

COUNTY OF LINCOLN
New Mexico
Special Meeting
Board of County Commissioners

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

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

Nita Taylor, County Manager

Agenda

Friday, April 5, 2013 @ 9:00 A.M

**Lincoln County Medical Center, Physical Therapy Conference Room,
211 Sudderth, Ruidoso, New Mexico,**

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. Bid(s)/RFP Award:
 - A. Bid 12-13-005 Operation of the Lincoln County Detention Center
7. Consideration of Alternative Funding for Purchase of Water Tender for Glencoe Volunteer Fire Department
8. 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).
9. Next Regular Meeting – Tuesday, April 16, 2013
10. Adjournment

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

April 5, 2013: THIS AGENDA IS SUBJECT TO CHANGE

AGENDA DOCUMENTATION
April 5, 2013

Agenda Item No. 6

SUBJECT

Bid/RFP Awards:

ACTION REQUESTED BY

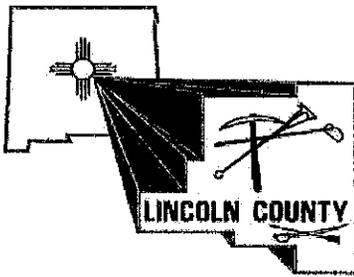
County Manager

ACTION REQUESTED

To be determined

BACKGROUND

A. Bid 12-13- 005 Operation of the Lincoln County Detention Center



www.lincolncountynm.net

County of Lincoln

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

April 1, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, County Manager *NT*

SUBJECT: Bid Award – 12-13-005

Purpose: To award bid for The Operation of the Lincoln County Detention Center

RFP Number 12-13-005 – Operation of the Lincoln County Detention Center. Responses to the RFP were due on March 29, 2013 at 2:00 p.m. One bid was received from current Operator, Emerald Correctional Management, LLC.

Emerald's bid for compensation for operation, management and maintenance of the facility is:

- Year 1: \$54.69 per inmate per day
- Year 2: \$55.78 per inmate per day
- Year 3: \$56.89 per inmate per day
- Year 4: \$58.08 per inmate per day

The proposal reflects a year-over-year increase per inmate per day of approximately 2%. At the high end, assuming all 144 beds were filled daily, the cost for year 1 would be \$2,874,506. More likely is to assume an average of 126 inmates per day, which reflects a cost of \$2,515,193. To offset that amount, the County received approximately \$453,000 per year from the BIA for confinement and transportation, \$630,000 from the US Marshal, and \$10,000 from County municipalities.

Once bid awarded by the Commission, the final proposed contract will be developed and reviewed by the county attorney and manager, and submitted for approval at the April 16, 2013 Board of County Commissioner meeting. The Agreement will be formally executed on May 3rd, with commencement of the new terms on May 4, 2013.

Recommendation: Grant RFP Number 12-13-005 to Emerald Correctional Management, LLC.

AGENDA DOCUMENTATION
April 5, 2013

Agenda Item No. 7

SUBJECT

Consideration of Alternative Funding for Purchase of Water Tender for
Glencoe Volunteer Fire Department

ACTION REQUESTED BY

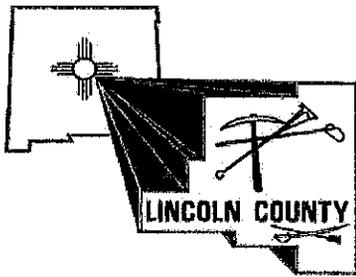
County Manager

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

April 2, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Consideration of Alternative Funding for Purchase of Water Tender for Glencoe Volunteer Fire Department

Purpose: To obtain approval of alternative funding for water tender for Glencoe-Palo Verde Fire Department.

Discussion: At its March 19, 2013 the Commission approved Resolution 2012-33 authorizing Manager to seek a \$50,000 loan from the New Mexico Finance Authority to partially fund a water tender for the Glencoe-Palo Verde Fire Department. The total cost of the unit is \$220,330. The Glencoe - Fire Department is the recipient of a 2013 Fire Protection Grant in the amount of \$100,000 and has in its trust fund \$45,000, \$25,000 in carryover fire protection funds, and \$11,000 in vehicle auction monies. The \$50,000 funding from a NMFA loan would complete the total funding requirement.

In working with the NMFA Lending Officer, it was brought to our attention that, based on their required formula, there is not sufficient borrowing capacity to cover the \$50,000 loan request. Per the State Fire Marshal, for each \$1 borrowed (payment amount), the fire department must receive \$2 in base distribution received from the State Fire Marshal. The base distribution for Glencoe-Palo Verde is \$78,116 annually; current debt service for two current loans totals \$38,119. The margin would allow a loan of approximately \$19,000, which is \$31,000 short of the amount required. However, as the funding must be obtained by May 1st to secure the Fire Protection Grant, that partial loan is not an option.

Two options exist:

1. Elect to front the \$50,000 to enable the purchase of the water tender, with expectation of repayment from Glencoe-Palo Verde Fire Department over a one to three year timeframe, based on the Fire Department's amount of participation in firefighting throughout state. (Rate Management Plan payments received from the State for fire-fighting participation). These payments are based on type of unit(s) and number of fire-fighters/incident commanders provided. Glenna Robbins will have a history of prior payments made to the Department at the Commission meeting.
2. Consider delaying the purchase of the water tender for another year or two until RMP funds accumulate. This is not a viable option, as: (a) the county is in considerable risk of wildfire, and the unit would be critical to the safety of the entire county; and (2) the Fire Protection Grant monies would have to be returned, placing the Department in jeopardy of receiving future grants.

Recommendation: Front \$50,000 to the Glencoe-Palo Verde Fire Department prior to May 1, 2013, to enable the purchase of the water tender.

AGENDA DOCUMENTATION
April 5, 2013

Agenda Item No. 8

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.

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Ruidoso, New Mexico 88355-1030

Jira Plaza
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Facsimile (575) 257-3558

April 1, 2013

LINCOLN COUNTY EXECUTIVE SESSION PURSUANT TO THE OPEN MEETINGS ACT: DISCUSSION OF ALL THREATENED AND/OR PENDING LITIGATION SECTION 10-15-1, SUBPARAGRAPH H.(7); AND DISCUSSION OF THE PURCHASE, ACQUISITION OR DISPOSAL OF REAL PROPERTY OR WATER RIGHTS BY THE PUBLIC BODY, SECTION 10-15-1, SUBPARAGRAPH H.(8)

New or Updated Matters since last report =

1. *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. *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.
11. *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.
12. *Greentree Solid Waste Authority v. Lincoln County, et. al. D-0101-CV-2013-00104.* Suit filed January 9, 2013. Petition for Declaratory Judgment; Preliminary and Permanent Injunction.
13. *Rio Grande-Alameda, Ltd., v Paul Baca, Lincoln County Assessor D-1226-CV-2013-00005.* Suit filed January 9, 2013. Complaint for Refund of Taxes Paid.
14. *New Mexico Ranch Sales v. Villalba, LC Treasurer, et al. D-1226-CV-2013-00046.* Suit Filed February 15, 2013. Complaint to Enforce and Collect Upon Promissory Note and to Foreclose Mortgage Upon Real Property.

Tort Claims Notices Received or Threatened

2012

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

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

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

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

2011

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

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

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

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

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

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

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