyzed for concentrations of chlorofluorocarbons and tritium. Chlorofluorocarbons were used as propellants in consumer products beginning in about 1950. The emission of these propellants and their concentrations in the atmosphere increased until the early 1970s, when they were established to be causing deterioration of ozone in the atmosphere, and their use was discontinued. Atmospheric concentrations of these substances have decreased since then. Concentrations of chlorofluorocarbons in ground water, therefore, can be an indication of when, since about 1950, this water entered the ground-water system and became isolated from the atmosphere.

Similarly, concentrations of tritium first appeared in the atmosphere in 1945 following the first testing of the atomic bomb. Atmospheric concentrations of tritium increased until the early 1960s. After the early 1960s, most testing of atomic bombs occurred underground, and atmospheric concentrations of tritium have decreased since then. Like concentrations of

chlorofluorocarbons in ground water, concentrations of tritium in ground water can be an indication of when, since 1945, this water entered the ground-water system and became isolated from the atmosphere. These methods become most effective when they are used together.

Characterization of Water-Quality Conditions

The primary concern regarding water quality in the Upper Rio Hondo Basin is the source and fate of nutrients produced by human activities in the basin. These activities include individual sewage disposal systems (ISDSs), community sewage treatment and disposal systems, fertilizers used on domestic, agricultural, and business properties, and agricultural animal waste.

Concentrations of nutrients in the effluent from the sewage treatment plant on the Rio Ruidoso, which serves the incorporated village of Ruidoso and city of Ruidoso Downs, has exceeded State of New Mexico Water Quality Standards. A privately owned and operated sewage treatment plant serves the unincorporated community in Little Creek drainage; the effect of this system on downstream surface-water and downgradient ground-water nutrient concentrations is not known. In areas not served by these plants, domestic wastewater typically is treated by ISDSs; the effect of these systems on downstream surface-water and downgradient ground-water nutrient concentrations also is not known.

Perennial reaches of the Rio Bonito downstream from New Mexico Highway 48 (near Angus) and the Rio Ruidoso downstream of the U.S. highway 70 bridge (near Seeping Springs lakes are classified by the State of New Mexico Environment Department as a cold-water aquatic habitat (New Mexico Administrative Code, 2006). This designation specifies maximums of temperature, specific conductance, pH, and concentrations of dissolved oxygen and total ammonia. Publicly available water-quality data are inadequate to determine if these specifications are being met.

Available Water-Quality Data

As described previously, Livingston Associates, streamflow, temperature, specific conductance, pH, and collected and analyzed samples for nutrient concentrations at 17 sites along the Rio Ruidoso and selected tributaries approximately monthly beginning in 2003. Livingston Associates has been contacted by the USGS and has agreed to share these data and the Village of Ruidoso has been contacted requesting authorization for Livingston Associates to release the data to the USGS. The USGS will continue efforts to obtain the Rio Ruidoso streamflow and water-quality data from Livingston Associates.

Activities to be Conducted by the USGS to Characterize Water-Quality Conditions

1. The USGS will conduct in-stream field measurements and collect water samples for nutrient-concentration analysis simultaneously with Livingston Associates at each of the 17 sites during their monthly data-collection activity. This collaborative activity will be conducted twice and will enable the USGS and Livingston Associates to compare results of the simultaneous data collection and provide a level of confidence regarding the use of each other's data. If this level of confidence is determined to be sufficient, the USGS will use Livingston Associates data to assess surface-water quality conditions in the Rio Ruidoso. If either of these activities is unsuccessful, the USGS will establish its own water-quality sampling sites in the Rio Ruidoso drainage.

Should the USGS need to establish its own surface-water sampling network in the Rio Ruidoso drainage, background/baseline sites will be located on the Rio Ruidoso, Carrizo Creek, and the stream in Cherokee Canyon near where they enter the Lincoln County, the North Fork of Cedar Creek and Little Creek at their sources of flow, and at the USGS streamflow gaging station on Eagle Creek just downstream of the confluence of its North and South Forks.

Intermediate sampling sites will be near where the Rio Ruidoso, Cedar Creek, Eagle Creek and Little Creek flow under New Mexico Highway 37. Downstream sampling sites will be located near the mouth of Cedar Creek and Little Creek, and on Eagle Creek just upstream of the mouth of Little Creek. Sampling sites will be located on the Rio Ruidoso upstream and downstream of the mouths of Carrizo, Cedar, and Eagle Creeks, Gavilan Canyon. As many as six additional sites will be selected along the Rio Ruidoso in and near Ruidoso and Ruidoso Downs, upstream and downstream of significant potential sources of nutrients, including upstream and downstream of the community sewage treatment facility.

2. The USGS will conduct in-stream field measurements and collect water samples for nutrient-concentration analysis at selected sites in the Rio Bonito drainage. In the Rio Bonito drainage, an upstream sampling site will be located just downstream of Bonito Lake; intermediate sampling sites will be located near where the Rio Bonito flows under New Mexico Highway 48, near where it flows into the Fort Stanton reserved area, and near where it flows out of the Fort Stanton reserved area; the downstream sampling site will be located at the site of the historic streamflow gaging station near the mouth of Rio Bonito.

It is anticipated that there will not be streamflow at all these sites at all sampling times; where and when there is no streamflow to measure and sample, springs and shallow wells will be substituted where they exist and are accessible.

3. Where nutrient concentrations are significantly more than background/baseline concentrations, supplemental samples will be analyzed for a suite of wastewater compounds, such as hormones, caffeine, food preservatives, detergent metabolites, and acetaminophen. The presence of these compounds is conclusive evidence that domestic wastewater has contributed to the water being sampled. These analyses will be used secondarily because of their high cost.

Sampling in the Rio Bonito drainage and, if necessary, in the Rio Ruidoso drainage, will be conducted monthly during April through September, and in November and February.

4. The USGS will collect ground-water samples from approximately 20 wells for analysis of nutrients and other selected constituents. Most of the samples will be collected from wells in areas that have been developed to assess any effect that domestic or community waste-water disposal systems may have on the ground-water supply. Where nutrient concentrations are significantly more than background/baseline concentrations, supplemental samples will be analyzed for a suite of wastewater compounds. Sample collection and analysis also will be conducted in areas that are undergoing or anticipated to be undergoing development to establish background/baseline nutrient concentrations.

Duration of This Study

A minimum of three years of data collection will be required to provide adequate information from which to make valid interpretations. Prior to this three-year period, a six-month period will be required for installation and calibration of equipment at the many data-collection sites. Following the three-year data collection period, Phase III of this 4-phase study, a one-year period will be required to conduct Phase IV of this study. Phase IV will include data analysis and interpretation; report writing, reviewing, and revising; and publication and distribution of a Scientific Investigations Report.

Following the four-phase study, it is recommended that data collection be continued, at a reduced level, at optimal sites and time intervals, so that the most valuable and instructive data will be available for future use.

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USGS Project 86369J310: Hydrologic Characterization of the Upper Rio Hondo Basin, Lincoln County, New Mexico

Work to be conducted during Federal Fiscal Year 2008 (October 1, 2008 – September 30, 2009)

USGS Cooperator Matching Funds: $74,300

1. Install, operate and maintain precipitation stations: Three precipitation stations and snow courses were installed at altitudes of approximately 8,000 and 9,600 feet in the Capitan Mountains and 8,500 on Sierra Blanca in FY08. Precipitation data will be collected hourly at each station. Sites will be visited bi-monthly and, if the snow conditions permit, snowpack depth and water content will be measured as near to the 1st of the month as possible for the months of December, January, February, March, and April. Work during site visits will include as appropriate:

a. Downloading of collected data and entry of data into the USGS NWIS data base.

b. Inspection, servicing and maintenance (replacing batteries as is necessary, cleaning, and during Decemebr through April, adding non-toxic propylene glycol antifreeze and mineral oil as required to winter snowfall adapters).

c. Measurement of snow pack depth and water content during December through April at stations where adequate snowpack is present.

d. Semiannual configuration change (adding snowfall adapters in fall and removing them in spring).

2a. Operate and maintain streamflow gaging station on the Rio Hondo downstream of the confluence of the Rio Bonito and Rio Ruidoso:

The gaging station was installed in June, 2008 and data collection began immediately after installation.

Rio Hondo streamflow will be measured every 15 minutes and data will be uploaded from the data-logger approximately once every 6 to 8 weeks. Also, Rio Hondo streamflow will be measured when unusual streamflow events occur to facilitate developing a streamflow versus river stage rating curve.

Collected data will be reviewed and edited as necessary and entered into the USGS NWIS Data Base.

2b. Install, operate, and maintain streamflow gaging station on the Rio Ruidoso upstream of the confluence of the Rio Bonito and Rio Ruidoso:

A site for the gaging station has been identified. The owner of the land will be contacted for permission to install the gage on private land and equipment will be purchased during the first quarter of FY09. The gaging station will be installed during the second quarter of FY09 and data collection will begin when installation is complete.

Rio Ruidoso streamflow will be measured every 15 minutes and data will be uploaded from the data-logger approximately once every 6 to 8 weeks. Also, Rio Ruidoso streamflow will be measured when unusual streamflow events occur to facilitate developing a streamflow versus river stage rating curve.

Collected data will be reviewed and edited as necessary and entered into the USGS NWIS Data Base.

2c. Install, operate, and maintain flow measurement equipment on the Ambrosio-Chavez and Storm ditches:

Determine sites, method, and frequency for measuring flow in the Ambrosio-Chavez and Storm ditches. Install equipment, collect flow measurements, review and edit data as necessary, and enter data into the USGS NWIS Data Base.

3a. Install continuous water-level monitoring equipment in 3 wells:

Purchase one transducer and one vented cable (two sets of transducers and vented cables are already on hand). Locate 3 suitable wells and install the continuous water-level monitoring equipment in the wells.

3b. Operate and maintain continuous water-level monitoring equipment in 10 wells:

Hourly water-level data will be collected in the 10 wells containing continuous water-level monitoring equipment. The instrumented wells will be serviced and maintained and water-level data will be uploaded from the transducer data-loggers bimonthly.

Collected data will be reviewed and edited as necessary and entered into the USGS NWIS Data Base.

4. Conduct monthly synoptic water level measurements in 40 wells:

Monthly water-level measurements are currently being collected at about 18 wells. During the 1st quarter of FY09 22 additional wells will be added to the water-level monitoring network. Monthly measurements will then be made at all 40 wells.

Collected data will be reviewed and edited as necessary and entered into the USGS NWIS Data Base.

5. Project operation and administration: Includes quarterly reporting to Lincoln County, meetings of the Sandia Project Decision support Model Working Group, meetings with Lincoln County officials and residents as requested, internal project and budget reviews, training, and response to information and data requests. Quarterly reports will include a discussion of significant findings and progress during each quarter and discussion of plans for the ensuing quarter.

USGS Project 86369J310: Hydrologic Characterization of the Upper Rio Hondo Basin, Lincoln County, New Mexico

Work to be conducted during Federal Fiscal Year 2009 (October 1, 2008 – September 30, 2009)

Funds provided by the USGS: $74,300.00
Funds provided by Lincoln County: $167,200.00

1. Install, operate and maintain precipitation stations: Three precipitation stations and snow courses were installed at altitudes of approximately 8,000 and 9,600 feet in the Capitan Mountains and 8,500 on Sierra Blanca in FY08. Precipitation data will be collected hourly at each station. Sites will be visited bi-monthly and, if the snow conditions permit, snowpack depth and water content will be measured as near to the 1st of the month as possible for the months of December, January, February, March, and April. Work during site visits will include as appropriate:

a. Downloading of collected data and entry of data into the USGS NWIS data base.

b. Inspection, servicing and maintenance (replacing batteries as is necessary, cleaning, and during December through April, adding non-toxic propylene glycol antifreeze and mineral oil as required to winter snowfall adapters).

c. Measurement of snow pack depth and water content during December through April at stations where adequate snowpack is present.

d. Semiannual configuration change (adding snowfall adapters in fall and removing them in spring).

2a. Operate and maintain streamflow gaging station on the Rio Hondo downstream of the confluence of the Rio Bonito and Rio Ruidoso:

The gaging station was installed in June, 2008 and data collection began immediately after installation.

Rio Hondo streamflow will be measured every 15 minutes and data will be uploaded from the data-logger approximately once every 6 to 8 weeks. Also, Rio Hondo streamflow will be measured when unusual streamflow events occur to facilitate developing a streamflow versus river stage rating curve.

Collected data will be reviewed and edited as necessary and entered into the USGS NWIS Data Base.

2b. Install, operate, and maintain streamflow gaging station on the Rio Ruidoso upstream of the confluence of the Rio Bonito and Rio Ruidoso:

A site for the gaging station has been identified. The owner of the land will be contacted for permission to install the gage on private land and equipment will be purchased during the first quarter of FY09. The gaging station will be installed during the second quarter of FY09 and data collection will begin when installation is complete.

Rio Ruidoso streamflow will be measured every 15 minutes and data will be uploaded from the data-logger approximately once every 6 to 8 weeks. Also, Rio Ruidoso streamflow will be measured when unusual streamflow events occur to facilitate developing a streamflow versus river stage rating curve.

Collected data will be reviewed and edited as necessary and entered into the USGS NWIS Data Base.

2c. Install, operate, and maintain flow measurement equipment on the Ambrosio-Chavez and Storm ditches:

Determine sites, method, and frequency for measuring flow in the Ambrosio-Chavez and Storm ditches. Install equipment, collect flow measurements, review and edit data as necessary, and enter data into the USGS NWIS Data Base.

3a. Install continuous water-level monitoring equipment in 3 wells:

Purchase one transducer and one vented cable (two sets of transducers and vented cables are already on hand). Locate 3 suitable wells and install the continuous water-level monitoring equipment in the wells. (Seven instrumented wells were added to the water-level monitoring network in FY08).

3b. Operate and maintain continuous water-level monitoring equipment in 10 wells:

Hourly water-level data will be collected in the 10 wells containing continuous water-level monitoring equipment. The instrumented wells will be serviced and maintained and water-level data will be uploaded from the transducer data-loggers every other month.

Collected data will be reviewed and edited as necessary and entered into the USGS NWIS Data Base.

4. Conduct monthly synoptic water level measurements in 40 wells:

Monthly water-level measurements are currently being collected at about 18 wells. During the 1st quarter of FY09 22 additional wells will be added to the water-level monitoring network. Monthly measurements will then be made at all 40 wells.

Collected data will be reviewed and corrected as necessary and entered into the USGS NWIS Data Base.

5. Project operation and administration: Includes quarterly reporting to Lincoln County, meetings of the Sandia Project Decision support Model Working Group, meetings with Lincoln County officials and residents as requested, internal project and budget reviews, training, and response to information and data requests. Quarterly reports will include a discussion of significant findings and progress during each quarter and discussion of plans for the ensuing quarter.

Proposed Modification to Plan of Study for Hydrologic Characterization of the Upper Rio Hondo Basin

January 2009

Given Lincoln County's urgent need for water availability information, and assuming that funding levels for the Hydrologic Characterization of the Upper Rio Hondo Basin continue as in FY08 and 09, slight modifications to the Plan of Study are recommended. These modifications are:

1. Extending the length of the study so that it ends on September 30, 2014 instead of September 30, 2012. At current funding levels this time extension is necessary to address the water quantity and quality questions described in the original Plan of Study. The time extension also has the benefit of providing for the collection of two additional years of data. Given the climatic variability of the study area two additional years of data may help to capture annual climate variability. Longer-term wet and dry cycles, on the order of many years, will require either a longer period for collection of data or adequate historical data.

2. Providing an interpretive report, ready for review by September 30, 2010, that describes (1) the components of the water budget, (2) water quality, and (3) the movement of ground water in the study area. The report will be based on existing data, including recently-collected data, and the analysis and interpretation of this data will provide information to guide what and where additional data are needed to improve water budget estimates, describe water quality, and understand how ground water moves through the study area. The report will also provide Lincoln County with information about water availability in the study area without waiting until the end of the project.

Proposed Major Activities by Fiscal Year (October-September)

FY09

1. Collect streamflow, water-level, and precipitation data
2. Review collected data and enter data into national USGS database
3. Add water-level measurement sites, streamgages, and precipitation stations
4. Develop conceptual model of ground-water movement through the study area

FY10

1. Collect streamflow, water-level, and precipitation data
2. Review collected data and enter data into national USGS database
3. Add water-level measurement sites, streamgages, and precipitation stations
4. Estimate water budget and water quality in study area from existing data

5. Prepare interpretive report describing the conceptual model of ground-water movement and providing estimates of water budget and water quality in the study area

FY11

1. Collect streamflow, water-level, and precipitation data
2. Review collected data and enter data into national USGS database
3. Collect ground-water samples for age dating from springs and wells

FY12

1. Collect streamflow, water-level, and precipitation data
2. Review collected data and enter data into national USGS database
3. Collect water-quality samples for analysis of nutrients from streams

FY13

1. Collect streamflow, water-level, and precipitation data
2. Review collected data and enter data into national USGS database
3. Perform analysis and interpretation of all data with respect to the water budget, water quality, and movement of ground water in the study area

FY14

1. Collect streamflow, water-level, and precipitation data
2. Review collected data and enter data into national USGS database
3. Prepare interpretive report describing the (1) water budget, (2) water quality, and (3) movement of ground water in the study area. Discuss water use trends and how these trends may impact water availability in the study area. Discuss projected impacts on water budget, water quality, and the movement of ground water due to climate change. Discuss which continued or new data collection will improve future assessments of water budget, water quality, and ground-water movement.

FY15 and beyond

1. Continue to collect streamflow, water-level, and precipitation data if desired by Lincoln County
2. If collecting data, review data and enter data into national USGS database

USGS Project 86369J310: Hydrologic Characterization of the Upper Rio Hondo Basin, Lincoln County, New Mexico

Work to be conducted during Federal Fiscal Year 2010 (October 1, 2009 – September 30, 2010)

Funds provided by the USGS: $74,300.00
Funds provided by Lincoln County: $87,400.00

1. Operate and maintain precipitation station: One precipitation station was installed at an altitude of approximately 10,160 feet in the Capitan Mountains in FY09. Precipitation data will be collected hourly at each station. The site will be visited three times a year, and work performed during site visits will include as appropriate:

a. Downloading collected data.

b. Inspection, servicing and maintenance (replacing batteries as is necessary, cleaning, and during December through April, adding non-toxic propylene glycol antifreeze and mineral oil as required to winter snowfall adapters).

c. Semiannual configuration change (adding snowfall adapters in fall and removing them in spring).

Collected precipitation data will be reviewed and corrected as necessary and entered into the USGS NWIS data base.

2. Operate and maintain streamflow-gaging station on the Rio Hondo:

The gaging station was installed in June, 2008 and data collection began immediately after installation.

Rio Hondo streamflow will be calculated every 15 minutes based on the steamflow versus river stage rating curve and real-time data will be transmitted to the USGS website. Also, Rio Hondo streamflow will be measured each time the gage is visited to download data and when unusual streamflow events occur to continue improvement of the streamflow versus river stage rating curve.

The streamflow data will be reviewed and corrected as necessary and entered into the USGS NWIS data base.

3. Operate and maintain continuous water-level monitoring equipment:

Hourly water-level data will be collected in 8 to 10 wells containing continuous water-level monitoring equipment. The instrumented wells will be serviced and maintained and water-level data will be uploaded from the transducer data-loggers three times a year.

Collected data will be reviewed and edited as necessary and entered into the USGS NWIS data base.

4. Conduct bi-monthly synoptic water-level measurements at about 40 wells:

Monthly water-level measurements are currently being collected at about 30 wells. During the 4th quarter of FY09 about 10 additional wells will be added to the water-level monitoring network. In FY10 bi-monthly measurements will be made at about 40 wells.

Collected water-level data will be reviewed and corrected as necessary and entered into the USGS NWIS data base.

5. Preparation of interpretive report: Work on the report will include literature research; data compilation; preparation of tables, graphs, and illustrations; data interpretation; and preparation of text. A draft of the report is planned for completion at the end of FY10.

6. Project operation and administration: Includes preparing quarterly reports, preparation of the FY11 budget, meetings with other scientific agencies or businesses, meetings with Lincoln County officials and residents, internal technical reviews, training, and response to information and data requests. Quarterly reports will include a discussion of significant findings and progress during each quarter and discussion of plans for the ensuing quarter.

USGS Project 86369J310: Hydrologic Characterization of the Upper Rio Hondo Basin, Lincoln County, New Mexico

Work to be conducted during Federal Fiscal Year 2011 (October 1, 2010 – September 30, 2011)

FY 10 funds provided by Lincoln County carried into FY 11:	**$13,100**
FY 11 matching funds provided by USGS:	**$13,100**
FY 11 funds provided by Lincoln County:	**$87,400**
FY 11 matching funds provided by USGS:	**$74,300**
Total:	**$187,900**

1. Operate and maintain precipitation station: Precipitation data will be collected hourly at the precipitation station on Capitan Mountain. The station will be visited three times a year, and work performed during site visits will include as appropriate:

a. Downloading collected data.

b. Inspection, servicing and maintenance (replacing batteries as is necessary, cleaning, and during December through April, adding non-toxic propylene glycol antifreeze and mineral oil as required to winter snowfall adapters).

c. Semiannual configuration change (adding snowfall adapters in fall and removing them in spring).

The precipitation data will be reviewed and corrected as necessary and entered into the USGS NWIS data base.

2. Operate and maintain streamflow-gaging station on the Rio Hondo:

The Rio Hondo streamgage will calculate streamflow every 15 minutes based on the steamflow versus river stage rating curve and real-time data will be transmitted to the USGS website. Also, Rio Hondo streamflow will be measured each time the gage is visited to download data and when unusual streamflow events occur to continue improvement of the streamflow versus river stage rating curve. The streamflow data will be reviewed and corrected as necessary and entered into the USGS NWIS data base.

3. Operate and maintain continuous water-level monitoring equipment:

Hourly water-level data will be collected in 4 wells containing continuous water-level monitoring equipment. The instrumented wells will be serviced and maintained and water-level data will be uploaded from the transducer data-loggers six times a year. The water-level data will be reviewed and edited as necessary and entered into the USGS NWIS data base.

4. Conduct bi-monthly synoptic water-level measurements at about 43 wells:

The water-level monitoring network contains 43 wells located throughout the Upper Rio Hondo Basin. The wells will be visited bi-monthly to measure water levels. The water-level data will be reviewed and corrected as necessary and entered into the USGS NWIS data base.

5. Preparation and publication of interpretive report: Work on the report will include literature research; data compilation; preparation of tables, graphs, and illustrations; data interpretation; and preparation of text. A draft of the report is planned for completion at the end of December, 2010. The report will undergo supervisory review, technical reviews by two scientists, and editorial review followed by report layout and publication (hardcopy and electronic).

6. Project operation and administration: Includes preparing quarterly reports, preparation of the FY12 budget, meetings with other scientific agencies or businesses, meetings with Lincoln County officials and residents, internal technical reviews, training, and response to information and data requests. Quarterly reports will include a discussion of significant findings and progress during each quarter and discussion of plans for the ensuing quarter.

USGS Project 86369J312: Hydrologic Characterization of the Upper Rio Hondo Basin, Lincoln County, New Mexico

Work to be conducted during Federal Fiscal Year 2012 (October 1, 2011 – September 30, 2012)

FY 12 funds provided by Lincoln County:	**$96,370**
FY 12 matching funds provided by USGS:	**$75,870**
Total:	**$172,240**

1. Operate and maintain precipitation station: Precipitation data will be collected hourly at the precipitation station on Capitan Mountain. The station will be visited two times a year, and work performed during site visits will include: downloading collected data; inspection, servicing and maintenance (replacing batteries, cleaning, and calibrating); and, semiannual configuration change (adding snowfall adapters in fall and removing them in spring), as appropriate. The precipitation data will be reviewed and corrected as necessary and entered into the USGS NWIS data base.

2. Operate and maintain streamflow-gaging station on the Rio Hondo:

The Rio Hondo streamgage will calculate streamflow every 15 minutes based on the steamflow versus river stage rating curve and real-time data will be transmitted to the USGS website. Also, Rio Hondo streamflow will be measured each time the gage is visited to download data and when unusual streamflow events occur to continue improvement of the streamflow versus river stage rating curve. The streamflow data will be reviewed and corrected as necessary and entered into the USGS NWIS data base.

3. Install, operate and maintain continuous water-level monitoring equipment:

Seven additional sites will be fitted with transducers purchased for this project. Hourly water-level data will be collected in 4 wells currently containing continuous water-level monitoring equipment and the seven newly outfitted wells. The instrumented wells will be serviced and maintained and water-level data will be uploaded from the transducer data-loggers three times a year. The water-level data will be reviewed and edited as necessary and entered into the USGS NWIS data base.

4. Conduct bi-monthly synoptic water-level measurements at about 45 wells:

The water-level monitoring network contains 45 wells located throughout the Upper Rio Hondo Basin. The wells will be visited bi-monthly to measure water levels. The water-level data will be reviewed and corrected as necessary and entered into the USGS NWIS data base. Five existing sites will be dropped from the monitoring network, and five new sites added.

5. Publication of interpretive report: Work on the report will include addressing final comments from peer review, report specialist review, district review, and editorial review followed by report layout and publication (hardcopy and electronic).

6. Conduct QW sampling of key wells, springs and streamflow sites:

Water quality samples will be collected at 16 streamflow sites during base flow (June or October) on the Rio Bonito, Rio Ruidoso, Eagle Creek, Salado Creek, and Rio Hondo, at 5 wells and at 7 springs. For all sites, discharge and field parameters will be measured (specific conductance, temperature, pH, dissolved oxygen, and turbidity). Laboratory analyses will be made for all samples for nutrients, major ions and trace metals. The spring and well sites will also be analyzed for tritium and for carbon-14. The water quality data will be reviewed and corrected as necessary and entered into the USGS NWIS data base.

7. Project operation and administration: Includes preparing quarterly reports, preparation of the FY13 budget, meetings with other scientific agencies or businesses, meetings with Lincoln County officials and residents, internal technical reviews, training, and response to information and data requests. Quarterly reports will include a discussion of significant findings and progress during each quarter and discussion of plans for the ensuing quarter.

AGENDA DOCUMENTATION
November 20, 2012

Agenda Item No. 11

SUBJECT

Public Hearing

ACTION REQUESTED BY County Manager

ACTION REQUESTED Public Input/Adoption

BACKGROUND

1. 10:00A.M.: Public Hearing to consider 2013 CDBG Projects

www.lincolncountynm.net

County of Lincoln

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

November 5, 2012

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager

SUBJECT: **PUBLIC HEARING** – Community Development Block grant Program

Purpose: To conduct a public hearing for the Community Development Block Grant (CDBG) Program.

Discussion:

Dora Batista of the Southern New Mexico Economic Development District (SNMEDD) is present to conduct a public hearing for the purpose of reporting on past CDBG projects and solicit input for the 2013 CDBG projects. Two public hearings were conducted on October 15, 2012, at the Carrizozo and Capitan Senior Centers. The public notice for those hearings in English and Spanish are at enclosure 1.

Dora will give the results of her public hearings and a project selection will be made to meet the DFA timeline going forward.

Recommendation:

Close the meeting of the Board of County Commissioners to conduct a CDBG public hearing for input.

2013 Community Development Block Grant

Public Hearing

October 15, 2012
11:15 am
Carrizozo Senior Center
406 Central Ave

TO RECEIVE PUBLIC INPUT ON COMMUNITY DEVELOPMENT NEEDS

Let ***your*** voices be heard!

2013 Desarrollo Comunitario Block Grant

Audiencia De CONVENIOS

October 15, 2012
11:15 am
Carrizozo Senior Center
406 Central Ave

PARA RECBIR PUBLICO IMPUT EN COMUNIDAD NECESI-DADES DE DESARROLLO

Deje que sus voces escuharse!

2013 Community Development Block Grant

Public Hearing

October 15, 2013
12:30pm
Capitan Senior Center
412 Tiger Drive

TO RECEIVE PUBLIC INPUT ON COMMUNITY DEVELOPMENT NEEDS

Let ***your*** voices be heard!

2013 Desarrollo

Comunitario Block Grant

Audiencia De CONVENIOUS

October 15, 2012

12:30 pm

Capitan Senior Center

412 Tiger Drive

PARA RECBIR PUBLICO IMPUT EN COMUNIDAD NECESIDADES DE DESARROLLO

Deje que sus voces escuharse!

AGENDA DOCUMENTATION
November 20, 2012

Agenda Item No.12

SUBJECT

CDBG Project Selection and Resolution 2012-16

ACTION REQUESTED BY County Manager

ACTION REQUESTED To be determined

BACKGROUND

See an attached memorandum and Resolution 2012-16 from the county manager.

LINCOLN COUNTY
www.lincolncountynm.net

County of Lincoln

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

November 5, 2012

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager

SUBJECT: Selection of a CDBG Project and Resolution 2012-16

Purpose: To select a CDBG project for submission.

Discussion:

Dora Batista of the Southern New Mexico Economic Development District (SNMEDD) will cover the handout of eligible projects at enclosure 1.

Potential projects discussed at the two hearings included:

- New Senior Citizen Center in Carrizozo
- Combination Senior Center with Teen Center on same property in Carrizozo
- Addition to Capitan Senior Center

Recommendation:

Hear the discussion of eligible projects, arrive at a nomination, and approve Resolution 2012-16 for submission.

Southeastern New Mexico Economic Development District/Council of Governments
1600 SE Main, Suite D, Roswell, NM 88203 (575) 624-6131 fax (575) 624-6134

2013 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Program Objectives

- Benefit principally low and moderate income families.
- Aid in the prevention of slum or blight.
- Meet urgent community development needs where an existing condition poses a threat to the health and welfare of the community and other financial resources are not available.

Eligible Applicants

- All counties/incorporated municipalities except the cities of: Albuquerque, Las Cruces, Santa Fe, Farmington and Rio Rancho.
- Water and mutual domestic associations may apply through their county for planning grants. Counties may submit multiple planning grants for water associations/mutual domestics. Sanitation districts, public non profit groups, etc. cannot apply directly for assistance but may apply through an eligible municipality or county
- Indian Pueblos and tribes receive funding directly from HUD.

Eligible Activities/Categories

- *COMMUNITY INFRASTRUCTURE*: Water and sewer systems; street improvements consisting of roads, streets, curbs, gutter, sidewalks, traffic control devices; municipal utilities.

- *HOUSING*: Real property acquisition; rehabilitation; clearance; provision of public facilities to increase housing opportunities; code enforcement; historic preservation activities; a maximum of $65,000 in CDBG funds per home can be used on rehab/repair activities.

- *PUBLIC SERVICE CAPITAL OUTLAY*: Community centers; senior citizen centers; community facilities designed to provide health, social, recreational and other services to residents.

- *ECONOMIC DEVELOPMENT*: Assists communities in creating or retaining jobs for low and moderate income persons; creation or retention of businesses owned by community residents.

- *EMERGENCY:* Addresses life threatening situations resulting from disasters or threats to health and safety; must have appropriate state agency concurrence; local resources must be non existent or unavailable.

- *PLANNING*: Grant assistance must be used for a comprehensive plan if there has not been a current or updated plan within the last five years; feasibility studies; base mapping, aerial photography, GIS systems; development of codes and ordinances; limit of $50,000.

- *COLONIAS:* Communities must be within 150 miles of the U.S. - Mexico border and be designated by the county or municipality where it is located. The criteria necessary to qualify are lack of potable water supply, inadequate sewage system and lack of decent, safe, and sanitary housing.

Encl 1

Ineligible Activities

- City halls or county courthouses; general operation and maintenance expenses of public facilities; (the only exception is if Courthouses are not ADA compliant)
  housing allowance payments and mortgage subsidies; expenditures for political purposes; costs involved in preparing applications and securing funding.

Program Requirements

- Applicants must conduct at least one public hearing prior to selecting a project to advise citizens of estimated CDBG funds available; types of projects available; obtain recommendations from citizens regarding community development and housing needs. A minimum of three hearings is recommended.

- Citizen participation must be encouraged with emphasis on low and moderate income persons by publishing public hearing notices in English and Spanish, and using other means such as media or posting flyers in an effort to reach the public.

- Recommendations from the public are to be considered and the project is selected at an official regularly scheduled meeting of the governing body.

- Each CDBG application must address at least one of the three national objectives: 1) activities must benefit low and moderate income persons 2) prevention of slum and blight 3) must meet urgent or life threatening community development need.

Application Requirements

- Application requests are limited to $500,000 (Planning grants - $50,000). You may also submit a phased request.

- Applicant must meet threshold requirements: Any grantee with one or more active grants in the infrastructure, public service, capital outlay categories, and Colonias projects, cannot apply for additional funding until the current project is fully closed.

- Rural applicants (3,000 or less population) must provide a minimum 5% cash match; Non-Rural applicants must provide a 10% cash match.

- Applicants may request a waiver of the matching requirements in the absence of local resources or apply for a loan to meet the matching requirement at appropriate interest rates.

- Applications are scored by rating certain criteria such as description and need; benefit to low and moderate income persons; leveraging; citizen participation; planning; feasibility and readiness; user fees and revenues; and cost benefit. The Council also will take into consideration current economic situations, if the entity was funded last year and application presentation.

RESOLUTION NO. 2012-16

A RESOLUTION OF THE LINCOLN COUNTY COMMISSION OF LINCOLN COUNTY, NEW MEXICO, AUTHORIZING THE SUBMISSION OF A 2013 NEW MEXICO COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE DEPARTMENT OF FINANCE AND ADMINISTRATION/LOCAL GOVERNMENT DIVISION; AND AUTHORIZING THE COMMISSION CHAIR, (JACKIE POWELL) TO ACT AS THE COUNTY'S CHIEF EXECUTIVE OFFICER AND NITA TAYLOR, LINCOLN COUNTY MANAGER, AS THE AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO LINCOLN COUNTY PARTICIPATION IN THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

WHEREAS, the need exists within Lincoln County for neighborhood improvement projects in several low and moderate income neighborhoods, and Lincoln County desires to apply to the Housing and Urban Development's Community Development Block Grant Program to obtain funding for neighborhood improvement projects; and

WHEREAS, Lincoln County has held (3) three public hearings for public input and comment during the 2013 application process; and

WHEREAS, Lincoln County finds that there is a significant need to undertake *Name of Project* to provide adequate services to the community; and

WHEREAS, Lincoln County determines that the *(Name of Project)* meets the requirements of the Community Development Block Grant Program.

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

1. The Lincoln County Administration is hereby authorized to prepare and submit a 2013 Community Development Block Grant application to the New Mexico Department of Finance and Administration/ Local Government Division for the *(Name of Project)*;

2. That the Lincoln County Commission directs and designates County Manager, Nita Taylor, as the County's Authorized Representative Authorized Representative to act in all matters in connection with this application and the County's participation in the New Mexico Community Development Block Grant Program.

3. Lincoln County's officials and staff are directed to do any and all acts necessary to carry out the intent of this Resolution.

4. That the full application amount be for the maximum amount allowed which is $500,000.00 of grant funds

5. That it further be stated that Lincoln County is committing the required 10% cash match from its General Fund as a cash contribution toward the activities of this (*Project*).

PASSED, ADOPTED AND APPROVED this 20th day of November, 2012.

_____
Jackie Powell, Chairman,
Lincoln County

ATTEST:

_____
Rhonda Burrows, County Clerk

AGENDA DOCUMENTATION
November 20, 2012

Agenda Item No.13

SUBJECT

Potential Consequences of Alto Lakes Water and Sanitation District leaving Greentree Solid Waste Authority (GSWA)

ACTION REQUESTED BY County Manager

ACTION REQUESTED To be determined

BACKGROUND

See an attached memorandum from the county manager.

LINCOLN COUNTY
www.lincolncountynm.net

County of Lincoln

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

November 15, 2012

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager

SUBJECT: Greentree Solid Waste Update – Potential Impact of Alto Lakes Water & Sanitation District (ALW&SD) Leaving GSWA

Purpose: To review responsive documents requested by the Commission to GSWA and enable continued discussion.

Discussion:

At the November 9, 2012 Special Commission Meeting, Debra Ingle provided a summary of key issues related to Alto Lakes Water & Sanitation district's decision to pull out of the Greentree Solid Waste Authority. During the course of the discussion, the Commission requested the following:

1. ***Documents from GSWA.*** At enclosure 1 is a series of letters from ALW&SD to GSWA and to the Commission (dated from August 15, 2012 to November 14, 2012). At enclosure 2 are the draft October 23rd GSWA Minutes and a copy of the agreement for Solid Waste Collection services Between the County of Lincoln and the Lincoln County Solid Waste Authority. Also provided was some financial information that Manager will analyze and present with additional information at the December 18th Commission meeting;
2. ***Manager to work with GSWA to collect additional financial information.*** The Commission directed Manager Taylor to work with GSWA to obtain financial information, to analyze the data and present information and recommendations to the Commission that would enable it to make informed decisions regarding GSWA's proposed options to fund its revenue shortfall required to cover its debt service. Manager and Ms. Ingle are scheduled to meet on Tuesday, December 4th.

Recommendation: No action required; information only at this time.

Alto Lakes Water & Sanitation District

PO BOX 750 - 214 Lake Shore Dr. – Alto, NM 88312-0750
575-336-4333 575-336-1794 (fax)

August 15, 2012

Greentree Solid Waste Authority
Debra Ingle
Operations Manager
P.O. Box 2405
Ruidoso Down, New Mexico 88345

RE: Alto Lakes Water & Sanitation District Convenience Station

The District and Greentree Solid Waste Authority entered into a lease agreement for operation of the District's Convenience Station for 42 months beginning in June 1 of 2009. That agreement is due to expire on November 30 of this year.

The Authority was made aware a year ago that the District was studying options for future operation of the Convenience Station and that the options under consideration included:

- District handling billing and collection after being informed that the Authority was losing $50,000 annually in uncollectable billing within the District
- District contracting for operation of the Convenience Station
- District contracting for Transportation and Disposal of solid waste

This spring, at my request, District Manager Edington made inquiries to Supervisor Ingles regarding the Authority's interest in extending or renewing the lease. We had no response to these inquiries other than the Authority would not be likely to extend the lease under the existing terms. Not once has the Authority proposed terms acceptable to the District; however we were informed by the Authority that there were numerous legal obstacles to the District exercising its powers, granted by the State, to contract with parties other than GTSWA.

On June 25, District Manager Edington and I met with County Attorney Morel to review and discuss the issues raised by GTSWA. Later that same day, I met with County Commissioner and Authority Director Kathryn Minter to insure that the District's interest in receiving a proposal for services was communicated to the Authority Board during the scheduled GTSWA Board meeting on June 26. District Manager Edington attended the following GTSWA Board meeting held on July 24th, 2012 to be available for questions.

On July 25, having had to response to its inquiries, the District proceeded with a formal Request For Proposals by publishing the required public notice with a proposal deadline of 4:00 PM on August 15. No proposal was received from GTSWA.

ENCL 1

The District Board is mindful of its responsibilities to District residents to minimize costs and that the District accounts for a critical portion of GTSWA residential revenues which supports Authority infrastructure and operations. Frankly, we are at a loss to understand the lack of GTSWA interest in retaining the District's solid waste business; however the Board intends to proceed with the evaluation of the proposal which it has in hand.

Sincerely,

Earl Adamy, Board Chairman
Alto Lakes Water & Sanitation District

Cc: Lincoln County Commission

Alto Lakes Water & Sanitation District

214 Lake Shore Drive PO Box 750 Alto, New Mexico 88312
575-336-4333 575-336-1794 (fax)

September 28, 2012

Mr. Sam Hammons, Chairman
Greentree Solid Waste Authority
26590 US Highway 70
Ruidoso Downs, NM 88346

Re: GSWA Proposal for Solid Waste/Recycling Services

Dear Chairman Hammons,

We are appreciative of the efforts of the GSWA Board and staff in providing a "government to government" solid waste services proposal to the District. The District Board met this morning to consider options for providing solid waste services to the Alto Lakes community upon expiration of the lease agreement with GSWA on November 30, 2012.

The Board has decided upon the following course of action:

- Gordon Environmental has been retained to provide professional services to the District in managing the District's solid waste services.
- The District is requesting that the operating permit for the Alto Lakes Convenience Station be transferred into the hands of the District effective Thursday, November 29, 2012 so that a transition can be effected on a day when the Station is scheduled to be closed.
- The District will enter into contract negotiations for household, recycling, bulk, and green waste hauling and disposal services with the firm which responded to the District's RFP. Should these negotiations prove unsuccessful; the District will enter into negotiations with GSWA.

The Board believes that there are substantial improvements which can be made in layout, equipment, operation and customer service which can be effected through the District's assumption of management and operational responsibility for the Station. It also believes that it can achieve very significant cost reductions by using alternative hauling and disposal arrangements.

The District thanks GSWA for its past service to the Alto Lakes community and hopes to work closely with the GSWA in making a smooth transition.

Sincerely,

Earl Adamy, Chairman
ALW&SD

Alto Lakes Water & Sanitation District

PO BOX 750 - 214 Lake Shore Dr. – Alto, NM 88312-0750
575-336-4333 575-336-1794 (fax)

October 4, 2012

Mr. Sam Hammons, Chairman
Greentree Solid Waste Authority
26590 US Highway 70
Ruidoso Downs, NM 88346

Re: GSWA to ALWSD transition

Dear Chairman Hammons,

In my earlier letter of September 27, I failed to mention that the District does plan on working with GSWA to discuss and resolve several outstanding issues including:

- Reconciliation of District/GSWA residential customers for billing purposes
- Reciprocal arrangements for District customers using GSWA facilities and GSWA customers using District facilities
- Residual costs for the Capitan Landfill closure

The District thanks GSWA for its past service to the Alto Lakes community and hopes to work closely with the GSWA in making a smooth transition.

Sincerely,

Earl Adamy, Chairman
ALW&SD

Alto Lakes Water & Sanitation District

PO BOX 750 - 214 Lake Shore Dr. – Alto, NM 88312-0750
575-336-4333 575-336-1794 (fax)

October 9, 2012

Mr. Sam Hammons, Chairman
Greentree Solid Waste Authority
26590 US Highway 70
Ruidoso Downs, NM 88346

Re: GSWA to ALWSD transition

Dear Chairman Hammons,

Our Board members take note of the individually addressed letters from GSWA dated October 1 which were received after our letter of October 4 was sent to GSWA expressing the District's intention to discuss and resolve outstanding issues with GSWA:

- Reconciliation of District/GSWA residential customers for billing purposes
- Reciprocal arrangements for District customers using GSWA facilities and GSWA customers using District facilities
- Residual costs for the Capitan Landfill closure

While the GSWA letter is less than constructive; the District will respect the decision of the GSWA Board as set forth in your most recent letter.

Sincerely,

Earl Adamy, Chairman
ALW&SD

By fax and mail

Alto Lakes Water & Sanitation District

PO BOX 750 - 214 Lake Shore Dr. – Alto, NM 88312-0750
575-336-4333 575-336-1794 (fax)

October 12, 2012

Mr. Sam Hammons, Chairman
Greentree Solid Waste Authority
26590 US Highway 70
Ruidoso Downs, NM 88346

Re: GSWA to ALWSD transition

Dear Chairman Hammons,

The District is sending a transition notice to all of its customers. Included is the following admonition with respect to GSWA solid waste facilities:

- District customers are advised to use the District's Convenience Center for disposal of all solid waste. Use of GSWA compactors and dumpsters in Sun Valley and other locations are restricted to GSWA customers.

While the District is actively working to provide facilities more convenient for our Deer Park Valley residents, we believe it may be some time before those facilities can be put in place. The District proposes to exchange the use of GSWA facilities by Deer Park Valley residents for use of District facilities by residents in scattered non-District areas (including Kokopelli) to the East of the District's Convenience Center.

The District is prepared to provide GSWA with an itemized list of Deer Park Valley residents and will accept an itemized list from GSWA.

Please respond with at your earliest convenience.

Sincerely,

Earl Adamy, Chairman
ALW&SD

Alto Lakes Water & Sanitation District

PO BOX 750 - 214 Lake Shore Dr. – Alto, NM 88312-0750
575-336-4333 575-336-1794 (fax)

October 18, 2012

Board of Commissioners
County of Lincoln
PO Box 711
300 Central Avenue
Carrizozo, NM 88301

Commissioners:

On August 15, we wrote a letter to Greentree Solid Waste Authority, a copy of which was forwarded to the Commission, in which we detailed the difficulties we had experienced in obtaining an answer to repeated inquiries regarding an extension or renewal of Greentree's operating lease for the Alto Lakes Convenience Station. In short, the lack of substantive response from GSWA resulted in the District publishing a Request For Proposals for solid waste services. The District did receive a response, but not from Greentree.

Greentree subsequently advised the District that it would submit a "government to government proposal" for solid waste services. Early on, District representatives determined that a) if at all practical, it would continue supporting County-wide solid waste efforts by continuing to use Greentree, and b) that assuming responsibility for operating the Convenience Station would allow the District to control the quality of customer service provided to our residents and to control the quantities and types of waste accepted at the Station and removed from the Station.

The primary focus was therefore on negotiating an agreement for Greentree to haul and dispose of solid waste collected at the Alto Lakes Convenience Station. Services requested of Greentree consisted of providing compactors and roll-offs for collection of household, recycling, bulk, and green waste; and hauling and disposal of the waste. Greentree presented a number of proposals to the District; however in each case, Greentree representatives informed the District that there would be additional charges not included in the proposal. It was not until September 25th that the District had a complete set of numbers upon which to base a decision.

Those of us who have closely examined the services provided to the District by the Solid Waste Authority have long known that there has been a large disparity between the costs of providing solid waste services at a central collection facility for the second largest community in the County, and the rates charged by the Authority. My earliest conversations with Ms Ingle regarding costs and benefits at the Alto Lakes facility took place in 2004. The District's repeated assertions that the costs are too high have fallen on deaf ears since the District came into existence in January of 2005. We brought this issue to the attention of the County Commission in testimony in support of requested changes to the Agreement For Solid Waste Authority Collection Services in 2006 and again in 2008 when we testified to the County Commission in support of changes to Ordinance 2008-07. This was an issue in 2008 when we negotiated the 36 month lease (subsequently extended to 42 months) with the Authority to operate the Station. In short, this has been a long-simmering issue which has been steadfastly ignored.

The District Board, at its September 27 Regular Meeting, was presented details and total District costs, including internal costs, for multiple options. The highest annual cost option, at $310,000 including direct customer charges for extra cost items (forest waste and bulk items), was for Greentree to continue operating the Station while hauling and disposing of all waste. The lowest annual cost option, at $167,000 including direct customer charges for extra cost items, was for Sierra Contracting to operate the Station and haul and dispose of all waste. The fact that a private contractor can provide all services (household, recycle, bulk and green waste) from operation through hauling at ***non-member*** landfill rates for 46% less than Greentree sends a very clear message regarding the cost structure and management of the Authority.

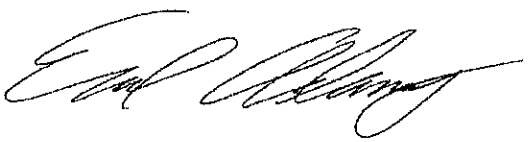
The District Board is mindful of its responsibilities to District residents to minimize costs and there was no way that it could justify continued service from Greentree. The District Board, at its September 27 Regular Meeting decided to assume management and operational responsibility for the Station upon expiration of the Authority's lease agreement at the end of November. The Board has awarded a hauling and disposal contract for household, bulk, recycled, and green waste to Sierra Contracting and the Board has approved the capital expenditures required to effect the desired changes in operation.

The District is using the services of Gordon Environmental, a solid waste consulting firm with extensive experience throughout the State, to assist us in making the transition as well as to improve the design, operation, and efficiency of the Convenience Station. District customers will see small reductions in monthly solid waste charges accompanied by reductions in costs for green waste and bulk waste. There will likely be more substantial reductions and/or improvements in service after the District gains further experience in operating the Convenience Center and recovers capital expenditures required for the changeover. Convenience Station staff will be District employees which will allow the Board to insure that the level of customer service meets customer expectations.

In notifying the Greeentree Board of its decision, the District wrote: "The District thanks GSWA for its past service to the Alto Lakes community and hopes to work closely with the GSWA in making a smooth transition". Since that time, the District and its customers have received a confusing array of informal and formal communications to the point where the District finds it is no longer productive to engage in discussions with GSWA. The District is prepared to serve all of its residents including those in Deer Park Valley.

The District Board is mindful and appreciative of the County Commission's role in providing tax-efficient services to all County residents. Had the Commission been confronted with the same set of choices, we believe it would have come down on the same side as the District Board in minimizing costs and maximizing services for its residents.

Sincerely,



Earl Adamy, Board Chairman
Alto Lakes Water & Sanitation District

Attachment: Letter of August 15 to GSWA

CC: GSWA Board of Directors
Nita Taylor, County Manager
Alan Morel, County Attorney
Angie Schneider, GSWA Attorney
Auralie Ashley-Marx, NMED –Solid Waste Bureau
Lincoln County News
Ruidoso News
Ruidoso Free Press

Alto Lakes Water & Sanitation District

PO BOX 750 - 214 Lake Shore Dr. – Alto, NM 88312-0750
575-336-4333 575-336-1794 (fax)

October 19, 2012

Mr. Sam Hammons, Chairman
Greentree Solid Waste Authority
26590 US Highway 70
Ruidoso Downs, NM 88346

Re: GSWA to ALWSD transition

Dear Chairman Hammons,

The District is withdrawing its proposal of October 12 "to exchange the use of GSWA facilities by Deer Park Valley residents for use of District facilities by residents in scattered non-District areas (including Kokopelli) to the East of the District's Convenience Center".

The District and its customers have received a confusing array of informal and formal communications to the point where the District finds it is no longer productive to engage in discussions with GSWA.

The District is prepared to serve all of its residents including those in Deer Park Valley.

Sincerely,

Earl Adamy, Chairman
ALW&SD

Alto Lakes Water & Sanitation District

PO BOX 750 - 214 Lake Shore Dr. – Alto, NM 88312-0750
575-336-4333 575-336-1794 (fax)

November 14, 2012

Mr. Sam Hammons, Chairman
Greentree Solid Waste Authority
26590 US Highway 70
Ruidoso Downs, NM 88346

Re: GSWA to ALWSD transition

Dear Chairman Hammons,

The District hopes that GSWA would be willing to work with the District over the next few weeks to effect a smooth transition of operations. With cooperation in mind I would propose the following:

- The District feels that a transition date of November 29th, 2012, when the Station is normally closed, would benefit both parties. We would suggest that GSWA use the morning to remove equipment and Sierra Contracting use the afternoon to place equipment.
- The District would like to have the opportunity to have Sierra Contracting install one household waste compactor hydraulic pumping unit on November 26 in position #1 or #2 on west side. This would necessitate GSWA removing one of its hydraulic pumping units to accomplish this. This would allow contractor to test and correct any issues with one unit before start-up.

The District thanks GSWA for its past service to the Alto Lakes community and hopes to work closely with the GSWA in making a smooth transition.

Sincerely,

David A. Edington
District Manager

CC: Van Patton, Sierra Contracting

Greentree Solid Waste Authority
REGULAR MEETING

October 23, 2012

Chairman Hammons called the Regular Meeting of the Greentree Solid Waste Authority (GSWA) to order at 10:03 a.m. at the office of Greentree Solid Waste Authority in Ruidoso Downs, NM.

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

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

Public present: Joe Lewandowski, Operational Consultants Inc.

APPROVAL OF AGENDA; Amending to add Item 8 C for Discussion Only GSWA process for the transition of ALW&SD from the county wide solid waste system. Motion by Member Dean to approve the agenda as presented with addendum, seconded by Member Bradford, motion carried with all ayes.

PUBLIC HEARING- SOLID WASTE RATE INCREASE; As presented with a 4.4% raise on commercial dumpsters and with an increase on commercial poly carts and commercial compactors. The rate for commercial roll offs raised per County Commissions' request to be comparable with the private companies.

DISCUSSION/POSSIBLE ACTION RESOLUTION 2012-10-01 RATE INCREASE;
Motion by Member Minter to approve Resolution 2012-10-01 Rate Increase, seconded by Member Bradford, motion carried with all ayes upon a roll call vote.

APPROVAL OF MINUTES REGULAR MEETING SEPTEMBER 25, 2012; Motion by Member Bradford to approve the Regular Meeting minutes, a copy of which is attached and made apart hereof, seconded by Member Dean, motion carried with all ayes.

APPROVAL OF ACCOUNTS PAYABLE FOR SEPTEMBER 2012: Motion by Member Minter to approve September 2012 Accounts Payable, seconded by Member Bradford, for discussion Member Minter asked about the Operational Consult and asked if this was every month, the members were informed this is by PSA and not a monthly payment, motion carried with all ayes upon a roll call vote.

DISCUSSION/POSSIBLE ACTION ACCOUNTS RECEIVABLE SEPTEMBER 2012; Motion by Member Bradford to approve September 2012 Accounts Receivable, Non- Board Approval of $894.62, Alto customers due refunds $2,241.63, Destroyed by Little Bear Fire $7,294.43, Richard Lee $338.94. Board stated that all four (4) customers with complaints about the Loma Grande compactor customers will owe their full bill. The Board stated that the Hendersons and Ms. Brewton will receive a letter inviting them go over all Documents and they would be responsible for their bill, seconded by Member Dean, motion carried with all ayes upon a roll call vote.

APPROVAL OF OPERATIONAL SUPERVISOR REPORT; OS Ingle provided to the Board the Recycling and Illegal Dumping report for September 2012; 0 tons of recycling shipped and 49.48 tons of metal. Recycling prices are up, and OS Ingle informed the Board that GSWA has begun to ship to Town Recycling. Illegal dumping sites 57 year-to-date – 312.80yards. Collected Yard Waste: 1,330yards, year to date- 4,270yds.

Month-End Financial Report for September 2012, a copy of which is attached and made apart hereof, this report reflects that the general operating bank accounts had a balance of $19,192.81, reserve funds of $383,569.17. Overall the Authority's projected budget shows that they should be at 25%, with actual numbers reflecting Revenues at 24%, Expenditures at 24%, Payroll should be at 27%, and the budget reflects 22% and the Transfer of funds at 41%. Current year-to-date figures reflect that Expenditures exceed Revenue by $23,883. OS Ingle provided a list of the frequent illegal dumping sites called the dirty dozen. Also, noting that OS provided an update to the County Commission on the LBF & GSWA would not be seeking funds from FEMA or the County. Item 8C discussion by Op Consult & GSWA Attorney of the creation of GSWA (LCSWA) for the understanding of what process will need to be next. Motion by Member Bradford to approve the OS Report as presented with Item 8 C was discussion only, seconded by Member Dean, motion carried with all ayes upon a roll call vote

ENCL 2

DISCUSSION/POSSIBLE ACTION- AMMEND PROFFESSIONAL SERVICE AGREEMENT ATTORNEY; Motion by Member Hammons to approve of amendments of the name change & the $0 .51 per diem change as noted by member Salas, second by Member Minter, motion carried with all ayes upon a roll call vote.

EXECUTIVE SESSION --LIMITED PERSONNEL MATTERS, DISPOSITION OF LAND, THREATENED AND/ OR PENDING LITIGATION; No Executive Session needed.

DISCUSSION/POSSIBLE ACTION - EXECUTIVE SESSION DISPOSITION OF LAND; No Action

COMMENTS FROM THE PUBLIC: None

NEW/OLD BUSINESS; Negotiations with Mescalero for recycling is beginning.

NEXT MEETING; the next regular meeting is scheduled for November 27th at 10:00 am.

ADJOURN; Motion by Member Hammons to adjourn the meeting at 12:38 pm, seconded by Member Bradford, motion carried with all ayes.

Passed and approved this 27th day of November 2012.

_____
Sam Hammons
Chairman, GSWA

_____
Kathryn Minter,
Secretary/Treasurer/GSWA

Transcribed by: _____
Ginny Mansfield
GSWA

DRAFT

AGREEMENT
FOR SOLID WASTE COLLECTION SERVICES
BETWEEN
THE COUNTY OF LINCOLN
AND
THE LINCOLN COUNTY SOLID WASTE AUTHORITY

This Agreement is made and entered into this 16th day of May, 2006, by and between the County of Lincoln (hereinafter "County") and the Lincoln County Solid Waste Authority (hereinafter "Authority") for solid waste services.

RECITALS

WHEREAS, the Authority has submitted a proposal to provide collection of solid waste within the unincorporated limits of the County of Lincoln and to perform such work as may be incidental thereto; and

WHEREAS, the County of Lincoln desires to enter into this agreement with the Lincoln County Solid Waste Authority.

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and acceptability of which are acknowledged, the parties agree as follows:

WITNESSETH:

1. GRANT.

The County of Lincoln grants to Authority the sole and exclusive franchise, license and privilege to provide solid waste collection, removal or disposal services and to develop recycling and other diversion programs for and on behalf of the County.

2. NON-WAIVER OF POWERS.

Nothing in this Agreement shall be taken or held to imply the relinquishment or waiver by the County of its powers to regulate the collection, removal or disposal of solid waste nor delegate its authority to provide for the safety, health and welfare of the public as set forth in this Agreement. Nothing contained in this Agreement shall constitute, or be construed as constituting, any waiver of any rule, regulation, or ordinance heretofore adopted by the County, nor its right to make such charges and amendments of all such rules and regulations or ordinances which the County may from time to time deem advisable and necessary for the protection of the public health and general welfare of its citizens. Further, nothing in this Agreement shall be construed as a termination or modification of existing Joint Powers Agreements already in existence and effect between the parties or between the parties and the member entities of the Authority.

3. DEFINITIONS.

Authority: Lincoln County Solid Waste Authority.

Bulky Waste: Used and discarded mattresses, furniture and other waste materials other than construction debris, dead animals, white goods, or hazardous waste.

County: The County of Lincoln, New Mexico.

Commercial Account: Any account not included in the definition of 'residential account.'

Construction Debris: Waste building materials resulting from construction, remodeling, repair, or demolition operations.

Container: Receptacle approved by the County and provided by the Authority for use in collection of refuse for both residential and commercial units.

Agreement Documents: The Agreement for Solid Waste Services and any exhibits, addenda or changes to the foregoing documents agreed to by the County and the Authority.

Dead Animals: Animals or portions thereof that have expired from any cause, except those slaughtered or killed for human use.

Disposal Site: The landfill, or landfills, designated and selected by the Authority for disposal. The site, or sites, must be permitted by the New Mexico Environment Department, Solid Waste Bureau.

Garbage: Every accumulation of waste (animal, vegetable, and/or other matter) that results from the preparation, processing, consumption, dealing in, handling, packing, canning, storage, transportation, decay or decomposition of meats, fish, fowl, birds, fruits, grains or other animal or vegetable matter (including, but not limited to, used tin cans and other food containers and all putrescible or easily decomposable waste animal or vegetable matter which is likely to attract flies or rodents), except any matter included in the definition of bulky waste, construction debris, dead animals, white goods, hazardous waste or rubbish.

Hazardous waste: Any chemical, compound, mixture, substance or article which is designated by the United States Environmental Protection Agency or the New Mexico Environment Department to be "hazardous" as that term is defined by or pursuant to Federal or State law.

Non-occupant Producer: Is a producer of refuse due to commercial activity conducted on residential/ commercial premises through the conduct of such commercial activity, including, but not limited to lawn maintenance, building maintenance and repair, and similar activities. All solid waste created by a non-occupant producer performing work at a residential unit shall be considered as having been produced by a commercial producer and require a commercial account.

Producer: An occupant of a residential/commercial unit who generates solid waste.

Residential Account: An account for a dwelling within the territorial jurisdiction of the County occupied by a person or group of persons comprising not more than four families. A residence shall be deemed occupied when water services are being supplied thereto. A condominium dwelling, whether of single or multi-level construction, consisting of four or fewer contiguous or separate single-family dwelling units, shall be treated as a residential account, except that each single family dwelling within any such residential unit shall be billed separately as a residential account. If a condominium or apartment unit

consisting of four or fewer family units has an agreement for collection of refuse through a licensed commercial hauler, said units shall be exempt from this definition.

Rubbish: All waste wood, wood products, tree trimmings, grass cuttings, tree plants, weeds, leaves, dead trees or branches, chips, shavings, sawdust, printed matter, paper, pasteboard, rags, straw, used or discarded clothing, used or discarded shoes and boots, combustible waste pulp and other products such as are used for packaging or wrapping crockery, ashes, cinders, floor sweepings, glass, mineral or metallic substances, and any and all other waste materials not included in the definition of bulky waste, construction debris, dead animals, garbage and hazardous waste, infectious waste, medical waste, liquid waste, household hazardous waste, and toxic waste.

Solid Waste: This term shall refer to residential or commercial rubbish, garbage, dead animals, bulky waste, and construction debris generated by a producer at a residential or commercial unit unless the context otherwise requires.

Special Waste: Those wastes that either cannot be or are not usually handled by a packer truck including, but not limited to, hot loads, hazardous waste, asbestos waste, septage/sludge, petroleum waste, liquid waste, construction debris, and demolition waste.

White Goods: Stoves, ranges, refrigerators, water heaters, water tanks, washing machines and similar products, provided that any Freon has been previously removed.

4. SCOPE OF WORK.

The work under this Agreement shall consist of providing solid waste collection and recycling operations within the County, including all supervision, materials, equipment, labor and other items necessary to complete work in accordance with the Agreement Documents.

5. TYPE OF COLLECTION.

Collection services in the first months of the agreement shall not vary from the service being provided by the County prior to this Agreement. It is the intent of the Authority to implement changes to improve the level of services to residential and commercial accounts. Such changes shall be submitted to the County for its approval, which approval shall not be unreasonably withheld.

A. *Residential and Commercial:*

1) Authority shall provide curbside and containerized collection service for the collection of residential and commercial solid waste. Waste shall be prepared and submitted by the account holder by 6:30 A.M. on the designated collection day for curbside service. Convenience stations will be operated on a schedule approved by the Authority.

2) The Authority shall establish procedures and provide for the disposal from residential and commercial accounts of Bulky Waste, White Goods, and Rubbish not suitable for placement in normal collection containers.

3) Authority shall coordinate collection services for special clean-up programs at least twice a year throughout the County. Each clean-up program will be evaluated by the Authority Operational Supervisor to determine the necessary level of service.

4) Authority may provide for the special collection of construction debris and household hazardous waste at residential accounts at its sole discretion and upon terms, as Authority shall specify to the producer and as agreed upon between the Authority and the producer. Cost for estimates for such collection shall be provided to the producer at no charge.

5) Authority will provide for regular and special collection from commercial accounts within the County. Authority shall be responsible for collecting any charges associated with commercial or non-occupant producer accounts.

6) Collection for waste for people with disabilities may be provided by the Authority depending upon the need and request of the customer. Each request will be evaluated by the Authority Operational Supervisor to determine the necessary level of service.

B. *Location of Containers for Collection:* Mobile containers shall be placed at curbside for collection in such a manner as to block neither vehicular nor pedestrian traffic. "Curbside" refers to that portion of right-of-way adjacent to paved or traveled County roadways (including alleys). When construction work is being performed in the right-of-way, containers shall be placed as close as practicable to an access point for the collection vehicle. Authority may decline to collect any residential refuse not placed in the container, which has been approved. The County, by Ordinance, shall provide that mobile containers placed for curbside collection shall be placed by the resident account holder at the curb by 6:30 A.M. and removed by 7:00 P.M. on the scheduled collection day. Containers shall be located a minimum of six (6) feet from any mailbox, parked vehicle or any other obstacle to include other containers, with the opening facing the street.

6. OPERATION.

A. *Hours of Operation:* Collection of residential refuse will be conducted during reasonable business hours as established by the Authority.

B. *Routes of Collection:* Collection routes shall be established by the Authority. Authority shall submit a map designating the collection routes to the County. The Authority may, from time to time change collection routes or days of collection. Authority shall give written or published notice to the affected accounts.

C. *Billing:* The Authority agrees to provide billing services for the services it provides herein.

D. *Holidays:* Authority may decide to observe any or all of the holidays by suspension of collection service on the holiday, but such decision in no manner relieves Authority of its obligation to provide collection service at least once per week in accordance with the requirements of these specifications.

E. *Complaints:* All complaints shall be made directly to the Authority and shall be given prompt and courteous attention. In the case of alleged missed scheduled collections, the Authority shall investigate and, if such allegation is verified, shall arrange for the collection of the refuse not collected within twenty-four (24) hours after the complaint is received.

F. *Equipment and Containers:*

1) *Collection Equipment:* The Authority shall provide an adequate number of vehicles for regular collection services. All vehicles and other equipment shall be kept in proper repair and sanitary

condition at all times. Pursuant to Department of Transportation regulations, each Authority vehicle shall have the Authority's initials visible on the bumper.

2) *Collection Containers:* The Authority shall provide suitable, durable containers for collection for residential and commercial accounts.

3) *Cleanliness and Damage:* The Authority shall require each account holder who has a 90-110 gallon polycart to keep such account holder's collection container in a clean, neat and sanitary condition, and shall require such account holder to wash the container as often as necessary to maintain a good appearance, sanitary condition and adequate fly control. Residential account holders shall be responsible for any loss, fire damage or other damage or destruction caused by their negligence or negligent use of such container. The Authority shall be responsible for keeping all other containers reasonably clean and sanitary condition and shall wash or exchange the container as often as necessary to maintain a reasonably good appearance, sanitary condition and adequate fly control. County shall require residents to bag and tie all loose waste placed in the containers.

G. *Office:* The Authority shall maintain an office through which it can be contacted during business hours. It shall be equipped with sufficient telephone and with telephone and radio contact between the office and its personnel and shall have a responsible person in charge from 8:00 A.M. to 5:00 P.M. on regular collection days.

H. *Hauling:* The County shall require all Solid Waste to be so contained, and tied by the producer so as to prevent leaking, spilling, or blowing. Authority shall immediately clean up any spillage, leakage, or blown refuse, which determined by the County had been properly contained, and shall notify the County immediately if proper cleanup had not been achieved.

I. *Repairs:* Authority shall promptly repair and/or correct any damage to private or County property caused by its operations or equipment. Prompt repair normally shall be deemed to be accomplished within three (3) working days after the damage is brought to the attention of the Authority or its representatives. In cases where such damage creates a safety or security hazard, Authority shall make temporary repairs immediately.

7. COMPLIANCE WITH LAWS.

The Authority shall conduct operations under this Agreement in compliance with all applicable federal, state and local laws, ordinances, rules and regulations, including traffic laws, whether now in effect or adopted or amended hereafter.

8. EFFECTIVE DATE.

This Agreement shall be effective upon execution of the Agreement and performance of such Agreement shall begin on May 16, 2006.

9. NON-DISCRIMINATION.

The Authority shall not discriminate against any person on the basis of race, sex, age, creed, color, religion, national origin, ancestry, sexual orientation, gender identity, physical or mental disability, serious medical condition or spousal affiliation.

10. INDEMNITY.

The Authority shall indemnify, hold harmless, and exempt the County, its officers, agents, servants and employees from and against any and all suits, actions, legal proceedings, claims, demands, damages, costs, expenses and attorney's fees incident to any work done in the performance of this Agreement arising out of a willful or negligent act or omission of the Authority, its officers, agents, servants and employees; provided, however, that the Authority shall not be liable for any suits, proceedings, claims, demands, damage expenses, and attorney's fees arising out of willful or negligent act or omission of the County, its officers, agents, servants and employees.

11. LICENSES AND TAXES.

The Authority shall obtain and maintain all applicable licenses and permits required by federal, state, or local agencies (other than the license and permit granted by this Agreement) and shall promptly pay all federal, state, and local taxes when due.

12. TERM.

A. *Agreement Period and Renewal:* The Agreement shall be for one (1) year period beginning on the effective date of the Agreement. Any such written notice shall be served by certified or registered mail, return receipt requested. This Agreement shall automatically renew each year on the anniversary date unless either party gives the other party ninety (90) days' notice of its intent to terminate prior to the anniversary date hereof.

B. *Disposal Site:* The primary Disposal Site will be the Otero-Lincoln County landfill in Otero County, New Mexico. The Authority has also contracted with other landfills for alternate Disposal Sites. All rates in this agreement are based on utilizing the Otero-Lincoln County landfill.

C. *Increases in Disposal Fees:* For purposes of disposing of solid waste collected under the terms of this Agreement, the Authority assumes all fees and increases in transporting and tipping fee costs. The Authority may request a rate increase from the County, based upon the Consumer Price Index or the actual increase in transporting and tipping fee costs, whichever is greater, and which is in an amount sufficient to pay the necessary costs of the collection, transportation and disposal of solid waste, which the County will not unreasonably withhold.

13. INSURANCE.

The Authority shall, at all times during the Agreement, maintain in full force and effect Employer's Liability, Worker's Compensation, General Liability, Automotive Liability, and Property Damage Insurance, including contractual liability coverage for the provision of Section 10. All insurance shall be by insurers and for policy limits acceptable to the County. Authority shall furnish County copies of the applicable insurance policies before commencement of work hereunder. For Authority's Employer's Liability and Worker's Compensation coverage, the Authority agrees to furnish to County certificates of insurance or other evidence satisfactory to establish that such insurance has been procured and is in force. The certificates shall contain the following express obligation:

> "This is to certify that the policies of insurance described herein have been issued to the insured for whom this certificate is executed and are in force at this time. In the event of cancellation or material change in a policy affecting the certificate holder, thirty (30) days' prior written notice will be given the certificate holder."

Limits of Liability: For the purpose of this Agreement, the Authority shall carry insurance in the amounts required by the New Mexico Tort Claims Act as it may be amended from time to time.

14. BASIS AND METHOD OF PAYMENT.

A. *Rates:*

1) For solid waste services required to be performed pursuant to this Agreement, the charges shall be as listed on Exhibit A, hereto. This fee includes all Authority costs required to meet the obligations of this Agreement.

2) For special collection provided by Authority, the charges are to be negotiated between Authority and Producer prior to collection.

3) The solid waste collection charges provided in Exhibit A shall include transportation and disposal in the Authority's primary disposal site operated by Otero-Lincoln County Solid Waste Authority in Otero County, New Mexico, or any other approved site.

B. ***Modification to Rates:*** Adjustments will be made annually following the execution of this Agreement as follows:

1) Pursuant to Lincoln County Ordinance No. 2005-3, the County of Lincoln has the sole right to set rates charged within the County's territorial jurisdiction.

2) The Authority may petition the County any time for additional rate adjustments on the basis of unusual changes in its costs of operations, changes in location of the disposal site, etc. The County shall have the right, as a condition for its approval to demand inspections by itself or through an independent auditor, of pertinent records that demonstrate the need for such rate adjustment. The County shall consider such petition but shall not be obligated to approve any increase out of the normal sequence of the annual rate adjustment.

C. *Delinquent and Closed Accounts:* Where service is provided, the Authority shall discontinue refuse collection service at any residential or commercial account for failure to pay the required solid waste collection fees.

1) Prior to any **commercial** collection service being discontinued, the Authority shall provide written notice, *via* regular and certified U.S. mail to the last known address of customer, stating that service will be discontinued if the outstanding charges are not paid within ten (10) days.

2) Prior to any **residential** collection service being discontinued, wherever feasible, the Authority shall provide written notice, *via* regular and certified U.S. mail to the last known address of customer, stating that a lien will be filed if the outstanding charges are not paid within twenty five (25) days of receipt of the correspondence.

3) If, after certified notice and a minimum of thirty (30) days has elapsed, the Authority shall have the right to have a lien filed on the property to collect its outstanding fees.

4) The Authority shall resume refuse collection on the next regularly scheduled collection day after satisfactory arrangements have been made to pay the solid waste collection fees.

D. *Audit:* County shall have the right, at reasonable times and in a reasonable manner, to inspect Authority's books, documents, and records for adequate accounting methods and Agreement compliance. County also may require that an independent, certified audit of Authority's operations be performed from time to time. Any such audits required by County shall be at County's expense if the last prior audit was less than one year earlier; otherwise, the audit costs shall be borne by Authority.

15. TRANSFERABILITY OF AGREEMENT.

No assignment or subcontract of this Agreement or any change in Authority's ownership and control shall be made in whole or in part by the Authority without the express written consent of the County. In the event of any assignment, the assignee shall assume the liability of the Authority.

16. EXCLUSIVE AGREEMENT FOR SOLID WASTE SERVICE.

The Authority shall have the sole and exclusive rights, license, and privilege to provide solid waste collection, removal and disposal services of materials for the County of Lincoln. The County includes all territory within the County except the municipalities and that territory which is a Special District having been created pursuant to §73-21-3 B NMSA, 1978 for the purpose of purchasing, acquiring, establishing or constructing sanitary sewers or a system of sewage disposal, garbage or refuse disposal and the statutorily created. Special Districts will continue to be provided with solid waste collection removal and disposal services under this Agreement unless otherwise initiated by the Special District.

17. OWNERSHIP.

Title to solid waste shall pass to the Authority when placed in Authority's container, which shall be deemed abandonment of title by the producer. Title to solid waste shall pass to the landfill owner upon depositing of such waste in the designated Disposal Site by the Authority. As used herein, the term "legal waste" shall mean solid waste which Authority legally can deposit in the Disposal Site and does not include hazardous or toxic wastes as defined by the U.S. Resource Conservation and Recovery Act, or any other definition of hazardous or toxic waste defined by any statutes, rules or regulation of the New Mexico Environment Department of the Environmental Protection Agency of the United States.

18. BREACH AND TERMINATION FOR CAUSE.

A. *Breach:* Either party may terminate this Agreement for cause when the other party has breached any provision and fails to cure the breach within a ten-day period following written notice and demand to cure. Breach includes, but is not limited to, failure to make required payments and remittances; failure to provide required service, equipment and facilities; failure to maintain required insurance and bonds; failure to enforce ordinances; and failure to comply with applicable laws, regulatory requirements and operating procedures.

B. *Pecuniary Offset Permitted:* Notwithstanding any other rights or actions the breaching party may have, which rights or actions are reserved to the parties, the non-breaching party may withhold otherwise required remittances and may cover the costs incurred as a result of such breach from the amounts so withheld. In that event, a strict accounting shall be rendered in writing to the other party within thirty (30) days.

19. TERMINATION FOR CONVENIENCE.

Either party may terminate this Agreement at any time for any reason upon sixty (60) days written notice to the other.

20. MISCELLANEOUS PROVISIONS.

A. *Integration and Amendments:* This Agreement constitutes the full and entire understanding of the parties in relation to the subject matter herein and shall not be amended except by a written instrument executed by both parties hereto.

B. *Force Majeure:* Neither party shall be liable for failure to perform their duties nor for any resultant damage or loss if such failure is caused by catastrophe, riot, war, governmental order or regulation, strike, fire, accident, act of God, or other similar contingency beyond the reasonable control of the party who fails to perform.

C. *Partial Invalidity:* In the event any provision of or portion of this Agreement shall be found invalid or unenforceable, this Agreement shall be reformed in accordance with applicable law excluding such invalid or unenforceable provision(s), but any such partial invalidity shall not effect the validity and enforceability of any such provision or portion of the Agreement unless the purpose of the Agreement is rendered impossible.

D. *Notices:* Any notices required to be given under this Agreement shall given *via* certified and regular U.S. mail addressed to:

As to COUNTY: County of Lincoln
Attention: County Manager
Post Office Box 711
Carrizozo, New Mexico 88301

As to AUTHORITY: Lincoln County Solid Waste Authority
Attention: Operations Supervisor
P.O. Box 2405
Ruidoso Downs, New Mexico 88346

IN WITNESS WHEREOF, the parties hereto have set their hands and seals.

DATED this 16th day of May, 2006.

COUNTY OF LINCOLN

By: _____
Rick Simpson, Chairman
Board of County Commissioners

Attest:

_____
Tammie J. Maddox
Lincoln County Clerk

DATED this 16th day of May, 2006.

Lincoln County Solid Waste Authority

By: Don Coleman

Its: Chairman (title)

Attest:

Don Kharrabian

~~Corporate~~ Secretary

[~~corporate seal~~]

Approved as to form and correctness:

Alan P. Morel, County Attorney

Approved as to form and correctness:

Angie Schneider-Cook, Attorney for LCSWA

STATE OF NEW MEXICO)
) ss
COUNTY OF LINCOLN)

On this 23 day of May, 2006, before me appeared Don Coleman, to me personally known, who, being by me duly sworn did say that he/she is the Chairman of the Lincoln County Solid Waste Authority, and ~~that the seal affixed to said instrument is the corporate seal of said Corporation and that said instrument was signed and sealed on behalf of said Corporation by authority of its _____, and he/she acknowledged said instrument to be the free act and deed of said Corporation.~~

NOTARY PUBLIC

My Commission Expires:
10/06/09

AGENDA DOCUMENTATION
November 20, 2012

Agenda Item No.14

SUBJECT

Update on NM Taxation & Revenue Division Regulation taking County Authority away for partial payments on delinquent property taxes.

ACTION REQUESTED BY County Manager

ACTION REQUESTED To be determined

BACKGROUND

See an attached memorandum from the county manager.

www.lincolncountynm.net

County of Lincoln

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

November 15, 2012

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager

SUBJECT: NM Tax & Revenue (TRD) Regulation Related to Partial Payments for Delinquent Property Taxes

Purpose: To provide update on discussion among NM Tax & Revenue, County Treasurers and New Mexico Association of Counties regarding Regulation Changes

Discussion:

At its October 2012 meeting, the Commission was informed of the NM Tax & Revenue Division regulation change that would:

1. Remove County Treasurer's ability to accept partial payments for taxes once the property appears on the tax delinquency list;
2. Require all penalties, interest and costs collected after property appears on a tax delinquency list to be paid to TRD;
3. Clarify that, beginning with the 1990 property tax year, TRD was to retain penalties and interest collected once property is listed on the tax delinquency list;
4. Clarify that documented non-compliance would be a serious matter that the State could not overlook and could lead to a variety of adverse consequences, including suspension and efforts to collect county penalties, interest and costs that should have been remitted to TRD, but were not.

As a result of the regulation change, all thirty-three counties wrote similar letters protesting the new process, and gained support from the New Mexico Association of Counties to help resolve the matter. Treasurer's office will provide an update of those discussions.

Recommendation: Consider status of situation and determine if further action need to be taken.

AGENDA DOCUMENTATION
November 20, 2012

Agenda Item No.15

SUBJECT

Permission to auction a number of surplus inventory items by Resolution 2012-20

ACTION REQUESTED BY County Manager

ACTION REQUESTED To be determined

BACKGROUND

- Permission to transfer HIDTA Inventory from county to HIDTA – Resolution 2012-21

See attached memorandums from the county manager.

www.lincolncountynm.net

County of Lincoln

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

November 15, 2012

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager

SUBJECT: Permission to Auction Surplus Inventory

Purpose: To obtain approval to dispose of surplus inventory by auction.

Discussion:

Approval is sought to dispose of the listed surplus inventory via online auction at www.publicsurplus.com by Resolution 2012-20. See Enclosure 1.

Recommendation: Approve the Resolution 2012-20 for reporting to the State Auditor and DFA and request at least three elected officials to review the surplus inventory to be disposed of as required by statute.

RESOLUTION NO. 2012-20

APPROVAL OF DISPOSITION OF SURPLUS INVENTORY VIA ONLINE AUCTION

WHEREAS, the Lincoln County Board of Commissioners meeting in regular session on November 20, 2012, did review the listed surplus inventory via online auction; and

WHEREAS; no single item is expected to sell for more than $5,000, but the following listed inventory is either a computer requiring special permissions for disposal or was valued over $5,000 at time of purchase. Hard drives on all listed computers will be removed and certified as destroyed by COFEX Computing

2005 Ford	Crwn Vict.	2FAHP71W95X144445	G61094	8703896
1981 Intrntl	Tractor Truck	D2137BGB11001	G12457	7900576
BOMAG	Roller			7600235
IBM	Printer	0161065	HDR	8301483
Panasonic	Laptop	CF-47EY6GUAM	HDR	8702697
Gateway	E04000 Computer	00127549773	HDR	8703181
Optiplex	PC	CM7WT21	HDR	8703488
Dell	Laptop	CN-OG5152-48643	HDR	8703767
Gateway	E2300 Computer	0036032663	HDR	8703970
Gateway	E2300 Computer	0036121101	HDR	8703989
Symantec	8240 Computer	FBHKSMU	HDR	8704009
Toughbook	Laptop	6GKSA52851r	HDR	8704067
HP	Compaq Notebook	SCND6253DRB	HDR	8704068
HP	Desktop 7600	SMXM628006Q	HDR	8704136
HP	DX7500	SMX1929172T	HDR	I-1205
Gateway	e-6610d	0040292491	HDR	8704316
Gateway	e-6610d	0039440281	HDR	8704313
HP	DC5850	S2UA01109C7	HDR	8705357
Lifebook	Laptop	R7400468	HDR	8704418
Lifebook	Laptop	R7400471	HDR	8704535
Lifebook	Laptop	R7400054	HDR	8704466
Lifebook	Laptop	R7400469	HDR	8704531
Lifebook	Laptop	R7400472	HDR	8704533
Lifebook	Laptop	R7400470	HDR	8704534
Garland	Industrial Range			8704760
Victory	Refrigerator	19520V104		8704758
	Ice Maker	010260893		8702983
Madeas	Vacuum Pump	C14262		8704161
Madeas	Vacuum Pump	C14261		8704196
	Industrial Mixer	1028020007		8702839

Encl 1

WHEREAS; in addition to, approval is sought to salvage the following Lincoln County EMS inventory which was destroyed beyond repair in a rollover accident. Ambulance valued at $169,750 and related equipment valued at $31,613.

2008 Chevy	Ambulance	1GBE4V1988F400826	G73393	8704433
Medtronic	Lifepak 12	3716655		8704714
Kenwood	TK790 VHF radio	90500226		8704423
Kenwood	TK890 UHF radio	91000002		8704424
Stryker	Ambulance cot	010139429		8702015
Panasonic	Toughbook computer	19ACU51M		8705939

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Lincoln County, approves the listed surplus inventory via online auction.

PASSED, APPROVED AND ADOPTED this 20th day of November 2012.

BOARD OF COMMISSIONERS OF
LINCOLN COUNTY, NEW MEXICO

_____
Jackie Powell, Chairwoman

_____
Mark Doth, Vice Chair

_____
Eileen Sedillo, Member

_____
Kathryn Minter, Member

_____
Tom Battin, Member

ATTEST:

_____
Rhonda Burrows, County Clerk

www.lincolncountynm.net

County of Lincoln

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

November 15, 2012

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager

SUBJECT: Approval to Dispose of HIDTA Items in Lincoln County Inventory by Transferring Items back to HIDTA

Purpose: To comply with State Auditor's Requirements for Disposing of Property

Discussion:

In September, 2012, the Lincoln County Narcotics Enforcement Unit was disbanded and its inventory was transferred to other HIDTA task forces throughout the state. All items were purchased with HIDTA grant funds and were never the actual property of Lincoln County, though between 2000 and 2004 they had been included as county Capital assets. The Local Government Division, DFA, was notified of the transfer. See enclosure 1.

Contrary to the advice of the Region VI Drug Task Force detailing the transfer, the State Auditor's Office responded that the disposal of the items listed, as well as three computers listed, must be approved by the Commission. See enclosure 2.

Recommendation: Approve Resolution 2012 – 21, disposing of the four vehicles and three computers transferred back to HIDTA.

LINCOLN COUNTY
www.lincolncountynm.net

County of Lincoln

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

September 18, 2012

Local Government Division, DFA
Attn: Tom Dixon
Bataan Memorial Building, Suite 201
Santa Fe, New Mexico 87503

RE: Transfer of Capital Assets

Dear Mr. Dixon:

The Lincoln County Narcotics Enforcement Unit has been disbanded and its inventory, wholly owned by HIDTA, is being transferred to other task forces throughout the state. All items were purchased with HIDTA grant funds and were never the actual property of Lincoln County, though between 2000-2004 they had been included as county Capital Assets. The entire HIDTA inventory will be deleted from inventory. The items listed below are valued over $5,000.

2000 Dodge Ram, county inventory #8702384; purchase price of $16204

1995 Fleetwood Travel Trailer, county inventory #8703028; purchase price of $8575

2002 Ford Expedition, county inventory #8703047; purchase price of $28540

2000 Chevy Blazer, inventory #8703736; purchase price of $5000

I have attached a letter from the Region VI Drug Task Force detailing the transfer. Thank you for making a note of these deletions/transfers in our file. Please advise if additional information or approvals are required.

Thank You,

Michele Caskey
Lincoln County
Assets & Information
575-336-8604

Cc: Nita Taylor, County Manager
State Auditor

ENCL 1

State of New Mexico
OFFICE OF THE STATE AUDITOR

Hector H. Balderas
State Auditor

Carla C. Martinez
Deputy State Auditor

RECEIVED
OCT 01 2012
ADMINISTRATION
LINCOLN COUNTY NM

September 28, 2012

Ms. Nita Taylor, County Manager
County of Lincoln
PO Box 711
300 Central Ave.
Carrizozo, NM 88301-0711

Dear Ms. Taylor:

The Office of the State Auditor (Office) received your email dated September 18, 2012, regarding the County of Lincoln's proposed disposition of property. The notification omitted some required information. Therefore, Ralen Randel contacted Robert Sullivan, Coordinator for the Region VI Drug Task Force, by phone in order to follow up on this issue. Per Ralen Randel's phone conversation with the Region VI Drug Task Force, ownership of the assets was transferred to Lincoln County even though the items were purchased with HIDTA grant funds.

The items mentioned above were listed in the Region VI Drug Task Force's letter that was included as an attachment of the Lincoln County's notification letter dated September 18, 2012. The following three computers were not included in Lincoln County's disposition notification letter: HP Laptop #NM4675HTA, Dell Desktop computer #NM3596HTA, HP Laptop #NM4675HTA.

The items listed in the Region VI Drug Task Force transfer notification letter **do not** need to be transferred back to the County of Lincoln. In the future remember that Section 13-6-1, NMSA 1978, requires the agency to give notification to the Office at least thirty days prior to the agency's disposition action. Section 13-6-1(B)(2) requires the governing authority to "give notification **at least thirty days prior to its action making the deletion** by sending a copy of its official finding and the proposed disposition of the property to the state auditor."

Section 2.2.2.10(V)(3) NMAC *Requirements for Contracting and Conducting Audits of Agencies*, requires the agency to certify in writing the proper erasure of the hard drive and submit the certification along with the notification of the proposed disposition of property to the State Auditor at least thirty days prior to taking action.

2540 Camino Edward Ortiz, Suite A, Santa Fe, New Mexico 87507
Local (505) 476-3800 • Fax (505) 827-3512
http://www.osanm.org • 1-866-OSA-FRAUD

ENCL 2

Please submit the following to the Office as an addendum to your original notification:

- A copy of the official action of approval, by the committee described in Section 13-6-1 (B)(1), for the intended disposition of these assets (this could be a copy of the board minutes approving the intended disposition); and
- If the three computers mentioned above are being disposed of, include detailed information about the items, including the agency property tag number and a description of the items; and
- written certification that all computer hard drives have been properly erased.

tag # where to

Please indicate on your letter that it is an addendum to your previous notification submitted on September 18, 2012. Thank you for your attention regarding this matter.

Sincerely,

Kathryn L. Neidigk

Kathryn L. Neidigk, CPA
Audit Manager

RESOLUTION NO. 2012-21

APPROVAL OF DISPOSITION OF SURPLUS INVENTORY VIA ONLINE AUCTION

WHEREAS, the Lincoln County Narcotics Enforcement Unit has been disbanded and its inventory is being transferred back to other HIDTA task forces throughout the state; and

WHEREAS, the Lincoln County Board of Commissioners meeting in regular session on November 20, 2012, did review the listed items transferred back to HIDTA; and

WHEREAS; no single item is expected to sell for more than $5,000, but the following listed inventory is either a computer requiring special permissions for disposal or was valued over $5,000 at time of purchase.

- 2000 Dodge Ram, county inventory #8702384; purchase price of $16204
- 1995 Fleetwood Travel Trailer, county inventory #8703028; purchase price of $8575
- 2002 Ford Expedition, county inventory #8703047; purchase price of $28540
- 2000 Chevy Blazer, inventory #8703736; purchase price of $5000
- HTAHP Laptop #NM4675HTA
- Dell Desktop computer #NM3596HTA
- HP Laptop #NM4675HTA

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Lincoln County, approves the disposition of the above listed items.

PASSED, APPROVED AND ADOPTED this 20th day of November 2012.

BOARD OF COMMISSIONERS OF
LINCOLN COUNTY, NEW MEXICO

Jackie Powell, Chairwoman

Mark Doth, Vice Chair

Eileen Sedillo, Member

Kathryn Minter, Member

Tom Battin, Member

ATTEST:

Rhonda Burrows, County Clerk

AGENDA DOCUMENTATION
November 20, 2012

Agenda Item No. 16

SUBJECT

Request for Road Review Requests:

ACTION REQUESTED BY County Manager

ACTION REQUESTED To be determined

A. Abandonment and Vacation of R-O-W, & Lot Consolidation of Lot 12, BLK 1, a portion of Gray Road in the Holiday Hills Subdivision, 32,256 sq.ft. by Greg Sturgeion & Rachelle Raven.

B. Abandonment and Vacation of 5100 sq' or .11708 Acres of Pinon Street in the Township of White Oaks for Marlon & Teresa Coffman.

C. Abandonment and Vacation of .103 ac as a portion of Dry Gulch Lane and approval of the South Right-Of-Way of Slane Avenue in the Township of Nogal, by John Denys and Caroline McCoy.

See attached memorandum from county manager.

LINCOLN COUNTY
www.lincolncountynm.net

County of Lincoln

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

November 5, 2012

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager

SUBJECT: Road Review Committee Recommendations

Purpose: To obtain action of three road review requests.

Discussion:

On November 13, 2012, the Road Review Committee met to consider three applications for Abandonment and Vacation:

- At enclosure 1 is the public notice for the three road reviews as indicated below.
- At enclosure 2 is the application for Abandonment and Vacation of R-O-W, & Lot Consolidation of Lot 12, BLK 1, a portion of Gray Road in the Holiday Hills Subdivision, 32,256 sq.ft. by Greg Sturgeion & Rachelle Raven.
- At enclosure 3 is the application for Abandonment and Vacation of 5100 sq' or .11708 Acres of Pinon Street in the Township of White Oaks for Marlon & Teresa Coffman.
- At enclosure 4 is the application for Abandonment and Vacation of .103 ac as a portion of Dry Gulch Lane and approval of the South Right-Of-Way of Slane Avenue in the Township of Nogal, by John Denys and Caroline McCoy.
- At enclosure 5 the committee recommends approval of all requests.

A member of the road review committee, Robert Barber, will be present to answer any questions the Board may have.

Recommendation: Consider and approve the recommendations of the road review committee.

Lincoln County Road Department

P.O. Box 666, 120 Yard Road
CAPITAN, New Mexico 88316
(505) 354-2922
FAX (505) 354-9412

October 22, 2012

LEGAL NOTICE

Notice is hereby given that the Lincoln County Board of Commissioners has received the following road review request:

Abandonment and Vacation of R-O-W, & Lot Consolidation of Lot 12, Blk 1, a portions of Gray Road in the Holiday Hills Subdivision, 32.256 sq.ft. by Greg Sturgeion & Rachelle Raven.

Abandonment and Vacation of 5100 sq' or .11707 Acre of Pinon Street in the Township of White Oaks for Marlon & Teresa Coffman.

Abandonment and Vacation of .103 ac as a portion of Dry Gulch Lane and approval of the South Right-of-Way of Slane Avenue in the Township of Nogal, by John Denys and Caroline McCoy.

Pursuant to Section 67-6-9, N.M.S.A., the Board of Commissioners has appointed a Road Review Committee which will meet at 8:00 A.M. on Tuesday, Nov. 13, 2012. The Road Review Committee will meet at the Lincoln County Road Department and proceed to the sites for review.

The report of the Road Review Committee will be presented to the Board of Commissioners during their regular meeting on November 20, 2012.

Anyone wishing to make comments or recommendations may do so at either of the two above mentioned meetings.

JACKY POWELL, CHAIRWOMAN
LINCOLN COUNTY BOARD OF COMMISSIONERS

PUBLISHED IN THE LINCOLN COUNTY NEWS ON THURSDAY, NOV. 8, 2012, AND IN THE RUIDOSO NEWS ON FRIDAY, NOV. 9, 2012.

**POSTED IN THREE (3) most public places and POSTED ONCE NEAR THE SITE.

Encl 1

APPLICATION TO THE COUNTY OF LINCOLN FOR ABANDONMENT AND VACATION or CLOSURE OF ROAD AND/OR RIGHT-OF-WAY

APPLICATION FOR: ✓ **Abandonment and Vacation** ____ **Closure**

DATE SUBMITTED: 9-24-12

LOCATION OF PROPOSED ABANDONMENT and VACATION OR CLOSURE:
Lot: 12 Block: 2 Addition: _____ Subdivision: Holiday Hills SD
Section: 5 Township: 9S Range: 14E

DESCRIPTION OF PROPERTY TO BE ABANDONED AND VACATED OR CLOSED:

_____

_____

_____

APPLICANT NAME: Rachelle Raven & Greg Sturgeon
ADDRESS: 144 Gray Road / PO Box 1222 Capitan, NM 88316
TELEPHONE(S): 575-973-7554 or 575-937-5943

REQUIRED ATTACHMENTS FOR ABANDONMENT AND VACATION OF ROADWAY OR COUNTY MAINTAINED PUBLIC RIGHT-OF-WAY:

_____ 1. Letter of Intent
- ✓ a. Acreage of road including measurements and method of calculation
- ✓ b. Detailed description of location of road
- ✓ c. Name of Subdivision (if any)
- ____ d. Reason for proposed abandonment, vacation or closure
- ____ e. Special considerations (if any)

_____ 2. Utility Company Approvals
_____ 3. Letters of Consent/Non-consent from all adjoining landowners
_____ 4. Copies of Deeds to adjacent properties
_____ 5. Drawing
_____ 6. Legal description
_____ 7. Determination of value as provided by County Assessor
_____ 8. Appraisal (if required)
_____ 9. Plat of Survey (if required)

REQUIRED ATTACHMENTS FOR ROAD CLOSURE:

_____ 1. Letter of Intent
- ____ a. Acreage of road including measurements and method of calculation;
- ____ b. Detailed description of location of road;
- ____ c. Name of Subdivision (if any);
- ____ d. Reason for proposed abandonment, vacation or closure;
- ____ e. Special considerations (if any).

_____ 2. Utility Company Approvals
_____ 3. Letters of Consent/Non-consent from all adjoining landowners
_____ 4. Copies of Deeds to adjacent properties

Cont'd. on Page 2

ENCL 2

IS ROAD A COUNTY MAINTAINED ROAD: ✓ **YES** ___ **NO**

REQUIRED FEE:

_____ **Two Hundred Fifty Dollar ($250.00) fee per Application**

ADDITIONAL FEES:

_____ **One Hundred Fifty Dollar ($150.00) fee for Assessor's Determination of Value**

_____ **Acquisition Fee in the amount of $** _____

_____ **Fees for Signage changes in the amount of $** _____

PLANNING DEPARTMENT REVIEW OF APPLICATION:
Planning Department staff shall notify applicant whether or not application is deemed complete within fifteen (15) days of submittal. Only applications which are found to be complete will be processed and forwarded to the Lincoln County Road Department. Incomplete applications will be returned to applicant.

AFFIDAVIT/SIGNATURE:

The undersigned person hereby makes this application in accordance with the Resolution and policies of the Board of County Commissioners of Lincoln County, and hereby certifies that the information given herein is true and correct to the best of my knowledge and belief.

Applicant's Signature

Date 9-24-12

September 21st, 2012

To Whom It May Concern:

The water well located at 144 Gray Road was drilled before the dead-end cul-de-sac road was put in. When the well was drilled it was drilled on the wrong side of the property line. I am trying to reincorporate the area that the water well sits in back into the property located at 144 Gray Road in Capitan, New Mexico. We have acquired approval from the two neighbors at the end of the cul-de-sac and now we are seeking approval from the county of Lincoln.

Sincerely,

Rachelle Raven

Greg Sturgeon
Holiday Hills Subdivision
Block 1
Lot 12
Property#: 4075049327103
144 Gray Road
Capitan, New Mexico 88316

August 5th, 2012

To Whom It May Concern:

I live right across the street on the small dead end from Rachelle and Bear (Greg Sturgeon). The well that is currently located right by their property does not impact me coming and going from my property. I hope this will be helpful in making a decision about the well.

Sincerely,

MARK J MYERS

213 DEAN ROAD

CAPLAN NM.

3954

WARRANTY DEED

DANIEL BRANSTETTER and SHERYL BRANSTETTER, husband and wife for consideration paid, grant(s) to MASON J. MORRIS, a single man whose address is 309 S. BIRCH, ROSWELL, NM 88203, the following described real estate in Lincoln County, New Mexico:

Lot 8, Block 1, of HOLIDAY HILLS, Lincoln County, New Mexico, as shown by the plat thereof filed in the office of the County Clerk and Ex-officio Recorder of Lincoln County, New Mexico, on June 4, 1968, in Tube No. 311.

TOGETHER WITH all improvements thereon;

SUBJECT TO easements, restrictions, and reservations of record;

with warranty covenants.

Witness our hand(s) and seal(s) this 21st day of September, 2011.

DANIEL BRANSTETTER

SHERYL BRANSTETTER

STATE OF North Carolina
COUNTY OF Dare : ss.

CYNTHIA O VEAL
NOTARY PUBLIC
DARE COUNTY, NC
My Commission Expires 8-14-2015

This instrument was acknowledged before me this 21st day of September, 2011 by DANIEL BRANSTETTER and SHERYL BRANSTETTER.

Cynthia O. Veal
Notary Public

My commission expires:
8-14-2015

LINCOLN COUNTY-NM
ROBIN B BURCHE,CLERK
201105858
Book2011 Page 5858
1 of 1
09/22/2011 01:52:10 PM

COUNTY CLERK
CLERK
LINCOLN COUNTY, NM

Closed at
Title Co.

July 15, 2012

To whom it may concern:

We live at 146 Gray Rd. next door to Bear and Rochelle. The well that is on the property that is close to their home does not impact the road that we use to go in and out of our driveway. We hope that this is helpful in making any decisions about their well.

William D. and Lynne L. Jeffrey
146 Gray Rd.
Capitan, NM 88316
Phone: 575-354-3424

William D. Jeffrey
Lynne L. Jeffrey

GSV File #20060555-LB

WARRANTY DEED

The Money Man, Inc., a New Mexico Corporation, for consideration paid, grant(s) to William D. Joffrey and Lynne L. Jeffrey, husband and wife as joint tenants, whose address is: P.O. Box 1299, Alto, New Mexico 88312, the following described real estate in Lincoln County, New Mexico:

Lots 7 and 13, Block 1, HOLIDAY HILLS, Lincoln County, New Mexico, as shown by the plat thereof filed in the Office of the County Clerk and Ex-officio Recorder of Lincoln County, New Mexico, June 4, 1968, in Tube No. 311;

SUBJECT TO easements, reservations and restrictions of record;

with warranty covenants.

Witness our hand(s) and seal(s) this 14th day of July, 2006.

The Money Man, Inc.

William Howell, President

STATE OF NEW MEXICO)
ss.
COUNTY OF LINCOLN)

This instrument was acknowledged before me this 14th day of July, 2006, by William Howell, President of The Money Man, Inc., on behalf of said corporation.

My Commission Expires:

(seal) OFFICIAL SEAL
Lisa D. Baker
NOTARY PUBLIC
STATE OF NEW MEXICO
My Commission Expires: 1/5/2007

Notary Public

SEAL
COUNTY CLERK
LINCOLN COUNTY

LINCOLN COUNTY-NM
TANSHI J MADDOX, CLERK
200606737
Book2006 Page 6737
1 of 1
07/17/2006 10:37:15 AM
BY CHARLOTT

Short Form Warranty Deed - New Mexico Statutory Form

33466DP
«RAVEN»
«ESCRITOR»

LINCOLN COUNTY-NM
RHONDA B STURGEON, CLERK
201101173
Book2011 Page 1173
1 of 1
02/22/2011 01:42:20 PM
BY DENNIS

COUNTY CLERK
CLERK
LINCOLN COUNTY, NM

NOTICE OF REAL ESTATE CONTRACT

Please be advised that **RITA ANNE JORDAN, a single woman** as Seller(s), whose address is **PO BOX 655; UNION, OR 97883**, entered into a Real Estate Contract with **RACHELLE A. RAVEN, a single woman and GREGORY K. STURGEON, a single man, as Joint Tenants** as Purchaser(s), whose address is **300 DEL NORTE DRIVE; RUIDOSO, NM 88345**, on February 10, 2011, under the terms and conditions of which the Purchasers agreed to purchase the following described real property located in **Lincoln**, New Mexico:

Lot 12, Block 1, HOLIDAY HILLS, Lincoln County, New Mexico, as shown in the plat thereof filed in the office of the County Clerk of Lincoln County, New Mexico, June 4, 1968, in Tube No. 311.

TOGETHER WITH all improvements thereon;

SUBJECT TO easements, restrictions and reservations of record;

The original of said Real Estate Contract is held by TOTAL ESCROW SERVICES, INC., Escrow Agent, whose address is 508 Mechem Drive, Suite A, Ruidoso, New Mexico 88345.

Witness our hands and seals this 10th **day of February, 2011.**

SELLER(S):

RITA ANNE JORDAN

Witness our hands and seals this 10th **day of February, 2011.**

PURCHASER(S):

RACHELLE A. RAVEN

GREGORY K. STURGEON

STATE OF Oregon)
COUNTY OF Union) ss.

This instrument was acknowledged before me this 14 day of February, 2011, by **RITA ANNE JORDAN.**

Notary Public

My commission expires: Feb 2, 2013

OFFICIAL SEAL
KAYLENE ANN PARSONS
NOTARY PUBLIC-OREGON
COMMISSION NO. 436212
MY COMMISSION EXPIRES FEB. 2, 2013

STATE OF New Mexico)
COUNTY OF Lincoln) ss.

This instrument was acknowledged before me this 10th day of February, 2011, by **RACHELLE A. RAVEN and GREGORY K. STURGEON.**

Notary Public

My commission expires: 6-7-11

VACATION OF RIGHT-OF-WAY AND LOT CONSOLIDATION

LOT 12, BLOCK 1, AND A PORTION OF GRAY ROAD, ALL IN HOLIDAY HILLS SUBDIVISION, IN THE COUNTY OF LINCOLN, STATE OF NEW MEXICO.

UNIFORM PARCEL CODE NUMBER(S)
LOT 12 = 4-076-049-326-095

DESCRIPTION OF A PORTION OF RIGHT-OF-WAY OF GRAY ROAD:

A STRIP OF LAND IN THE PLATTED RIGHT-OF-WAY OF GRAY ROAD ADJOINING LOT 12, BLOCK 1, OF THE HOLIDAY HILLS SUBDIVISION, RECORDED JUNE 11, 1968, IN TUBE NO. 311, IN THE OFFICE OF THE COUNTY RECORDER OF LINCOLN COUNTY, NEW MEXICO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 12, SAID POINT BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID GRAY ROAD, FROM WHICH THE SOUTHEAST CORNER OF SAID LOT 12 BEARS S43°54'16"E 234.54 FEET; THENCE N14°43'26"E 88.84 FEET ALONG SAID EASTERLY RIGHT-OF-WAY LINE TO A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 60.59 FEET; THENCE NORTHERLY 33.31 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 31°29'56" HAVING A CHORD OF N30°28'26"E 32.89 FEET; THENCE N46°13'26"E 44.52 FEET ALONG SAID RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING OF SAID STRIP OF LAND; THENCE N43°46'34"W 10.38 FEET LEAVING SAID RIGHT-OF-WAY LINE; THENCE N46°13'26"E 6.00 FEET; THENCE S43°46'34"E 10.38 FEET TO SAID EASTERLY RIGHT-OF-WAY LINE; THENCE S46°13'26"W 6.00 FEET ALONG SAID RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING, CONTAINING 62.256 SQUARE FEET (0.001 ACRES) MORE OR LESS.

APPROVAL BY COUNTY OFFICIALS:

APPROVED BY SUMMARY PROCEDURE ON THE ____ DAY OF __________ 2012.

______________________ COUNTY MANAGER

______________________ PLANNING DEPARTMENT

APPROVAL BY UTILITY COMPANIES: (Use Black Ink Only)

Company	Title	Date
SAJA BROADBAND	Mgr	8/31/12
ZIA NATURAL GAS	[illegible]	8/24/12
WINDSTREAM COMMUNICATIONS	OPT	8-30-12
OTERO COUNTY ELECTRIC COOPERATIVE	STAKING ENG.	9-7-12

OWNER STATEMENT:

KNOW BY ALL MEN THESE PRESENTS THAT GREGORY K. STURGEON AND RACHELLE RAVEN ARE THE CONTRACT PURCHASERS AND RITA ANNE JORDAN IS THE RECORD OWNER OF LOT 12, BLOCK 1, OF THE HOLIDAY HILLS SUBDIVISION, LINCOLN COUNTY, NEW MEXICO, AS SHOWN BY THE PLAT THEREOF FILED IN THE OFFICE OF THE COUNTY CLERK, COUNTY OF LINCOLN, STATE OF NEW MEXICO. (SEE REF. DOC. B.)

BY THE SIGNING AND FILING OF THIS PLAT, SAID CONTRACT BUYERS AND OWNER DO HEREBY CAUSE THIS VACATION OF RIGHT-OF-WAY AND LOT CONSOLIDATION TO BE PLATTED AS SHOWN HEREON.

GREGORY K. STURGEON   RACHELLE RAVEN

RITA ANNE JORDAN

COUNTY OF LINCOLN } ss
STATE OF NEW MEXICO }

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS 7 DAY OF September 2012, BY GREGORY K. STURGEON AND RACHELLE RAVEN.
MY COMMISSION EXPIRES: 3-4-15   NOTARY PUBLIC

COUNTY OF Canyon } ss
STATE OF Idaho }

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS 11th DAY OF September 2012, BY RITA ANNE JORDAN.
MY COMMISSION EXPIRES: 10-15-2015   NOTARY PUBLIC

KELLI L. MANKER NOTARY PUBLIC

REFERENCE DOCUMENTS:

(Documents used to determine the boundary and to prepare the plat of survey can be found in the Office of County Recorder, County of Lincoln, State of New Mexico. Unless other wise specified.)

A. NOTICE OF REAL ESTATE CONTRACT FROM RITA ANNE JORDAN TO GREGORY K. STURGEON AND RACHELLE RAVEN, RECORDED FEBRUARY 22, 2012, IN BOOK 2011, PAGE 1173.

B. SURVEY PLAT ENTITLED "HOLIDAY HILLS SUBDIVISION" SURVEYED BY NEAL T. CHAPMAN, P.S. NO. 1963, RECORDED JUNE 11, 1968, IN TUBE NO. 311.

C. QUITCLAIM DEED FROM THE COUNTY OF LINCOLN TO GREGORY K. STURGEON AND RACHELLE RAVEN, RECORDED ____________ 2012, IN BOOK 2012, PAGE ____

NOTES:

1. BASIS OF BEARING TAKEN FROM REFERENCE DOCUMENT (B.) THE EAST LINE OF LOT 12 SHOWN AS [S28°18'W].
2. (R)=RECORD DIMENSIONS. REFERENCE DOCUMENT (B.).
3. GRAY ROAD FORMERLY KNOWN AS MOUNTAIN DRIVE.

LEGEND:

- ○ SET NO. 4 REBAR WITH CAP P.S. NO. 12351, BY THIS SURVEY.
- ◆ FOUND NO. 3 REBAR.
- ←● POWER POLE AND ANCHOR/WIRE BRACE.
- —OHU— OVERHEAD UTILITY LINE.
- P.O.B. POINT OF BEGINNING.

SURVEYORS CERTIFICATE:

I, STEVEN J. SANDOVAL, NEW MEXICO PROFESSIONAL SURVEYOR NO. 12351, DO HEREBY CERTIFY THAT THIS SURVEY PLAT AND THE ACTUAL SURVEY ON THE GROUND UPON WHICH IT IS BASED WERE PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION; THAT I AM RESPONSIBLE FOR THIS SURVEY; THAT THIS SURVEY MEETS THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO; AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

9/14/12
DATE

JOB NO. 01-578	DATE: 08-24-12	DRAWN BY: T.G.C
PLAT NO. 934	SCALE 1" = 40'	CHECKED BY: S.J.S.

Indexing Information for County Clerk

Owner(s)	Section(s)	Township(s)	Range(s)	Subdivision
GREGORY K. STURGEON AND RACHELLE RAVEN	5	9 S.	14 E.	HOLIDAY HILLS SUBDIVISION

EAGLE LAND SURVEYING
P.O. BOX 2942   RUIDOSO, NEW MEXICO 88355   PH. (575)257-2275

APPLICATION TO THE COUNTY OF LINCOLN FOR
ABANDONMENT AND VACATION or CLOSURE
OF ROAD AND/OR RIGHT-OF-WAY

APPLICATION FOR: ✓ Abandonment and Vacation ____ Closure

DATE SUBMITTED: 24 September 2012

LOCATION OF PROPOSED ABANDONMENT and VACATION OR CLOSURE:
Lot:____ Block:____ Addition:_____ Subdivision: White Oaks OP
Section: 25 Township: 65 Range: 12 E

DESCRIPTION OF PROPERTY TO BE ABANDONED AND VACATED OR CLOSED:
5100 Square Feet (.12 acre) Pinon Road in White Oaks

APPLICANT NAME: Marlon and Teresa Coffman

ADDRESS: 1057 Beltway South, Abilene TX 79602

TELEPHONE(S): 325-695-2086 325-513-0291 Teresa, Cell

REQUIRED ATTACHMENTS FOR ABANDONMENT AND VACATION OF ROADWAY OR COUNTY MAINTAINED PUBLIC RIGHT-OF-WAY:

✓	1.		Letter of Intent
	✓	a.	Acreage of road including measurements and method of calculation
	✓	b.	Detailed description of location of road
	✓	c.	Name of Subdivision (if any)
	✓	d.	Reason for proposed abandonment, vacation or closure
		e.	Special considerations (if any)
	2.		Utility Company Approvals
no response	3.		Letters of Consent/Non-consent from all adjoining landowners
✓	4.		Copies of Deeds to adjacent properties
✓	5.		Drawing
	6.		Legal description
	7.		Determination of value as provided by County Assessor
	8.		Appraisal (if required)
	9.		Plat of Survey (if required)

REQUIRED ATTACHMENTS FOR ROAD CLOSURE:

	1.		Letter of Intent
		a.	Acreage of road including measurements and method of calculation;
		b.	Detailed description of location of road;
		c.	Name of Subdivision (if any);
		d.	Reason for proposed abandonment, vacation or closure;
		e.	Special considerations (if any).
	2.		Utility Company Approvals
	3.		Letters of Consent/Non-consent from all adjoining landowners
	4.		Copies of Deeds to adjacent properties

Cont'd. on Page 2

ENCL 3

IS ROAD A COUNTY MAINTAINED ROAD: ____ YES ✓ NO

REQUIRED FEE:

✓ Two Hundred Fifty Dollar ($250.00) fee per Application

ADDITIONAL FEES:

✓ One Hundred Fifty Dollar ($150.00) fee for Assessor's Determination of Value

Acquisition Fee in the amount of $

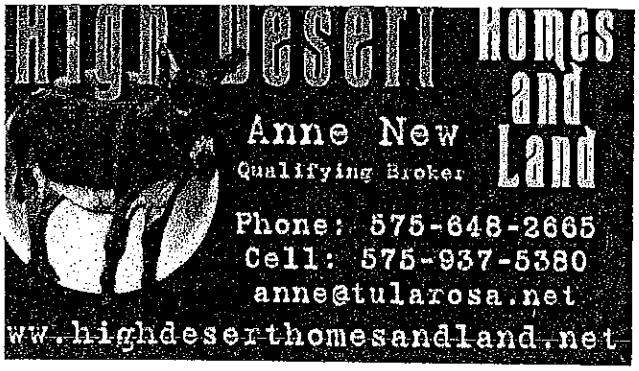
Fees for Signage changes in the amount of $

PLANNING DEPARTMENT REVIEW OF APPLICATION:
Planning Department staff shall notify applicant whether or not application is deemed complete within fifteen (15) days of submittal. Only applications which are found to be complete will be processed and forwarded to the Lincoln County Road Department. Incomplete applications will be returned to applicant.

AFFIDAVIT/SIGNATURE:

The undersigned person hereby makes this application in accordance with the Resolution and policies of the Board of County Commissioners of Lincoln County, and hereby certifies that the information given herein is true and correct to the best of my knowledge and belief.

Marlon and Teresa Cottman 24 September 2012
Applicant's Signature Date
by Anne Mary
Agent



24 September 2012

Dear Mr. Temple and County Commissioners,

On behalf of Marlon and Teresa Coffman, new owners of No Scum Allowed, LLC, I am submitting a request to vacate a 60′ x 85′ section of Pinon Road within the original White Oaks townsite. The road is undeveloped so of course is not maintained by the county. At present, the Coffmans would like to have the space for parking and deliveries and may enclose or develop the area in the future.

Enclosed please find all required attachments except for letters of consent or non-consent from adjoining landowners. I sent letters to all on August 24, 2012 (sample enclosed), and included stamped addressed envelopes to facilitate their response. I called Mr. Wetzel before I sent the letters to ensure that he was the representative of the Wetzel family trust. We discussed the Coffmans petition and he was expecting the letter and maps. I followed up with an e-mail weeks later. Carrizozo Schools superintendent Ms. Nesbitt said that she would bring the matter before the school board at their meeting on September 18. I was unable to contact Ms. Fink as her first letter was returned to me reflecting a name change and expired forwarding address order. I sent another letter to her using the new name and address. As it has been 30 days since I sent these notices, I am hoping that you will allow us to begin this process and submit the responses from the landowners if and when they are received.

Thank you.

Anne New

High Desert Homes & Land

60′ x 85′ = 5100 sq′ ∴ 5100 ÷ 43,560 [sq′ in acre]

= .11707 acre

LINCOLN COUNTY-NM
RHONDA B BURGOS, CLERK
201203032
Book2012 Page 3032
1 of 2
05/14/2012 09:01:00 AM

NOTICE OF REAL ESTATE CONTRACT

Please take notice that there is a Real Estate Contract, dated MAY 12, 2012, executed by and between **No Scum Allowed Saloon, LLC, a New Mexico Limited Liability Company,** as Seller(s), and **No Scum Allowed, LLC, a New Mexico Limited Liability Company,** as Purchaser(s), whose address is **933 White Oaks Ave., White Oaks, NM 88301** covering property located in **LINCOLN COUNTY**, New Mexico:

The east ½ of Lot 4, Block 37 and Lots 1 and 2, Block 38 of the WHITE OAKS O.P. TOWNSITE, Lincoln County, New Mexico.

TOGETHER WITH all improvements, business fixtures, furnishings and equipment thereon;
TOGETHER WITH New Mexico Liquor License #5530; which said license CANNOT be sold or transferred by the herein named purchaser until contract is paid in full.

SUBJECT TO easements, reservations and restrictions of record.

The original deeds and Real Estate Contract are on file with Total Escrow Services, Inc., 508 Mechem Drive, Suite "A", Ruidoso, NM 88345

WITNESS our hand(s) this 12 day of MAY, 2012.

Tony Marsh, President

Marlon Coffman, Member

Teresa Coffman, Member

ACKNOWLEDGMENT FOR CORPORATIONS

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

The foregoing instrument was acknowledged before me this 12 day of MAY, 2012, by Tony Marsh, president of No Scum Allowed Saloon, LLC, a New Mexico Limited Liability Company.

Notary Public

My commission expires:

OFFICIAL SEAL
Judy Tally
NOTARY PUBLIC
STATE OF NEW MEXICO
My Commission Expires: 2-14-12

28 August 2012

Re: Lot 8, Block 38 White Oaks Original Plat

Dear ,

The owners of No Scum Allowed, LLC are requesting that the county vacate a 60' x 85' portion of Pinon Street as shown on included map. The road exists on the White Oaks Original Plat but is not needed for access to any lots north of the main road or a public highway, nor is it maintained by the county.

At your earliest convenience, please acknowledge receipt of this notice, and return your response in the included stamped envelope.

Thank you very much,

Anne New ~ High Desert Homes & Land

SAMPLE

___ I understand this notice and do not oppose the proposed road vacation.

___ I oppose the proposed vacation for reasons stated below.

_____

signature

WARRANTY DEED

Russell F. Griswold and Larue L. Griswold, Husband and Wife, for consideration paid, grant to Howard Wetzel Jr and/or Larue L. Wetzel whose address is P.O. Box 613, Carrizozo, N.M. 88301, the following described real estate in Lincoln County, New Mexico:

Lot 6, Block 38, WHITE OAKS TOWNSITE,
LINCOLN COUNTY,
NEW MEXICO

with warranty covenants.

WITNESS hand and seal this 1st day of October, 1997.

Russell F. Griswold (Seal) (Seal)

Larue L. Griswold (Seal) (Seal)

ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO
COUNTY OF Lincoln } ss.

The foregoing instrument was acknowledged before me this 1ST day of October, 1997, by Russell F. Griswold and Larue L. Griswold (Name or Names of Person or Persons Acknowledging).

Glorietta Marie Miller
Notary Public

My commission expires:
(Seal)

01-6-99

FOR RECORDER'S USE ONLY
STATE OF NEW MEXICO
COUNTY OF LINCOLN } SS
Recorded this 31st day of October, 19 97, at 12:16 P.M. in the Lincoln County Records.
Book 1997-17, Pages 604.
Martha M. Proctor
Lincoln County Clerk
By: Opal Hill Deputy
Rec. # 97-09987 Fees: $ 7.00

ACKNOWLEDGMENT FOR CORPORATION

STATE OF NEW MEXICO
COUNTY OF ..... } ss.

The foregoing instrument was acknowledged before me this ..... day of ....., 19 ....,

by ..... (Name of Officer),

..... (Title of Officer) of ..... (Name of Corporation Acknowledging),

a ..... (State of Incorporation) corporation, on behalf of said corporation.

.....
Notary Public

My commission expires:
(Seal)

604

CERTIFICATION

All microphotographic images of records on this film strip following or preceding this certificate are of authorized records in the possession of this agency as noted in the Statement of Intent and Purpose for this date and roll. These documents are routinely microfilmed as a necessary operation in the generation of an inviolate document file.

Sam E. Chavez
CAMERA OPERATOR

Nov. 3 1997
DATE OF FILMING

QUITCLAIM DEED

George E "Pete" Scott of 7303 36th Court, Vero Beach, FL 32967 for consideration paid, quitclaim to Jayne E. Finke of 16214 Spangler Peak Rd., Ramona, CA 92065 the following described real estate in Lincoln County, New Mexico:

Lot 7 - 13 block 38
of White Oaks, Townsite, Lincoln County, New Mexico as shown by the Plat thereof filed in the office of the County Clerk and Ex-officio Recorder of Lincoln County.
Subject to easements, restrictions and reservations of record

WITNESS hand and seal this 7th day of April, 2009.

(Seal) George E. "Pete" Scott (Seal)

(Seal) (Seal)

ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO
COUNTY OF Indian River } SS. Sebastian

The foregoing instrument was acknowledged before me this 7th day of April, 2009,
by George E Scott
(NAME OR NAMES OF PERSON OR PERSONS ACKNOWLEDGING).

My commission expires:
(Seal)

Nicholas J. Evans
Comm# DD630990
Expires 1/18/2011
(800) 308-0153 FloridaNotaryCorp.com

NOTARY PUBLIC

ACKNOWLEDGMENT FOR CORPORATION

STATE OF NEW MEXICO
COUNTY OF ..... } SS.

The foregoing instrument was acknowledged before me this .....
day of ....., 20 .....,
by .....
(NAME OF OFFICER)
..... of .....,
(TITLE OF OFFICER) (NAME OF CORPORATION ACKNOWLEDGING)
a ..... corporation, on behalf of said
(STATE OF CORPORATION)
corporation.

My commission expires:

(Seal) .....
NOTARY PUBLIC

FOR RECORDER'S USE ONLY

COUNTY CLERK SEAL LINCOLN COUNTY, NM

LINCOLN COUNTY-NM
TAMMIE J MADDOX, CLERK
200902590
Book2009 Page 2590
1 of 2
04/13/2009 10:48:09 AM
BY LOREEI

CORRECTED WARRANTY DEED
INDIVIDUAL TO TRUST

KNOW ALL MEN BY THESE PRESENT THAT:

FOR VALUABLE CONSIDERATION OF TEN DOLLARS ($10.00), and other good and valuable consideration, cash in hand paid, the receipt and sufficiency of which is hereby acknowledged, Helen L. Wetzel, a single woman, whose address is Box 1070, Carrizozo, New Mexico 88301, hereinafter referred to as "Grantor", does hereby grant and warrant unto the Wetzel Family Trust, Helen L. Wetzel, Trustee a trust formed under the laws of the state of New Mexico, hereinafter "Grantee", the following lands and property, together with all improvements located thereon, lying in the County of Lincoln, State of New Mexico, to-wit:

Lots 3, 4 and 8 Block 38, Lots 1, 2, 3 and 4 Block 52, Lots 1, 2, 3 Block 51, Lots 3 and 4 Block 53, White Oaks Addition, Town of White Oaks as same as appears in Records of Lincoln County New Mexico.

Prior instrument reference: Book 2008 Page 4392

SUBJECT to all easements, rights-of-way, protective covenants and mineral reservations of record, if any.

TO HAVE AND TO HOLD same unto Grantee and unto Grantee's assigns forever, with all appurtenances thereunto belonging.

GRANTOR does for Grantors and Grantor's heirs, personal representatives, executors and assigns forever herby covenant with GRANTEE that Grantors are lawfully seized in fee simple of said premises; that the premises are free from all encumbrances, unless otherwise noted above; that Grantors have a good right to sell and convey the same as aforesaid; and to forever warrant and defend the title to the said lands against all claims whatever.

WITNESS Grantor's hand this the 18th day of September, 2008.

Helen L. Wetzel

Helen L. Wetzel, Trustee

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

PERSONALLY came and appeared before me Helen L. Wetzel, who acknowledged to me that she signed, executed and delivered the foregoing Deed on the day and year therein mentioned.

GIVEN under my hand and official seal of office, this the 18th day of September, 2008.

Clydene Baca

NOTARY PUBLIC

My commission Expires:

CLYDENE BACA NOTARY PUBLIC STATE OF NEW MEXICO

COUNTY CLERK SEAL LINCOLN COUNTY, NM

LINCOLN COUNTY-NM
TAMMIE J MADDOX, CLERK
200807750
Book2008 Page 7750
1 of 1
09/19/2008 08:50:11 AM
BY LOREE1

APPLICATION TO THE COUNTY OF LINCOLN FOR ABANDONMENT AND VACATION or CLOSURE OF ROAD AND/OR RIGHT-OF-WAY

APPLICATION FOR: X **Abandonment and Vacation** ___ **Closure**

DATE SUBMITTED: SEPTEMBER 12 2012

LOCATION OF PROPOSED ABANDONMENT and VACATION OR CLOSURE:
Lot: 12 Block: 24 Addition: ___ Subdivision: NOGAL
Section: 5 Township: 9S Range: 13E

DESCRIPTION OF PROPERTY TO BE ABANDONED AND VACATED OR CLOSED:
0.103 AC AS A PORTION OF DRY GULCH LANE HERETOFORE USED AS PRIVATE PROPERTY OVER TWENTY YEARS. SEE ATTACHED PLAT.

APPLICANT NAME: JOHN DENYS AND CAROLINE McCOY

ADDRESS: P.O. BOX 99, 1 DRY GULCH LANE, NOGAL NM 88341

TELEPHONE(S): 575-354-5808

REQUIRED ATTACHMENTS FOR ABANDONMENT AND VACATION OF ROADWAY OR COUNTY MAINTAINED PUBLIC RIGHT-OF-WAY:

X 1. Letter of Intent
- ✓ a. Acreage of road including measurements and method of calculation
- ✓ b. Detailed description of location of road
- ✓ c. Name of Subdivision (if any)
- ✓ d. Reason for proposed abandonment, vacation or closure
- ___ e. Special considerations (if any)

N/A 2. Utility Company Approvals THERE ARE NO UTILITIES

✓ 3. Letters of Consent/Non-consent from all adjoining landowners IN PROGRESS (No Response

N/A 4. Copies of Deeds to adjacent properties ADJACENT PROPERTY IS COUNTY ROW

✓ 5. Drawing

✓ 6. Legal description

___ 7. Determination of value as provided by County Assessor

___ 8. Appraisal (if required)

✓ 9. Plat of Survey (if required)

REQUIRED ATTACHMENTS FOR ROAD CLOSURE:

✓ 1. Letter of Intent
- ___ a. Acreage of road including measurements and method of calculation;
- ___ b. Detailed description of location of road;
- ___ c. Name of Subdivision (if any);
- ___ d. Reason for proposed abandonment, vacation or closure;
- ___ e. Special considerations (if any).

___ 2. Utility Company Approvals

✓ 3. Letters of Consent/Non-consent from all adjoining landowners

___ 4. Copies of Deeds to adjacent properties

Cont'd. on Page 2

ENCL 4

IS ROAD A COUNTY MAINTAINED ROAD: ____ YES X NO

REQUIRED FEE:

✓ **Two Hundred Fifty Dollar ($250.00) fee per Application**

ADDITIONAL FEES:

✓ **One Hundred Fifty Dollar ($150.00) fee for Assessor's Determination of Value**

Acquisition Fee in the amount of $

Fees for Signage changes in the amount of $

PLANNING DEPARTMENT REVIEW OF APPLICATION:
Planning Department staff shall notify applicant whether or not application is deemed complete within fifteen (15) days of submittal. Only applications which are found to be complete will be processed and forwarded to the Lincoln County Road Department. Incomplete applications will be returned to applicant.

AFFIDAVIT/SIGNATURE:

The undersigned person hereby makes this application in accordance with the Resolution and policies of the Board of County Commissioners of Lincoln County, and hereby certifies that the information given herein is true and correct to the best of my knowledge and belief.

[signature] August 29, 2012
Applicant's Signature Date

Caroline McCoy
P.O. Box 99
Nogal, NM 88341
575-354-5808
mccoytwice@windstream.net

August 29, 2012 ,

George and Nancy Cronin
605 Frederico Blvd.
Belen, NM 87001

Re: Purchase portion of Dry Gulch Lane

Dear George and Nancy:

As you know the area in front of our little barn and areas surrounded by RR ties have been mowed and maintained by ourselves for the past thirteen years and a couple of years before that by McCutchen.

We have approached the County about the prospect of purchasing that 1/10th of an acre (0.103 ac). The rules have changed; you can't just go through the process of vacating, you have to buy it now from the County.

We are required to inform you of our request. The plat (recently done by D.T. Collins Associates) shows 53' would remain. The roadway itself is about twelve feet across. I have included a plat to show you. There are no utilities in that area. Nothing would physically change from the way it has been for the past fifteen years.

If you have any reason to object to this, kindly let me know by return post. Thank you. Hope you are well. I had heard you were in Colorado but the address I was given was in Belen.

Sincerely yours,

Caroline McCoy for
Denys and Caroline McCoy

Caroline McCoy
P.O. Box 99
Nogal, NM 88341
575-354-5808
mccoytwice@windstream.net

Ms. Nita Taylor
Lincoln County Manager
P.O. Box 711
Carrizozo, NM 88301
lincoln@tularosa.net

Dear County Manager Taylor:

In continuance of our discussions regarding the appropriation of some footage of the Dry Gulch Lane adjacent to our property in Nogal, I am writing this LETTER OF INTENT to be attached to the forms which will be presented to County Planner, Curt Temple.

This 0.103 acre strip of land, originally platted as a public ROW, has been used and cared for by ourselves for the past thirteen years and by our predecessor, William McCutchen for ten years prior to our purchase of his lots 9, 12, 6, 7 & 10 in block 24, Nogal.

The piece in question dead-ends at a vacated Hochradle to the west. The southerly side would continue to be the Dry Gulch Lane as has been used for the past fifteen or more years. This is bounded by Cronin to the south of that, but Cronin is not an adjacent property owner to the piece in question. The requested area would line up in an east-west direction with our existing fenceline.

We would appreciate having a Road Review and be placed on the September County Commissioner Agenda where D.T. Collins Associates would make the presentation.

Thank you.

Sincerely,

Caroline McCoy

CC: Curt Temple, Planning Director

August 20, 2012

County of Lincoln 300 Central Ave Carrizozo, NM 88301	D.T. Collins & Assoicates, PC 1042 Mechem Drive Ruidoso, NM 88345

Dear Board of County Commissioners of Lincoln County,

The action items before you encompass the area of land between Slane Avenue and Dry Gulch Road and is formally known as the east half of Block 24 of the Nogal Townsite, Lincoln County, New Mexico.

Nogal is a historical townsite which was not originally surveyed very well which has caused land boundary issues within a majority of the Lots and Blocks of the Townsite. From extensive surveying within the Townsite, it has been found that each retracing surveyor seems to have their own legitimate reasons to determine the location of the Lots and Blocks within the Townsite. A majority of these retracing surveyors went strictly by the record distances using the stone Townsite corners. They then protracted the location of what they were surveying to lay out the Lots within the Block ignoring the occupation of houses and fences that were constructed decades before.

The occupation of these lots really should be one of the most significant factors in determining where a property's boundaries are located. A surveyor can be the catalyst for another County War if he were to simply measure out the record distance from a mathematically calculated point and set a corner ten feet on one side of a fence that has been occupied by the parties for decades without conflict. The opinion of a landowner when asked if the old fence is his boundary will often waiver as soon as they see a measurement to the fence that is short of the record distance or if there is a new shiny monument in the ground that gives them the indication that they are entitled to more than they initially thought.

Within this block, there are many inconsistencies of measurements and ambiguity of what truly are the boundaries of each lot. The land owners have come together to try to fix the common boundaries between each other but there is still conflict in where the County right-of-way is actually located within Slane Avenue. The right-of-way boundary of Dry Gulch Lane has been determined by multiple surveys of the area and found monuments set by local surveyors and by the NMDOT. The location of this right-of-way is not in question by the owners adjoining the right-of-way or by myself as the surveyor. Thus the application to purchase right-of-way within this area can be calculated and is acceptable by the applicant.

The big issue is the right-of-way of Slane Avenue. If you base the south right-of-way on the record distance from the north right-of-way of Dry Gulch Road, then this right-of-way line goes directly through the house that is deeded as Lot 1 of Block 24. The record distance is not a good indication of where the boundary is located. The owner of Lot 1 has also been deeded the north seven(7) feet of Lot 4. There is a fence in between the two land owners that has been acquiesced to for decades. Should this fence be used as the deed boundary? This puts the north boundary of Lot 1 north of the house but still does not match the occupation of the fence, retaining walls, and outbuildings that have defined the Lot for

decades. A previous plat done by Paul Van Gulick of Benchmark Engineering was signed off by the County Commissioners in which they accepted the fences on the north right-of-way of Slane Avenue as the north boundary of Slane Avenue. Paul did this because he was also having issues with were the actual right-of-way was located and just wanted to establish his client's rights within their fences.

There is also the evidence of a found ½" iron pipe on the northwest corner of McDonald's land along the State right-of-way. The walls and fences of the McDonald property line up with the pipe west of the State Right-of-Way. Could this pipe have been the true corner of this Block? Don't know....

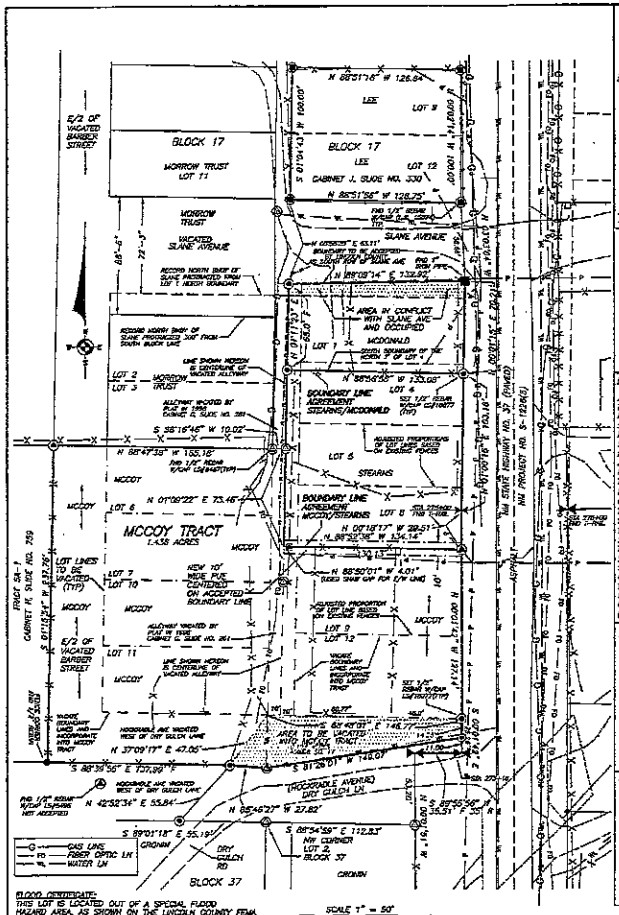
My contention is that the area known as Slane Avenue is such that one cannot truly prove where it is located and thus a vacation of the right-of-way within this area cannot be calculated. The request of the applicant (McDonald) is that her North fence as shown on the subject plat is regarded as the South right-of-way line of Slane Avenue as was the North Line previously agreed to and signed off by the County. The distance between the two properties is around 58 feet along the State Right-of-Way and around 63 feet on the west side of the McDonald property.

The platted right-of-way of each road within the Nogal Townsite is eighty(80) feet. Many of the roads and alleyways within the Nogal Townsite have been vacated over time without a true field survey to show exactly what was vacated. These vacations have caused additional problems because a majority of the vacations did not address the existing utilities within these right-of-ways. Along with this plat, the adjoining land owners are working to grant easements for the existing utilities and future utilities. The approval of the Commissioners to vacate part of Dry Gulch Lane and the approval of the location of the South right-of-way Line of Slane Avenue will not affect the rights of the entities that have existing utilities in the area.

Therefore, in light of all of this, it is my professional opinion that the true and proper boundary is the fenceline of McDonald on Slane. It harmonizes best with the evidence of actual occupation and usage of the land, and what we are asking is that you concur in order to make this a boundary line by agreement and thereby settle it once and for all.

Respectfully,

Eric Collins, NMPLS #18077



BOUNDARY SURVEY PLAT

OF THE VACATION OF A PART OF DRY GULCH LANE, APPROVAL OF THE SOUTH RIGHT-OF-WAY OF SLANE AVENUE, A BOUNDARY LINE AGREEMENT BETWEEN LOTS 8 AND 9, BLOCK 24, A BOUNDARY LINE AGREEMENT BETWEEN SOUTH BOUNDARY OF THE NORTH SEVEN FEET OF LOT 1, BLOCK 24, AND THE COMBINATION OF LOTS 6, 7, 9, 10, 11 12, BLOCK 24 AND THE BLOCK 24 VACATED ALLEY ADJACENT TO SAID LOTS, THE E/2 OF VACATED BARBER STREET AND PART OF VACATED DRY GULCH LANE, ALL BEING WITHIN THE TOWNSITE OF NOGAL, LINCOLN COUNTY, NM

NOTES ON EXISTING UTILITIES AND UTILITY EASEMENTS

THERE ARE MULTIPLE OVERHEAD AND UNDERGROUND UTILITIES WITHIN THE LANDS SHOWN HEREON. DETERMINATION OF EASEMENTS HAS BEEN AN ISSUE AS THERE HAS BEEN NO MENTION OF THE UTILITIES IN PREVIOUS VACATIONS. BY THE FILING OF THIS PLAT, EASEMENTS ARE GRANTED FOR ALL EXISTING UTILITY LINES WHETHER OVERHEAD OR UNDERGROUND. THIS EASEMENT SHALL WHETHER PHYSICALLY SHOWN ON THIS PLAT AND INCLUDES THE RIGHT OF INGRESS AND EGRESS ACROSS THE OWNER'S PROPERTY CONTAINING THE EASEMENT FOR REPAIR, MAINTENANCE AND REPLACEMENT OF UTILITIES OF APPURTENANCES THERETO. THE WIDTH OF THE EASEMENT GRANTED IS 10 FEET CENTERED ON THE EXISTING LINE AS DETERMINED IN THE FIELD.

DRY GULCH LANE VACATION DESCRIPTION

A TRACT OF LAND BEING PART OF DRY GULCH LANE WITHIN THE TOWNSITE OF NOGAL, LINCOLN COUNTY, NEW MEXICO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

STARTING AT THE T-RAIL STATION "273+16" ON THE WEST RIGHT-OF-WAY OF STATE HIGHWAY NO. 37, THENCE ALONG SAID WEST RIGHT-OF-WAY N 00°01'42" W A DISTANCE OF 11.00 FEET TO A SET 1/2" REBAR WITH PLS CAP #18077 AND BEING THE TRUE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED;

THENCE LEAVING SAID RIGHT-OF-WAY S 81°26'01" W A DISTANCE OF 149.09 FEET TO A FOUND 1/2" REBAR WITH PLS CAP #9467;

THENCE N 85°46'27" W A DISTANCE OF 27.82 FEET TO A SET 1/2" REBAR WITH PLS CAP #18077;

THENCE N 37°09'17" E A DISTANCE OF 47.05 FEET TO THE SOUTHEAST CORNER OF LOT 11, BLOCK 24;

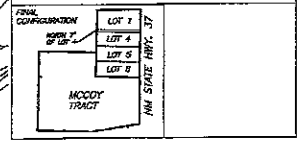
THENCE ALONG THE SOUTH BOUNDARY OF BLOCK 24 S 88°47'01" E A DISTANCE OF 148.27 FEET TO THE SOUTHEAST CORNER OF LOT 12 ON THE WEST RIGHT-OF-WAY OF STATE HIGHWAY NO. 37;

THENCE ALONG SAID WEST RIGHT-OF-WAY S 00°00'21" E A DISTANCE OF 14.29 FEET TO THE TRUE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED CONTAINING 0.103 ACRES (4503.8 SQ. FT), MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, BRAD E. COLLINS, NEW MEXICO PROFESSIONAL SURVEYOR NUMBER 18077, DO HEREBY CERTIFY THAT THIS BOUNDARY SURVEY PLAT AND THE ACTUAL SURVEY ON THE GROUND UPON WHICH IT IS BASED WERE PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION; THAT I AM RESPONSIBLE FOR THIS SURVEY; THAT THIS SURVEY MEETS THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO; AND THAT THIS IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

ERIC E. COLLINS, NMPS NO. 18077



DEDICATION

STATE OF NEW MEXICO) SS
COUNTY OF LINCOLN)SS

KNOW ALL MEN BY THESE PRESENTS THAT CAROLINE A. MCCOY AND JOHN DENYS MCCOY, HUSBAND AND WIFE, ARE THE RECORD OWNER AND PROPRIETOR OF LOT 6, 7, 10 11, THE WEST 79 FEET OF LOTS 8 AND 12, AND THE EAST 46 FEET OF LOTS 9 AND 12, ALL IN BLOCK 24, THE VACATED ALLEY WEST OF LOTS 8 AND 12, THE E/2 OF VACATED BARBER STREET ADJACENT TO LOTS 6, 7, 10 AND 11, BLOCK 24 AND THE W1/2 OF VACATED HOCKADALE WEST OF DRY GULCH LANE, ALL WITHIN THE TOWNSITE OF NOGAL, LINCOLN COUNTY, NEW MEXICO; AND

THAT ROBERT J. STEARNS AND SUE ANN STEARNS, HUSBAND AND WIFE, THE RECORD OWNERS AND PROPRIETORS OF LOT 4, EXCEPT THE NORTH 7 FEET THEREOF, AND ALL OF LOT 5, BLOCK 24, OF THE TOWNSITE OF NOGAL, LINCOLN COUNTY, NEW MEXICO; AND

THAT KATHLEEN MCDONALD, A SINGLE WOMAN IS THE RECORD OWNER AND PROPRIETOR OF LOT 1 AND THE NORTH 7 FEET OF LOT 4, BLOCK 24 OF THE TOWNSITE OF NOGAL, LINCOLN COUNTY, NEW MEXICO;

BY THE FILING OF THIS PLAT SAID OWNERS AND PROPRIETORS DO HEREBY GRANT THE PUBLIC UTILITY EASEMENT ALONG ALL EXISTING UTILITY LINES, WHETHER OVERHEAD OR UNDERGROUND, AND WHETHER SHOWN ON THIS PLAT OR NOT. SAID UTILITY EASEMENT SHALL BE A TOTAL OF 10 FOOT WIDE, CENTERED ON THE EXISTING LINE ITSELF. A NEW TEN FOOT WIDE WATERLINE EASEMENT ALONG THE COMMON BOUNDARY BETWEEN STEARNS AND MCCOY, BETWEEN LOT 8 AND 9 SHOWN HEREON, IS HEREBY GRANTED TO THE NOGAL DOMESTIC WATER CORPORATION.

CONSENT AND CLAIM OF EXEMPTION

WE, THE OWNER OF THE WEST 79 FEET AND THE EAST 46 FEET OF LOT 9, BLOCK 24, OF THE TOWNSITE OF NOGAL, LINCOLN COUNTY, NEW MEXICO, CERTIFY, THAT THIS BOUNDARY SURVEY WAS DONE WITH OUR CONSENT AND I HEREBY AGREE TO THE BOUNDARY LINE COMMON TO LOT 8 AND 9 SHOWN HEREON. WE, THE OWNER OF THE LANDS SHOWN HEREON CLAIM AN EXEMPTION FROM THE REQUIREMENTS OF THE NEW MEXICO SUBDIVISION ACT AND THE LINCOLN COUNTY, NEW MEXICO, SUBDIVISION REGULATIONS FOR THE FOLLOWING REASON. WE CERTIFY THAT THIS TRANSACTION INVOLVES:

THE DIVISION OF LAND RESULTING ONLY IN THE ALTERATION OF PARCEL BOUNDARIES WHERE PARCELS ARE ALTERED FOR THE PURPOSE OF INCREASING OR REDUCING THE SIZE OF CONTIGUOUS PARCELS AND WHERE THE NUMBER OF PARCELS IN NOT INCREASED.

CAROLINE A. MCCOY _____ JOHN DENYS MCCOY

ACKNOWLEDGMENT

STATE OF NEW MEXICO) SS
COUNTY OF LINCOLN) SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2012, BY CAROLINE A. MCCOY AND JOHN DENYS MCCOY, HUSBAND AND WIFE.

MY COMMISSION EXPIRES: _____ NOTARY PUBLIC

CONSENT

WE, THE OWNERS OF THE LOT 4, EXCEPT THE NORTH 7 FEET THEREOF, AND ALL OF LOT 5, BLOCK 24, OF THE TOWNSITE OF NOGAL, LINCOLN COUNTY, NEW MEXICO, CERTIFY THAT THIS BOUNDARY SURVEY WAS DONE WITH OUR CONSENT AND I HEREBY AGREE TO THE BOUNDARY LINE COMMON TO LOT 8 AND 9 AND THE BOUNDARY LINE ALONG THE SOUTH BOUNDARY OF THE NORTH SEVEN(7) FEET OF LOT 4, BLOCK 24 AS SHOWN HEREON.

ROBERT J. STEARNS _____ SUE ANN STEARNS

ACKNOWLEDGMENT

STATE OF NEW MEXICO) SS
COUNTY OF LINCOLN) SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2012, BY ROBERT J. STEARNS AND SUE ANN STEARNS, HUSBAND AND WIFE.

MY COMMISSION EXPIRES: _____ NOTARY PUBLIC

CONSENT

I, THE OWNER OF THE LOT 1 AND THE NORTH 7 FEET OF LOT 4, BLOCK 24, OF THE TOWNSITE OF NOGAL, LINCOLN COUNTY, NEW MEXICO, CERTIFY THAT THIS BOUNDARY SURVEY WAS DONE WITH MY CONSENT AND I HEREBY AGREE TO THE BOUNDARY LINE ALONG THE SOUTH BOUNDARY OF THE NORTH SEVEN(7) FEET OF LOT 4, BLOCK 24 AS SHOWN HEREON.

KATHLEEN MCDONALD

ACKNOWLEDGMENT

STATE OF NEW MEXICO) SS
COUNTY OF LINCOLN) SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2012, BY KATHLEEN MCDONALD.

MY COMMISSION EXPIRES: _____ NOTARY PUBLIC

COUNTY CONSENT AND APPROVAL FOR BOUNDARY LINE AGREEMENT ON SLANE AVENUE

LINCOLN COUNTY, BY ITS SIGNATURE HERETO, AGREES TO BE BOUND BY THE LOCATION OF THE SOUTHERLY RIGHT-OF-WAY OF SLANE AVENUE ALONG THE EXISTING FENCE AND BEING COINCIDENT WITH THE SOUTHERLY LOT LINE OF LOT 1, BLOCK 24, OF THE TOWNSITE OF NOGAL, LINCOLN COUNTY, NEW MEXICO AS SHOWN ON THIS PLAT.

COUNTY APPROVAL OF THE VACATION OF PART OF DRY GULCH LANE

THE VACATION OF A PART OF DRY GULCH LANE, FORMERLY KNOWN AS HOCKADALE AVENUE, IS HEREBY APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF LINCOLN COUNTY, NEW MEXICO ON THIS _____ DAY OF _____, 2012.

ATTEST: _____ RHONDA BURROW, COUNTY CLERK _____ NITA TAYLOR, COUNTY MANAGER

CHAIRMAN, BOARD OF COUNTY COMMISSIONERS _____ VICE-CHAIRMAN, BOARD OF COUNTY COMMISSIONERS

APPROVAL BY UTILITY COMPANIES (SEE DEDICATION AND NOTES ABOVE FOR EASEMENTS)

WINDSTREAM COMMUNICATIONS	TITLE	DATE
OTERO COUNTY ELECTRIC CO-OP	TITLE	DATE
ZIA NATURAL GAS COMPANY	TITLE	DATE
BAJA BROADBAND	TITLE	DATE

MULTIPLE OWNER OF PROPERTY		NOGAL TOWNSITE SUBDIVISION	
S 6	T 9 S TOWNSHIP	R 13 E RANGE	N.M.P.M.

INDEXING INFORMATION FOR COUNTY CLERK

COUNTY CLERK FILING INFO

COUNTY CLERK SEAL

BASIS OF BEARINGS

GPS Static Session and OPUS Solution.
Project scaled from Grid Coordinates to Ground at the following point and Project Height. All distances are ground.
Project latitude: 33°33'07.56808" N
Project longitude: 105°42'51.30491" W
Project height: 9000 aft
Grid to Ground scale factor: 1.0003768704

INSTRUMENTS OF TITLE:

MCCOY: BOOK 300, PG. 655-656
STEARNS: BOOK 118, PG. 494
MCDONALD: BOOK 2005, PG. 6131

D.T. COLLINS & ASSOCIATES P.C.
SURVEYING, MAPPING
1042 MECHEM DR. 575-258-5272
RUIDOSO, LINCOLN COUNTY, NEW MEXICO

SCALE: 1"=50'
DATE: 05-12-12
DRAWN BY: EEC
CHECKED BY: EEC
JOB NO: 12-900A
SHEET 1 OF 1

November 13, 2012

To: Chairman, Lincoln County Board of Commissioners

From: Chairman, Lincoln County Road Review Committee

Subject: Review of:

a. Application to vacate a portion of Pinon Street in White Oaks
b. Application to vacate portions of the right-of-way on Dry Gulch Lane in Nogal
c. Application to vacate a portion of the right-of-way at 144 Gray Road in Capitan

1. On November 13, the Lincoln County Road Review Committee met to consider the subject applications. Members present were Billy Seelback, Lance Hale and Robert Barber. Carl Palmer and Kim Roper of the Lincoln County Road Department, and Curt Temple, Lincoln County Planning Director accompanied the committee on inspection of the application sites.

2. Ms. Anne New, High Desert Homes and Land submitted an application on behalf of Marlon and Teresa Coffman, owners of No Scum Allowed, LLC, to vacate 60' X 85' of Pinon Street within White Oaks. Ms. New met the committee in White Oaks to discuss the application. The portion of Pinon Street covered by this application is between Blocks 37 and 38 off of the White Oaks Highway in White Oakes but has never been developed and is not marked nor maintained by the county as a street. Upon inspection, the committee determined that closure would not impact surrounding owners' access to their land. Ms. New had notified all the surrounding land owners of this application and there were no objections at this time. The road review committee recommends this application be approved.

3. Mr. John Denys and Ms. Caroline McCoy submitted an application to vacate a portion of the right-of-way on Dry Gulch Lane in Nogal. Ms. McCoy and Mr. Eric Collins, D.T. Collins & Associates, P.C. was present to discuss this application. The application covers .103 acres north of Dry Gulch Lane and Highway 37. While Dry Gulch Lane is a county road, it is not being maintained by the county road department. Vacating this property does not impact road usage or maintenance. Ms. McCoy had notified all the adjoining land owners and there were no objections to this application. The road review committee recommends this application be approved.

During inspection of this application, Mr. Collins pointed out another issue concerning the right-of-way for Slane Avenue in Nogal. Mr. Collins explained there have been numerous issues of property boundaries in Nogal with one being the right-of-way for Slane. The platted right-of-way for roads within the Nogal Townsite is eighty feet, which had placed the Slane boundaries in the long established homes on the north and south sides of Slane. In a previous agreement, the land owner of the north side of Slane and county agreed the north line of Slane would be an existing rock wall which had been in place for some time. Based on long-term occupancy, the fence on the north side of Mr. McDonald's property could be the south line of Slane Avenue. If approved, Slane Avenue will be approximately 58' at Highway 37 and 63' at the west end. Approval of this proposed change does not impact usage of this road. The road review committee recommends this proposal be approved.

ENCL 5

4. Ms. Rachelle Raven and Mr. Greg Sturgeon submitted an application to vacate approximately 32 sq ft of road right-of-way at 144 Gray Road in Capitan. Ms. Raven met with the committee to discuss her application. The water well associated with Ms. Raven's property was drilled on the road right-of-way. Ms. Raven requested the 32 sq ft of right-of-way containing her well be vacated and joined to her property. The county road maintains Gray Road but approval of this application does not impact their ability perform required maintenance. Use of this road is not impacted with approval of this application. Ms. Raven has notified surrounding land owners and there are no objections. The road review committee recommends this proposal be approved.

Robert Barber
Chairman, Road Review Committee

AGENDA DOCUMENTATION
November 20, 2012

Agenda Item No. 17

SUBJECT

Consideration of Approval or Disapproval of Indigent Health Care Claims

ACTION REQUESTED BY Indigent Healthcare Administrator

ACTION REQUESTED To be determined

BACKGROUND

See an attached memorandum from county manager.

www.lincolncountynm.net

County of Lincoln

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

November 15, 2012

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager

SUBJECT: Sole Community Provider & Indigent Health Care Claims

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

Discussion:

Sole Community Provider Payments: This month our coordinator processed eighty-three claims (83). Seventy-nine (79) are recommended for approval, for a total of **$115,024.37**, and four (4) are recommended for disapproval for the reason indicated at Enclosure. 1.

Indigent Health Care Claims: This month our coordinator processed fifty-nine (59) claims. Fifty-five (55) are recommended for approval and four (4) for disapproval for the reasons indicated at Enclosure 2. If approved, total recommended for payment this month is **$28,179.39.**

Manager's Analysis – For the last two years, the average Indigent Health Care monthly payments were **$36,467 and $21,651** respectively. The total year-to-date is **$106,636**, with an average of **$21,327**. Our budget for the year is $386,461.

Similarly, for the last two fiscal years, the total Commission-approved Sole Community Provider Claims were **$1,118,309** and **$1,201,132** respectively. The total year-to-date is **$553,582**, with a monthly average of **$115,024.** Our current budget for the year is $1,003,541. Attached at Encl. 3 are IHC and SCP tracking charts for the previous and current fiscal years.

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

Approved: _____
Jackie Powell

SOLE COMMUNITY PROVIDER CLAIMS
FISCAL YEAR 2012 - 2013

PREVIOUS AMOUNT APPROVED THIS FISCAL YEAR		$438,557.88
ADJUSTMENTS		
TOTAL ADJUSTMENTS:	$0.00	$0.00

NOVEMBER # CLAIMS FOR APPROVAL	79
# CLAIMS FOR DENIAL	4
NOVEMBER # TOTAL CLAIMS	83

NOVEMBER TOTAL $ AMOUNT APPROVED	$115,024.37

TOTAL # CLAIMS THIS FY APPROVED	324
TOTAL # CLAIMS THIS FY DENIED	24
TOTAL # CLAIMS FY 2012 - 2013	348

TOTAL APPROVED THIS FISCAL YEAR	$553,582.25

ENCL 1

FACILITY: LINCOLN COUNTY MEDICAL CENTER 11/20/2012 THROUGH 11/20/2012

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
18239	06/01/2012	1862.60	1434.20	077%
18240	07/23/2012	123.74	95.28	077%
18280	06/05/2012	745.00	573.65	077%
18315	08/13/2012	1022.00	786.94	077%
18185	09/04/2012	2306.00	1775.62	077%
18253	09/12/2012	1791.00	1379.07	077%
18281	10/12/2012	432.00	332.64	077%
18186	10/07/2012	940.00	723.80	077%
18187	10/07/2012	850.00	654.50	077%
18230	10/08/2012	687.00	528.99	077%
18254	10/17/2012	888.00	683.76	077%
18255	10/26/2012	4281.40	3296.68	077%
18307	10/28/2012	951.00	732.27	077%
18190	09/26/2012	9606.40	7396.93	077%
18191	07/18/2012	2787.00	2145.99	077%
18278	10/08/2012	1630.00	1255.10	077%
18279	10/09/2012	2773.00	2135.21	077%
18193	09/24/2012	1508.00	1161.16	077%
18284	09/18/2012	1849.00	1423.73	077%
18285	10/22/2012	6630.00	5105.10	077%
18256	10/23/2012	3059.00	2355.43	077%
18286	08/22/2012	1156.00	890.12	077%
18318	08/26/2012	2719.40	2093.94	077%
18231	10/08/2012	104.00	80.08	077%
18326	10/14/2012	979.00	753.83	077%
18289	10/25/2012	4356.01	3354.13	077%
18202	09/28/2012	733.00	564.41	077%
18203	08/30/2012	314.00	241.78	077%
18204	09/20/2012	563.00	433.51	077%
18206	07/09/2012	4639.76	3572.62	077%
18210	10/02/2012	7940.00	6113.80	077%
18232	10/11/2012	5644.00	4345.88	077%
18233	10/12/2012	490.00	377.30	077%
18309	11/01/2012	3598.01	2770.47	077%
18270	09/14/2012	94.00	72.38	077%
18271	09/28/2012	94.00	72.38	077%
18211	09/11/2012	107.00	82.39	077%
18308	09/20/2012	609.80	469.55	077%
18244	09/14/2012	50.00	38.50	077%
18245	10/19/2012	676.00	520.52	077%
18214	06/19/2012	1789.00	1377.53	077%
18217	10/03/2012	338.00	260.26	077%
18310	10/29/2012	490.00	377.30	077%
18311	11/01/2012	4861.01	3742.98	077%
18257	06/03/2012	65.00	50.05	077%
18291	09/11/2012	275.00	211.75	077%
18292	10/26/2012	7788.00	5996.76	077%
18258	10/22/2012	107.00	82.39	077%
18293	09/04/2012	2272.00	1749.44	077%
18295	10/16/2012	6617.90	5095.78	077%
18246	10/21/2012	965.00	743.05	077%
18220	07/31/2012	44.76		000%
PATIENT'S BILL IS BELOW $50				
18247	08/08/2012	15.41		000%
PATIENT'S BILL IS BELOW $50				

FACILITY: LINCOLN COUNTY MEDICAL CENTER 11/20/2012 THROUGH 11/20/2012

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
18248	10/15/2012	4955.00	3815.35	077%
18305	08/08/2012	578.00	445.06	077%
18306	10/17/2012	3047.00	2346.19	077%
18298	09/29/2011	268.97		000%
PAST FILING DEADLINE				
18236	10/10/2012	274.00		000%
ROUTINE SERVICES NOT COVERED				
18259	10/23/2012	1107.00	852.39	077%
18300	09/11/2012	761.00	585.97	077%
18301	09/28/2012	1179.00	907.83	077%
18313	10/30/2012	1440.00	1108.80	077%
18249	07/02/2012	68.20	52.51	077%
18250	10/17/2012	2306.00	1775.62	077%
18260	05/31/2012	153.60	118.27	077%
18261	06/13/2012	300.00	231.00	077%
18273	09/14/2012	183.00	140.91	077%
18314	10/24/2012	994.00	765.38	077%
18238	10/03/2012	2673.40	2058.52	077%
18321	08/31/2012	13647.64	10508.68	077%
18324	09/11/2012	1020.00	785.40	077%
18325	10/29/2012	144.00	110.88	077%
18269	10/23/2012	341.00	262.57	077%
18227	08/08/2012	2507.42	1930.71	077%
18262	08/15/2012	275.00	211.75	077%
18263	08/19/2012	1132.00	871.64	077%
18228	08/31/2012	297.00	228.69	077%
18229	09/11/2012	592.00	455.84	077%
18264	09/14/2012	681.00	524.37	077%
18265	10/17/2012	161.00	123.97	077%
18266	10/24/2012	931.00	716.87	077%
18302	10/27/2012	616.00	474.32	077%
18267	07/25/2012	135.00	103.95	077%
			115024.37	

APPROVED- 79 REJECTED- 4

INDIGENT HEALTH CARE CLAIMS
FISCAL YEAR 2012 - 2013

PREVIOUS AMOUNT APPROVED THIS FISCAL YEAR		$78,456.68
ADJUSTMENTS		
Claim #: 13597	81.91	
Claim #: 13599	52.08	
TOTAL ADJUSTMENTS:	133.99	
NOVEMBER # CLAIMS FOR APPROVAL	55	
# CLAIMS FOR DENIAL	4	
NOVEMBER # TOTAL CLAIMS	59	
NOVEMBER TOTAL $ AMOUNT APPROVED		$28,179.39
TOTAL # CLAIMS THIS FY APPROVED	254	
TOTAL # CLAIMS THIS FY DENIED	24	
TOTAL # CLAIMS FY 2012 - 2013	278	
CURRENT TOTAL APPROVED THIS FISCAL YEAR		$106,636.07

*Assuming the above is approved

ENCL 2

FACILITY: ANESTHESIA ASSOCIATES OF NM 11/20/2012 THROUGH 11/20/2012

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
18287	08/21/2012	136.00	104.72	077%
18288	09/13/2012	70.13	54.00	077%
18276	07/26/2012	564.00	117.90	021%
18277	08/28/2012	1128.00	235.80	021%
			512.42	

APPROVED- 4 REJECTED-

FACILITY: GERALD CHAMPION REGIONAL MED CTR 11/20/2012 THROUGH 11/20/2012

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
18299	06/29/2012	4375.28	3368.97	077%
			3368.97	

APPROVED- 1 REJECTED-

FACILITY: LC AMBULANCE-PRES HEALTH SVCS 11/20/2012 THROUGH 11/20/2012

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
18272	10/16/2012	1165.80	500.00	043%
18251	10/03/2012	494.00	6.00	001%
18320	08/31/2012	712.40	15.00	002%
18323	08/31/2012	670.80		000%
PATIENT HAS MET OR EXCEEDED POLICY LIMIT				
			521.00	

APPROVED- 3 REJECTED- 1

FACILITY: LINCO MEDICAL & SUPPLY, INC 11/20/2012 THROUGH 11/20/2012

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
18243	09/09/2012	57.48	57.48	100%
18283	10/31/2012	205.49	205.49	100%
18196	03/06/2012	82.20	82.20	100%
18197	05/06/2012	82.20	82.20	100%
18198	07/06/2012	82.20	82.20	100%
18199	09/06/2012	82.20	82.20	100%
18219	10/12/2012	201.94	201.94	100%
18225	10/06/2012	213.90	213.90	100%
18252	11/23/2011	80.82	80.82	100%
			1088.43	

APPROVED- 9 REJECTED-

FACILITY: LINCOLN COUNTY RADIOLOGY 11/20/2012 THROUGH 11/20/2012

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
18282	09/07/2012	76.00	16.62	022%
18319	08/26/2012	132.00	31.25	024%
18201	09/10/2012	275.00	62.40	023%
18205	07/12/2012	257.00	59.81	023%
18207	07/09/2012	219.00	45.13	021%
18215	06/19/2012	76.00	16.62	022%
18294	09/03/2012	268.00	56.71	021%
18297	07/19/2012	102.00	21.22	021%
18226	07/22/2012	42.00		000%
PATIENT'S BILL IS BELOW $50				
18303	06/30/2012	469.00	106.48	023%
18304	08/27/2012	54.00	11.58	021%
			427.82	

APPROVED- 10 REJECTED- 1

FACILITY: MICHAEL P CLEMENTS, M.D. 11/20/2012 THROUGH 11/20/2012

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
18195	09/27/2012	135.00	119.87	089%
18213	05/14/2012	85.00	23.65	028%
			143.52	

APPROVED- 2 REJECTED-

FACILITY: NEW MEXICO ONCOLOGY HEMATOLOY 11/20/2012 THROUGH 11/20/2012

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
18241	10/15/2012	20.00		000%
PATIENT'S BILL IS BELOW $50				
18242	10/17/2012	365.72	95.91	026%
			95.91	

APPROVED- 1 REJECTED- 1

FACILITY: PATHOLOGY CONSULTANTS OF NM 11/20/2012 THROUGH 11/20/2012

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
18189	10/11/2012	79.31	14.76	019%
18192	09/26/2012	299.27	35.06	012%
18224	09/04/2012	120.51		000%
ROUTINE SERVICES NOT COVERED				
			49.82	

APPROVED- 2 REJECTED- 1

FACILITY: PRESBYTERIAN HOSPITAL 11/20/2012 THROUGH 11/20/2012

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
18312	03/26/2012	66393.00	5000.00	008%
18268	10/07/2012	36415.42	3542.57	010%
18322	09/02/2012	32513.50	5000.00	015%
			13542.57	

APPROVED- 3 REJECTED-

FACILITY: ROSWELL CLINIC CORP 11/20/2012 THROUGH 11/20/2012

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
18316	10/25/2012	368.00	136.80	037%
18317	10/30/2012	200.00	65.90	033%
18188	10/11/2012	237.00	81.91	035%
18212	10/02/2012	238.00	71.67	030%
18274	10/24/2012	160.00	52.08	033%
18194	10/08/2012	160.00	52.08	033%
18200	10/04/2012	160.00	52.08	033%
18275	10/23/2012	160.00	52.08	033%
18296	10/31/2012	368.00	136.80	037%
18235	10/19/2012	338.00	123.44	037%
18216	08/06/2012	237.00	81.91	035%
18234	08/14/2012	52.00	8.86	017%
18290	10/30/2012	160.00	52.08	033%
18221	10/10/2012	160.00	52.08	033%
18222	10/10/2012	160.00	52.08	033%
18223	10/16/2012	160.00	52.08	033%
			1123.93	

APPROVED- 16 REJECTED-

FACILITY: RUIDOSO HOME CARE & HOSPICE 11/20/2012 THROUGH 11/20/2012

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
18208	09/19/2012	625.00	625.00	100%
18209	09/30/2012	1500.00	1500.00	100%
			2125.00	

APPROVED- 2 REJECTED-

FACILITY: SUBSTANCE ABUSE SERVICES OF LC 11/20/2012 THROUGH 11/20/2012

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
18218	09/06/2012	180.00	180.00	100%
			180.00	

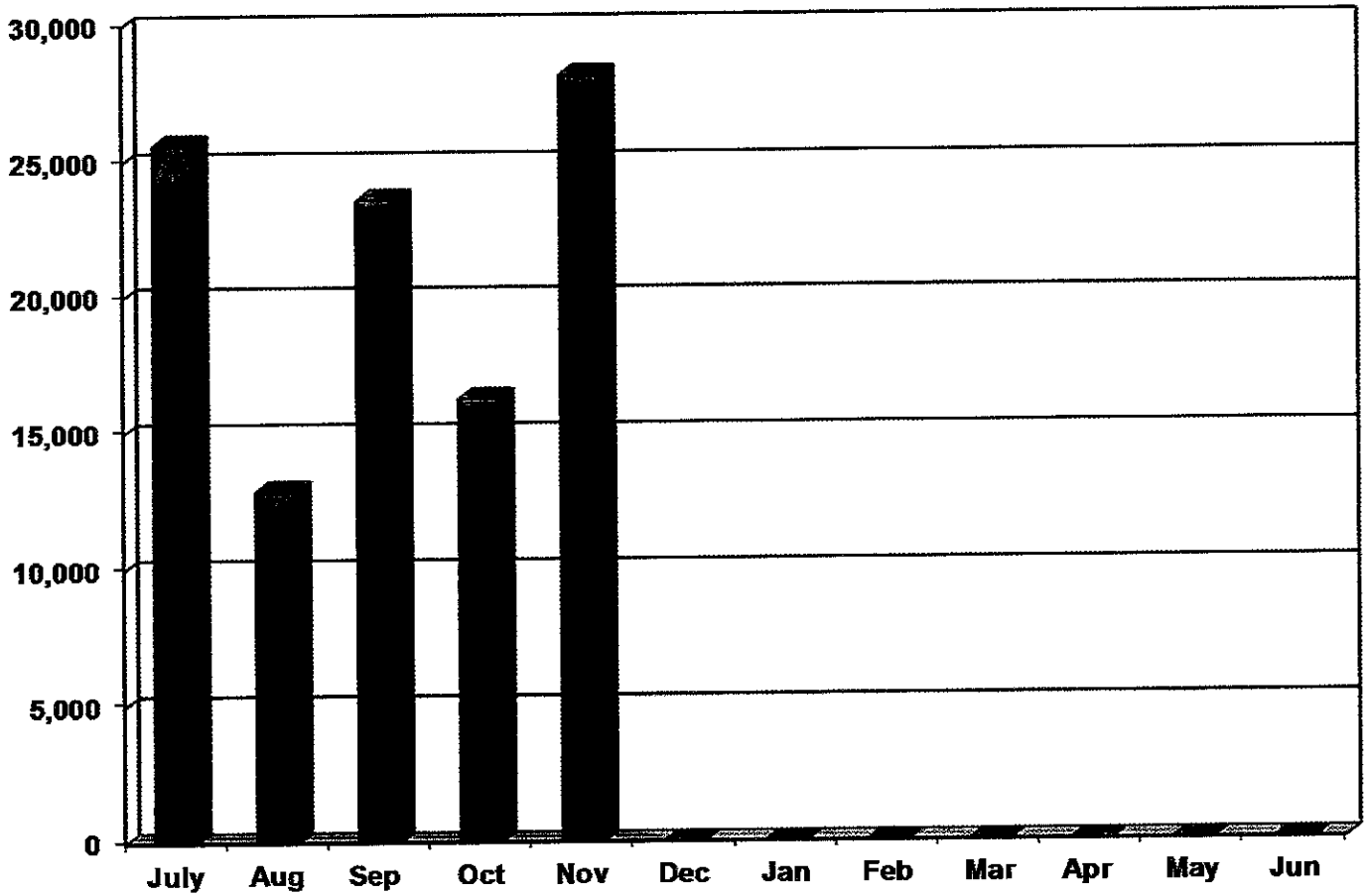
APPROVED- 1 REJECTED-

FACILITY: UNM HEALTH SCIENCES CTR 11/20/2012 THROUGH 11/20/2012

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
18237	09/19/2012	45755.45	5000.00	011%
			5000.00	

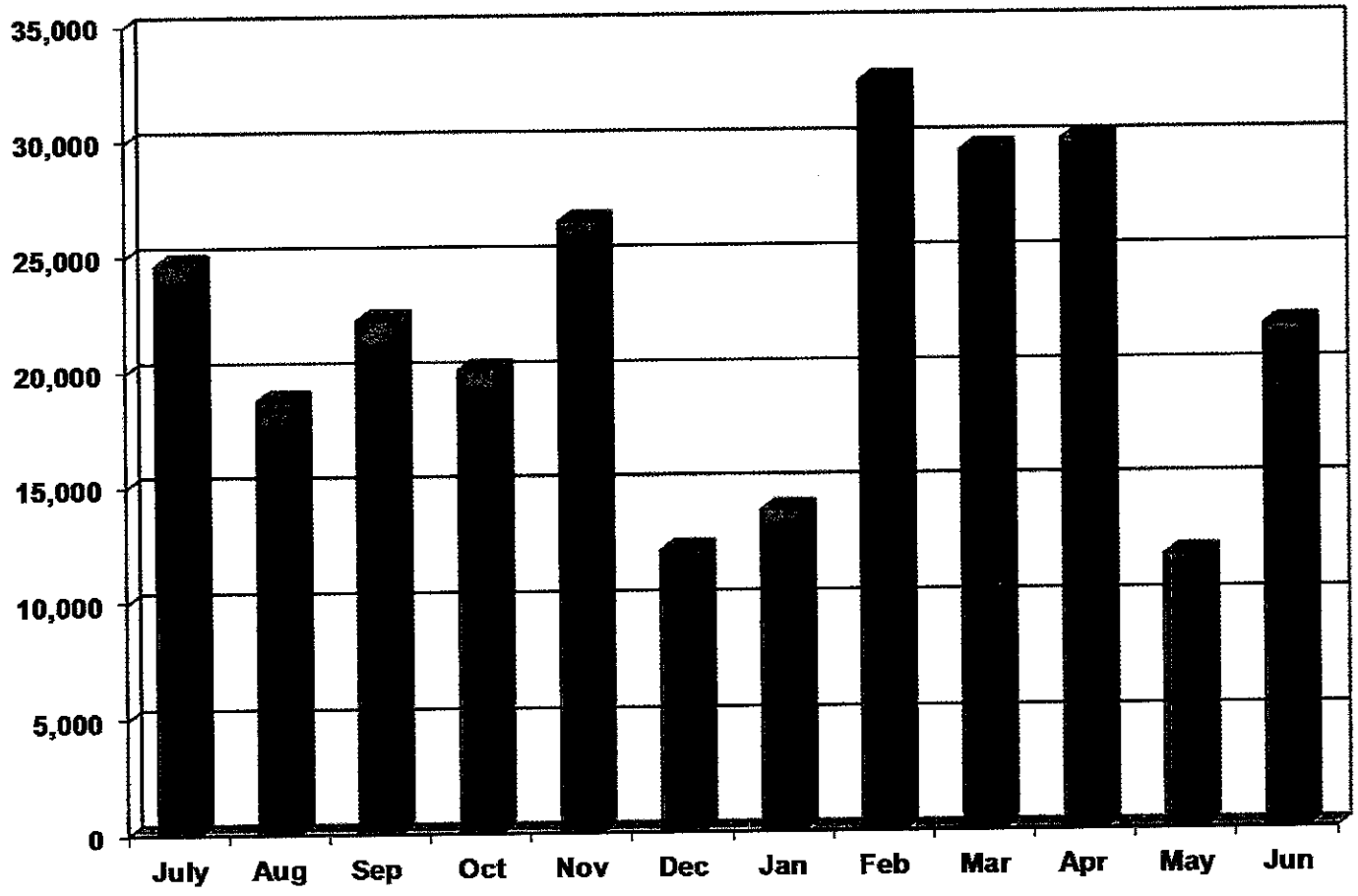
APPROVED- 1 REJECTED-

FY 2012-2013 IHC Payments
Average Month for FY = $ 21,327
Total for FY = $ 106,636
DO NOT EXCEED $386,461



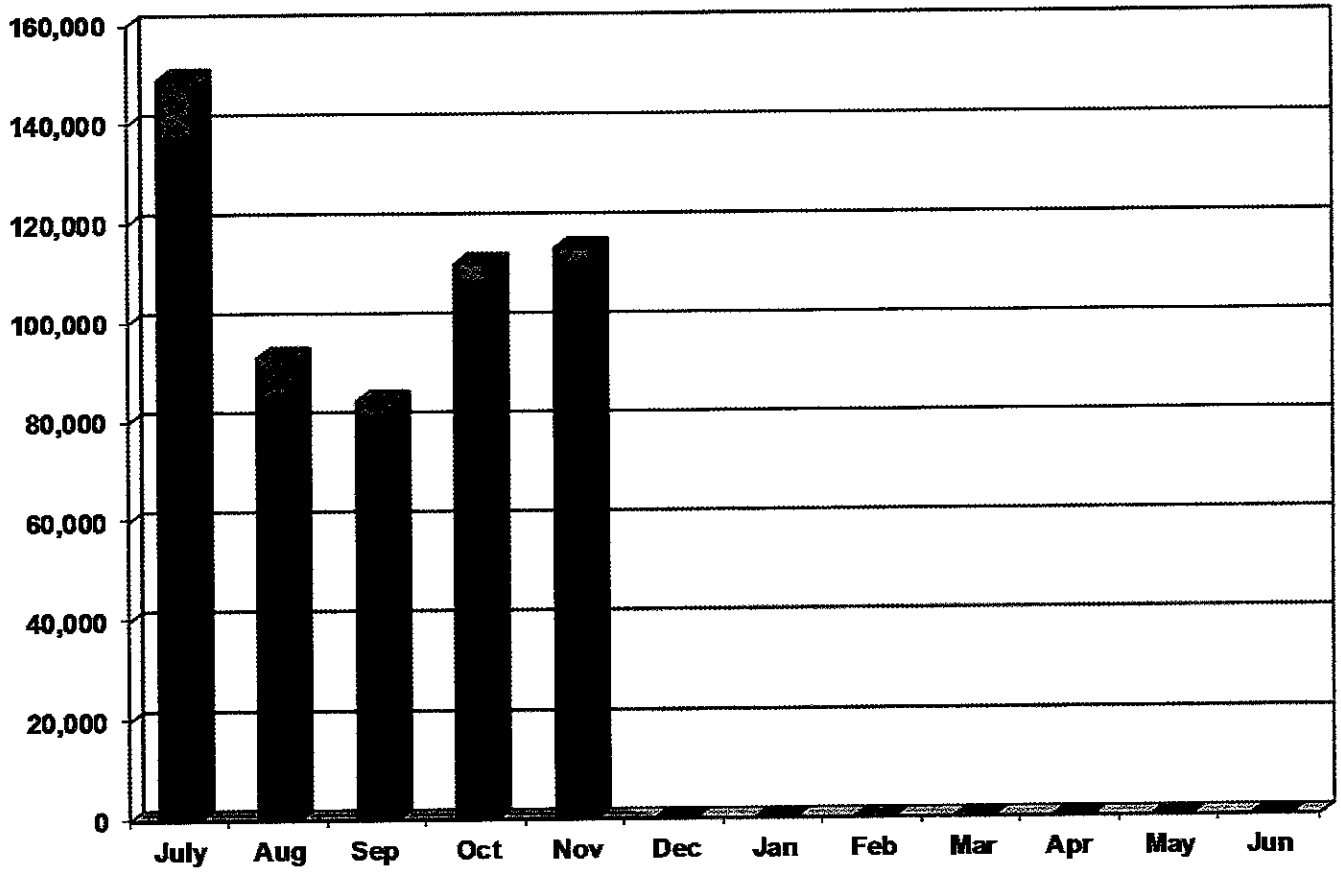
ENCL 3

FY 2011-2012 IHC Payments
Average Month for FY = $ 21,651
Total for FY = $ 259,810
DO NOT EXCEED $416,027



FY 2012-2013 Sole Community Claims

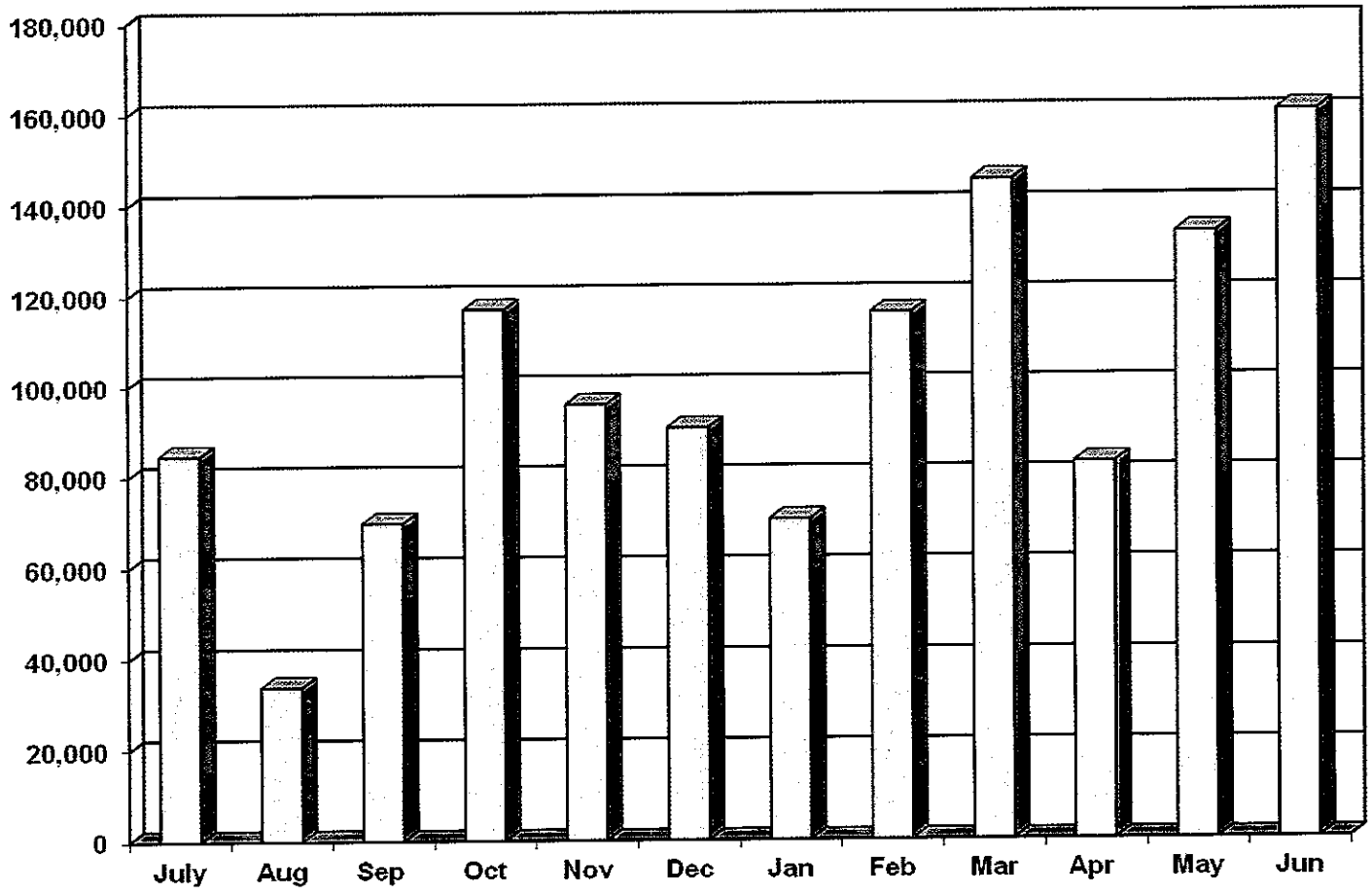
Average Month for FY = $ 115,024
Actual Total for FY = $ 553,582



FY 2011-2012 Sole Community Claims

Average Month for FY = $ 100,094

Actual Total for FY $ 1,201,132



AGENDA DOCUMENTATION
November 20, 2012

Agenda Item No. 18

SUBJECT

Manager's Report

ACTION REQUESTED BY County Manager

ACTION REQUESTED To be determined

BACKGROUND

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

AGENDA DOCUMENTATION
November 20, 2012

Agenda Item No. 19

SUBJECT

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

ACTION REQUESTED BY County Manager

ACTION REQUESTED To be determined

BACKGROUND

See an attached memorandum from county manager.

www.lincolncountynm.net

County of Lincoln

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

November 15, 2012

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager

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

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

Discussion:

1. On November 7, 2012, three additional applications for water rights were posted on the State Engineer's website:

   a. City of Ruidoso Downs H-974, filed September 27, 2012. See enclosure 1
   b. Village of Ruidoso 0275-A POD3, filed September 6, 2012. See enclosure 2
   c. Alto Lakes water Corporation H-719-1 et al, filed September 10, 2012. See enclosure 3.

   During the October 19th Commission meeting, although the applications were not yet on the State Engineer's website, Commissioner Powell was aware of the dates of applications due to the required posting in the newspaper. The State Engineer website notifies applicants that state law requires that:

   - applications be published once a week for three consecutive weeks in a newspaper(s) of general circulation published within the county or stream system in which the well or surface water diversion is located; and
   - **Posting of the application on the Office of the State Engineer website is for public service purposes only.** It does not imply that the application is, has been, or will be published in any newspaper. Nor does the lack of a posting on the website reflect that an application has not been published. Formal publication in a newspaper of the Notice for Publication is the responsibility of the applicant. Similarly, any interested party seeking to protest an application bears the responsibility to diligently monitor the appropriate newspapers that publish such advertisements pursuant to NMSA Sections 72-4-5 or 72-12-3.
   - Written protests must be filed, in triplicate, with the State Engineer, to the appropriate district office, within ten (10) days after the date of the last publication of the Notice.

Clearly, ten days following the required final publish date of any of the three applications, was prior to the State Engineer's posting of these applications. Manager was directed to send a letter to the State Engineer's regarding its untimely posting of water rights applications. See Enclosure 4.

2. On the State Game & Fish website is the final proposal that will repeal and replace the Boundary Descriptions for Game Management Units. 19.30.4.8, Paragraphs FF, HH, JJ, KK may impact Lincoln County Game Management Units, and 19.30.4.10, Paragraph L may impact Lincoln County's Other Designated Areas. See Enclosure 5. (Title 19, Chapter 30, Part 4)

3. Regarding fire danger, as of this date the Fire Behavior Research Center in Missoula, Montana shows Lincoln County as "Low to moderate". Enclosure 6. Smokey Bear Ranger District shows local fire danger as low.

Recommendation: Manager recommends the proposed changes to 19.30.4 NMAC be referred to the Land & Natural Resources Committee for more in depth review.

County: Lincoln
Name: City of Ruidoso Downs
File No.: H-974 et al

NOTICE is hereby given that on September 27, 2012, the City of Ruidoso Downs, P.O. Box 348, Ruidoso Downs, New Mexico 88346, filed application No. H-974 et al with the STATE ENGINEER for permit to supplement ground waters by using existing well H-974-POD4 located in the SW¼SW¼SE¼ of Section 20, Township 11 South, Range 14 East, N.M.P.M., to supplement existing wells described as follows:

WELL	SUBDIVISION	SECTION	TOWNSHIP	RANGE
H-974	SE¼NE¼NE¼	29	11 S.	14 E
H-974-S	SE¼NE¼NE¼	29	11 S.	14 E
H-974-S-2	SE¼NE¼NE¼	29	11 S.	14 E

The applicant proposes to commence the use of the existing well No. H-974-POD4 for the continued diversion of up to 14.40 acre feet per annum for municipal purposes within the City of Ruidoso Downs Municipal Distribution System.

The wells are located within the City of Ruidoso Downs boundaries in the City of Ruidoso Downs, Lincoln County, New Mexico.

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

ENCL 1

County: **Lincoln**
Name: **Village of Ruidoso**
File No.: **0275-A POD3**

NOTICE is hereby given that on September 6, 2012, Village of Ruidoso, c/o Atkins Engineering Associates, Inc., P.O. Box 3156, Roswell, NM 88202-3156, filed application No. 0275-A POD3 with the STATE ENGINEER for permit to add an Additional Surface Water Point of Diversion to supplement surface and underground waters in the Hondo Underground Water Basin in the State of New Mexico.

Applicant proposes to add an additional supplemental surface point of diversion for the continued diversion of up to 526.06 acre-feet per annum plus credits from a point located in the SE¼ NW¼ SW¼ of Section 26, Township 11 South, Range 13 East, N.M.P.M., for the purpose of municipal purposes.

Application is made to supplement the following points of diversion:

SURFACE	SUBDIVISION	SECTION	TOWNSHIP	RANGE
0275-A POD1	NW¼SW¼SW¼	19	11 South	13 East
0275-A POD2	SW¼NE¼SW¼	19	11 South	13 East

WELL NO.	SUBDIVISION	SECTION	TOWNSHIP	RANGE
H-272	NW¼NE¼SW¼	36	11 South	13 East
H-272-S	SE¼SW¼NE¼	25	11 South	13 East
H-272-S-2	SW¼SW¼NE¼	2	11 South	13 East
H-272-S-3	NE¼SW¼SE¼	2	11 South	13 East
H-272-S-4	SE¼NW¼NE¼	11	11 South	13 East
H-272-S-5	NE¼NW¼SW¼	14	11 South	13 East
H-272-S-6	SW¼NE¼NE¼	15	11 South	13 East
H-272-S-7	SW¼NE¼SE¼	10	11 South	13 East
H-272-S-8	SE¼NW¼SW¼	14	11 South	13 East
H-272-S-9	NW¼NE¼NE¼	23	11 South	13 East
H-272-S-11	NW¼NE¼SE¼	25	11 South	13 East

Request is made to divert credits under State Engineer Permit Numbers 3038, 3038 Accrue, 3038 Enlarged 2, 3871 & H-272, and 3871 & H-272 et al Accrue as presently permitted at the Rio Ruidoso point of diversion 0275-A POD1 and 0275-A POD2. A total of 170.808 acre feet of the total permitted diversion of 526.06 acre feet per annum are temporarily permitted and will expire on October 31, 2014.

Emergency Authorization is requested under NMSA 72-5-25.

The proposed additional surface point of diversion is located at the confluence of the Rio Ruidoso and Carrizo Creek within the Village of Ruidoso. The H-272 well series and surface points of diversion are located within the Village of Ruidoso, Lincoln County, New Mexico.

ENCL 2

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

County: **Lincoln**
Name: **Alto Lakes Water Corporation**
File No.: **H-719-1 et al**

NOTICE: is hereby given that on September 10, 2012 Alto Lakes Water Corporation, PO Drawer 750, Alto, New Mexico 88312, filed application No. H-719 et al into H-787 & H-804 (T) with the STATE ENGINEER for permit to temporarily change location of well and change place and/or purpose of use of 10.00 acre-feet per annum, by ceasing the diversion of ground water from the following wells:

WELL NO.	SUBDIVISION	SECTION	TOWNSHIP	RANGE
H-719	NW¼SW¼SE¼	34	10 S.	13 E.
H-719-S	NW¼NW¼SW¼	34	10 S.	13 E.
H-719-S-2	NW¼NW¼SE¼	26	10 S.	13 E.
H-719-S-3	NE¼SW¼NE¼	34	10 S.	13 E.
H-719-S-4	NE¼SW¼NE¼	34	10 S.	13 E.
H-719-S-5	SE¼SE¼NE¼	34	10 S.	13 E.
H-719-S-6	SE¼SE¼NW¼	34	10 S.	13 E.
H-719-S-7	NW¼SE¼NW¼	34	10 S.	13 E.
H-719-S-8	SE¼NE¼NW¼	34	10 S.	13 E.
H-719-S-9	SE¼NW¼NE¼	34	10 S.	13 E.
H-719-S-11	NW¼NW¼SE¼	26	10 S.	13 E.
H-719-S-13	NW¼NE¼NE¼	25	10 S.	13 E.
H-719-S-14	NE¼NE¼NE¼	25	10 S.	13 E.
H-719-S-16	SW¼SE¼SW¼	35	10 S.	13 E.
H-719-S-18	SW¼SW¼SE¼	35	10 S.	13 E.
H-719-S-19	SE¼SE¼SE¼	35	10 S.	13 E.
H-719-S-20	SW¼SE¼SE¼	35	10 S.	13 E.
H-719-S-21	SW¼NW¼NW¼	30	10 S.	14 E.
H-719-POD26	SE¼SW¼SE¼	35	10 S.	13 E.

and commencing the use of existing wells described as follows:

WELL NO.	SUBDIVISION	SECTION	TOWNSHIP	RANGE
H-787	SW¼SE¼SE¼	28	10 S	13 E
H-804	SE¼SE¼SE¼	28	10 S	13 E

for the diversion of 10.0 acre feet per annum of groundwater for domestic use within 400.0 acres of land located in section 28, Township 10 South, Range 13 East, N.M.P.M., at the Alto Alps condominium complex in Alto, New Mexico.

This temporary application is for a period of five years with all rights to revert to original points of diversion and place and purpose of use on December 31, 2017, or sooner upon written request from the Applicant.

ENCL 3

The above described move from and move to points of diversion, place and purpose of use are located in Alto, Lincoln County, New Mexico.

Any person, firm or corporation or other entity having standing to file objections or protests shall do so in writing (legible, signed, and include the writer's complete name and mailing address). The objection to the approval of the application must be based on: (1) Impairment; if impairment you must specifically identify your water rights; and/or (2) Public welfare/conservation of water; if public welfare or conservation of water within the state of New Mexico, you must show you will be substantially affected. The written protest must be filed, in triplicate, with the State Engineer, 1900 West Second Street, Roswell, New Mexico 88201, within ten (10) days after the date of last

publication of this Notice. Facsimiles (fax) will be accepted as a valid protest as long as the hard copy is sent within 24-hours of the facsimile. Mailing postmark will be used to validate the 24-hour period. Protest can be faxed to Office of the State Engineer, (575) 623-8559. If no valid protest or objection is filed, the State Engineer will evaluate the application in accordance with the provisions of Chapter 72 NMSA 1978

LINCOLN COUNTY

www.lincolncountynm.net

County of Lincoln

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

November 15, 2012

Scott A. Verhines, P.E.
New Mexico State Engineer
Secretary, Interstate Stream Commission

Dear State Engineer Verhines:

I am writing on behalf of the Lincoln County Commission to seek your assistance in achieving a timelier posting of water rights applications on your website; a location that can be accessed from any location across the land.

The Lincoln County Commissioners, as well as many County residents, have a keen interest in the protection and conservation of our valued diminishing supply of water. In fact, a monthly item on the Commission Agenda is to have a report presented on the water rights applications posted on the State Engineers website. Because of the untimely nature of the postings, the comment period is often expired prior to the application's posting on your site.

As an example, on November 7, 2012, three additional applications for water rights were posted on the State Engineer's website: 1) City of Ruidoso Downs H-974, filed September 27, 2012; 2) Village of Ruidoso 0275-A POD3, filed September 6, 2012; and 3) Alto Lakes water Corporation H-719-1 et al, filed September 10, 2012. In all three cases, the comment period would have been expired prior to the posting. Because our Commissioners do have a strong sense of water rights awareness, they do take the responsibility seriously to diligently monitor the appropriate newspapers that publish in our County; however, if they are out of the County, they are not going to see that publication.

While your website clearly describes the responsibilities of both the individual applying for the water rights and the individual who may want to protest the application, I respectfully request that you consider modifying your posting guidelines that would enable your website to be a reliable resource for the many in Lincoln County and the state of New Mexico interested in the health and preservation of the scarce precious commodity of water.

Thank you for your consideration.

Respectfully,

Nita Taylor
Lincoln County Manager
linclnco@tularosa.net

ENCL 4

The final proposal will be repeal and replace the Boundary Descriptions for Game Management Units rule with the copy below, as substantial changes were made to this rule.

TITLE 19 NATURAL RESOURCES AND WILDLIFE
CHAPTER 30 WILDLIFE ADMINISTRATION
PART 4 BOUNDARY DESCRIPTIONS FOR GAME MANAGEMENT UNITS

19.30.4.1 ISSUING AGENCY: New Mexico Department of Game and Fish.
[19.30.4.1 NMAC - Rp, 19.30.4.1 NMAC, 4-1-2013]

19.30.4.2 SCOPE: Department staff and licensed hunters and trappers.
[19.30.4.2 NMAC - Rp, 19.30.4.2 NMAC, 4-1-2013]

19.30.4.3 STATUTORY AUTHORITY: 17-1-14 and 17-1-26 NMSA 1978 provide that the New Mexico state game commission has the authority to establish rules and regulations that it may deem necessary to carry out the purpose of Chapter 17 NMSA 1978 and all other acts pertaining to protected mammals, birds, and fish.
[19.30.4.3 NMAC - Rp, 19.30.4.3 NMAC, 4-1-2013]

19.30.4.4 DURATION: Permanent.
[19.30.4.4 NMAC - Rp, 19.30.4.4 NMAC, 4-1-2013]

19.30.4.5 EFFECTIVE DATE: April 1, 2013, unless a different date is cited at the end of a section.
[19.30.4.5 NMAC - Rp, 19.30.4.5 NMAC, 4-1-2013]

19.30.4.6 OBJECTIVE: Establishing boundary descriptions for game management units, game management sub-units and other unique areas.
[19.30.4.6 NMAC - Rp, 19.30.4.6 NMAC, 4-1-2013]

19.30.4.7 DEFINITIONS:

A. "Game management unit" or "GMU" as used herein, shall be a subdivision of the state used to manage the game species and their hunters.

B. "Game management sub-unit" as used herein, shall be a subdivision of the above-described game management units.
[19.30.4.7 NMAC - Rp, 19.30.4.7 NMAC, 4-1-2013]

19.30.4.8 GAME MANAGEMENT UNITS:

A. GMU 1: The Ute mountain and Navajo Indian reservations.

B. GMU 2: Beginning at the junction of the east boundary of the Ute mountain Indian reservation and the Colorado-New Mexico state line and running east along the state line to the western boundary of the Jicarilla Apache Indian reservation, then south, west and south along the reservation boundary to its intersection with US 550, then northwest along US 550 to its intersection with the San Juan river south of Bloomfield, then west along the San Juan river to the east boundary of the Navajo Indian reservation just west of water flow, then north along the east boundary of the Navajo reservation to its junction with the south boundary of the Ute mountain Indian reservation, then east and north along the Ute reservation boundary to the Colorado-New Mexico state line.

C. GMU 3: The Jicarilla Apache Indian reservation.

D. GMU 4: Beginning at the junction of the east boundary of the Jicarilla Apache Indian reservation and the Colorado-New Mexico state line and running east along the state line to the eastern boundary of the Tierra Amarilla grant, then south along the east boundary of the Tierra Amarilla grant and west along its south boundary to its junction with the east boundary of the Jicarilla Apache Indian reservation, then north along the east boundary of the reservation to its junction with the Colorado-New Mexico state line.

E. GMU 5: Beginning at the intersection of the east boundary of the Jicarilla Apache Indian reservation, the south boundary of the Tierra Amarilla grant and the Rio Chama, running south along the Rio Chama to its intersection with the Piedra Lumbre grant boundary line, then northeast along the Piedra Lumbre grant boundary line to its intersection with US 84, then south along US 84 to its junction with NM 96 northwest of Abiquiu, then west along NM 96 to its junction with NM 595 north of Regina, then west along NM 595 to its

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intersection with the east boundary of the Jicarilla Apache Indian reservation, then northerly along the east boundary of the reservation to its junction with the south boundary of the Tierra Amarilla grant and the Rio Chama.

F. GMU 6: Beginning at the junction of I-25 and US 550 near Bernalillo and running northwest and west along US 550 past San Ysidro to its intersection with the boundary of the Zia Indian reservation, then south, west, and north along the Zia reservation boundary to the boundary of the Jemez Indian reservation, then west, north and east along the Jemez reservation boundary to its intersection with US 550 near La Ventana, then north and west along US 550 to its intersection with the south boundary of the Jicarilla Apache Indian reservation, then east along the south boundary of the reservation and north along its east boundary to its intersection with NM 595, then east along NM 595 to its junction with NM 96, then east along NM 96 to its junction with US 84 northwest of Abiquiu, then southeast along US 84 to its junction with I-25 at Santa Fe, then southwest along I-25 to its junction with US 550.

G. GMU 7: Beginning at the intersection of the east boundary of the Navajo reservation and the road between Crownpoint and Standing Rock and running north along the reservation boundary to the northeastern corner immediately west of Farmington, then east along the San Juan river to its intersection with US 550 at Bloomfield, then southeast along US 550 to its intersection with the west boundary of the Jicarilla Apache Indian reservation, then south along the west boundary of the reservation and east along its south boundary to its intersection with US 550, then east and south along US 550 to its intersection with the north boundary of the Jemez Indian reservation south of La Ventana, then west along the north boundary of the reservation and south along its west boundary to its intersection with BLM road 1103 (the San Luis road, leading from US 550 to Cabezon and Mount Taylor), then southwest along BLM road 1103/San Luis road to its intersection with arroyo Chico, then west up arroyo Chico to its junction with Voght draw, then west up Voght draw to its junction with Inditos draw, then west up Inditos draw to its intersection with CR 19, south of Hospah, then southwest along the CR 19 to its junction with the continental divide (near Borrego pass), then westerly along the continental divide to its intersection with NM 371, then north along NM 371 to its junction with the Crownpoint-Standing Rock road, then northwest along the Crownpoint-Standing Rock road to its intersection with the east boundary of the Navajo Indian reservation.

H. GMU 8: Beginning at the intersection of I-40 and I-25 at Albuquerque and running northeast along I-25 to its junction with NM 14, then south along NM 14 to Santa Fe county road 42, then southeast along the county road to its junction with NM 41 at Galisteo, then south along NM 41 to its intersection with I-40 at Moriarty, then west along I-40 to its intersection with I-25.

I. GMU 9: Beginning at Prewitt at the junction of I-40 and CR 19 (the road to Hospah) and running north along the CR 19 to its intersection with Inditos draw, then south and east down Inditos draw to its junction with Voght draw, then east down Voght draw to its junction with arroyo Chico, then east down arroyo Chico to its intersection with the BLM road 1103 (the San Luis road, leading from Cabezon to US 550), then northeast along BLM road 1103/San Luis road to its intersection with the west boundary of the Jemez Indian reservation, then south and east along the Jemez reservation boundary to the boundary of the Zia Indian reservation, then south, east, and north along the Zia reservation boundary to its intersection with US 550 west of San Ysidro, then east and southeast along US 550 to its junction with I-25 at Bernalillo, then south along I-25 to its junction with NM 6 at Los Lunas, then west and northwest along NM 6 to its junction with I-40, then west along I-40 to Prewitt.

J. GMU 10: Beginning at the junction of the north boundary of the Zuni Indian reservation with the Arizona-New Mexico state line and running north along the state line to the south boundary of the Navajo Indian reservation, then east along the south boundary of the Navajo reservation and north along its east boundary to its intersection with the Standing Rock-Crownpoint road, then southeast along the Standing Rock-Crownpoint road to its junction with NM 371, then east and south along NM 371 to its intersection with the continental divide, then east along the continental divide to its junction with CR 19 (the road running southerly from Hospah) near Borrego pass, then south along CR 19 to its junction with I-40 at Prewitt, then southeast along I-40 to its junction with NM 53 near Grants, then south and west along NM 53 to its intersection with the east boundary of the Zuni reservation, then north along the east boundary of the Zuni reservation and west along its north boundary to its junction with the Arizona-New Mexico state line.

K. GMU 11: The Zuni Indian reservation.

L. GMU 12: Beginning at the intersection of US 60 and the Arizona-New Mexico state line and running north along the state line to the south boundary of the Zuni Indian reservation, then east along the south boundary of the reservation and north along its east boundary to its intersection with NM 53, then east along NM 53 to its junction with Cibola county road 42, then south along Cibola county road 42 to its junction with NM 117, then east along NM 117 to its junction with Cibola county road 41, then south along Cibola county road 41 to its junction with Catron county road A083, then south along Catron county road AO83 to its junction with NM 603, then south along NM 603 to its junction with US 60 at Pie Town thence west along US 60 to the Arizona-New Mexico state line.

M. GMU 13: Beginning at the junction of NM 53 and I-40 west of Grants and running east along I-40 to its junction with NM 6, then southeast along NM 6 to its junction with I-25 at Los Lunas, then south along I-

25 to its junction with US 60 at Socorro, then west along US 60 to its junction with NM 12 at Datil, then southwest along NM 12 to its junction with Catron county road B034, then northwest along Catron county road B034 to its junction with Catron county road B045, then west and north along Catron county road B045 to its junction with Catron county road A056, then north along Catron county road A056 to Pie Town, then north along NM 603 to its junction with Catron county road A083, then north along Catron county road A083 to its junction with Cibola county road 41, then north along Cibola county road 41 to its junction with NM 117, then west along NM 117 to its junction with Cibola county road 42, then north along Cibola county road 42 to its junction with NM 53, then east and north along NM 53 to its junction with I-40 west of Grants.

N. GMU 14: Beginning at the junction of US 60 and I-25 at Bernardo and running north along I-25 to its intersection with I-40 at Albuquerque, then east along I-40 to its intersection with NM 41 at Moriarty, then south along NM 41 to its junction with US 60 at Willard, then west along US 60 to its junction with I-25.

O. GMU 15: Beginning at the intersection of the Arizona-New Mexico state line and US 60 and running east along US 60 to its intersection with NM 603 at Pie Town, then south and east along A056 to its junction with B040, then east along B040 to its junction with NM 12 south of Datil, then southwest along NM 12 to its junction with US 180 west of Reserve, then northwest along US 180 to its intersection with the Arizona-New Mexico state line, then north along the Arizona-New Mexico state line to its intersection with US 60.

P. GMU 16: Beginning at the junction of NM 12 and US 60 at Datil and running east along US 60 to its intersection with NM 52, then southwest along NM 52 to its intersection with NM 163/USFS road 150, then southwest along NM 163 to its intersection with the continental divide, then south and southwest along the continental divide to its intersection with the Grant-Sierra county line at Reed's peak, then south along the Grant-Sierra county line to its intersection with USFS road 152 at Board Gate saddle, then northwest and southwest along USFS road 152 to its junction with NM 35, then northwest along NM 35 to its junction with Sapillo creek, then west along Sapillo creek to its junction with the Gila river, then northwest along the Gila river to its intersection with Turkey creek, then northwest along Turkey creek to its intersection with forest trail 158, then northwest along forest trail 158 through Woodrow canyon to Mogollon creek, then northwest along Mogollon creek to its junction with the west fork of Mogollon creek and forest trail 224, then northwest along the west fork of Mogollon creek and forest trail 224 to its junction with forest trail 182, then north and west on forest trail 182 to its junction with Bursum road (NM 159/USFS road 28) at Sandy point, then west on Bursum road to its junction with US 180 south of Alma, then north on US 180 to its intersection with NM 12 thence northeast along NM 12 to its junction with US 60 at Datil.

Q. GMU 17: Beginning at the junction of NM 52 and US 60 east of Datil and running east along US 60 to its junction with I-25 at Socorro, then south along I-25 to its junction with NM 52 east of Cuchillo, then west along NM 52 to its junction with NM 142, then northwest along NM 142 to its junction with Alamosa creek at Monticello, then northwest along Alamosa creek through Monticello canyon to its junction with NM 52 south of Dusty, then north along NM 52 to its junction with US 60.

R. GMU 18: Beginning at the junction of US 380 and I-25 at San Antonio and running north along I-25 to its junction with US 60 at Bernardo, then east along US 60 to NM 55 at Mountainair, then south and southeast along NM 55 to its junction with US 54, then south along US 54 to its intersection with the Lincoln-Otero county line, then west along the county line to the east boundary of White Sands missile range, then north along the east boundary and west along the north boundary of White Sands missile range to the northwest corner of the missile range, then due north to US 380, then west along US 380 to its junction with I-25 at San Antonio.

S. GMU 19: Beginning at the intersection of US 70 and the west boundary of the White Sands missile range east of Organ and running north along the west boundary, east along the north boundary, and south along the east boundary of White Sands missile range to its intersection with US 54 south of Orogrande, then south along US 54 to its intersection with the New Mexico-Texas state line, then west along the state line to its intersection with I-10, then northwest along I-10 to its junction with US 70 at Las Cruces, then east along US 70 to its intersection with the west boundary of the White Sands missile range.

T. GMU 20: Beginning at the junction of US 70 and I-25 at Las Cruces and running north along I-25 to its junction with US 380 at San Antonio, then east along US 380 to a point due north of the northwestern corner of the White Sands missile range, then due south to the northwestern corner of the missile range, then south along the west boundary of the missile range to its intersection with US 70 east of Organ, then west along US 70 to its junction with I-25.

U. GMU 21: Beginning at the junction of US 180 and NM 26 north of Deming and running northeast along NM 26 to its junction with NM 27 at Nutt, then northwest along NM 27 to its intersection with the Sierra-Luna county line, then west along the south boundary of Sierra county and north along its west boundary to the junction of the county line and the continental divide, then north along the continental divide to its intersection with NM 163, then northeast along NM 163 to its junction with NM 52, then southeast along NM 52 to its intersection with Alamosa creek south of Dusty, then southeast along Alamosa creek through Monticello canyon to its intersection with NM 142 at Monticello, then southeast along NM 142 to its intersection with NM 52, then

southeast along NM 52 to its junction with I-25, then south along I-25 to its junction with US 180 at Las Cruces, then west along US 180 to Deming and north along US 180 to its junction with NM 26.

V. GMU 22: Beginning at the intersection of the Gila river and US 180 south of Cliff running north along US 180 to its junction with Bursum road (NM 159/USFS road 28), then east along Bursum road to its junction with forest trail 182 at Sandy point, then south along forest trail 182 to its junction with forest trail 224 at the west fork saddle, then south on forest trail 224 down the west fork of Mogollon creek to its junction with the main Mogollon creek, then easterly along Mogollon creek to the junction of forest trail 158 at Woodrow canyon, then south along forest trail 158 to main Turkey creek, then south along Turkey creek to its junction at the Gila river, then southwest along the Gila river to its junction with US 180.

W. GMU 23: Beginning at the intersection of US 180 and the Arizona-New Mexico state line west of Luna, then south along the state line to its intersection with US 70, then southeast along US 70 to its junction with US 180 at Deming: thence northwest along US 180 to its junction with the Arizona-New Mexico state line.

X. GMU 24: Beginning at the junction of NM 26 and US 180 north of Deming and running northwest along US 180 to its intersection with the Gila river south of Cliff, then northeast along the Gila river to its junction with Sapillo creek, then east along Sapillo creek to NM 35, then east and south on NM 35 to its junction with USFS road 152, then northeast along USFS road 152 to its junction with the Grant-Sierra county line southwest of Board gate saddle, then south along the west boundary of Sierra county and east along its south boundary to its intersection with NM 27, then south along NM 27 to its junction with NM 26, then southwest along NM 26 to its junction with US 180.

Y. GMU 25: Beginning at the junction of the United States-Mexico boundary with the west boundary of Luna county and running north along the county line to its intersection with NM 9, then northwest along NM 9 to its intersection with NM 146 (old NM 81) at Hachita, then north along NM 146 (old NM 81) to its junction with I-10, then east and south along I-10 to its intersection with the Texas-New Mexico state line, then west and south along the Texas state line to the United States-Mexico boundary, then west along the international boundary to the west boundary of Luna county.

Z. GMU 26: Beginning at Paskle gate on the United States-Mexico boundary, near international boundary marker No. 69, then north on the private dirt road from Paskle gate to its intersection with NM 338 approximately 100 yards west of Cloverdale and running north along NM 338 to its intersection with I-10, then north and east along I-10 to its intersection with NM 146 (old NM 81), then south along NM 146 (old NM 81) to its intersection with NM 9 at Hachita, then east along NM 9 to its intersection with the west boundary of Luna county, then south along the Luna county line to the United States-Mexico boundary, then south and west along the international boundary to Paskle gate.

AA. GMU 27: Beginning at Paskle gate on the United States-Mexico boundary, near international boundary marker No. 69, then north on the private dirt road from Paskle gate to its intersection with NM 338 approximately 100 yards west of Cloverdale, then north along NM 338 to its intersection with I-10, then east along I-10 to its intersection with US 70 at Lordsburg, then northwest along US 70 to the Arizona-New Mexico state line, then south along the state line to its intersection with the United States-Mexico boundary, then east along the international boundary to Paskle gate.

BB. GMU 28: The Fort Bliss military reservation, excluding that part of the Sacramento division of the Lincoln national forest lying within the McGregor range co-use area.

CC. GMU 29: Beginning at the junction of the New Mexico-Texas state line and the east boundary of the Fort Bliss military reservation and running northeast along the military reservation boundary to its intersection with NM 506/CR E038 leading to Pinon, then east, north and east along NM 506/CR E038 to its intersection with NM 24 at Pinon, then east on NM 24 approximately three miles to its intersection with NM 506/CR E038, then running south, east, south and southwest along NM 506/CR E038 through Cornucopia draw and Crow flats to its intersection with the New Mexico-Texas state line near Dell City, Texas, then west along the state line to the east boundary of the Fort Bliss military reservation.

DD. GMU 30: Beginning at the New Mexico-Texas state line near Dell City, Texas, and its intersection with NM 506/CR E038, then northeast, north, west and north along NM 506/CR E038 through Crow flats and Cornucopia draw to its junction with NM 24 east of Pinon, then northeast along NM 24 to its junction with US 82 north of Dunken, then east along US 82 to its intersection with US 285 at Artesia, then south and southeast along US 285 to its junction with US 180 at Carlsbad, then south along US 180 to its intersection with the New Mexico-Texas state line, then west along the state line to its intersection with NM 506/CR E038.

EE. GMU 31: Beginning at the intersection of the New Mexico-Texas state line and US 180, southwest of Carlsbad, and running northeast along US 180 to its junction with US 285 at Carlsbad, then north along US 285 to its intersection with US 82 at Artesia, then east along US 82 to its junction with NM 249 at Maljamar, then north along NM 249 to its junction with NM 172, then north along NM 172 to its junction with US 380 west of Caprock, then north along Button Mesa road/Lea county road 156, Reserve road/CR 156, LeDoux road, then to Reserve road/CR 156, NM 330/RR AK, to its junction at Elida, then north along NM 330 to its junction with NM

267 west of Floyd, then north along NM 267 to its junction with US 60 east of Melrose, then east along US 60 to the New Mexico-Texas state line, then south and west along the state line to its intersection with US 180, southwest of Carlsbad.

FF. GMU 32: Beginning at the intersection of US 380 and the east boundary of Lincoln county and running north along the east boundary of Lincoln county to the west boundary of De Baca county, then north along the west boundary of De Baca county to its intersection with US 60, then east along US 60 to its junction with NM 267 east of Melrose, then south along NM 267 to its junction with NM 330 west of Floyd, then south along NM 330 to its junction with US 70 at Elida, then southwest along US 70 to its intersection with the Pecos river, then south along the Pecos river to its intersection with NM 249 at Hagerman, then west along NM 249 to its junction with NM 2, then south along NM 2 to its intersection with US 285, north of Artesia, then south on US 285 to its intersection with US 82 at Artesia, then west along US 82 to its junction with Chaves county road C433, near mile marker 60, then north along CR C433 to its intersection with CR C437, near Flying H, then west along CR C437 to its intersection with CR C434, then north along CR C434 to its intersection with Lincoln county road E030, then north and northeast along CR E030 to its intersection with CR E028, then north along CR E028 to its junction with US 380 about a mile west of Picacho, then east along US 380 to its intersection with the east boundary of Lincoln county.

GG. GMU 33: Beginning at the intersection of US 82 and US 285 at Artesia and running north along US 285 to its junction with NM 2, then north on NM 2 to its intersection with NM 249 at Hagerman, then east along NM 249 to its intersection with the Pecos river, then north along the Pecos river to its intersection with US 70, then northeast along US 70 to NM 330/RR AK at Elida, then south along NM 330/RR AK, Reserve road/CR 156, LeDoux road, then to Reserve road/CR 156, Button Mesa road/ Lea county road 156, and NM 172 to US 82, then west along US 82 to US 285 at Artesia.

HH. GMU 34: Beginning at the junction of Otero county road B006 and the east boundary of the White Sands missile range at Tularosa gate and running east along CR B006 to its junction with CR B009, then north on CR B009 to its intersection with US 54, then running south along US 54 to its intersection with US 70 at Tularosa, then running northeast along US 70 to its intersection with the west boundary of the Mescalero Apache Indian reservation, then south along the west boundary of the reservation, east along its south boundary, and north along its east boundary to the Lincoln-Chaves county line, then east along the county line approximately two miles to its intersection with CR C434, then southerly along CR C434 to its intersection with CR C437, then east along CR C437 to its intersection with CR C433, then south along CR C433 to its intersection with US 82, then west along US 82 to its junction with NM 24 north of Dunken, then south along NM 24 to its intersection with NM 506/CR E038, at Pinon, then west, south, and west on NM 506/CR E038 to the east boundary of the Fort Bliss military reservation, then north and west along the boundary of the Fort Bliss military reservation to its intersection with the Sacramento division of the Lincoln national forest, then west and north along the boundary of the Sacramento division of the Lincoln national forest to its intersection with the north boundary of the Fort Bliss military reservation, then west along the boundary of the Fort Bliss military reservation to US 54 south of Valmont, then south along US 54 to its junction with the east boundary of the White Sands missile range south of Orogrande, then north along the east boundary to its intersection of Otero CR B006 at Tularosa gate.

II. GMU 35: The Mescalero Apache Indian reservation.

JJ. GMU 36: Beginning at the junction of Otero county road B006 and the east boundary of the White Sands missile range at Tularosa gate and running north along the east boundary to its intersection with the Lincoln-Otero county line, then east along the county line to its intersection with US 54, then north along US 54 to its intersection with US 380 at Carrizozo, then east along US 380 to its junction with CR E028, approximately 1 mile west of Picacho, then south along CR E028 to its intersection with CR E030, then south and west along E030 to its intersection with the Lincoln-Chaves county line, then west along the county line to the east boundary of the Mescalero Apache Indian reservation, then north along the east boundary of the reservation, west along its north boundary, and south along its west boundary to its intersection with US 70, then west along US 70 to its junction with US 54 at Tularosa, then north along US 54 to its junction with CR B009, then south along CR B009 to its junction with CR B006, then west along CR B006 to its junction with the east boundary of White Sands missile range at Tularosa gate.

KK. GMU 37: Beginning at the intersection of US 380 and US 54 at Carrizozo and running north along US 54 to its junction with NM 462 west of Ancho, then east along NM 462 to its intersection with the Southern Pacific railroad tracks, then north along the railroad tracks to Hasparos canyon, then east down Hasparos canyon to the east boundary of Lincoln county, then south along the east boundary of Lincoln county to its intersection with US 380, then west along US 380 to its intersection with US 54 at Carrizozo.

LL. GMU 38: Beginning at the junction of US 54 and NM 55 and running northwesterly along NM 55 to its junction with US 60 at Mountainair, then east along US 60 to the Guadalupe-De Baca county line, then south along the county line and along the east boundary of Lincoln county to its intersection with Hasparos canyon, then west up Hasparos canyon to the Southern Pacific railroad tracks northeast of Ancho, then south along the

railroad tracks to their intersection with NM 462 at Ancho, then west along NM 462 to its junction with US 54, then south along US 54 to its junction with NM 55.

MM. GMU 39: Beginning at the junction of US 60 and NM 41 west of Willard and running north along NM 41 to its intersection with I-40 at Moriarty, then east along I-40 to its junction with US 84 east of Santa Rosa, then southeast along US 84 to its junction with US 60 at Fort Sumner, then west along US 60 to its junction with NM 41 west of Willard.

NN. GMU 40: Beginning at the junction of US 84 and I-40 east of Santa Rosa and running east along I-40 to the New Mexico-Texas state line, then south along the state line to its intersection with US 84, then west and north along US 84 to its junction with I-40.

OO. GMU 41: Beginning at the junction of I-40 and NM 469 at San Jon and running north along NM 469 to its junction with US 54 south of Logan, then north along US 54 to its intersection with NM 39 north of Logan, then northwest along NM 39 to its junction with NM 102 east of Mosquero, then east, north and east along NM 102 to its intersection with NM 402 north of Amistad, then north along NM 402 to its intersection with NM 421 north of Stead, then east along NM 421 to the New Mexico-Texas state line, then south along the state line to its intersection with I-40, then west along I-40 to its intersection with NM 469 at San Jon.

PP. GMU 42: Beginning at the intersection of I-40 and the Pecos river at Santa Rosa and running northwest up the Pecos river to its intersection with US 84 at Dilia, then northwest along US 84 to its junction with I-25 at Romeroville, then northeast along I-25 to its intersection with the Mora river at Watrous, then east down the Mora river to the Canadian river, then south down the Canadian river to its intersection with NM 419 south of Sabinoso, then northeast along NM 419 to its junction with NM 39 northwest of Mosquero, then southeast along NM 39 to its intersection with US 54, then south along US 54 to its intersection with NM 469, then south along 469 to its intersection with I-40 at San Jon, then west along I-40 to its intersection with the Pecos river.

QQ. GMU 43: Beginning at the intersection of I-40 and NM 41 at Moriarty and running north along NM 41 to the junction at Galisteo with Santa Fe county road 42, then west along the county road to the junction with NM 14, then north along NM 14 to its junction with I-25, then northeast along I-25 to Santa Fe and east along I-25 to its junction with US 84 at Romeroville, then southeast along US 84 to its intersection with the Pecos river at Dilia, then east and south along the Pecos river to its intersection with I-40 at Santa Rosa, then west along I-40 to its intersection with NM 41.

RR. GMU 45: Beginning at Glorieta on US 84, and running west and north along US 84 to its intersection with NM 68 at Espanola, then northeast along NM 68 to its intersection with NM 75 at Embudo, then east along NM 75 to its intersection with NM 518, then east along NM 518 to its intersection with the Santa Fe national forest boundary line near Holman hill, then south along the Santa Fe national forest boundary line to its intersection with the Tecolote land grant boundary line, then south along the Tecolote land grand boundary line to its intersection with US 84/I-25, then west along US 84/I-25 to Glorieta.

SS. GMU 46: Beginning at the junction of I-25 and NM 120 at Wagon Mound and running northwest along NM 120 to its junction with NM 434, Black lake area, then north on NM 434 to Carson national forest road 76 and forest boundary, then south following the Carson national forest boundary to the Santa Fe national forest boundary at Holman hill, then continue south along the Santa Fe national forest boundary to the Tecolote land grant boundary, then south along the Tecolote land grant boundary to I-25, then north along I-25 to the junction of I-25 and NM 120 at Wagon Mound.

TT. GMU 47: Beginning at the intersection of the Mora river and I-25 near Watrous and running northeast along I-25 to its junction with US 56 at Springer, then east along US 56 to its junction with NM 39 at Abbott, then south and southeast along NM 39 to its junction with NM 419 southeast of Solano, then southwest along NM 419 to its intersection with the Canadian river, then northwest up the Canadian river to the Mora river, then west up the Mora river to its intersection with I-25.

UU. GMU 48: Beginning at the intersection of I-25 and NM 120 at Wagon Mound, then northwest along NM 120 to its intersection with the south boundary of the Maxwell grant, then east along the south boundary of the Maxwell grant to its intersection with I-25, then south along I-25 to its intersection with NM 120 at Wagon Mound.

VV. GMU 49: Beginning on the Rio Grande at Embudo creek and running north along the Rio Grande to its intersection with NM 567 at Taos junction bridge, then east on NM 567 to NM 570, then northeast on NM 570 to its junction with NM 68 immediately south of Ranchos de Taos, then north along NM 68 to the south boundary of the Taos pueblo lands, then east along the pueblo's south boundary to the Taos county line, then south along the Taos county line to its intersection with US 64, then east along US 64 to its junction with NM 434 north of Black lake, then south along NM 434 to the Carson national forest boundary at forest road 76, then south along Carson national forest boundary to intersection of NM 518 at Holman hill, then westerly along NM 518 to its junction with NM 75, then west along NM 75 to NM 68, then south on NM 68 to Embudo creek; and west on Embudo creek to the Rio Grande.

WW. GMU 50: Beginning at the junction of US 84 and NM 554 east of Abiquiu and running north and east along NM 554 to its junction with NM 111, then southeast along NM 111 to its junction with US 285, then north along US 285 to the Colorado-New Mexico state line, then east along the state line to its intersection with the Rio Grande, then south along the Rio Grande to its junction with Embudo creek, then east up Embudo creek to NM 68 at Embudo, then southwest along NM 68 to its junction with US 84 at Espanola, then northwest along US 84 to its junction with NM 554.

XX. GMU 51: Beginning at the intersection of US 64 and the eastern boundary of the Tierra Amarilla grant, running south then west along the Tierra Amarilla grant boundary line to its intersection with the Rio Chama, then south along the Rio Chama to its intersection with the Piedra Lumbre grant boundary line, then northeast along the Piedra Lumbre grant boundary line to its intersection with US 84 northwest of Abiquiu, then southeast along US 84 to its intersection with NM 554 east of Abiquiu, then north and east along NM 554 to its intersection with NM 111, then south along NM 111 to its intersection with US 285 north of Ojo Caliente, then east and north along US 285 to its intersection with US 64 at Tres Piedras, then west along US 64 to its intersection with the Tierra Amarilla grant boundary.

YY. GMU 52: Beginning at the intersection of US 64 and the east boundary of the Tierra Amarilla grant and running north along the eastern boundary of the grant to the Colorado-New Mexico state line, then east along the state line to its intersection with US 285, then south along US 285 to its junction with US 64 at Tres Piedras, then west along US 64 to its intersection with the east boundary of the Tierra Amarilla grant.

ZZ. GMU 53: Beginning at the intersection of NM 567 and the Rio Grande and running north along the Rio Grande to the Colorado-New Mexico state line, then east along the state line to its junction with NM 522, then south along NM 522 to the south boundary of the Sangre de Cristo grant, then east along the grant boundary to the Taos-Colfax county line, then south along the Colfax county line to the south boundary of the Taos pueblo, then west along the south boundary of the Taos pueblo to NM 68, then south along NM 68 to NM 570 immediately south of Ranchos de Taos, then west along NM 570 to its junction with NM 567, then west along NM 567 to its intersection with the Rio Grande river.

AAA. GMU 54: Beginning at the intersection of the south boundary of the Maxwell grant and NM 434 and running north along NM 434 to its junction with US 64, then north and east along US 64 to its junction with NM 21 west of Cimarron then south and east along NM 21 to its junction with I-25 south of Springer, then south along I-25 to its intersection with the south boundary of the Maxwell grant, then west along the south boundary of the grant to its intersection with NM 434.

BBB. GMU 55: Beginning at the junction of NM 21 and US 64 west of Cimarron and running west and south along US 64 to the Colfax-Taos county line at Palo Flechado pass, then north along the Colfax county line to the south boundary of the Sangre de Cristo grant, then north and west along the Sangre de Cristo grant's south boundary to NM 522, then north along NM 522 to the Colorado-New Mexico state line, then east along the state line to its intersection with I-25, then south along I-25 to its junction with NM 21 at Springer, then west and north along NM 21 to its junction with US 64 west of Cimarron.

CCC. GMU 56: Beginning at the junction of US 56 and I-25 at Springer and running north along I-25 to its junction with US 64 at Raton, then east along US 64 to its junction with US 56 at Clayton, then west along US 56 to its junction with I-25.

DDD. GMU 57: Beginning at the junction of US 64 and I-25 at Raton and running north along I-25 to the Colorado-New Mexico state line, then east along the state line to NM 551, then south along NM 551 to its junction with NM 456, then southwest along NM 456 to its junction with NM 325, then southwest along NM 325 to its junction with US 64, then west along US 64 to its junction with I-25.

EEE. GMU 58: Beginning at the junction of US 64 and NM 325 at Capulin and running northeast along NM 325 to its junction with NM 456, then northeast along NM 456 to its junction with NM 551, then north along NM 551 to the Colorado-New Mexico state line, then east along the state line to the Oklahoma-New Mexico state line, then south along the state line to its intersection with US 64, then west along US 64 to its junction with NM 325.

FFF. GMU 59: Beginning at the intersection of NM 39 and US 56 at Abbott, then east along US 56 to the New Mexico-Texas state line, then south along the New Mexico-Texas state line to NM 421 east of Sedan, then west along NM 421 to its intersection with NM 402 north of Stead, then south along NM 402 to its intersection with NM 102 north of Amistad, then west, south, and west along NM 102 to its intersection with NM 39 east of Mosquero, then north along NM 39 to its intersection with US 56 at Abbott.

[19.30.4.8 NMAC - Rp, 19.30.4.8 NMAC, 4-1-2013]

19.30.4.9 GAME MANAGEMENT SUB-UNITS:

A. Sub-unit 2A: That portion of GMU 2 west of the Los Pinos river (Pine Arm of Navajo reservoir) and north of the San Juan river.

B. Sub-unit 2B: That portion of GMU 2 east and north of the following line: from the junction of the New Mexico/Colorado state line and Pine river, then south along the Pine river to its junction with the San Juan river, then south and west along the San Juan river to its junction with Largo canyon, then south and east along the central wash of Largo canyon to its junction with Cereza canyon, then south and east along the central wash of Cereza canyon to the Jicarilla Apache Indian reservation boundary.

C. Sub-unit 2C: That portion of GMU 2 south and west of the following line: from the junction of US 550 and the San Juan river at Bloomfield, then east along the San Juan river to its junction with Largo canyon, then south and east along the central wash of Largo canyon to its junction with Cereza canyon, then south and east along the central wash of Cereza canyon to the Jicarilla Apache Indian reservation boundary.

D. Sub-unit 5A (Freeman Davis unit): That portion of GMU 5 beginning at the junction of the northwest boundary of the Santa Fe national forest and junction with the Jicarilla Apache Indian reservation north of Lindrith and following the forest boundary south towards Lindrith, then northeasterly past Llaves: thence southerly to its intersection with NM 96, then west along NM 96 to its junction with NM 595 north of Regina, then west along NM 595 to its intersection with the east boundary of the Jicarilla Apache Indian reservation, then following the reservation boundary north to its intersection with the northwest corner of the Santa Fe national forest boundary.

E. Sub-unit 5B: That portion of GMU 5 beginning at the intersection of the east boundary of the Jicarilla Apache Indian reservation, the south boundary of the Tierra Amarilla grant and the Rio Chama, running south along the Rio Chama to its intersection with the Piedra Lumbre grant boundary line, then northeast along the Piedra Lumbre grant boundary line to its intersection with US 84, then south along US 84 to its junction with NM 96 northwest of Abiquiu, then west along NM 96 to its junction with the Santa Fe national forest boundary west of Gallina, then following the boundary north then west past Llaves then southwesterly to south of Lindrith then north along the forest service boundary line to its intersection with the Jicarilla Apache Indian reservation, then east along the boundary line to the junction of the reservation, the south boundary of the Tierra Amarilla grant and the Rio Chama.

F. Sub-unit 6A: That portion of GMU 6 starting at the junction of interstate 25 and US 550 at Bernalillo and running northwest and west along US 550 past San Ysidro to its intersection with the boundary of the Zia Indian reservation, then south, west, and north along the Zia reservation boundary of the Jemez Indian reservation, then west, north, and east along Jemez Indian reservation boundary to its intersection with US 550 near La Ventana, then north and west along US 550 to its intersection with the south boundary of the Jicarilla Apache Indian reservation, then east along the south boundary of the Jicarilla Apache Indian reservation and north along it's east boundary to its intersection with NM 595, then east along NM 595 to its junction with NM 96, then east along NM 96 to its junction with forest road (FR) 103, then south along FR 103 to its junction with FR 117, then south along FR 117 to its junction with FR 527 (Pipeline road), then east along FR 527 to its junction with the west boundary of the Valles Caldera national preserve, then south and east along the boundary of the Valles Caldera national preserve to its junction with FR 280 and NM 4, then south along FR 280 to its junction with forest service trail (FT) 140, then south along FT 140 to Peralta creek, then south and east along Peralta creek to its junction with FR 266, then south and east along FR 266 to its junction with NM 16, then along NM 16 to its junction with I-25, then south and west along I-25 to its junction with US 550 at Bernalillo.

G. Sub-unit 6B: That portion of GMU 6 comprised of all lands within the fenced or posted boundary of the Valles Caldera national preserve as fenced or posted by the United States forest service.

H. Sub-unit 6C: That portion of GMU 6 starting at the junction of NM 96 and forest road (FR) 103 east of Gallina and running south along FR 103 to its junction with FR 117, then south along FR 117 to its junction with FR 527 (Pipeline road), then east along FR 527 to its junction with the west boundary of the Valles Caldera national preserve, then north, east, south and west along the boundary of the Valles Caldera national preserve to its junction with NM 4 and FR 280, then south along FR 280 to its junction with forest service trail (FT) 140, then south along FT 140 to Peralta creek, then south and east along Peralta creek to its junction with FR 266, then south and east along FR 266 to its junction with NM 16, then south and east along NM 16 to its junction with interstate I-25, then north along I-25 to its junction with US 84 at Santa Fe, then north along US 84 to its junction with NM 96 west of Abiquiu, then west along NM 96 to its junction with FR 103.

I. Sub-unit 16A: That portion of GMU 16 beginning at the junction of Bursum road (NM 159/USFS road 28) and US 180, then north along US 180 to its junction with NM 12, then northeast along NM 12 to its junction with NM 435, then south along NM 435 to its junction with Negrito creek south of Reserve, then east along Negrito creek to its junction with the north fork of Negrito creek, then east along the north fork of Negrito creek to its junction with USFS road 94 at Collins park, then south on USFS road 94 to its junction with USFS road 28, then southeasterly on USFS road 28 to its junction with USFS road 30, then southeasterly on USFS road 30 to its junction with USFS road 142, then southwesterly on USFS road 142 to its junction with USFS road 142C west of Cooney prairie, then south on USFS road 142C to the Gila wilderness boundary, then west along the Gila wilderness boundary to its junction with Snow creek below Snow lake, then south along Snow creek to its junction with Gilita creek, then west along Gilita creek to its junction with Willow creek, then west along Willow creek to its junction

with USFS trail 138, then westerly along USFS trail 138 to its junction with USFS trail 182, then north on USFS trail 182 to its junction with Bursum road (NM159/USFS road 28) at Sandy point, then west along Bursum road (NM 159/USFS road 28) to its junction with US 180.

J. Sub-unit 16B: That portion of GMU 16 beginning at the junction of USFS road 152 and the Grant-Sierra county line southwest of Board Gate saddle, then north along the Grant-Sierra county line to Reeds peak and the continental divide, thence north along the continental divide to its intersection with USFS trail 42, then west along USFS trail 42 to its junction with USFS trail 40 at Diamond creek, then west along USFS trail 40 and Diamond creek to USFS road 225 (old USFS road 19), then southwest along USFS road 225 (old USFS road 19) to its junction with USFS road 18, then northwest along USFS road 18 to its junction with USFS road 704, then west along USFS road 704 to USFS trail 772, then northwesterly along USFS trail 772 to Black mountain, then west from Black mountain along USFS trail 812 to its intersection with the south fork of Christie canyon and the wilderness boundary, then west along the wilderness boundary to Snow creek, then south along Snow creek to Gilita creek, then west along Gilita creek to Willow creek, then west along Willow creek to USFS trail 138, then westerly along USFS trail 138 to USFS trail 182, then south and east on USFS trail 182 to its junction with USFS trail 224 at west fork saddle, then south along USFS trail 224 and down the west fork of Mogollon creek to its junction with Mogollon creek, then easterly along Mogollon creek to USFS trail 158 at Woodrow canyon, then southeast along USFS trail 158 to Turkey creek, then south along Turkey creek to the Gila river, then east along the Gila river to Sapillo creek, then east along Sapillo creek to NM 35, then east along NM 35 to its intersection with USFS road 152, then northeast along USFS road 152 to its junction with the Sierra-Grant county line southwest of Board Gate saddle.

K. Sub-unit 16C: That portion of GMU 16 beginning at the road junction of USFS road 150 and USFS road 30 in Railroad canyon, then northeast along USFS road 150 to its junction with NM 163/USFS road 150, then northeast along NM 163 to the continental divide, then south along the continental divide to USFS trail 42, then south along USFS trail 42 to USFS trail 40, then west on USFS trail 40 to and across USFS road 150 to USFS road 225 (old USFS road 19), then southwest along USFS road 225 (old USFS road 19) to USFS road 18, then northwest along USFS road 18 to USFS road 704, then west along USFS road 704 to USFS trail 772, then northwest along USFS trail 772 to USFS trail 812 on Black mountain, then northwest along USFS trail 812 to south fork of Christie canyon, then north and west along south fork of Christie canyon to USFS road 142C, then north along USFS road 142C to USFS road 142, then northeast along USFS road 142 to its junction with USFS road 30, then east along USFS road 30 to its junction with USFS road 150 in Railroad canyon.

L. Sub-unit 16D: That portion of GMU 16 beginning at Apache creek and continuing south and west along NM 12 to its junction with NM 435 at Reserve, then south along NM 435 to its junction with Negrito creek, then east along Negrito creek to its junction with the north fork of Negrito creek, then east along the north fork of Negrito creek to its junction with SFS road 94 at Collins park, then south along USFS road 94 to its junction with NM 28, then east along NM 28 to junction with USFS 30, then southeast along USFS road 30 to its intersection with USFS road 551, then north and west along USFS road 551 to its junction with USFS road 28, then north along USFS road 28 to its intersection with NM 12, then west on NM 12 to Apache creek.

M. Sub-unit 16E: That portion of GMU 16 beginning at the intersection of USFS road 551 and USFS road 30, proceed northwesterly along USFS road 551 to its intersection with USFS road 28, then north on USFS road 28 to its intersection with NM 12, then east on NM 12 to its intersection with NM 60 at Datil, then east on NM 60 to its intersection with NM 52, then south on NM 52 to its intersection with NM 163, then west on NM 163 to its intersection with USFS road 150, then west on USFS road 150 to its intersection with USFS road 30, then west on USFS road 30 to its intersection with USFS road 551.

N. Sub-unit 21A: That northwest portion of GMU 21 that lies within the Gila national forest boundary.

O. Sub-unit 21B: That portion of GMU 21 that lies outside the Gila national forest boundary.

P. Sub-unit 51A: That portion of GMU 51 beginning at the intersection of US 64 and the eastern boundary of the Tierra Amarilla grant, running south then west along the Tierra Amarilla grant boundary line to its junction with US 84, then southeast along US 84 to its intersection with NM 554 east of Abiquiu, then north and east along NM 554 to its intersection with NM 111, then south along NM 111 to its intersection with US 285 north of Ojo Caliente, then east and north along US 285 to its intersection with US 64 at Tres Piedras, then west along US 64 to its intersection with the Tierra Amarilla grant boundary.

Q. Sub-unit 51B: That portion of GMU 51 beginning at the intersection of the east boundary of the Jicarilla Apache Indian reservation, the south boundary of the Tierra Amarilla grant and the Rio Chama, running south along the Rio Chama to its intersection with the Piedra Lumbre grant boundary line, then northeast along the Piedra Lumbre grant boundary line to its intersection with US 84, then north along US 84 to its junction with the south boundary of the Tierra Amarilla grant, then west along the south boundary of the Tierra Amarilla grant to its junction with the Rio Chama.

R. Sub-unit 55A: That portion of GMU 55 beginning at the junction of NM 58 and US 64 at Cimarron and running west and south along US 64 to the Colfax-Taos county line at Palo Flechado pass; then north

along the Colfax county line to the south boundary of the Sangre de Cristo grant; then north and west along the Sangre De Cristo grant's south boundary to NM 522 then north along NM 522 to the Colorado-New Mexico state line; then east along the state line to its intersection with I-25; then south along I-25 to its junction with US 64 thence southwest along US 64 to its junction with NM 58 at Cimarron.

S. Sub-unit 55B: That portion of GMU 55 beginning at the junction of I-25 and US 64 south of Raton, then south and west along US 64 to its junction with NM 21 west of Cimarron, then south and east along NM 21 to its junction with I-25 south of Springer, then north along I-25 to its junction with US 64 south of Raton. [19.30.4.9 NMAC - Rp, 19.30.4.9 NMAC, 4-1-2013]

19.30.4.10 OTHER DESIGNATED AREAS

A. GMU 9 (Laguna Indian reservation portion): That portion of GMU 9 comprising all tribal trust lands designated as the Laguna Indian reservation.

B. GMU 13 (Acoma Indian reservation portion): That portion of GMU 13 comprising all tribal trust lands designated as the Acoma Indian reservation.

C. GMU 19 (Organ mountain hunt area): That portion of GMU 19 beginning at the intersection of I-25 and US 70, then south along I-25 to it intersection with I-10, then south along I-10 to its intersection with the New Mexico\Texas state line, then east along the New Mexico\Texas state line to its intersection with Ft. Bliss military reservation boundary, then northeast, then west and then north along the Ft. Bliss military reservation boundary to its junction with the White Sands missile range boundary, then north, west and north along the White Sands missile range boundary to its intersection with US 70, then west along US 70 to its junction with I-25.

D. GMU 19 (White Sands missile range hunt area): Those portions of White Sands missile range as documented on maps and descriptions made available by the department.

E. GMU 23 (Burro Mountain hunt area): That portion of GMU 23 comprised of the Big Burro Mountains portion of the Gila national forest and shall include all private land lying within the national forest boundary.

F. GMU 24 (Fort Bayard special management area): That portion of GMU 24 beginning at the NW corner of section 22, T. 17 S., R. 13 W. south along the west section line of sections 22, 27 and 34 to the north right-of-way fence of U.S. highway 180; thence easterly along the north right-of-way fence of U.S. highway 180 through sections 34 and 35 to the east right-of-way fence of the road entering Fort Bayard medical center; thence northwesterly along this east right of-way fence through sections 35 and 26 for approximately 1 1/4 miles to the forest boundary fence; thence northeasterly along the forest boundary fence for approximately 5/8 mile; thence easterly along the forest boundary fence through sections 26 and 25 for approximately 3/4 mile; thence southerly along the forest boundary fence for approximately 1/2 mile; thence easterly along the forest boundary fence for approximately 5/8 mile to the west right-of-way fence of state road 90; thence northeasterly along the right-of-way fence for about 1/2 mile to the intersection with the forest boundary fence; thence northerly along the forest boundary fence through sections 30, 19, 18, and 7 for about 3 ¾ miles; thence westerly along the forest boundary fence for approximately ¼ mile to the southeastern corner of the pear tree pasture fence; thence northerly along the eastern boundary of the pear tree pasture fence for approximately one mile; thence westerly along the northern fenced boundary through sections 1, 2, and 3 of T. 17 S, R. 13 W of the Pear Tree, Castle Knob, Twin Sisters, and Enclosure pasture fences for approximately 3 ½ miles to corner of west section line of Section 3; thence southerly along west sections lines of Sections 3, 10, and 15 for approximately 2 ¾ miles to the point of origin.

G. GMU 25 (Florida mountains): That portion of GMU 25 comprised of the main Florida Mountain range and Little Floridas, bounded by Interstate 10 on the north, the Luna-Dona Ana county line on the east, the Mexico-New Mexico line on the south and NM highway 11 on the west.

H. GMU 26 (Big Hatchet special management area): That portion of GMU 26 bounded by a line starting at the Hatchet ranch headquarters and following a road in a southeast direction through sections 14, 13 and 24, of T. 30 S., R. 15 W., and sections 19, 30, 29, 32, 33 and 34 of T.30 S., R. 14 W., and sections 3, 2, 1, 12 and 13 of T. 31 S., R. 14 W.; thence south through sections 13, 24, 25, 36 and 35 of T. 31 S., R. 14 W.; thence sections 2, 11, 14, 23 and 26 of T. 32 S., R. 14 W.; thence west through sections 27, 28, 29, 30 and 19 of T. 32 S., R. 14 W., and sections 24, 23, 22, 21, 20, 17 and 18 of T. 32 S., R. 15 W., and section 13 of T. 32 S., Rs. 16 W.; thence south along the section line between sections 13 and 14, and sections 23 and 24, of T. 32 S., R. 16. W. to the intersection of the road to the Humble Oil and Refining Company test well no. 1; thence northwest along the road through sections 23 and 14; thence west along the section line between sections 10 and 15; thence north along the fence line and section line between sections 9 and 10 and sections 3 and 4 of T. 32 S., R. 16 W.; thence east approximately on-half mile along the section line of section 3, T. 32 S., R. 16 W., and section 34 of T. 31 S., R. 16 W.; thence north along a road and fence line through sections 34, 27, 22 and 15 to the intersection of the road to Romney well; thence west along the Romney well road through sections 10 and 9 to state road 81; thence north along state road 81 through sections 9 and 4 of T.31.S., R. 16 W., and sections 33, 34, 27 and 22, thence east along the section line between sections 22, and 15; thence east approximately one-half mile between the section line between sections 23

and 14; thence north one-half mile between the section line between sections 23 and 14; thence north on-half mile to the northwest corner of the SW1/4 of the NE1/4 of section 14; thence northeast along the fence to the section line between sections 14 and 13; thence north along the fence and section line between sections 14 and 13, 11, and 12; thence east along the fence line through section 12 to the intersection of the road to the Hatchet farm; thence southeast along the road through section 12 of T. 30 S., R. 16 W., and sections 7, 8, 17, 16, 15, 22, 23 and thence north through sections 23 and 14 of T. 30 S., R. 15 W. to the Hatchet ranch headquarters and the point of beginning.

I. GMU 28 (McGregor range portion): Those portions of GMU 28 located on the Fort Bliss military reservation, as follows:

(1) Public hunt area: That portion of the Fort Bliss military reservation lying north of NM 506 excluding that part of the Sacramento division of the Lincoln national forest lying within the McGregor range co-use area.

(2) Military only area: That portion of the Fort Bliss military reservation lying south of NM 506 as defined and restricted by Fort Bliss McGregor range personnel.

J. GMU 32 (Fort Sumner hunt area): That portion of GMU 32 beginning at the intersection of NM state highway 20 and US highway 60, then running south along NM state highway 20 to its junction with Tumbleweed road, then south along Tumbleweed road to its junction with Lone Wolf road, then east along Lone Wolf road to the southwest corner of section 16 of T1N, R26E, then east along the south section lines of sections 16 and 15 of T1N, R26E to the Pecos river, then north along the Pecos river to the southern section line of section 36 of T2N, R26E, then east along the southern section line of section 36 of T2N, R26E to James Spring road, then north and west along James Spring road to the southeast corner of section 26 of T2N, R26E, then north along the east section lines of sections 26, 23, 14, 11 and 2 of T2N, R26E, and sections 35 and 26 of T3N, R26E to US highway 60, then west along US highway 60 to its junction with NM state highway 20.

K. GMU 32 (Roswell hunt area): That portion of GMU 32 beginning at the intersection of US highway 285 and NM state highway 557, then east along NM state highway 557 to its junction with NM state highway 2, then north along NM state highway 2 to its junction with NM state highway 249, then east along NM state highway 249 to the Pecos river, then north along the Pecos river to the north section line of section 2 of T9S, R25E, then west along the north township lines of T9S, R25E and T9S, R24E to US highway 285, then south along US highway 285 to the northeast corner of section 32 of T9S, R24E, then west along the north section lines of sections 32 and 31 of T9S, R24E, sections 36, 35, 34, 33, 32 and 31 of T9S, R23E, and sections 36, 35, 34 and 33 of T9S, R22E, then south along the west section lines of section 33 of T9S, R22E, sections 4, 9, 16, 21, 28 and 33 of T10S, R22E, sections 4, 9, 16, 21, 28 and 33 of T11S, R22E, sections 4, 9, 16, 21, 28 and 33 of T12S, R22E, then east along the south section lines of sections 33 and 34 of T12S, R22E to the northwest corner of section 1 of T13S, R22E, then south along the west section lines of sections 1, 12, and 13 of T13S, R22E, then east along the south section lines of section 13 of T13S, R22E, sections 18, 17, 16, 15, 14 and 13 of T13S, R23E and section 18 of T13S, R24E to Old YO Crossing road, then south and west along Old YO Crossing road to its junction with NM state highway 13, then east along NM state highway 13 to its junction with US highway 285, then south along US highway 285 to its junction with NM state highway 557.

L. GMU 36 (Fort Stanton hunt area): That portion of GMU 36 comprised of those lands owned and administered by the bureau of land management within the historic Fort Stanton military reservation.

M. GMU 49 (Taos valley overlook): That portion of GMU 49 comprised of those lands owned and administered by the bureau of land management, bounded by the Rio Grande on the west, U. S. Highway 68 on the east, and the Arroyo Hondo canyon on the south.

N. GMU 53 (Cerro portion): That portion of GMU 53 beginning at the intersection of NM 522 and NM 378, then north on NM 522 approximately 3.1 miles to its intersection with CR B-041 (Buena Vista road), then west on CR B-041 1 mile to the dirt road on the boundary of townships T30N and T29N, then west on that dirt road 2 miles to its intersection with CR B-048 (Sunshine-Jarosa road), then south on CR B-048 approximately 1.3 miles to its intersection with NM 378, then southeasterly on NM 378 approximately 3.5 miles to its intersection with NM 522.

O. GMU 55 (Valle Vidal area): That portion of GMU55 comprised of the Valle Vidal unit of the Carson national forest and the Greenwood area of the Vermejo Park Ranch, Inc.

P. GMU 57 (Sugarite canyon state park): That portion of GMU 57 comprised of the Sugarite canyon property owned by the city of Raton and administered by the state parks division of the New Mexico energy, minerals and natural resources department.

[19.30.4.10 NMAC - Rp, 19.30.4.10 NMAC, 4-1-2013]

History of 19.30.4 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives:

Regulation No. 482, Establishing Seasons On Deer, Bear, Turkey, Elk, Antelope, Dusky Grouse, Tassel-Eared And Chickaree Squirrel, And Barbary Sheep, filed 5/31/67;
Regulation No. 487, Establishing 1967 Seasons On Javelina And Barbary Sheep, filed 12/15/67;
Regulation No. 489, Establishing Turkey Seasons For The Spring of 1968, filed 3/1/68;
Regulation No. 491, Establishing Big Game Seasons For 1968 For Jicarilla Reservation, filed 3/1/68;
Regulation No. 492, Establishing Seasons On Deer, Bear, Turkey, Elk, Antelope, Dusky Grouse, Tassel-Eared And Chickaree Squirrel, And Barbary Sheep, filed 6/6/68;
Regulation No. 495, Establishing A Season On Bighorn Sheep, filed 10/2/68;
Regulation No. 496, Establishing An Elk Season In The Tres Piedras Area, Elk Area P-6, filed 12/11/68;
Regulation No. 502, Establishing Turkey Seasons For The Spring Of 1969, filed 3/5/69;
Regulation No. 503, Establishing 1969 Deer Seasons For Bowhunting Only And Big Game Seasons For The Jicarilla Indian Reservation, filed 3/5/69;
Regulation 504, Establishing Seasons on Deer, Bear, Turkey, Dusky Grouse, Chickaree And Tassel-Eared Squirrel, And Barbary Sheep, filed 6/4/69;
Regulation No. 507, Establishing A Season On Bighorn Sheep, filed 8/26/69;
Regulation No. 512, Establishing Turkey Season For The Spring Of 1970, filed 2/20/70;
Regulation No. 513, Establishing Deer Season For Bowhunting Only In Sandia State Game Refuge, filed 2/20/70;
Regulation No. 514, Establishing Seasons On Deer, Bear, Turkey, Elk, Antelope, Dusky Grouse, Tassel-Eared And Chickaree Squirrel, Barbary Sheep And Bighorn Sheep, filed 6/9/70;
Regulation No 520, Establishing Turkey Seasons For The Spring Of 1971, filed 3/9/71;
Regulation No. 522, Establishing 1971 Seasons On Deer, Bear, Turkey, And Elk On The Jicarilla Apache Indian Reservation, filed 3/9/71;
Regulation No. 523, Establishing Seasons On Deer, Turkey, Bear, Cougar, Dusky Grouse, Tassel-Eared And Chickaree Squirrel, Elk, Antelope, Barbary Sheep And Bighorn Sheep, filed 6/9/71;
Regulation No. 531, Establishing A Season On Javelina, filed 12/17/71;
Regulation No. 532, Establishing Turkey Seasons For The Spring Of 1972, filed 3/20/72;
Regulation No. 534, Establishing 1972 Seasons On Deer, Bear, Turkey, And Elk On The Jicarilla Apache Indian Reservation, filed 3/20/72;
Regulation No. 536, Establishing Seasons On Deer, Turkey, Bear, Cougar, Dusky Grouse, Chickaree And Tassel-Eared Squirrel, Elk, Antelope, Barbary Sheep And Bighorn Sheep, filed 6/26/72;
Regulation No. 542, Establishing A Season On Javelina, filed 12/1/72;
Regulation No. 545, Establishing Turkey Seasons For The Spring Of 1973, filed 2/26/73;
Regulation No. 546, Establishing 1973 Seasons On Deer, Bear, Turkey, And Elk On The Jicarilla Apache Indian Reservation, filed 2/26/73;
Regulation No. 547, Establishing Seasons On Deer, Turkey, Bear, Cougar, Dusky Grouse, Chickaree And Tassel-Eared Squirrel, Elk, Antelope, Barbary Sheep And Bighorn Sheep, And Javelina, filed 5/31/73;
Regulation No. 554, Establishing Special Turkey Seasons For The Spring of 1974, filed 3/4/74;
Regulation No. 556, Establishing 1974 Seasons On Deer, Bear, Turkey, And Elk On The Jicarilla Apache Indian Reservation, filed 3/14/74;
Regulation No. 558, Establishing Seasons On Deer, Turkey, Bear, Cougar, Dusky Grouse, Tassel-Eared And Chickaree Squirrel, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx, And Ibex, filed 5/29/74;
Regulation No. 565, Establishing Special Turkey Seasons For The Spring Of 1975, filed 3/24/75;
Regulation No. 567, Establishing 1975 Seasons On Deer, Bear, And Turkey On The Jicarilla Apache And Navajo Indian Reservations And On Elk On The Jicarilla Apache Indian Reservation, filed 3/24/75;
Regulation No. 568, Establishing Seasons On Deer, Turkey, Bear, Cougar, Dusky Grouse, Chickaree And Tassel-Eared Squirrel, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex, filed 6/25/75;
Regulation No. 573, Establishing Seasons On Deer, Turkey, Bear, Cougar, Dusky Grouse, Tassel-Eared And Chickaree Squirrel, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex, filed 2/23/76;
Regulation No. 583, Establishing Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex, filed 2/11/77;
Regulation No. 590, Establishing Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex, filed 2/15/78;
Regulation No. 596, Establishing Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex, filed 2/23/79;
Regulation No. 603, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1980 through March 31, 1981, filed 2/22/80;
Regulation No. 609, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1981 through March 31, 1982, filed 3/17/81;

Regulation No. 614, Establishing Open Seasons On Deer, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1982 through March 31, 1983, filed 3/10/82;
Regulation No. 622, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1983 through March 31, 1984, filed 3/9/83;
Regulation No. 628, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1984 through March 31, 1985, filed 4/2/84;
Regulation No. 634, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1985 Through March 31, 1986, filed 4/18/85;
Regulation No. 640, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1986 through March 31, 1987, filed 3/25/86;
Regulation No. 645, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1987 through March 31, 1988, filed 2/12/87;
Regulation No. 653, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1988 through March 31, 1989, filed 12/18/87;
Regulation No. 663, Establishing Opening Spring Turkey For The Period April 1, 1989 through March 31, 1990, filed 3/28/89;
Regulation No. 664, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1989 through March 31, 1990, filed 3/20/89;
Regulation No. 674, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1990 through March 31, 1991, filed 11/21/89;
Regulation No. 683, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx, And Ibex For The Period April 1, 1991 through March 31, 1992, filed 2/8/91;
Regulation No. 689, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx, And Ibex For The Period April 1, 1992 through March 31, 1993, filed 3/4/92;
Regulation No. 700, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx, And Ibex For The Period April 1, 1993 through March 31, 1995, filed 3/11/93.

History of Repealed Material:
19.30.4 NMAC, BOUNDARY DESCRIPTIONS FOR WILDLIFE MANAGEMENT AREAS, filed 4-1-95 - duration expired 3-31-2013.

The final proposal for Wildlife Habitat and Lands rule is to delete those words with a strikethrough and add underlined language to this rule.

TITLE 19 NATURAL RESOURCES AND WILDLIFE
CHAPTER 34 WILDLIFE HABITAT AND LANDS
PART 3 USE OF STATE GAME COMMISSION LANDS

19.34.3.1 ISSUING AGENCY: New Mexico Department of Game and Fish.
[19.34.3.1 NMAC - Rp, 19.34.3.1 NMAC, 10/30/09]

19.34.3.2 SCOPE: Department staff, licensed hunters, anglers and trappers and GAIN permit holders.
[19.34.3.2 NMAC - Rp, 19.34.3.2 NMAC, 10/30/09]

19.34.3.3 STATUTORY AUTHORITY: Sections 17-1-1, 17-1-14, 17-1-26 and 17-4-1, NMSA 1978, provide the New Mexico state game commission with the authority to acquire lands, to provide for use of game and fish for use and development for public recreation, and to establish rules that it may deem necessary to carry out the purposes of Chapter 17, NMSA 1978.
[19.34.3.3 NMAC - Rp, 19.34.3.3 NMAC, 10/30/09]

19.34.3.4 DURATION: Permanent.
[19.34.3.4 NMAC - Rp, 19.34.3.4 NMAC, 10/30/09]

19.34.3.5 EFFECTIVE DATE: April 1, 2013, unless a later date is cited at the end of this section.
[19.34.3.5 NMAC - Rp, 19.34.3.5 NMAC, 10/30/09]

19.34.3.6 OBJECTIVE: To establish terms and conditions for use of land owned, controlled or operated by the commission.
[19.34.3.6 NMAC - Rp, 19.34.3.6 NMAC, 10/30/09]

19.34.3.7 DEFINITIONS:

A. "Activity authorization" shall mean a department document or a sign placed on designated land approved by the director and subject to 19-34-3.13 NMAC, that provides allowable activities and restrictions or prohibitions applicable to a specific land.

B. "Commercial activity" means any wildlife associated activity conducted within landfor which a fee is charged or compensation or anything else of value is received by the person or business conducting the activity, except for hunting activities conducted by an outfitter registered with the department.

C. "Commission" shall mean the New Mexico state game commission.

D. "Director" shall mean the director of the New Mexico department of game and fish.

E. "Department" shall mean the New Mexico department of game and fish.

F. "Designated land" shall mean commission owned, operated or controlled properties that are designated for GAIN activities in accordance with Subsection A of 19.34.3.11 NMAC.

G. "Gaining access into nature" or "GAIN" shall mean a program to provide broadly based wildlife-associated recreation opportunity, not to include hunting, trapping or fishing.

H. "GAIN activities" shall mean activities conducted on designated land that are specifically authorized by the director by means of an activity authorization.

I. "GAIN permit - annual" shall mean a permit purchased from the department or a license vendor authorizing the permit holder to access designated land for purposes of wildlife associated recreation subject to any restrictions and prohibitions in the activity authorization. Such permit shall be valid only during the license year in which it is issued.

J. "GAIN permit - temporary 5-day" shall mean a permit purchased from the department or a licensed vendor authorizing the permit holder to access desginated land for purposes of wildlife associated recreation subject to any restrictions and prohibitions in the activity authorization. Such permit shall be valid only during the 5-day period specified on the permit.

K. "Land" shall mean property ownedor controlled by the commission except property upon which state parks are located and operated by the state parks division of the energy, minerals, and natural resources department. Activities on commission-owned land within state parks operated by the state parks division of the energy, minerals and natural resources department shall be subject to state parks division rules.

L. "License year" shall mean the period of April 1 through March 31.

M. "Operator" shall mean any person or entity that conducts commercial activity on land pursuant to a commercial permit issued by the department, and that person's or entity's agents.

N. "Permit" shall mean any annual, 5-day, or commercial GAIN permit.

[19.34.3.7 NMAC - Rp, 19.34.3.7 NMAC, 10/30/09]

19.34.3.8 DATES OF USE: The dates of use as provided by a permit - annual, shall correspond to a license year.

[19.34.3.8 NMAC - Rp, 19.34.3.8 NMAC, 10/30/09]

19.34.3.9 USE OF PROPERTIES: Participation in GAIN activities on designated land is a privilege, and the issuance of a permit to engage in GAIN activities and activities authorized by commercial permits, does not constitute a right of use for other uses of the properties and is subject to revocation upon violation of rules and conditions of the property or terms of the permit.

[19.34.3.9 NMAC - Rp, 19.34.3.9 NMAC, 10/30/09]

19.34.3.10 PROHIBITION OF DISCRIMINATION: No one shall be denied use of lands on the basis of race, color, religion, sex, disability, family status or national origin.

[19.34.3.10 NMAC - Rp, 19.34.3.10 NMAC, 10/30/09]

19.34.3.11 PERMITTING PROCEDURE

A. The director may designate land on which wildlife-associated recreation activities other than, or in addition to, hunting, fishing, and trapping may take place subject to commission rule. Such designation shall include the times and places when and where access for such activities is available, terms and condition of access to the land, the activities authorized and the form of a waiver and release, if any, to be executed and delivered to the department as a condition to any access and shall be set forth on the activity authorization for such land.

B. Upon application on a form approved by the director the department shall issue a permit authorizing the permittee to engage in GAIN activities on designated landas provided by the activity authorization for such designated land. Permits shall be subject to restrictions and limitations as determined by the department to protect habitat and wildlife interests associated with the property for which a permit is issued.

C. Applications for the Jamie Koch community shelter shall be accepted only at the main office in Santa Fe. Reservations are made on a first come first serve basis. The fee shall cover the day use shelter for a 24 hour period up to 4 consecutive days. The permit fee shall be established in the activity authorization.

D. The department may charge a fee for the issuance of permits in an amount that shall not exceed the costs to the department for administration associated with each permit, including any application processing costs. Those permit types and fees include the following, and may be less if department accounting indicates such reduced costs, but may not be more without commission approval.

(1) Accompany department wildlife management actions/surveys - $81.

(2) Permit - annual $20.

(3) Permit- temporary 5-day $5.

(4) Department/cooperator-led wildlife viewing event - $56.

(5) Department transported wildlife viewing - $74.

(6) Commercial permit - to be determined by the director based on the scope of the proposed activity specified in the application.

(7) Daily per vehicle fee as designated in the activity authorization.

E. The director shall specify restrictions for each activity designated in Subsection A of 19.34.3.11 NMAC. Such restrictions shall be posted on each property on which a designated activity is permitted, and such restrictions shall be available on the department web-site (www.wildlife.state.nm.us).

F. A permit may be revoked by the department upon its determination that a permittee has persistently, flagrantly, or knowingly violated any terms, conditions, or limitations to which the permit is subject, any violations of terms and conditions set forth in the activity authorization, or a violation of any provision of Chapter 17, NMSA 1978 or of any of the rules enacted there under. A revocation under this provision shall be subject to the procedural provisions of Section 17-3-34 NMSA 1978. Such revocation shall preclude issuance of a permit to the permittee for a period designated by the commission, upon recommendation by the department.

[19.34.3.11 NMAC - Rp, 19.34.3.11 NMAC, 10/30/09]

19.34.3.12 AUTHORITY OF DIRECTOR: The director shall have the authority to close, in whole or in part, or otherwise restrict the use of land when in the opinion of the director such closure or restriction is reasonably necessary for the protection of such land, wildlife, habitat, the public or otherwise, to respond to circumstances concerning such land. The director shall have the authority to authorize by permit an activity not otherwise specified

by an activity authorization on land when in the opinion of the director such activity is not detrimental to the land, wildlife or purpose(s) for which the land is managed and will not result in any expenditure from the game protection fund that is inconsistent with Sections 17-1-28 and 17-1-29 NMSA 1978.
[19.34.3.12 NMAC - Rp, 19.34.3.12 NMAC, 10/30/09]

19.34.3.13 USE OF LAND:

A. It shall be unlawful to conduct any activity on land unless provided for by commission rule or permit or agreement.

B. It shall be unlawful to operate any vehicle off of established roads or on closed roads within land, except as allowed by the director through permit or commission rule, or any county, state or federal law enforcement officer in the discharge of his/her official duties.

C. It shall be unlawful for any person 18 years of age or older to enter designated land without having in his or her possession either a current hunting, fishing, trapping or limited use license, a Permit, a valid park permit issued for a state park associated with that land, or special activity permit where required; and a habitat management and access validation (HMAV). A permit and HMAV shall not be required for that portion of a designated land upon which a New Mexico state park is operated.

D. It shall be unlawful to deface or remove rocks, minerals, plants, animals, firewood or man made feature from any land unless specifically allowed by commission rule.

E. It shall be unlawful for any person to excavate, injure, destroy, or remove any cultural resource or artifact from any land.

F. It shall be unlawful to violate the provisions of posted signs on land.

G. It shall be unlawful to camp in excess of nine consecutive days, except by licensed hunters and their guests concurrent with their permitted hunt. Stay limits on designated land upon which a New Mexico state park is operated shall conform to New Mexico state park rule.

H. It shall be unlawful to have an open fire unless safely contained.

I. It shall be unlawful to use or possess any hay or feed for domestic livestock use on land other than pelleted or grain feed, or feed certified as weed free.

J. It shall be unlawful to conduct a commercial activity on land without first obtaining a commercial permit as described in 19.34.3.14 NMAC.

K. Nothing in this rule shall prevent state employees or contract workers from performing administrative duties on land.

L. These restrictions are subject to terms and conditions imposed on state parks pursuant to agreements between the commission and the energy minerals and natural resources department.

M. It shall be unlawful to possess unleashed dogs or other pets on commission-owned land, except for persons other than department employees residing on such land. Exceptions: dogs may be unleashed for permitted field trial or hunting purposes during established seasons only and only on land where use of dogs for hunting purposes is allowed by rule; and dogs may be unleashed for authorized wildlife management activities.
[19.34.3.13 NMAC - Rp, 19.34.3.13 NMAC, 10/30/09]

19.34.3.14 COMMERCIAL PERMITS:

A. A commercial permit is required for any person or business to conduct a commercial activity on designated land and must be in the possession of the permittee while permittee is on designated land.

B. Regardless of the date it is issued, a commercial permit is valid from April 1 until March 31 each year, unless a shorter time is specified on the commercial permit.

C. Applications for commercial permits may be obtained at any department office or online. Completed applications shall be returned to the department. All properly completed applications for commercial permits shall be reviewed and processed within thirty days of their receipt by the department.

D. Operators and their employees or agents are exempt from the requirement to purchase a permit when acting under the commercial permit, but shall possess a valid HMAV. Each commercial permit shall specify the number of employees or agents authorized to conduct activities on behalf of the permittee pursuant to said permit. A copy of the commercial permit must be in the possession of the operator and every employee or agent while on designated land.

E. No commercial permit shall be issued until the applicant has provided proof of insurance or bond in the amount of not less than $1,000,000 naming the department, the commission and state of New Mexico as additional insureds.

F. Operators and their clients are subject to all applicable state and federal regulations.

G. Commercial permits are not transferable. A commercial permit cannot be sold or transferred for any reason. The department will not refund any portion of the commercial permit fee for any reason.

H. The director may limit the number and type of commercial permits in order to protect resources. The director may prescribe special requirements and conditions for commercial permits when, in his sole discretion, it is in the best interests of the state to do so. Special requirements may include, but are not limited to: limitations on use of designated land, grounds and facilities; designation of a specific area within the designated land in which an operator is allowed to operate; designation of specific days or hours during which an operator is allowed to operate; number of participants, requirements for submission of use and price data; and training requirements.

I. No operator shall violate any condition of the commercial permit or restriction of the designated land. Violation of the commercial permit or a restriction may result in the immediate revocation of the commercial permit. Operators shall be subject to the procedural provisions of Section 17-3-34 NMSA 1978 and Subsection C of 19.31.2.10 NMAC, and 19.31.2.11 through 19.31.2.24 NMAC.

J. The director may deny any application for a commercial permit when, in his sole descretion, he finds that approval of such application would be contrary to the best interests of the land, wildlife or the purpose(s) for which the land is manage and may result in any expenditure from the game protection fund that is inconsistent with Sections 17-1-28 and 17-1-29 NMSA 1978.

K. A contract or permitted consessionaire or support group of the state parks division of the energy, minerals and natural resources department that has been approved by the commission is not required to obtain a commercial permit to conduct activities authorized by the commission.

L. The department shall establish the fee for each individual commercial permit it issues.

M. The department has the right to cancel or modify any commercial permit in emergency circumstances as determined by the director.

[19.34.3.14 NMAC - Rp, 19.34.3.14 NMAC, 10/30/09]

HISTORY OF 19.34.3 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives:

DGF 70-1, Regulation No. 510, Establishing Camping Fees on Department Controlled Lands, 1/19/70.
DGF 70-1, Amendment No. 1, Order No. 8-70, Amending State Game Commission's Regulation No. 510 and Repealing State Game Commission's Regulation No. 458, 1/14/71.
DGF 70-5, Regulation No. 515, Establishing Camping Fees on Department Controlled Lands, 4/20/70.
DGF 71-2, Regulation No. 519, Establishing Camping Fees on Department Controlled Lands, 3/9/71.
DGF 72-6.1, Regulation No. 537, Establishing Camping Fees on Department Controlled Lands, 6/6/72.
DGF 72-6.1, Amendment No. 1, Order No. 4-72, Amending State Game Commission Regulation No. 537, 8/16/72.
DGF 74-3, Regulation No. 553, Establishing Camping Fees on Department Controlled Lands, 1/11/74.
DGF 76-3, Regulation No. 574, Establishing Camping Fees on Department Controlled Lands, 3/16/76.
DGF 76-3, Amendment No. 1, Order No. 3-78, Amending Regulation No. 574, 2/15/78.
DGF 79-3, Regulation No. 598, Establishing Fees, Dates and Other Rules for Use of Department Controlled Lands, 6/27/79.
DGF 79-3, Amendment No. 1, Order No. 1-81, Amendment No. 1 to Regulation No. 598, 3/5/81.
Regulation No. 666, Establishing Fees, Dates and Other Rules for Use of Department Controlled Lands, 3/20/89.
Regulation No. 671, Establishing Fees, Dates and Other Rules for Use of Department Controlled Lands, 9/1/89.
Order No. 3-84, Amendment to Regulation No. 598, 3/16/84.

History of Repealed Material:

19.34.3 NMAC, Use of Department of Game and Fish Lands, filed 1/18/2005 - Repealed effective 10-30-09

The final proposal will be repeal and replace the Wildlife Management Areas rule with the copy below, as substantial changes were made to this rule.

TITLE 19 NATURAL RESOURCES AND WILDLIFE
CHAPTER 34 WILDLIFE HABITAT AND LANDS
PART 5 WILDLIFE MANAGEMENT AREAS

19.34.5.1 ISSUING AGENCY: New Mexico Department of Game and Fish.
[19.34.5.1 NMAC - Rp, 19.34.5.1 NMAC, 4-1-2013]

19.34.5.2 SCOPE: Department staff, licensed hunters, anglers and trappers and GAIN permit holders.
[19.34.5.2 NMAC - Rp, 19.34.5.2 NMAC, 4-1-2013]

19.34.5.3 STATUTORY AUTHORITY: Sections 17-1-14 and 17-1-26 NMSA 1978 provide the New Mexico state game commission with the authority to identify game refuges and to establish rules and regulations that it may deem necessary to carry out the purposes of Chapter 17 NMSA 1978.
[19.34.5.3 NMAC - Rp, 19.34.5.3 NMAC, 4-1-2013]

19.34.5.4 DURATION: Permanent.
[19.34.5.4 NMAC - Rp, 19.34.5.4 NMAC, 4-1-2013]

19.34.5.5 EFFECTIVE DATE: April 1, 2013, unless a different date is cited at the end of a section.
[19.34.5.5 NMAC - Rp, 19.34.5.5 NMAC, 4-1-2013]

19.34.5.6 OBJECTIVE: To identify wildlife management areas created by the state game commission and to identify game refuges that have been abolished by the state game commission.
[19.34.5.6 NMAC - Rp, 19.34.5.6 NMAC, 4-1-2013]

19.34.5.7 DEFINITION:

A. Wildlife management area (WMA) means an area of land owned or controlled by the state game commission and designated by the commission or department as a WMA.

B. [Reserved]

[19.34.5.7 NMAC - Rp, 19.34.5.7 NMAC, 4-1-2013]

19.34.5.8 WILDLIFE MANAGEMENT AREAS:

A. Bear Canyon Lake Wildlife Management Area is located approximately 2 miles north of Mimbres and is more fully described in deeds on file in Grant County and with the department.

B. Belen Wildlife Management Area is part of the Ladd S. Gordon Complex and is located approximately 2 miles south of Belen and is more fully described in deeds on file in Valencia County and with the department.

C. Bernardo Wildlife Management Area is part of the Ladd S. Gordon Complex and is located approximately 15 miles south of Belen and is more fully described in deeds on file in Socorro County and with the department.

D. Bernardo Wildlife Management Area, Simms Donation is part of the Ladd S. Gordon Complex and is located approximately 16 miles south of Belen and is more fully described in deeds on file in Socorro County and with the department.

E. Bert Clancy Wildlife Management Area is located between Pecos and Cowles and is more fully described in deeds on file in San Miguel County and with the department.

F. Bill Evans Lake Wildlife Management Area is located approximately 8 miles south of Cliff and is more fully described in deeds on file in Grant County and with the department.

G. Bluebird Wildlife Management Area is located approximately 6 miles southeast of Cuba on State Road 126 and is more fully described in deeds on file in Sandoval County and with the department.

H. Casa Colorada Wildlife Management Area (Ladd S. Gordon Complex) is located approximately 7 miles southeast of Belen on the east side of the Rio Grande and is more fully described in deeds on file in Valencia County and with the department.

I. Charette Lakes Wildlife Management Area is located approximately 23 miles southwest of Springer and is more fully described in deeds on file in Mora County and with the department.

J. Clayton Lake Wildlife Management Area is located approximately 15 miles north of Clayton and is more fully described in deeds on file in Union County and with the department.

K. Colin Neblett Wildlife Management Area is located immediately east of the village of Eagle Nest and Eagle Nest Lake and is more fully described in deeds on file in Colfax County and with the department.

L. Eagle Nest Lake Wildlife Management Area is located immediately south of the village of Eagle Nest and is more fully described in deeds on file in Colfax County and with the department.

M. Edward Sargent Wildlife Management Area is located immediately north of Chama and is more fully described in deeds on file in Rio Arriba County and with the department.

N. Elliott Barker Wildlife Management Area is located approximately 15 miles northwest of Cimarron and is more fully described in deeds on file in Colfax County and with the department.

O. Fenton Lake is located approximately 9 miles north of Jemez Springs and is more fully described in deeds on file in Sandoval County and with the department.

P. Hammond Tract Wildlife Management Area is located approximately 2 miles east of Blanco and is more fully described in deeds on file in San Juan County and with the department.

Q. Heart Bar Wildlife Management Area is located approximately 36 miles north of Silver City and is more fully described in deeds on file in Grant and Catron Counties, and with the department.

R. Jackson Lake Wildlife Management Area is located approximately 8 miles northwest of Farmington along the La Plata River and includes management of State Land Office section 16 and Bureau of Land Management section 21 and is more fully described in deeds on file in San Juan County and with the department.

S. La Joya Wildlife Management Area (Ladd S. Gordon Complex) is located approximately 20 miles south of Belen and is more fully described in deeds on file in Socorro County and with the department.

T. Lake Roberts Wildlife Management Area is located approximately 20 miles north of Silver City and is more fully described in deeds on file in Grant County and with the department.

U. McAllister Lake Wildlife Management Area is located approximately 7 miles southeast of Las Vegas and is more fully described in deeds on file in San Miguel County and with the department.

V. Marquez Wildlife Management Area is located approximately 25 miles north of Laguna and is more fully described in deeds on file in McKinley and Sandoval Counties and with the Department.

W. Pine River Wildlife Management Area is located approximately 1 mile south of the Colorado border off State Road 511 and is more fully described in deeds on file in San Juan County and with the department.

X. Prairie Chicken Wildlife Management Areas are located throughout Chaves, DeBaca, Lea, and Roosevelt Counties and are more fully described in deeds on file in said counties and with the department.

Y. Red Rock Wildlife Management Area is approximately 26 miles north of Lordsburg and is more fully described in deeds on file in Grant County and with the department.

Z. Retherford Wildlife Management Area is located approximately 3 miles southeast of Bloomfield and is more fully described in deeds on file in San Juan County and with the department.

[19.34.5.8 NMAC - Rp, 19.34.5.8 NMAC, 4-1-2013]

HISTORY OF 19.34.5 NMAC:

Pre-NMAC History: The material in this Part was derived from that previously filed with the State Records Center and Archives:

DGF 67-10, Order No. 14-67, Creating Miller Mesa Game Refuge, No. 319, 9/22/67.

DGF 70-7, Order No. 4-70, Creating Alcalde Refuge, No. 320, 8/24/70.

DGF 70-7, Amendment No. 1, Order No. 2-74, Re-Creating the Alcalde Game Refuge, No. 320, 3/6/74.

DGF 70-10, Order No. 9-70, Amending the Artesia Game Refuge, No. 318, 12/9/70.

DGF 81-3, Order No. 5-81, New Boundaries for the Artesia Game Refuge, No. 318, 5/27/81.

Order No. 5-85, New Boundaries for the Artesia Waterfowl Management Area No. 318, 9/11/85.

Order No. 1-86, Changing the Name of the Artesia Waterfowl Management Area No. 318 to the William S. Huey Waterfowl Management Area No. 318, 3/25/86.

DGF 72-10, Order No. 6-72, Amending the Bernardo State Game Refuge, No. 314, 8/15/72.

DGF 72-10, Amendment No. 1, Order No. 2-76, Amending the Bernardo State Game Refuge, No. 314, 5/25/76.

DGF 72-10, Amendment No. 2, Order No. 6-79, Amending Boundaries of Bernardo State Game Refuge, No. 314, and Providing for Retriever Trial and Training on a Portion of the Refuge, 7/27/79.

Order No. 4-83, Amending Boundaries of Bernardo State Game Refuge, No. 314, and Providing for Retriever Trials and Training on a Portion of the Refuge, 9/7/83.

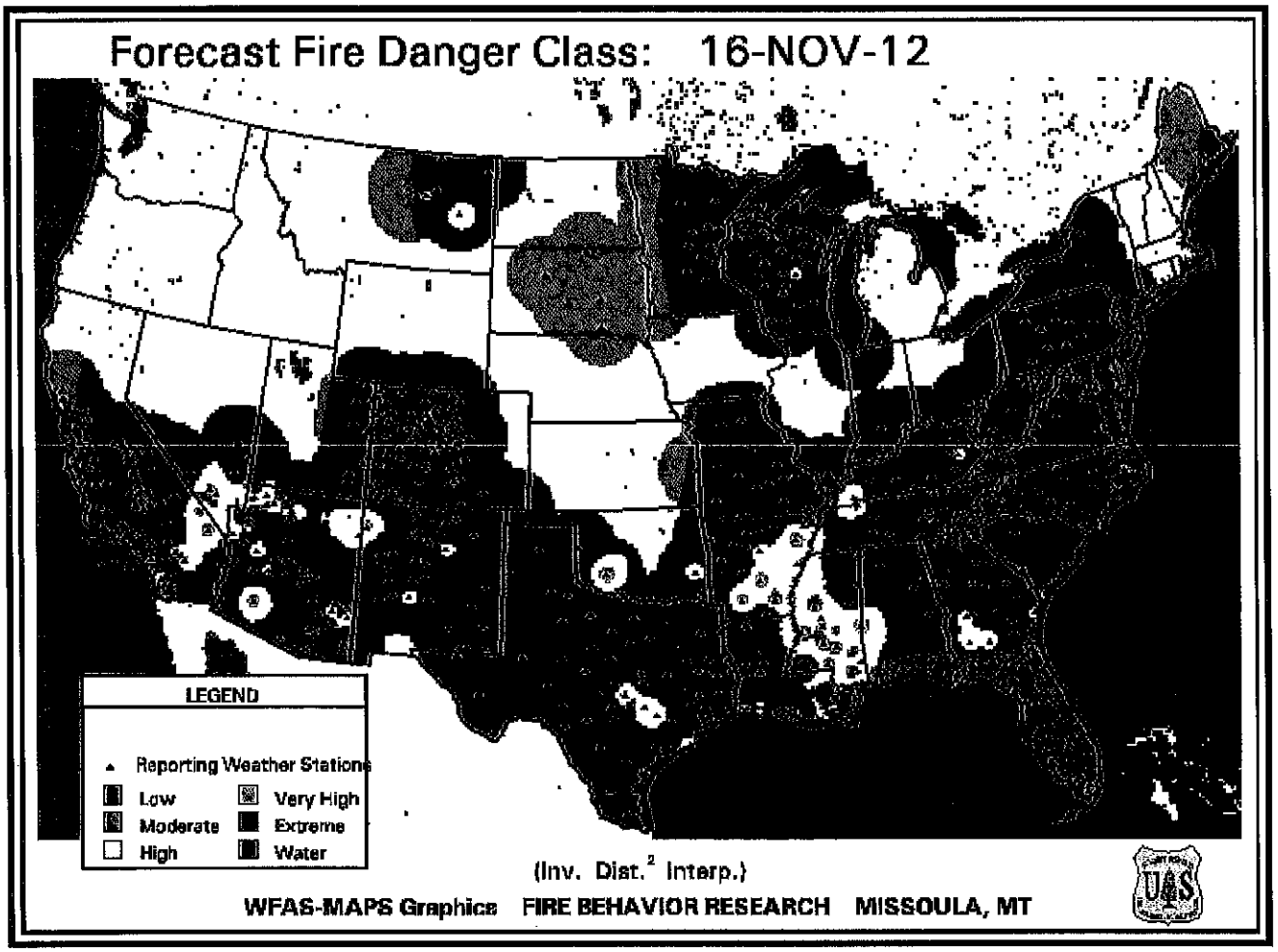
DGF 72-13, Order No. 8-72, Regulating Hunting on Certain State Lands, 9/26/72.

DGF 74-1, Order No. 16-73, Amending the La Cueva State Game Refuge, No. 300, 1/3/74.

DGF 75-10, Order No. 7-74, Creating the Mary S. Sprague State Game Refuge, No. 321, 10/28/75.

DGF 79-5, Order No. 4-79, Amendment to No. 3 to the Boundary Description of the Big Hatchet Game Refuge, No. 10, 6/27/79.
Order No. 11-81, Amending Fort Bayard Game Refuge, 8/19/81.
Order No. 2-82, Creating the Casa Colorada State Game Refuge, No. 322, 3/2/82.
Order No. 1-83, Hunting on State Game Refuges, 3/9/83.
Order No. 7-86, Creating the Ladd S. Gordon Wildlife Management Area, 1/5/87.

History of Repealed Material:
DGF 73-5, Order No. 7-73, Abolishing the La Huerta State Game Refuge, No. 311, 5/31/73.
Order No. 15-81, Abolishing the La Cueva State Game Refuge No. 300, 9/4/81.
Order No. 3-82, Abolishing the Organ Mountains and San Simon State Game Refuges, 3/2/82.
Order No. 14-82, Abolishing the San Juan State Game Refuge, 12/15/82.
Order No. 1-87, Abolishing the Miller Game Refuge - Repealed 6/4/87.


Forecast Fire Danger Class: 16-NOV-12
LEGEND
Reporting Weather Stations
Low
Moderate
High
Very High
Extreme
Water
(Inv. Dist.² Interp.)
WFAS-MAPS Graphics FIRE BEHAVIOR RESEARCH MISSOULA, MT

ENCL 6

AGENDA DOCUMENTATION
November 20, 2012

Agenda Item No.20

SUBJECT

Approval of Required 2013 Operational Resolutions:

ACTION REQUESTED BY County Manager

ACTION REQUESTED To be determined

BACKGROUND

A. Resolution 2012-17 - Establishing 2013 Regular Commission Meetings
B. Resolution 2012-18 - Establishing 2013 County Official Holiday Calendar
C. Resolution 2012-19 - Open Meetings Act
D. Other 2013 Committee Meetings – LANRAC, Planning Commission, Lincoln Historic Preservation and Lodger's Tax

See attached memorandums from the county manager.

LINCOLN COUNTY
www.lincolncountynm.net

County of Lincoln

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

November 5, 2012

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager

SUBJECT: Operational Resolutions and Schedules of Meetings

Purpose: To obtain approval of three operational resolutions and four additional board/committee/commission meeting dates.

Discussion: Each year, commissioners are required to approve three enclosed operational resolutions as follows:

Regular Commission Meeting Dates – Resolution 2012-17 (Encl 1)

The Holiday Schedule – Resolution 2012-18 (Encl 2)

The Open Meetings Act – Resolution 2012-19 (Encl 3)

In addition, the county publishes the following commission/committee meeting schedules in the papers of local circulation:

The Lincoln County Land and Natural Resources Advisory Committee – 9AM – First Tuesday of each month

Lincoln County Planning Commission – 1:00 PM – First Wednesday of each month

The Lincoln Historic Preservation Board – 7:00 PM – Third Thursday of each month

The Lodger's Tax Committee – 10:00 AM – Las Tuesday of each month **(Except in December when there will be no meeting)**

Recommendation: Approve Resolution 2012-17, 18, and 19, and the schedules for the other board/committees/commission.

RESOLUTION NO. 2012-17

WHEREAS, the Governing Body in and for the County of Lincoln, State of New Mexico, meeting in a regular session on the 20th day of November 2012, has set the meeting dates for the Lincoln County Board of Commissioners; and

WHEREAS, the Lincoln County Board of Commissioners shall meet at 8:30 A.M. in the Commission Chambers at the Lincoln County Courthouse, in Carrizozo, New Mexico, unless otherwise specified.

NOW, THEREFORE, BE IT RESOLVED that the Lincoln County Board of Commissioners hereby adopts the following regular meeting dates unless otherwise specified:

Tuesday, January 22, 2013	Tuesday, July 16, 2013
Tuesday, February 19, 2013	Tuesday, August 20, 2013
Tuesday, March 19, 2013	Tuesday, September 17, 2013
Tuesday, April 16, 2013	Tuesday, October 15, 2013
Tuesday, May 21, 2013	Tuesday, November 19, 2013
Tuesday, June 18, 2013	Tuesday, December 17, 2013

RESOLVED IN BOARD ACTION this 20th day of November 2012.

BOARD OF COMMISSIONERS OF
LINCOLN COUNTY, NEW MEXICO

_____
Jackie Powell, Chair

_____
Mark Doth, Vice Chair

_____
Tom Battin, Member

_____
Eileen Sedillo, Member

ATTEST:

_____
Kathyrn Minter, Member

_____
Rhonda Burrows, County Clerk

Encl 1

RESOLUTION NO. 2012-18

WHEREAS, the Governing Body in and for the County of Lincoln, State of New Mexico, meeting in a regular session on the 20th day of November 2012, has approved and adopted the Official Holiday Calendar for Lincoln County.

NOW, THEREFORE, BE IT RESOLVED that the Lincoln County Board of Commissioners hereby adopts the following as the Official Holiday Calendar for Lincoln County.

New Year's Day	will be observed on Tuesday, January 1, 2013
Martin Luther King, Jr. Birthday	will be observed on Monday, January 21, 2013
Presidents' Day	will be observed on Monday, February 18, 2013
Good Friday	will be observed on Friday, March 29, 2013
Memorial Day	will be observed on Monday, May 27, 2013
Independence Day	will be observed on Thursday, July 4, 2013
Labor Day	will be observed on Monday, September 2, 2013
Columbus Day	will be observed on Monday, October 14, 2013
Veterans Day	will be observed on Monday, November 11, 2013
Thanksgiving Day	will be observed on Thursday, November 28, 2013 and Friday, November 29, 2013
Christmas Day	will be observed on Tuesday, December 24, 2013 and Wednesday, December 25, 2013
New Year's Day	will be observed on Wednesday, January 1, 2014

RESOLVED IN BOARD ACTION this 20th day of November 2012.

BOARD OF COMMISSIONERS OF
LINCOLN COUNTY, NEW MEXICO

Jackie Powell, Chair

Mark Doth, Vice Chair

Eileen Sedillo, Member

Kathryn Minter, Member

Tom Battin, Member

ATTEST:

Rhonda Burrows, County Clerk

ENCL 2

RESOLUTION NO. 2012-19

OPEN MEETINGS ACT

WHEREAS, the Lincoln County Board of Commissioners met in regular session at Carrizozo, New Mexico, on the 20th day of November, 2012, at 8:30 a.m. as required by law, and

WHEREAS, Section 10-15-1(B) of the Open Meetings Act (NMSA 1978, Sections 10-15-1 to 10-15-4) states that, except as may be otherwise provided in the Constitution or the provisions of the Open Meetings Act, all meetings of a quorum of members of any board, council, commission, administrative adjudicatory body or other policymaking body of any state or local public agency held for the purpose of formulating public policy, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of such body, are declared to be public meetings open to the public at all times; and

WHEREAS, any meeting subject to the Open Meetings Act at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs shall be held only after reasonable notice to the public; and

WHEREAS, Section 10-15-1(D) of the Open Meetings Act requires the Lincoln County Board of Commissioners to determine annually what constitutes reasonable notice of its public meetings.

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

1. Regular meetings of the Lincoln County Board of Commissioners shall ordinarily be held each month at a time and place designated in the notice. The agenda will be available at least twenty-four (24) hours prior to the meeting from the Lincoln County Manager's Office located in the Lincoln County Courthouse, Carrizozo, New Mexico

2. Special meetings of the Lincoln County Board of Commissioners may be called by the Chairman or a majority of the members upon two (2) days notice. The notice shall include an agenda for the meeting or information on how members of the public may obtain a copy of the agenda. The agenda shall be available to the public at least twenty-four (24) hours before any special meeting.

3. Emergency meetings of the Lincoln County Board of Commissioners will be called only under unforeseen circumstances that demand immediate action to protect the health, safety and property of citizens or to protect the public body from substantial financial loss. The Lincoln County Board of Commissioners will avoid emergency meetings whenever possible. Emergency meetings may be called by the Chairman or a majority of the members upon three (3) hours notice, unless threat of personal injury or property damage requires less notice. The

Encl 3

notice for all emergency meetings shall include an agenda for the meeting or information on how the public may obtain a copy of the agenda.

4. For the purposes of regular meetings described in paragraph 1 of this resolution, notice requirements will be complied with by the Lincoln County Clerk's permanently posting on the bulletin board at the Lincoln County Courthouse a copy of this resolution, as well as a notice setting forth the days and times of the regular meetings which have been set by resolution. Changes effecting the date of a regular scheduled meeting will be mailed to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of public meetings.

5. For the purposes of special meetings and emergency meetings described in paragraphs 2 and 3 of this resolution, notice requirements shall be met by posting notices in the offices of the Lincoln County Clerk and the Lincoln County Manager. The Lincoln County Manager's Office shall provide telephonic notice to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of public meetings.

Every effort shall be made to follow the latest version of Robert's Rules of Order. The Robert's Rules of Order shall be specifically modified to allow the Chairman to vote in all instances.

7. If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the County Manager's Office at 575/648-2385 at least one week prior to the meeting or as soon as possible. Please contact the County Manager's Office at 575/648-2385 if a summary or other type of accessible format is needed.

8. The Lincoln County Board of Commissioners may close a meeting to the public only if the subject matter of such discussion or action is excepted from the open meeting requirement under Section 10-15-1(H) of the Open Meetings Act.

   (1) If any meeting is closed during an open meeting, such closure shall be approved by a majority vote of a quorum of the Lincoln County Board of Commissioners taken during the open meeting. The authority for the closed meeting and the subjects to be discussed shall be stated with reasonable specificity in the motion to close and the vote of each individual member on the motion to close shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in the closed meeting.

(2) If a closed meeting is conducted when the Lincoln County Board of Commissioners is not in an open meeting, the closed meeting shall not be held until public notice, appropriate under the circumstances, stating the specific provision of law authorizing the closed meeting and the subjects to be discussed with reasonable specificity, is given to the members and the general public.

(3) Following completion of any closed meeting, the minutes of the open meeting that was closed, or the minutes of the next open meeting if the closed meeting was separately scheduled, shall state whether the matters discussed in the closed meeting were limited only to those specified in the motion or notice for closure.

(4) Except as provided in Section 10-15-1(H) of the Open Meetings Act, any action taken as a result of discussions in a closed meeting shall be made by vote of the Lincoln County Board of Commissioners in an open public meeting.

9. Pursuant to 10-15-1 NMSA 1978, paragraph C, a member or members of the Lincoln County Board of Commissioners may participate in a meeting of the Board by means of a conference telephone or other similar communications equipment when it is otherwise difficult or impossible for the member or members to attend the meeting in person, provided that each member participating by conference telephone can be identified when speaking, all participants are able to hear each other at the same time and members of the public attending the meeting are able to hear any member of the public body who speaks during the meeting.

PASSED, ADOPTED AND APPROVED this 20th day of November 2012.

BOARD OF COMMISSIONERS OF
LINCOLN COUNTY, NEW MEXICO

Jackie Powell, Chairwoman

Mark Doth, Vice Chair

Tom Battin, Member

Eileen Sedillo, Member

Kathryn Minter, Member

ATTEST:

Rhonda Burrows, County Clerk

County of Lincoln

300 Central Avenue
P. O. Box 711
Carrizozo, New Mexico 88301

(575) 648-2385
FAX (575) 648-4182

December 21, 2012

NOTICE OF PUBLIC MEETINGS

NOTICE is hereby given that the **Land and Natural Resources Advisory Committee** will hold its regularly scheduled meetings at the Lincoln County Courthouse (Commission Chambers) in Carrizozo, New Mexico, at 9:00 a.m., on the following dates:

Tuesday, January 8, 2013
Tuesday, February 5, 2013
Tuesday, March 5, 2013
Tuesday, April 2, 2013
Tuesday, May 7, 2013
Tuesday, June 4, 2013
Tuesday, July 2, 2013
Tuesday, August 6, 2013
Tuesday, September 3, 2013
Tuesday, October 1, 2013
Tuesday, November 5, 2013
Tuesday, December 3, 2013

A proposed Agenda will be available at least twenty-four (24) hours before the meeting from the County Manager's Office, Lincoln County Administration Building, Carrizozo, New Mexico.

Changes affecting the date and/or location of a regular scheduled meeting will be mailed to newspapers of general circulation in Lincoln County and notices will be posted on the official bulletin board in the Lincoln County Administration Building, 300 Central Avenue, Carrizozo.

Special meetings of the Land and Natural Resources Advisory Committee may be called by the Chairman or a majority of the members upon three (3) days notice. For the purpose of special meetings, notice requirements will be met by posting notices on the official bulletin board in the Lincoln County Administration Building and notifying the news media.

If you are an individual with a disability who is in need of an auxiliary aid or service, please contact 575/648-2385 at least 48 hours in advance of the meeting.

BILLIE-JO GUEVARA
ADMINISTRATIVE ASSISTANT/
HUMAN RESOURCES DIRECTOR

PUBLISH: Lincoln County News on December 27, 2012

County of Lincoln

300 Central Avenue
P. O. Box 711
Carrizozo, New Mexico 88301

(575) 648-2385
FAX (575) 648-4182

December 21, 2012

NOTICE OF PUBLIC MEETINGS

NOTICE is hereby given that the **Lincoln County Planning Commission** will hold its regularly scheduled meetings at the Lincoln County Courthouse (Commission Chambers) in Carrizozo, New Mexico, at 1:00 p.m., on the following dates:

Wednesday, January 2, 2013
Wednesday, February 6, 2013
Wednesday, March 6, 2013
Wednesday, April 3, 2013
Wednesday, May 1, 2013
Wednesday, June 5, 2013
Wednesday, July 3, 2013
Wednesday, August 7, 2013
Wednesday, September 4, 2013
Wednesday, October 2, 2013
Wednesday, November 6, 2013
Wednesday, December 4, 2013

A proposed Agenda will be available at least twenty-four (24) hours before the meeting from the Lincoln County Planning Office, 115 Kansas City Road, Ruidoso, New Mexico or from the County Manager=s Office, Lincoln County Administration Building, Carrizozo, New Mexico.

Changes affecting the date and/or location of a regular scheduled meeting will be mailed to newspapers of general circulation in Lincoln County and notices will be posted on the official bulletin board in the Lincoln County Administration Building, 300 Central Avenue, Carrizozo.

Special meetings of the Lincoln County Planning Commission may be called by the Chairman or a majority of the members upon three (3) days notice. For the purpose of special meetings, notice requirements will be met by posting notices on the official bulletin board in the Lincoln County Administration Building and notifying the news media.

If you are an individual with a disability who is in need of an auxiliary aid or service, please contact 575/648-2385 at least 48 hours in advance of the meeting.

BILLIE-JO GUEVARA
ADMINISTRATIVE ASSISTANT/
HUMAN RESOURCES DIRECTOR

PUBLISH: Lincoln County News on December 27, 2012

COUNTY OF LINCOLN

300 Central Avenue
Post Office Box 711
Carrizozo, New Mexico 88301

Phone: 575/648-2385
Fax: 575/648-4182

December 21, 2012

NOTICE OF PUBLIC MEETINGS

NOTICE is hereby given that the **Lincoln Historic Preservation Board** will hold its regularly scheduled meetings at the Community Church in Lincoln, New Mexico, at 7:00 p.m. on the following dates:

Thursday, January 17, 2013	**Thursday, July 18, 2013**
Thursday, February 21, 2013	**Thursday, August 15, 2013**
Thursday, March 21, 2013	**Thursday, September 19, 2013**
Thursday, April 18, 2013	**Thursday, October 17, 2013**
Thursday, May 16, 2013	**Thursday, November 21, 2013**
Thursday, June 20, 2013	**Thursday, December 19, 2013**

A proposed Agenda will be available at least twenty-four (24) hours before the meeting from the Lincoln County Planning Office, 115 Kansas City Road, Ruidoso, New Mexico or from the County Manager=s Office, Lincoln County Administration Building, Carrizozo, New Mexico.

Changes affecting the date and/or location of a regular scheduled meeting will be mailed to newspapers of general circulation in Lincoln County and notices will be posted on the official bulletin board in the Lincoln County Administration Building, 300 Central Avenue, Carrizozo.

Special meetings of the Lincoln Historic Preservation Board may be called by the Chairman or a majority of the members upon three (3) days notice. For the purpose of special meetings, notice requirements will be met by posting notices on the official bulletin board in the Lincoln County Administration Building and notifying the news media.

If you are an individual with a disability who is in need of an auxiliary aid or service, please contact 575/648-2385 at least 48 hours in advance of the meeting.

BILLIE-JO GUEVARA
ADMINISTRATIVE ASSISTANT/
HUMAN RESOURCES DIRECTOR

PUBLISH: Lincoln County News on December 27, 2012

County of Lincoln

300 Central Avenue
P. O. Box 711
Carrizozo, New Mexico 88301

PHONE (575)648-2385
FAX (575) 648-4182

December 21, 2012

NOTICE OF PUBLIC MEETING

NOTICE is hereby given that the **Lincoln County Lodger's Tax Committee** will hold its regularly scheduled meetings at the Council Chambers, Village of Capitan, New Mexico, at 10:00 a.m., to the following dates starting in April 2011:

Tuesday, January 29, 2013
Tuesday, February 26, 2013
Tuesday, March 26, 2013
Tuesday, April 30, 2013
Tuesday, May 28, 2013
Tuesday, June 25, 2013
Tuesday, July 30, 2013
Tuesday, August 27, 2013
Tuesday, September 24, 2013
Tuesday, October 29, 2013
Tuesday, November 26, 2013
December 31, 2012 No Meeting

A proposed Agenda will be available at least twenty-four (24) hours before the meeting from the County Manager=s Office, Lincoln County Administration Building, Carrizozo, New Mexico.

Changes affecting the date and/or location of a regular scheduled meeting will be mailed to newspapers of general circulation in Lincoln County and notices will be posted on the official bulletin board in the Lincoln County Administration Building, 300 Central Avenue, Carrizozo.

Special meetings of the Lincoln County Lodgers= Tax Committee may be called by the Chairman or a majority of the members upon three (3) days notice. For the purpose of special meetings, notice requirements will be met by posting notices on the official bulletin board in the Lincoln County Administration Building and notifying the news media.

If you are an individual with a disability who is in need of an auxiliary aid or service, please contact 575/648-2385 at least 48 hours in advance of the meeting.

BILLIE-JO GUEVARA
ADMINISTRATIVE ASSISTANT/
HUMAN RESOURCES DIRECTOR

PUBLISH: Lincoln County News on December 27, 2012

AGENDA DOCUMENTATION
November 20, 2012

Agenda Item No. 21

SUBJECT

1:00 P.M. Public Comment and Other Business from County Officials (Items are for discussion only – no action will be taken)

ACTION REQUESTED BY County Manager

ACTION REQUESTED No Action Required

BACKGROUND

AGENDA DOCUMENTATION
November 20, 2012

Agenda Item No. 22

SUBJECT

Public Hearing

ACTION REQUESTED BY County Manager

ACTION REQUESTED Public Input/Adoption

BACKGROUND

1. 1:30 P.M.: Public Hearing to consider adoption of an Ordinance 2012-04 Imposing a Temporary Moratorium on Subdivision Development within Lincoln County

ORDINANCE NO. 2012-04

TEMPORARY MORATORIUM ON SUBDIVISION DEVELOPMENT WITHIN THE COUNTY OF LINCOLN

AN ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM ON ALL SUBDIVISION DEVELOPMENT WITHIN THE COUNTY OF LINCOLN.

WHEREAS, the County of Lincoln relies on its natural beauty and quaintness to attract tourists and residents as an essential part its economic well-being; and

WHEREAS, the Board of County Commissioners of Lincoln County are concerned about the availability of water for future subdivisions due to the effects of the Little Bear Fire and general drought conditions; and

WHEREAS, the County of Lincoln is in the process of amending the Lincoln County Subdivision Ordinance 2008-01; and

WHEREAS, the Board of County Commissioners of Lincoln County has determined that it is necessary to implement a moratorium on all subdivision development within the County of Lincoln to provide the County of Lincoln with sufficient time to complete its Subdivision Ordinance revisions, in order to protect the health, safety and welfare of the citizens of Lincoln County; and

WHEREAS, the Board of County Commissioners of Lincoln County has determined that a revised Subdivision Ordinance is necessary to promise responsible development strategies, to ensure orderly development, and to maintain the good quality of life that residents and visitors expect in Lincoln County.

WHEREAS, the Board of County Commissioners of Lincoln County finds that water is an essential resource, upon which residents depend for life and safety and our businesses depend for a favorable economic climate; and

WHEREAS, the Board of County Commissioners of Lincoln County recognizes certain limitations of water resources and the effects of allocation, consumption and use on all users of water resources within the County of Lincoln, as well as certain larger geographic and geologic areas, and that it is essential to promote the public safety, health and welfare of its citizens by encouraging water conservation and fair and sensible allocation of existing and future water resources; and

WHEREAS, the Board of County Commissioners of Lincoln County recognizes the necessity to ensure that adequate water is available for all proposed uses on a new lot or subdivision plat submitted for approval in accordance with existing and proposed subdivision ordinances, regulations and rules; and

WHEREAS, the Board of County Commissioners of Lincoln County recognizes the necessity to ensure that adequate water is available for all areas surrounding such lots and subdivisions submitted for approval, as well as for projects undertaken by the County for the health, safety and welfare of the public, and for emergency projects required by exigent circumstances or hardship, including fire and other disaster, when the Board of County Commissioners finds that circumstances warrant such determination; and

WHEREAS, the Board of County Commissioners of Lincoln County recognizes the need for additional hydrologic and other reports and evaluations to be acquired and/or conducted and that such studies take time to acquire and accomplish; and

WHEREAS, the Board of County Commissioners of Lincoln County hereby moves to implement a temporary moratorium on an emergency basis on all subdivision development within the County of Lincoln in order to promote public safety, health, welfare, convenience, and enjoyment of the citizens of the County of Lincoln, such moratorium being a valid public purpose.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LINCOLN COUNTY, NEW MEXICO, THAT:

Section 1. Regulation.

No person or business entity shall be allowed to subdivide property within the County of Lincoln from the date upon which this Ordinance takes effect during the temporary moratorium period of six months, or until such time as the County Commission has reviewed and repealed this Ordinance, whichever occurs first.

Section 2. Definitions.

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

Subdivide shall mean to divide a surface area of land into a subdivision.

Subdivider shall mean any person who creates or who has created a subdivision individually or as part of a common promotional plan or any person engaged in the sale, lease or

other conveyance of subdivided land; however, subdivider does not include any duly licensed real estate broker or sales person acting on another's account.

Subdivision shall mean the division of a surface area of land, including land within a previously approved subdivision, into two (2) or more parcels for the purpose of sale, lease or other conveyance or for building development, whether immediate or future; but, subdivision does not include the thirteen (13) designated claims of exemption set forth in Section 47-6-2(J)(1–13) N.M.S.A. 1978.

Section 3. Areas of Regulation.

This Ordinance shall govern all lands within the boundaries of the County, including privately-owned land or land owned by the United States, excluding any land within the limits of any incorporated municipality. (Section 4-37-2 N.M.S.A. 1978.)

Section 4. Restrictions and Prohibitions.

Effective immediately, all subdivision development shall be prohibited from the Area of Regulation, and no applications for subdivision development shall be processed or accepted on or after the effective date of this Ordinance for a period of six (6) months or until such time as the County Commission has reviewed and/or repealed this ordinance, whichever occurs first.

Section 5. Exceptions.

A. Property divided within the Area of Regulation, pursuant to a valid claim of exemption set forth in Section 47-6-2(J) N.M.S.A. 1978, is exempt from regulation under this Ordinance.

B. Subdivisions that have already received final plat approval as of the day of the effective date of this Ordinance are exempt from regulation under this Ordinance.

C. Projects undertaken by the County of Lincoln or public agency for the health, safety and welfare of the public and/or required by exigent circumstances or hardship, including fire or other disaster, if approved by the Board of County Commissioners upon a finding that the circumstances warrant the exception and granting the exception would not be contrary to the purposes of this section or federal, state or local laws, are exempt from regulation under this Ordinance.

Section 6. Penalties for Violation.

Any person who violates any of the provisions of this Ordinance shall be punished by a fine of up to three hundred dollars ($300) and/or imprisonment of not more than ninety (90) days, or both. Each day a violation continues shall constitute a separate offense.

Section 7. Effective Date.

This Ordinance shall take effect immediately upon recording in the Public Records of Lincoln County as the Board of County Commissioners has declared an emergency necessitating the immediate implementation of this ordinance due to an immediate danger to the public health, safety and welfare of the citizens of the county of Lincoln should this Ordinance not become effective immediately upon its passage by the Board of County Commissioners of the County of Lincoln. (See Section 4-37-7(C) and Section 4-37-9(C) N.M.S.A. 1978.)

PASSED, APPROVED, and ADOPTED this 20th day of November, 2012.

BOARD OF COUNTY COMMISSIONERS
OF LINCOLN COUNTY, NEW MEXICO

_____
Jackie Powell, Chairwoman

_____
Mark Doth, Vice Chair

_____
Tom Battin, Member

_____
Kathryn Minter, Member

_____
Eileen Sedillo, Member

Attest:

_____

Rhonda Burrows
Lincoln County Clerk

CountyAtty/Ordinances/Temporary Moratorium on Subdivision Development/11/20/12

AGENDA DOCUMENTATION
November 20, 2012

Agenda Item No. 23

SUBJECT

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

ACTION REQUESTED BY County Manager

ACTION REQUESTED To be determined

BACKGROUND

AGENDA DOCUMENTATION
November 20, 2012

Agenda Item No. 24

SUBJECT

Bid/RFP Awards:

ACTION REQUESTED BY County Manager

ACTION REQUESTED To be determined

BACKGROUND

A. Bid 12-13- 003 Physician's Office Building

LINCOLN COUNTY

www.lincolncountynm.net

County of Lincoln

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

November 15, 2012

MEMORANDUM

TO: **County Commissioners**

FROM: **Nita Taylor, County Manager** NT

SUBJECT: Bid Award

Purpose: To award bid for Construction of LCMC Physician's Office Building (POB)

RFP Number 12-13-003 – Construction of POB. Responses to the RFP were due on November 6, 2012, for which 6 bids were received, one non-responsive due to late filing.

The Selection Committee consisted of Manager Taylor, Ted Kostranchuk (Dekker/Perich/Sabatini), Bobby George (Dekker/Perich/Sabatini) and Al Santos (LCMC).

A presentation detailing the review process and the recommendation of the Selection Committee will be provided at the Board of County Commissioners Meeting on Tuesday.

Recommendation: Consider the recommendation of the Selection Committee, and take action.

AGENDA DOCUMENTATION
November 20, 2012

Agenda Item No. 25

SUBJECT

Lodgers Tax Activities with backup material

ACTION REQUESTED BY County Manager

ACTION REQUESTED To be determined

BACKGROUND

A. Application 1229: Reprint of White Oaks Flyer
Amount Requested: $1,000.00
Presenter: Judy Fitz- Carrizozo Chamber of Commerce for White Oaks Community

County of Lincoln

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

www.lincolncountynm.net

NAME OF EVENT: TOURISM DATE(S) OF EVENT: 1/1/2013 → 2 YEARS

NAME OF ORGANIZATIONS(S) APPLYING FOR FUNDING: CARRIZOZO CHAMBER OF COMMERCE FOR WHITE OAKS COMMUNITY

AMOUNT REQUESTED: $1,000 APP

DESCRIBE EVENT BACKGROUND & RATIONALE: REPRINTING WHITE OAKS FLYER

HOW WILL YOU ADVERTISE AND MARKET THE EVENT? SB DISTRIBUTING, CHAMBER'S VISITOR'S CENTER, VALLEY OF FIRES VISITOR'S CENTER, WHITE OAKS FOLKS AND LOCATIONS, MAIL-OUTS FOR CHAMBER FLYERS

HOW WILL ATTENDANCE AND ORIGIN BE MEASURED? N/A BUT IT USUALLY TAKES 10,000 FLYERS 2 (TWO) YEARS FOR DISTRIBUTION

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

WHAT PERCENTAGE OF YOUR MEDIA BUDGET WILL BE USED OUTSIDE OF LINCOLN COUNTY? ____%
WILL YOU HAVE A WEBSITE FOR YOUR EVENT? _____YES_____NO N/A

FUNDS WILL BE USED FOR:

NEWSPAPER ADVERTISING:	$_____
RADIO:	$_____
MAGAZINE:	$_____
INTERNET:	$_____
PRINTING:	$ 100% OF COST
OTHER:	$_____
TOTAL:	$_____

SEE ATTACHED LETTER/COPY

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

RULES AND REGULATIONS

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

NAME (PRINT) OF APPLICANT MAKING REQUEST:	JUDY FITZPATRICK
SIGNATURE OF APPLICANT:	Judy Fitz
ADDRESS/CITY/ZIP: PO Box 0232	CARRIZOZO 88301
PHONE: 575-937-8526	EMAIL ADDRESS: JUDYFITZ@DECLUTTER.ORG
DATE SUBMITTED:	PRESENTED AT MEETING ON:

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

October 10, 2012

Lincoln County Lodgers Tax Committee
Carrizozo, NM 88301

Ladies and Gentlemen:

The last boxes of the White Oaks flyers from May, 2011, are in distribution.

The people in White Oaks who helped develop this flyer still want this piece available for tourist information. The printer Brad Cooper suggested we use (Print Place) was a huge success with good pricing, too. The flyer looked great -- as you can see from the attached, and we have used them for other flyers now, too.

Also attached is the slightly revised flyer with the same basic information, a few updated pictures and story of White Oaks. The duplicated picture of the Gumm house on the front has been replaced with an old picture from the White Oaks website which we believe provides a different look and feel.

We normally get 10,000 of these flyers, and the history of the cost follows:

2008 *3-fold flyer* $ 839.89 (no shipping or tax)
2011 *4-fold flyer* $1,020.34 (includes shipping)
2012 anticipated cost of updated 4-fold flyer $975 + shipping

We still have some copies at the Caboose/Visitor's Center, at the Valley of Fires and in White Oaks. The other boxes were picked up for distribution by Southeast Distributors last month. We need to replenish this flyer for next year's use, and I will be watching for cost reductions (free shipping plus) before placing this order this year once you give your blessing and the County Commission concurs.

Thank you for your support!

Judy Fitzpatrick
Visitors Center Volunteer
PO Box 236
Carrizozo, NM 88301
575-648-2514

Lincoln County
Lodgers Tax Committee
Regular Meeting –Tuesday, October 30, 2012
10:00 A.M. - Village of Capitan (Council Chambers) Capitan, New Mexico

MINUTES

1. Call to Order. 9:59 AM.

2. Roll Call. Present Victor Garrison, Gail Majors, Brad Cooper. Absent Alice & David (available by telephone if necessary).

3. Approval of Minutes – August 28, Regular Lodger's Tax Meeting. Brad moved to approved, Gail seconded. Passed.

4. Funding Request: $1,000
   Purpose: Reprint White Oaks Flyer
   Date(s) of Event: January 1, 2013 -2 years
   Presenter: Judy Fitzpatrick/Carrizozo Chamber of Commerce.
   Presented mock-up of brochure on White Oaks. Projecting 10,000 distribution for the next year. Requested that a reference be made to www.whiteoaksnewmexico.com, and/or www.discoverruidoso.com and/or www.museumsoflincoln.com. Motion made to county commissioners to approve a request for $1000 to reprint an undated White Oaks folder to Carrizozo Chamber of Commerce by Victor Garrison, seconded by Brad Cooper. Passed.

5. Discussion. Gina Kelley came to thank the committee for all of the support that it has shown to the tourism initiatives for the area, including the tourism industry in the region. She requested to pull the requests for support from the county commission. She is still going to work very hard to promote all of Lincoln County.

6. Acceptance -
   A. Lodgers Tax Report – August & September 2012. Accepted

7. Acceptance -
   A. Budget Report Ending August 31 and September 30, 2012.

Accepted.

8. Other Items (for discussion only - no action will be taken)
   A. Outstanding Purchase Orders as of August 31 and September 28, 2012
   B. Awarded Funds Summary – August & September 2012

9. Adjournment. Adjourned 10:24 AM.
10.

Date: 10/30/12

№ 1229

LINCOLN COUNTY LODGER'S TAX APPLICATION FOR FUNDING

****

Section 1 CARRIZOZO CHAMBER OF COMMERCE
Name of Organization

Organization is: ____Profit X Non Profit ____Government Related

PO Box 236 CARRIZOZO NM 88301
Address City State Zip

JUDY FITZ 575-937-8256
Contact Person (s) Telephone # (s)

Amount Requested: $1,000 Money is to be used for: REPRINT OF WHITE OAKS FLYER

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

Signature Judy Fitz Date 10/30/12

****

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

****

Section 2

LODGER'S TAX COMMITTEE

Meeting Date: 10/30/12

Amount Approved: $ 1000.00 Request Denied: ____

Comments: Excellent brochure - a few changes that are good

Gail J. Major, vice chair
Authorized Signature

****

Section 3

LINCOLN COUNTY COMMISSION

Meeting Date: ____

Approval: ____ Denial: ____

Comments: ____

____
County Manager Signature

****

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

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

AGENDA DOCUMENTATION
November 20, 2012

Agenda Item No. 26

SUBJECT

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

ACTION REQUESTED BY

County Manager

ACTION REQUESTED

To be determined

A. **TABLED** - Road Review Advisory Committee
B. **TABLED** - Planning Commission
C. **TABLED** – Lodger's Tax Committee
D. Southeastern New Mexico Economic Development District (SNMEDD)

PREDATORY ANIMAL CONTROL BOARD, LINCOLN COUNTY – 5 YEAR TERM

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

ACB HOLDS ELECTION – PUBLICATION IS REQUIRED

PROPERTY TAX PROTEST BOARD – 2 YEAR TERM

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

REGIONAL WASTE WATER JOINT USE BOARD – 2 YEAR TERM

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

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

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
DIST 1	LANCE HALL	BOX 745 RUIDOSO DOWNS, 88346	1	06/21/11	06/13
DIST 2	ROBERT BARBER	BOX 126, CAPITAN, NM	1	10/16/12	10/14
DIST 3					
DIST 4	DONALD S. HAWLEY (257-2987)	BOX 7624, RUIDOSO 88355	3	4/19/2011	04/13
DIST 5	BILLY SEELBACH (258-1704)	406 GAVILAN CANYON, DOSO 88345	2	06/12/12	06/14

PUBLICATION IS REQUIRED

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

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	BART YOUNG (257-3193)	BOX 2930, RUIDOSO 88355		03/28/12	03/14
	LUCY SERVIES	BOX 2811, RUIDOSO 88355		01/13/11	01/13
	JIM CLEMENTS	101 POW WOW TR, RUIDOSO 88345		12/20/11	12/13
	JERRY LONGBOTHAM	HC 71, BOX 1085, CAPITAN 88316		02/15/11	02/13
	GENE NITZ	218 JACK LITTLE DR, RUIDOSO		12/20/11	12/13

PUBLICATION IS REQUIRED.

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

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
648-4257	TOURIST RELATED – BRAD COOPER	HC 31 BOX 36, CARRIZOZO 88301	1	10/19/10	10/12
648-1400	GENERAL PUBLIC – GAIL MAJORS	BOX 742, CARRIZOZO 88301	1	06/21/11	06/13
653-4609	LODGING INDUSTRY – DAVID VIGIL	BOX 15, LINCOLN 88338	5	06/12/12	06/14
937-2121	TOURIST RELATED- ALICE SEELY; ALICESEELY@PVTN.NET	BOX 166 HONDO, NM 88336	5	04/17/12	04/14
653-4300	LODGING INDUSTRY – VICTOR GARRISON	BOX 236, LINCOLN, 88338	5	07/26/12	7/14

Tabled

NEW MEXICO COUNTY INSURANCE AUTHORITY – WORKERS' COMPENSATION

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	TOM BATTIN	308 MCBRIDE DR, RUIDOSO 88345	4	01/10/2012	1/2013
	ALTERNATE – NITA TAYLOR	BOX 93, LINCOLN, NEW MEXICO	1	01/10/2012	1/2013

NEW MEXICO COUNTY INSURANCE AUTHORITY – MULTI-LINE POOL

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	TOM BATTIN	308 MCBRIDE DR, RUIDOSO 88345	4	01/10/2012	01/13
	ALTERNATE – NITA TAYLOR	BOX 93, LINCOLN, NEW MEXICO	1	01/10/2012	01/13

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

DISTRICT NO.	MEMBER	ADDRESS	RECOMMENDED BY	DATE APPOINTED	TERM EXPIRATION
DIST 1	DENNIS RICH; DENANDYVONNE@NETSCAPE.NET	PO BOX 575, CAPITAN, NM 937-5996	COMM.POWELL	04/17/12	04/14
DIST 2	JENNIE DORGAN, Vice Chair	BOX 359, ALTO 88312 (336-4312)	COMM. WILLIAMS	03/15/11	03/13
DIST 3					
DIST 4	MARY DOKIANOS	103 WINTER HAWK HEIGHTS, ALTO	COMM. MINTER	09/20/2011	09/13
DIST 5	TOM MANN	BOX 77, LINCOLN NM (653-4272	COMM. POWELL	07/26/12	07/14
	MEMBER-AT-LARGE				
	MEMBER-AT-LARGE –				

LINCOLN COUNTY

County of Lincoln

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

RECEIVED
OCT 0 1 2012
ADMINISTRATION
LINCOLN COUNTY NM

September 20, 2012

Brad Cooper
HC 31, Box 36
Carrizozo, NM 88301

Dear Mr. Cooper:

Your term for the Lodger's Tax Committee will expire October 2012. If you would like to serve an additional two year term and be re-appointed, please indicate below and return for further processing.

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

Sincerely,

Billie-Jo Guevara
Administrative Assistant/
Human Resources

_____Yes I would like to be re-appointed to the Lodger's Tax Committee.

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

Brad Cooper

Thanks Billie-Jo

SOUTHEASTERN NEW MEXICO ECONOMIC DEVELOPMENT DISTRICT (SNMEDD) 2 YEAR TERM

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	EILEEN M. SEDILLO	BOX 536, CARRIZOZO (648-2975)	1	01/03/11	01/13
	ALTERNATE – NITA TAYLOR	BOX 711, CARRIZOZO (648-2385)	4	03/28/12	03/14
	PRIVATE SECTOR – REBECCA BROOKS	720 SUDDERTH DR, RUIDOSO (575)257-7395		08/21/12	08/14

SOLID WASTE AUTHORITY, LINCOLN COUNTY – 2 YEAR TERM (AGREEMENT NO. 343)

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	BOB MILLER, MAYOR	BOX 348, RUIDOSO DOWNS 88346	5		
	BILL HIGNIGHT, MAYOR	OX 37, CORONA 88318	1		
	VAN SHAMBLIN	BOX 247, CARRIZOZO 88301	1		
	SAM HAMMONS, MAYOR	BOX 246, CAPITAN 88316	1		
	KATHRYN MINTER, COMMISSIONER	104 SONTERRA DR., ALTO NM	4	01/03/2011	01/13
	DEBRA INGLE, MANAGER	BOX 2405, RUIDOSO DOWNS 88346	1		
	ALTERNATE -				

FACT FINDING COMMITTEE FOR A COUNTY VISION (07/17/2007)

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION	APPOINTED BY
DISTR 1	TONA MACKEN	HC66 BOX 117, NOGAL 88341	1	07/17/07		COMM. LOVELACE
DISTR 2	ROBERT MOELLER	BOX 190, NOGAL 8831		07/17/07		COMM. WILLIAMS
DISTR 3	LEN STOKES	BOX 1067, CAPITAN 88316		07/17/07		COMM. BATTIN
DISTR 4	LLOYD DAVIS, JR.	BOX 67, RUIDOSO 88355		07/17/07		COMM. PARKS
DISTR 5	MARY DOKIANOS	BOX 762, ALTO 88312		07/17/07		COMM. POWELL
	BOBBI SHEARER	BOX 373, CAPITAN 88316		07/17/07		NOMINATED BY COMM. PARKS
	TOM MANN	BOX 77, LINCOLN 88338		07/17/07		NOMINATED BY COMM. POWELL

1600 SE Main, Suite D-1
Roswell, NM 88203

Hubert H. Quintana
Executive Director

SOUTHEASTERN NEW MEXICO ECONOMIC DEVELOPMENT DISTRICT

COUNCIL OF GOVERNMENTS

Phone: (575) 624-6131
Fax: (575) 624-6134
www.snmedd.org

RECEIVED
NOV 15 2012
ADMINISTRATION
LINCOLN COUNTY NM

November 13, 2012

OFFICIAL BOARD MEMBER CONFIRMATION

In accordance with SNMEDD/COG by-laws, board appointments are for a two-year period unless or until it is necessary that they be replaced by the governing body of the member municipality or community. Therefore, in an effort to assist us in formalizing our official board roster for 2013, please complete the information below, even if there are no changes.

COUNTY OF: **Lincoln**

Our designated SNMEDD/COG Board Member is:

Name: _____

Title: _____

Mailing Address: _____

Telephone: (home) _____ (business) _____

SIGNED: _____ _____
(Commission Chairman) (Date)

AGENDA DOCUMENTATION
November 20, 2012

Agenda Item No. 27

SUBJECT

Executive Session

ACTION REQUESTED BY County Manager

ACTION REQUESTED To be determined

BACKGROUND

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

See attached list.

Alan P. Morel, P.A.

Attorney at Law

700 Mechem Drive, Suite 12
Post Office Box 1030
Ruidoso, New Mexico 88355-1030

Jira Plaza
Telephone (575) 257-3556
Facsimile (575) 257-3558

November 15, 2012

LINCOLN COUNTY EXECUTIVE SESSION PURSUANT TO THE OPEN MEETINGS ACT: DISCUSSION OF ALL THREATENED AND/OR PENDING LITIGATION SECTION 10-15-1, SUBPARAGRAPH H.(7); AND DISCUSSION OF THE PURCHASE, ACQUISITION OR DISPOSAL OF REAL PROPERTY OR WATER RIGHTS BY THE PUBLIC BODY, SECTION 10-15-1, SUBPARAGRAPH H.(8)

New or Updated Matters since last report = [redacted]

1. *Cooper, Gale and DeBaca County News v. County of Lincoln, Sheriff of Lincoln County, et al.* D-1329-CV-200701364. Suit filed: October 15, 2007. Verified Complaint for Declaratory Judgment Ordering Production of Certain Records and Information.

2. *Green Tree Servicing, LLC v. William T. Joiner, Lincoln County, et. al. D-1226*-CV-2010-394. Suit filed November 17, 2010. Complaint for Enforcement of Contract and Foreclosure of Security Interest and Mortgage.

3. *Luis Grife as Personal Representative of The Estate of Arturo Grife, Jr., and Lizeth Grife v. County of Lincoln.* D-1226-CV-201100148. Complaint for Wrongful Death and Negligence, Jury Demand.

4. *New Mexico Ranch Sales v Mary T. Greene, LC Treasurer, et. al. D-1226-CV-2011-00226.* Suit filed August 1, 2011. Complaint In Rem to Foreclosure Mortgage Upon Real Property.

5. *Michael Wheaton v Paul F. Baca, Lincoln County Assessor, et. al. D-1226-CV- 2011-00341.* Suit filed October 18, 2011. Notice of Appeal of Final Order of the Lincoln County Valuation Protests Board.

6. *New Mexico Ranch Sales v Marianne Clark, LC Treasurer, et. al. D-1226-CV-2011-00409.* Suit filed November 17, 2011. Complaint to Enforce and Collect Upon Promissory Note and to Foreclose Mortgage Upon Real Property.

7. *Bank of Clovis v Mona Bryant as Personal Representative of Marjorie Bryant (deceased), Village of Ruidoso, Lincoln County, et al. D-1226-CV-2011-00429.* Suit Filed February 10, 2012. Complaint for Foreclosure.

8. *New Mexico Ranch Sales v Tammy Palombi-Cade, LC Treasurer, et. al. D-1226-CV-2012-00042.* Suit filed February 13, 2012. Complaint to Enforce and Collect Upon Promissory Note and to Foreclose Mortgage Upon Real Property.

9. *Coble Constructors, LLC, et al v Carl Kelley Construction Ltd. Co, et al. D-1226-CV-2012-00003.* Suit filed January 15, 2012. Complaint to Foreclose Mechanic's Lien.

10. *New Mexico Ranch Sales v Perla Garcia, LC Treasurer, et. al. D-1226-CV-2012-000293.* Suit filed August 6, 2012. Complaint to Enforce and Collect Upon Promissory Note and to Foreclose Mortgage Upon Real Property.

11. *Alto Lakes Golf & Country Club, Inc. v. Barbara Fleming, and Jesus and Maria Guardiola, et al. D-1226-CV-2011-00044.* Suit filed February 18, 2011. Complaint to Foreclose Lien. Counterclaim and Crossclaim suit filed by Washington Federal Savings on September 21, 2012 naming Board of Commissioners of Lincoln County and Lincoln County Solid Waste Authority.

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

Tort Claims Notices Received or Threatened

2012

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

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

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

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

2011

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

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

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

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

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

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

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

AGENDA DOCUMENTATION
November 20, 2012

Agenda Item No. 28

SUBJECT

Potential Property Purchase

ACTION REQUESTED BY County Manager

ACTION REQUESTED To be determined

BACKGROUND