

COUNTY OF LINCOLN
New Mexico
Regular Meeting
Board of County Commissioners

Jackie Powell, Chairwoman

Mark Doth, Member

Dallas Draper, Member

Glenna N. Robbins, Treasurer

Rhonda B. Burrows, Clerk

Preston Stone, Vice Chair

Kathryn L. Minter, Member

Robert Shepperd, Sheriff

Paul Baca, Assessor

Stirling Spencer, Probate Judge

Nita Taylor, County Manager

AGENDA

Commission Chambers, Tuesday, April 16, 2013 @8:30 A.M.

1. Call to Order
2. Roll Call
3. Invocation
4. Pledge of Allegiance
 - a. Pledge – U.S. A. Flag
 - b. Salute – N.M. Flag (“I salute the flag of the State of New Mexico, the Zia Symbol of perfect friendship among united cultures”)
5. Approval of Agenda
6. Approval of Minutes- March 19, 2013 Regular Commission Meeting
April 5, 2013 Special Commission Meeting
7. Approval of Consent Agenda
 - a. Payroll/Accounts Payable/Budget/ Expenditures
 - b. Treasurer’s Financial Report for the Month ending March 31, 2013
 - c. 2014 Fire Fund Distribution Applications
 - d. Road Name Changes/Correction
 - e. Mill Levy Rate for Carrizozo Soil & Water Conservation District
8. Smokey Bear District Ranger Update
9. Greentree Solid Waste Authority (GSWA) Update
10. Lincoln County Detention Center Update
11. **9:00 A.M.:** Lodger’s Tax Applications with backup material:

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

- a. Application 1687: Amount: \$3,500.00; CP6 Solutions, Aspencash Motorcycle Rally May 16-19, 2013 Requestor: Patric Pearson/CP6 Solutions
- b. Application 1688: Amount: \$ 3,500.00; CP6 Solutions, Golden Aspen Motorcycle Rally September 18-22, 2013; Requestor: Patric Pearson/CP6 Solutions
- c. Application 1689: Amount: \$ 2,200.00; Ruidoso Sprint Triathlon June 8, 2013; Requestor: Frederic Moras/ Bicycle Ruidoso
- d. Application 1690: Amount: \$1,500.00; Ski Run Road Challenge, July 27, 2013; Requestor Frederic Moras Ski Apache Disabled Skier Program
- e. Application 1691: Amount: \$300.00; Renaissance Festival; Requestor: Jamie Gieb/Shire of Ghillie
- f. Application 1692; Amount: \$19,000.00; Lincoln Pageant & Festival August 2-4, 2013; Requestor: Bennie Long/Lincoln State Monument

12. Presentation by White Sands Missile Range's Chief of Staff, Mr. Dan Hicks on the mission impacts of the proposed location of the SunZia Transmission Line

13. **9:30 A.M.:** PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY OFFICIALS (Items are for discussion only -- no action will be taken)

14. Consideration of Cost Analysis for Courthouse/Sheriff's Complex Addition

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

16. Manager's Report

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

18. Consideration of the May 21, 2013 & June 18th, 2013 Commission Meeting Date Change and Schedule Special Meeting date on April 25th.

19. Subdivision Ordinance Revisions-Ongoing Discussion

20. Election of New Mexico Association of Counties Board Members

21. LCMC Physician's Office Building

- a. Water Saving Alternatives -Findings & Recommendations by Ted Kostranchuk (DPS)

22. **1:30 P.M.:** Public Hearing to consider the request of a transfer of ownership Liquor License from JJJ Dollar Bar, LLC. DBA Tinnie's Silver Dollar Steakhouse & Saloon at 28842 US Hwy 70, Tinnie, NM 88351. Application No. 848154

23. **1:45 P.M.:** Public Hearing to consider Ordinance 2013-1; Amending Ordinance

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2005-4 Lincoln County Personnel Policies & Procedures

24. Authorization to Schedule Public Hearing to Consider Other Outdated or New Lincoln County Ordinance
 - a. Amending Subdivision Ordinance 2008-01

25. Bid/RFP(s) Award:
 - a. 12-13-006 Inmate Phone System for Lincoln County Detention Center
 - b. 12-13-007 Grinding of Wooded Debris
 - c. 12-13-008 Inmate Medications

26. Consideration of Appointments and Removals from Boards/Commissioners/Committees:
 - a. **Tabled** – Road Review Advisory Committee
 - b. Lincoln Historic Preservation Board
 - c. Lodger’s Tax Committee- Letter or Resignation
 - d. Southeast Regional Planning Organization (SERPO)

27. Sun Valley Subdivision Discussion

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

29. Signing of Official Documents

30. Next meetings:
 - a. May 3, 2013 Special Commission Meeting
 - b. May 14, 2013 Regular Commission Meeting

31. Adjournment

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

AGENDA DOCUMENTATION
April 16, 2013

Agenda Item No. 6

SUBJECT

Approval of Minutes

ACTION REQUESTED BY

County Clerk

ACTION REQUESTED

To be determined

BACKGROUND

1. March 19, 2013 Regular Commission Meeting
2. April 5, 2013 Special Commission Meeting

1

COUNTY OF LINCOLN

2
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4
5

New Mexico Regular Meeting Board of County Commissioners

6 Jackie Powell, Chair
7 Mark Doth, Vice Chair

Kathryn Minter, Member
Dallas Draper, Member
Preston Stone, Member

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11

Minutes Tuesday, March 19, 2013

12 Minutes of the Regular Meeting of the Lincoln County Commission held at 8:30 AM on March
13 19, 2013 in the County Commission Chambers, Lincoln County Courthouse, in Carrizozo, New
14 Mexico.

15
16
17

1. Call to Order

18 Chair Powell called the Regular Meeting of the Board of County Commissioners to order at
19 8:30:53 AM.

20
21
22

2. Roll Call

23

Roll Call

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

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

29
30
31

3. Invocation

32 The invocation was presented by Commissioner Stone.

33
34
35

4. Pledge of Allegiance

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

38
39
40

5. Approval of Agenda

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

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

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

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

48 **6. Approval of Minutes**

- 49
50 A. February 8, 2013 Special Commission Meeting
51 B. February 19, 2013 Regular Commission Meeting
52

53 **Motion:** Approve the minutes of the February 8, 2013 Special Commission Meeting and the
54 February 19, 2013 Regular Commission Meeting. **Action:** Approve. **Moved by**
55 Commissioner Doth, **Seconded by** Commissioner Minter.

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

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

60 **7. Approval of Consent Agenda**

- 61
62 A. Payroll/Accounts Payable/Budget/ Expenditures
63 B. Treasurer's Financial Report for the Month ending February 28, 2013
64 C. Volunteer Firefighters Annual Report
65 D. Law Enforcement Protection Fund
66

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

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

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

73 Commissioner Doth requested an update on legislative issues affecting the Treasurer's office.
74 Glenna Robbins, Treasurer reported a proposed change to the property tax code which would
75 restore the County Treasurer's ability to receive partial payments on delinquent properties was
76 scheduled for a public hearing in the near future.
77

78 **SEE EXHIBIT A:** Copies of Consent Items are attached hereto in reference thereto made a part
79 hereof.
80

81 **15. Holloman Air Force Base-Tom Fuller – Sonic Booms & Update of Activities**

82
83 Colonel Kenneth Ekman, Vice Commander of HAFB discussed the history of HAFB and the
84 various missions housed at the base since its inception in 1942. Colonel Ekman discussed
85 current ongoing missions and noted eighteen tenant organizations also resided on site including
86 various military testing groups and the German Air Force training center.
87

88 Colonel Ekman stated current base priorities included training 300 crews annually for the
89 remotely piloted aircraft commonly known as drones; housing and support for the F-22 fighter jet
90 squadron on site for one more year; training and equipping 300 airmen for combat deployment;
91 and the care and assistance to family members which included modernizing and maintaining
92 facilities.
93

94 Colonel Ekman discussed the impact of current federal budget cuts and the potential impact of
95 the current Department of Defense sequestration cuts which include 22 furlough days for civil
96 servants working on the base. Colonel Ekman did not anticipate a significant reduction in the
97 number of active duty military currently on base.
98

99 Colonel Ekman discussed the planned move of the F-22 squadron to Florida in 2014 and
100 informed this aircraft group would be replaced by two F-16 training squadrons. Colonel Ekman
101 stated this change would bring an additional 700 active duty personnel to the base along with
102 their associated families. Colonel Ekman discussed the unique presence of the German Air
103 Force Training Center and anticipated future growth in the numbers of people associated with
104 that operation.

105
106 Colonel Ekman discussed the sonic booms associated with flying the F-22's and the various
107 flight patterns which pilots utilize to minimize sonic booms. Colonel Ekman encouraged
108 feedback from residents affected by sonic booms so the base could track problems.

109
110 Commissioner Minter questioned if HAFB had evaluated their water usage in view of current
111 drought conditions. Colonel Ekman explained HAFB relied on 17 wells in the area for water.
112 Colonel Ekman stated after the Little Bear Fire and the resulting damage to the Bonito Lake
113 watershed, the possibility of pumping water from HAFB to the City of Alamogordo was
114 considered but the project appeared to be cost prohibitive. Colonel Ekman also discussed the
115 recent HAFB evaluation of a biomass burning facility to supplement power but noted this
116 process was also problematic.

117
118 Colonel Ekman discussed the positive relationship between HAFB and the community of
119 Alamogordo including community service projects performed by base residents. Commissioner
120 Doth questioned if HAFB might consider a community project to assist private landowners in
121 removing trees burned during the Little Bear Fire. Colonel Ekman stated he would research
122 the suggestion.

123 124 **11. Consideration of Additional Funding for Courthouse/Sheriff's Complex Expansion**

125
126 Ms. Taylor reminded of the initial budget approval of \$1.2 million and the hiring of Basic IDQ to
127 evaluate the project and potential costs. Ms. Taylor explained the initial request and
128 subsequent budget were based on factors which had since changed. Ms. Taylor stated the
129 request for the expansion had increased from approximately 4,000 square feet to 6,600 square
130 feet; it was determined a sewer line would need to be rerouted; and extra excavation work
131 would be required. Ms. Taylor stated the revised estimate for the Courthouse expansion alone
132 was currently \$2.5 million.

133
134 Ms. Taylor discussed the initial budget approval of \$300,000 to expand the Sheriff's complex.
135 Ms. Taylor stated increased costs identified during evaluation of that project resulted in an
136 estimated cost for expansion of the Sheriff's office of \$1.2 million. Ms. Taylor also informed on
137 the anticipated costs for the recommended changes to the existing courthouse structure
138 identified by a recent Energy Audit.

139
140 Ms. Taylor provided an itemized list of the various construction costs for stand-alone
141 components of the Courthouse expansion and improvements. Ms. Taylor also provided a
142 marked up budget illustrating possible budget adjustments necessary to accomplish these
143 tasks.

144
145 Chair Powell questioned the need to expand square footage from 4400 to 6600 square feet.
146 Chair Powell reminded of previous discussions about building a new facility to combine the
147 District Court, a District Attorney office and a possibly a new Sheriff's office. Commissioner
148 Doth reminded construction on older buildings often leads to unforeseen costs.

150 Judge Karen Parsons commented on the increased cost estimate and noted the request for
151 additional square footage was partially as a result of ADA accommodations and the need for
152 additional space for a jury box which had not been calculated in the initial plan. Judge Parsons
153 commented that though the cost estimates had increased the need remained the same and
154 urged the Board of Commissioners to approve the expansion. Judge Parsons anticipated the
155 proposed changes would accommodate the court forever.

156
157 Commissioner Doth requested the County obtain a cost analysis for a new building for purpose
158 of comparison to cost of remodeling the existing courthouse.

159
160 Paul Baca, Assessor provided a printout which defined current court space as 6500 square feet.

161
162 Commissioner Minter reminded Lincoln County had received a capital outlay request for
163 \$100,000 towards renovation of the Sheriff's department.

164
165 Sheriff Robert Shepperd expressed belief the planned expansion would accommodate growth
166 for the Sheriff's office in the foreseeable future. Sheriff Shepperd discussed court security
167 requirements and the advantage of having all court and court services within the same complex.

168
169 Attorney Morel suggested based on the cost of the new Professional Office Building now under
170 construction it might be prudent to consider new construction. Attorney Morel reminded energy
171 audit needs of the current courthouse complex would still need to be addressed should the
172 Board of Commissioners opt for new construction versus a remodel.

173
174 Commissioner Stone opined the courthouse should remain in the center of town and the
175 remodel project should go forward but stated no objection to researching the cost of new
176 construction.

177
178 There was a general consensus to obtain a cost analysis of construction of a new facility for
179 comparison at the next regular meeting.

180 181 **17. Discussion on Burned and Diseased Tree Waste**

182
183 Jack King, Bureau Chief of the NM Environment Health Department stated members of his staff
184 and Lynn Lovelace, State District Forester were present to address questions raised by
185 Commissioner Doth about potential hazards associated with trees burned in the Little Bear Fire
186 and other tree loss.

187
188 Auralie Ashley-Marx, Solid Waste Bureau Chief for the NM Environment Department stated her
189 department was aware of the tree kill problem as a result of drought, bark beetle and fire. Ms.
190 Ashley-Marx stated by definition debris and slash removed from private property was defined as
191 solid waste and therefore subject to certain rules. Ms. Ashley-Marx reported State EID rules to
192 address this problem allowed for an air curtain incinerator as a low cost solution for this type of
193 waste disposal. Ms. Ashley-Marx stated GSWA and Otero County could erect this type of
194 incinerator at their current landfill site. Ms. Ashley-Marx informed Lincoln County might request
195 a variance from current rules to allow for open pit burning for one year but the public hearing
196 and variance process would take approximately 120 days. Ms. Ashley-Marx suggested the air
197 curtain incinerator to be a better solution.

198
199 Rita Bates, Planning Section Chief for NM EID stated no air curtain incinerators were operating
200 in New Mexico at this time. Ms. Bates stated once operational, a permit must be requested

201 from the State of NM within one year and the operation must meet Federal requirements such
202 as opacity testing. Ms. Bates stated if operations were temporary for less than one year the
203 requirements might be less. Ms. Bates also commented on options to build biomass facilities
204 for disposal of tree waste.
205

206 Commissioner Stone questioned if an air curtain incinerator permit would require annual
207 renewal. Ms. Bates stated the permits were for a five year period. Commissioner Stone
208 questioned if someone would be required on site at all times. Ms. Bates stated for operational
209 purposes it would be advisable.
210

211 Lynn Lovelace, NM State Forester informed there were two air curtain incinerators in Otero
212 County which had never been utilized. Ms. Lovelace voiced belief Otero County did not wish to
213 relinquish these incinerators. Ms. Lovelace stated the State Forestry had an air curtain
214 incinerator in Dona Ana County and Eddie Tudor would investigate the availability of that
215 equipment. Ms. Lovelace reported the problem with this type of incinerator was they tended to
216 fill up too quickly to be practical for large scale use.
217

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

219 **A. Ruidoso Valley Chamber of Commerce Briefing – Becky Brooks**

222 Becky Brooks informed on the purpose of the organization and stated it was a goal of the
223 Chamber to continue to work with and serve the entire County of Lincoln. Ms. Brooks stated the
224 Chamber sponsored a public event in Santa Fe annually during the legislative session and had
225 this year changed the title from "Ruidoso Day" to "Lincoln County Day". Ms. Brooks stated this
226 change resulted in an increase in attendance. Ms. Brooks stated one of the primary issues
227 discussed during the event was water conservation. Ms. Brooks informed the website
228 www.nmwca.org provided a monthly newsletter on water conservation issues. Ms. Brooks
229 discussed the need for conservation education for tourists and other visitors and discussed
230 ongoing plans to provide information to the public. Chair Powell requested the Chamber also
231 work to educate residents and visitors about potential flooding issues.
232

233 Commissioner Draper informed he currently served as member of the Board of the Ruidoso
234 Chamber of Commerce, expressed his appreciation to Ms. Brooks for the update, and
235 requested future updates from the Chamber to the Board of County Commissioners.
236

237 **12. LCMC Physician's Office Building**

238 **A. Water Saving Alternatives -Findings & Recommendations by Ted Kostranchuk** 239 **(DPS)**

242 Ms. Taylor presented water saving measures identified by Mr. Kostranchuk to offset potential
243 savings from a cistern system. Ms. Taylor stated Mr. Kostranchuk strongly recommended a
244 cistern system not be installed.
245

246 **B. Status of construction – Jaynes Corp.**

247
248 Chris Butler, Project Manager and Jason Parsons, Site Superintendent reported on the current
249 status of the project. Mr. Parsons stated the site foreman conducted weekly meetings and
250 records were updated as to the number of local residents employed. Mr. Parsons offered to
251 provide a tour to any County Commissioner who wished to visit the site.

252
253 Commissioner Stone questioned what the estimated cost per square foot was for the new POB.
254 Mr. Butler stated he estimated the cost to be \$280 per square foot.
255

256 Commissioner Draper questioned if a cistern system was specifically required by Ruidoso
257 Ordinance. Attorney Morel clarified the Ruidoso Ordinance was nebulous and the multiple
258 water saving measures proposed by Mr. Kostranchuk were likely acceptable to the Village.
259

260 Commissioner Doth reviewed the costs of the recommended landscape changes and
261 questioned if the proposed changes would impact the current budget. Ms. Taylor expressed
262 belief the costs of proposed changes were less than the cost of the cistern system.
263 Commissioner Doth discussed the benefit of gravel versus the proposed artificial turf.
264

265 Chair Powell recessed the Regular Meeting at 10:36:34 AM and reconvened at 10:53:52 AM.
266

267 Commissioner Doth reminded \$30,000 was budgeted for landscaping of the POB.
268 Commissioner Doth suggested removal of the cistern system, seeking additional cost savings
269 by installing gravel based xeriscape landscape, and spending \$22,500 for hands free faucets.
270

271 Michelle Caskey, Assets and Information informed the planned landscaping included some
272 plants to improve cooling versus all gravel and noted the artificial turf was proposed as a play
273 area for children.
274

275 After a general discussion about optimal landscaping for water savings, Ms. Taylor suggested a
276 vote on whether to eliminate the placement of a cistern system from the POB plans and
277 consideration of the landscape issues at a later date.
278

279 **Motion:** Remove the cistern system from plans for the POB. **Action:** Approve. **Moved by**
280 **Commissioner Doth, Seconded by** Chair Powell.

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

282 **Yes:** Chair Powell, Commissioner Doth, Commissioner Draper, Commissioner Minter,
283 Commissioner Stone.
284

285 9. Greentree Solid Waste Authority (GSWA) Update

- 286
287 A. Review of Approved Minutes – January 24, 2013 and February 15, 2013
288 B. Appointment of 2nd Lincoln County Member to GSWA Board
289 C. Appointment of Task Force to Review GSWA/Lincoln County Relationship
290 and Recommend Modifications
291

292 Ms. Taylor discussed the requirement by the 1991 Joint Powers Agreement for appointment of
293 two members to the Board of GSWA and requested a second member be appointed at this
294 time. Chair Powell requested appointment as the second member. Commissioner Stone
295 requested the County Manager and County Attorney notify GSWA of the second appointment
296 as per the Ordinance as a good faith action.
297

298 Attorney Morel informed he had no knowledge of any post 1991 agreement which revised the
299 County membership from two members to one.
300

301 **Motion:** Appoint Chair Powell to the Greentree Solid Waste Authority. **Action:** Approve.
302 **Moved by** Commissioner Doth, **Seconded by** Commissioner Draper.

303 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).
304 **Yes:** Chair Powell, Commissioner Doth, Commissioner Draper, Commissioner Minter,
305 Commissioner Stone.

306
307 There was a general consensus to postpone consideration of forming a task force due to
308 pending litigation.

309
310 **10. Lincoln County Detention Center Update**

311
312 Arthur Anderson, Warden from Lincoln County Detention introduced Robert Felix as the new
313 Head of Security. Warden Anderson reported on the number of bookings and releases and
314 stated the average daily population was 140 inmates.

315
316 Commissioner Draper questioned the number of prisoners which were awaiting trial in District
317 Court. Warden Anderson stated he did not have that number at this time.

318
319 Chair Powell questioned if there were any needs for the facility. Warden Anderson reported no
320 current facility issues or needs.

321
322 **13. Ruidoso Public Health Center Recommended Fixes by Basic IDIQ**

323
324 Ms. Taylor presented the scope of work developed by King Industries to address current
325 problems at the Ruidoso Public Health office. Ms. Taylor reported Basic IDIQ had subsequently
326 incorporated the King recommendations into their work plans and presented a revised cost
327 analysis.

328
329 **Motion:** Approve the scope of work and direct IDIQ to begin the project. **Action:** Approve.
330 **Moved by** Commissioner Minter, **Seconded by** Commissioner Doth.

331
332 Commissioner Minter questioned the need for multiple entities review one project. Ms. Taylor
333 stated Basic IDIQ was receptive to the second opinion as King Industries provided engineering
334 expertise not on their staff. Ms. Taylor anticipated two opinions would not normally be sought
335 for smaller projects.

336
337 Commissioner Doth questioned if repair of internal damage to the building was included in the
338 estimate. Kyle Cooper with Basic IDIQ stated the internal problems had been reviewed and the
339 initial estimate included minor caulking and correction of interior cracks. Mr. Cooper agreed to
340 modify the scope of work to reflect that agreement.

341
342 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).
343 **Yes:** Chair Powell, Commissioner Doth, Commissioner Draper, Commissioner Minter,
344 Commissioner Stone.

345
346 **8. Smokey Bear District Ranger Update**

347
348 Ms. Taylor informed Ranger David Warnack was unable to attend but provided copy of Ranger
349 Warnack's March 2013 Briefing Paper.

350
351 Ms. Taylor reminded Lincoln County would be presenters of "Lessons Learned from the Little
352 Bear Fire" along with Ranger Warnack at the upcoming Wildland Urban Interface conference in
353 Taos on April 3rd & 4th. Ms. Taylor requested Chair Powell and Joe Kenmore, Director of Office

354 of the Emergency Services attend the WUI summit along with herself to provide a presentation
355 similar to a prior one given to the New Mexico Association of Counties Board of Directors.
356

357 Commissioner Doth informed the Center for Biological Diversity planned to file suit against the
358 USFS on behalf of the Spotted Owl raising concerns about "too much thinning" within the forest.
359

360 **14. Overview of GIS & IT Initiatives**

361
362 Ms. Taylor reported on past actions to revise and update GIS services and to address IT issues
363 in the County. Ms. Taylor provided a project overview and a potential timeline based on
364 priorities. Ms. Taylor reported the County had hired Systems MD from Albuquerque to assess
365 the County's current IT network and to identify needs.
366

367 Mike Caggiano, Caggiano Consulting discussed the GIS needs assessment and potential long
368 term considerations. Commissioner Draper questioned if all proposed improvements were
369 adopted, how long these would meet County needs before additional upgrades were required.
370 Mr. Caggiano stated certain recommended items were long term solutions but noted GIS needs
371 tend to evolve. Mr. Caggiano anticipated any future needs would be manageable once this
372 large revision was accomplished.
373

374 Commissioner Doth questioned the implementation timeline and the associated cost estimates.
375 Mr. Caggiano noted there were two components to the proposals one primarily related to GIS
376 implementation and the second related to specific departmental software requests.
377

378 Commissioner Stone expressed concern about the GIS process requiring an additional
379 employee. Mr. Temple expressed belief all departments could be trained to update and utilize
380 a unified GIS system.
381

382 Commissioner Minter questioned the underlying IT issues of the County and the plan to address
383 these issues. Rhonda Burrows, Clerk explained the primary need for re-cabling of existing
384 systems and the restructuring of the administration and software of the network to facilitate
385 functionality for all County services including GIS. Ms. Burrows noted the costs to re-cable and
386 restructure the network were not reflected by the GIS cost estimates and discussed the
387 importance of updating the complete IT hardware infrastructure to facilitate GIS upgrades and
388 meet the needs of other departments. Commissioner Minter questioned when the cost
389 estimates for re-cabling and restructuring of the network would be available. Ms. Taylor
390 anticipated the estimates would be presented at the next Regular Meeting.
391

392 Paul Baca, Assessor discussed concerns about housing large amounts of data and software on
393 personal computers and the need for separate servers to house the GIS system. Mr. Baca
394 commented on the new GIS software as being user friendly, the ability to share data with other
395 departments, and the potential to accomplish more tasks in house.
396

397 **Motion:** Direct the County Manager to work with Caggiano Consulting and the GIS Task Force
398 to move the projects forward. **Action:** Approve. **Moved by** Chair Powell, **Seconded by**
399 Commissioner Stone.

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

401 **Yes:** Chair Powell, Commissioner Doth, Commissioner Draper, Commissioner Minter,
402 Commissioner Stone.
403

404 Chair Powell recessed the Regular Meeting at 12:02:52 PM and reconvened at 1:00:13 PM.

405
406 **26. 1:00 P.M.: PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY**
407 **OFFICIALS**
408

409 Commissioner Minter requested the County Manager write a letter of thanks to the NM
410 Department of Transportation, the construction company, and contributing legislators for the
411 completion of improvements to Highway 54. Commissioner Minter commented on the multiple
412 benefits of the project to Lincoln County.
413

414 Paul Baca, Assessor informed property owners would receive the 2013 Notices of Valuation
415 before the end of April. Mr. Baca applied for and received from the NM Property Tax Division
416 an extension of 30 days for mailing of the notice of value due to increased duties related to the
417 Little Bear Fire. Mr. Baca also discussed new information to appear on the notices including
418 historical data as instructed by the legislature.
419

420 Commissioner Doth questioned the status of inspection on properties burned in the Little Bear
421 Fire. Mr. Baca informed his staff had completed the inspection of properties burned in the Little
422 Bear Fire. Mr. Baca stated two appraisers reviewed a list provided by GSWA to identify
423 properties which were cleared of debris and those which were not. Ms. Taylor requested
424 guidance from the Board of Commissioners on potential action or notice to owners regarding
425 lots not cleared after the fire. Commissioner Doth suggested the property owners be contacted
426 and advised of the pending expiration of the asbestos variance. Commissioner Minter
427 questioned if the Assessor might verify the date of construction for the un-cleared lots to
428 determine the potential for presence of asbestos materials. Mr. Baca stated he would research
429 the question.
430

431 Rhonda Burrows, County Clerk introduced the newly hired Bureau of Elections Clerk, Whitney
432 Whittaker.
433

434 Chair Powell recessed the Regular Meeting and convened the Board of Finance meeting at
435 1:08:11 PM.
436

437 **16. Board of Finance**
438

439 Glenna Robbins, Treasurer directed attention to the monthly Treasurer's report and detailed the
440 various reports therein. Ms. Robbins discussed budgeted amounts versus actual expenditures
441 and the tracking of revenues. Ms. Robbins noted aside from the General Fund all funds were
442 "special funds" which were held for a specific use only.
443

444 Ms. Robbins discussed the collection of property taxes and the disbursement of taxes to the
445 various taxing entities within the County. Ms. Robbins discussed the report detailing how all
446 County funds were currently held or invested. Ms. Robbins also provided a copy of the
447 Investment Policy of the County of Lincoln last revised in 2008. Ms. Robbins did not foresee a
448 need to revise the policy at this time.
449

450 Ms. Robbins reported on current and past property tax collections and informed her office would
451 be sending second half payment reminders to property owners soon. Ms. Robbins informed the
452 annual Property Tax Sale had been set for April 9, 2013 in the County Commission Chambers.
453 Ms. Robbins stated the Treasurer's office had posted a link on their webpage to a list of
454 properties eligible for sale. Ms. Robbins stated currently there were 38 properties listed for sale
455 but the number might change prior to the sale.

456
457 Ms. Robbins provided a copy of the payout schedule for all County debt service including the
458 Detention Center, the volunteer fire department loans and the Deer Park Paving Assessment.
459

460 There being no questions, Chair Powell adjourned the Board of Finance Meeting and
461 reconvened the Regular Meeting at 1:18:40 PM.
462

463 **18. Consideration of Approval of South Central Mountain RC and D Contract for Sun**
464 **Valley**
465

466 Ms. Taylor informed on the history of the Rural Forester program and the Joint Powers
467 Agreement between the State Forestry and RC&D. Ms. Taylor stated the contract mirrored
468 prior major projects with the County charging an administrative fee of 10% of which 8% would
469 go to RC&D to fund the Rural Forester program.
470

471 **Motion:** Approve the contract. **Action:** Approve. **Moved by** Commissioner Minter, **Seconded**
472 **by** Chair Powell.
473

474 Commissioner Stone requested Commissioner Doth recuse. Commissioner Doth recused
475 himself from the discussion due to a possible or potential conflict of interest.
476

477 Commissioner Minter questioned the scope of the project and whether the funding was currently
478 available. Mike Caggiano representing SGM RC&D informed the appropriation was a new
479 allocation from the NM State Forestry to Lincoln and Otero Counties. Mr. Caggiano explained
480 the funds were originally allocated to other parts of the State but unexpended by the original
481 recipients. Mr. Caggiano stated the award amount was \$50,000 which would treat about 30
482 contiguous acres in the Sun Valley area. Mr. Caggiano stated he was not aware of plans for a
483 project in the Sierra Vista area but should additional funding be received this area could be
484 reviewed.
485

486 Commissioner Minter questioned status of the ongoing cost share program for private
487 landowners. Mr. Caggiano stated some funding remained for private landowners within the
488 County to thin under the cost share program.
489

490 Commissioner Stone questioned if the contract was for thinning only and if it involved private
491 land only. Mr. Caggiano confirmed this was a thinning project with the funding being spent on
492 the bulk of a single owner 40 acre tract adjacent to multiple homes and condos.
493

494 **Vote:** Motion passed (**summary:** Yes = 4, No = 0, Abstain = 1).
495

496 **Yes:** Chair Powell, Commissioner Draper, Commissioner Minter, Commissioner Stone.
497

498 **Abstain:** Commissioner Doth.
499

500 **19. Consideration of Approval or Disapproval of Indigent Health Care Claims**
501

502 Scott Annala, IHC Administrator presented the Sole Community Provider claims for approval.
503 Mr. Annala processed 74 claims with 69 recommended for approval and 5 recommended for
504 disapproval for a total authorization of \$101,968 for a year to date total of \$990,178 and for an
505 approximate monthly average of \$ 110,000. Mr. Annala reminded the County had budgeted
506 \$1.3 million for the Sole Community Provider match which allowed the hospital to draw down
additional funding for uncompensated care.

507 Mr. Annala presented the Indigent Health Care Payments request for the month. Mr. Annala
508 processed 85 claims with 67 recommended for approval and 18 recommended for disapproval.
509 Mr. Annala stated the total of claims recommended for payment this month was \$19,260.44.
510

511 Mr. Annala stated the total year to date Indigent Claims including this month's claims would be
512 \$213,185 for a monthly average of \$23,687 by comparison. Mr. Annala anticipated expenditure
513 of \$284,244 of the budgeted amount of \$386,461.
514

515 Mr. Annala reported on plans to attend additional meetings regarding the future of the Sole
516 Community Provider program and changes related to the Federal Health Care Act.
517

518 **Motion:** Approval and denial of the claims as indicated for Sole Community Provider and
519 Indigent Health Care Program payments as recommended. **Action:** Approve. **Moved by**
520 Commissioner Stone, **Seconded by** Chair Powell.

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

522 **Yes:** Chair Powell, Commissioner Doth, Commissioner Draper, Commissioner Minter,
523 Commissioner Stone.
524

525 **SEE EXHIBIT B:** Copies of the Sole Community Provider and Indigent Health Care Payments
526 are attached hereto in reference thereto made a part hereof.
527

528 20. Manager's Report

529

530 **Fire and Emergency Services:** The Manager announced Joe Kenmore, previously on
531 staff as the Emergency Services Coordinator, was select to fill the position of Fire &
532 Emergency Services Director. The Manager commented cooperating agencies
533 expressed optimism regarding Mr. Kenmore's promotion. The vacated position of
534 Emergency Services Coordinator was advertised with the application deadline being
535 March 25, 2013.
536

537 The NM Department of Homeland Security and Emergency Management (NMDHSEM),
538 along with NM State Forestry and the National Weather Service scheduled their
539 Seasonal Hazard Outlook Meeting "**WILDFIRE / MONSOON NM**" for March 20, 2013 in
540 Santa Fe. The Manager and Emergency Services staff planned to attend.
541

542 The Manager reported the 2013 Wildland Urban Interface Summit was scheduled for
543 April 3 and 4, 2013 in Taos. The Manager stated representatives from Lincoln County
544 including herself, Chair Powell and Joe Kenmore would host a discussion of "Little Bear
545 Fire Lessons Learned" along with Ranger Dave Warnack.
546

547 **Carrizozo Senior Center:** The Manager and Ada Hendryx met with architectural firm,
548 Wilson & Company to review program requirements for the design of the new Senior
549 Center.
550

551 • The new facility of approximately 5,000 sq. ft. will include paved parking, exterior
552 lighting and possibly some landscaping. The building design will resemble the Carrizozo
553 Rail Depot Building.

554 • The budget for the project includes a commitment of \$400,000 from the County,
555 a legislative appropriation of \$245,000, and an application for CDBG Grant of \$500,000.
556 The CDBG Hearing for grant award was scheduled for May 10, 2013. The Manager
557 stated the project might be phased in depending on funding.

558 **NM State Board of Finance Loan/Grant:** The Manager reported corresponding with
559 Stephanie Schardin Clarke, Director of the State Board of Finance (SBOF) regarding
560 appearance before the SBOF at its June 18, 2013 meeting to request conversion of the
561 County's loan of \$254,000 to a grant. Upon approval of the loan, SBOF stipulated the
562 County must demonstrate all funds were distributed as intended or returned for the loan
563 to be converted to a grant. The Manager and staff had met with key partners including
564 the USFS, City of Alamogordo, and the Upper Hondo SWC District to identify best
565 projects for these funds. The Manager reminded funds must be expended on flood
566 mitigation projects. The pulverization of the existing asphalt on Bonito Lake Road had
567 been identified as the first priority. Potential projects in the Sierra Vista subdivision and
568 seeding projects were also discussed.
569

570 **FEMA and NMDHSEM Reimbursement:** The County received an amended Sub-
571 Grant agreement for a total award of \$1,221,810, with the Federal share being
572 \$916,358; the State share being \$152,726; and the County portion being \$152,726. The
573 Manager additionally reported Congress approved approximately \$1,385,000 which the
574 County expended during the Little Bear Fire recovery process. These funds, of which
575 75% will come from FEMA and 12.5% from the State, were anticipated to be received in
576 the near future. Once approved, the project worksheet reflecting "in-kind" match would
577 meet the "County portion" amounts.
578

579 **Microburst:** The Manager reported a Microburst hit Carrizozo on March 8 2013 which
580 took the metal roof off part of the Sheriff's complex and damaged four County vehicles.
581 NMAC will work on the insurance claim and informed the County deductible was \$1,000.
582

583 **HB60:** The Manager stated HB60 identifying capital outlay projects across the state,
584 was pending the Governor's signature. This bill includes allocations of \$1.463 million for
585 Lincoln County Projects, with \$439 directed toward the County of Lincoln.
586

587 **NM532 Curve Correction Project:** The NM DOT in cooperation with the Federal
588 Highway Administration proposes to construct three curves on Ski Run Road in Lincoln
589 County. The purpose of the curve correction project is to improve safety conditions
590 while considering the needs of local residents, forest visitors and the Mescalero Tribe.
591 Written comments are due by April 15, 2013.
592

593 **21. Water Issues/Forest/Wildlife Health Programs/Land and Natural Resources**
594 **Advisory Committee (LANRAC)**
595

596 Ms. Taylor reported as of this date one new water right notice for Lincoln County had been
597 posted to the State Engineer's web site as follows:
598

599 Enchanted Forest Water Corporation of Alto, NM - H-722-POD6 filed on February 25,
600 2013 to permit change of location of well by drilling a replacement well approximately 700 feet
601 deep and 8 inches diameter for the continued diversion of 29.0 acre feet per annum for
602 Subdivision purposes. Applicant proposes to drill replacement well within 100 feet from existing
603 well and seeks emergency authorization.
604

605 Ms. Taylor reminded the USFS had withdrawn the proposed "Southwestern Gray Wolf Recovery
606 Plan" but had announced a proposal to establish a nonessential experimental population (NEP)
607 area for the North American wolverine in southern Colorado, northern New Mexico, and
608 southern Wyoming.

609
610 There was general consensus to direct the Manager to write a letter to the USFS to inform that
611 agency Lincoln County would not support introduction of this species in Lincoln County or New
612 Mexico in general.

613
614 Ms. Taylor stated the fire danger as reported by the Fire Behavior Research Center in Missoula,
615 Montana as "high" and noted conversely the Smokey Bear Ranger District currently listed the
616 fire danger as "low" for Lincoln County. Ms. Taylor requested Joe Kenmore, OES Director
617 provide an update. Mr. Kenmore reported on recent small fires and stated there was a "burn
618 ban" in place for several days and reminded residents not to burn if there was any wind. Mr.
619 Kenmore emphasized the need for ongoing public education on fire danger and safety.

620
621 **22. Consideration and Action on Annual Certification of County Road Miles**
622 **Maintained Resolution 2012-31**

623
624 Ms. Taylor informed the purpose of the Resolution was to satisfy the State of NM statutory
625 requirement for the Board of County Commissioners to certify the total number of miles of roads
626 maintained by the County. Ms. Taylor stated the total included 700 miles of county roads and
627 100 miles located within federal forest lands.

628
629 **Motion:** Adopt Resolution 2012-31. **Action:** Approve. **Moved by** Commissioner Doth,
630 **Seconded by** Commissioner Draper.

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

632 **Yes:** Chair Powell, Commissioner Doth, Commissioner Draper, Commissioner Minter,
633 Commissioner Stone.

634
635 **SEE EXHIBIT C:** Copy of Resolution 2012-31 is attached hereto in reference thereto made a
636 part hereof.

637
638 **23. New Medical Provider #50 Online Radiology Medical Group, Inc.**

639
640 Ms. Taylor presented the new medical provider agreement in accordance with the Indigent
641 Health Care Ordinance. Scott Annala, IHC Administrator informed the request to contract had
642 been initiated last September but had been pending receipt of licensure and proper
643 documentation. Mr. Annala did not anticipate the additional provider to be a significant impact
644 on the IHC budget.

645
646 **Motion:** Approve Provider Agreement #50. **Action:** Approve. **Moved by** Commissioner
647 Minter, **Seconded by** Commissioner Doth.

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

649 **Yes:** Chair Powell, Commissioner Doth, Commissioner Draper, Commissioner Minter,
650 Commissioner Stone.

651
652 **24. Subdivision Ordinance Revisions – Ongoing Discussion**

653
654 Curt Temple, Planning Director reported on recent workshops held, by the Planning
655 Commission, to discuss potential revisions such as thinning options. Mr. Temple anticipated
656 final recommendations from the Planning Commission to be submitted at the April Regular
657 County Commission Meeting.

658

659 Commissioner Minter questioned if a grant application had been initiated to assist with creation
660 of a Land Development Ordinance. Mr. Temple stated the revisions to the current Subdivision
661 Ordinance were the priority. Mr. Temple stated submission of a grant application to the NM
662 Department Finance and Administration was also pending due to recent legislative changes.
663

664 Mr. Temple reported Rural Addressing was working on a large project in Sun Valley to rename
665 and renumber several streets. Mr. Temple stated notice of road name changes had been
666 mailed to residents for feedback on new names.
667

668 **25. Permission to Apply for Glencoe Fire NMFA Loan-2014 Water Tender International**
669 **7500 WordStar**
670

671 Ms. Taylor presented Resolution 2012-33 authorizing and approving the submission of a
672 completed application for financial assistance and project approval to the NM Finance Authority
673 for the purchase of a Glencoe-Palo Verde Fire Department Water Tender. Ms. Taylor reported
674 the Glencoe Fire Department had been awarded \$100,000 in 2013 Fire Protection Grant
675 towards the \$220,330 cost of the water tender. Ms. Taylor informed the department had
676 sufficient money in its budget to cover the additional payment and day to day operations.
677

678 **Motion:** Adopt Resolution 2012-33. **Action:** Approve, **Moved by** Commissioner Minter,
679 **Seconded by** Commissioner Doth.

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

681 **Yes:** Chair Powell, Commissioner Doth, Commissioner Draper, Commissioner Minter,
682 Commissioner Stone.
683

684 **SEE EXHIBIT D:** Copy of Resolution 2012-33 is attached hereto in reference thereto made a
685 part hereof.
686

687 **27. Budget & ICIP Preparation Procedures & Timeline Approval FY 2013-2014**
688

689 Ms. Taylor requested approval of the timeline and procedures to develop the FY 2013-2014
690 budget and ICIP. Ms. Taylor provided copies of notices to elected officials, department heads
691 and letters to external agencies outlining the budget timeline and procedures.
692

693 **Motion:** Approve procedures and timeline for FY 2013-2014 budget. **Action:** Approve.
694 **Moved by** Commissioner Minter, **Seconded by** Commissioner Doth.
695

696 Commissioner Minter requested outside entities requesting funding be required to provide goals
697 and metrics for their organization. There was a general consensus to request a simple
698 summary from each organization to include goals and statistics.
699

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

701 **Yes:** Chair Powell, Commissioner Doth, Commissioner Draper, Commissioner Minter,
702 Commissioner Stone.
703

704 **8. Authorization to Schedule Public Hearing to Consider Other Outdated or New**
705 **Lincoln County Ordinance**
706

707 Chair Powell suggested the public comment agenda item be set for 9:30 AM rather than 1:00
708 PM. There was a general consensus to make this change.
709

- 710 A. Special Meeting and Public Hearing for Preliminary Budget Fiscal Year 2013-
- 711 2014 and Infrastructure Capital Improvements Plan (ICIP) for May 3, 2013.
- 712 B. Ordinance 2005-4 Lincoln County Personnel Polices & Procedures April 16,
- 713 2013.
- 714 C. Determine if Fire Danger Emergency exists that would result in a ban on the sale
- 715 and use of certain types of fireworks.
- 716

717 Attorney Morel reminded LC Ordinance 2011-02 provided for restrictions of open burning and
 718 noted these restrictions were traditionally implemented in conjunction with any ban on fireworks.
 719 There was a general consensus to schedule a public hearing to ban fireworks for the April 5th
 720 Special Meeting.

721
 722 Commissioner Minter recalled in a previous meeting the County Attorney recommended the
 723 Resolution defining a "school bus route" be revised. There was a general consensus to place
 724 this on the agenda for the next Regular Meeting.

725
 726 **29. Consideration of Appointments and Removals from Boards/Commissioners/**
 727 **Committees:**

728
 729 A. **Tabled** – Road Review Advisory Committee

730
 731 **Motion:** Remove the item from the table. **Action:** Approve. **Moved by** Commissioner Draper,
 732 **Seconded by** Commissioner Doth.

733 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).
 734 **Yes:** Chair Powell, Commissioner Doth, Commissioner Draper, Commissioner Minter,
 735 Commissioner Stone.

736
 737 **Motion:** Table the item. **Action:** Approve. **Moved by** Commissioner Draper, **Seconded by**
 738 Commissioner Doth.

739 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).
 740 **Yes:** Chair Powell, Commissioner Doth, Commissioner Draper, Commissioner Minter,
 741 Commissioner Stone.

742
 743 B. Lincoln Historic Preservation Board

744
 745 **Motion:** Table the item. **Action:** Approve. **Moved by** Commissioner Doth, **Seconded by**
 746 Commissioner Draper.

747 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).
 748 **Yes:** Chair Powell, Commissioner Doth, Commissioner Draper, Commissioner Minter,
 749 Commissioner Stone.

750
 751 C. Planning Commission

752
 753 **Motion:** Reappoint Jenny Dorgan. **Action:** Approve. **Moved by** Commissioner Minter,
 754 **Seconded by** Commissioner Doth.

755 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).
 756 **Yes:** Chair Powell, Commissioner Doth, Commissioner Draper, Commissioner Minter,
 757 Commissioner Stone.

758
 759 D. Southeast Regional Planning Organization (SERPO)

760

761 **Motion:** Appoint Commissioner Minter as the Technical Committee member of SERPO.
762 **Action:** Approve. **Moved by** Chair Powell, **Seconded by** Commissioner Doth.
763 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).
764 **Yes:** Chair Powell, Commissioner Doth, Commissioner Draper, Commissioner Minter,
765 Commissioner Stone.

766
767 E. Emergency Program Manager
768

769 **Motion:** Appoint Joe Kenmore, Director of OES as Emergency Program Manager. **Action:**
770 Approve. **Moved by** Commissioner Stone, **Seconded by** Commissioner Draper.
771 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).
772 **Yes:** Chair Powell, Commissioner Doth, Commissioner Draper, Commissioner Minter,
773 Commissioner Stone.

774
775 **30. Executive Session Pursuant to the Open Meetings Act: Discussion of all**
776 **threatened and/or Pending Litigation Section 10-15-1, Sub-Paragraph H.(7); and**
777 **Discussion of the purchase, acquisition or disposal of real property or water**
778 **rights by the public body, Section 10-15-1, Sub-Paragraph H.(8).**
779

780 **Motion:** To close the meeting for the purposes of an Executive Session to discuss Pending
781 and/or Threatened Litigation pursuant to the Open Meetings Act, Section 10-15-1, Sub
782 Paragraph H.(7) and the purchase, acquisition or disposal of real property or water rights by the
783 public body, Section 10-15-1, Sub-Paragraph H.(8) and as follows:
784

785 New or Updated Matters since last report = *

- 786
- 787 1. *Cooper, Gale and DeBaca County News v. County of Lincoln, Sheriff of Lincoln County,*
788 *et al.* D-1329-CV-200701364. Suit filed: October 15, 2007. Verified Complaint for
789 Declaratory Judgment Ordering Production of Certain Records and Information.
 - 790 2. *Green Tree Servicing, LLC v. William T. Joiner, Lincoln County, et al.* D-1226-CV-2010-
791 394. Suit filed November 17, 2010. Complaint for Enforcement of Contract and
792 Foreclosure of Security Interest and Mortgage.
 - 793 3. *Luis Grife as Personal Representative of The Estate of Arturo Grife, Jr., and Lizeth Grife*
794 *v. County of Lincoln.* D-1226-CV-201100148. Complaint for Wrongful Death and
795 Negligence, Jury Demand.
 - 796 4. *New Mexico Ranch Sales v Mary T. Greene, LC Treasurer, et. al.* D-1226-CV-2011-
797 00226. Suit filed August 1, 2011. Complaint In Rem to Foreclosure Mortgage Upon
798 Real Property.
 - 799 5. *Michael Wheaton v Paul F. Baca, Lincoln County Assessor, et. al.* D-1226-CV- 2011-
800 00341. Suit filed October 18, 2011. Notice of Appeal of Final Order of the Lincoln
801 County Valuation Protests Board.
 - 802 6. *New Mexico Ranch Sales v Marianne Clark, LC Treasurer, et. al.* D-1226-CV-2011-
803 00409. Suit filed November 17, 2011. Complaint to Enforce and Collect Upon
804 Promissory Note and to Foreclose Mortgage Upon Real Property.
 - 805 7. *Bank of Clovis v Mona Bryant as Personal Representative of Marjorie Bryant*
806 *(deceased), Village of Ruidoso, Lincoln County, et al.* D-1226-CV-2011-00429. Suit
807 Filed February 10, 2012. Complaint for Foreclosure.
 - 808 8. *New Mexico Ranch Sales v Tammy Palombi-Cade, LC Treasurer, et. al.* D-1226-CV-
809 2012-00042. Suit filed February 13, 2012. Complaint to Enforce and Collect Upon
810 Promissory Note and to Foreclose Mortgage Upon Real Property.

- 811 9. *Coble Constructors, LLC, et al v Carl Kelley Construction Ltd. Co, et al. D-1226-CV-*
812 *2012-00003.* Suit filed January 15, 2012. Complaint to Foreclose Mechanic's Lien.
813 10. *New Mexico Ranch Sales v Perla Garcia, LC Treasurer, et. al. D-1226-CV-2012-000293.*
814 Suit filed August 6, 2012. Complaint to Enforce and Collect Upon Promissory Note and
815 to Foreclose Mortgage Upon Real Property.
816 11. *Alto Lakes Golf & Country Club, Inc. v. Barbara Fleming, and Jesus and Maria*
817 *Guardiola, et al. D-1226-CV-2011-00044.* Suit filed February 18, 2011. Complaint to
818 Foreclose Lien. Counterclaim and Crossclaim suit filed by Washington Federal Savings
819 on September 21, 2012 naming Board of Commissioners of Lincoln County and Lincoln
820 County Solid Waste Authority.
821 12. *Johnathan Warren v. Lincoln County Detention Center, Emerald Healthcare Systems, et*
822 *al. 2:12-CV-01086-CG-LAM.* Suit filed October 19, 2012. Complaint for the Recovery
823 of Damages Caused by the Deprivation of Civil Rights.
824 13. *Greentree Solid Waste Authority v. Lincoln County, et. al. D-0101-CV-2013-00104.* Suit
825 filed January 9, 2013. Petition for Declaratory Judgment; Preliminary and Permanent
826 Injunction.
827 14. ** Rio Grande-Alameda, Ltd., v Paul Baca, Lincoln County Assessor D-1226-CV-2013-*
828 *00005.* Suit filed January 9, 2013. Complaint for Refund of Taxes Paid.
829 15. ** New Mexico Ranch Sales v. Villalba, LC Treasurer, et al. D-1226-CV-2013-00046.*
830 Suit Filed February 15, 2013. Complaint to Enforce and Collect Upon Promissory Note
831 and to Foreclose Mortgage Upon Real Property.
832

833 **Tort Claims Notices Received or Threatened**

834 **2012**

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

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

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

845 **Biggs, M. Jolene** – Tort Claim Notice received from Attorney, Adam Rafkin on February
846 6, 2012, claiming liability by the County of Lincoln by failing to maintain the surface of the
847 parking lot across from the Lincoln County Courthouse in Carrizozo, NM.
848

849 **2011**

850 **Latham, Diana** – Tort Claim Notice received from Attorney, Gary C. Mitchell on October
851 27, 2011, claiming violation of the late James Latham's constitutional rights resulting from his
852 shooting death by the Lincoln County Sheriff's Department.

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

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

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

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

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

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

869
870 **Action:** Approve. **Moved by** Commissioner Doth, **Seconded by** Chair Powell.

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

872 **Yes:** Chair Powell, Commissioner Doth, Commissioner Draper, Commissioner Minter,
873 Commissioner Stone.

874
875 Chair Powell recessed the Regular Meeting and convened the Closed Session at 2:45:09 AM.

876
877 Chair Powell adjourned the Closed Session and reconvened the Regular Meeting at 3:50:13
878 PM.

879
880 Commissioner Doth attested that no action was taken during the closed session and items
881 discussed were limited to those as stated in the motion for closure.

882
883 **31. Signing of Official Documents**

884
885 **32. Next meetings:**

- 886
887 A. April 5, 2013 - Special Commission Meeting
888 B. April 16, 2013 - Regular Commission Meeting
889

890 **33. Adjournment**

891
892 There being no further business to come before the Board of County Commissioners, Chair
893 Powell adjourned the meeting at 3:51:19 PM.

894
895 Respectfully submitted by,

896
897 Rhonda B. Burrows
898 Lincoln County Clerk

COUNTY OF LINCOLN

New Mexico Special Meeting Board of County Commissioners

Jackie Powell, Chair
Preston Stone, Vice Chair

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

Minutes
Friday, April 5, 2013

Minutes of the Special Meeting of the Lincoln County Commission held at 9:00 AM on April 5, 2013 in the Physical Therapy Conference Room, Lincoln County Medical Center, 211 Sudderth Ruidoso, New Mexico.

1. Call to Order

Chair Powell called the Special Meeting of the Board of County Commissioners to order at 9:05:30 AM.

2. Roll Call

Roll Call

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

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

3. Invocation

The invocation was presented by Commissioner Stone.

4. Pledge of Allegiance

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

5. Approval of Agenda

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

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

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

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

48 **6. Bid(s)/RFP Award:**

49
50 Bid 12-13-005 Operation of the Lincoln County Detention Center

51
52 Ms. Taylor informed responses for RFP Number 12-13-005 were due on March 29, 2013. Ms.
53 Taylor stated one bid was received from the current operator, Emerald Correctional
54 Management, LLC.

55
56 Ms. Taylor reported Emerald's bid for compensation for the operation, management and
57 maintenance of the facility per inmate per day to be: \$54.69 for Year 1; \$55.78 for Year 2;
58 \$56.89 for Year 3; and \$58.08 for Year 4. Ms. Taylor estimated based on an average of 126
59 inmates per day a cost of \$2,515,193. Ms. Taylor reported revenues to offset expenses
60 included \$453,000 from the Bureau of Indian Affairs; \$630,000 from the US Marshal, and
61 \$10,000 from County municipalities.

62
63 Ms. Taylor stated once the bid was awarded a final contract would be reviewed by herself and
64 the County Attorney to be submitted for approval at the next Regular Meeting.

65
66 **Motion:** Award Bid 12-13-005 to Emerald Correctional Management, LLC. **Action:** Approve.
67 **Moved by** Commissioner Doth, **Seconded by** Commissioner Minter.

68
69 Attorney Morel stated once the new contract was drafted he would forward it to Emerald
70 Correctional Management, DFA, and the Attorney General for the required reviews.

71
72 Commissioner Minter questioned the funding sources for Detention Center operations. Glenna
73 Robbins, Treasurer discussed how income received from various agencies partially offset
74 expenditures. Ms. Robbins further informed excess revenues from the Detention Center
75 construction debt service in the amount of \$319,893 and \$1,643,814 from the General Fund
76 were budgeted in the current fiscal year.

77
78 Commissioner Draper questioned if there were any needs at the facility for capital improvement
79 projects. Warden Anderson stated there were no requests for improvements for the upcoming
80 year.

81
82 **Vote:** Motion carried by unanimous vote (summary: Yes = 5).
83 **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth,
84 Commissioner Draper.

85
86 **7. Consideration of Alternative Funding for Purchase of Water Tender for Glencoe**
87 **Volunteer Fire Department**

88
89 Ms. Taylor reminded of approval during the March Regular Meeting for Glencoe-Palo Verde to
90 seek a \$50,000 loan from the NM Finance Authority to partially fund purchase of a Water
91 Tender. Ms. Taylor stated based on information from the NMFA Lending Officer, Glencoe-Palo
92 Verde did not have sufficient borrowing capacity at this time to cover the \$50,000 loan request.
93 Ms. Taylor stated other funding must be obtained prior to May 1, 2013 to secure the Fire
94 Protection Grant of \$100,000 which the department received towards the purchase price of
95 \$220,330. Ms. Taylor informed a second option to delay the purchase to allow a build-up of
96 funds would result in a loss of the Fire Protection Grant. Ms. Taylor recommended the County
97 provide the \$50,000 up front with an expectation of repayment from the Glencoe Palo Verde
98 Fire Department over a one to three year time frame.

99
100 **Motion:** Approve a \$50,000 loan to the Glencoe-Palo Verde Fire Department. **Action:**
101 Approve. **Moved** by Commissioner Doth, **Seconded** by Commissioner Draper.

102
103 Ms. Taylor clarified the intent to make the loan without interest.

104
105 Commissioner Minter questioned the ability of the department to repay the loan and whether the
106 State Fire Marshall would approve this financial arrangement. There was a general discussion
107 of the potential income received when the unit was requested out of district. Glenna Robbins,
108 Treasurer discussed the Department's current financial status. Ms. Robbins noted the income
109 generated from such a unit was fairly significant and anticipated the department's fund balance
110 would continue to increase. Joe Kenmore, OES Director stated the State Fire Marshall was
111 aware of the potential loan and was anxious to proceed in order to capture the Fire Protection
112 Grant.

113
114 Commissioner Doth questioned the timeline to receive the unit. Mr. Kenmore anticipated the
115 truck would be on site in August of 2013.

116
117 Commissioner Stone questioned if the current truck would work until the new one was received.
118 Mr. Kenmore informed the old truck had been decommissioned by the State as unsafe and had
119 already been sold.

120
121 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).
122 **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth,
123 Commissioner Draper.

124
125 **8. Executive Session Pursuant to the Open Meetings Act: Discussion of all**
126 **Threatened and/or Pending Litigation Section 10-15-1, Sub-Paragraph H.(7); and**
127 **Discussion of the purchase, acquisition or disposal of real property or water**
128 **rights by the public body, Section 10-15-1, Sub-Paragraph H.(8).**

129
130 New or Updated Matters since last report = *

- 131
132 1. Cooper, Gale and DeBaca County News v. County of Lincoln, Sheriff of Lincoln County,
133 et al. D-1329-CV-200701364. Suit filed: October 15, 2007. Verified Complaint for
134 Declaratory Judgment Ordering Production of Certain Records and Information.
135 2. Green Tree Servicing, LLC v. William T. Joiner, Lincoln County, et. al. D-1226-CV-2010-
136 394. Suit filed November 17, 2010. Complaint for Enforcement of Contract and
137 Foreclosure of Security Interest and Mortgage.
138 3. Luis Grife as Personal Representative of The Estate of Arturo Grife, Jr., and Lizeth Grife
139 v. County of Lincoln. D-1226-CV-201100148. Complaint for Wrongful Death and
140 Negligence, Jury Demand.
141 4. New Mexico Ranch Sales v Mary T. Greene, LC Treasurer, et. al. D-1226-CV-2011-
142 00226. Suit filed August 1, 2011. Complaint In Rem to Foreclosure Mortgage Upon
143 Real Property.
144 5. Michael Wheaton v Paul F. Baca, Lincoln County Assessor, et. al. D-1226-CV- 2011-
145 00341. Suit filed October 18, 2011. Notice of Appeal of Final Order of the Lincoln
146 County Valuation Protests Board.
147 6. New Mexico Ranch Sales v Marianne Clark, LC Treasurer, et. al. D-1226-CV-2011-
148 00409. Suit filed November 17, 2011. Complaint to Enforce and Collect Upon
149 Promissory Note and to Foreclose Mortgage Upon Real Property.

- 150 7. Bank of Clovis v Mona Bryant as Personal Representative of Marjorie Bryant
151 (deceased), Village of Ruidoso, Lincoln County, et al. D-1226-CV-2011-00429. Suit
152 Filed February 10, 2012. Complaint for Foreclosure.
- 153 8. New Mexico Ranch Sales v Tammy Palombi-Cade, LC Treasurer, et. al. D-1226-CV-
154 2012-00042. Suit filed February 13, 2012. Complaint to Enforce and Collect Upon
155 Promissory Note and to Foreclose Mortgage Upon Real Property.
- 156 9. Coble Constructors, LLC, et al v Carl Kelley Construction Ltd. Co, et al. D-1226-CV-
157 2012-00003. Suit filed January 15, 2012. Complaint to Foreclose Mechanic's Lien.
- 158 10. Alto Lakes Golf & Country Club, Inc. v. Barbara Fleming, and Jesus and Maria Guardiola,
159 et al. D1226-CV-2011-00044. Suit filed February 18, 2011. Complaint to Foreclose
160 Lien. Counterclaim and Crossclaim suit filed by Washington Federal Savings on
161 September 21, 2012 naming Board of Commissioners of Lincoln County and Lincoln
162 County Solid Waste Authority.
- 163 11. Johnathan Warren v. Lincoln County Detention Center, Emerald Healthcare Systems, et
164 al. 2:12-CV-01086-CG-LAM. Suit filed October 19, 2012. Complaint for the Recovery
165 of Damages Caused by the Deprivation of Civil Rights.
- 166 12. Greentree Solid Waste Authority v. Lincoln County, et. al. D-0101-CV-2013-00104. Suit
167 filed January 9, 2013. Petition for Declaratory Judgment; Preliminary and Permanent
168 Injunction.
- 169 13. Rio Grande-Alameda, Ltd., v Paul Baca, Lincoln County Assessor D-1226-CV-2013-
170 00005. Suit filed January 9, 2013. Complaint for Refund of Taxes Paid.
- 171 14. New Mexico Ranch Sales v. Villalba, LC Treasurer, et al. D-1226-CV-2013-00046. Suit
172 Filed February 15, 2013. Complaint to Enforce and Collect Upon Promissory Note and
173 to Foreclose Mortgage Upon Real Property.

Tort Claims Notices Received or Threatened

2012

175
176
177
178
179 Cathy and Steve Altstatt – Telephone conference with Cathy Altstatt on April 19, 2012
180 concerning their unbuildable and unsellable Deer Park Valley lot due to lot size, septic tank set
181 back requirements, and an easement granted to Alto Lakes Water & Sanitation District for a
182 water well.

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

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

188 Biggs, M. Jolene – Tort Claim Notice received from Attorney, Adam Rafkin on February
189 6, 2012, claiming liability by the County of Lincoln by failing to maintain the surface of the
190 parking lot across from the Lincoln County Courthouse in Carrizozo, NM.

2011

191
192
193
194 Latham, Diana – Tort Claim Notice received from Attorney, Gary C. Mitchell on October
195 27, 2011, claiming violation of the late James Latham's constitutional rights resulting from his
196 shooting death by the Lincoln County Sheriff's Department.

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

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

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

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

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

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

213
214 **Action:** Approve. **Moved** by Commissioner Stone, **Seconded** by Commissioner Minter.

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

216 **Yes:** Chair Powell, Commissioner Doth, Commissioner
217 Draper, Commissioner Minter, Commissioner Stone.

218
219 Chair Powell recessed the Regular Meeting and convened the Closed Session at 9:31:00 AM.

220
221 Chair Powell adjourned the Closed Session and reconvened the Regular Meeting at 10:00:02
222 AM.

223
224 Commissioner Doth attested that no action was taken during the closed session and items
225 discussed were limited to those as stated in the motion for closure.

226
227 **9. Next Regular Meeting**

228
229 Tuesday, April 16, 2013

230
231 **10. Adjournment**

232
233 There being no further business to come before the Board of County Commissioners, Chair
234 Powell adjourned the meeting at 10:01:40 AM.

235
236 Respectfully submitted by,

237
238 Rhonda B. Burrows
239 Lincoln County Clerk

AGENDA DOCUMENTATION
April 16, 2013

Agenda Item No. 7

SUBJECT

Approval of Consent Agenda

ACTION REQUESTED BY

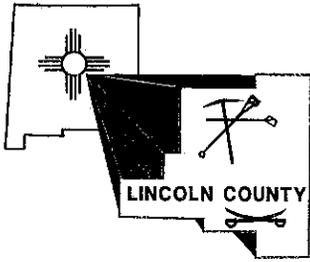
County Manager

ACTION REQUESTED

To be determined

BACKGROUND

- A. Payroll/Accounts Payable/Budget/Expenditures
- B. Treasurer's Financial Report for the Month ending March 31, 2013
- C. 2014 Fire Fund Distribution Applications
- D. Road Name Changes/Correction
- E. Mill Levy for Carrizozo Soil & Water Conservation District



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 March 1 through March 31, 2013 in the amount of \$ 1,552,610.97.

NOW, THEREFORE, the above bills are hereby approved.

ADOPTED, PASSED AND SIGNED the 16th day of April, 2013.

BOARD OF COMMISSIONERS LINCOLN COUNTY, NEW MEXICO

Jackie M Powell, Chairwoman

Preston Stone , Vice-Chair

Kathryn Minter, Member

Dallas Draper, Member

Mark Doth, Member

ATTEST:

Rhonda B Burrows, County Clerk

County Manager's Fax
(505) 648-4182

Finance/Purchasing Fax
(505) 648-2381

Planning/GIS Fax
(505) 648-2816

NEW MEXICO PUBLIC REGULATION COMMISSION

COMMISSIONERS

DISTRICT 1 KAREN MONTOYA
DISTRICT 2 PATRICK H. LYONS
DISTRICT 3 VALERIE ESPINOZA, VICE CHAIR
DISTRICT 4 THERESA BECENTI-AGUILAR
DISTRICT 5 BEN L. HALL, CHAIRMAN

CHIEF OF STAFF

Johnny Montoya



P.O. Box 1269
1120 Paseo de Peralta
Santa Fe, NM 87504-1269

STATE FIRE MARSHAL DIVISION

Room 413
800-244-6702 (In-state only)
(505) 476-0066
Fax : (505) 476-0100

NEW MEXICO STATE FIRE MARSHAL'S OFFICE FISCAL YEAR 2014 COUNTY FIRE PROTECTION FUND DISTRIBUTION

This application is required to participate in the distribution of the Fire Protection Fund for the 2014 fiscal year. The application is due in the State Fire Marshal's Office on or before April 30, 2013.

FIRE DEPARTMENT White Oaks COUNTY: Lincoln

FIRE DEPARTMENT ADDRESS: 142 Patos Road, White Oaks, NM 88301

ISO CLASSIFICATION: 9

Approved number of Sub Stations is 0

0 Sub-Stations

Approved number of Main Stations is 1

Same As Above

If you contend the above ISO Class or station information is incorrect, please attach a list of your claim of main and substations and sign here: _____

The projected minimum amount for fire fund distribution, based on the above information, is \$39,058. This does not include any additional amounts that may be calculated from growth in the fund.

An official written request for authorization to rollover and accumulate Fire Protection Fund monies shall be submitted to this Office no later than August 30, 2013. The request shall identify the intended purpose and exact amount of money to be carried over into the FY 2014 balance.

For the purpose of this Application, list the anticipated amount and intended purpose your department will rollover from FY'13 to FY'14. \$

\$39,652 -- TO PURCHASE NEW PUMPER/TENDER TO REPLACE 1982 ENGINE

*Provide current balance of the fire department's total Fire Protection Fund account to date: \$ 65,049.00

APRIL 5, 2013

The Fire Service Support Bureau of the State Fire Marshal's Office continues to strive toward achieving 100% compliance with the monthly reporting requirements as established in Article 59A-52 the "Fire Marshal Act," Article 59A-53 "The Fire Protection Fund" and NMSA 10-25-10 "The Fire Protection Fund."

State Law, NMSA 10-25-10, requires all fire departments participating in the distribution of the Fire Protection Fund submit a detailed fire report of the departments activity on or before the 10th of each month for the previous months activity.

RECEIVED

MAR 25 2013

ADMINISTRATION
LINCOLN COUNTY NM

The Fire Service Support Bureau reviews all reporting activity on a monthly basis to determine compliance with the reporting requirement. When this Office determines that your fire department is out of compliance, the Fire Chief will be notified of the department's status, if your fire department fails to achieve compliance a letter identifying restrictions on the use of the Fire Protection Funds will be forwarded to the head of local government:

This Office will continue to offer technical support and training on the proper uses of the NFIRS program. If you are having issues with the system or require training you may submit your request via e-mail at vernon.muller@state.nm.us and carrie.deaguero@state.nm.us or you may contact Carrie Ann DeAgüero at 505.476.0174.

Please provide updated contact information for a minimum of two primary users of the NFIRS program for your department. (Please print legible)

Name:	Email:	Phone:
1. CURT Kenagy	CURTken@TULAROSA.NET	575 648 2195
2. ROBERT CRANSTON	margiecranston@Tularosa.NET	575 648 9920

The information contained in this application is true and correct to the best of our knowledge. It may be used to verify legal requirements and is subject to audit.

Signed and submitted on this _____ day of _____ 2013.

_____/S_____

Printed Name

Signature of Chairman, Board of County Commission

_____/S_____

Printed Name

Signature of County Fire Chief or Fire Marshal

PARTNERSHIP AGREEMENT BETWEEN THE PUBLIC REGULATION COMMISSION'S
STATE FIRE MARSHAL DIVISION
AND
MUNICIPAL AND COUNTY FIRE DEPARTMENTS

PURPOSE: To allow fire departments the opportunity to provide various aspects of fire prevention and protection by conducting and/or assisting the State Fire Marshal Division with fire code inspections and origin and cause investigations, when deemed beneficial to both parties.

SCOPE: The State Fire Marshal and staff are authorized to make investigation of any fire or explosion within in the state, and the Fire Marshal may also appoint designated persons for these tasks (59A-52-10). The Fire Marshal shall adopt rules and regulations (fire codes) for prevention and control of fires (59A-52-15) and may use an authorized officer or designated agent to enforce these provisions (59A-52-19). The Fire Marshal is authorized to cooperate with agencies in this state (59A-52-5). Therefore, this agreement is implemented to activate the above provisions, as indicated below.

METHODOLOGY: The Fire Department shall assume the responsibility for conducting the indicated activities in a timely manner, document and store the appropriate records and provide information of such activities as required by the State Fire Marshal Division. The Fire Department shall conduct such activities following current accepted procedures and in adherence to state codes and/or rules. Activities may be documented on forms used by the Fire Department.

COOPERATIVE DISCLAIMER: This agreement does not prohibit the Fire Department or the State Fire Marshal Division from requesting assistance from each other during any fire code enforcement inspection or origin and cause investigation. The State Fire Marshal Division reserves the right to conduct any inspection or investigation throughout the state as per Article 52.

1. The Fire Department accepts responsibility for the following fire investigation activities:

None

Secure and restrict access to fire scenes until the arrival of a State Fire Investigator.

Conduct all origin and cause investigations within the department's jurisdiction.

Conduct origin and cause investigations, collect evidence, interview witnesses, work with local fire/law enforcement officials and the district attorney for full prosecution.

When writing on this document please print or write clearly.

Detail:

Notes:

2. The Fire Department accepts the responsibility for the following code enforcement activities.

None

Conduct all fire code inspections within the department's jurisdiction

Conduct acceptance testing of fire suppression and detection systems
Provide training for personal performing plans review, code inspections and acceptance testing, Certificate copy not required.

Except:

State Properties

Public/Charter Schools

Universities and Colleges

Other: _____

SCHOOLS: A report of schools name, address and date of inspection will be required to be sent into the New Mexico State Fire Marshal's Code Enforcement Bureau with-in 30 days of the school inspection, all inspections done maybe on one document not every report needs to be sent in unless requested.

Detail:

Notes:

Name of Fire Department: WHITE OAKS VFD

Name of County or City: LINCOLN

Adopted Fire Code and year if any: _____

Robert Cranston

Signature of Fire Chief

Date

Signature of Administrator

Date

State Fire Marshal

Date

NEW MEXICO PUBLIC REGULATION COMMISSION

COMMISSIONERS

DISTRICT 1 KAREN MONTOYA
DISTRICT 2 PATRICK H. LYONS
DISTRICT 3 VALERIE ESPINOZA, VICE CHAIR
DISTRICT 4 THERESA BECENTI-AGUILAR
DISTRICT 5 BEN L. HALL, CHAIRMAN

CHIEF OF STAFF

Johnny Montoya



P.O. Box 1269
1120 Paseo de Peralta
Santa Fe, NM 87504-1269

STATE FIRE MARSHAL DIVISION

Room 413
800-244-6702 (In-state only)
(505) 476-0066
Fax : (505) 476-0100

NEW MEXICO STATE FIRE MARSHAL'S OFFICE FISCAL YEAR 2014 COUNTY FIRE PROTECTION FUND DISTRIBUTION

This application is required to participate in the distribution of the Fire Protection Fund for the 2014 fiscal year. The application is due in the State Fire Marshal's Office **on or before April 30, 2013.**

FIRE DEPARTMENT **Bonito** COUNTY: **Lincoln**

FIRE DEPARTMENT ADDRESS: **P.O. Box 135, Alto, NM 88312**

ISO CLASSIFICATION: **8**

Approved number of Sub Stations is 0

0 Sub Stations

Approved number of Main Stations is 3

Sun Valley Station	106 Sun Valley Rd.	NM
Station #3	#1 Copper Ridge Rd.	NM
Sonterra Station	Hwy 2201 Airport Rd.	NM

If you contend the above ISO Class or station information is incorrect, please attach a list of your claim of main and substations and sign here: _____

The projected minimum amount for fire fund distribution, based on the above information, is **\$157,254**. This does not include any additional amounts that may be calculated from growth in the fund.

An official written request for authorization to rollover and accumulate Fire Protection Fund monies shall be submitted to this Office no later than August 30, 2013. The request shall identify the intended purpose and exact amount of money to be carried over into the FY 2014 balance.

For the purpose of this Application, list the anticipated amount and intended purpose your department will rollover from FY'13 to FY'14. \$

\$85,000 TO BE USED TO REPLACE 22 YEAR OLD TANKER

*Provide current balance of the fire department's total Fire Protection Fund account to date: **\$162,282**.

The Fire Service Support Bureau of the State Fire Marshal's Office continues to strive toward achieving 100% compliance with the monthly reporting requirements as established in Article 59A-52 the "Fire Marshal Act," Article 59A-53 "The Fire Protection Fund" and NMSA 10-25-10 "The Fire Protection Fund."

State Law, NMSA 10-25-10, requires all fire departments participating in the distribution of the Fire Protection Fund submit a detailed fire report of the departments activity on or before the 10th of each month for the previous months activity.

RECEIVED

MAR 25 2013

ADMINISTRATION
LINCOLN COUNTY NM

PRC

Working for You!

The Fire Service Support Bureau reviews all reporting activity on a monthly basis to determine compliance with the reporting requirement. When this Office determines that your fire department is out of compliance, the Fire Chief will be notified of the department's status, if your fire department fails to achieve compliance a letter identifying restrictions on the use of the Fire Protection Funds will be forwarded to the head of local government.

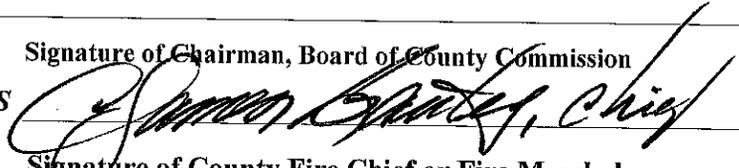
This Office will continue to offer technical support and training on the proper uses of the NFIRS program. If you are having issues with the system or require training you may submit your request via e-mail at vernon.muller@state.nm.us and carrie.deaguero@state.nm.us or you may contact Carrie Ann DeAgüero at 505.476.0174.

Please provide updated contact information for a minimum of two primary users of the NFIRS program for your department. (Please print legible)

Name: **DAVID SEPKOWITZ** Email: **david.a.sepkowitz@usps.gov** Phone: **575-808-0769**
1. **CARL BARTLEY** **cbartley@citybanknewmexico.com** **575-937-3565**
2.

The information contained in this application is true and correct to the best of our knowledge. It may be used to verify legal requirements and is subject to audit.

Signed and submitted on this _____ day of _____ 2013.

_____/S
Printed Name **CARL BARTLEY** Signature of Chairman, Board of County Commission
_____/S  Signature of County Fire Chief or Fire Marshal

PARTNERSHIP AGREEMENT BETWEEN THE PUBLIC REGULATION COMMISSION'S
STATE FIRE MARSHAL DIVISION
AND
MUNICIPAL AND COUNTY FIRE DEPARTMENTS

PURPOSE: To allow fire departments the opportunity to provide various aspects of fire prevention and protection by conducting and/or assisting the State Fire Marshal Division with fire code inspections and origin and cause investigations, when deemed beneficial to both parties.

SCOPE: The State Fire Marshal and staff are authorized to make investigation of any fire or explosion within in the state, and the Fire Marshal may also appoint designated persons for these tasks (59A-52-10). The Fire Marshal shall adopt rules and regulations (fire codes) for prevention and control of fires (59A-52-15) and may use an authorized officer or designated agent to enforce these provisions (59A-52-19). The Fire Marshal is authorized to cooperate with agencies in this state (59A-52-5). Therefore, this agreement is implemented to activate the above provisions, as indicated below.

METHODOLOGY: The Fire Department shall assume the responsibility for conducting the indicated activities in a timely manner, document and store the appropriate records and provide information of such activities as required by the State Fire Marshal Division. The Fire Department shall conduct such activities following current accepted procedures and in adherence to state codes and/or rules. Activities may be documented on forms used by the Fire Department.

COOPERATIVE DISCLAIMER: This agreement does not prohibit the Fire Department or the State Fire Marshal Division from requesting assistance from each other during any fire code enforcement inspection or origin and cause investigation. The State Fire Marshal Division reserves the right to conduct any inspection or investigation throughout the state as per Article 52.

1. The Fire Department accepts responsibility for the following fire investigation activities:

None

Secure and restrict access to fire scenes until the arrival of a State Fire Investigator.

Conduct all origin and cause investigations within the department's jurisdiction.

Conduct origin and cause investigations, collect evidence, interview witnesses, work with local fire/law enforcement officials and the district attorney for full prosecution.

When writing on this document please print or write clearly.

Detail:

Notes:

2. The Fire Department accepts the responsibility for the following code enforcement activities.

None

Conduct all fire code inspections within the department's jurisdiction

Conduct acceptance testing of fire suppression and detection systems

Provide training for personal performing plans review, code inspections and acceptance testing. Certificate copy not required.

Except:

State Properties

Public/Charter Schools

Universities and Colleges

Other: _____

SCHOOLS: A report of schools name, address and date of inspection will be required to be sent into the New Mexico State Fire Marshal's Code Enforcement Bureau with-in 30 days of the school inspection, all inspections done maybe on one document not every report needs to be sent in unless requested.

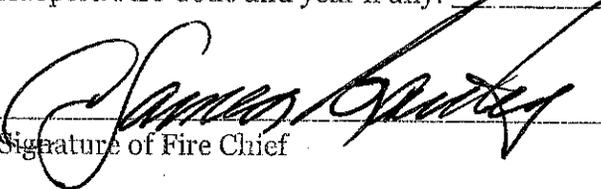
Detail:

Notes:

Name of Fire Department: BONITO FIRE DEPARTMENT

Name of County or City: LINCOLN COUNTY

Adopted Fire Code and year if any: _____


Signature of Fire Chief

04/08/13
Date

Signature of Administrator

Date

State Fire Marshal

Date

NEW MEXICO PUBLIC REGULATION COMMISSION

COMMISSIONERS

DISTRICT 1 KAREN MONTOYA
DISTRICT 2 PATRICK H. LYONS
DISTRICT 3 VALERIE ESPINOZA, VICE CHAIR
DISTRICT 4 THERESA BECENTI-AGUILAR
DISTRICT 5 BEN L. HALL, CHAIRMAN

CHIEF OF STAFF

Johnny Montoya



MAR 25 2013

ADMINISTRATION
LINCOLN COUNTY NM

P.O. Box 1269
1120 Paseo de Peralta
Santa Fe, NM 87504-1269

STATE FIRE MARSHAL DIVISION

Room 413
800-244-6702 (In-state only)
(505) 476-0066
Fax : (505) 476-0100

NEW MEXICO STATE FIRE MARSHAL'S OFFICE

FISCAL YEAR 2014 COUNTY ADMINISTRATIVE FIRE PROTECTION FUND DISTRIBUTION

This application is required to participate in the distribution of the Fire Protection Fund for the 2014 fiscal year. The application is due in the State Fire Marshal's Office on or before April 30, 2013.

NAME OF COUNTY: Lincoln

ADDRESS OF APPROVED FIRE ADMINISTRATION BUILDING:

105 Kansas City Rd., Ruidoso, NM 88345

ISO FUNDING CLASSIFICATION: 8

If you contend the above ISO Funding Classification is incorrect, please attach your claim and sign here:
X

The projected minimum amount for fire fund distribution, based on the above information, is \$52,418. This does not include any additional amounts that may be calculated from growth in the fund.

An official written request for authorization to rollover and accumulate Fire Protection Fund monies shall be submitted to this Office no later than August 30, 2013. The request shall identify the intended purpose and exact amount of money to be carried over into the FY 2014 balance.

For the purpose of this Application, list the anticipated amount and intended purpose your department will rollover from FY'13 to FY'14. \$ 23,000

*Provide current balance of the fire department's total Fire Protection Fund account to date: \$ 33064.50

The Fire Service Support Bureau of the State Fire Marshal's Office continues to strive toward achieving 100% compliance with the monthly reporting requirements as established in Article 59A-52 the "Fire Marshal Act," Article 59A-53 "The Fire Protection Fund" and NMSA 10-25-10 "The Fire Protection Fund."

State Law, NMSA 10-25-10, requires all fire departments participating in the distribution of the Fire Protection Fund submit a detailed fire report of the departments activity on or before the 10th of each month for the previous months activity.

The Fire Service Support Bureau reviews activity on a monthly basis to determine compliance with the reporting requirement. When this Office determines that fire departments in your County are out of compliance, your Office and the Fire Chief will be notified of the department's status, if the fire departments in your County fail to achieve compliance a letter identifying restrictions on the use of the Fire Protection Funds will be forwarded to the head of local government.

This Office will continue to offer technical support and training on the proper uses of the NFIRS program. If you are having issues with the system or require training you may submit your request via e-mail at vernon.muller@state.nm.us and carrie.deaguero@state.nm.us or you may contact Carrie Ann DeAgüero at 505.476.0174.

Please insure that all certified Fire Departments in your County have properly provided two primary NFIRS users, along with contact information, as required on each fire departments Fire Protection Fund application.

The information contained in this application is true and correct to the best of our knowledge. It may be used to verify legal requirements and is subject to audit.

Signed and submitted on this 8 day of April, 2013

Printed Name	_____ /S
Joe Kenmore	Signature of Chairman, Board of County Commission
Printed Name	_____ /S
	Signature of Fire Chief

PARTNERSHIP AGREEMENT BETWEEN THE PUBLIC REGULATION COMMISSION'S
STATE FIRE MARSHAL DIVISION
AND
MUNICIPAL AND COUNTY FIRE DEPARTMENTS

PURPOSE: To allow fire departments the opportunity to provide various aspects of fire prevention and protection by conducting and/or assisting the State Fire Marshal Division with fire code inspections and origin and cause investigations, when deemed beneficial to both parties.

SCOPE: The State Fire Marshal and staff are authorized to make investigation of any fire or explosion within in the state, and the Fire Marshal may also appoint designated persons for these tasks (59A-52-10). The Fire Marshal shall adopt rules and regulations (fire codes) for prevention and control of fires (59A-52-15) and may use an authorized officer or designated agent to enforce these provisions (59A-52-19). The Fire Marshal is authorized to cooperate with agencies in this state (59A-52-5). Therefore, this agreement is implemented to activate the above provisions, as indicated below.

METHODOLOGY: The Fire Department shall assume the responsibility for conducting the indicated activities in a timely manner, document and store the appropriate records and provide information of such activities as required by the State Fire Marshal Division. The Fire Department shall conduct such activities following current accepted procedures and in adherence to state codes and/or rules. Activities may be documented on forms used by the Fire Department.

COOPERATIVE DISCLAIMER: This agreement does not prohibit the Fire Department or the State Fire Marshal Division from requesting assistance from each other during any fire code enforcement inspection or origin and cause investigation. The State Fire Marshal Division reserves the right to conduct any inspection or investigation throughout the state as per Article 52.

1. The Fire Department accepts responsibility for the following fire investigation activities:

None

Secure and restrict access to fire scenes until the arrival of a State Fire Investigator.

Conduct all origin and cause investigations within the department's jurisdiction.

Conduct origin and cause investigations, collect evidence, interview witnesses, work with local fire/law enforcement officials and the district attorney for full prosecution.

When writing on this document please print or write clearly.

Detail:

Notes:

2. The Fire Department accepts the responsibility for the following code enforcement activities.

None

Conduct all fire code inspections within the department's jurisdiction

Conduct acceptance testing of fire suppression and detection systems

Provide training for personal performing plans review, code inspections and acceptance testing. Certificate copy not required.

Except:

State Properties

Public/Charter Schools

Universities and Colleges

Other: _____

SCHOOLS: A report of schools name, address and date of inspection will be required to be sent into the New Mexico State Fire Marshal's Code Enforcement Bureau with-in 30 days of the school inspection, all inspections done maybe on one document not every report needs to be sent in unless requested.

Detail:

Notes:

Name of Fire Department: LINCOLN County Fire Admin

Name of County or City: LINCOLN County

Adopted Fire Code and year if any: _____

Joe Keumore
Signature of Fire Chief

4-8-13
Date

Signature of Administrator

Date

State Fire Marshal

Date

NEW MEXICO PUBLIC REGULATION COMMISSION

COMMISSIONERS

DISTRICT 1 KAREN MONTOYA
DISTRICT 2 PATRICK H. LYONS
DISTRICT 3 VALERIE ESPINOZA, VICE CHAIR
DISTRICT 4 THERESA BECENTI-AGUILAR
DISTRICT 5 BEN L. HALL, CHAIRMAN

CHIEF OF STAFF

Johnny Montoya



P.O. Box 1269
1120 Paseo de Peralta
Santa Fe, NM 87504-1269

STATE FIRE MARSHAL DIVISION

Room 413
800-244-6702 (In-state only)
(505) 476-0066
Fax : (505) 476-0100

NEW MEXICO STATE FIRE MARSHAL'S OFFICE FISCAL YEAR 2014 COUNTY FIRE PROTECTION FUND DISTRIBUTION

This application is required to participate in the distribution of the Fire Protection Fund for the 2014 fiscal year. The application is due in the State Fire Marshal's Office on or before April 30, 2013.

FIRE DEPARTMENT Hondo Valley COUNTY: Lincoln

FIRE DEPARTMENT ADDRESS: P. O. Box 244, Tinnie, NM 88351

ISO CLASSIFICATION: 8

Approved number of Sub Stations is 1

Sub-Station Mile Marker 292.7 Hwy 3

Approved number of Main Stations is 1

Same As Above

If you contend the above ISO Class or station information is incorrect, please attach a list of your claim of main and substations and sign here: _____

The projected minimum amount for fire fund distribution, based on the above information, is \$70,920. This does not include any additional amounts that may be calculated from growth in the fund.

An official written request for authorization to rollover and accumulate Fire Protection Fund monies shall be submitted to this Office no later than August 30, 2013. The request shall identify the intended purpose and exact amount of money to be carried over into the FY 2014 balance.

For the purpose of this Application, list the anticipated amount and intended purpose your department will rollover from FY'13 to FY'14. \$ _____

Class A Engine

*Provide current balance of the fire department's total Fire Protection Fund account to date: \$ 119,200

The Fire Service Support Bureau of the State Fire Marshal's Office continues to strive toward achieving 100% compliance with the monthly reporting requirements as established in Article 59A-52 the "Fire Marshal Act," Article 59A-53 "The Fire Protection Fund" and NMSA 10-25-10 "The Fire Protection Fund."

State Law, NMSA 10-25-10, requires all fire departments participating in the distribution of the Fire Protection Fund submit a detailed fire report of the departments activity on or before the 10th of each month for the previous months activity.

RECEIVED

MAR 25 2013

RECEIVED

ADMINISTRATION
LINCOLN COUNTY NM

APR 03 2013

ADMINISTRATION
LINCOLN COUNTY NM **PRC**
Working for You!

The Fire Service Support Bureau reviews all reporting activity on a monthly basis to determine compliance with the reporting requirement. When this Office determines that your fire department is out of compliance, the Fire Chief will be notified of the department's status, if your fire department fails to achieve compliance a letter identifying restrictions on the use of the Fire Protection Funds will be forwarded to the head of local government.

This Office will continue to offer technical support and training on the proper uses of the NFIRS program. If you are having issues with the system or require training you may submit your request via e-mail at vernon.muller@state.nm.us and carrie.deaguero@state.nm.us or you may contact Carrie Ann DeAgüero at 505.476.0174.

Please provide updated contact information for a minimum of two primary users of the NFIRS program for your department. (Please print legible)

<i>Name:</i>	<i>Email:</i>	<i>Phone:</i>
1. Andrew F Coleman	afgcoleman@yahoo.com	575-973-3603
2. Aaron Groewahn	mustang409silver@yahoo.com	875-937-7439

The information contained in this application is true and correct to the best of our knowledge. It may be used to verify legal requirements and is subject to audit.

Signed and submitted on this _____ day of _____ 2013.

/S

Printed Name

Signature of Chairman, Board of County Commission

Andrew F Coleman

/S Andrew F Coleman

Printed Name

Signature of County Fire Chief or Fire Marshal

PARTNERSHIP AGREEMENT BETWEEN THE PUBLIC REGULATION COMMISSION'S
STATE FIRE MARSHAL DIVISION
AND
MUNICIPAL AND COUNTY FIRE DEPARTMENTS

PURPOSE: To allow fire departments the opportunity to provide various aspects of fire prevention and protection by conducting and/or assisting the State Fire Marshal Division with fire code inspections and origin and cause investigations, when deemed beneficial to both parties.

SCOPE: The State Fire Marshal and staff are authorized to make investigation of any fire or explosion within in the state, and the Fire Marshal may also appoint designated persons for these tasks (59A-52-10). The Fire Marshal shall adopt rules and regulations (fire codes) for prevention and control of fires (59A-52-15) and may use an authorized officer or designated agent to enforce these provisions (59A-52-19). The Fire Marshal is authorized to cooperate with agencies in this state (59A-52-5). Therefore, this agreement is implemented to activate the above provisions, as indicated below.

METHODOLOGY: The Fire Department shall assume the responsibility for conducting the indicated activities in a timely manner, document and store the appropriate records and provide information of such activities as required by the State Fire Marshal Division. The Fire Department shall conduct such activities following current accepted procedures and in adherence to state codes and/or rules. Activities may be documented on forms used by the Fire Department.

COOPERATIVE DISCLAIMER: This agreement does not prohibit the Fire Department or the State Fire Marshal Division from requesting assistance from each other during any fire code enforcement inspection or origin and cause investigation. The State Fire Marshal Division reserves the right to conduct any inspection or investigation throughout the state as per Article 52.

1. The Fire Department accepts responsibility for the following fire investigation activities:

None

Secure and restrict access to fire scenes until the arrival of a State Fire Investigator.

Conduct all origin and cause investigations within the department's jurisdiction.

Conduct origin and cause investigations, collect evidence, interview witnesses, work with local fire/law enforcement officials and the district attorney for full prosecution.

When writing on this document please print or write clearly.

Detail:

Notes:

2. The Fire Department accepts the responsibility for the following code enforcement activities.

None

Conduct all fire code inspections within the department's jurisdiction

Conduct acceptance testing of fire suppression and detection systems

Provide training for personal performing plans review, code inspections and acceptance testing, Certificate copy not required.

Except:

State Properties

Public/Charter Schools

Universities and Colleges

Other: _____

SCHOOLS: A report of schools name, address and date of inspection will be required to be sent into the New Mexico State Fire Marshal's Code Enforcement Bureau with-in 30 days of the school inspection, all inspections done maybe on one document not every report needs to be sent in unless requested.

Detail:

Notes:

Name of Fire Department: Hondo Valley Vol. Fire Dept.

Name of County or City: Lincoln County

Adopted Fire Code and year if any: _____

Andrew F. Coleman
Signature of Fire Chief

4-2-13
Date

Signature of Administrator

Date

State Fire Marshal

Date

NEW MEXICO PUBLIC REGULATION COMMISSION

COMMISSIONERS

DISTRICT 1 KAREN MONTOYA
DISTRICT 2 PATRICK H. LYONS
DISTRICT 3 VALERIE ESPINOZA, VICE CHAIR
DISTRICT 4 THERESA BECENTI-AGUILAR
DISTRICT 5 BEN L. HALL, CHAIRMAN



CHIEF OF STAFF

Johnny Montoya

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NEW MEXICO STATE FIRE MARSHAL'S OFFICE FISCAL YEAR 2014 COUNTY FIRE PROTECTION FUND DISTRIBUTION

This application is required to participate in the distribution of the Fire Protection Fund for the 2014 fiscal year. The application is due in the State Fire Marshal's Office **on or before April 30, 2013.**

FIRE DEPARTMENT Nogal COUNTY: Lincoln

FIRE DEPARTMENT ADDRESS: P.O. Box 62, Nogal, NM 88341

ISO CLASSIFICATION: 9

Approved number of Sub Stations is 0

0 Sub Stations

Approved number of Main Stations is 1

Same As Above

If you contend the above ISO Class or station information is incorrect, please attach a list of your claim of main and substations and sign here: _____ *48,476*

The projected minimum amount for fire fund distribution, based on the above information, is \$39,058. This does not include any additional amounts that may be calculated from growth in the fund.

An official written request for authorization to rollover and accumulate Fire Protection Fund monies shall be submitted to this Office no later than August 30, 2013. The request shall identify the intended purpose and exact amount of money to be carried over into the FY 2014 balance.

For the purpose of this Application, list the anticipated amount and intended purpose your department will rollover from FY'13 to FY'14. \$

98,000 FOR FUTURE VEHICLE PURCHASE.

*Provide current balance of the fire department's total Fire Protection Fund account to date: \$ 115,398⁶²

The Fire Service Support Bureau of the State Fire Marshal's Office continues to strive toward achieving 100% compliance with the monthly reporting requirements as established in Article 59A-52 the "Fire Marshal Act," Article 59A-53 "The Fire Protection Fund" and NMSA 10-25-10 "The Fire Protection Fund."

State Law, NMSA 10-25-10, requires all fire departments participating in the distribution of the Fire Protection Fund submit a detailed fire report of the departments activity on or before the 10th of each month for the previous months activity.

RECEIVED

MAR 25 2013

ADMINISTRATION
LINCOLN COUNTY NM

The Fire Service Support Bureau reviews all reporting activity on a monthly basis to determine compliance with the reporting requirement. When this Office determines that your fire department is out of compliance, the Fire Chief will be notified of the department's status, if your fire department fails to achieve compliance a letter identifying restrictions on the use of the Fire Protection Funds will be forwarded to the head of local government.

This Office will continue to offer technical support and training on the proper uses of the NFIRS program. If you are having issues with the system or require training you may submit your request via e-mail at vernon.muller@state.nm.us and carrie.deaguero@state.nm.us or you may contact Carrie Ann DeAgüero at 505.476.0174.

Please provide updated contact information for a minimum of two primary users of the NFIRS program for your department. (Please print legible)

<i>Name:</i>	<i>Email:</i>	<i>Phone:</i>
1. JAMES RODELA	mrjar54@yahoo.com	(575) 354-3016
2. CINDY SANCHEZ	3galbinnm@windstream.net	(575) 336-8077

The information contained in this application is true and correct to the best of our knowledge. It may be used to verify legal requirements and is subject to audit.

Signed and submitted on this 2ND day of APRIL 2013.

/S

Printed Name

Signature of Chairman, Board of County Commission

/S

Printed Name

Signature of County Fire Chief or Fire Marshal

PARTNERSHIP AGREEMENT BETWEEN THE PUBLIC REGULATION COMMISSION'S
STATE FIRE MARSHAL DIVISION
AND
MUNICIPAL AND COUNTY FIRE DEPARTMENTS

PURPOSE: To allow fire departments the opportunity to provide various aspects of fire prevention and protection by conducting and/or assisting the State Fire Marshal Division with fire code inspections and origin and cause investigations, when deemed beneficial to both parties.

SCOPE: The State Fire Marshal and staff are authorized to make investigation of any fire or explosion within in the state, and the Fire Marshal may also appoint designated persons for these tasks (59A-52-10). The Fire Marshal shall adopt rules and regulations (fire codes) for prevention and control of fires (59A-52-15) and may use an authorized officer or designated agent to enforce these provisions (59A-52-19). The Fire Marshal is authorized to cooperate with agencies in this state (59A-52-5). Therefore, this agreement is implemented to activate the above provisions, as indicated below.

METHODOLOGY: The Fire Department shall assume the responsibility for conducting the indicated activities in a timely manner, document and store the appropriate records and provide information of such activities as required by the State Fire Marshal Division. The Fire Department shall conduct such activities following current accepted procedures and in adherence to state codes and/or rules. Activities may be documented on forms used by the Fire Department.

COOPERATIVE DISCLAIMER: This agreement does not prohibit the Fire Department or the State Fire Marshal Division from requesting assistance from each other during any fire code enforcement inspection or origin and cause investigation. The State Fire Marshal Division reserves the right to conduct any inspection or investigation throughout the state as per Article 52.

1. The Fire Department accepts responsibility for the following fire investigation activities:

None

Secure and restrict access to fire scenes until the arrival of a State Fire Investigator.

Conduct all origin and cause investigations within the department's jurisdiction.

Conduct origin and cause investigations, collect evidence, interview witnesses, work with local fire/law enforcement officials and the district attorney for full prosecution.

When writing on this document please print or write clearly.

Detail:

Notes:

2. The Fire Department accepts the responsibility for the following code enforcement activities.

None

Conduct all fire code inspections within the department's jurisdiction

Conduct acceptance testing of fire suppression and detection systems

Provide training for personal performing plans review, code inspections and acceptance testing, Certificate copy not required.

Except:

State Properties

Public/Charter Schools

Universities and Colleges

Other: _____

SCHOOLS: A report of schools name, address and date of inspection will be required to be sent into the New Mexico State Fire Marshal's Code Enforcement Bureau with-in 30 days of the school inspection, all inspections done maybe on one document not every report needs to be sent in unless requested.

Detail:

Notes:

Name of Fire Department: NOGAL FIRE DISTRICT

Name of County or City: LINCOLN COUNTY

Adopted Fire Code and year if any: _____

Jack Koskela
Signature of Fire Chief

04-02-13
Date

Signature of Administrator

Date

State Fire Marshal

Date

NEW MEXICO PUBLIC REGULATION COMMISSION

COMMISSIONERS

DISTRICT 1 KAREN MONTOYA
DISTRICT 2 PATRICK H. LYONS
DISTRICT 3 VALERIE ESPINOZA, VICE CHAIR
DISTRICT 4 THERESA BECENTI-AGUILAR
DISTRICT 5 BEN L. HALL, CHAIRMAN

CHIEF OF STAFF

Johnny Montoya



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STATE FIRE MARSHAL DIVISION

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NEW MEXICO STATE FIRE MARSHAL'S OFFICE FISCAL YEAR 2014 COUNTY FIRE PROTECTION FUND DISTRIBUTION

This application is required to participate in the distribution of the Fire Protection Fund for the 2014 fiscal year. The application is due in the State Fire Marshal's Office on or before April 30, 2013.

FIRE DEPARTMENT Arabela COUNTY: Lincoln

FIRE DEPARTMENT ADDRESS: PO Box 262, Tinnie, NM 88351

ISO CLASSIFICATION: 9

Approved number of Sub Stations is 0

0 Sub Stations

Approved number of Main Stations is 1

Same As Above

If you contend the above ISO Class or station information is incorrect, please attach a list of your claim of main and substations and sign here: _____

The projected minimum amount for fire fund distribution, based on the above information, is \$39,058. This does not include any additional amounts that may be calculated from growth in the fund.

An official written request for authorization to rollover and accumulate Fire Protection Fund monies shall be submitted to this Office no later than August 30, 2013. The request shall identify the intended purpose and exact amount of money to be carried over into the FY 2014 balance.

For the purpose of this Application, list the anticipated amount and intended purpose your department will rollover from FY'13 to FY'14. \$ 68,163⁰⁰ vehicle previous year
1,000⁰⁰ current year total # 79,163 vehicle

*Provide current balance of the fire department's total Fire Protection Fund account to date: \$ 159,418.²³

The Fire Service Support Bureau of the State Fire Marshal's Office continues to strive toward achieving 100% compliance with the monthly reporting requirements as established in Article 59A-52 the "Fire Marshal Act," Article 59A-53 "The Fire Protection Fund" and NMSA 10-25-10 "The Fire Protection Fund."

State Law, NMSA 10-25-10, requires all fire departments participating in the distribution of the Fire Protection Fund submit a detailed fire report of the departments activity on or before the 10th of each month for the previous months activity.

RECEIVED

MAR 25 2013

ADMINISTRATION
LINCOLN COUNTY NM

The Fire Service Support Bureau reviews all reporting activity on a monthly basis to determine compliance with the reporting requirement. When this Office determines that your fire department is out of compliance, the Fire Chief will be notified of the department's status, if your fire department fails to achieve compliance a letter identifying restrictions on the use of the Fire Protection Funds will be forwarded to the head of local government.

This Office will continue to offer technical support and training on the proper uses of the NFIRS program. If you are having issues with the system or require training you may submit your request via e-mail at vernon.muller@state.nm.us and carrie.deaguero@state.nm.us or you may contact Carrie Ann DeAgüero at 505.476.0174.

Please provide updated contact information for a minimum of two primary users of the NFIRS program for your department. (Please print legible)

<i>Name:</i>	<i>Email:</i>	<i>Phone:</i>
1. Tito Montoya	avfd1803@yahoo.com	575-937-8051
2. Victoria E Sanchez	vsanchez@pvtnetworks.net	575-653-4374

The information contained in this application is true and correct to the best of our knowledge. It may be used to verify legal requirements and is subject to audit.

Signed and submitted on this _____ day of _____ 2013.

_____/S_____

Printed Name

Signature of Chairman, Board of County Commission

_____/S_____

Printed Name

Signature of County Fire Chief or Fire Marshal

PARTNERSHIP AGREEMENT BETWEEN THE PUBLIC REGULATION COMMISSION'S
STATE FIRE MARSHAL DIVISION
AND
MUNICIPAL AND COUNTY FIRE DEPARTMENTS

PURPOSE: To allow fire departments the opportunity to provide various aspects of fire prevention and protection by conducting and/or assisting the State Fire Marshal Division with fire code inspections and origin and cause investigations, when deemed beneficial to both parties.

SCOPE: The State Fire Marshal and staff are authorized to make investigation of any fire or explosion within in the state, and the Fire Marshal may also appoint designated persons for these tasks (59A-52-10). The Fire Marshal shall adopt rules and regulations (fire codes) for prevention and control of fires (59A-52-15) and may use an authorized officer or designated agent to enforce these provisions (59A-52-19). The Fire Marshal is authorized to cooperate with agencies in this state (59A-52-5). Therefore, this agreement is implemented to activate the above provisions, as indicated below.

METHODOLOGY: The Fire Department shall assume the responsibility for conducting the indicated activities in a timely manner, document and store the appropriate records and provide information of such activities as required by the State Fire Marshal Division. The Fire Department shall conduct such activities following current accepted procedures and in adherence to state codes and/or rules. Activities may be documented on forms used by the Fire Department.

COOPERATIVE DISCLAIMER: This agreement does not prohibit the Fire Department or the State Fire Marshal Division from requesting assistance from each other during any fire code enforcement inspection or origin and cause investigation. The State Fire Marshal Division reserves the right to conduct any inspection or investigation throughout the state as per Article 52.

1. The Fire Department accepts responsibility for the following fire investigation activities:

None

Secure and restrict access to fire scenes until the arrival of a State Fire Investigator.

Conduct all origin and cause investigations within the department's jurisdiction.

Conduct origin and cause investigations, collect evidence, interview witnesses, work with local fire/law enforcement officials and the district attorney for full prosecution.

When writing on this document please print or write clearly.

Detail:

Notes:

2. The Fire Department accepts the responsibility for the following code enforcement activities.

None

Conduct all fire code inspections within the department's jurisdiction

Conduct acceptance testing of fire suppression and detection systems
Provide training for personal performing plans review, code inspections and acceptance testing. Certificate copy not required.

Except:

State Properties

Public/Charter Schools

Universities and Colleges

Other: _____

SCHOOLS: A report of schools name, address and date of inspection will be required to be sent into the New Mexico State Fire Marshal's Code Enforcement Bureau with-in 30 days of the school inspection, all inspections done maybe on one document not every report needs to be sent in unless requested.

Detail:

Notes:

Name of Fire Department: Arabela Volunteer Fire Dept.

Name of County or City: Lincoln

Adopted Fire Code and year if any: _____

Fredrick Zentler
Signature of Fire Chief

3-8-13
Date

Signature of Administrator

Date

State Fire Marshal

Date

NEW MEXICO PUBLIC REGULATION COMMISSION

COMMISSIONERS

DISTRICT 1 KAREN MONTOYA
DISTRICT 2 PATRICK H. LYONS
DISTRICT 3 VALERIE ESPINOZA, VICE CHAIR
DISTRICT 4 THERESA BECENTI-AGUILAR
DISTRICT 5 BEN L. HALL, CHAIRMAN

CHIEF OF STAFF

Johnny Montoya



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Santa Fe, NM 87504-1269

STATE FIRE MARSHAL DIVISION

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Fax : (505) 476-0100

NEW MEXICO STATE FIRE MARSHAL'S OFFICE FISCAL YEAR 2014 COUNTY FIRE PROTECTION FUND DISTRIBUTION

This application is required to participate in the distribution of the Fire Protection Fund for the 2014 fiscal year. The application is due in the State Fire Marshal's Office **on or before April 30, 2013.**

FIRE DEPARTMENT Lincoln COUNTY: Lincoln

FIRE DEPARTMENT ADDRESS: P.O. Box 7, Lincoln, NM 88338

ISO CLASSIFICATION: 6

Approved number of Sub Stations is 0

0 Sub Stations

Approved number of Main Stations is 2

Same As Above

Ft. Stanton Med Hosp. PO Box 91

If you contend the above ISO Class or station information is incorrect, please attach a list of your claim of main and substations and sign here: _____

The projected minimum amount for fire fund distribution, based on the above information, is \$117,168. This does not include any additional amounts that may be calculated from growth in the fund.

An official written request for authorization to rollover and accumulate Fire Protection Fund monies shall be submitted to this Office no later than August 30, 2013. The request shall identify the intended purpose and exact amount of money to be carried over into the FY 2014 balance.

For the purpose of this Application, list the anticipated amount and intended purpose your department will rollover from FY'13 to FY'14. \$

\$ 349,949.00

*Provide current balance of the fire department's total Fire Protection Fund account to date: \$ 353,449.92

The Fire Service Support Bureau of the State Fire Marshal's Office continues to strive toward achieving 100% compliance with the monthly reporting requirements as established in Article 59A-52 the "Fire Marshal Act," Article 59A-53 "The Fire Protection Fund" and NMSA 10-25-10 "The Fire Protection Fund."

State Law, NMSA 10-25-10, requires all fire departments participating in the distribution of the Fire Protection Fund submit a detailed fire report of the departments activity on or before the 10th of each month for the previous months activity.

RECEIVED

MAR 25 2013

ADMINISTRATION
LINCOLN COUNTY NM

The Fire Service Support Bureau reviews all reporting activity on a monthly basis to determine compliance with the reporting requirement. When this Office determines that your fire department is out of compliance, the Fire Chief will be notified of the department's status, if your fire department fails to achieve compliance a letter identifying restrictions on the use of the Fire Protection Funds will be forwarded to the head of local government.

This Office will continue to offer technical support and training on the proper uses of the NFIRS program. If you are having issues with the system or require training you may submit your request via e-mail at vernon.muller@state.nm.us and carrie.deaguero@state.nm.us or you may contact Carrie Ann DeAgüero at 505.476.0174.

Please provide updated contact information for a minimum of two primary users of the NFIRS program for your department. (Please print legible)

Name:	Email:	Phone:
1. Rose Gallegos	arnie.gallegos@gracie.com	575-653-4663
2. Bennie Long	bennie.long@state.nm.us	575-653-4025

The information contained in this application is true and correct to the best of our knowledge. It may be used to verify legal requirements and is subject to audit.

Signed and submitted on this _____ day of _____ 2013.

_____/S_____

Printed Name

Signature of Chairman, Board of County Commission

_____/S_____

Printed Name

Signature of County Fire Chief or Fire Marshal

Lincoln Volunteer Fire Department

PO Box 7

Lincoln, New Mexico 88338

New Mexico Public Regulations Commission

PO Box 1269

1120 Paseo de Peralta

Santa Fe, New Mexico 87504-1269

9 April 2013

Dear Sirs and Madams,

The anticipated amount and intended rollover money of \$349,949.00 is for the purpose to construct a new fire station to protect and preserve the historic structures and surrounding areas of significant concerns in Fort Stanton, New Mexico. Due to the antiquated existing building a new fire station would provide protection and extremely enhance the fire protection.

Sincerely,

A handwritten signature in cursive script that reads "Bennie Long". The signature is written in black ink and is positioned above the printed name and title.

Bennie Long, Lincoln Fire Chief

Lincoln Volunteer Fire Department

PO Box 7

Lincoln, New Mexico 88338

PARTNERSHIP AGREEMENT BETWEEN THE PUBLIC REGULATION COMMISSION'S
STATE FIRE MARSHAL DIVISION
AND
MUNICIPAL AND COUNTY FIRE DEPARTMENTS

PURPOSE: To allow fire departments the opportunity to provide various aspects of fire prevention and protection by conducting and/or assisting the State Fire Marshal Division with fire code inspections and origin and cause investigations, when deemed beneficial to both parties.

SCOPE: The State Fire Marshal and staff are authorized to make investigation of any fire or explosion within in the state, and the Fire Marshal may also appoint designated persons for these tasks (59A-52-10). The Fire Marshal shall adopt rules and regulations (fire codes) for prevention and control of fires (59A-52-15) and may use an authorized officer or designated agent to enforce these provisions (59A-52-19). The Fire Marshal is authorized to cooperate with agencies in this state (59A-52-5). Therefore, this agreement is implemented to activate the above provisions, as indicated below.

METHODOLOGY: The Fire Department shall assume the responsibility for conducting the indicated activities in a timely manner, document and store the appropriate records and provide information of such activities as required by the State Fire Marshal Division. The Fire Department shall conduct such activities following current accepted procedures and in adherence to state codes and/or rules. Activities may be documented on forms used by the Fire Department.

COOPERATIVE DISCLAIMER: This agreement does not prohibit the Fire Department or the State Fire Marshal Division from requesting assistance from each other during any fire code enforcement inspection or origin and cause investigation. The State Fire Marshal Division reserves the right to conduct any inspection or investigation throughout the state as per Article 52.

1. The Fire Department accepts responsibility for the following fire investigation activities:

None

Secure and restrict access to fire scenes until the arrival of a State Fire Investigator.

Conduct all origin and cause investigations within the department's jurisdiction.

Conduct origin and cause investigations, collect evidence, interview witnesses, work with local fire/law enforcement officials and the district attorney for full prosecution.

When writing on this document please print or write clearly.

Detail:

Notes:

2. The Fire Department accepts the responsibility for the following code enforcement activities.

None

Conduct all fire code inspections within the department's jurisdiction

Conduct acceptance testing of fire suppression and detection systems

Provide training for personal performing plans review, code inspections and acceptance testing, Certificate copy not required.

Except:

State Properties

Public/Charter Schools

Universities and Colleges

Other: _____

SCHOOLS: A report of schools name, address and date of inspection will be required to be sent into the New Mexico State Fire Marshal's Code Enforcement Bureau with-in 30 days of the school inspection, all inspections done maybe on one document not every report needs to be sent in unless requested.

Detail:

Notes:

Name of Fire Department: Lincoln Volunteer Fire Department

Name of County or City: Lincoln

Adopted Fire Code and year if any: _____

Bennie Long
Signature of Fire Chief

8 April 2013
Date

Signature of Administrator

Date

State Fire Marshal

Date

NEW MEXICO PUBLIC REGULATION COMMISSION

COMMISSIONERS

DISTRICT 1 KAREN MONTOYA
DISTRICT 2 PATRICK H. LYONS
DISTRICT 3 VALERIE ESPINOZA, VICE CHAIR
DISTRICT 4 THERESA BECENTI-AGUILAR
DISTRICT 5 BEN L. HALL, CHAIRMAN

CHIEF OF STAFF

Johnny Montoya



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Santa Fe, NM 87504-1269

STATE FIRE MARSHAL DIVISION
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Fax : (505) 476-0100

NEW MEXICO STATE FIRE MARSHAL'S OFFICE FISCAL YEAR 2014 COUNTY FIRE PROTECTION FUND DISTRIBUTION

This application is required to participate in the distribution of the Fire Protection Fund for the 2014 fiscal year. The application is due in the State Fire Marshal's Office **on or before April 30, 2013.**

FIRE DEPARTMENT Glencoe-Palo Verde COUNTY: Lincoln
FIRE DEPARTMENT ADDRESS: 27661 US HWY 70, San Patricio, NM 88346
ISO CLASSIFICATION: 9

Approved number of Main Stations is 2

Station #2	271 Hwy 70
Glencoe Palo Verde FD#	Mile Marker 276 1/2 Rt 7 Glencoe NM 88324

If you contend the above ISO Class or station information is incorrect, please attach a list of your claim of main and substations and sign here: _____

The projected minimum amount for fire fund distribution, based on the above information, is \$78,116. This does not include any additional amounts that may be calculated from growth in the fund.

An official written request for authorization to rollover and accumulate Fire Protection Fund monies shall be submitted to this Office no later than August 30, 2013. The request shall identify the intended purpose and exact amount of money to be carried over into the FY 2014 balance.

For the purpose of this Application, list the anticipated amount and intended purpose your department will rollover from FY'13 to FY'14. \$

130,000 Towards New Water Tender, money has already been obligated

*Provide current balance of the fire department's total Fire Protection Fund account to date: \$ 171,611.00

The Fire Service Support Bureau of the State Fire Marshal's Office continues to strive toward achieving 100% compliance with the monthly reporting requirements as established in Article 59A-52 the "Fire Marshal Act," Article 59A-53 "The Fire Protection Fund" and NMSA 10-25-10 "The Fire Protection Fund."

State Law, NMSA 10-25-10, requires all fire departments participating in the distribution of the Fire Protection Fund submit a detailed fire report of the departments activity on or before the 10th of each month for the previous months activity.

RECEIVED

APR 10 2013

ADMINISTRATION
LINCOLN COUNTY NM

RECEIVED

MAR 25 2013

ADMINISTRATION
LINCOLN COUNTY NM

The Fire Service Support Bureau reviews all reporting activity on a monthly basis to determine compliance with the reporting requirement. When this Office determines that your fire department is out of compliance, the Fire Chief will be notified of the department's status, if your fire department fails to achieve compliance a letter identifying restrictions on the use of the Fire Protection Funds will be forwarded to the head of local government.

This Office will continue to offer technical support and training on the proper uses of the NFIRS program. If you are having issues with the system or require training you may submit your request via e-mail at vernon.muller@state.nm.us and carrie.deaguero@state.nm.us or you may contact Carrie Ann DeAguero at 505.476.0174.

Please provide updated contact information for a minimum of two primary users of the NFIRS program for your department. (Please print legible)

Name:	Email:	Phone:
1. Travis Atwell	awfr107@hotmail.com	575 937-2675
2. Nick Herrera		575 973-0637

The information contained in this application is true and correct to the best of our knowledge. It may be used to verify legal requirements and is subject to audit.

Signed and submitted on this _____ day of _____ 2013.

/s/

Printed Name

Travis Atwell

Signature of Chairman, Board of County Commission



Printed Name

Signature of County Fire Chief or Fire Marshal

PARTNERSHIP AGREEMENT BETWEEN THE PUBLIC REGULATION COMMISSION'S
STATE FIRE MARSHAL DIVISION
AND
MUNICIPAL AND COUNTY FIRE DEPARTMENTS

PURPOSE: To allow fire departments the opportunity to provide various aspects of fire prevention and protection by conducting and/or assisting the State Fire Marshal Division with fire code inspections and origin and cause investigations, when deemed beneficial to both parties.

SCOPE: The State Fire Marshal and staff are authorized to make investigation of any fire or explosion within in the state, and the Fire Marshal may also appoint designated persons for these tasks (59A-52-10). The Fire Marshal shall adopt rules and regulations (fire codes) for prevention and control of fires (59A-52-15) and may use an authorized officer or designated agent to enforce these provisions (59A-52-19). The Fire Marshal is authorized to cooperate with agencies in this state (59A-52-5). Therefore, this agreement is implemented to activate the above provisions, as indicated below.

METHODOLOGY: The Fire Department shall assume the responsibility for conducting the indicated activities in a timely manner, document and store the appropriate records and provide information of such activities as required by the State Fire Marshal Division. The Fire Department shall conduct such activities following current accepted procedures and in adherence to state codes and/or rules. Activities may be documented on forms used by the Fire Department.

COOPERATIVE DISCLAIMER: This agreement does not prohibit the Fire Department or the State Fire Marshal Division from requesting assistance from each other during any fire code enforcement inspection or origin and cause investigation. The State Fire Marshal Division reserves the right to conduct any inspection or investigation throughout the state as per Article 52.

1. The Fire Department accepts responsibility for the following fire investigation activities:

None

Secure and restrict access to fire scenes until the arrival of a State Fire Investigator.

Conduct all origin and cause investigations within the department's jurisdiction.

Conduct origin and cause investigations, collect evidence, interview witnesses, work with local fire/law enforcement officials and the district attorney for full prosecution.

When writing on this document please print or write clearly.

Detail:

Notes:

2. The Fire Department accepts the responsibility for the following code enforcement activities.

None

Conduct all fire code inspections within the department's jurisdiction

Conduct acceptance testing of fire suppression and detection systems
Provide training for personal performing plans review, code inspections and acceptance testing, Certificate copy not required.

Except:

State Properties

Public/Charter Schools

Universities and Colleges

Other: _____

SCHOOLS: A report of schools name, address and date of inspection will be required to be sent into the New Mexico State Fire Marshal's Code Enforcement Bureau with-in 30 days of the school inspection, all inspections done maybe on one document not every report needs to be sent in unless requested.

Detail:

Notes:

Name of Fire Department: Glencoe Palo Verde

Name of County or City: Lincoln

Adopted Fire Code and year if any: IFC 2009



Signature of Fire Chief

9/9/13

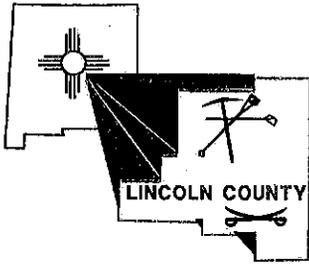
Date

Signature of Administrator

Date

State Fire Marshal

Date



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 (to clear up confusion) for Sierra Blanca Trl in Ruidoso (a road that is continuous through Alpine Village Subdivision and Tall Pines Subdivision) in the County of Lincoln. All interested parties have acknowledged and approved:

Telluride Trl

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

NOW, THEREFORE, the above name **Telluride Trl** is hereby approved.

ADOPTED, PASSED AND SIGNED the 16th day of April, 2013.

Jackie Powell
Chairwoman

Preston Stone
Vice-Chairman

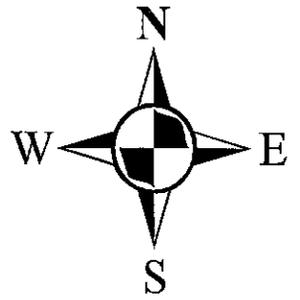
Mark Doth

Dallas Draper

Kathryn Minter

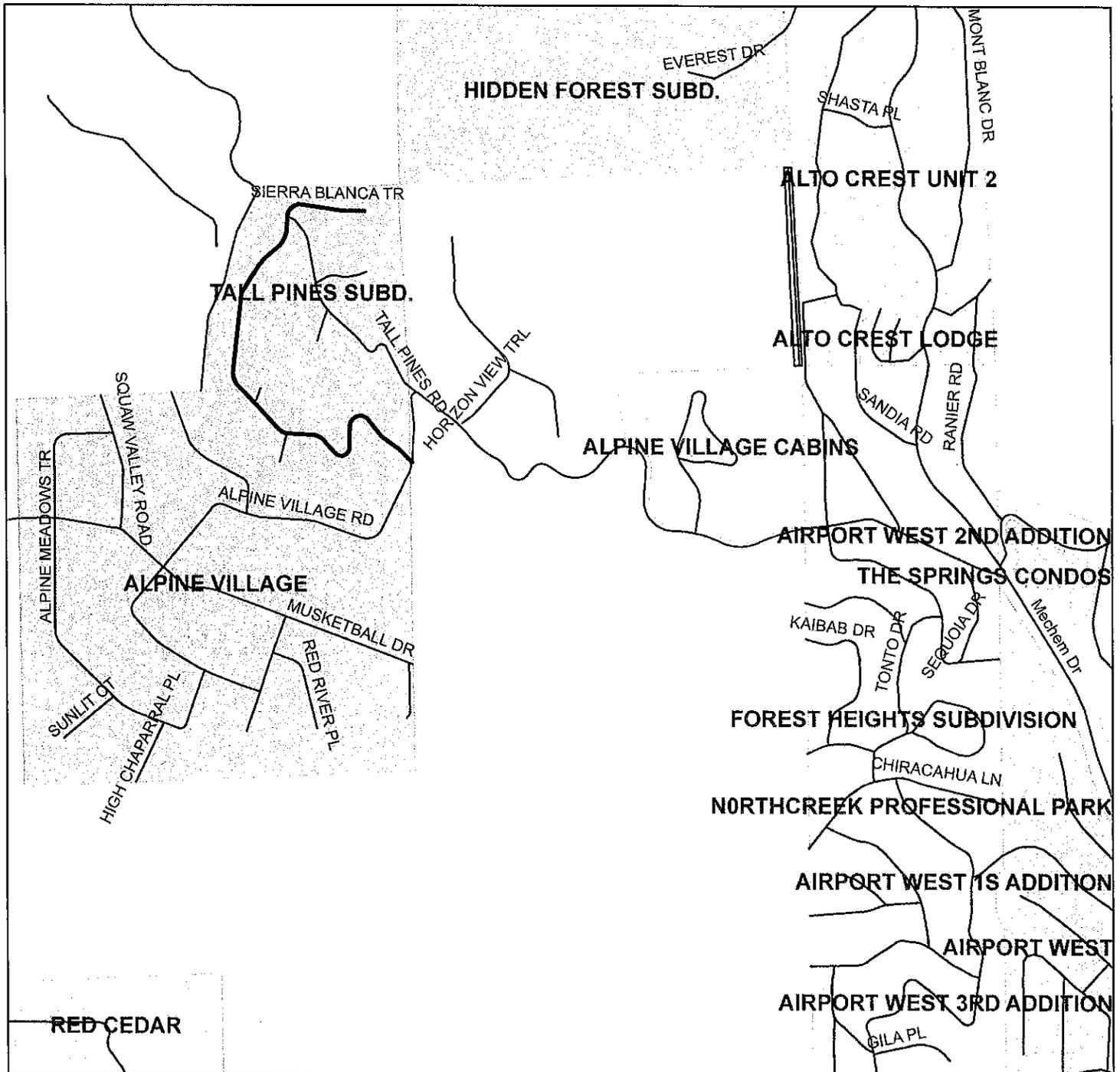
ATTEST:

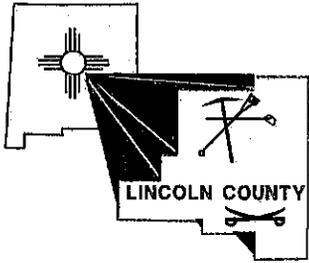
Rhonda B Burrows, County Clerk



Sierra Blanca Trl

Road Name Request April 16, 2013





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 (to clear up confusion) for County Road C006 in Capitan (a connecting road between Pine Lodge Rd and Capitan Gap) in the County of Lincoln. All interested parties have acknowledged and approved:

Fort Lone Tree Rd

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

NOW, THEREFORE, the above name **Fort Loan Tree Rd** is hereby approved.

ADOPTED, PASSED AND SIGNED the 16th day of April, 2013.

Jackie Powell
Chairwoman

Preston Stone
Vice-Chairman

Mark Doth

Dallas Draper

Kathryn Minter

ATTEST:

Rhonda B Burrows, County Clerk

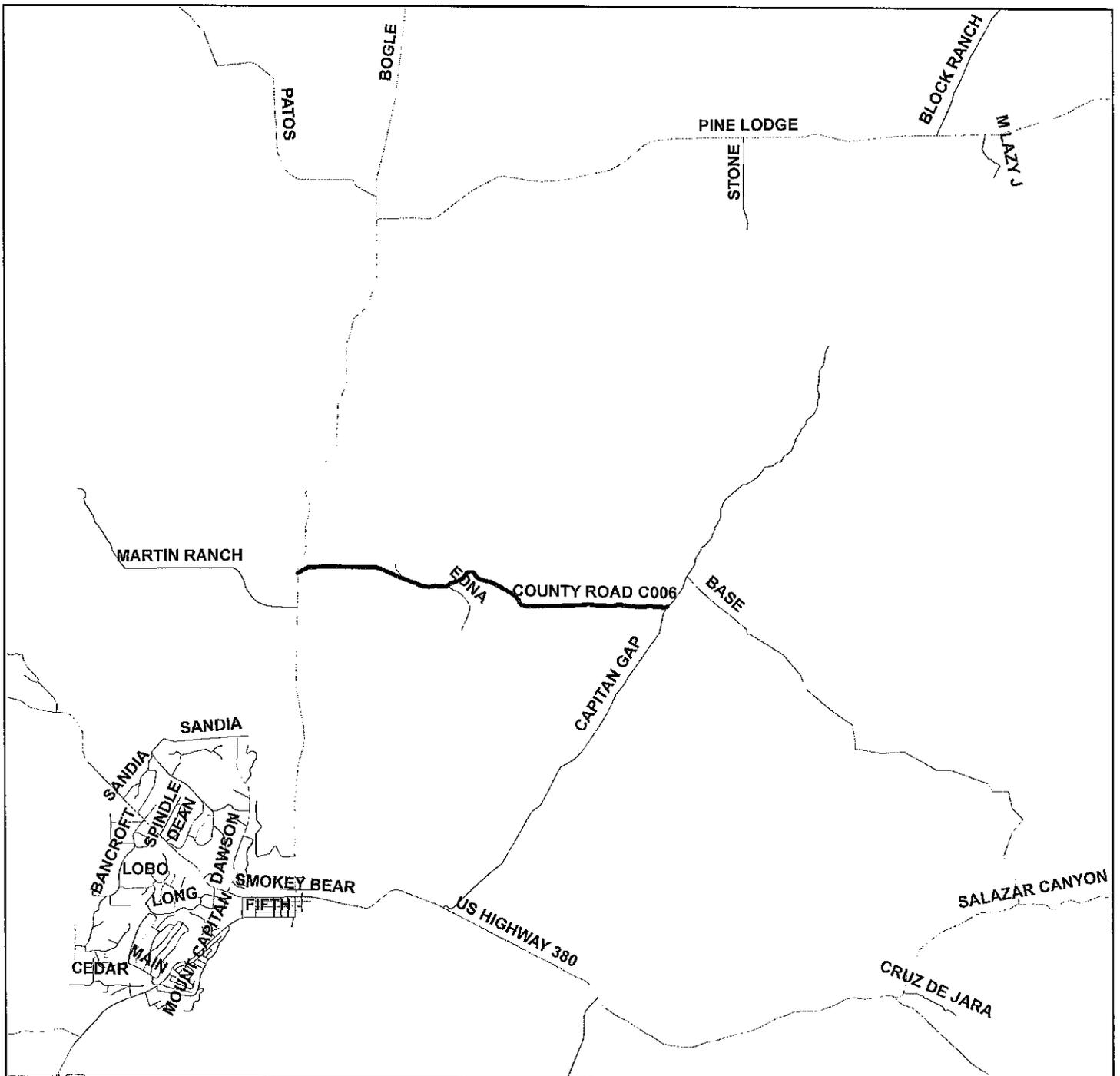
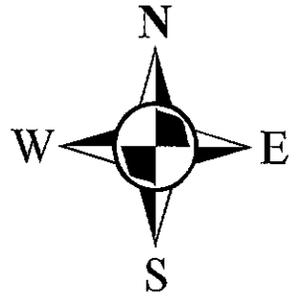
County Manager's Fax
(505) 648-4182

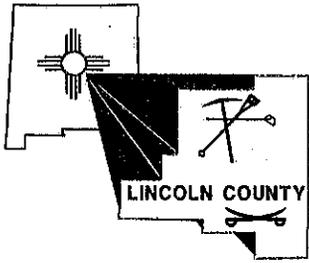
Finance/Purchasing Fax
(505) 648-2381

Planning/GIS Fax
(505) 648-2816

County Road C006

Road Name Request April 16, 2013





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 (to clear up confusion) for Sandia Dr in Capitan (a road that is West of Capitan and Left off of US Highway 380 between Mile Markers 82 & 83) in the County of Lincoln. All interested parties have acknowledged and approved:

Dusty Rose

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

NOW, THEREFORE, the above name **Dusty Rose** is hereby approved.

ADOPTED, PASSED AND SIGNED the 16th day of April, 2013.

Jackie Powell
Chairwoman

Preston Stone
Vice-Chairman

Mark Doth

Dallas Draper

Kathryn Minter

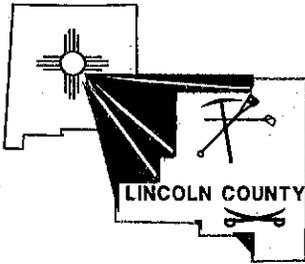
ATTEST:

Rhonda B Burrows, County Clerk

County Manager's Fax
(505) 648-4182

Finance/Purchasing Fax
(505) 648-2381

Planning/GIS Fax
(505) 648-2816



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 for a part of Snow Park Rd (to clear up confusion) (the approximate 0.17 miles between Snow Park Rd and Hidden Valley Rd) in the County of Lincoln. All interested parties have acknowledged and approved:

ELK HOLLOW

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

NOW, THEREFORE, the above name **ELK HOLLOW** is hereby approved.

ADOPTED, PASSED AND SIGNED the 16th day of April, 2013.

Jackie Powell
Chairwoman

Preston Stone
Vice-Chairman

Mark Doth

Dallas Draper

Kathryn Minter

ATTEST:

Rhonda B Burrows, County Clerk

County Manager's Fax
(505) 648-4182

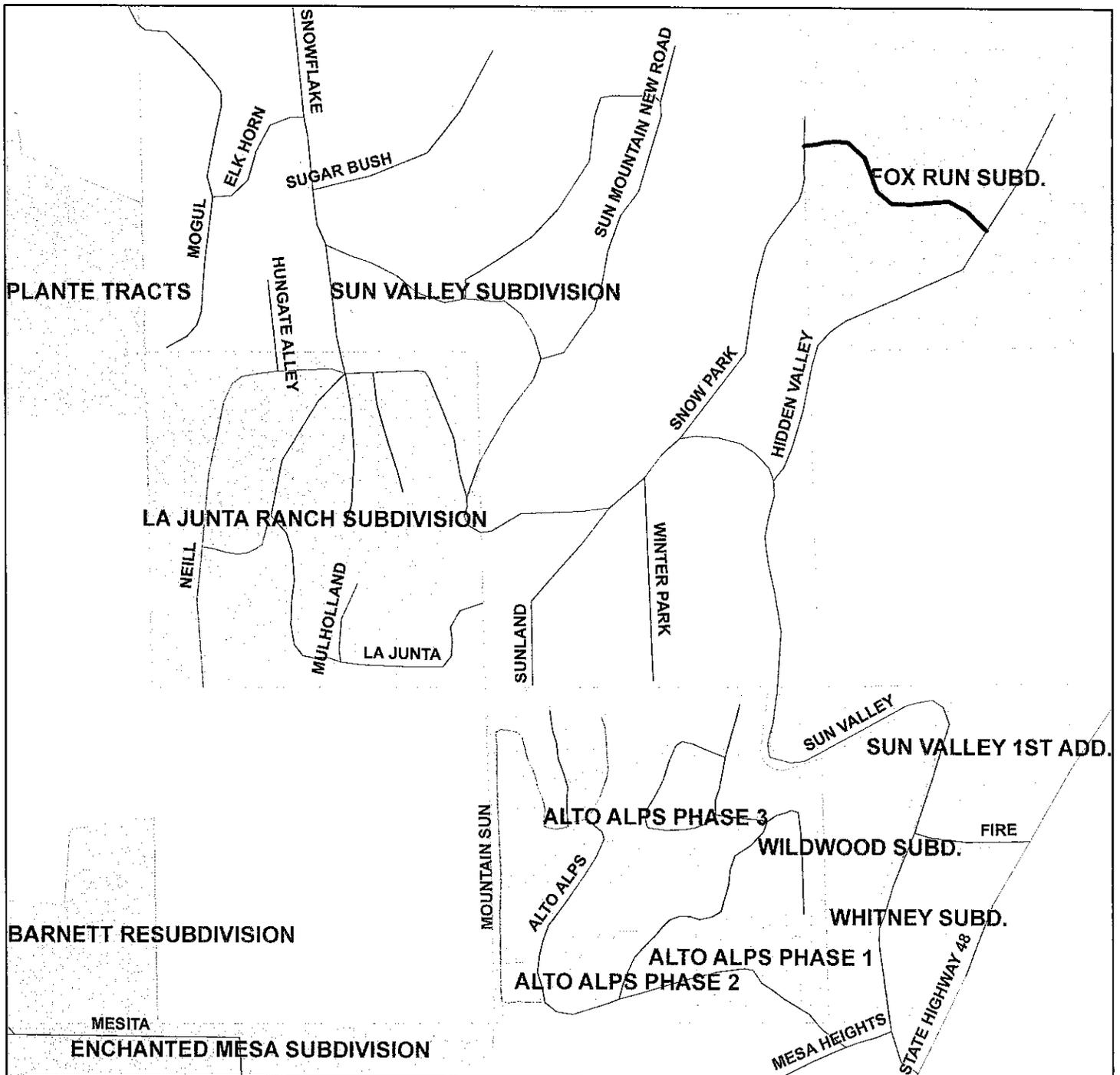
Finance/Purchasing Fax
(505) 648-2381

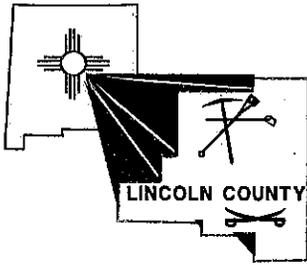
Planning/GIS Fax
(505) 648-2816



Elk Hollow

Road Name Request April 16, 2013





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 replace the original name of Snowflake Rd with La Junta Dr and extend the continuation of an existing name of La Junta Dr south through La Junta Ranch (to clear up confusion the approximate 0.27 miles of Snowflake Rd and 0.15 miles South into La Junta Ranch) in the County of Lincoln.

La Junta Dr

Attached is a general map of the area in question.

NOW, THEREFORE, the above name **La Junta Dr** is hereby approved.

ADOPTED, PASSED AND SIGNED the 16th day of April, 2013.

Jackie Powell
Chairwoman

Preston Stone
Vice-Chairman

Mark Doth

Dallas Draper

Kathryn Minter

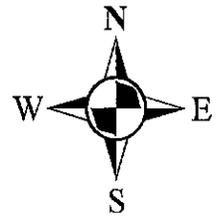
ATTEST:

Rhonda B Burrows, County Clerk

County Manager's Fax
(505) 648-4182

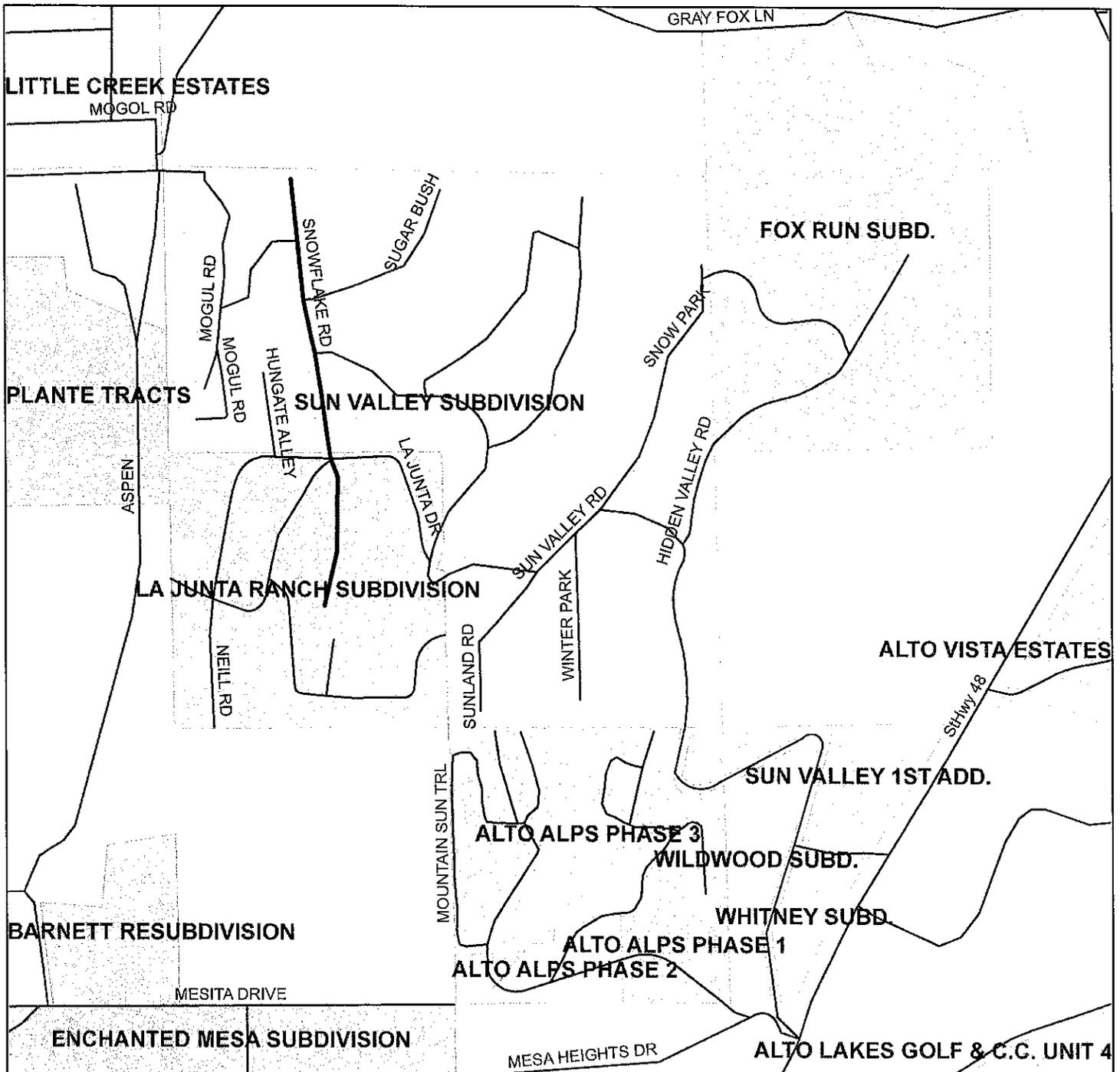
Finance/Purchasing Fax
(505) 648-2381

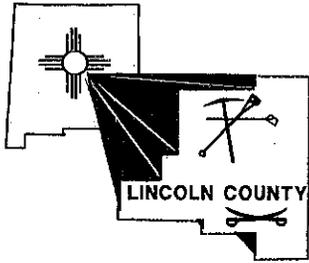
Planning/GIS Fax
(505) 648-2816



La Junta Dr

Road Name Request April 16, 2013





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 replace part of the original name of La Junta Dr with the continuation of an existing name of Neill Rd (to clear up confusion the approximate 0.16 miles between Sun Valley Rd and Snowflake Rd) in the County of Lincoln.

Neill Rd

Attached is a general map of the area in question.

NOW, THEREFORE, the above name **Neill Rd** is hereby approved.

ADOPTED, PASSED AND SIGNED the 16th day of April, 2013.

Jackie Powell
Chairwoman

Preston Stone
Vice-Chairman

Mark Doth

Dallas Draper

Kathryn Minter

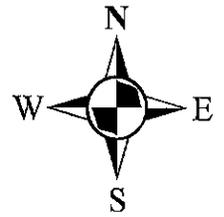
ATTEST:

Rhonda B Burrows, County Clerk

County Manager's Fax
(505) 648-4182

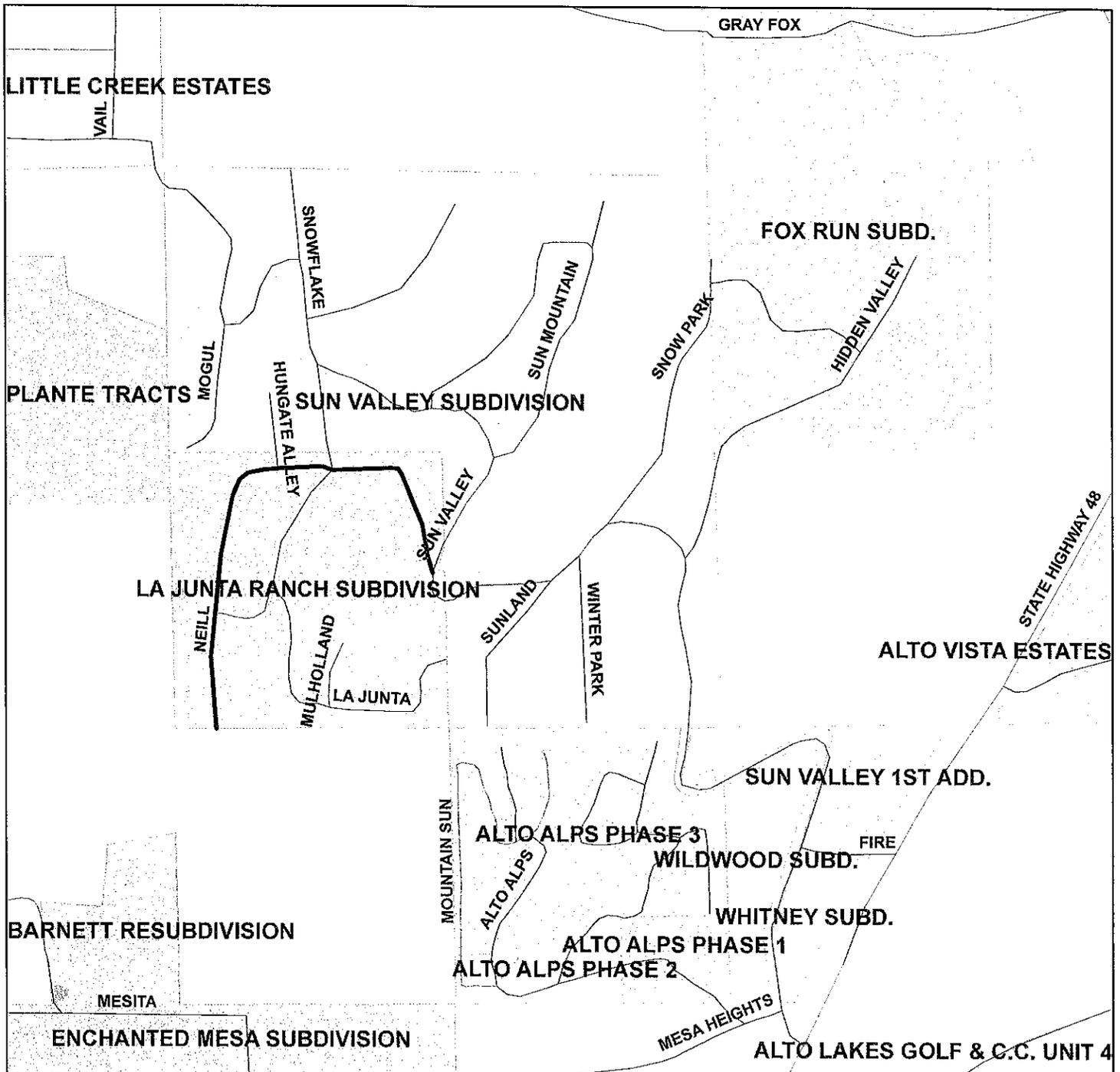
Finance/Purchasing Fax
(505) 648-2381

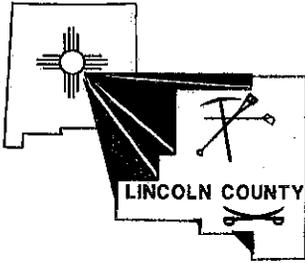
Planning/GIS Fax
(505) 648-2816



Neill Rd

Road Name Request April 16, 2013





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 replace part of the original name of Mogul Rd with the continuation of an existing name of Elk Horn Rd (to clear up confusion the approximate 0.13 miles between the South end of Mogul Rd and Elk Horn Rd) in the County of Lincoln.

Elk Horn Rd

Attached is a general map of the area in question.

NOW, THEREFORE, the above name **Elk Horn Rd** is hereby approved.

ADOPTED, PASSED AND SIGNED the 16th day of April, 2013.

Jackie Powell
Chairwoman

Preston Stone
Vice-Chairman

Mark Doth

Dallas Draper

Kathryn Minter

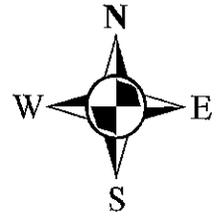
ATTEST:

Rhonda B Burrows, County Clerk

County Manager's Fax
(505) 648-4182

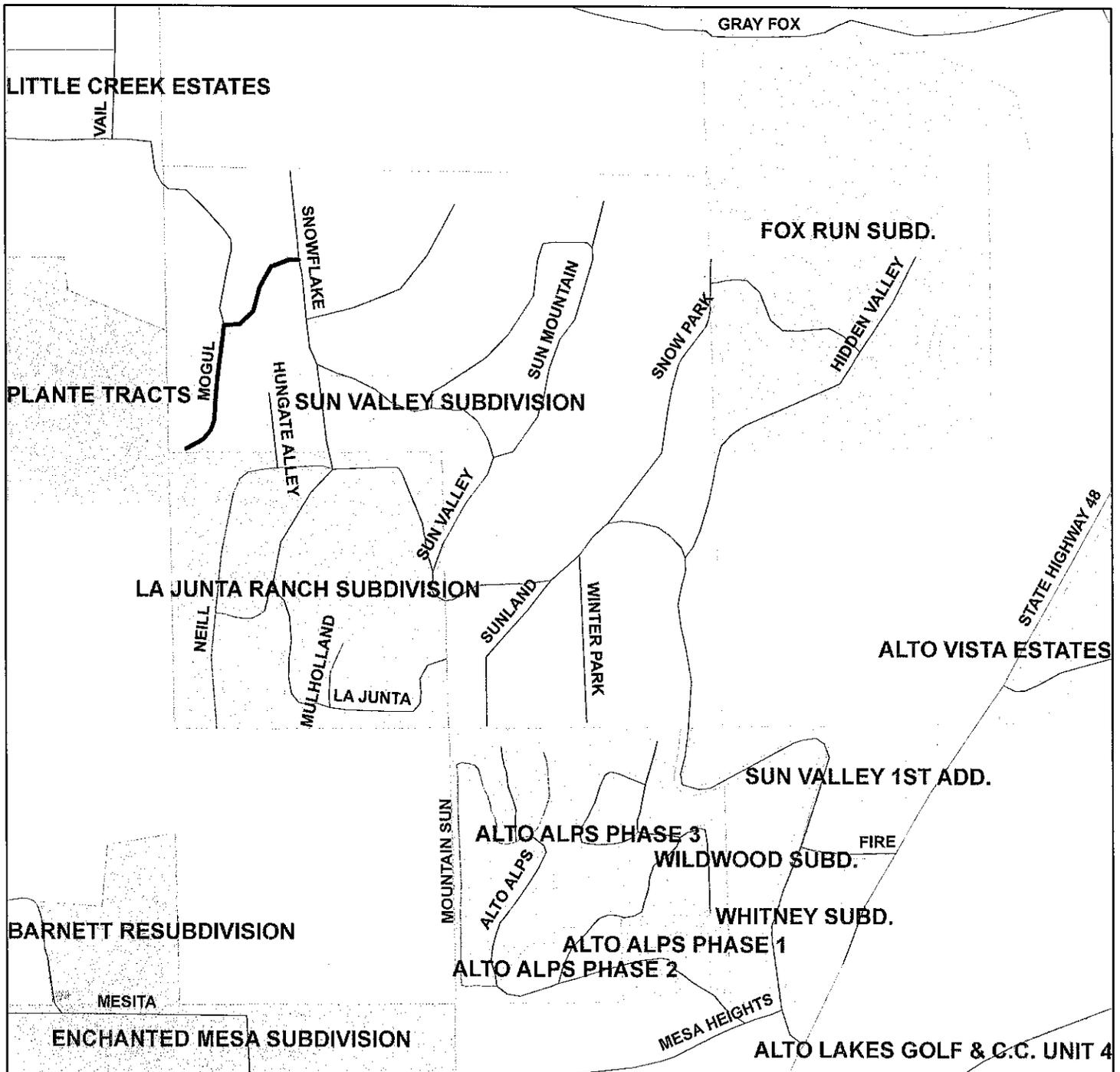
Finance/Purchasing Fax
(505) 648-2381

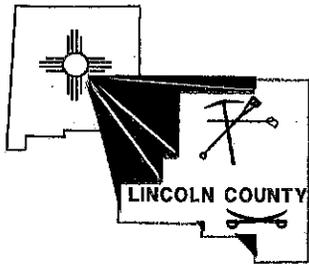
Planning/GIS Fax
(505) 648-2816



Elk Horn Rd

Road Name Request April 16, 2013





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 replace part of the original name of La Junta Dr with the continuation of an existing name of Woodward Ln (to clear up confusion the approximate 0.12 miles between the down slope of La Junta Dr and Woodward Ln) in the County of Lincoln.

Woodward Ln

Attached is a general map of the area in question.

NOW, THEREFORE, the above name **Woodward Ln** is hereby approved.

ADOPTED, PASSED AND SIGNED the 16th day of April, 2013.

Jackie Powell
Chairwoman

Preston Stone
Vice-Chairman

Mark Doth

Dallas Draper

Kathryn Minter

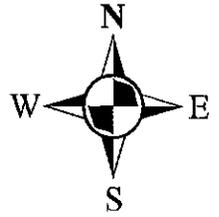
ATTEST:

Rhonda B Burrows, County Clerk

County Manager's Fax
(505) 648-4182

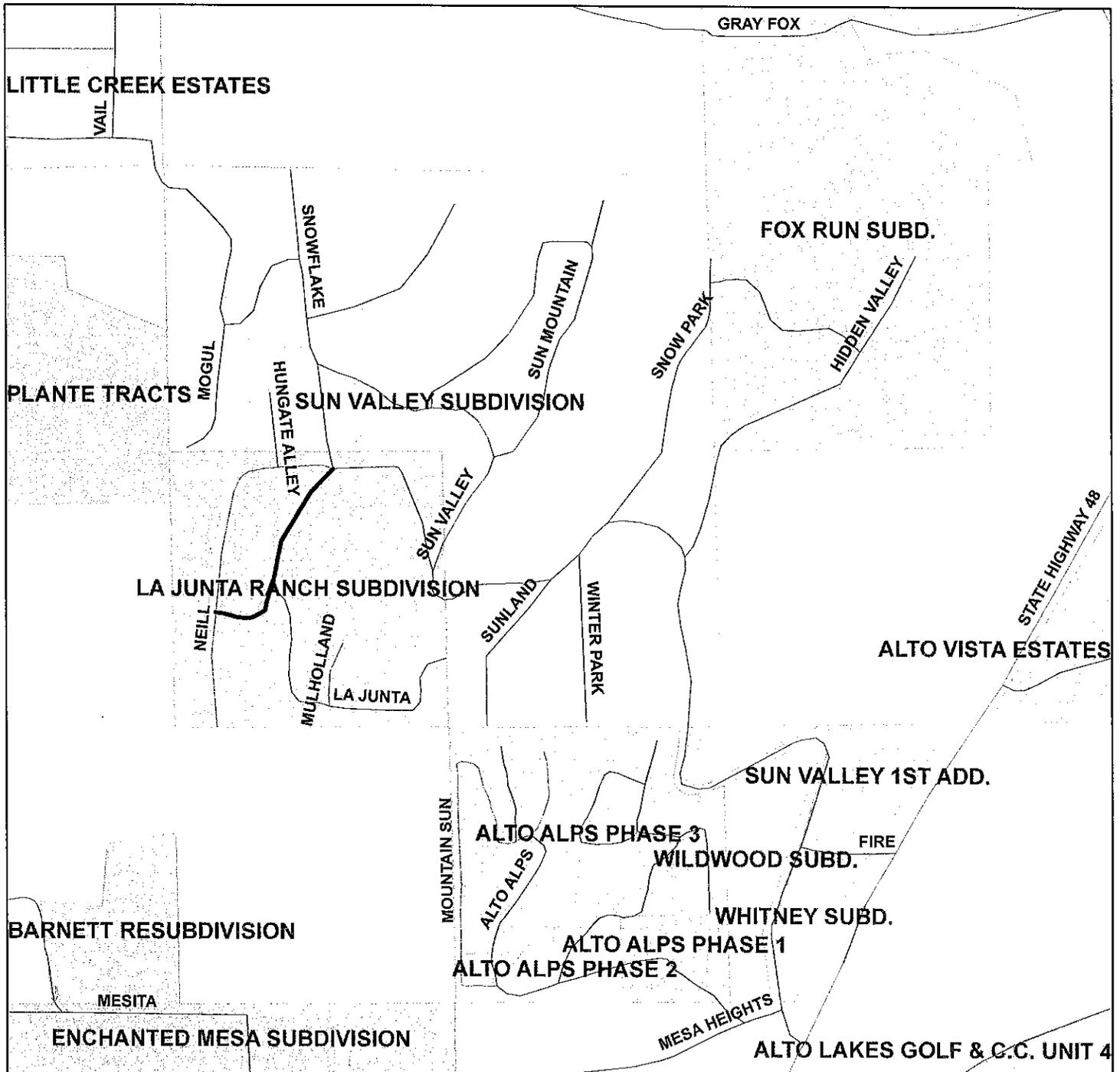
Finance/Purchasing Fax
(505) 648-2381

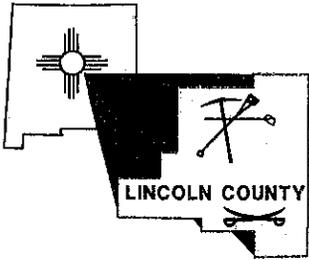
Planning/GIS Fax
(505) 648-2816



Woodward Ln

Road Name Request April 16, 2013





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 replace part of the original name of La Junta Dr with the new name of Rose Wood Trl (to clear up confusion the approximate 0.28 miles South East of Woodward Ln) in the County of Lincoln. All interested parties have acknowledged and approved.

Rose Wood Trl

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

NOW, THEREFORE, the above name **Rose Wood Trl** is hereby approved.

ADOPTED, PASSED AND SIGNED the 16th day of April, 2013.

Jackie Powell
Chairwoman

Preston Stone
Vice-Chairman

Mark Doth

Dallas Draper

Kathryn Minter

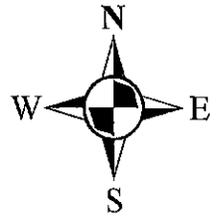
ATTEST:

Rhonda B Burrows, County Clerk

County Manager's Fax
(505) 648-4182

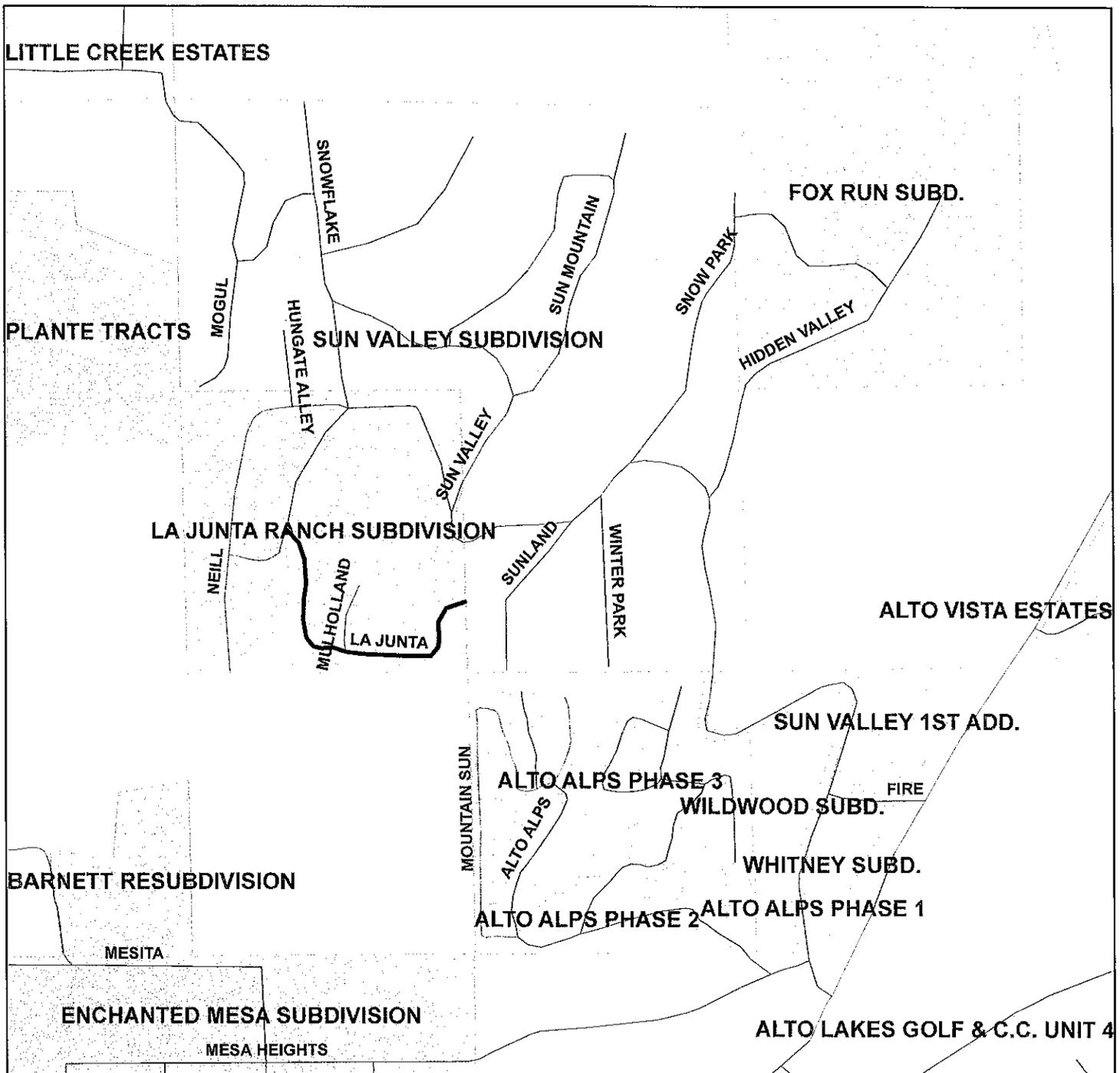
Finance/Purchasing Fax
(505) 648-2381

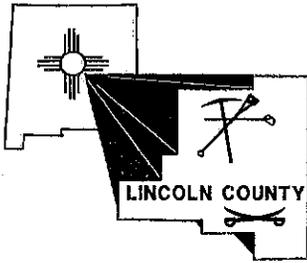
Planning/GIS Fax
(505) 648-2816



Rose Wood Trl

Road Name Request April 16, 2013





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 Bear Paw Trl for a private easement in the subdivision of La Junta Ranch in the County of Lincoln. All interested parties have acknowledged and approved:

Bear Paw Trl

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

NOW, THEREFORE, the above name **Bear Paw Trl** is hereby approved.

ADOPTED, PASSED AND SIGNED the 16th day of April, 2013.

Jackie Powell
Chairwoman

Preston Stone
Vice-Chairman

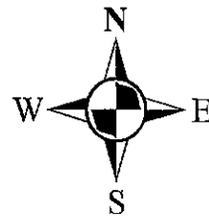
Mark Doth

Dallas Draper

Kathryn Minter

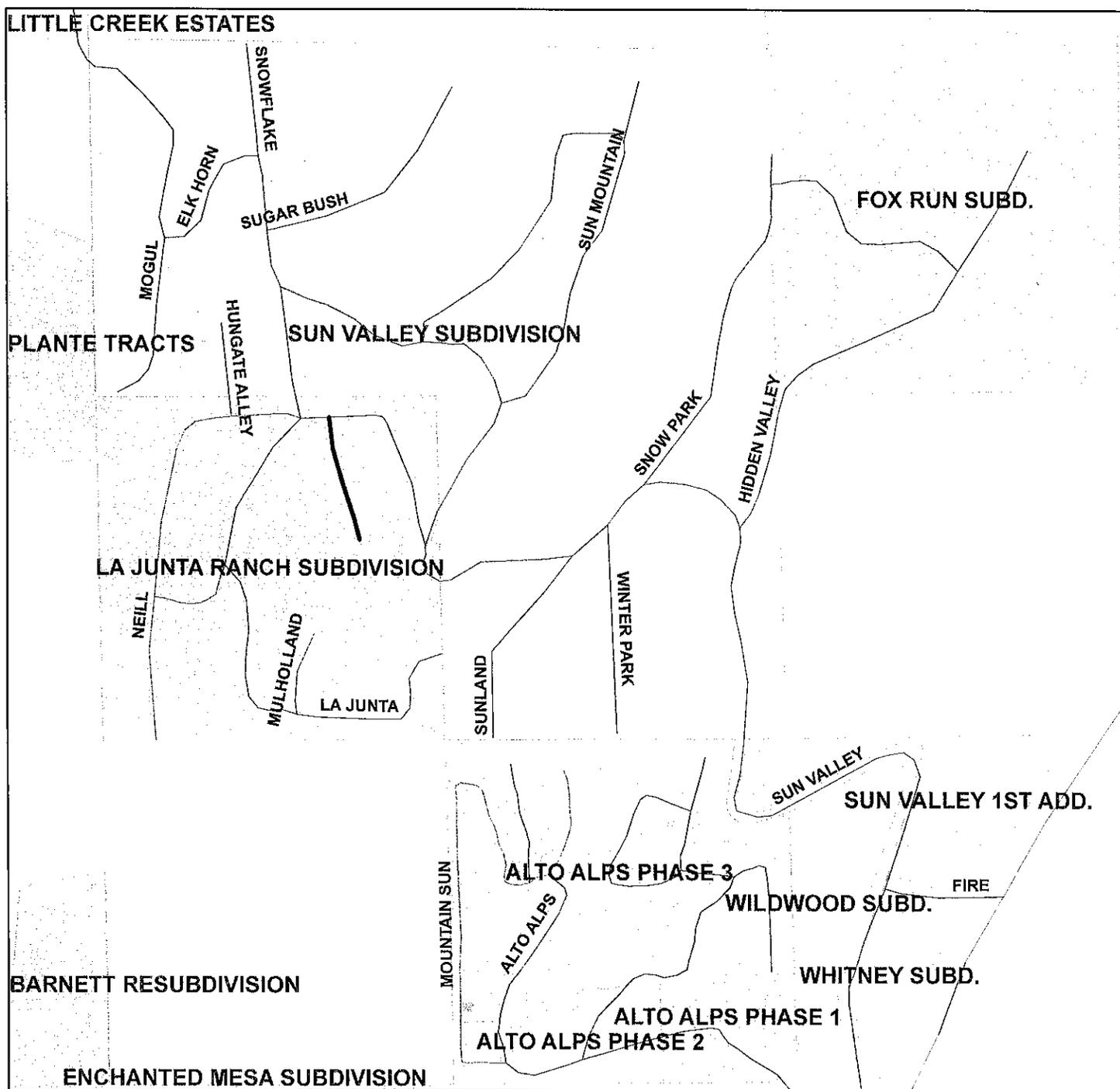
ATTEST:

Rhonda B Burrows, County Clerk



Bear Paw Trl

Road Name Request April 16, 2013



Carrizozo Soil & Water Conservation District
305 12th Street – PO Box 457, Carrizozo, NM 88301
575-648-2941

Mill Levy Rate Resolution # 03 – 2013

WHEREAS the Board of Supervisors was authorized by a referendum held May 4, 1999 to establish a mill levy for a period of 10 years, not to exceed the rate of one dollar per thousand dollars of the net taxable value of real property within the District; and

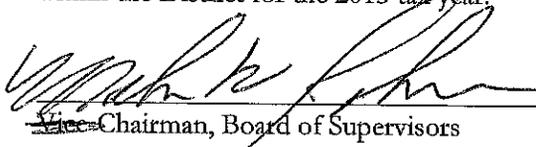
WHEREAS, said referendum was conducted in accordance with provisions of the Soil and Water Conservation District Act [73-20-25 to 73-20-48 NMSA 1978]; and

WHEREAS, the Soil and Water Conservation District Act in Section 73-20-46 provides that if the district is indebted to the United States or the state or any of their respective agencies or instrumentalities, including the New Mexico finance authority, at the time of the expiration of the original authorization, the supervisors may renew the assessment by resolution for a period not to exceed the maturity date of the indebtedness, and no referendum for that renewal is necessary; and

WHEREAS, the Carrizozo SWCD is currently in debt to Upper Hondo SWCD for \$3,380.35 with a maturity date of May 1, 2015; and

WHEREAS, this resolution shall not become effective until approved in writing by the New Mexico Soil & Water Conservation Commission;

NOW THEREFORE, on this 9th day of April, 2013 the Board of Supervisors of the Carrizozo Soil & Water Conservation District being in session in accordance with the Open Meetings Act, a quorum being present, and following public discussion does hereby resolve to establish a mill levy at the rate of three-quarters of a dollar per thousand dollars of the net taxable value of real property within the District for the 2013 tax year.



Vice-Chairman, Board of Supervisors

This resolution passed on a motion by Jim Grider

and second by Gray Gallacher

Vote as follows (enter yea or nay):

Melvin Johnson	<u>Yea</u>
Jim Grider	<u>Yea</u>
Steve Harkey	<u>Yea</u>
Gray Gallacher	<u>Yea</u>
Jack Allen Davidson	<u>Yea</u>

Attest: Barbie Roper

April 9, 2013

AGENDA DOCUMENTATION
April 16, 2013

Agenda Item No. 8

SUBJECT

Smokey Bear Ranger District Update

ACTION REQUESTED BY

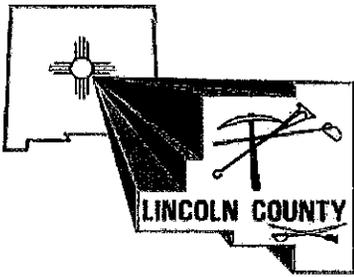
David Warnack

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

April 10, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Monthly Smokey Bear District Ranger Report

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

Discussion:

David Warnack may 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 along with some additional information.

Recommendation: None – information only at this time.

**Smokey Bear RD, Lincoln National Forest, Briefing Paper for
Lincoln County Commissioners Meeting
April, 2013**

Critical Updates

- The Smokey Bear Ranger District and Lincoln County made a joint presentation at the New Mexico Wildland Urban Interface Summit, hosted in Taos, NM on April 3rd and 4th.
 - The main theme of the presentation was the importance of partnerships before, during, and after disasters.
 - The presentation was well received by the audience which consisted of a wide variety of agency representatives and public participants.
- Smokey Bear Ranger District has moved the fire danger rating to “MODERATE.” We are monitoring fuel moisture levels on a weekly basis in order to inform future decisions regarding fire restrictions. There is currently no decision to enact fire restrictions, however, the area is drying out quickly and people are advised to use caution when having campfires.
- The Ranger District has developed a new “Outdoor Hazards” outreach campaign to educate visitors about some of the hazards they may encounter while visiting the forest - especially in burned areas. A brochure and a sign template are attached to this briefing. The brochure is being handed out at our front desk, and the signs are being manufactured. The signs will be approximately 3’x4’ and will be posted at trailheads and campgrounds.
- The Ranger District is working with the NM DOT on mitigating hazard trees along sections of Highway 37. Felling operations will be completed by Ranger District personnel, while traffic control and other operations will be handled by the DOT.

End of Report

ENCLOSURE 1



Smokey Bear Ranger District Outdoor Safety Guidelines



Outdoor Safety

When venturing out for the day in the woods, know your limitations. Always carry food and plenty of water. Wear appropriate footwear. A hat and sunscreen will help protect against heat and sunburn. Do not hike alone and tell someone your trip plans (destination and estimated time of return). Use maps to identify trails. Should you find yourself in trouble, stay calm—think clearly. Don't rely on **cell phones**. Many areas in the Forest do not have coverage, so service is not always available and batteries wear out.

Day Hike Essentials

- **Extra food/water**
- **Extra clothing**
- **Map/Compass/GPS**
- **First aid kit**
- **Headlamp/flashlight**
- **Extra Batteries**
- **Knife**
- **Sunglasses**
- **Matches/Fire starter**



Risk Assessment for the Outdoor Traveler

- **Identify known hazards and risks (burned trees, large boulders, washed-out trails)**
- **Come up with control measures to mitigate hazards and reduce risk. Once they've been identified, develop a plan to reduce your exposure. Perhaps choose another trail, go around or away from the hazard .**
- **Identify trigger points for reevaluating operations. If wind speed or threatening rain clouds build and continue to increase, this could be a set trigger point to turn around.**

Hazard Trees

Safety awareness about hazard trees is crucial to outdoor safety and enjoyment. Strong wind events can accelerate tree failure. Persistent observation will aide in overall hiker safety. Below, are observation tips to keep in mind when hiking and choosing a campsite.

- **Look up, Down, and All Around!**
- **Dead and/or burned trees**
- **Broken Tops and Branches**
- **What direction is the tree leaning?**

Weather conditions

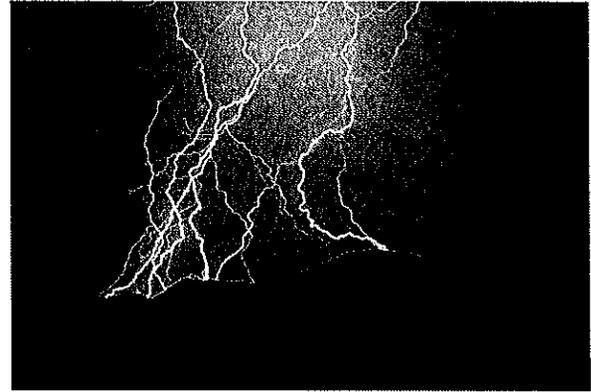
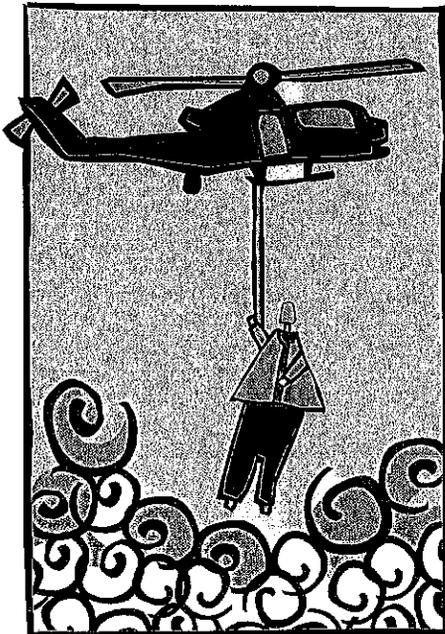
Weather conditions can change rapidly! Don't get caught by surprise! Plan ahead.

- **Obtain current weather forecasts from TV or the internet**
- **Listen to weather reports on the radio**
- **Keep an eye on the sky—pay attention to cloud build-up around your area**

Flash Floods

More deaths occur each year due to flooding than from any other thunderstorm-related hazard because people underestimate the force and power of water. Many of the deaths occur in automobiles that are swept downstream. The best way to avoid lightning, flash floods, and other dangerous conditions is by avoiding the danger! Always research the current weather information right before starting your trip!

- **Do not camp or park a vehicle along streams and washes, especially during threatening conditions**
- **Avoid camping in a wash or in the bottom of a canyon with steep side slopes.**
- **Be especially cautious at night. Flood dangers are much more difficult to see in the dark.**
- **Avoid areas already flooded, especially if the water is flowing fast.**
- **Do not attempt to cross flowing streams.**
- **If flooding occurs, get to higher ground. Get out of areas that are subject to flooding, like dips, low spots, canyons, and washes.**
- **Roadbeds may be washed out underneath floodwaters. Never drive through flooded roadways.**



Lightning

Thunder and lightning storms occur frequently. If you are caught in a storm, follow basic safety procedures. Start counting when you see the lightning and stop when you hear the thunder. A ten second count means that lightning is two miles away (4-5 seconds per mile).

- **Turn off and move away from electronic devices.**
- **Take cover indoors.**
- **Avoid trees - move to a low area.**
- **A car provides the best cover - roll up all windows, do not touch any metal parts.**
- **While hiking, carry a 4 foot square piece of polyethylene as an insulator; crouch down on it, knees and feet together. Crouching lessens your chances of becoming a lightning rod.**
- **Groups attract lightning - separate.**
- **Get away from rocks. Rocks don't hold much water and your body does.**
- **Get off your horse. Metal in horseshoes, bits and rigging can attract lightning. Your horse will be safest if unsaddled and in an area that has brush.**

For more information, call or stop by the
Smokey Bear Ranger District Office
901 Mechem Drive in Ruidoso, NM
575-257-4095



Smokey Bear Ranger District Outdoor Safety Guidelines



OUTDOOR SAFETY

When venturing out for the day in the woods, know your limitations. Always carry plenty of food and plenty of water. Wear appropriate footwear. A hat and sunscreen will help protect against heat and sunburn. Do not hike alone and tell someone your trip plans (destination and estimated time of return). Use maps to identify trails. Should you find yourself in trouble, stay calm - think clearly. Don't rely on cell phones. Many areas in the Forest do not have coverage, so service is not always available and batteries wear out.

DAY HIKE ESSENTIALS

- Extra food/water
- Extra clothing
- Map/Compass.GPS
- First Aid Kit
- Headlamp/flashlight
- Extra Batteries
- Knife
- Sunglasses
- Matches/Fire Starter

RISK ASSESSMENT FOR THE OUTDOOR TRAVELER

- Identify know hazards and risks (burned trees, large boulders, washed-out trails)
- Come up with control measures to mitigate hazards and reduce risk. Once they've been identified, develop a plan to reduce your exposure. Perhaps choose another trail, go around or away from the hazard.
- Identify trigger points for reevaluating operations. If wind speed or threatening rain clouds build and continue to increase, this could be a set trigger point to turn around.

HAZARD TREES

Safety awareness about hazard trees is crucial to outdoor safety and enjoyment. Strong wind events can accelerate tree failure. Persistent observation will aide in overall hiker safety. Below, are observation tips to keep in mind when hiking and choosing a campsite.

- Look Up, Down, and All Around!
- Dead and/or burned trees.
- Broken Tops and Branches.
- What direction is the tree leaning?

FLASH FLOODS

More deaths occur each year due to flooding than from any other thunderstorm-related hazard because people underestimate the force and power of water. Many of the deaths occur in automobiles that are swept downstream. The best way to avoid lightning, flash floods, and other dangerous conditions is by avoiding the danger! Always research the current weather information right before starting your trip!

- Do not camp or park a vehicle along streams and washes, especially during threatening conditions.
- Avoid camping in a wash or in the bottom of a canyon with steep side slopes. Be especially cautious at night. Flood dangers are much more difficult to see in the dark.
- Avoid areas already flooded, especially if the water is flowing fast.
- Do not attempt to cross flowing streams.
- If flooding occurs, get to higher ground. Get out of the areas that are subject to flooding, like dips, low spots, canyons, and washes.
- Roadbeds may be washed out underneath floodwaters. Never drive through flooded roadways.

LIGHTNING

Thunder and lightning storms occur frequently. If you are caught in a storm, follow basic safety procedures. Start counting when you see the lightning and stop when you hear the thunder. A ten second count means that lightning is two miles away (4-5 seconds per mile).

- Turn off and move away from electronic devices.
- Take cover indoors.
- Avoid trees - move to a low area.
- A car provides the best cover - roll up all windows, do not touch any metal parts.
- While hiking, carry a 4 foot square piece of polyethylene as an insulator; crouch down on it, knees and feet together.
- Crouching lessens you chances of becoming a lightning rod.
- Groups attract lightning - separate.
- Get away from rocks. Rocks don't hold much water and your body does.
- Get off your horse. Metal horseshoes, bits and rigging can attract lightning. Your horse will be safest if unsaddled and in an area that has brush.

WEATHER CONDITIONS

Weather conditions can change rapidly! Don't get caught by surprise! Plan ahead.

- Obtain current weather forecasts from TV or the internet.
- Listen to weather reports on the radio.
- Keep an eye on the sky - pay attention to cloud build-up around your area.

For more information, call or stop by the
Smokey Bear Ranger District Office
901 Mechem Drive in Ruidoso, NM
575-257-4095

AGENDA DOCUMENTATION
April 16, 2013

Agenda Item No. 9

SUBJECT

Greentree Solid Waste Authority Discussion

ACTION REQUESTED BY

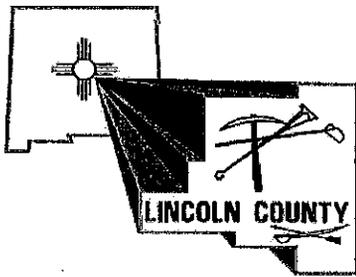
County Manager

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 9, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Greentree Solid Waste Update – Debra Ingle

Purpose: To provide an opportunity for the Greentree Solid Waste Director, Debra Ingle, to provide a monthly report.

Discussion:

Debra Ingle may appear to provide a monthly report to update commissioners and the public on activities in the district. At enclosure 1 may be the latest approved Greentree minutes and other information for the commission.

Recommendation: None – information only at this time.

AGENDA DOCUMENTATION
April 16, 2013

Agenda Item No. 10

SUBJECT

Lincoln County Detention Center Update

ACTION REQUESTED BY

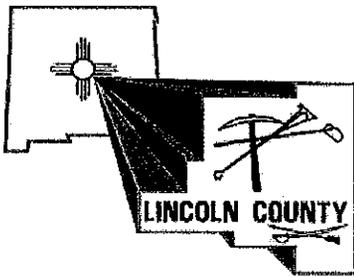
Warden Anderson

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 9, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Lincoln County Detention Center Update – Warden Anderson

Purpose: To provide an opportunity for the Lincoln County Detention Center, Warden Anderson, to provide an update.

Discussion:

Warden Anderson will appear to provide an update to the commissioners and the public on the Lincoln County Detention Center.

Recommendation: None – information only at this time.

AGENDA DOCUMENTATION
April 16, 2013

Agenda Item No. 11

SUBJECT

9:00 A.M.: Lodgers Tax Activities with backup material

ACTION REQUESTED BY

County Manager

ACTION REQUESTED

To be determined

BACKGROUND

- a. Application 1687: Amount: \$3,500.00; CP6 Solutions, Aspencash Motorcycle Rally May 16-19, 2013 Requestor: Patric Pearson/CP6 Solutions
- b. Application 1688: Amount: \$ 3,500.00; CP6 Solutions, Golden Aspen Motorcycle Rally September 18-22, 2013; Requestor: Patric Pearson/CP6 Solutions
- c. Application 1689: Amount: \$ 2,200.00; Ruidoso Sprint Triathlon June 8, 2013; Requestor: Frederic Moras/ Bicycle Ruidoso
- d. Application 1690: Amount: \$1,500.00; Ski Run Road Challenge, July 27, 2013; Requestor Frederic Moras Ski Apache Disabled Skier Program
- e. Application 1691: Amount: \$300.00; Renaissance Festival; Requestor: Jamie Gieb/Shire of Ghillie
- f. Application 1692; Amount: \$19,000.00; Lincoln Pageant & Festival August 2-4, 2013; Requestor: Bennie Long/Lincoln State Monument

NAME OF EVENT: **AspenCash Motorcycle Rally** DATE(S) OF EVENT: **May 16-19, 2013**

NAME OF ORGANIZATION(S) APPLYING FOR FUNDING: **CP6 Solutions, LLC**

AMOUNT REQUESTED: **\$5000.00**

DESCRIBE EVENT BACKGROUND & RATIONALE: **4 Day Motorcycle Convention & Trade Show. Historically the event attracts 8,000+ visitors to the area and supports business economy during slow shoulder season**

HOW WILL YOU ADVERTISE AND MARKET THE EVENT? **Extensive National Advertising Promotion campaign to target nationwide motorcycle community.**

HOW WILL ATTENDANCE AND ORIGIN BE MEASURED? **Every participant must fill out a form containing personal information (Name, Address, Email, Etc.)**

HAVE YOU DISCUSSED SPECIAL ROOM PACKAGES DURING YOUR EVENT WITH A LINCOLN COUNTY LODGER? **Yes**

WHAT PERCENTAGE OF YOUR MEDIA BUDGET WILL BE USED OUTSIDE OF LINCOLN COUNTY? **90%**

WILL YOU HAVE A WEBSITE FOR YOUR EVENT? www.motorcyclerrally.com

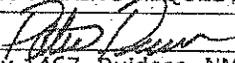
FUNDS WILL BE USED FOR:

NEWSPAPER ADVERTISING:	\$250.00
RADIO:	\$500.00
MAGAZINE:	\$2000.00
INTERNET:	\$250.00
PRINTING:	\$8,000.00
OTHER:	\$6,000.00
TOTAL:	\$17,000.00

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: Patric Pearson	
SIGNATURE OF APPLICANT: 	
ADDRESS/CITY/ZIP: PO Box 1467, Ruidoso, NM 88355	
PHONE: 575.973.4977	EMAIL ADDRESS: info@motorcyclerrally.com
DATE SUBMITTED: 2/19/2013	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.

AspenCash Poker Run

2012 Income Statement

Revenue:

Lodger's Tax Fund	\$9,000.00
Seed Money	\$15,000.00
Rally Receipts	\$107,452.00
	<hr/>
	\$131,452.00

Expenses:

Fees & Dues	\$396.96
Bank & Credit Card Fees	\$335.00
Printing	\$6,418.95
Advertising	\$8,225.65
Office Supplies	\$3,765.40
Postage & Shipping	\$9,267.54
Pins & Patches	\$3,215.00
Security Expense	\$1,968.00
Insurance	\$2,327.89
Food Costs	\$2,981.46
Janitorial Expense	\$1,252.40
Prize Costs	\$12,394.99
Officer Expenses	\$767.43
Telephone & Utilities	\$631.22
Computer Services	\$2,000.00
Travel & Trade Shows	\$3,037.51
Rents	\$10,842.13
Taxes	\$2,356.72
Contract Labor	\$5,000.00
Utilities	\$12,000.00
Equipment	\$1,611.25
Donations	\$4,000.00

	<hr/>
	\$89,028.07
<i>Net Revenue</i>	\$42,423.93
<i>Seed Money</i>	\$15,000.00
<i>Net Income</i>	\$27,423.93

AspenCash Poker Run

Proposed Budget for 2013

Revenue:

Lodger's Tax Fund	\$8,000.00
Seed Money	\$10,000.00
Rally Receipts	\$92,000.00
	<hr/>
	\$110,000.00

Expenses:

Fees & Dues	\$800.00
Bank & Credit Card Fees	\$600.00
Printing	\$6,500.00
Advertising	\$7,500.00
Office Supplies	\$2,500.00
Postage & Shipping	\$9,750.00
Pins & Patches	\$2,800.00
Security Expense	\$2,500.00
Insurance	\$1,500.00
Food Costs	\$1,800.00
Janitorial Expense	\$1,500.00
Prize Costs	\$12,000.00
Officer Expenses	\$700.00
Telephone & Utilities	\$1,500.00
Computer Services	\$3,000.00
Travel & Trade Shows	\$3,500.00
Rents	\$8,500.00
Taxes	\$3,000.00
Contract Labor	\$4,000.00
Utilities	\$200.00
	<hr/>
	\$73,950.00

Net Revenue \$36,050.00

Seed Money \$10,000.00

Net Income \$26,050.00

NAME OF EVENT: **Golden Aspen Motorcycle Rally** DATE(S) OF EVENT: **September 18-22, 2013**

NAME OF ORGANIZATION(S) APPLYING FOR FUNDING: **CPG Solutions, LLC**

AMOUNT REQUESTED: **\$5000.00**

DESCRIBE EVENT BACKGROUND & RATIONALE: **5 Day Motorcycle Convention & Trade Show. Historically the event attracts 30,000+ visitors to the area and supports business economy during slow shoulder season**

HOW WILL YOU ADVERTISE AND MARKET THE EVENT? **Extensive National Advertising Promotion campaign to target nationwide motorcycle community.**

HOW WILL ATTENDANCE AND ORIGIN BE MEASURED? **Every participant must fill out a form containing personal information (Name, Address, Email, Etc.)**

HAVE YOU DISCUSSED SPECIAL ROOM PACKAGES DURING YOUR EVENT WITH A LINCOLN COUNTY LODGER? **Yes**

WHAT PERCENTAGE OF YOUR MEDIA BUDGET WILL BE USED OUTSIDE OF LINCOLN COUNTY? **90%**

WILL YOU HAVE A WEBSITE FOR YOUR EVENT? www.motorcyclerrally.com

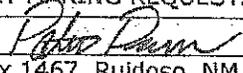
FUNDS WILL BE USED FOR:

NEWSPAPER ADVERTISING:	\$250.00
RADIO:	\$500.00
MAGAZINE:	\$2000.00
INTERNET:	\$250.00
PRINTING:	\$14,000.00
OTHER:	\$7,000.00
TOTAL:	\$24,000.00

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: Patric Pearson	
SIGNATURE OF APPLICANT: 	
ADDRESS/CITY/ZIP: PO Box 1467, Ruidoso, NM 88355	
PHONE: 575.973.4977	EMAIL ADDRESS: info@motorcyclerrally.com
DATE SUBMITTED: 2/19/2013	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.

Golden Aspen Rally

Proposed Budget for 2013

Revenue:

Lodger's Tax Fund	\$9,000.00
Seed Money	\$20,000.00
Rally Receipts	\$221,000.00
	<hr/>
	\$250,000.00

Expenses:

Fees & Dues	\$900.00
Bank & Credit Card Fees	\$1,750.00
Printing	\$10,000.00
Advertising	\$8,000.00
Office Supplies	\$3,000.00
Postage & Shipping	\$12,000.00
Pins & Patches	\$6,000.00
Trophies	\$5,000.00
Security Expense	\$5,000.00
Insurance	\$4,800.00
Food Costs	\$10,000.00
Janitorial Expense	\$3,000.00
Prize Costs	\$20,000.00
Stunt Show Expense	\$5,000.00
Officer Expenses	\$2,500.00
Telephone & Utilities	\$2,500.00
Computer Services	\$3,500.00
Travel & Trade Shows	\$4,500.00
Subscriptions	\$250.00
Rally Site Expense	\$20,000.00
Rents	\$28,000.00
Repairs & Maintenance	\$7,000.00

Depreciation Expense	\$15,000.00
Taxes	\$10,000.00
Contract Labor	\$12,000.00
Interests	\$300.00

\$200,000.00

<i>Net Revenue</i>	\$50,000.00
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<i>Seed Money</i>	\$20,000.00
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<i>Net Income</i>	\$30,000.00
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Golden Aspen Rally

2012 Income Statement

Revenue:

Lodger's Tax Fund	\$10,000.00
Seed Money	\$25,000.00
Rally Receipts	\$219,803.00
	<hr/>
	\$264,803.00

Expenses:

Fees & Dues	\$1,257.04
Bank & Credit Card Fees	\$1,060.85
Printing	\$18,347.75
Advertising	\$14,067.35
Office Supplies	\$3,590.44
Postage & Shipping	\$9,267.53
Pins & Patches	\$4,211.25
Security Expense	\$4,394.00
Insurance	\$3,513.11
Food Costs	\$9,441.29
Janitorial Expense	\$6,976.83
Prize Costs	\$16,364.99
Trophies	\$3,245.18
Officer Expenses	\$1,200.00
Telephone & Utilities	\$1,998.85
Equipment Costs	\$4,086.51
Training & Schools	\$0.00
Computer Services	\$1,094.12
Travel & Trade Shows	\$2,800.00
Rally Site Expense	\$18,702.09
Rents	\$26,250.00
Subscriptions	\$24.00
Repairs & Maintenance	\$4,454.66
Website	\$3,034.52
Stunt Show Expenses	\$1,319.00
Donations	\$12,000.00

Taxes	\$5,094.28
Contract Labor	\$18,000.00
Depreciation Expenses	\$13,773.00
Interests	\$1,331.46
Tax Prep	\$99.95

\$209,760.05

Net Revenue \$55,042.95

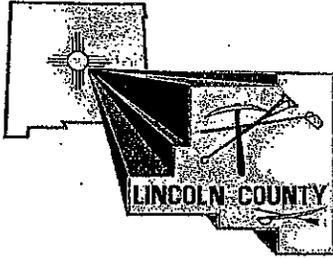
Seed Money \$20,000.00

Net Income \$25,042.95

RECEIVED

MAR 18 2013

ADMINISTRATION
LINCOLN COUNTY NM



County of Lincoln

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

www.lincolncountynm.net

TRIATHLON & YOUTH SPLASH/DASH

NAME OF EVENT: RUIDOSO SPRINT DATE(S) OF EVENT: 6/8/13

NAME OF ORGANIZATION(S) APPLYING FOR FUNDING: BICYCLERUIDOSO

AMOUNT REQUESTED: \$ 540

DESCRIBE EVENT RATIONALE: The 8th Ruidoso Sprint Triathlon & Youth Splash/Dash will be staged in mid town Ruidoso. As a returning member of the Southwest Challenge Series (a championship of duathlon & triathlon in NM & West Texas) we continue to attract a mix of returning athletes & "newbies" to our event. Last year's numbers were affected by the Little Bear Fire (June 9) with last minute cancellation & evacuations. We decided to "downsize" the Kids event, for safety reasons, to a Splash & Dash (swim & run). Both events will be sanctioned by USA Triathlon.

HOW WILL YOU ADVERTISE AND MARKET THE EVENT? Market the event with 2500 rackcards sent to 10 Triathlons in NM & West Texas prior to our Tri (all members of the Southwest Challenge Series). Send posters to specialized running, cycling stores in New Mexico & West Texas. Contact military bases such as Holloman AFB, WSMR, Fort Bliss, Canon AFB. Active.com will have a dedicated promotional campaign with e-newsletters to triathletes.

HOW WILL ATTENDANCE AND ORIGIN BE MEASURED?

Registrations by mail and online with Active.com

HAVE YOU DISCUSSED SPECIAL ROOM PACKAGES DURING YOUR EVENT WITH A LINCOLN COUNTY LODGER? YES NO HOW WILL OCCUPANCY RATES BE REPORTED/TRACKED?

Holiday Inn Express

WHAT PERCENTAGE OF YOUR MEDIA BUDGET WILL BE USED OUTSIDE OF LINCOLN COUNTY? %

WILL YOU HAVE A WEBSITE FOR YOUR EVENT? (YES) NO

Bicycleruidoso.com

FUNDS WILL BE USED FOR:

NEWSPAPER ADVERTISING:	\$	_____
RADIO:	\$	_____
MAGAZINE:	\$	_____
INTERNET:	\$	<u>2100</u>
PRINTING:	\$	<u>800</u>
OTHER: <u>TEE SHIRT</u>	\$	<u>2500</u>
TOTAL:	\$	<u>5400</u>

Please feel free to add additional pages, samples of ads or brochure artwork, etc.

RULES AND REGULATIONS

I understand that these are public funds and they are to be administered according to State Law and County Ordinances, and I agree to submit a follow up report with a financial statement within (90) days following the event or I could forfeit the funds. Funding recommended for approval by the Lincoln County Lodger's Tax Committee must be approved by the Lincoln County Commission (Governing Body). I also understand that approved funding amounts may differ from the amount requested on the application.

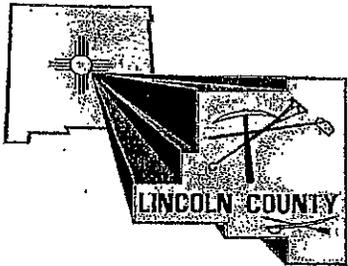
NAME (PRINT) OF APPLICANT MAKING REQUEST:	<u>FREDERIC MORAS</u>
SIGNATURE OF APPLICANT:	<u>[Signature]</u>
ADDRESS/CITY/ZIP:	<u>P.O. Box 561 Ruidoso, NM 88355</u>
PHONE:	<u>575-937-7106</u>
EMAIL ADDRESS:	<u>SRPRUIDOSO@HOTMAIL.COM</u>
DATE SUBMITTED:	PRESENTED AT MEETING ON:

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.

BUDGET 2013
RUIDOSO SPRINT TRIATHLON
YOUTH SPLASH & DASH
SATURDAY, JUNE 8, 2013

TIMING COMPANY	1800
TENT	650
SOUND SYSTEM	400
AWARDS:	
-Bears/Kids Tri Medals	1500
SHIRTS	2500
FOOD	300
WEBSITE	1900
POSTAGE	300
RACKCARDS	500
POSTERS	300
PERMITS USAT	300
SANCTIONING USAT	300
DAY LICENCE USAT	1700
PORTABLE TOILETS	400
POSTAGE/OFFICE SUPPLIES	500
DAY LICENCE	100

TOTAL: \$13150



RECEIVED

MAR 18 2013

County of Lincoln

ADMINISTRATION
LINCOLN COUNTY NM

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

www.lincolncountynm.net

NAME OF EVENT: SKI RUN ROAD CHALLENGE DATE(S) OF EVENT: 07/27/13

NAME OF ORGANIZATIONS(S) APPLYING FOR FUNDING: _____

DESCRIBE EVENT RATIONALE: Enjoy the "cool pines" of Ruidoso, NM. while it's hot as the hinges of hell every else (especially in El Paso our main running market). No other running event will compete with the SRRC in El Paso & Albuquerque area too in the past we always had at least one running even or two to compete in El Paso. The milder temperatures should attract more runners too. We are hoping to have a promotion with Ski Apache offering discounted gondola rides on race day to add to the festive atmosphere.

HOW WILL YOU ADVERTISE AND MARKET THE EVENT? Statewide & nationally with Active.com e-newsletter distributed in the Albuquerque-Santa Fe area to subscribers. Statewide & West Texas rackcards will be send to be included in race packets, posters will be send to specialized running stores in NM, El Paso like Big 5 to mention a few. Newspaper ad in El Paso Scene from May to July. Locally & regionally with MTD radio.

HOW WILL ATTENDANCE AND ORIGIN BE MEASURED? snail mail and email registrations.

HAVE YOU DISCUSSED SPECIAL ROOM PACKAGES DURING YOUR EVENT WITH A LINCOLN COUNTY LODGER? YES NO HOW WILL OCCUPANCY RATES BE REPORTED/TRACKED? High Country Lodge - special rates for runners.

WHAT PERCENTAGE OF YOUR MEDIA BUDGET WILL BE USED OUTSIDE OF LINCOLN COUNTY? _____% WILL YOU HAVE A WEBSITE FOR YOUR EVENT? _____ YES _____ NO

FUNDS WILL BE USED FOR:	
NEWSPAPER ADVERTISING:	\$ <u>700</u>
RADIO:	\$ <u>900</u>
MAGAZINE:	\$ _____
INTERNET:	\$ <u>2477.50</u>
PRINTING:	\$ <u>500</u>
OTHER:	\$ _____
TOTAL:	\$ <u>4577.50</u>

AMOUNT REQUESTED:
\$4577.50

Please feel free to add additional pages, samples of ads or brochure artwork, etc.

RULES AND REGULATIONS

I understand that these are public funds and they are to be administered according to State Law and County Ordinances, and I agree to submit a follow up report with a financial statement within (90) days following the event or I could forfeit the funds. Funding recommended for approval by the Lincoln County Lodger's Tax Committee must be approved by the Lincoln County Commission (Governing Body). I also understand that approved funding amounts may differ from the amount requested on the application.

NAME (PRINT) OF APPLICANT MAKING REQUEST:	<u>FREDERIC MORAS</u>
SIGNATURE OF APPLICANT:	<u>[Signature]</u>
ADDRESS/CITY/ZIP:	<u>P.O. Box 561 RUIDOSO, NM 88355</u>
PHONE:	<u>575-937-7106</u>
EMAIL ADDRESS:	<u>SRRCRUIDOSO@HOTMAIL.COM</u>
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.

BUDGET 2013
Ski Run Road Challenge
Saturday, July 13, 2013
12M Solo, 12M Relay, 3M Fun Runs

Advertising

Internet:

- Active.com	2077.50
- Website	400
- Newspaper: El Paso Scene :	700
- Rackcards & Posters	500
- Radio	900
- Portable toilets	400
- Trophies Bears	300
- Tee shirts	1300
- Postage	100
- Office supplies & supplies	150
- Transportation	200
- USATF sanctioning	80
- Food	700
- Village permit	50

TOTAL: 7857.5

BUDGET 2012
Ski Run Road Challenge
Saturday, October 27, 2012
9.2M Solo, 9.2M Relay, 3M Fun Runs

Advertising		Was
- Internet:		
- Active.com	1600	1880.17
- Website:	500	347.60
- Newspaper: El Paso Scene :	500	683.48
- Rackcards & Posters	800	446.52
- Radio	750	880
- Portable toilets	195	317.06
- Trophies Bears	250	225
- Tee shirts	1400	1770
- Postage	150	91.85
- Office supplies & supplies	90	133.13
- Transportation	300	100
- USATF sanctioning	150	75
- Food	700	271.46
- Village permit	50	50
TOTAL: \$7435		7271.27

Active Newsletter Albuquerque - Santa Fe calendar

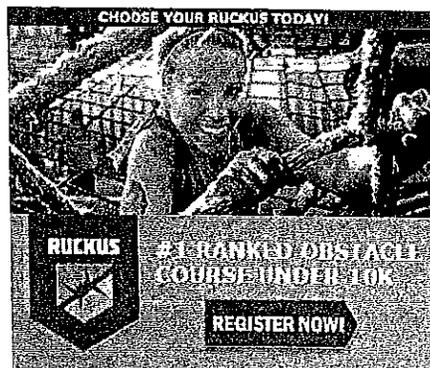


Need a fun Challenge?

Arizona Spartan Sprint (2/9/13) obstacle races are muddy 3+/- mile events with 10+ obstacles. 99.9% will finish, and 100% will have their thirst for mud & trail racing fully satisfied! REGISTER TODAY!

- 02/09/2013 - [Arizona Spartan Sprint 2013](#) - Fountain Hills MMRP, AZ
 02/18/2013 - [2013 Spring Beginner Adult...](#) - Santa Fe, NM
 02/19/2013 - [2013 Spring Intermediate Adult...](#) - Santa Fe, NM
 02/23/2013 - [32nd Pecos Valley Stampede](#) - Roswell, NM
 03/17/2013 - [NM SHAMROCK SHUFFLE 10 miler...](#) - Rio Rancho, NM
 04/06/2013 - [5k Foam Fest- San Antonio 2013](#) - Floresville, TX
 04/06/2013 - [Small Steps 5K/1Mile FUN RUN](#) - Albuquerque, NM
 04/06/2013 - [Ellen Reavis Race for Autism...](#) - Albuquerque, NM

[Advertise your event here](#)



Over 625,000 "active" people have already joined the Active.com Facebook page. Come see why.



Don't Miss Out on the Craziest Race to Hit San Antonio!

5K Foam Fest is the newest and craziest race to hit the nation. On April 6th San Antonio will be transformed into a giant bubble bath full of FOAM and ginormous inflatable obstacles! Register now and get FOAMED!

National Events

[See more](#)

- 05/12/2013 - [Cox Rhode Races 2013](#) - Providence, RI
 05/18/2013 - [Great Wall Marathon/Half Marathon/7.5K Fun Run...](#) - San Diego, CA
 06/01/2013 - [40th Annual Hospital Hill Run](#) - Kansas city, MO
 10/12/2013 - [Amica Marathon 2013](#) - Newport, RI
 11/09/2013 - [Select Staffing Santa Barbara International...](#) - Santa Barbara, CA



Don't Miss Out on the Original Mud Run DFW!

On April 13th mud will be the LEAST of your worries! Trudge through the Gorilla Ropes, Low Crawl and Tire Mountain obstacles. In the Original Mud Run DFW, getting DIRTY is what it's all about! SAVE \$5 with code AXDFW13! Secure your spot NOW!

More Events in Your Area

[See more](#)

- 04/13/2013 - [Run Against Traffick 5K Run/Walk Kids K](#) - Albuquerque, NM
 04/20/2013 - [ALBUQUERQUE HALF MARATHON and 10k, 5k, & Kids K](#) - Albuquerque, NM
 04/21/2013 - [Spring Fling Triathlon & 5k Run](#) - Rio Rancho, NM
 05/04/2013 - [RRCA Convention 2013 DAY PASS](#) - Albuquerque, NM
 05/04/2013 - [Shiprock Marathon & Relays](#) - Shiprock, NM
 05/04/2013 - [Turquoise Trail Fun Run](#) - Santa Fe, NM
 05/19/2013 - [2013 World's Toughest 10k](#) - Albuquerque, NM
 05/19/2013 - [Santa Fe Century 2013](#) - Santa Fe, NM
 06/23/2013 - [Storrie Lake Triathlon 2013](#) - Las Vegas, NM
 07/28/2013 - [Cochiti Lake Triathlon 2013](#) - Cochiti Lake, NM

[Advertise your event here](#)



Get FILTHY in the ALL NEW Original Mud Run!

In the Original Mud Run, mud will be the LEAST of your worries! Trudge through the Gorilla Ropes, Low Crawl and Tire Mountain obstacles. In the Original Mud Run DFW, Houston and Nashville, getting DIRTY is what it's all about! [Find an event near you!](#)

Windows Live™ Hotmail (1) Messenger (0) SkyDrive | MSN

Frederic Moras

profile | sign out

Hotmail

New | Reply Reply all Forward | Delete Junk Sweep | Mark as | Move to | Categories

Options

Inbox (1)

Folders

Junk
Drafts (45)
Sent

Deleted (47)
200PINEROAD
ACTIVE INFO
CCR TIMING

Graphic ART
JARDIN

Press release (1)

Registration

SARAH

SRRC business (2)

SRRC Forms

TOUR DE RUIDOSO

TRI ATHENA

TRI CLYDESDALE

TRI CO-ED

TRI FEMALE SOLO

TRI FEMALE TEAM

TRI INFO

TRI INVOICE

TRI KIDS

TRI MALE SOLO

TRI MALE TEAM

TRI MAPS

TRI YOUTH

TRICOMMUNICATIO...

New folder

Quick views

Documents (1)

Flagged

Photos (9)

Shipping updates

New category

Messenger

You're signed in to Messenger. To change your status, click your name in the upper right corner. Keep me signed in | Sign out of Messenger

Search contacts

No friends are online.

Sign out of Messenger

Home

Contacts

Calendar

Active Runner: Treadmill Workouts Made Easy; New Rules of Marathon Nutrition; Boost Performance With Kettlebells

Active.com Schedule cleanup
To srrcruidoso@hotmail.com

Newsletters | 2/06/13

Reply

This week, run with your sweetie at a Valentine's Day race, learn how often beginners should run, eat well to recover from injury, and more. Trouble viewing this newsletter? Try this link: <http://www.active.com/running/Newsletters/2-6-2013.htm>



RUNNER



Like Us » find more newsletters » go to Active.com Running



New Rules of Marathon Nutrition

Want to get leaner for your next marathon? Active Expert Matt Fitzgerald studied the diets of elite runners for years, and shares their secrets.

» More



Boost Performance With Kettlebells

Weak glutes can cause injury and poor running form. This video shows you how to increase posterior strength with three kettlebell moves.

» Watch Video



Treadmill Workouts Made Easy

Need to complete a workout on the treadmill, but aren't sure how hard or long to run? Here's a step-by-step guide to three workouts. » More



6 Valentine's Day Runs

Before you feast on chocolate and wine, lace up and bundle up for a Valentine's Day run. Register as a couple or, if you're single, meet someone new. » More



Newbies: How Much Should You Run?

There's a balance between how much you should run and how much you should rest. Find out how much you need of both as a beginner. » More



3 Tips to Clean Up Your Diet

Although good shoes and motivation will help you improve as a runner, there's another set of tools you should use: an oven and a stove. » More



Featured Events

Finish Chelsea's Run 5K, San Diego, CA 3/2/13

Cox Rhode Races, Providence, RI 5/12/13

Grapes of Rock Half Marathon, Sonoma County, CA 5/8/13

Amica Marathon 2013, Newport, RI 10/12/13

Santa Barbara International Marathon, Santa Barbara, CA 11/9/13

Find More Running Events

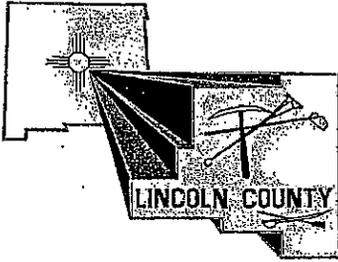


Add the 2013 Cox Rhode Races to Your Race Schedule!

On May 11th -12th run the Full, UnitedHealthcare Half or 5K in Providence, RI! It's one of the fastest growing, affordable races in the Northeast! With a flat and fast course, it's become a favorite local qualifying race for Boston!

Register NOW!

↑ calendar ↑



RECEIVED

FEB 25 2013

County of Lincoln

ADMINISTRATION
LINCOLN COUNTY NM

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

www.lincolncountynm.net

NAME OF EVENT: Renaissance Festival DATE(S) OF EVENT: 20th, 21 April, 2013

NAME OF ORGANIZATION(S) APPLYING FOR FUNDING: Jamie Gieb - Producer

AMOUNT REQUESTED: \$ 300

DESCRIBE EVENT, BACKGROUND & RATIONALE: 3rd Year - refer to attachment.

HOW WILL YOU ADVERTISE AND MARKET THE EVENT? Newspapers, Radio, and Posters

HOW WILL ATTENDANCE AND ORIGIN BE MEASURED? Because this event is free for the attendees, we take an estimate

HAVE YOU DISCUSSED SPECIAL ROOM PACKAGES DURING YOUR EVENT WITH A LINCOLN COUNTY LODGER? YES, NO HOW WILL OCCUPANCY RATES BE REPORTED/TRACKED? Rolling of vendors & visitors

WHAT PERCENTAGE OF YOUR MEDIA BUDGET WILL BE USED OUTSIDE OF LINCOLN COUNTY? % WILL YOU HAVE A WEBSITE FOR YOUR EVENT? NO YES NO NO Not Yet

FUNDS WILL BE USED FOR:

NEWSPAPER ADVERTISING:	\$	<input checked="" type="checkbox"/>
RADIO:	\$	<input checked="" type="checkbox"/>
MAGAZINE:	\$	<input type="checkbox"/>
INTERNET:	\$	<input type="checkbox"/>
PRINTING:	\$	<input type="checkbox"/>
OTHER:	\$	<input type="checkbox"/>
TOTAL:	\$	<input type="checkbox"/>

Please feel free to add additional pages, samples of ads or brochure artwork, etc.

RULES AND REGULATIONS

I understand that these are public funds and they are to be administered according to State Law and County Ordinances, and I agree to submit a follow up report with a financial statement within (90) days following the event or I could forfeit the funds. Funding recommended for approval by the Lincoln County Lodger's Tax Committee must be approved by the Lincoln County Commission (Governing Body). I also understand that approved funding amounts may differ from the amount requested on the application.

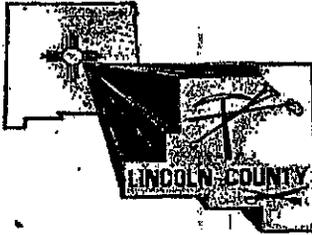
NAME (PRINT) OF APPLICANT MAKING REQUEST:	<u>Jamie Gieb</u>
SIGNATURE OF APPLICANT:	<u>Jamie Gieb</u>
ADDRESS/CITY/ZIP:	<u>PO Box 486 Carrizozo, NM 88301</u>
PHONE: <u>575-237-6957</u>	EMAIL ADDRESS: <u>schilliedu@yahoo</u>
DATE SUBMITTED: <u>25 February</u>	PRESENTED AT MEETING ON: <u>25 Feb 13</u>

Attach any previous year's budget and proposed budget for event. Mail or deliver to Billie-Jo Guevara, Lincoln County, PO Box 711, Carrizozo, NM 88301 or Fax to (575)648-4182.

“The Shire of Ghillie Dhu” is a small business in Carrizozo, NM. This business sells only products made by Artisans living in Lincoln County. Jamie S. Gieb and her husband Mike are principle owners of this business located on Historic 12th Street.

This event was created in discussions with others concerning the fact that in the summer in Lincoln County people come here for camping, hiking, horse-racing and the lure of the “Old West”, in the fall there is the beauty of the changing leaves, motorcycle rallies, art shows, and beautiful weather; with winter comes snow skiing, sledding, Christmas holidays, winter fun; but springtime seems to be a time everyone goes away. Hence the Renaissance Festival was created to allow for a time of Fantasy, a rebirth of life, and to be able to return to a simpler time of Knights in shining armor, lovely ladies in long dresses.

Carrizozo’s Renaissance Festival, now in its third year, has accomplished several goals of entertainment and economic stimulation. There has been steady growth and interest in this type of event by Lincoln Co. residence and visitors. Our goal is to continue the springtime activity increasing the opportunities for a true springtime Renaissance in Lincoln County.



County of Lincoln

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

www.lincolncountynm.net

NAME OF EVENT: Old Lincoln Days DATE(S) OF EVENT: August 2, 3, 4, 2013
 NAME OF ORGANIZATIONS(S) APPLYING FOR FUNDING: Pageant & Festival Corp./Lincoln State Monument
 AMOUNT REQUESTED: \$ 19,000.00

DESCRIBE EVENT BACKGROUND & RATIONALE: 74 annual folk festival originating in 1940. Visitation reaching five to six thousand visitors throughout the 3 day event. 2013 brought over seven thousand visitors.

HOW WILL YOU ADVERTISE AND MARKET THE EVENT? program guides, radio ads, websites, newspapers, posters, banners, ad cards

HOW WILL ATTENDANCE AND ORIGIN BE MEASURED? Ticket sales at performance gate, vehicle count, admission sales through Lincoln State Monument Museums

HAVE YOU DISCUSSED SPECIAL ROOM PACKAGES DURING YOUR EVENT WITH A LINCOLN COUNTY LODGER? YES NO HOW WILL OCCUPANCY RATES BE REPORTED/TRACKED? Due to lack of availability

WHAT PERCENTAGE OF YOUR MEDIA BUDGET WILL BE USED OUTSIDE OF LINCOLN COUNTY? 60%
 WILL YOU HAVE A WEBSITE FOR YOUR EVENT? YES NO
nmmonuments.org arch billie the kid pageant.org

FUNDS WILL BE USED FOR:	
NEWSPAPER ADVERTISING:	\$ 3,000.00
RADIO:	\$ 3,000.00
MAGAZINE:	\$ 1,591.00
INTERNET:	\$ 1,000.00
PRINTING:	\$ 2,000.00
OTHER:	\$ 4,409.00
TOTAL:	\$ 19,000.00

Please feel free to add additional pages, samples of ads or brochure artwork, etc.

RULES AND REGULATIONS

I understand that these are public funds and they are to be administered according to State Law and County Ordinances, and I agree to submit a follow up report with a financial statement within (90) days following the event or I could forfeit the funds. Funding recommended for approval by the Lincoln County Lodger's Tax Committee must be approved by the Lincoln County Commission (Governing Body). I also understand that approved funding amounts may differ from the amount requested on the application.

NAME (PRINT) OF APPLICANT MAKING REQUEST: <u>Bernie Long</u>	
SIGNATURE OF APPLICANT: <u>Bernie Long</u>	
ADDRESS/CITY/ZIP: <u>PO Box 36 Lincoln, NM 88338</u>	
PHONE: <u>575-658-4035</u>	EMAIL ADDRESS: <u>bernie.long@state.nm.us</u>
DATE SUBMITTED: <u>3/19/13</u> PRESENTED AT MEETING ON:	

Attach any previous year's budget and proposed budget for event. Mail or deliver to Billie-Jo Guevara, Lincoln County, PO Box 711, Carrizozo, NM 88301 or Fax to (575)648-4182.

County Manager's Fax
(575) 648-4182

Finance/Purchasing Fax
(575) 648-2381

Rural Addressing Fax
(575) 648-2816

Lodgers Tax Request

Lincoln Pageant and Festivals Inc./Lincoln State Monument

March 19, 2013

• Advertising websites LPFI& LSM	\$1,000.00
• Magazine advertisements	\$1,591.00
• Radio and television	\$3,000.00
7 radio stations throughout Lincoln County and surrounding Counties	
• Newspaper	\$3,000.00
Throughout Lincoln County, Alamogordo, White Sands, Roswell, Artesia, Hobbs, Lovington, and Carlsbad	
• Porta Potties- 19 regular and 3ADA	\$2,759.00
To provide sanitation services for visitation reaching approximately 7,000.	
• Printing	
Pre press printing	\$1,200.00
Printing	\$3,866.00
Shipping	\$495.00
Gross Receipts Tax (approximate)	\$439.00 = \$6,000.00
Brochures to be distributed throughout west Texas, New Mexico and parts of Oklahoma	
• Trash /Roll off delivery/Rental	<u>\$1,650.00</u>
Total	\$19,000.00

Lincoln State Monument pays for all entertainment throughout this 3 day event.

Lincoln State Monument also provides additional trash pickup.

Landscaping and clean up provided by both Lincoln State Monument and Pageant and Festival Inc.

Set up space for vendors and event provided by Lincoln State Monument and Pageant and Festival Inc..

Pageant and Festivals Inc. pays for additional trash pickup throughout this 3 day event.

Lincoln State Monument and Pageant and Festivals will provide advertisement through Banner placement.

Lincoln County
Lodgers Tax Committee
Regular Meeting –Tuesday, March 26, 2013
10:00 A.M. - Village of Capitan (Council Chambers) Capitan, New Mexico

MINUTES

1. Call to Order. 10:08 called to order.
2. Roll Call. Attending Victor Garrison, David Vigil, Alice Seely
3. Funding Request: \$5,000.00
Purpose: AspenCash Motorcycle Rally
Date(s) of Event: May 16-19, 2013
Presenter: CP6 Solutions, LLC.; Patric Pearson
DISCUSSION
Motion to recommend to County Commissioners that \$3500 be awarded. Alice
Seconded victor
4. Funding Request: \$5,000.00
Purpose: Golden Aspen Motorcycle Rally
Date(s) of Event: September 18-22, 2013
Presenter: CP6 Solutions, LLC.; Patric Pearson
DISCUSSION
Motion to recommend to County Commissioners that \$3500 be awarded. Alice
Seconded Victor
5. Funding Request: 5,400.00
Purpose: Ruidoso Sprint Triathlon & Youth Splash/Dash
Date(s) of Event: June 8, 2013
Presenter: Frederic Moras/Bicycle Ruidoso
DISCUSSION
Motion to recommend to County Commissioners that \$3500 be awarded. Victor
Seconded Alice
6. Funding Request: \$4,577.50
Purpose: Ski Run Road Challenge
Date(s) of Event: July 27, 2013
Presenter: Frederic Moras/ Ski Apache Disabled Skier Program
DISCUSSION
Motion to recommend to County Commissioners that \$1500 be awarded. Alice
Seconded Victor

Lincoln County
Lodgers Tax Committee
Regular Meeting –Tuesday, March 26, 2013
10:00 A.M. - Village of Capitan (Council Chambers) Capitan, New Mexico

7. Funding Request: \$300.00
Purpose: Renaissance Festival
Date(s) of Event: April 20 & 21, 2013
Presenter: Jamie Gieb, Producer

DISCUSSION

Motion to recommend to County Commissioners that \$300 be awarded. Alice
Seconded Victor

8. Funding Request: \$19,000.00
Purpose: Old Lincoln Days
Date(s) of Event: August 2-4, 2013
Presenter: Bennie Long/Pageant & Festival/Lincoln State Monument

DISCUSSION

Motion to recommend to County Commissioners that \$19000 be awarded. Victor
Seconded Alice

9. Approval of Minutes – January 29, 2013 Regular Lodger's Tax Meeting.
Minutes accepted as presented.

MEETING ADJOURNED

Date: 3/26/13

Nº 1687

LINCOLN COUNTY LODGER'S TAX APPLICATION FOR FUNDING

Section 1 CPO SOLUTIONS, LLC

Name of Organization _____

Organization is: Profit Non Profit Government Related

PO BOX 1467 RUIDOSO NM 89355
Address City State Zip

PATRIC PEARSON 575.973.4977
Contact Person (s) Telephone # (s)

Amount Requested: \$ 5000.00 Money is to be used for: NATIONAL ADVERTISING FOR THE ASPENCASH MOTORCYCLE RALLY

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] 3/26/2013
Signature Date

NOTE: Credit/Tag Line must appear or be given as follows: Paid For By LINCOLN COUNTY LODGERS TAX.

Section 2

Meeting Date: 3/26/13 LODGER'S TAX COMMITTEE
Amount Approved: \$ 3500.00 Request Denied: _____

Comments: _____
[Signature]
Authorized Signature

Section 3

LINCOLN COUNTY COMMISSION

Meeting Date: _____
Approval: _____ Denial: _____
Comments: _____

County Manager Signature

FUNDS WILL NOT BE RELEASED BY LINCOLN COUNTY UNTIL THE AWARDED FUNDS REIMBURSEMENT FORM IS SIGNED AND TURNED IN TO LINCOLN COUNTY.

DISTRIBUTION:
1) COUNTY MANAGER 2) COUNTY FINANCE 3) LODGER'S TAX COMM 4) REQUESTING ORGZN.

Date: 3/26/13

Nº 1688

LINCOLN COUNTY LODGER'S TAX APPLICATION FOR FUNDING

Section 1 CPL Solutions, LLC

Name of Organization

Organization is: Profit Non Profit Government Related

PO Box 1467 Ruidoso NM 88355
Address City State Zip

PATRIC PEARSON 575.973.4777
Contact Person (s) Telephone # (s)

Amount Requested: \$5000.00 Money is to be used for: NATIONAL ADVERTISING FOR THE GOLDEN ASPEN MOTORCYCLE RALLY

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]
Signature

3/26/2013
Date

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: 3/26/13

Amount Approved: \$3500.00 Request Denied: _____

Comments: _____

[Signature]
Authorized Signature

Section 3

LINCOLN COUNTY COMMISSION

Meeting Date: _____

Approval: _____ Denial: _____

Comments: _____

County Manager Signature

FUNDS WILL NOT BE RELEASED BY LINCOLN COUNTY UNTIL THE AWARDED FUNDS REIMBURSEMENT FORM IS SIGNED AND TURNED IN TO LINCOLN COUNTY.

DISTRIBUTION:

- 1) COUNTY MANAGER 2) COUNTY FINANCE 3) LODGER'S TAX COMM 4) REQUESTING ORGZN.

Date: 3/26/13

Nº 1689

LINCOLN COUNTY LODGER'S TAX APPLICATION FOR FUNDING

Section 1 BICYCLERUIDOSO / RUIDOSO SPRENT TRIATHLON
Name of Organization

Organization is: Profit Non Profit Government Related

114 HORTON CIRCLE RUIDOSO NM 88355
Address City State Zip

FREDERIC MORAS 575-937-7106
Contact Person (s) Telephone # (s)

Amount Requested: \$ 5400 Money is to be used for: INTERNET (ACTIVE.COM/BICYCLERUIDOSO.COM)
PRINTING CARDS & POSTERS);

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 [Handwritten Signature]

Date 3/26/13

NOTE: Credit/Tag Line must appear or be given as follows: Paid For By LINCOLN COUNTY LODGERS TAX.

Section 2

Meeting Date: 3/26/13 LODGER'S TAX COMMITTEE

Amount Approved: \$ 2200 Request Denied: _____

Comments: _____

[Handwritten Signature: David A. Fajie]
Authorized Signature

Section 3

LINCOLN COUNTY COMMISSION

Meeting Date: _____

Approval: _____ Denial: _____

Comments: _____

County Manager Signature

FUNDS WILL NOT BE RELEASED BY LINCOLN COUNTY UNTIL THE AWARDED FUNDS REIMBURSEMENT FORM IS SIGNED AND TURNED IN TO LINCOLN COUNTY.

DISTRIBUTION:

- 1) COUNTY MANAGER 2) COUNTY FINANCE 3) LODGER'S TAX COMM 4) REQUESTING ORGZN.

Date: 3/26/13

Nº 1690

LINCOLN COUNTY LODGER'S TAX APPLICATION FOR FUNDING

Section 1 SKI RUN ROAD CHALLENGE

Name of Organization

Organization is: Profit Non Profit Government Related

P.O. Box 561 RUIDOSO NM 88355

Address City State Zip

FREDERIC MORAS 575-937-7106

Contact Person (s) Telephone # (s)

Amount Requested: \$ 4577.50 Money is to be used for: NEWSPAPER (EL PASO SCENE)

INTEREST (ACTIVE.COM/SKIRUNCHALLENGE.COM) PRINTING (RACKCARDS and POSTERS) RADIO (MOT)

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 [Signature]

Date 3/26/13

NOTE: Credit/Tag Line must appear or be given as follows: Paid For By LINCOLN COUNTY LODGERS TAX.

Section 2

Meeting Date: 3/26/13 LODGER'S TAX COMMITTEE

Amount Approved: \$ 1500.00 Request Denied: _____

Comments: _____
[Signature]
Authorized Signature

Section 3

LINCOLN COUNTY COMMISSION

Meeting Date: _____

Approval: _____ Denial: _____

Comments: _____

County Manager Signature

FUNDS WILL NOT BE RELEASED BY LINCOLN COUNTY UNTIL THE AWARDED FUNDS REIMBURSEMENT FORM IS SIGNED AND TURNED IN TO LINCOLN COUNTY.

DISTRIBUTION:

- 1) COUNTY MANAGER 2) COUNTY FINANCE 3) LODGER'S TAX COMM 4) REQUESTING ORGZN.

Date: 26 March, 13

No 1691

LINCOLN COUNTY LODGER'S TAX APPLICATION FOR FUNDING

Section 1

Name of Organization Shire of Gillie Dhu - Renaissance Festival

Organization is: Profit Non Profit Government Related

404-122h Carrizozo NM 88301
Address City State Zip

Jamie S. Gieb 934-6954
Contact Person (s) Telephone # (s)

Amount Requested: \$ 300 Money is to be used for: Advertising for
Festival, print and radio.

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.

Jamie S. Gieb
Signature

26 March, 2013
Date

NOTE: Credit/Tag Line must appear or be given as follows: Paid For By LINCOLN COUNTY LODGERS TAX.

Section 2

Meeting Date: 3-26-13 LODGER'S TAX COMMITTEE

Amount Approved: \$ 300 Request Denied: _____

Comments: _____
[Signature]
Authorized Signature

Section 3

LINCOLN COUNTY COMMISSION

Meeting Date: _____

Approval: _____ Denial: _____

Comments: _____

County Manager Signature

FUNDS WILL NOT BE RELEASED BY LINCOLN COUNTY UNTIL THE AWARDED FUNDS REIMBURSEMENT FORM IS SIGNED AND TURNED IN TO LINCOLN COUNTY.

DISTRIBUTION:

- 1) COUNTY MANAGER 2) COUNTY FINANCE 3) LODGER'S TAX COMM 4) REQUESTING ORGZN.

Date: 3/26/13

Nº 1692

LINCOLN COUNTY LODGER'S TAX APPLICATION FOR FUNDING

Section 1
Name of Organization Lincoln Pageant & Festival Corp. / Lincoln State Monument

Organization is: Profit Non Profit Government Related

Address PO Box 36 City Lincoln, NM State 88338

Contact Person (s) Bernie Long Telephone # (s) 575-653-4025

Amount Requested: \$ 19,000 Money is to be used for: Advertisement, Porta Potties, brochures
Trash roll off rental

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 Bernie Long

Date 3/26/13

NOTE: Credit/Tag Line must appear or be given as follows: Paid For By LINCOLN COUNTY LODGERS TAX.

Section 2

Meeting Date: 3/26/13 LODGER'S TAX COMMITTEE

Amount Approved: \$ 19,000⁰⁰ Request Denied: _____

Comments: _____

David A. Tiza
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
April 16, 2013

Agenda Item No. 12

SUBJECT

Presentation by White Sands Missile Range's Chief of Staff, Dan Hicks on the mission impacts of the proposed location of the Sun Zia Transmission Line

ACTION REQUESTED BY

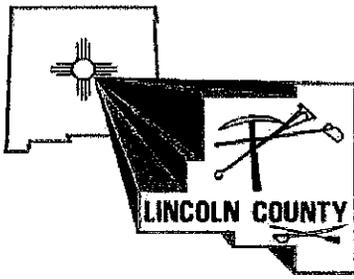
Chief of Staff, Dan Hicks

ACTION REQUESTED

To be determined

BACKGROUND

See an attached memorandum from county manager.



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County of Lincoln

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

April 9, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Presentation by White Sands Missile Range's Chief of Staff, Dan Hicks

Purpose: To provide an opportunity for White Sands Missile Range's Chief of Staff, Dan Hicks to give a presentation.

Discussion:

Dan Hicks, White Sands Missile Range's Chief of Staff, has requested to appear before the County Commission to give a presentation on the mission impacts of the proposed location of the Sun Zia Transmission Line.

Recommendation: None – information only at this time.

AGENDA DOCUMENTATION
April 16, 2013

Agenda Item No. 13

SUBJECT

9:30 A.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
April 16, 2013

Agenda Item No. 14

SUBJECT

Consideration of Cost Analysis for Courthouse/Sheriff's Complex
Addition

ACTION REQUESTED BY

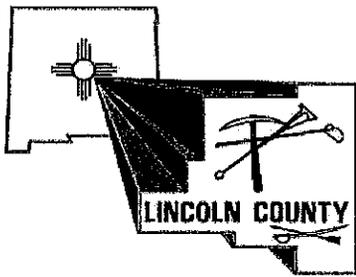
County Manager

ACTION REQUESTED

To be determined

BACKGROUND

See an attached memorandum from county manager.



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County of Lincoln

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April 11, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Options for Meeting the Space Needs of District Court: Expansion/Remodel or New Construction; Consideration of Coincidental Expansion/Remodel of New Construction of Sheriff's Complex

Purpose: To seek Commission direction and authorization for additional funding for the Courthouse Complex Expansion or Remodel.

Discussion: At its March 14th meeting, the Commission considered several options to meet the additional space requirements of the District Court and the Sheriff's Department. See Encl 1 for Manager's March Memorandum to Commission. As discussed, the Commissioner previously approved \$1.5 million for the Courthouse expansion and additional "facility expansion / improvements." Following extensive planning meetings and discussion between the Court, the Sheriff, the Manager and the Contractor, Basic IDIQ, cost estimates were revised. Coincident with that effort, a separate Energy Audit was conducted for both the county offices and the Sheriff's offices. Following are those comprehensive cost breakdowns:

1. Courthouse expansion	\$2.491 mil
2. Courthouse remodel (existing space)	.124 mil
3. Sheriff's expansion	\$1.234 mil
4. Energy Audit recommendations (county offices)	.336 mil
5. Energy Audit recommendations (sheriff's office)	.122 mil
TOTAL	\$4.307 MIL

The Commission requested that another option be researched for their consideration: the option of building a new Courthouse on land near the Detention Center. The two rough estimates for a 15,000 square foot building, which include miscellaneous expenses such as design work, parking lot, dirt work, surveys, etc., range from \$4.386 mil (\$292 / sq. ft.) to \$4.967 mil (\$331 / sq. ft.).

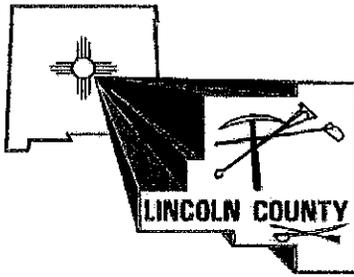
Updated breakdown of options:

1. Courthouse expansion alone	\$2.491 mil
2. Courthouse expansion with remodel	\$2.615 mil
3. Courthouse expansion with remodel and energy audit tasks	\$2.951 mil
4. Courthouse new construction	\$4.386 mil <i>low estimate</i>
5. Courthouse new construction	\$4.967 mil <i>high estimate</i>
6. Sheriff's expansion alone	\$1.234 mil
7. Sheriff's expansion with energy audit tasks	\$1.356 mil

Factors to consider:

- Significant time, effort and expense has been expended on the expansion option: Discussion / planning process commenced on September 3rd; approximately \$65,000 has been spent;
- Planning timeline would start all over with new construction;
- Judge Parsons' has expressed a current critical need for increased space and the security the expansion will provide;
- Judge Parsons' prefers the expansion option to the new construction option, predicting it will result in a fix that will suffice for many years in the future;
- Expansion of both the Court and the Sheriff's offices can be phased into multiple projects, although total costs and time would be greater;
- Quoted costs for construction are for a 15,000 sq. ft. building, adequate only for the Court;
- A newly constructed building should realize less maintenance costs, however the County will continue to have maintenance expense for the space the Court vacates.

Recommendation: Considering the work that has been already completed, the preference of the Court and the immediate budgetary hit to County funds, I recommend the Commission opt to expand only the Court complex at this time, including the remodel and energy audit tasks (\$2.951 mil). Should the Commission opt to expand the Sheriff's complex at the same time (\$1.356 mil), the joint expansion (\$4.407 mil) would cost less than new construction for the Court alone (\$4.486 mil).



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County of Lincoln

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April 11, 2013

MEMORANDUM

TO: County Commissioners
FROM: Nita Taylor, Lincoln County Manager *NT*
SUBJECT: Sole Community Provider & Indigent Health Care Claims

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

Discussion:

Sole Community Provider Payments: This month our coordinator processed seventy-one claims (71), sixty-nine (69) of which are recommended for approval, and two (2) for disapproval for the reasons indicated at Enclosure 1. If approved, the total recommended payment this month is **\$106,294.77**. See Enclosure. 1.

Indigent Health Care Claims: This month our coordinator processed thirty-four (34) claims. Thirty (30) 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 **\$19,377.12**.

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 **\$232,563**, with a monthly average of **\$23,256**. Annualized year-to-date expenditures are \$279,075, compared to our budget for the year of \$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 **\$1,096,472**, with a monthly average of **\$109,647**. Annualized year-to-date expenditures are \$1,315,767 compared to our current budget for the year of \$1,003,541, which does not include the federal match. Attached at Encl. 3 are IHC and SCP tracking charts for the previous and current fiscal years.

Recommendation: Approve 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 \$990,177.62

ADJUSTMENTS

TOTAL ADJUSTMENTS: \$0.00 \$0.00

APRIL # CLAIMS FOR APPROVAL 69
CLAIMS FOR DENIAL 2
APRIL # TOTAL CLAIMS 71

APRIL TOTAL \$ AMOUNT APPROVED \$106,294.77

TOTAL # CLAIMS THIS FY APPROVED 667
TOTAL # CLAIMS THIS FY DENIED 36
TOTAL # CLAIMS FY 2012 - 2013 703

TOTAL APPROVED THIS FISCAL YEAR \$1,096,472.39

FACILITY: LINCOLN COUNTY MEDICAL CENTER

04/16/2013 THROUGH 04/16/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
18860	01/28/2013	1379.31	1062.07	077%
18861	03/07/2013	7.98		000%
PATIENT'S BILL IS BELOW \$50				
18923	03/16/2013	756.35	582.39	077%
18940	03/14/2013	8430.96	3577.22	042%
18862	03/05/2013	550.00	423.50	077%
18863	03/08/2013	490.00	377.30	077%
18864	03/19/2013	1272.00	979.44	077%
18924	03/26/2013	490.00	377.30	077%
18957	03/01/2013	256.00	197.12	077%
18959	03/21/2013	2839.00	2186.03	077%
18944	03/29/2013	1107.00	852.39	077%
18941	03/07/2013	4310.01	3318.71	077%
18926	03/28/2013	2516.00	1937.32	077%
18933	03/13/2013	211.00	162.47	077%
18934	03/18/2013	10249.84	7892.38	077%
18865	03/15/2013	1793.00	1380.61	077%
18866	03/10/2013	758.00	583.66	077%
18943	01/12/2013	1181.00	909.37	077%
18867	03/20/2013	490.00	377.30	077%
18925	03/22/2013	1869.00	1439.13	077%
18868	03/14/2013	678.00	522.06	077%
18875	03/18/2013	1287.00	990.99	077%
18870	03/05/2013	490.00	377.30	077%
18871	02/26/2013	416.20	320.47	077%
18872	03/14/2013	285.00	219.45	077%
18873	03/15/2013	107.00	82.39	077%
18876	02/11/2013	1065.00	820.05	077%
18877	01/23/2013	2035.00	1566.95	077%
18878	02/28/2013	1965.00	1513.05	077%
18879	02/28/2013	3592.01	2765.85	077%
18927	03/20/2013	5407.20	4163.54	077%
18954	03/28/2013	20678.40	2991.83	014%
18958	04/23/2012	6129.76	4719.92	077%
18880	03/01/2013	419.00	322.63	077%
18881	10/23/2012	777.00	598.29	077%
18903	12/14/2012	76.00	58.52	077%
18883	11/20/2012	1156.00	890.12	077%
18884	03/18/2013	2075.00	1597.75	077%
18885	03/04/2013	5644.00	4345.88	077%
18886	03/05/2013	4979.01	3833.84	077%
18887	03/07/2013	490.00	377.30	077%
18937	03/01/2013	14684.40	4996.83	034%
18891	11/15/2012	416.80	320.94	077%
18928	03/28/2013	3461.00	2664.97	077%
18929	03/27/2013	713.00	549.01	077%
18930	03/21/2013	872.00	671.44	077%
18892	01/02/2013	91.40	70.38	077%
18893	01/10/2013	1188.00	914.76	077%
18894	02/14/2013	431.20	332.02	077%
18858	03/06/2013	164.00	126.28	077%
18869	03/14/2013	335.00	257.95	077%
18897	11/16/2012	124.80	96.10	077%
18955	01/11/2013	717.00	552.09	077%

FACILITY: . LINCOLN COUNTY MEDICAL CENTER

04/16/2013 THROUGH 04/16/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
18898	03/19/2013	325.00	250.25	077%
18899	03/20/2013	1906.00	1467.62	077%
18931	03/28/2013	621.00	478.17	077%
18859	02/28/2013	985.00	758.45	077%
18857	02/22/2013	188.00	144.76	077%
18905	10/29/2012	432.00	332.64	077%
18906	01/07/2013	177.00	136.29	077%
18932	03/26/2013	1055.00	812.35	077%
18901	03/12/2013	12451.00	9587.27	077%
18912	02/25/2013	3156.00	2430.12	077%
18913	11/05/2012	151.00	116.27	077%
18914	11/12/2012	29.69		000%
PATIENT'S BILL IS BELOW \$50				
18916	09/16/2012	959.00	738.43	077%
18917	02/11/2013	3475.40	2676.06	077%
18952	12/30/2012	4371.80	3366.29	077%
18953	02/27/2013	4400.00	3388.00	077%
18921	03/25/2013	2174.00	1673.98	077%
18938	03/05/2013	17362.11	4691.16	027%

106294.77

APPROVED- 69 REJECTED- 2

INDIGENT HEALTH CARE CLAIMS FISCAL YEAR 2012 - 2013

PREVIOUS AMOUNT APPROVED THIS FISCAL YEAR \$213,185.51

ADJUSTMENTS

TOTAL ADJUSTMENTS: 0.00

APRIL # CLAIMS FOR APPROVAL	30
# CLAIMS FOR DENIAL	4
APRIL # TOTAL CLAIMS	34

APRIL TOTAL \$ AMOUNT APPROVED \$19,377.12

TOTAL # CLAIMS THIS FY APPROVED	493
TOTAL # CLAIMS THIS FY DENIED	65
TOTAL # CLAIMS FY 2012 - 2013	558

CURRENT TOTAL APPROVED THIS FISCAL YEAR \$232,562.63

*Assuming the above is approved

FACILITY: ANESTHESIA ASSOCIATES OF NM 04/16/2013 THROUGH 04/16/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
18945	01/08/2013	564.00	118.20	021%
18904	03/06/2013	38.92		000%
PATIENT'S BILL IS BELOW \$50				
18889	02/27/2013	1598.00	334.90	021%
			453.10	

APPROVED- 2 REJECTED- 1

FACILITY: GERALD CHAMPION REGIONAL MED CTR 04/16/2013 THROUGH 04/16/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
18935	03/26/2013	6982.79	5000.00	072%
			5000.00	

APPROVED- 1 REJECTED-

FACILITY: LC AMBULANCE-PRES HEALTH SVCS 04/16/2013 THROUGH 04/16/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
18956	04/23/2012	504.40	500.00	099%
18961	04/23/2012	660.40		000%
PATIENT HAS MET OR EXCEEDED POLICY LIMIT				
18949	07/17/2012	660.40		000%
PATIENT FAILED TO PROVIDE INFORMATION				
18950	07/17/2012	756.60		000%
PATIENT FAILED TO PROVIDE INFORMATION				
			500.00	

APPROVED- 1 REJECTED- 3

FACILITY: LINCO MEDICAL & SUPPLY, INC 04/16/2013 THROUGH 04/16/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
18890	03/12/2013	206.79	206.79	100%
18896	03/19/2013	206.79	206.79	100%
18907	10/02/2011	202.08	202.08	100%
18908	11/02/2011	202.08	202.08	100%
18909	12/02/2011	202.08	202.08	100%
18910	01/02/2012	202.08	202.08	100%
18911	02/02/2012	202.08	202.08	100%
			1423.98	

APPROVED- 7 REJECTED-

FACILITY: LINCOLN COUNTY RADIOLOGY 04/16/2013 THROUGH 04/16/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
18902	12/12/2012	701.00	224.08 032%
18874	02/14/2013	260.00	62.40 024%
18922	01/06/2013	333.00	59.42 018%
18888	02/04/2013	157.00	36.65 023%
18900	11/02/2012	240.00	57.47 024%
18918	10/07/2012	260.00	62.40 024%
			502.42

APPROVED- 6 REJECTED-

FACILITY: NEW MEXICO ONCOLOGY HEMATOLOY 04/16/2013 THROUGH 04/16/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
18919	03/12/2013	252.25	81.91 032%
18920	03/21/2013	191.34	28.80 015%
18939	03/26/2013	166.23	52.08 031%
			162.79

APPROVED- 3 REJECTED-

FACILITY: PRESBYTERIAN HOSPITAL 04/16/2013 THROUGH 04/16/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
18960	04/30/2012	35159.32	4255.48 012%
18936	03/05/2013	16152.32	744.52 005%
			5000.00

APPROVED- 2 REJECTED-

FACILITY: ROSWELL CLINIC CORP 04/16/2013 THROUGH 04/16/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
18882	10/23/2012	239.00	96.41 040%
			96.41

APPROVED- 1 REJECTED-

FACILITY: RUIDOSO HOME CARE & HOSPICE 04/16/2013 THROUGH 04/16/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
18895	02/25/2013	625.00	625.00 100%
			625.00

APPROVED- 1 REJECTED-

FACILITY: UNM HEALTH SCIENCES CTR 04/16/2013 THROUGH 04/16/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
18942	03/01/2013	68.00	52.36 077%
18946	03/13/2013	3768.00	2901.36 077%
18947	02/28/2013	93.00	71.61 077%
18948	02/19/2013	2333.00	1796.41 077%
18915	02/20/2013	171.15	131.79 077%
18951	03/20/2013	857.00	659.89 077%
			5613.42

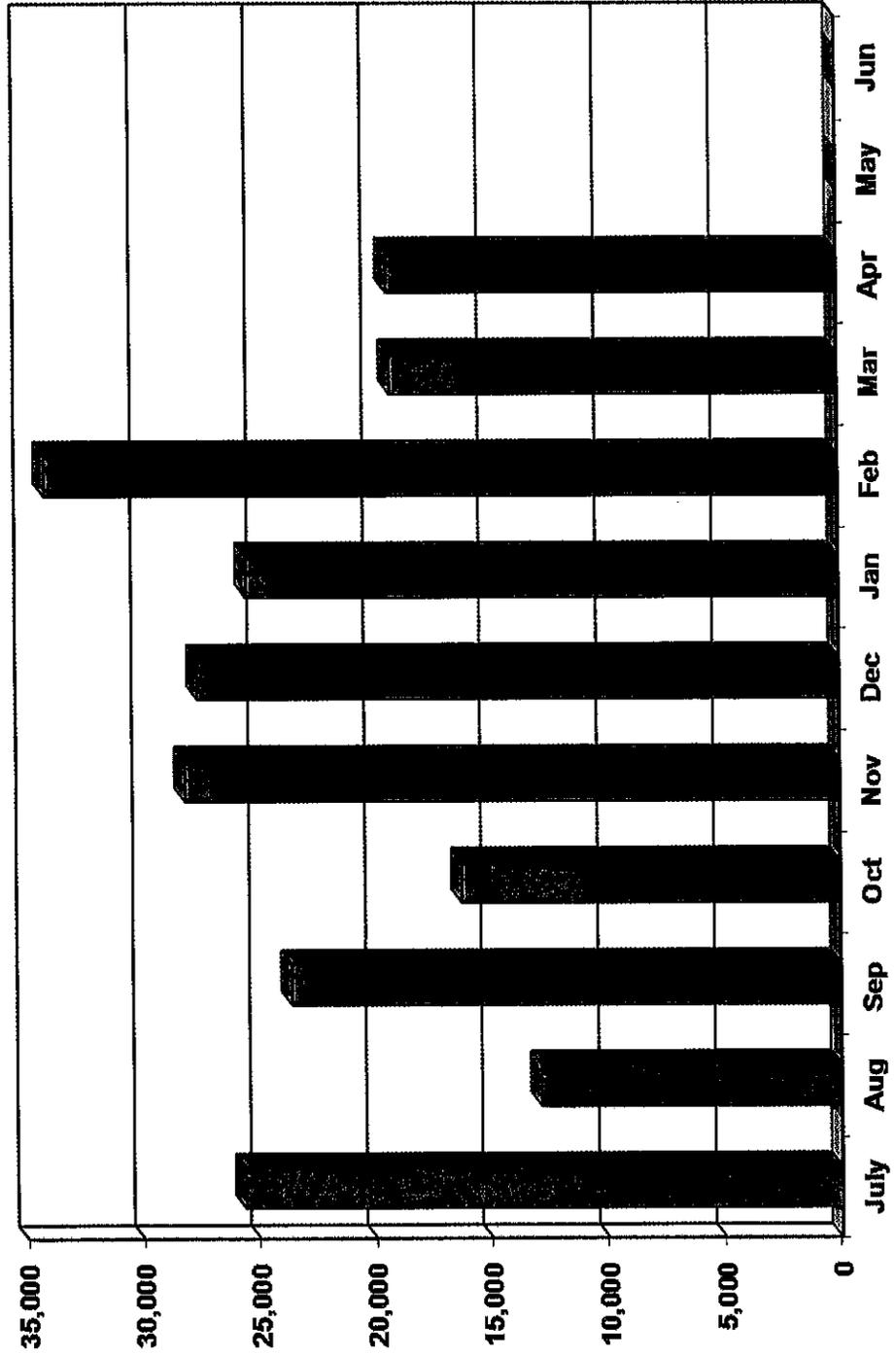
APPROVED- 6 REJECTED-

FY 2012-2013 IHC Payments

Average Month for FY = \$ 23,256

Total for FY = \$ 232,563

DO NOT EXCEED \$386,461

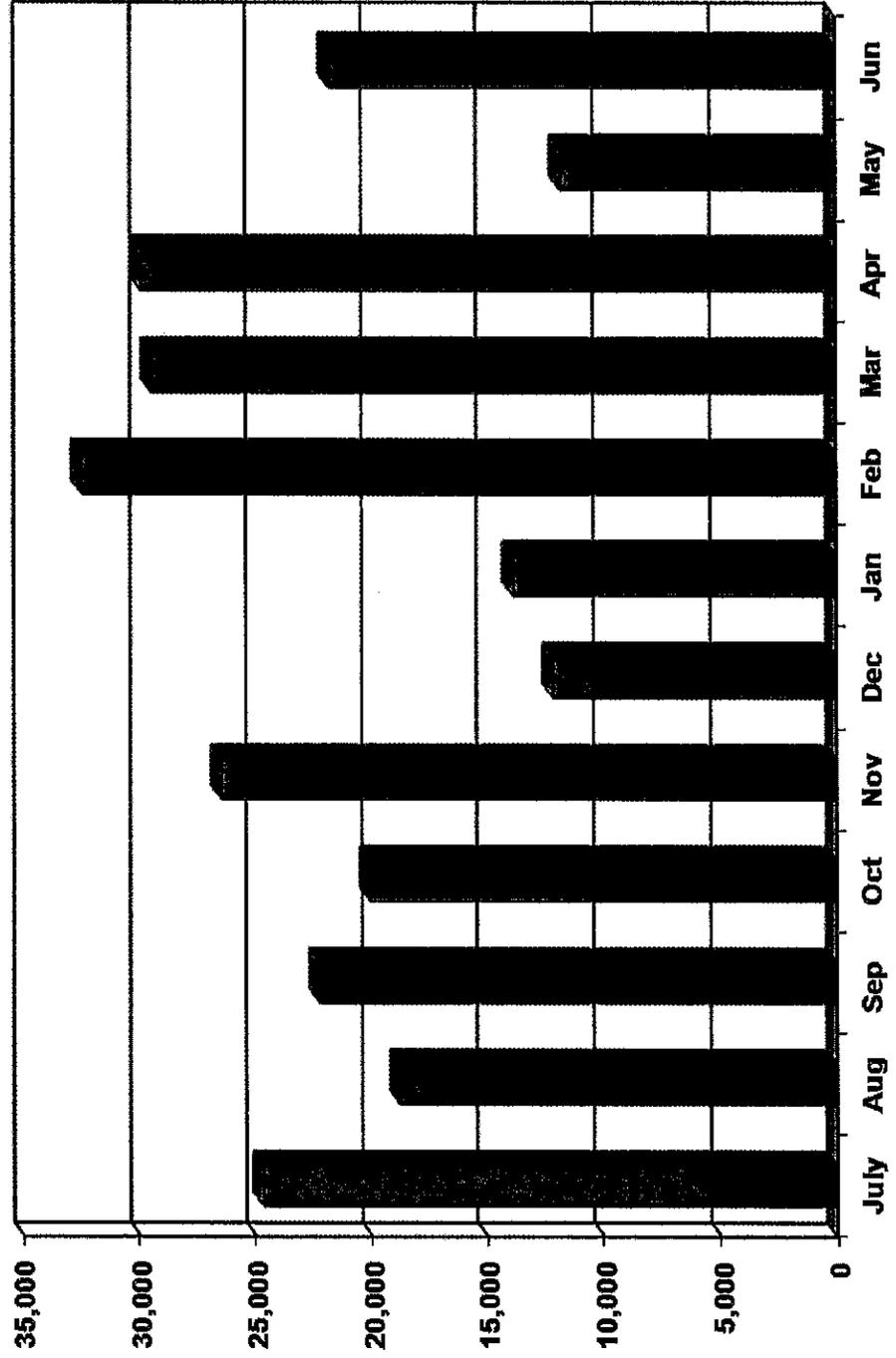


FY 2011-2012 IHC Payments

Average Month for FY = \$ 21,651

Total for FY = \$ 259,810

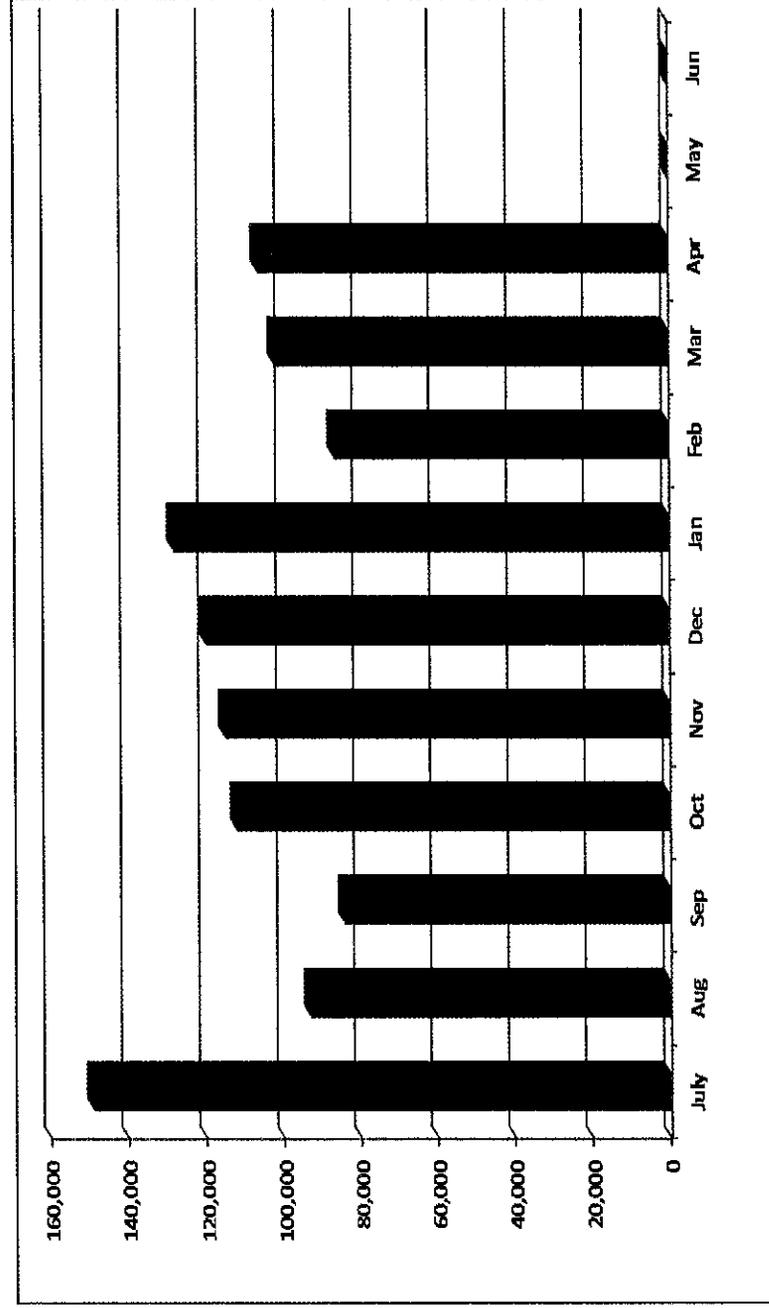
DO NOT EXCEED \$416,027



FY 2012-2013 Sole Community Claims

Average Month for FY = \$ 109,647

Actual Total for FY = \$ 1,096,472



AGENDA DOCUMENTATION
April 16, 2013

Agenda Item No. 16

SUBJECT

Manager's Report

ACTION REQUESTED BY

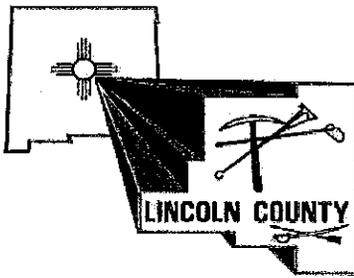
County Manager

ACTION REQUESTED

To be determined

BACKGROUND

Manager's report is in progress & will be available at meeting.



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County of Lincoln

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April 7, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Manager's Report (DRAFT – TO BE FINALIZED)

1. Business Retention Gross Receipt Tax (3/16th) Tracking (FY 13):

Business Activity Month	FY13	FY12	Difference
July	\$ 78,841	\$ 79,726	(\$ 885)
August	\$ 80,921	\$ 86,567	(\$ 5,646)
September	\$ 90,730	\$ 81,314	\$ 9,416
October	\$ 75,315	\$ 72,669	\$ 2,647
November	\$ 71,927	\$ 61,132	\$10,795
December	\$ 72,885	\$ 63,984	\$ 8,901
January	\$ 85,855	\$ 83,853	\$ 2,002
February	\$ 67,615	\$ 65,132	\$ 2,483
			\$ 29,713

It appears that July and August were impacted by Little Bear Fire, however year-to-date has increased by approximately 5%.

2. **EOC News.** The Emergency Operations Center Staffing levels will soon be back to normal with the promotion of Joe Kenmore to Emergency Services Director, and with Spencer Baldwin joining our team later in the month as Emergency Operations Coordinator. Congratulations to both!

Joe also spent April 9-11,2013 in Santa Fe with the New Mexico Department of Homeland Security and Emergency Management to participate in a "Train –the-Trainer Class for Communications' Leaders in the ICS Logistics Section. This will put Joe in an instructor role regarding the importance of Communications and Interoperability.

On Thursday, April 11th, Lincoln County Fire Officers Meeting was held at Copper Ridge, with Glencoe, Hondo, Arabela, Lincoln, Bonito, Nogal, and White Oaks Fire Departments from Lincoln County, and Corona, Capitan, and Ruidoso Downs Fire Departments from municipalities; and State Forestry, BLM, and USFS, Lincoln County Sheriff's Office, and Lincoln County EMS. There was a great discussion and planning session on the season before us. This is a great forum to help bring all departments

together and voice needs and concerns. The Village of Ruidoso and Carrizozo were not in attendance.

3. Mandatory Employee Meetings called by NM General Services Dept. This spring, all employees are required to re-enroll in the State Benefit Plan (or re-waive benefits). Significant changes are in place, with dependent verifications being conducted with this April/May mandatory enrollment. Employees are required to provide proof of dependency (copy of marriage license, notarized domestic partner form, proof of dependent children. A few of our employees traveled to Socorro for training on Friday, April 12th, only to be turned away due to lack of space. A video is being made available that will meet the mandatory training requirement. Human Resources Director, Billie Jo Guevara, is scheduling video reviews to minimize county travel.

4. 2013 CDBG Grant Application Hearings. The 2013 CDBG applications have been turned in and are currently being rated and ranked by Local Government Division staff. The application presentations are tentatively scheduled for May 10, 2013. Time and location has not been finalized. These presentations normally consist of a commissioner, engineer or staff person giving a five to ten minute presentation regarding the project. As you know, our CDBG application this year is for the Carrizozo Senior Center. Dora Batista from SNMEDD has provided a package of information I will provide to you under separate cover. Planning to attend this critical presentation with us is the design architect working with us, Howard Kaplan from Wilson & Company. Please let me know at your earliest convenience if you're interested in attending this presentation meeting.

5. WUI Summit. Commissioner Powell, Joe Kenmore, Samantha Mendez and I attended the WUI Conference in Taos last week. Commissioner Powell and I joined Smokey Bear Ranger Dave Warnack to kick the summit off with our personal Lincoln County story of "Lessons Learned After the Fire". Of most importance and impact was the clear picture of teamwork that the many entities of our county displayed during and after the fire and flood mitigation efforts. During the summit, as other groups spoke, it became clearer to all of us that one thing we are lacking and must develop, grow and assign resources to is providing meaningful education to the public.

6. Flood Mitigation Efforts. The County is involved in a number of potential flood mitigation efforts that I will provide you with updated status at the Commission meeting:

- a. **Use of Board of Finance loan/grant for flood mitigation (\$255,000)**
- b. **NRCS - Emergency Watershed Protection Program - Recovery (\$474,000)**
- c. **FEMA projects (\$1.0 million)**
- d. **Lincoln County Working Group)**

AGENDA DOCUMENTATION
April 16, 2013

Agenda Item No. 17

SUBJECT

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

ACTION REQUESTED BY

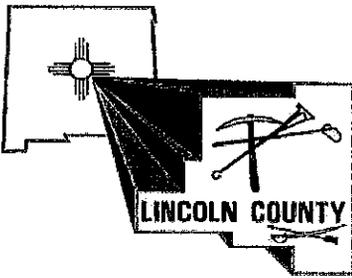
County Manager

ACTION REQUESTED

To be determined

BACKGROUND

See an attached memorandum from county manager.



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County of Lincoln

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April 11, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

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

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

Discussion:

1. There have been no new water rights applications posted on the State Engineers website since Application No. H-722-POD6 by Enchanted Forest Water Corporation, Alto, NM, on February 25, 2013.
2. As of this date, there are no topics specific to Lincoln County on the NM Game & Fish website.
3. Regarding fire danger, as of this date, both the Fire Behavior Research Center in Missoula, Montana and the Smokey Bear Ranger District rate the fire danger level as "high". In the last several weeks, there have been several wildfires in the county. Joe Kenmore will be at the Commission meeting to provide a summary.

Recommendation: Information only. No action required.

AGENDA DOCUMENTATION
April 16, 2013

Agenda Item No. 18

SUBJECT

Consideration of the May 21, 2013 & June 18, 2013 Commission Meeting date change and schedule Special Commission Meeting Date on April 25th, 2013

ACTION REQUESTED BY

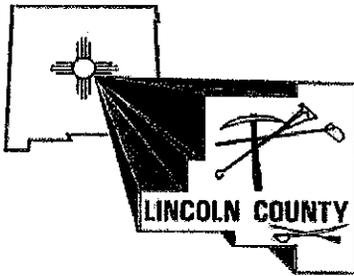
County Manager

ACTION REQUESTED

To be determined

BACKGROUND

See an attached memorandum from county manager.



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County of Lincoln

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April 11, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Modification of Commission Meeting Dates

Purpose: To modify the May 21 and June 18, 2013 regular Commission meeting dates, and to schedule a special commission meeting on April 25, 2013.

Discussion: During the March, 2013 commission meeting, County Commissioners were asked to consider moving the June 18th regular meeting to another day due to the NMAC Annual Conference, and the County Manager appearing before the State Board of Finance. County Manager proposes June 25th.

During the April 5, 2013 special commission meeting, County Commissioners were asked to consider moving the May 21st regular commission meeting to May 14th, due to the May 22nd scheduling of the GSWA vs. Lincoln County, Alto Lakes Water & Sanitation District, and NM Finance Authority Hearing in Santa Fe. Attorney Alan Morel is required to be present. Manager and some Commissioners will likely attend.

County Manager requests the Commission to consider scheduling a special commission meeting for April 25, 2013, to award bids, and potentially to conduct other business.

Recommendation: Reschedule regular commission meetings and schedule special meeting as recommended.

AGENDA DOCUMENTATION
April 16, 2013

Agenda Item No. 19

SUBJECT

Subdivision Ordinance Revision-Ongoing Discussion

ACTION REQUESTED BY

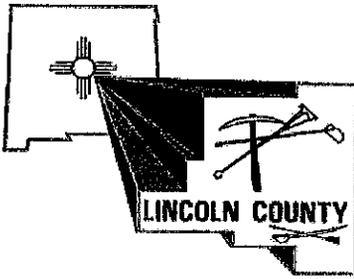
Planning Director

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 11, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager

SUBJECT: Subdivision Ordinance Revision – Ongoing Discussion *NT*

Purpose: To consider modifications proposed by the Planning Commission to the Subdivision Ordinance.

Discussion:

The Planning Commission has continued to work on modifications to the Subdivision Ordinance, specifically to Article 13, Required Improvements, Section 13.1, Water and Sewer Systems. Enclosure 1 is a red-lined version of proposed changes.

In addition, the Planning Commission, at its regular meeting on April 3, 2013 voted to recommend to the County Commissioners the statement below regarding forest thinning and defensible space clearing.

The Planning Commissioners wanted the Board of County Commissioners to know that they have had many experts appear before them to discuss forest thinning, and defensible space clearing. This was tasked to the Planning Commission by the Commissioners for proposed and existing subdivisions.

After months of testimony, and consultation with forestry experts, the Planning Commission determined that one single standard could not be adopted for all property types in the County, mainly because there is not a universal set of standards for tree thinning available in the State.

The Planning Commission wanted to let the BCC know that thinning, and defensible space is very important to them, but feels it would be better addressed if put into the proposed land development ordinance. This way the land development ordinance could address new and existing subdivision lots, which want to be developed.

Curt Temple is here to answer any questions that you may have on this issue.

Recommendation: Consider the red-lined proposed additions to the Subdivision Ordinance, and support the inclusion of thinning and defensible space issues, when developed, to be incorporated into the ordinance.

ARTICLE 13 REQUIRED IMPROVEMENTS

Section 13.1 Water and Sewer Systems:

Type-one: A community water system shall be required in any Type-one subdivision. A community sewer system shall be required in any Type-one subdivision containing any lot less than two (2) acres in size. Individual sewer systems for Type-one subdivisions containing any lot two (2) acres or more in size may be approved if such systems meet the requirements of the Environment Department. For all Type-one subdivisions, the subdivider shall provide proof that the person providing the water has a valid water right permit issued by the State Engineer pursuant to Sections 72-5-1, 72-5-23, 72-5-24, 72-12-3 or 72-12-7 NMSA 1978, sufficient in quantity to meet the maximum annual water requirements of the proposed subdivision. The Board shall not approve the final plat unless the State Engineer has issued a water permit for subdivision use.

Type-two: A community water system shall be required in any Type-two subdivision. A community sewer system shall be required in any Type-two subdivision containing any lot less than one (1) acre in size. Individual sewer systems for Type-two subdivisions containing any lot two (2) acres or more in size, may be approved if such systems meet the requirements of the Environment Department. An advanced wastewater treatment system shall be required for any lot less than two (2) acres in size. For all Type-two subdivisions, the subdivider shall provide proof that the person providing the water has a valid water right permit issued by the State Engineer pursuant to Sections 72-5-1, 72-5-23, 72-5-24, 72-12-3 or 72-12-7 NMSA 1978, sufficient in quantity to meet the maximum annual water requirements of the proposed subdivision. The Board shall not approve the final plat unless the State Engineer has issued a water permit for subdivision use.

Deleted: containing any lot less than five (5) acres in size. Individual domestic water systems for Type-two subdivisions containing lots five (5) acres or more in size are allowed.

Type-three: A community water system shall be required in any Type-three subdivision. Any Type-three subdivision containing any parcel smaller than one (1) acre in size shall be required to provide for a community sewer system. Individual sewer systems for Type-three subdivisions containing any lot two (2) acres or more in size, may be approved if such systems meet the requirements of the Environment Department. An advanced wastewater treatment system shall be required for any lot less than two (2) acres in size. For all Type-three subdivisions, the subdivider shall provide proof that the person providing the water has a valid water right permit issued by the State Engineer pursuant to Sections 72-5-1, 72-5-23, 72-5-24, 72-12-3 or 72-12-7 NMSA 1978, sufficient in quantity to meet the maximum annual water requirements of the proposed subdivision. The Board shall not approve the final plat unless the State Engineer has issued a water permit for subdivision use.

Deleted: containing six (6) or more parcels, any one of which is less than five (5) acres in size. Individual domestic water systems for Type-three subdivisions containing five (5) or fewer parcels, or subdivisions containing six (6) or more parcels in which the minimum parcel size is five (5) acres or larger are allowed.

Types-four and -five: A community water system shall be required in any Type-four and -five subdivision. Individual sewer systems for Type-four and -five subdivisions may be approved if such systems meet the requirements of the Environment Department. For all Type-four and Type-five subdivisions, the subdivider shall provide proof that the person providing the water has a valid water right permit issued by the State Engineer pursuant to Sections 72-5-1, 72-5-23, 72-5-24, 72-12-3 or 72-12-7 NMSA 1978, sufficient in quantity to meet the maximum annual water requirements of the proposed

Deleted: Individual domestic water systems for Types-four and -five subdivisions and

Deleted: i

subdivision. The Board shall not approve the final plat unless the State Engineer has issued a water permit for subdivision use.

The water supply for all proposed uses shall be provided by the subdivider in Types-one, two, three, four, and five subdivisions, and shall be specified as to the source and quantity to be provided.

Deleted: ,
Deleted: other than domestic,

Lots within subdivisions approved without the requirement for a community sewer system, based on the restrictions set forth above, shall not be further subdivided so that any portion of a further subdivision results in a lot size of less than the restrictions set forth above, unless an approved community sewer system is provided for the entire subdivision. No variance from this restriction shall be granted. Notice of this restriction shall be included in the disclosure statement. Any tract set aside for public use, i.e. fire station and/or solid waste, or non-developed green or open space, shall not be taken into consideration in determining whether or not a community water system or sewer system shall be required.

Deleted: water or
Deleted: water and

Section 13.2 Development Package

The Development Plan shall be included with all submittals of the plat. The plat is considered a part of the Development Plan and vice versa Any signatures on the plat document include approval of the Development Plan package. Development Plan shall incorporate, at a minimum, Articles 5,12,13,14,16,17,19 of this Subdivision Ordinance. All of the items listed in 13.1-13.4 shall be included in the Development Plan package unless specifically exempted. The letter of exemption shall be included in the package if applicable. The following subsections of Article 13 are necessary inclusions of the Development Plan Package

Section 13.3 Accessory Documents

- A. certification of title showing that the subdivider is the rightful owner of the land, and that the subdivision as it appears on the plat is with the free consent and in accordance with the desires of subdivider, which certification shall be signed by the subdivider;
- B. the plat shall contain a Planning and Platting affidavit stating the proposed subdivision does or does not lie within the planning or platting jurisdiction of any municipality;
- C. signed statement by the subdivider dedicating streets and other rights-of-way, granting easements for public use, dedicating any sites for public use, and agreeing to build all roads within the subdivision in full conformance with the requirements of the County Subdivision Ordinance and the County road construction standards;

AGENDA DOCUMENTATION
April 16, 2013

Agenda Item No. 20

SUBJECT

Election of New Mexico Association of Counties Board Members

ACTION REQUESTED BY

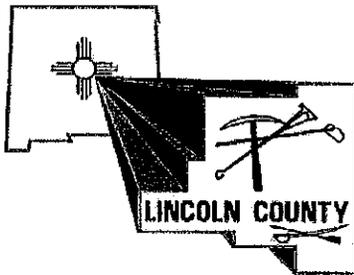
County Clerk

ACTION REQUESTED

To be determined

BACKGROUND

See an attached memorandum.



www.lincolncountynm.net

County of Lincoln

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

April 11, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

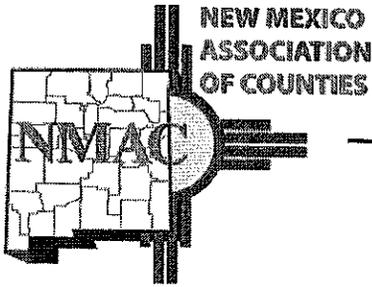
SUBJECT: Election of New Mexico Association of Counties' Board Member from Lincoln County

Purpose: To elect the Lincoln County representative to serve on the New Mexico Association of Counties' Board of Directors.

Discussion:

The Lincoln County representative to serve on the New Mexico Association of Counties' Board of Directors shall be an elected official who is elected by all elected county officials within the County. See Encl. 1 for the guidelines. Rhonda Burrows is present to respond to questions.

Recommendation: Conduct the election.



NEW MEXICO ASSOCIATION OF COUNTIES

TO: NMAC Board, County Managers & County Clerks
FROM: Paul Gutierrez, Executive Director
DATE: April 10, 2013
SUBJECT: Election of New Mexico Association of Counties (NMAC) Board Members

In the spring of 2013, the following 25* New Mexico counties will need to hold elections to select their 2013-2015 representatives for the NMAC Board of Directors:

Catron	Eddy	Los Alamos	Quay	Santa Fe
Chaves	Grant	Lincoln	Rio Arriba	Sierra
Cibola	Harding	Luna	Roosevelt	Socorro
De Baca	Hidalgo	Mora	San Miguel	Union
Dofia Ana	Lea	Otero	Sandoval	Valencia

Pursuant to Article IV, Section II and Section III of the NMAC Bylaws Board of Director elections shall be held as follows:

~ **Section II** – Election

The Board of Directors' representative for each county shall be elected by all elected county officials within a given county. The election shall take place in every odd year. The election shall be conducted by the county clerk. The clerk shall notify in writing each county elected official at his or her place of business and place of residence, of an election and shall request nominees for the Board of Directors representative at least 55 days prior to the annual conference. *(No later than Wednesday, April 24, 2013).*

The notice shall also include the date and location of the election, and who is eligible to vote. Nominees shall notify the county clerk at least 50 days prior to the annual conference of their candidacy. *(No later than Monday, April 29, 2013).*

Each county elected official shall cast one vote. Paper ballots or a voting machine must be used. A canvass of the election shall be conducted in public. The vote shall take place at least 47 days prior to the annual conference. *(No later than Thursday, May 2, 2013).*

The County Clerk of each member county shall submit to the Executive Director of the Association the name of the county's representative to the Board of Directors in writing at least 45 days prior to the annual conference. *(No later than Monday, May 6, 2013, due to the weekend as outlined below).*

If any deadline for election of the Board of Directors representative falls on a weekend or holiday, the first business day following shall become the actual deadline. In the case of a tie vote, the Board representative shall be selected by lot. If the elected officials of a county fail to elect a representative,

the chair of the county commission shall designate the representative to the Board of Directors. Board members take office upon the adjournment of the annual conference in every odd year.

~ **Section III** – Qualifications for Representatives of the NMAC Board of Directors

The representative shall be an elected official from a member county in good standing. Selection as a county representative to the NMAC Board of Directors is subject to ratification by the Board which has sole authority to seat and may, in its sole discretion, refuse to seat a director whom it determines is not qualified for office.

The name of the county's representative must be received by the Association office *no later than Monday, May 6, 2013*. For your convenience, you may either email the information and the attached Board of Directors Contact form to smayes@nmcounties.org or fax to (505) 983-4396. If you have any questions, or need any additional information, please contact Susan Mayes at the email listed above or at (505) 469-0042.

**The following counties have already held their elections due to the loss of a Board member midterm: Bernalillo, Colfax, Curry, Guadalupe, McKinley, San Juan, Taos, and Torrance Counties.*

AGENDA DOCUMENTATION
April 16, 2013

Agenda Item No. 21

SUBJECT

LCMC Physician's Office Building

ACTION REQUESTED BY

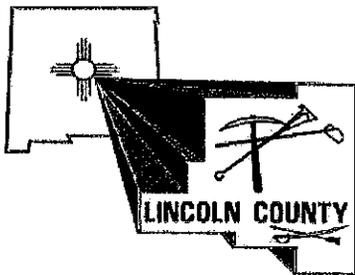
County Manager

ACTION REQUESTED

To be determined

BACKGROUND

Water Saving Alternatives – Findings & Recommendations by Ted Kostranchuk (DPS)



www.lincolncountynm.net

County of Lincoln

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

April 11, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: LCMC – Physician’s Office Building – Water Savings Alternatives

Purpose: To update the Commission on findings and recommendations of Dekker/Perich/Sabatini (D/P/S) regarding water savings alternatives at the Physician’s Office Building.

Discussion: During its March 19th Regular Meeting, the Commission approved DPS Associate, Ted Kostranchuk’s recommendation to delete the “cistern system” for water conservation based on prior experience with complexities of the system, water quality concerns, and ongoing maintenance issues. This deletion resulted in an approximate savings of \$120,000.

The Commission also considered other water savings recommendations, and elected to postpone the discussion until Mr. Kostranchuk could be in attendance to respond to questions and concerns. Encl. 1 is an excerpt from his February 9th e.mail correspondence supporting landscaping alternatives and other water savings proposals. To summarize:

1. D/P/S understands the urgent need to conserve water and fully supports those efforts.
2. Rather than eliminating landscaping, which would require a variance from the Village of Ruidoso’s ordinance, substitute grass with artificial turf and delete/select more water efficient plants and shrubs;
3. Install moisture sensing equipment on the irrigation, eliminating unnecessary watering;
4. Install hands-free faucets on a portion of the sinks.
5. The above initiatives would save approximately 25,000 gallons per year.
6. Main entry roof will drain into the main landscape area; a pond will exist to meter a portion of the run-off.

Mr. Kostranchuk will be in attendance to respond to questions and concerns.

Recommendation: In light of the benefits and requirements to having some amount of landscaping, along with the recommendations to utilize water efficient plants and shrubs or artificial turf, I recommend the Commission adopt water conservation initiatives summarized above

Nita Taylor

To: Nita Taylor
Subject: FW: Water Savings
Attachments: Ruidoso NM Quote 02-15-13.doc

From: Ted Kostranchuk [<mailto:TedK@dpsdesign.org>]

As I stated on the phone, DPS is not comfortable going to the Village of Ruidoso to request a variance of their landscaping ordinances to delete the plants on the Lincoln County Medical Center POB site. Landscaping plays an important role in a number of ways and the deletion of it may be setting a precedence that may be hard to reverse once it is established. Landscaping;

- Reduces the amount of runoff.
- Reduces the heat sink, decreasing the demand on the facilities mechanical systems.
- Creates healing environments. 100% of new hospital construction incorporates landscaping as a part of a healing philosophy. Multiple studies by the Center for Health Care Design have amassed evidence that the use of plants and either direct or indirect contact to them improves patient outcomes and staff satisfaction. In turn, it reduces staff error, the length of time a patient stays in the hospital, reduces patient visits to primary care physicians, and improves staff retention. Plants reduce stress and bring a familiar touchstone to what can be a stressful experience.

If the County directs us to not plant any landscaping we will follow that direction, however, we would hope that this request be reconsidered. We understand the urgent need to conserve water and fully support those efforts, in response to that we offer the following ideas;

1. Delete the 222 square foot grass area and install artificial turf. Water savings 6228 gallons of water per year. Approx cost \$3000.00 to install turf.
2. We managed to delete ½ of the shrubs for a water savings of Approx 12,200 gallons per year. There will also be some VE savings on the deletion of the shrubs.
3. Install moisture sensing equipment on the irrigation system. Difficult to calculate the amount of water saved. Less than \$1000.00 to install.
4. Install hands free faucets on a portion or all of the sinks. My research shows this to be a difficult to calculate as we all use sinks in a different manner. Some wash and dry prior to turning off the water, and some in reverse. The estimate is an 18% to 50% savings at the sinks with the hands free installed. This can average between .75 to 2.0 gallons per day per sink. We have approx 50 sinks this could effect; @ 1 gallon per day= 6000 gallons per year. This assumes Monday thru Friday use, @ 24 weeks per year. IT is approx \$400.00 to \$450.00 per sink to change to hands free.

Other issues worth noting;

The main entry roof was designed to drain into the main landscape area at the front of the building. A pond was included in the original design to meter a portion of the run off.

Thanks, Ted

Ted Kostranchuk - Associate

Dokker/Perich/Sabatini
7601 Jefferson NE, Suite 100 | Albuquerque, NM 87109 | 505.761.9700
www.dpsdesign.org

AGENDA DOCUMENTATION
April 16, 2013

Agenda Item No. 22

SUBJECT

1:30 P.M.:

Public Hearing to consider the request of a transfer of ownership Liquor License from JJJ Dollar Bar, LLC. DBA Tinnie's Silver Dollar Steakhouse & Saloon at 28842 US Hwy 70, Tinnie, NM 88351. Application No. 848154

ACTION REQUESTED BY

County Manager

ACTION REQUESTED

Public Input/Adoption

BACKGROUND

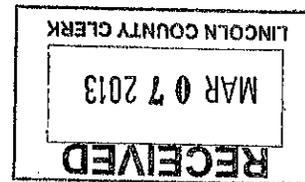
See attached license.



New Mexico Regulation and Licensing Department
ALCOHOL AND GAMING DIVISION

Toney Anaya Building ▪ 2550 Cerrillos Road ▪ Santa Fe, New Mexico 87505
(505) 476-4875 ▪ Fax (505) 476-4595 ▪ www.rld.state.nm.us/agd

March 4, 2013.



Suzanna Martinez
GOVERNOR

J. Dee Dennis, Jr.
SUPERINTENDENT

Jennifer W. Anderson
DIRECTOR

Certified Mail No: 7009 2820 0003 9518 4774

Lincoln County
Rhonda Burrows, Clerk
PO Box 338
Carrizozo, NM 88301

Re: App. No. 848154
Applicant Name: JJJ Dollar Bar, LLC
Doing Business As: Tinnie's Silver Dollar Steakhouse & Saloon/Tinnie's
Genearl Store
Proposed Location: 28842 UW Hwy. 70, Tinnie, NM

ATTENTION: Department or person responsible for conducting or preparing the public hearing for liquor license transfers or issuance of new liquor licenses. *(Please review the revised instructions for approval or disapproval below.)

Greetings:

The Director of the Alcohol and Gaming Division has granted Preliminary Approval for the referenced application and is being forwarded to you in accordance with Section 60-6B-4 NMSA of the Liquor Control Act.

Within forty-five days after receipt of a notice of preliminary approval from the Alcohol and Gaming Division, the governing body shall hold a public hearing in the question of whether the department should approve the proposed issuance or transfer. Notice of the public hearing required by the Liquor Control Act shall be given by the governing body by publishing a notice of the date, time and place of the hearing at least once a week for two consecutive weeks in a newspaper of general circulation within the territorial limits of the governing body, which requires that two weeks of publication must be satisfied before a hearing can be conducted. The notice shall include: (A) Name and address of the Applicant/Licensee; (B) The action proposed to be taken by the Alcohol and Gaming Division; (C) The location of the licensed premises. The governing body is required to send notice by certified mail to the applicant of the date, time and place of the public hearing. The governing body may designate a hearing officer to conduct the hearing. A record shall be made of the hearing.

The applicant is requesting a Transfer of Ownership Liquor License:

The governing body may disapprove the issuance or transfer of the license if:

The proposed location is within an area where the sale of alcoholic beverages is prohibited by the laws of New Mexico. (The governing body may disapprove if the proposed location is within 300 feet of a church or school unless the license has been located at this

Alcohol and Gaming Division
(505) 476-4875

Boards and Commissions Division
(505) 476-4600

Construction Industries Division
(505) 476-4700

Financial Institutions Division
(505) 476-4885

Manufactured Housing Division
(505) 476-4770

Securities Division
(505) 476-4580

Administrative Services Division
(505) 476-4800

location prior to 1981 or unless the applicant/licensee has obtained a waiver from the local option district governing body for the proposed licensed premises.)

The issuance or transfer would be in violation of a zoning or other ordinance of the governing body. The governing body may disapprove if the proposed location is not properly zoned. Because this office is in receipt of a zoning statement from the governing body, this is not a basis for disapproval.

The issuance would be detrimental to the public health, safety or morals of the residents of the local option district. Disapproval by the governing body on public health, safety or morals must be based on and supported by substantial evidence pertaining to the specific prospective transferee or location and a copy of the record must be submitted to the Alcohol and Gaming Division.

*Within thirty (30) days after the public hearing, the governing body shall notify the Alcohol and Gaming Division *in writing* as to whether the local governing body has approved or disapproved the issuance of transfer of the license *and* by signing the enclosed original Page 1 of the application. *The letter of approval/disapproval and the Page 1 must be returned together with the notice of publication(s).* **If the governing body fails to either approve or disapprove the issuance or transfer of the license within thirty days after the public hearing, the director will give final approval to the issuance or transfer of the license.**

If the governing body disapproves the issuance or transfer of the license, it shall notify the Alcohol and Gaming Division within thirty (30) days setting forth the reasons for the disapproval. A copy of the minutes of the public hearing shall be submitted to the Alcohol and Gaming Division with the notice of disapproval (page 1 of the application page noting disapproval).

Sincerely,



Annette R. Brumley
Hearing Officer

ENCLOSURES: Original Page 1 of Liquor License Application
Copy of page 2 Premises, Location, Ownership & Description of Premises
Copy of SID Posting



New Mexico Regulation and Licensing Department - Alcohol and Gaming Division
 P.O. Box 26101 • Santa Fe, New Mexico 87504-5101 • (505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/Agd

PALMBOUR LICENSE APPLICATION

State Liquor License # 0812
 Application Number 848154
 Local option (AGD use) _____

Application fee - \$200.00 Fees are non-refundable.

Record Owner of Existing License CATTLE BARON RESTAURANTS Inc
 Current D/B/A Name Tinnie's Silver Dollar
 Current Premises Address 28842 US Highway 70 Tinnie NM 88334

Application is for: Change of Stock _____ Change of Officers/Directors _____ Transfer Ownership of Existing License Transfer Ownership and Location _____ Transfer Location _____ Other _____
 Issue New License _____ Type of License being applied for _____

Applicant is: Individual _____ Corporation _____ Partnership (General or Limited) _____ Limited Liability Company

NAME OF APPLICANT (company or individual) JJ Dollar Bar LLC ADDRESS (including city, state, zip) 15 Onyx Court Odessa TX 79762 TELEPHONE NUMBER (325) 423-4299

D/B/A name to be used: Tinnie's Silver Dollar Restaurant & Saloon Phone number for licensed premises: (575) 653-4425
Tinnie's General Store

Physical location where license is to be used: 28842 U.S. Highway 70 Tinnie NM Lincoln County, NM 88351
 (Include street number / highway number / state road, city and county, state, and zip code)

Mailing address: PO Box 298 Tinnie NM 88351

Are alcoholic beverages currently being dispensed at the proposed location? Yes No _____ If yes, give license number and type 0812 Lease License

I, (print name) Jana Rush, as (title) Managing Member, being first duly sworn upon oath deposes and says: that he/she is the applicant or is authorized by the applicant to make this application; that he/she has read the same; and says the contents therein contained are true. Applicant(s) agree(s) that if any statements or representations herein are found to be false, the director may refuse to issue or renew the license or may cause the license to be revoked at any time.

You must sign and date this form in the presence of a notary public.

Signature of Applicant Jana Rush Date 2/12/2013

SUBSCRIBED AND SWORN TO before me this 12th day of February, 2013 by Jana Rush

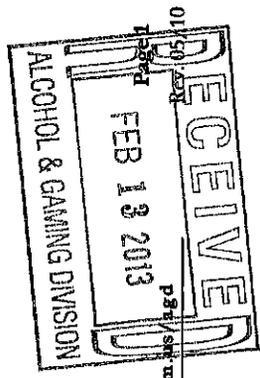
Notary Public Brittany Francis My Commission Expires 11-10-2015



Local Governing Body of _____ (City or County). Hearing held on _____ 20 _____

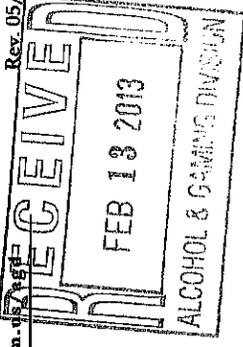
Check one: Approved _____ Disapproved _____ City/County Official _____ (Signature & Title)

Approved _____ Disapproved _____ Director Approval _____ Date _____
 For Alcohol and Gaming Division Use Only





COPY



PREMISES LOCATION, OWNERSHIP, AND DESCRIPTION
 SS-60-6B-10

1. The land and building which is proposed to be the licensed premises is (check one):

Owned by Applicant Leased by Applicant (attach copy of deed or lease) _____ Other (provide details) _____

2. If the land and building are not owned by Applicant, indicate the following:

A. Owner(s) N/A

B. Date and term of lease N/A

3. Premises location is zoned (example C-1) Does not have zoning that would regulate the sale of alcoholic beverages
 If the premises is zoned, attach zoning statement from local government giving location address and type of zone) stating whether alcoholic beverages are allowed at proposed location. If there is no zoning, attach confirmation from local government indicating there is no zoning.

4. Distance from nearest church *(Property line of church to licensed premises—shortest distance).

Miles/feet .5 Name of church Tinnie Baptist Church Address/location of church PO Box 318 Tinnie NM 88351

5. Distance from nearest school *(Property line of school to licensed premises—shortest distance).

Miles/feet 2.3 Name of school Hondo Schools Address/location of school 111 Don Pablo Ln Hondo NM 88336

6. Distance from military installation *(Property line of military installation to licensed premises—shortest distance.)

Miles 79.3 Name of Military Installation, circle one: Kirtland Air Force Base (Albuquerque), White Sands Missile Range (Las Cruces), Holloman Air Force Base (Alamogordo), Cannon Air Force Base (Clovis).

7. Attach, on a separate sheet, the detailed floor plan for each level (floor) where alcoholic beverages will be sold or consumed. Show exterior walls, doors, and interior walls. This will be the licensed premises. The floor plan should be no larger than 8 1/2 x 11 inches, and must include the total square footage of premises.

*If the distance is beyond 300 feet, but less than 400 feet, a registered engineer or licensed surveyor must complete a Survey Certificate showing the exact distance.

8. Type of Operation:

Lounge _____ Restaurant Package Grocery Racetrack _____ Hotel Other (specify) _____

AGENDA DOCUMENTATION
April 16, 2013

Agenda Item No. 23

SUBJECT

1:45 P.M.: Public Hearing

ACTION REQUESTED BY

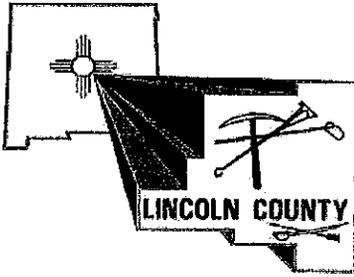
County Manager

ACTION REQUESTED

Public Input/Adoption

BACKGROUND

1. Public hearing to consider Ordinance 2013-1; Amending Ordinance 2005-4 Lincoln County Personnel Policies & Procedures



www.lincolncountynm.net

County of Lincoln

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

April 11, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Public Hearing – Ordinance 2013-1 Amending Ordinance 2005-5 – Lincoln County Personnel Policies & Procedures

Purpose: To request Commission consideration and approval of amendments to the Lincoln County Personnel Policies & Procedures.

Discussion: Attached for Commission consideration are amendments to the County's Personnel Policies & Procedures. The recommended amendments consist largely of:

- Multiple changes resulting in "gender neutral" terminology;
- Deletion of the definition for "Sick Leave Abuse";
- Clarification of process to allow a probationary employee to take accrued sick or annual leave;
- Clarification that all employees holding a full-time position accrues annual leave (including probationary employees);
- Expands "near-relative" to include "aunt, aunt-in-law, uncle, uncle-in-law";
- Compensatory time off to be approved by Manager;
- New clause addressing employees on Worker's Compensation who are unable to return to work after six months.

Recommendation: After discussion and consideration, approve recommended changes to Personnel Policies & Procedures.

ORDINANCE NO. 2013-1

Deleted: 2005-4

AN ORDINANCE AMENDING LINCOLN COUNTY PERSONNEL POLICIES AND PROCEDURES; PROVIDING FOR THE SEVERABILITY OF PARTS HEREOF; PROVIDING AN EFFECTIVE DATE AND THE REPEAL OF ORDINANCE NO. 2005-04.

Deleted: 2003-04.

WHEREAS, the Board of County Commissioners of Lincoln County, New Mexico adopted Ordinance No. 2005-04, which established personnel policies and procedures for the County; and

Deleted: 2003-04

WHEREAS, it is good public policy to periodically review the personnel policies and procedures to ensure their efficacy and fairness; and

WHEREAS, after reviewing the personnel policies and procedures, the Board of County Commissioners of Lincoln County, New Mexico, desires to amend certain portions of Ordinance 2005-04; and

Deleted: 2003-04

WHEREAS, the Board of County Commissioners of Lincoln County has determined that some of the references to part-time employees and classified employees contained in Ordinance 2005-04 were confusing and/or misleading, in that part-time employees are not considered classified employees, as that term is defined herein, and any unclear references have been addressed in this revision, as well as clarifying other portions thereof; and

Deleted: 2003-04

WHEREAS, the Board of County Commissioners of Lincoln County, New Mexico, finds that this amendment is necessary to provide for the safety, preserve the health and welfare, promote the prosperity, order, comfort, and convenience of the County of Lincoln, its personnel, or its inhabitants.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Lincoln County, New Mexico, that the Lincoln County Personnel Policies and Procedures shall be amended to read as follows:

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**LINCOLN COUNTY
PERSONNEL POLICIES AND PROCEDURES
FOR EMPLOYEES OF THE COUNTY**

PREFACE

It is the purpose of these employee policies and procedures to set forth the general principles and the procedures which will be followed by Lincoln County in the administration of wages, salaries, benefits, and working conditions of Lincoln County employees. Specific rules and regulations cannot be formulated for every possible situation. This Personnel Policies and Procedures Manual serves as a general guide for the proper, efficient, and effective administration of personnel matters for the employees of the County of Lincoln.

Elected officials of the County and departmental heads will need to give administrative direction to their respective department functions as mandated by State statutes. Departmental rules shall not conflict with these policies and procedures unless prior approval has been received from the County Commission.

STATEMENT OF RIGHTS

Pursuant to its statutory powers, the Lincoln County Board of Commissioners hereby exercises its express and derived authority to establish by ordinance, policy and procedures regulating employment of all County employees. Where the requirements as set forth in this ordinance conflict with policies or procedures adopted by Elected Officials or Department Heads insofar as they relate to employment with Lincoln County, the policies and procedures contained herein shall control.

The County of Lincoln retains the right to direct the work of employees; to hire, promote, demote, discipline, suspend, and dismiss employees for just cause; to release employees due to lack of work, financial constraints, or for other legitimate reasons.

The County of Lincoln shall retain sole authority to establish and enforce rules and regulations; to change or modify methods, services, equipment or facilities in compliance with the Statutes of the State of New Mexico.

EMPLOYEE KNOWLEDGE AND INFORMATION OF POLICY

Elected Officials/Department Heads shall provide a copy of this policy to present employees and to all new employees with instructions to read and know of all provisions of these rules. Employees shall sign for the copy of this policy upon receipt.

AMENDMENT OF POLICY

The County of Lincoln reserves the right to change these policies and procedures at its discretion.

PRONOUNS

All pronouns used in this Personnel Policy Manual shall include the masculine, feminine, and neuter gender, shall include the singular and plural, and the context of this Personnel Policies and Procedures manual shall be read accordingly.

RESPONSIBILITY FOR COMPLIANCE

A County Manager and a Personnel Director may be appointed by the Commission. If the Board of County Commissioners does not hire a Personnel Director, the responsibilities of that position will be performed by the County Manager or designee.

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EQUAL EMPLOYMENT OPPORTUNITY POLICY

Individuals will not be discriminated against on the grounds of race, age, religion, color, national origin, sex, physical or mental handicap or medical condition, in consideration for employment, duration of employment, compensation, terms, conditions, or privileges of employment by Lincoln County. It is the policy of Lincoln County to comply with section 109 of the Housing and Community Development Act of 1974, Title VI of the Civil Rights Act of 1964, Title VII of the Civil Rights Act of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination in Employment Act, and the New Mexico Human Rights Act, in all employment programs administered by Lincoln County.

SAVINGS CLAUSE

Modification, adjustment, or invalidation of any part, rule, or section of these Personnel Policies and Procedures shall not affect the validity of other sections of the Lincoln County government policies.

DEFINITIONS

ADMINISTRATIVE LEAVE WITH PAY - Leave with pay granted at the discretion of the Elected Official or Department Head and with the approval of the County Manager. An employee on administrative leave with pay will not have vacation deducted from accumulated vacation balance.

ANNIVERSARY DATE - The anniversary date for eligible full-time employees shall be the first day and month that the employee begins employment with the County. If a part-time employee becomes a full-time employee, the anniversary date shall be the date upon which the employee became a full-time employee.

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ANNUAL LEAVE - Leave with pay granted to a regular or qualified appointed employee after accrual. This leave is subject to the approval of the appropriate Elected Official, Department Head or the County Manager.

APPEAL - Written request that a decision of a formal grievance be reconsidered at the next stage of the grievance procedure.

APPLICANT - A person who has made formal application on a County of Lincoln official application form for a vacant position.

APPOINTED EMPLOYEE - An individual who is appointed to an unclassified position by an elected official or County Manager.

AUTHORIZED LEAVE - Any absence with or without pay during regularly scheduled work hours which is approved by a proper authority.

CATASTROPHIC ILLNESS - A major hospitalization and a lengthy recovery period with extraordinary expenditures.

CLASSIFICATION PLAN - An ordering of different positions in the County service according to the duties, responsibilities, and qualifications of the position. A Classification plan is used to determine fair and equitable placement on the salary/wage schedule.

CLASSIFIED EMPLOYEE - A full-time employee who has completed the probationary period, and who is entitled to all the rights and benefits provided by the County of Lincoln Personnel Policies and Procedures Manual. A classified employee must be specifically designated as such on a personnel action form which will be made part of the employee's personnel file. A classified employee may only be disciplined for just cause.

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COMPENSATORY TIME (Comp Time) - Paid leave in lieu of overtime compensation that can be accumulated by a non-exempt employee. Comp time leave will be calculated at a rate of one and one-half (1½) times the number of hours worked in accordance with the Fair Labor Standards Act (FLSA).

COUNTY BUSINESS - The performance of duties by an employee at the employee's normal work station or another location authorized by the County.

DAYS - Wherever the term "days" is used in this manual it shall mean calendar days and not working days, unless otherwise specifically stated.

DEMOTION - A personnel action which transfers an employee to a position which is lower in grade and reduces the employee's responsibilities and pay. Demotions may be voluntary or may be the result of disciplinary actions.

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DEPARTMENT HEAD - Elected Official or Appointee of the Board of County Commissioners who has responsibility for supervising and administering a specific department of county government.

DISMISSAL - A action taken by a Elected Official/Department Head or the County Manager, which terminates an individual's employment with the County of Lincoln.

DUE PROCESS - The right granted to a full-time classified employee who has completed the probationary period, to pre-disciplinary and post-disciplinary hearings, for management actions of suspension, demotion, or dismissal.

ELECTED OFFICIAL - An individual elected by popular vote or appointed to fill a vacancy in an elected office (i.e., County Commissioner, County Assessor, County Clerk, County Sheriff, County Treasurer, and Probate Judge).

EMERGENCY - A sudden or unforeseen happening requiring the assistance of certain employees or groups of employees necessary to protect the health, welfare, and safety of the community and/or the Lincoln County Courthouse or its annexes.

EXEMPT EMPLOYEES - All executive, administrative, and/or professional employees as defined by the Fair Labor Standards Act, and whose compensation/wage is based on a fixed annual salary.

FULL-TIME EMPLOYEE - An employee whose normal work schedule is established at a minimum of forty (40) hours per week.

GRANT-FUNDED EMPLOYEE - An employee who is hired by the County of Lincoln into an unclassified position and whose funding is based wholly or in part by another agency.

GRIEVANCE - A formal written complaint of an employee concerning actions taken by management which result in suspension, demotion, dismissal, or an actual loss in pay.

IMMEDIATE FAMILY - The employee's spouse, children, parents, mother-in-law, father-in-law, siblings, grandchildren, grandparents, grandmother-in-law, and grand-father-in-law.

LAYOFF - See reduction in force (RIF).

LEAVE WITH PAY - Type of leave which is authorized by a proper authority enabling an employee to be away from work, during regularly scheduled work hours, with pay.

LEAVE WITHOUT PAY - Type of leave which is authorized by a proper authority enabling an employee to be away from work, during regularly scheduled work hours, without pay.

NEAR RELATIVE - A spouse or ex-spouse, children, parents, siblings, grandparents, grandchildren, aunts, uncles, first cousins, and like relations of the Elected Official's or employee's spouse. This definition includes any person related to the employee by birth, adoption, or marriage, up to and including those within the third degree of consanguinity or affinity. This includes any person who would fall under the above definition, if the persons who are cohabiting were in fact married.

NEPOTISM - The practice of giving preferential treatment in areas of employment including, but not limited to: selection, benefits, pay, promotion, and discipline to near relatives, or to unrelated persons who are cohabiting.

NON-EXEMPT EMPLOYEE - Employee who is not exempt under the Fair Labor Standards Act (FLSA). A nonexempt employee is entitled to receive overtime pay and/or compensatory time for actual hours worked as defined by the FLSA.

OVERTIME - Time for which an employee is paid the rate which is one and one-half (1½) the employee's regularly rate of pay for hours actually worked.

PART-TIME EMPLOYEE - An employee whose normal work schedule is established at no more than thirty-two (32) hours per week. Part-time employees cannot grieve disciplinary actions.

PAY PERIOD - The two week period of time designated by the County Commission for which an employee shall be paid for accumulated work.

PER DIEM - A flat rate payment for personal travel expense.

PERFORMANCE EVALUATION - The written objective review made by the employee's supervisor of the employee's performance relating to assigned duties. This evaluation is a periodic review conducted for purposes such as evaluating an employee's work habits and skills, to note improvements needed, and record necessary training or experience.

PERSONNEL FILE - Papers and documents relevant to an employee's work history with the County of Lincoln that are kept by a proper administrative authority. These files are confidential and access is based on a legitimate "need to know" factor.

POST-DISCIPLINARY HEARING - A formal hearing conducted by the County Manager and/or hearing officer at the request of an employee, which is held after the pre-disciplinary hearing.

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PRE-DISCIPLINARY HEARING - A hearing conducted by an Elected Official/Department Head or the County Manager before the imposition of a disciplinary action of suspension, demotion, or dismissal.

PROBATIONARY PERIOD - A period of time during which an employee who is hired into a classified position is evaluated to determine ability, potential, and suitability for the position. Sheriff deputies and detention officers must serve a one (1) year probationary period. All other employees are required to serve a six (6) month probationary period. An employee on probation may be dismissed for any reason or no reason and has no rights to the grievance procedures.

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PROMOTION - A personnel action which transfers an employee to a position which is higher in grade and increases the employee's responsibilities and pay.

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REDUCTION IN FORCE (RIF) - The involuntary separation of an employee from the County of Lincoln services without fault on the part of the employee, due to the abolition of a position, reorganization, lack of work, lack of funds, or lack of appropriated funds.

RESIGNATION - Voluntary separation by an employee from employment with the County of Lincoln.

SEASONAL EMPLOYEE - An employee who may be called on short notice and/or on an occasional basis. Seasonal employees may be terminated for any reason or no reason and have no rights to the grievance procedures.

SENIORITY - The total number of continuous, uninterrupted service as a classified employee of the County.

SICK LEAVE - Leave with pay which may be granted for absence from duty because of personal illness, injuries or legal quarantine, and/or illness in the employee's immediate family, provided that the employee has sick leave accumulated.

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SUPERVISOR - Elected or appointed employees and any other employees in the chain of command who have routine administrative authority for the functions and employees of the department.

Deleted: **SICK LEAVE ABUSE** - Use of accrued sick leave at a rate faster than 50% of the hours being accrued for non-major medical problems during the previous twelve (12) months. Employees abusing sick leave may be disciplined up to and including dismissal. ¶

SUSPENSION - An enforced leave of absence without pay for disciplinary reasons.

TEMPORARY EMPLOYEE - An employee hired not to exceed six (6) months in a calendar year. Temporary employees cannot grieve disciplinary actions.

TERMINATION - Separation from employment with the County of Lincoln for any reason such as resignation, retirement, or dismissal.

TRANSFER - The movement of an employee from one department or office to another department or office in the County of Lincoln service, or to a position in another geographic location or to a position having the same grade and salary.

UNAUTHORIZED LEAVE - Leave of absence during regularly scheduled work hours in which and employee did not receive prior approval by the proper authority.

UNCLASSIFIED EMPLOYEE - A full or part-time employee who is terminable-at-will and who is exempt from the merit provisions of the Personnel Policies and Procedures Manual.

VACATION - See Annual Leave.

VOLUNTEER - An individual who provided a service for the County and does not receive compensation other than expenses or in some cases a stipend. Such an individual is not considered an employee.

WORK WEEK - A period of time, which commences at 12:00 AM on Saturday and ends at 11:59 PM on the following Friday evening.

WORK YEAR - Lincoln County's work year is based on a standard 2,080 hours. Annual benefits are based on a standard work year.

* * *

PERSONNEL POLICIES AND PROCEDURES

100. APPLICATION PROCEDURES

101. RECEIPT OF APPLICATION

Applications will only be taken when a position vacancy is posted. Each applicant for employment with the County shall complete an application form and submit it to the Personnel Department. No person shall be interviewed, examined, tested, referred for consideration, or employed without having completed the required application. Applications for employment must be completed in their entirety and signed by the respective individual making application for employment. An application will be filled out for each position the applicant wishes to apply for. Applications will be good for a period of six months.

102. GENERAL REQUIREMENTS

102.A. All applicants must be a minimum of 18 years of age. Evidence of job performance and capability, experience, education, training, skills and other abilities are carefully considered in reviewing individual qualifications.

102.B. The application shall not be worded as to elicit information concerning the race, color, national origin, religion, sex, medical condition, physical and mental handicap, or political affiliations of any applicant, except that information which is required to assist with equal employment opportunity efforts.

102.C. Applications shall be signed, dated, and the truth of all statements contained therein certified by the applicants signature. Any false statement knowingly made by any applicant in an application for employment with Lincoln County shall be regarded as grounds for disqualifying said applicant from consideration for employment and/or, just cause for dismissal, if hired.

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103. RECRUITING AND POSTING PROCEDURE

103.A. Posting and Advertising Classified Positions

1. When a classified position becomes vacant and the County intends to fill the position it will be advertised, unless the vacant classified position may be filled by an employee within County Government without a public announcement.
2. When a vacancy exists for a classified position within the County of Lincoln, an Elected Official/Department Head, with the approval of the County Manager, may, but is not obligated to, fill the vacancy with an existing County employee.
3. The classified vacancy shall be posted within the County for five (5) days on designated bulletin boards in the County Courthouse and other County sites when applicable.

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4. To apply for a posted job vacancy, County employees must contact the Personnel Department with a letter requesting consideration for the vacancy. An employee seeking the position shall be expected to meet the basic qualifications of the position for which ~~the employee is applying,~~ including physical examination, and/or other tests deemed necessary by the appropriate Elected Official/Department Head. Employees within the Department may be considered before other employees of the County.

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5. No County employee or elected official can deny a County employee who has completed probationary period, and who is not the subject of disciplinary action, permission to apply for a job vacancy in another County office or department for which the employee is qualified.

6. If necessary, the County Manager's Office may issue job announcements through such media as is deemed appropriate to insure open and competitive recruitment of individuals outside of County service, with sufficient time to insure reasonable opportunity for persons to apply. Internal posting and external job announcements may be made simultaneously.

7. The job announcement will list the position, locations, and basic qualifications, for each classified vacancy. Job announcements shall indicate a closing date, after which applications will not be received. The Personnel Director, in conjunction with the Appointing Authority, shall establish the time limits for which applications for a position shall be accepted, but such period shall in no case be less than ten (10) calendar days.

103.B. All postings and job announcements will be good for any classified vacancies that occur for a six (6) month period.

104. POSTING AND/OR JOB ANNOUNCEMENT EXCEPTION

104.A. Vacant positions may be filled without posting by temporary employees on a temporary basis to replace a regular employee on leave, and/or pending the selection of a regular employee for the position.

104.B. A temporary employee who successfully performs in a seasonal position, may be re-employed each year without public announcement.

104.C. A public announcement for positions of the same title is required only one (1) time during each six (6) month period, provided there is a sufficient pool of applications received through original advertisement to insure competitive recruitment for such positions that are vacant within the six (6) month period.

104.D. Vacant positions may be filled without posting or public announcement by employees returning:

1. from approved leave of absence,
2. from military service, or
3. due to reduction in force.

105. BASIC QUALIFICATIONS

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Basic qualifications, together with desirable attributes, will be contained in the job description for each classified position within the County and include the specific educational levels and skills which are necessary to perform the essential functions of the job. Waivers may be granted on basic qualifications by the County Manager. If a waiver is requested by an Elected Official or Department Head, they shall be in writing and shall contain the reason for such waiver request. If a waiver is granted, the position will be posted again.

106. SELECTION PROCEDURES

106.A. Performance Testing

1. Performance tests may be conducted for typing, shorthand, spelling and other skills for clerical/secretarial employees. Performance tests may also be given by appropriate Department Heads or Elected Officials for positions requiring operation of certain equipment to test the applicant's ability to operate equipment and/or vehicles.
2. A physical agility test may be given to applicants for the positions of deputy sheriff, detention officer, and transport officer.

106.B. Physical Examinations

1. The County may require the applicant selected to fill a vacant position to take a physical examination prior to commencing work to determine whether the employee can perform the essential functions of the position. The offer of employment is contingent upon the physician's statement that the applicant can perform the essential functions of the position. The examination shall be performed by a licensed physician contracted for, or approved by the County. If the employee does not successfully complete the physical, it will result in immediate withdrawal of the offer of employment. Medical examination shall include blood testing, urinalysis, and radiographic examinations for those employees from whom physical labor is expected.
2. The physical examination may include a substance abuse test. A confirmed positive test for drugs or alcohol shall result in rejection of the applicant.
3. In emergency situations, an employee may begin work immediately upon approval of the County Manager. The employee must sign a statement that ~~the employee understands that the physical must be taken and results obtained within thirty (30) days.~~ Deleted: he
4. Annual physical examinations may be required for individuals who operate County equipment.
5. Fees for the required physical examination shall be paid by the County.

106.C. Psychological Evaluation

The Sheriff and Detention Center Administrator may have a recognized psychological evaluation performed by a licensed psychologist for all employees under their supervision.

106.D. Background Information

1. Applicants will execute all necessary authorizations for disclosure of background information. References provided by the applicant will be fully processed for the top three (3) Deleted:

candidates. References provided by the applicant shall be checked. Applicants will be asked by the County to sign an authorization for the County to check references, perform a driver's license check, and any other background check, as necessary. Only applicants who sign the authorization will be considered for the position for which they have applied.

2. An applicant is responsible for providing evidence to support any statements or certifications made in an application for employment. Said evidence shall be of a sufficient degree to fully substantiate any and all assertions made by the applicant. Applicants must also furnish proof of identification and right to work in accordance with the Immigration Reform Act of 1986.

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106.E. Interview

1. The Personnel Department shall determine which applicants meet the basic qualifications of the job. The Personnel Department shall refer the qualified applicants to the Elected Official/Department Head or their representative, who shall interview the top three (3) applicants selected by the Personnel Department.

2. In the event there are three (3) or fewer applicants, all will be interviewed.

107. FINAL SELECTION

The respective Elected Official/Department Head shall make the final selection, with the approval of the County Manager. Equally qualified County employees will be given preference.

107.A. Basis for Final Selection

Selection shall be based on the applicant's overall qualifications compared to the requirements of the position. Final Selection for a position will be made by the Department Head or Elected Official and will be based upon criteria such as the following:

1. physical examination and/or substance abuse testing;
2. psychological examination, if conducted;
3. skills and/or proficiency test;
4. education, background, and experience;
5. personal interview; and
6. references.

107.B. Notification of Interview Results

An applicant who has been interviewed shall be notified in writing by the Personnel Department within fifteen (15) working days the results of the interview.

107.C. Pre-Selection Prohibited

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Positions that are not filled by County employees and are otherwise publicly advertised shall not be promised to a person prior to completing the recruitment and selection provisions contained in this policy.

107.D. Ineligibility

Applicants or former employees may be considered ineligible for hire or rehire by Lincoln County if the applicant or former employee:

1. made any false statement or omitted any relevant information on the application;
2. did not meet the requirements of the position;
3. failed to complete the medical examination, psychological examination, or other requirements as directed by the employing authority;
4. has not been certified by a physician that the applicant can perform the essential duties of the position;
5. has been dismissed from County service for disciplinary reasons;
6. is not a legal resident of the United States;
7. failed to fulfill the statutory requirement of NMSA 1978, §4-41-8, if applying for position of deputy sheriff or detention officer;
8. has been convicted of a felony or misdemeanor under the provisions of the Criminal Offender Employment Act, NMSA 1978, or convicted of a felony or infamous crime as defined in NMSA 1978, §10-1-3;
9. has not met the criteria for insurance bonding as required by County or State law where applicable;
10. has had a DWI conviction within the past five (5) years, if required to drive as part of employment with the County.

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108. RE-EMPLOYMENT OF FORMER EMPLOYEES

Re-employment preference will be given in the following order:

- 108.A.** Employees returning from an approved leave of absence, including military leave;
- 108.B.** Employees laid-off due to reduction in-force;
- 108.C.** Former qualified full-time and part-time employees, and temporary employees. Nothing shall require such re-employment, but only consideration by the employing authority.

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109. REINSTATEMENT OF EMPLOYEES FROM MILITARY LEAVE

An employee who leaves a position ~~with the County, other than a temporary position,~~ to enter the armed forces of the United States, national guard or organized reserve, and who serves on active duty and is honorably discharged or released from active duty to complete ~~the remaining service in a reserve component, and who is~~ still qualified to perform the duties of the County position previously held, shall be re-employed in such position or to a similar position. To be re-employed in such position, the employee must make application for re-employment within ninety (90) days after ~~being relieved from training or duty, or from hospitalization~~ continuing after discharge for a period of not more than one (1) year.

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109.A. The returning employee will be deemed to have accrued seniority and length of service rights as though ~~employment with the County had been continuous since the date of initial employment.~~

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109.B. The employee taking military leave will not be required to exhaust annual or sick leave. The returning employee shall have all annual and sick leave accrued at the time of ~~departure for military~~ service restored.

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110. REHIRE OF WORKERS INJURED ON THE JOB

110.A. The County may offer to rehire an employee who has been terminated from work due to an injury for which the employee received, or is due to receive benefits under the Workers' Compensation Statute.

110.B. If an employee applies for a position, ~~the employee is subject to the following conditions:~~

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1. the employee's treating health care provider certifies that the employee is fit to carry out the essential duties of the pre-injury position or a modified position similar to the pre-injury position without significant risk of re-injury; and
2. the County has a position available.

110.C. Compensation benefits of an employee rehired prior to reaching maximum medical improvement shall be reduced as provided in the Workers' Compensation Statute.

111. RECALL OF EMPLOYEES FOLLOWING REDUCTION IN FORCE (RIF)

111.A. Classified employees who are eliminated due to a RIF will be considered for recall on a seniority basis for a period of six (6) months from the date of the RIF. Qualified individuals on RIF status will be given preference on positions to be filled in the classification that the employee held prior to the RIF. To be considered for other vacancies, the RIF'ed employee must re-apply.

111.B. A classified employee who is RIF'ed and returns to County employment within six (6) months of the RIF shall not be required to serve another probationary period if the employee returns to ~~the~~ employee's previous classification.

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111.C. A RIF-classified employee returning to classified County employment will be credited for all unused sick leave accrued at the time of the RIF, if such return is within six (6) months. Reduction--in-force is not grievable.

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200. EMPLOYMENT STATUS

All positions are divided into "unclassified" and "classified" positions.

201. FULL-TIME CLASSIFIED EMPLOYEE

A full-time classified employee is one who has successfully completed the probationary period, and who normally works a minimum of forty (40) hours per week. This employee is entitled to all rights and benefits of the Lincoln County Personnel Policies and Procedures manual.

202. UNCLASSIFIED EMPLOYEES

202.A. The County Manager, the chief deputy of each Elected Official, the executive secretary to the Sheriff, the Under-sheriff, probationary employees, temporary employees, seasonal employees, part-time employees, and grant-funded employees are unclassified and serve at the discretion of the Department Head or Elected Officials under whom they serve.

202.B. Unclassified employees are terminable-at-will, and are exempt from the merit provisions of this Ordinance. Unclassified employees cannot grieve disciplinary actions. Unclassified employees, with the exception of temporary or grant-funded employees, are subject to all other provisions contained herein, unless specifically excluded.

202.C. Unclassified employees are required to join the Public Employees Retirement Association (PERA). However, Elected Officials may choose to join PERA or not.

203. PROBATIONARY EMPLOYEE

203.A. A probationary employee is a newly hired full-time or part-time employee who is hired to fill a classified position and who has not completed the probationary period of employment during which the employee is evaluated to determine the employee's ability, potential and suitability for the position.

203.B. At any time during this period, the employee may be terminated for any reason or no reason and has no grievance rights.

203.C. Probationary employees accrue leave and benefits. Probationary employees cannot take accrued sick or annual leave until the probationary period is completed, unless ~~written approval is obtained by the County Manager.~~

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203.D. A former Lincoln County classified employee rehired more than sixty (60) days after termination, or rehired into a new position at any time shall serve the required probation period.

203.E. An employee who is temporarily assigned to a vacant classified position and is subsequently hired to fill that position shall serve the required probationary period. The beginning date of the probationary period is the day when the employee is officially changed from temporary to classified status.

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203.F. If an employee does not satisfactorily complete the probationary period, the employee will be dismissed. Proposed dismissal of a probationary employee must be discussed with the County Manager prior to dismissal.

203.G. As an alternative to dismissal, an Elected Official/Department Head or County Manager may extend an employee's probationary status for a period not to exceed three (3) months.

204. TEMPORARY/SEASONAL EMPLOYEE

204.A. A temporary or seasonal employee may be hired either in a full-time or part-time basis to a position for a period not to exceed six (6) months in a twelve (12) month period, beginning with the employee's first day of employment.

204.B. A temporary employee also includes one who is hired to perform a specific job or fill the temporary absence of a classified or unclassified employee.

204.C. Temporary employees have no expectation of continued employment, are not eligible for County benefits and, therefore, do not accrue vacation, sick leave or holiday pay.

204.D. The determination of what constitutes a "seasonal" workload is determined by the Elected Official/Department Head or County Manager.

204.E. Employees in these positions are terminable for any reason or no reason.

205. PART-TIME EMPLOYEE

A part-time employee is one who has successfully completed the probationary period and who normally works no more than thirty-two (32) hours per week. Part-time employees are not eligible for County benefits.

206. APPOINTED EMPLOYEE

An individual who is appointed to an unclassified position by an Elected Official(s).

207. GRANT-FUNDED EMPLOYEE

207.A. A grant-funded employee is one whose work and term of appointment is subject to the availability of grant funds from the funding agency and the required appropriations by the Board of County Commissioners. All grant-funded positions are unclassified.

207.B. Benefits, wages, and other conditions of employment shall be in accordance with the contractual agreement between the County of Lincoln and the other governmental entity providing funding to the program or project.

300. CHANGES IN EMPLOYMENT STATUS

301. DEMOTION

301.A. An employee may be demoted to a lower position for which the employee is qualified when:

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1. the employee would otherwise be terminated because ~~the position is being abolished due to a lack of funds, or lack of work~~; or
2. when the employee does not render satisfactory performance in the position presently held; or
3. when the employee voluntarily requests such a demotion.

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301.B. Demotion is not a required step in progressive discipline.

302. PROMOTION

A personnel action which transfers an employee to a position which is higher in grade and increases ~~the employee's~~ responsibilities and pay.

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303. TRANSFER

303.A. An employee may voluntarily transfer to a vacant position for which ~~the employee~~ is qualified if the employee meets the qualifications required.

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303.B. An employee may be involuntarily transferred from one position to another. The employee may be transferred if it is in the best interest of the County of Lincoln, or if further training and development of an employee in another position would be beneficial to future staffing potential of the County. Involuntary transfers are not grievable.

303.C. There shall be no pay adjustment for employees transferred from one position to another of comparable grade.

304. RESIGNATION

304.A. A County employee who wishes to resign in good standing must submit a letter to ~~the immediate supervisor~~ at least fifteen (15) days before leaving, unless the Elected Official/Department Head agrees to permit a shorter period of notice. If it is impossible to give fifteen (15) days notice, the letter should explain the circumstances that prevent it. All County equipment, uniforms, and other County property shall be turned into the department upon termination.

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304.B. Application for refund of retirement will not be forwarded to PERA until after termination of the employee. The letter of resignation must be promptly delivered to the Personnel Department.

304.C. Verbal resignations will not constitute termination of employment in good standing with the County of Lincoln.

305. REDUCTION-IN-FORCE (RIF)

The County may reduce the number of employees due to reorganization, lack of funds, lack of appropriation, lack of work, or other considerations. If reduction of force occurs the Elected Official/Department Head shall make the determination of the job classification to be affected. The reduction will occur in the following manner:

305.A. RIF will be determined by department within job classification. A temporary employee, probationary employee, or part-time employee within a Department will be RIF'ed before a full-time

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classified employee with the same classifications within the given Department, unless specific skills and knowledge must be retained.

305.B. RIF of a classified employee shall be done in reverse order of seniority. For the purpose of this section, seniority shall mean total years of continuous, uninterrupted service as a classified employee of the County. Seniority is applied to the current classification held.

305.C. An employee to be RIFed shall be notified in writing by the Elected Official/Department Head.

306. DISMISSAL

306.A. An Elected Official/Department Head with the approval of the County Manager, or the County Manager shall have the authority to dismiss classified employees for just cause which shall include, but not be limited to, unsatisfactory performance, illegal activity, misconduct, or violation of established work rules or policies.

306.B. Unclassified employees serve at the discretion of Elected Official(s) or the County Manager under whom they are appointed, and may be dismissed for any reason or no reason. Unclassified employees have no rights to the grievance procedures.

307. MEDICAL DISABILITY TERMINATION

307.A. An employee shall be involuntarily terminated six (6) months from the last day of work after a qualified, licensed physician certifies that the employee is physically unable to perform the essential functions of the employee's position.

307.B. During this period of disability, the employee will be placed on medical leave without pay status.

307.C. This period may be extended up to six (6) months with the approval of the County Manager.

307.D. The employee must submit monthly reports from a qualified, licensed physician on the employee's condition. However, if the employee is declared to be permanently disabled and unable to perform the essential duties of the position, then the employee will be terminated if all other leave has been exhausted.

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307.E. Medical disability termination will be taken in compliance with the Americans With Disabilities Act.

308. SUCCESSFUL COMPLETION OF PROBATIONARY PERIOD

If an employee satisfactorily completes the probationary period, the employee will be placed in classified County service. A personnel action notice from the Elected Official/Department Head must be sent to the County Manager before the employee can become a classified employee and entitled to all of the rights and benefits of classified service.

309. CHANGE OF CLASSIFIED STATUS

In the event an employee changes from a classified position to an unclassified position, the employee may elect to receive payment for accumulated vacation time or take the time as annual leave.

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400. CONDITIONS OF EMPLOYMENT

401. PROBATIONARY PERIOD

401.A. New Hires

1. The probationary period is an integral part of the evaluation process and is utilized for observing the employee's performance, assisting the employee in effectively adjusting to the position, determining if the employee is suited for the position, and for dismissing any employee whose performance does not meet the required work standards.
2. An employee hired to fill a classified position shall serve a probationary period. An employee hired to fill a classified sheriff's deputy or detention officer position shall serve a probationary period of twelve (12) months. All other employees hired to fill classified positions shall serve a six (6) months probationary period.
3. During the probationary period, the employee may be dismissed for any reason or no reason. An employee on probationary status has no right to the grievance procedures. A probationary employee may be terminated at any time during the probationary period.
4. If a probationary employee does not successfully complete the probationary period, it may be extended at the discretion of the Elected Official/Department Head to whom the employee reports. The probationary period may be extended for up to three (3) months.
5. If the Elected Official/Department Head chooses to extend the probationary period of an employee for any given period of time not to exceed the maximum period of three (3) months, the Elected Official/Department Head will notify the employee in writing of the extension and the reasons for the extension. A copy of this notification will go into the employee's personnel file. In the event that the Elected Official/Department Head declines to convert the employee's status to classified at the end of the probationary period, the employee will be dismissed.
6. A probationary employee hired to fill a deputy sheriff or detention officer position shall serve a twelve (12) month probationary period, during which time the employee shall be required to obtain appropriate certification for the position. Failure to obtain such certification within the twelve (12) month period shall result in the employee's dismissal.
7. A probationary employee may apply for other positions in another County office, but if selected, shall serve another complete probationary period.
8. If the employee is hired to a full-time classified position, the first day of work shall be used in computing the beginning of the probationary period.

401.B. Temporary Employee Hired to a Classified Position

A temporary employee who is subsequently selected to fill a classified position shall serve the required probationary period. The beginning date of the probationary period shall be the date the employee changes from temporary status.

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401.C. Former Employee Hired to a Classified Position

1. A former County employee rehired more than six (6) months after termination, or rehired at any time to fill a different position, shall serve the required probationary period. All benefits will accrue at the same rate as any new employee.
2. A former County employee whose termination was in good standing and who is rehired within six (6) months after termination to fill the same position in which the employee was previously employed, will not be required to serve an probationary period.

402. NEPOTISM

402.A. The practice of nepotism is prohibited. Any person elected or appointed to public office shall not give employment as clerk, deputy, assistant or other class of departmental employee to any near relative or to an unrelated individual sharing a spousal relationship with an employee when that person's compensation is \$600.00 or more. (§ 10-1-10, NMSA 1978.)

402.B. When there is a change in assignment or relative relationships among County employees which leads to one employee supervising another in the same department, the employees must inform the Elected Official/Department Head in writing within five (5) working days. The Elected Official/ Department Head must transmit a letter and a recommended course of action to the County Manager within five (5) working days of receipt of the letter. The County Manager will attempt to transfer one of the employees in question and will officially notify those involved, if a position is available. If no position is available within three (3) months of notice, one employee will be terminated. Any employee not submitting a letter indicating a change of relative or spousal relationship, as specified in this section, will be disciplined.

402.C. Employees hired prior to March 1, 1998, who are near relatives of supervisors in the direct chain of command or persons who are cohabiting with a supervisory employee in their direct chain of command are grand-fathered under the current situation for the duration of County employment.

403. CONFLICT OF INTEREST

No employee shall engage in any business or transaction or accept private employment or other public employment which is incompatible with the proper discharge of the employee's responsibilities, or which gives the appearance of impropriety.

404. ATTENDANCE

Regular and punctual attendance at work shall be required of all Lincoln County employees. All employees are to be at their designated work areas on time and ready to work. They shall work until the scheduled quitting time, unless permission of the supervisor has been obtained for different work hours. If the Elected Official/Department Head does not take appropriate action, the County Commission may compel regular and punctual work habits of all County employees.

405. WITNESSES AT PERSONNEL GRIEVANCE HEARINGS

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Elected Officials of departments, department heads, and all employees of Lincoln County are required to attend grievance hearings, if designated as witnesses.

406. DRESS AND APPEARANCE

County employees are constantly in the public eye. Consequently, it is important that the employees present the best possible image to the public and should always be clean and as neatly dressed as work assignments allow.

406.A. Dress Code

The Elected Official/Department Head may establish a reasonable dress code for employees under the Elected Official/Department Head's direction. Employees must adhere to the required dress code.

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406.B. Uniforms

If a uniform is prescribed for an employee's function, it shall be worn at all times while on duty and at no other time unless authorized by a Department Head or Elected Official. Failure to wear a designated uniform while on duty will be considered insubordination, unless otherwise authorized by the Department Head or Elected Official. Uniforms will be issued at the time of employment.

407. DESIGNATED WORK AREAS

Employees shall not litter work areas and will keep them neat and clean.

408. HEALTH AND INJURY CONDITION

If an employee is on medication or under a doctor's care for any reason that could affect the employee's operation of machinery, equipment, or other job duties, the employee must inform the supervisor of the employee's condition. Failure to report a health or injury condition may subject the employee to disciplinary action, up to and including dismissal.

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409. WORK SCHEDULES

The Elected Official/Department Head shall have authority for setting work schedules for all employees within the department. The Elected Official/Department Head may designate a person in a supervisory role within the department to coordinate work schedules.

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409.A. Changes in Work Schedule

The Elected Official/Department Head or designee shall give employees reasonable notice of long term changes in work schedules.

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409.B. Adjustment of Work Hours

1. On occasion, a full-time non-exempt employee may be required to work more than regularly scheduled hours in a particular day. On such occasion, the respective Elected Official/ Department Head or County Manager may authorize the employee to take up to the number of excess hours worked off during the same work week.

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2. Similarly, a full-time non-exempt public safety employee may be required to work more than regularly scheduled hours in a particular day or week. On such occasion, the respective Elected Official/Department Head or County Manager may authorize the employee to take up to the excess number of hours worked off during the same twenty-eight day pay cycle.

409.C. Call-In

If an employee is called in for emergency duty, the employee will be compensated for the actual hours worked. If an Elected Official, Department Head, or the County Manager determines that, in order to protect the health, safety, and welfare of the citizens of Lincoln County, it is necessary to require employees to work after hours or on days off, the employee will be paid time and one-half, irrespective of the total hours worked during the work period. The nature of the emergency shall be documented by the call-in official.

409.D. Lunch Periods

Lunch periods are normally one (1) hour, except for departments with established thirty (30) minute lunch periods.

409.E. Breaks

Normally breaks will be taken once during the first half of the shift and once during the second half of the shift. Supervisors may limit or delay breaks if, in their opinion, continuous work is required. There will be no accumulation of breaks.

409.F. Overtime

1. Only employees considered non-exempt under the Fair Labor Standards Act (FLSA) will be entitled to receive overtime compensation. Employees considered exempt under the FLSA are considered salaried and are not entitled to overtime compensation.
2. Elected Official/Department Head or County Manager may require employees to work over-time.
3. Eligible employees are entitled to over-time compensation for time worked in excess of forty (40) hours per week. Sheriff's Deputies, as 207(K) employees, will receive overtime in excess of 80 hours per pay cycle.

410. COUNTY PROPERTY

410.A. The responsibility for County equipment or property used by an employee in the discharge of one's duties belongs to the employee.

410.B. The employee entrusted with equipment by a supervisor assumes sole and complete responsibility for the condition and proper use of such property or equipment from the time of assuming use or control until acknowledgment of its return by the Elected Official/ Department Head. Monetary costs of damages to County property or equipment caused by careless, negligent or deliberate acts or omissions by user employee may be deducted from the net pay of such employee.

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410.C. Return of County Property

An employee terminating from employment with Lincoln County for any reason shall, prior to termination, return all County property, keys, and equipment, etc., issued the employee.

411. USE OF TELEPHONES

Telephones are to be used in the conduct of County business. Long distance calls shall not be made at County expense except in the conduct of County business. All long distance calls shall be carefully logged by each Department and be subject to review by the County Commission or County Manager.

412. HATCH ACT

A County employee whose principal employment is in connection with an activity financed in whole or in part by federal loans or grants is required to comply with the provisions of the Federal Hatch Act (5 U.S.C., Section 7321-7328).

413. POLITICAL ACTIVITY

413.A. Every employee has a civic duty to vote for candidates and issues of one's choice. No employee will be subjected to coercion, intimidation or threat of reprisal because of any political affiliations or beliefs.

413.B. No employee shall continue in employment with the County with pay when such person engages in political activity which is found to adversely affect, interfere with or lead to a diminishing of the integrity, efficiency or discipline of the County service.

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414.C. Political materials, paraphernalia and literature favoring candidates may be dispensed on County premises, until such time as forty (40) calendar days prior to any election day when all such candidate advertising in any form must be completely removed.

414.D. County employees shall not:

1. use their official authority or influence for the purpose of interfering with or affecting the nomination for office;
2. directly or indirectly coerce, attempt to coerce, command, or advise a state or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person, for political purposes; or
3. campaign for themselves or other candidates during working hours.

414.E. Candidates for County elective offices shall be encouraged to take leave of absence without pay, vacation, or terminate employment to allow sufficient time and freedom to campaign.

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415. PHYSICAL AND/OR MEDICAL EXAMINATIONS

Physical and/or medical examinations may be required of any employee at the discretion of the Elected Official/Department Head or County Manager. An employee required to have a medical examination must provide the County with a completed Medical Certification Form completed by a physician. Any examination required will be conducted at the expense of the County. The Elected Official/Department Head will allow the employee reasonable time off for the medical examination.

416. MEDICAL EXAMINATIONS

416.A. Successful employment applicants to whom positions are offered may be required to undergo medical examinations which may include urinalysis, blood testing, and radiographic examinations. In addition, successful employment applicants shall be tested for alcohol and/or use of illegal substances. Applicants will be required to provide a specimen for analysis.

416.B. All offers of employment shall be conditional upon the applicant passing a substance abuse/alcohol test which shall be administered by a qualified company selected by the County. The qualified company will complete the analysis and provide the results to the Personnel Director. If the applicant fails the drug screen as a direct result of a positive substance abuse test, the conditional offer of employment will be rescinded.

416.C. Medical examinations in conjunction with employment will be paid for by the County.

417. SUBSTANCE ABUSE TESTING (DRUG TESTING)

Lincoln County is committed to the goal of a drug-free work place in compliance with the Drug-Free Work Place Act of 1998. Substance abuse testing of the employees will not be conducted by the County except in compliance with legal requirements. Testing for substance abuse is adopted to assure that the County is in compliance with Federal mandates regarding substance abuse in the workplace and to provide a safe environment for all employees and the public.

417.A. Use of Alcohol, Substances, and/or Drugs

The use of controlled substances, drugs or alcohol prescribed and non-prescribed, is a concern to Lincoln County when it interferes with job performance, conduct, attendance, safety, or when it is in violation of the law. The unlawful manufacture, distribution, possession or use of a controlled substance by an employee while on County premises, or while on County business is prohibited. Conducting County business, which includes driving vehicles or operating County equipment, while under the influence of alcohol or other drugs is also prohibited. Engaging in any of these prohibited activities may result in disciplinary action, including dismissal.

417.B. Reasonable Suspicion Testing

Any Lincoln County employee shall be tested for alcohol and/or substance, if a trained supervisor has reason to suspect that the employee is engaging in the use of alcohol or substances on the job, or is reporting to work under the influence of alcohol or substances. Reasonable suspicion that an employee is under the influence of alcohol or substances means that an employee is affected in an objectively detectable manner. It is supported by objective evidence, based upon known specific, articulable, and observable facts that would lead a reasonable person to believe that the employee is under the influence

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of alcohol or other substances. In assessing whether reasonable suspicion exists, the employee's ordinary individual characteristics will be taken into consideration. Additionally, an employee's admission of abuse of alcohol or other substances to a supervisor in the chain of command, or a provider of medical services under contract to the County shall constitute reasonable suspicion when the abuse could impair job performance and/or safety and the employee is not compliant with the County's recommended treatment program.

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1. When there is reasonable suspicion that an employee has reported to work, is conducting work, has been involved in an accident, is representing the County, or is on County premises while under the influence of alcohol or other substances, the respective Elected Official/Department Head shall contact the County Manager. The County Manager should be consulted regarding the circumstances and evidence as to whether or not testing is appropriate to the specific situation. If the Elected Official/Department Director decides to proceed with the testing, the third-party administrator will be notified and will schedule the employee for immediate testing. The Department shall be responsible for transporting the employee to the testing site. The impacted employee shall be placed on administrative leave with pay.

2. All testing results shall be reported back to the Personnel Director who shall be the designee of the County. If the test results are negative, the Personnel Director will notify both the employee and the supervisor and the employee shall be returned to work at the inception of the employee's next regularly scheduled work shift unless other disciplinary action is pending.

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417.C. Positive Results

1. The guidelines established by the National Institute of Drug Abuse will be used to determine whether an employee tests positive.

2. If an employee tests positive for alcohol or substances, the employee will be placed on administrative leave until a pre-determination hearing is held.

417.D. Safety Sensitive Positions

1. For the purposes of this substance abuse policy, all law enforcement officers, corrections officers, employees required to operate County vehicles, and employees who have control or access to controlled drugs or reports associated with those drugs shall be classified as safety sensitive positions. It shall be the responsibility of the Personnel Director to determine additional positions, if any, which will be classified as safety sensitive. All persons hired for or presently in positions classified as *safety sensitive* shall submit, at least on an annual basis, to driver's license record checks.

2. The following criteria shall be used as a guide for determining additional positions to be classified as safety sensitive:

- a. the extent to which the job responsibilities impact upon the safety of the public;
- b. the extent to which the job responsibilities expose the employee or co-worker to hazardous conditions;
- c. the extent to which the job responsibilities require responsibility for the physical safety of others.

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3. A valid and positive test, or refusal to submit to a test, by an employee in a safety sensitive position shall be just cause for discipline, including dismissal.

4. Employees in safety sensitive positions who self-refer in advance of a notification of a substance abuse or alcohol test shall be placed on the appropriate leave status until successfully completing an approved rehabilitation program. The employee shall be responsible for paying the cost of the rehabilitation program unless the employee has insurance coverage for such treatment. Upon the employee's return to work after completion of the drug rehabilitation program, the employee shall be required to submit to unannounced, unscheduled substance abuse tests for a period of two (2) years. If the employee tests positive during the two (2) year testing period, the employee shall be subject to disciplinary action, up to and including dismissal.

417.E. Non-Safety Sensitive Positions

All other employees, except those identified as safety sensitive, are in non-safety sensitive positions.

1. With the approval of the County Manager, an employee in a non-safety sensitive position may attend and successfully complete an approved rehabilitation program. The employee shall be responsible for paying the cost of the rehabilitation program unless the employee has insurance coverage for such treatment.

2. An employee who attends a rehabilitation program shall be placed on leave until the employee successfully completes an approved treatment program. This shall occur within thirty (30) days unless written authorization to exceed thirty (30) days is recommended by the respective Elected Official/Department Head and is approved by the County Manager.

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3. During the County's recommended treatment program, the employee may use the pay status as follows:

- a. first, accrued sick;
- b. second, annual leave.
- c. If accrued leave is insufficient, the employee shall be placed on Leave Without Pay.

4. Employees in non-safety sensitive positions may, with the approval of the County Manager, be permitted to perform their duties while participating in the County's recommended treatment program unless other disciplinary action is pending.

5. Prior to returning to work, the employee must sign an agreement to submit to periodic and unannounced testing for a period of two (2) years. A positive test after completing the rehabilitation program shall be considered just cause for disciplinary action, up to and including dismissal.

417.F. Refusal to Submit to Alcohol/Substance Abuse Testing

1. Refusal by the employee to submit to a substance abuse or alcohol test shall be considered just cause for disciplinary action, including dismissal.

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2. An employee who refuses an instruction to submit to a substance abuse or alcohol test shall not be permitted to finish ~~the shift and shall immediately be placed on administrative leave with pay status pending disciplinary action.~~

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417.G. Retesting

An applicant or employee who tests positive on a drug test may elect to have, at the applicant's or employee's expense, a retest of a portion of the original sample at a certified drug testing laboratory of the applicant's or employee's choosing, provided the request is made in writing within twenty-four (24) hours of the applicant or employee receiving notice of a positive test result. The job will not be held open for the applicant during the retesting.

417.H. Confidentiality

No laboratory reports or test results shall appear in the employment personnel file unless they are a part of a disciplinary action, but shall be placed in a separate file with other medical records.

417.I. Commercial Driver Drug Testing

In concert with the third-party administrator, the County Manager shall develop and implement a Department of Transportation commercial driver drug testing program.

418. COUNTY OPERATOR'S PERMIT TESTING

418.A. No employee or other individual shall operate or drive County vehicles or equipment which require a State of New Mexico Commercial Class or Class E driver's license without a valid vehicle/equipment Operator's Permit issued to the individual.

418.B. This permit will not be issued to any individual who is expected to operate or drive vehicles or equipment which require the Class E or Commercial Class driver's license unless ~~the employee has~~ submitted to and passed a substance abuse test administered by a laboratory designated by the County.

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418.C. Employees must notify their supervisor to arrange for the substance abuse test within sixty (60) days prior to the expiration of their current State of New Mexico Class E or Commercial Class Driver's License. The supervisor shall notify the Personnel Director, who shall schedule the employee for an appointment.

419. HARASSMENT

419.A. Prohibition of Harassment

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Employees of the County are prohibited from harassing any other County employees on the basis of sex or any other protected class (race, religious creed, sex, national origin, age, physical or mental disability). Harassment occurs when an employee is subjected to unwelcome verbal or physical conduct based on any of the protected classifications. Sexual harassment is any unwanted sexual attention or such attention when submission to such conduct is made, either explicitly or implicitly, a term of an individual's employment; submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or such conduct has the purpose of affecting or unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

419.B. Policy Regarding Harassment

Lincoln County is committed to enforcing a policy prohibiting harassment on the basis of sex or any other protected class that:

1. provides for a work environment free from all harassment on the basis of sex or any other protected class;
2. applies to the actions of all County employees, elected and appointed officials, volunteers, vendors, and contractors;
3. ensures that appropriate corrective measures, up to and including dismissal and/or appropriate legal action, will be taken if this policy is violated;
4. establishes a complaint procedure that is fair, confidential, and protects against retaliation for making a complaint or testifying as a witness to a complaint;
5. ensures that all complaints are investigated promptly, thoroughly, and fairly; and
6. ensures that all elected officials, Department Heads, and supervisors are fully trained in their responsibilities under this policy.

419.C. Harassment Complaint Procedures

1. Employees of Lincoln County shall report acts of harassment to their immediate supervisor, Elected Official/Department Head, or County Manager. If the employee feels uncomfortable reporting the harassment to the immediate supervisor, the employee may report the complaint to the County Manager. If the County Manager is the alleged harasser, the harassment shall be reported to the County Attorney.

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2. A meeting shall be held with the alleged harasser as soon as possible and in no event later than three (3) working days from the report of the complaint. The purpose of the meeting shall be to investigate the matter and, if necessary, take appropriate corrective action. The investigation shall be confidential to the extent possible and documented. Discipline may vary depending on the nature of the activity of which was complained. A complaint will be kept confidential to the extent possible. All persons interviewed are required to keep contents of interviews confidential.

420. PERSONAL BUSINESS

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Personal business shall not be conducted during work hours.

421. FALSE STATEMENTS AND FRAUD

421.A. No person shall willfully, corruptly or by deliberate omission, make any false statements, certificate, mark, rating, or report in regard to any signed application, test, certification or appointment or in any manner commit fraud or deliberately omit responsible action preventing, or for the purpose of preventing, the proper or impartial execution of this Ordinance.

421.B. No person seeking appointment to or promotion in the service of Lincoln County shall either directly or indirectly give, render or pay any money, service or other valuable thing to any person for, on account of, or in connection with that person's assigned application, test, appointment, proposed appointment, promotion, or proposed promotion; provided, however, that the provisions hereof shall not apply to payments made to duly licensed employment agencies.

422. ADDITIONAL RULES

Employees shall obey any and all additional rules, directives and requests stated verbally or in writing by their supervisors. Employees are generally required to follow all standards, rules, procedures and policies that are similar or normally expected in the work place.

500. BENEFITS

501. LEAVE WITH PAY

Request for leave with pay for any purpose shall be made in writing by the employee to ~~the~~ Elected Official/Department Head prior to the time the leave is to begin (or advise in advance with as much lead time as possible). Requests for leave with pay for short-term temporary absences (such as voting) shall be made informally between the employee and ~~the~~ Elected Official/Department Head.

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501.A. Annual Leave (Vacation)

An employee holding a full-time classified position of Lincoln County shall accrue annual leave on the following basis:

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<u>Annual Service</u>	<u>Hourly Accrual Rate/Bi-weekly</u>	<u>Leave Days Per Year</u>
0 up to 24 months	3.077	two (2) weeks
24 months + 1 day up to 120 months	4.615	three (3) weeks
120 months + 1 day and over	6.154	four (4) weeks

1. An employee does not accrue additional annual leave for time worked in excess of forty (40) hours per week.

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2. Upon termination from County employment, an employee shall be paid for unused accrued annual leave.

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3. An employee may take annual leave just prior to resignation.

4. No more than twenty (20) working days, or one hundred-sixty (160) hours of annual leave, may be carried forward from one calendar year to the next. All excess annual leave shall be forfeited, if not used, unless extenuating circumstances warrant approval of an extension by the Board of County Commissioners of Lincoln County.

5. Annual leave may be taken only with prior approval of the immediate supervisor. Approval of vacation requests is contingent upon departmental needs.

6. Annual leave shall not be charged in less than one-half (1/2) hour increments.

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501.B. Sick Leave

1. Accumulated sick leave with pay may be taken for:
 - a. personal illness, injuries or legal quarantine;
 - b. illness in the employee's immediate family, provided that the use of sick leave is approved by the immediate supervisor.
 - c. for visits to a medical practitioner's office or to a clinic for examination, tests, review or examination where the intent is preventive in nature as contrasted with treatment.
2. Sick leave should only be used as needed, and abuse of sick leave will be considered just cause for disciplinary action and/or dismissal.
3. Sick leave shall be accumulated at the rate of three point zero seven seven (3.077) hours bi-weekly or a total of eighty (80) hours per year. Unused sick leave shall accumulate from year to year to a maximum of nine hundred sixty (960) hours.

4. Employees shall obtain prior approval of their respective Elected Official/ Department Head or the County Manager prior to taking the leave. An employee who cannot report to work for reason of illness or injury shall report to ~~the~~ department head within fifteen (15) minutes of the opening of the office.

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5. The Elected Official/Department Head or County Manager may request a physician's statement or medical certificate concerning verification of illness or injury where leave time is requested. Sick leave of more than three (3) consecutive days duration shall require certification by a physician identifying the nature of the illness and certifying that the employee is able to return to work.

6. An employee shall keep ~~the~~ Elected Official/Department Head informed and updated regarding ~~the employee's~~ status when on sick leave that exceeds three (3) days duration.

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7. Probationary employees are not eligible to utilize accrued sick leave, but may be granted an excused leave ~~for reason of illness or injury, upon written approval of the County Manager,~~

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8. Storage of Accrued Sick Leave

In the event an employee is elected or selected into an unclassified position, ~~the~~ accumulated sick leave will be frozen and maintained in the payroll records until such time ~~the~~ employee returns to a classified status or leaves County employment.

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9. Donated Compensatory Hours, Sick and Vacation Leave

- a. In certain cases, County employees may require leave from work for a period exceeding accumulated sick leave. In such instances, employees are encouraged to use other leave, such as vacation and compensatory, to prevent being placed on leave without pay status.

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b. County employees may donate accumulated compensatory, sick, or vacation hours to an affected employee after submitting a written request to and obtaining approval from the County Manager.

c. Such donations are only possible when the affected employee has exhausted any and all accumulated leave. Donations of leave are limited to a maximum of 20 hours per donor to recipient within a 12-month period, and recipients are limited to accepting a maximum of 240 hours per 12-month period. Requests to donate sick leave must be in writing and are subject to verification by the County Manager's approval.

10. Loss of Sick Leave

Upon leaving the employment of Lincoln County all accumulated sick leave is forfeited, except as specified in section 613, hereof.

501.C. Holidays

1. Legal holidays for classified employees will be designated by the Board of County Commissioners of Lincoln County each calendar year.

2. If a designated holiday falls on the first day of an employee's scheduled day off, the holiday will be observed on the preceding work day. If a designated holiday falls on the second day of an employee's scheduled day off, the holiday will be observed on the following work day. This provision does not apply to emergency personnel, as they will be paid holiday pay pursuant to Section 615, hereof.

3. If a designated holiday falls during an employee's scheduled annual leave, the day shall be counted as a holiday and not deducted from accrued annual leave.

501.D. Bereavement Leave

1. In the event of the death in an employee's immediate family, or near relative, the employee will be entitled to a bereavement leave with pay not to exceed three (3) working days.

2. *Immediate family, and near relative* for subsection 501.D, is defined as the employee's spouse, children, parents, mother-in-law, father-in-law, siblings, aunt, aunt-in-law, uncle, uncle-in-law, grandchildren, grandparents, grandmother-in-law, and grand-father-in-law.

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3. When travel out-of-state is required for funeral services of an immediate family member, or near relative, an employee may receive an additional two (2) days of bereavement leave.

4. An employee shall notify the supervisor prior to taking bereavement leave.

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501.E. Jury Duty

An employee will be granted leave with pay for the purpose of serving as a juror in federal court or the state court of a political subdivision of the State of New Mexico. When excused by the Court during a working day, the employee is expected to return to duty if at least one (1) hour of County duty can be

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served in the work day. Employees receiving Jury Duty leave with pay shall turn any fees received for such Court service to the County.

501.F. Court Appearances

An employee may be required to testify in court on a job-related case. An employee may be called to testify on behalf of the County on the employee's scheduled day off.

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501.G. Voting Time

1. For purposes of a national, state, or local election, an employee who is registered to vote will be granted a reasonable period of time up to two (2) hours paid leave for voting between the time of opening and the time of closing the polls. The employee's supervisor may specify the hours for the leave.

2. This leave will not be granted to any employee whose work day begins more than two (2) hours subsequent to the time of the opening of the polls or ends more than three (3) hours before the closing of the polls.

501.H. County Business Leave

1. Elected Officials/Department Heads or the County Manager may authorize leave with pay to allow an employee to attend meetings of boards and/or commissions when the employee's attendance is on behalf of the County and in the best interest of the County.

2. If the employee is paid by the board or commission for travel and attendance, that money shall be turned in to the County or its equivalent subtracted from the employee's pay.

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3. The County Manager may grant early departure from work or late arrival to work due to hazardous road conditions or unusual circumstances. The employee will receive leave with pay.

501.I. Administrative Leave

An Elected Official/Department Head, with the approval of the County Manager may place an employee on administrative leave pending a disciplinary action.

501.J. Military Leave

Military leave with pay will be granted for authorized reserve or national guard activities for a maximum of fifteen (15) working days each calendar year. Military leave must be requested twenty (20) days in advance. The employee must furnish proof of duty orders or other documentation prior to leave being granted, unless the leave is for emergency purposes.

501.K. Compensatory Time Leave (Comp-Time)

1. Compensatory time leave must be approved by the County Manager. It can be denied if it conflicts with work schedules.

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2. Employees shall be encouraged to utilize such compensatory time and not to accumulate the same.

502. LEAVE WITHOUT PAY

502.A. Family and Medical Leave Act (FMLA)

1. Non-probationary Classified Employees will be entitled to leave under the provisions of the Family and Medical Leave Act (FMLA) for one or more of the following reasons:

- a. the birth of a child or the adoption of a child;
- b. the placement of a foster child;
- c. the care of a sick spouse, child, or parent, if that individual has a serious health condition; or
- d. the employee's own serious health condition. A serious health condition of any employee must make an employee unable to perform the essential duties.

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2. Eligible employees are entitled to a maximum of twelve (12) weeks of unpaid leave during any twelve (12) month period for serious health conditions, birth, and/or adoption. Additional leave under the FMLA does not become available under FMLA until a date twelve (12) months after the leave period begins.

3. To be eligible for FMLA benefits, an employee must:

- a. have worked for the County for a total of at least twelve (12) months;
- b. have worked at least 1,250 hours over the previous twelve (12) months;

4. Medical and other benefits:

During an approved family/medical leave, the County will maintain an employee's health benefits, as if the employee continued to be actively employed. If paid leave is substituted for unpaid family/medical leave, the County will deduct the employee's portion of the health plan premium as a regular payroll deduction. If the employee's leave is unpaid, the employee must pay the employee's portion of the premium through the County payroll department. An employee's healthcare coverage will cease if the premium payment is more than thirty (30) days late. If an employee's payment is more than fifteen (15) days late, the County will send a letter to this effect. If the County does not receive co-payment within fifteen (15) days after the date of the letter, the employee's coverage may cease. If an employee elects not to return to work for at least thirty (30) calendar days at the end of the leave period, the employee will be required to reimburse the County for the cost of the premiums paid by the County for maintaining coverage during any unpaid leave, unless an employee cannot return to work because of a serious health condition or other circumstances beyond the employee's control.

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5. The employee is required to provide:

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- a. thirty (30) days advance notice of such leave when the need is foreseeable;
- b. medical certification supporting the need for leave due to serious health condition;
- c. periodic reporting during the FMLA leave regarding the employee's status and intent to return to work.

6. Physician's Certificate

a. If an employee is requesting leave because of ~~the employee's~~ own or a covered relation's serious health condition, the employee and the relevant health-care provider must supply appropriate medical certification. One may obtain medical certification forms from the County Manager's Office. When an employee requests leave, the County will notify the employee of the requirement for medical certification and when it is due [at least fifteen (15) days after leave is requested]. If an employee provides at least thirty (30) days notice of medical leave, ~~the employee~~ should also provide the medical certification before leave begins. Failure to provide requested medical certification in a timely manner may result in denial of leave until it is provided. The County, at its expense, may require an examination by a second health-care provider designated by the County if it reasonably doubts the medical certification the employee initially provides. If the second health-care provider's opinion conflicts with the original medical certification, the County, at its expense, may require a third, mutually agreeable, health-care provider to conduct an examination and provide a final and binding opinion. The County may require subsequent medical re-certification. Failure to provide requested certification within fifteen (15) days, if such is practicable, may result in delay of further leave until it is provided.

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b. If an employee takes leave because of ~~the employee's~~ own serious health condition or to care for a covered relation, the employee must contact the County on the first and third Tuesday of each month regarding the status of the condition and ~~intention~~ to return to work. In addition, an employee must give notice as soon as practicable [within two (2) business days, if feasible] if the dates of the leave change, or are extended, or initially were unknown.

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7. Use of Accrued Leave

Family Medical Leave is unpaid leave, although an employee may be eligible for sick leave, annual leave, comp-time, short-term disability payments, and/or workers' compensation benefits under those insurance plans, if applicable. Those plans are described elsewhere in this Ordinance. The employee using this benefit is required to first use all accumulated sick and annual leave, and comp-time, short-term disability, and/or workers' compensation benefits, if applicable. If the employee does not have twelve (12) weeks of accumulated sick and annual leave, comp-time, short-term disability benefits, and/or workers' compensation, the remainder of the twelve (12) weeks will be leave without pay. The employee may take no more than twelve (12) weeks of leave, whether using paid accumulated leave or leave without pay. The substitution of paid leave time for unpaid leave time does not extend the twelve (12) week leave period. Further, in no case can the substitution of paid leave time for unpaid leave time result in receipt of more than one hundred percent (100%) of an employee's salary. Family/medical leave runs concurrently with other types of leave, *i.e.*, sick leave, annual leave, comp-time, short-term disability, and worker's compensation, if applicable.

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510.B. Personal Leave

An Elected Official/Department Head or the County Manager may grant a non-probationary classified employee leave without pay (LWOP) for a period not to exceed six (6) months. Leave without pay may be granted to classified non-probationary employees for:

- 1. a non-duty related injury or disability which occurred off the job;
- 2. sabbatical;
- 3. education;
- 4. good and sufficient reason as determined by the Elected Official/Department Head with the approval of the County Manager.

511. CONDITIONS OF LEAVE WITHOUT PAY

All leave without pay is subject to the following conditions:

511.A. Position Upon Return

Upon return to work, the employee will be placed into the same or similar position left by the employee. The employee must be qualified for the position in which ~~the employee is being placed~~. The placement will be at the discretion of the Elected Official/Department Head with the approval of the County Manager.

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511.B. Vacancies May be Filled by Temporary Employees

Temporary personnel may be hired to fill vacancies created by an employee who is on leave without pay (LWOP).

511.C. Benefits at Employee's Expense

Employees on leave without pay do not accrue any type of leave, nor do they receive County benefits. Employees wishing to continue their insurance benefits may do so at their own expense by paying the employee's and the County's share of the premium to the Finance Department on the regular pay day.

511.D. If the employee is unable to return to work after six (6) months, ~~the employee may be terminated~~.

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512. OCCUPATIONAL INJURY LEAVE/WORKERS' COMPENSATION

Employees injured on the job or suffering from occupational diseases as defined in the New Mexico Workers' Compensation Statute, NMSA 1978, §52-1-1, *et seq.*, shall receive Workers' Compensation benefits as prescribed by law.

512.A. Reporting Procedure

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1. An employee must report all work-related injuries, however minor, to ~~the~~ supervisor immediately, or as soon as possible. A Report of Injury shall be filed with the County Manager within twenty-four (24) hours of the injury. The report shall be signed by the employee.

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2. Elected Officials/Department Heads and the County Manager have the responsibility of recording, in detail, all relevant facts regarding the accident(s) or injury(ies) on the job. The appropriate supervisor must conduct an accident investigation and file a report on the following work day.

512.B. An employee injured on the job may utilize accrued sick leave for the first seven (7) scheduled working days after the injury occurs. If the employee is off of work because of a work-related injury for more than seven (7) days and receives Workers' Compensation benefits for any or all of the first seven (7) days, the employee shall reimburse the County for the amount which ~~the employee~~ received in Workers' Compensation benefits for the first seven (7) days.

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512.C. The employee will not draw a salary from the County until ~~the employee~~ is able to return to work. Accrued sick leave or annual leave may not be used to supplement Workers' Compensation benefits. County employees will not accrue benefits while on Workers' Compensation.

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512.D. If an employee is unable to work because of an on-the-job injury and wishes to keep the insurance active, ~~the employee~~ may pay both County and employee portions of medical insurance.

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512.E. An employee who incurs a work-related injury/illness must go to the County-selected physician, who will treat the employee or will refer the employee to a non-contract physician, depending on the nature of the problem. In circumstances of a medical emergency, the employee should go to the nearest urgent-care center. Treatment subsequent to the emergency treatment will be coordinated by the contract physician.

512.F. Medical certificates and proof of occupational injury may be required by the County in addition to anything required by Workers' Compensation.

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512.G. If an employee who is on Worker's Compensation benefits is unable to return to the employee's position after six (6) months, the employee may be terminated, and the position may be filled. The employee may be eligible for re-hire after six (6) months, as specified in Section 110, hereof.

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513. UNAUTHORIZED LEAVE

An employee who fails to report to work for three (3) consecutive days without authorization is considered to have abandoned ~~the~~ position and may be subject to disciplinary action, including dismissal.

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514. PERA BENEFITS

A. Each classified and appointed employee will be enrolled as a member of the appropriate Lincoln County Retirement Plan or the Public Employees Retirement Association (PERA).

1. PERA will be optional to Elected Officials.
2. Employees planning to retire should initiate the process at least three (3) months before the projected date of retirement.

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515. UTILIZATION OF ACCUMULATED VACATION LEAVE AT RETIREMENT

Employees eligible for retirement may elect to take any accumulated vacation time prior to the official date of retirement.

516. MEDICAL AND OTHER INSURANCE BENEFITS

The County provides medical and other insurance benefits to all classified employees. Insurance plans may be changed at the discretion of the County Commission.

517. UNIFORMS/CLOTHING

517.A. An employee in designated jobs with the County may be required to wear special clothing to perform the job function. An employee who is required to wear special clothing shall receive a clothing issue from the County.

517.B. The County issue consists of a shirt, pants, and coat. Items not furnished to the sheriff and the officers are hand gun, leather gear, and coordinating footwear.

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518. LEAVE FOR IMPAIRED EMPLOYEES

518.A. If a supervisor has reason to believe that an employee's work performance has deteriorated due to excessive use of intoxicants or other personal problems, the supervisor may call the employee in for a consultation. At the consultation meeting, the nature of the diminished work performance will be presented to the employee. The employee will be given an opportunity to explain any circumstances which may have caused the diminished work performance.

518.B. If the employee acknowledges that a problem exists involving excessive consumption of intoxicants, or other personal problems, the supervisor may recommend medical treatment to the employee. The employee must express a willingness to obtain such medical treatment.

518.C. The supervisor, with the approval of the County Manager, may place the employee on leave without pay not to exceed thirty (30) days while the employee is enrolled in an in-patient treatment program. The employee may utilize accrued sick leave, annual leave, or comp-time during this period.

519. VOLUNTARY ACTIVITIES

519.A. A County employee may participate in volunteer activities, including, but not limited to ambulance, EMT, or fire department during working hours or during work shifts for which they are assigned or scheduled. An employee may leave the work post only after the employee has requested and received permission from the supervisor.

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519.B. A County employee participating in volunteer training and administrative activities during working hours shall be required to use accrued vacation, compensatory time or leave without pay. This provision may be waived by supervisors when the employee is participating in an actual municipal or County emergency for which the employee is not being reimbursed by another agency for the activity.

519.C. Any employee participating in volunteer activities during working hours is prohibited from receiving pay as a County employee and receiving pay or reimbursement as a result of volunteer activities.

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600. COMPENSATION

Compensation includes more than wages, although base salary is the largest component in compensation. Other forms of compensation include fringe benefits such as insurance and pensions.

All wages and salaries are approved by the County Commission. Wage and salary increases, when authorized, will be dependent upon the financial condition of the County. The County Commission shall set the pay schedule and policy regarding any and all wage and salary increases each fiscal year for all County employees.

601. ANNIVERSARY DATE

601.A. The anniversary date for eligible full-time employees shall be the first day and month that the employee begins employment with the County. If a part-time employee becomes a full-time employee, the anniversary date shall be the date upon which the employee became a full-time employee.

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601.B. The anniversary date for elected officials shall be the first day and month in office. If an elected official subsequently becomes an employee of the County with no break in service, the established anniversary date shall remain the same.

601.C. If a current County employee is elected to a County office with no break in service, the anniversary date shall remain the same.

601.D. Time of service shall not include those periods of time a person is not in the employment of Lincoln County. If there is a break in service, the anniversary date shall be adjusted accordingly.

602. ENTRY LEVEL COMPENSATION

Under normal circumstances, compensation for a newly hired employee shall begin at the entry level. Higher than entry level compensation may be necessary for certain jobs requiring specialized job skills or technical knowledge and experience. Higher than entry level compensation may be paid when required at the request of the Department Head and with the approval of the County Manager.

603. WORK WEEK

The work week shall begin at 12:00 AM on Saturday and shall end at 11:59 PM on the following Friday evening.

604. PAY PERIODS

The "pay period" will cover a two-week period. Lincoln County employees will receive a pay check every two (2) weeks. This method of payment results in twenty-six (26) pay checks per year. Checks will be issued every other Wednesday at a time and place determined by the Elected Official/Department Head. If a holiday falls on a Wednesday, checks will be issued on the following Thursday. Checks may be issued early, but only in case of emergency, and only after written approval of the County Manager.

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605. TIME SHEETS

Time sheets are furnished to each employee prior to the pay period ending date. At the completion of such pay period and after review by the supervisor, Department Head or Elected Official, the original time sheets must be forwarded to the Finance Department. Faxed copies will be accepted if followed by an original time sheet. Time sheets shall be signed by the employee and the immediate supervisor. Time sheets must record time worked each day in addition to holidays, time spent on vacation, sick leave, or other leave during the pay period.

606. PAY ADJUSTMENT FOR PROMOTIONS

Promoted employees will receive an increase in pay equivalent to the difference between their old and new job classifications in accordance with the current pay grade chart adopted by the Board of Commissioners of Lincoln County.

607. PAY ADJUSTMENT FOR TEMPORARY UPGRADE

Employees who are temporarily assigned to perform duties of a position graded higher than their current position for a period of more than eight (8) hours shall receive pay equivalent to the job classification performed.

608. PAYROLL DEDUCTIONS

There are several items for which payroll deductions may be made from an employee's paycheck. Deductions are mandatory for the following: FICA, Federal Income Tax, State Income Tax, Medicare, and PERA. If the employee desires to secure group insurance, the employee's portion will be deducted from the employee's paycheck. Other deductions may be made with the approval of the County Manager.

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609. CHIEF DEPUTIES

Chief Deputies are the political appointees of the elected officials as follows: the Undersheriff or Chief Deputy to the Sheriff; the Chief Deputies to the County Assessor, County Clerk, and County Treasurer. As such, the Chief Deputy is under the direct supervision of the elected official and has regular contact with such official. The Chief Deputy shall be an unclassified employee whose position and employment shall be at the sole pleasure and discretion of the Elected Official. The position of Chief Deputy is hereby declared to be a policy-making position and is exempt from the provisions of this manual. The hiring of the Chief Deputy and the job description for such position shall not be subject to the approval or clearance of the Board of County Commissioners or any other authority within the County. Chief Deputies' salaries, with the exception of the Undersheriff or Sheriff's Chief Deputy, shall be a minimum of ninety-five percent (95%) of the Elected Official's salary, plus any other pay increases authorized by the Board of County Commissioners. The Undersheriff's salary shall be at one hundred percent (100%) of the Sheriff's salary.

610. OVERTIME PAY

610.A. Nonexempt Employees

Nonexempt employees a defined by the Fair Labor Standards Act, other than those involved in a public safety activity, who are required to work more than forty (40) hours in a work period of seven (7) days shall be compensated for such overtime work at a rate of one and one-half (1½) times the employee's regular rate of pay.

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610.B. Actual Hours Worked

In computing the number of hours worked during the week for overtime purposes, time absent from work, such as holidays, sick leave, annual leave, or compensatory time, shall not be computed as hours worked, except as provided for in Section 409.C, above.

610.C. Exempt Employees

Elected Officials, appointed employees, and Department Heads are exempt employees under the Fair Labor Standards Act and, as such, are not entitled to overtime compensation.

610.D. Overtime shall be kept to a minimum and authorized only under special circumstances by the Elected Official/Department Head or the County Manager.

611. COMPENSATORY TIME (COMP-TIME) FOR NONEXEMPT EMPLOYEES

611.A. A nonexempt employee may, at the discretion of the County Manager, accrue compensatory time in lieu of overtime pay at the rate of one and one-half (1½) hours time for each hour of overtime worked. Overtime hours worked and compensatory hours accrued and taken off shall be recorded for each employee and submitted to the Finance Department each pay period. An employee shall not accrue over two hundred forty (240) hours of compensatory time, which is a maximum of one hundred sixty (160) hours of overtime.

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611.B. Employees must agree in writing to accept comp-time in lieu of overtime pay in advance of working the overtime assignment.

611.C. Employees shall be compensated at the rate of one and one-half (1½) times the employee's hourly rate for each hour beyond the maximum compensatory time allowable.

611.D. In the case of a termination of employment, an employee shall be paid for unused compensatory time at the employee's hourly rate of pay.

612. GRATUITIES

612.A. The pay rate established for a position shall be the total compensation received by the employee for services rendered.

612.B. No County employee shall accept a reward, gift, or other form of compensation from any vendor, contractor, individual or organization doing business with the County or those who reasonably anticipate doing business with the County in the future. Acceptance of any reward, gift, or other remuneration will be considered just cause for disciplinary action, including termination.

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612.C. This rule does not include awards given to employees under a County-sponsored employee's suggestion system or other special incentive programs established by the Board of County Commissioners or civic inspired awards.

613. PAY FOR ACCUMULATED SICK LEAVE AT RETIREMENT

Employees eligible for retirement will be reimbursed for 50% of the accumulated sick leave time if a person has been in the employ of Lincoln County for a minimum of fifteen (15) consecutive years prior to retirement. In no case shall reimbursed sick leave exceed 240 hours.

614. SICK LEAVE INCENTIVE PAY

Classified employees who have completed no less than fifteen (15) years of service with the County and who retire, or who are permanently laid off due to reduction in force after fifteen (15) years of service, may receive compensation for up to 50% of accumulated unused sick leave time not to exceed 240 hours. This compensation may be taken either as leave with pay or as a monetary incentive figured on the basis of earnings at the time of separation from employment.

615. HOLIDAY PAY

615.A. Employees who work eight (8) hour shifts are entitled to eight (8) hours of straight time pay for a holiday. Employees who work ten (10) hour shifts are entitled to ten (10) hours of straight time pay for a holiday.

615.B. In order to receive pay for a designated holiday, employees shall be in a paid status on their regularly scheduled work day immediately preceding and following the holiday, or must have worked on the stated holiday.

615.C. An employee on leave without pay during the regularly scheduled workday before or after a holiday shall not receive pay for that holiday.

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615.D. When an employee is required to work on a designated holiday, the employee will receive pay at straight time for the actual hours worked in addition to holiday pay, or the employee will receive compensatory time off for the actual hours worked in addition to holiday pay. Such compensatory leave shall be taken within one (1) year of the time leave is accumulated.

616. JURY DUTY PAY

Pay while serving as a juror shall be authorized only for those days that the employee was scheduled to work.

617. PAY FOR COURT APPEARANCE

617.A. If an employee is required to testify in court on a job-related case, the employee will receive pay.

617.B. If an employee is called to testify on behalf of the County on a scheduled day off, the employee will be paid overtime or will be given compensatory time off upon proof of said Court appearance.

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618. PAY FOR APPEARANCE AT PERSONNEL GRIEVANCE HEARING

618.A. If an employee is required to testify in a personnel grievance hearing during regularly scheduled work hours the employee will receive pay.

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618.B. If an employee is called to testify on a scheduled day off, the employee will be paid regular pay, overtime pay, or will be given compensatory time, as appropriate.

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700. EMPLOYEE DISCIPLINE

701. BASIS FOR EMPLOYEE DISCIPLINE

701.A. **Just Cause Discipline** . An employee may be disciplined for violations of work rules, policies, poor performance, misconduct, or inappropriate behavior. A classified employee shall only be disciplined for just cause. Just cause is defined as any conduct, action, or inaction arising from, or directly connected with an employee's work which is inconsistent with the employee's obligation to the County.

701.B. The County reserves the right to exercise judgment and render disciplinary action or dismissal, as determined appropriate, based on the circumstances of each case.

702. DISCIPLINARY ACTION

702.A. Any supervisor may take disciplinary action against an employee under the supervisor's authority. Disciplinary action must be consistent with governing laws, departmental policies, and this Personnel Policies and Procedures Manual.

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702.B. Disciplinary actions will be taken without regard to race, age, religion, color, national origin, sex, physical or mental handicap, or medical condition. Copies of any documented disciplinary action will be placed in the employee's file with the signature of the recipient acknowledging receipt of discipline.

703. CONSULTATION WITH COUNTY MANAGER

Suspension, demotion and dismissal requires consultation by the supervisor with the County Manager prior to implementation. Whenever such consultation is not practical due to urgency or other pressing reasons, the supervisor may place the employee on administrative leave with pay pending a review of the circumstances by the County Manager.

704. PROGRESSIVE DISCIPLINE

Progressive discipline will be administered when it is deemed appropriate by the supervisor. The step of the progressive discipline depends on the severity of the infraction and the employee's previous work history. Therefore, the initial disciplinary action may be dismissal, where appropriate. The County reserves the right to exercise judgment and render disciplinary action or dismissal, as determined appropriate based on the circumstances of each case.

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704.A. Verbal Reprimand .

A verbal reprimand is used for minor infractions to inform the employee that the employee's actions, behavior or conduct needs to change. Normally the supervisor will keep written notations of verbal reprimands, and these will not be placed in the employee's personnel file.

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704.B. Written Reprimand

1. An employee may receive a written reprimand for a single offense because the deficiency or infraction is a greater degree than that for which a verbal reprimand may be used, or if a verbal reprimand failed to correct the employees behavior.
2. Written reprimands to an employee shall be placed in the employee's personnel file by the employee's supervisor after providing the employee with a copy of the statement. The employee will be asked to acknowledge having read the reprimand by signing the document. The employee's signature does not necessarily indicate concurrence with its content. If the employee refuses to sign the disciplinary action, the supervisor will note the refusal on the disciplinary action form and file the form in the employee's personnel file.
3. A written reprimand to a classified employee is grievable through the informal complaint procedures identified in this Personnel Policies and Procedures Manual.

704.C. Suspension

1. An employee may be suspended without pay for a single offense because the deficiency or infraction is a greater degree than that for which a written reprimand may be used, or if previous discipline failed to correct the employees behavior. Such suspension will not exceed thirty (30) working days.
2. Record of the suspension shall be placed in the employee's personnel file by the employee's supervisor after providing the employee with a copy of the personnel action form.
3. A suspension of a classified employee is grievable through the formal Grievance procedures in this Personnel Policies and Procedures Manual.

704.D. Dismissal

1. An employee may be dismissed for a single major offense because the deficiency or infraction is a greater degree than that for which a suspension may be used, or if previous discipline failed to correct the employee's behavior. Dismissal of a classified employee must be approved by the County Manager.
2. Dismissal of a classified employee is grievable through the formal grievance procedures in this Personnel Policies and Procedures Manual.

705. UNLAWFUL ACT

No employee will be disciplined for refusing to perform an unlawful act.

706. PRE-DISCIPLINARY PROCEDURES

Personnel Policies and Procedures
| Page 36 of 45

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706.A. The employee's supervisor shall present the employee with written notification of intent to suspend, demote, or dismiss at least five (5) working days in advance of the proposed discipline. The notice of anticipated discipline shall be hand-delivered to the employee.

706.B. The written notification must identify the charges, the basis of the charges, the proposed discipline, and the employee's right to a pre-disciplinary hearing. The notification shall establish the date, time, and place of the pre-disciplinary hearing. The employee may choose not to participate in the pre-disciplinary hearing.

706.C. The appropriate supervisor shall meet with the employee. The supervisor, the employee, and/or a representative may attend the pre-disciplinary hearing. At the pre-disciplinary hearing, the employee shall have the opportunity to respond to the charges.

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706.D. The hearing will be held within five (5) working days of the notice to the employee, unless a continuation is mutually agreed upon by both parties in writing.

706.E. The County Manager will evaluate the information provided by the employee at the pre-disciplinary hearing and will issue a decision in writing within ten (10) days following the hearing. The written decision shall include the persons present at the pre-disciplinary hearing and the determination. The written decision shall be delivered directly to the employee.

707. ADMINISTRATIVE LEAVE

In cases where County property, other employees, or citizens are at risk as a result of the employee's actions, an elected Official/Department Head or County Manager may place an employee on administrative leave with pay until a pre-disciplinary hearing is held and the decision is rendered.

800. GRIEVANCE AND COMPLAINT PROCEDURES

A grievance is as a written formal complaint of an employee concerning actions taken by management which result in suspension, demotion, dismissal, or an actual loss in pay.

801. INITIAL STEP IN FORMAL GRIEVANCE PROCEDURE

Within ten (10) days of receipt of the written decision of the supervisor, the grievant must notify the County Manager of intent to pursue a post-disciplinary hearing by submitting a written request for a grievance hearing to the County Manager's office.

802. POST-DISCIPLINARY APPEAL

802.A. Within sixty (60) days of the request for grievance the County Manager shall schedule a grievance hearing by a personnel hearing officer.

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802.B. At the hearing, the grievant shall have an opportunity to present witnesses, physical evidence, and cross-examine the County's witnesses. The grievant and the Department Head may be represented by legal counsel or representative.

802.C. The parties must agree in writing to any postponement of the grievance hearing beyond sixty (60) days.

802.D. An employee may elect any person to serve with him in the presentation of a grievance.

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802.E. Employees who have filed grievances and employees required to give testimony as witnesses in a grievance hearing shall be given the necessary time off.

803. PERSONNEL HEARING OFFICER

803.A. The personnel hearing officer shall be hired by the County Manager.

803.B. The personnel hearing officer shall be an attorney who is a member of the New Mexico Bar Association or a person experienced in arbitration.

803.C. The personnel hearing officer shall provide services under a contract with the County and shall not be considered an employee of the County for any purpose. The term of a contract shall be determined by the County Manager.

803.D. A personnel hearing officer shall not be actively involved in partisan political activities or the political affairs of Lincoln County.

803.E. All personnel grievance hearings will be conducted in private.

804. PERSONNEL HEARING OFFICER'S DUTIES AND RESPONSIBILITIES

804.A. The personnel hearing officer may conduct pre-hearing conferences in order to obtain information necessary to the issuance of a pre-hearing order.

804.B. The personnel hearing officer may consolidate cases in which two (2) or more grievants have cases containing identical or similar issues or to expedite final resolution of the cases, provided that such consolidation would not adversely affect the interest of the parties.

804.C. The personnel hearing officer shall operate the hearings in accordance with common law evidentiary standards applicable to administrative hearings. The hearings shall be conducted in an orderly and informal manner with adherence to the rules of evidence.

804.D. The personnel hearing officer may admit and consider any evidence, including affidavits, which is the type of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. The personnel hearing officer shall exclude incompetent, immaterial, irrelevant, or unduly cumulative testimony. Documentary evidence may be received in the form of copies or excerpts unless the source of the information or other circumstances indicate lack of trustworthiness.

804.E. The personnel hearing officer shall determine whether the just cause standard was met in order to discipline the employee. The hearing officer shall provide the parties with written finding of facts and conclusions of law within thirty (30) days.

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804.F. The personnel hearing officer may bar from the hearing room any person who is disruptive.

1. A grievant who is disruptive may be barred from the specific hearing.
2. A disruptive person other than a grievant may be prohibited from appearing before a County personnel hearing officer for a period of up to twelve (12) months.
3. The County personnel hearing officer must provide written notice and show good cause prior to barring a disruptive person for any period of time up to a twelve (12) month period.

804.G. The personnel hearing officer shall not participate in any adjudicatory proceeding if, for any reason, the personnel hearing officer cannot provide a fair and impartial hearing to either party.

804.H. All decisions rendered by the Personnel hearing officer in accordance with the appeal and grievance provisions of this Personnel Policies and Procedures Manual shall be considered final; and no appeal from said decisions shall be entertained or considered by any body of Lincoln County, whether elected or appointed.

805. APPEAL TO DISTRICT COURT

805.A. The decision of the Hearing Officer may be reviewable in District Court:

1. where the decision is arbitrary or capricious and is not supported by substantial evidence;
2. where the decision is made in violation of applicable constitutional provisions or is otherwise illegal; or
3. where the decision is in excess of the statutory authority or jurisdiction of the Hearing Officer.

805.B. Appeal of the decision of the Hearing Officer to District Court shall be filed within thirty (30) days of the final adverse decision.

806. INFORMAL COMPLAINTS

An employee may address complaints regarding working conditions and other work-related problems. The informal complaint should not represent petty or minor differences due largely to routine office conflicts nor office "politics," but should reflect major conflicts related to matters of major equity, fairness and/or a written reprimand.

806.A. Procedures

1. An employee may discuss any non-grievable action, such as written reprimands or working conditions with the employee's immediate supervisor in an attempt to work out a solution.
2. If the employee is not satisfied with the proposed solution, the employee may address the problem with either the respective Elected Official or County Manager, as appropriate.

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806.B. Decision

1. The decision of the respective Elected Official or County Manager will be final.

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2. An employee who receives a written reprimand and is dissatisfied with the decision of the respective Elected Official or County Manager may submit a written response to the reprimand. The response must be submitted within ten (10) days of the decision of the respective Elected Official or County Manager.

900. CLASSIFICATION OF POSITIONS

901. CLASSIFICATION PLAN

The Personnel Director shall develop, maintain, and administer the County's Classification Plan. The plan shall consist of position descriptions for all classified positions in existence at any one time as listed in the Compensation Plan. Position descriptions shall be classified and grouped so as to provide correlation with respect to duties, authority, responsibility, and labor market dictates.

902. POSITION DESCRIPTIONS

902.A. Contents

The Personnel Department shall maintain the official written description of the duties, responsibilities, authority, educational, and experience requirements of each position in the Classification Plan. Each description shall identify the assigned classification, title, characteristics of the classification, example of duties, education and experience requirements, and any knowledge, abilities, skills or licenses required to perform the essential duties of the respective position.

902.B. Procedures

1. The respective Elected Officials/Department Heads shall provide the Personnel Director with a comprehensive description and/or information relating to duties for each position in their respective departments.
2. The respective Elected Officials/Department Heads shall notify the Personnel Director of significant change in duties, responsibility, authority, or work assignments for positions under their supervision.
3. The Personnel Director shall investigate and audit the actual or suggested duties and shall recommend a final job description and classification for the position, either by allocation to an appropriate class and salary grade.
4. If the creation of a new classification is necessary, it shall be presented to the County Manager, who shall make a recommendation and present it to the Board of County Commissioners for final decision.
5. Any class specifications and position descriptions in existence at the time of adoption of these Personnel Policies and Procedures shall remain in effect until amended or repealed by the proper procedure. The establishment of new or revised classes, or the abolishment of existing classes

shall be recommended by the County Manager and approved by the Board of County Commissioners.

6. No person may be appointed or promoted in any capacity in the classified County service until a position has been properly assigned to the appropriate class.

7. When a class specification or job description is revised or otherwise changed, a full-time Classified or Probationary employee in that class or position shall continue employment in the revised class or position with the same status in effect prior to the revision.

1000. MISCELLANEOUS

1001. EMPLOYEE RECORDS

1001.A. Personnel Files and Retention .

The Elected Official/Department Head is responsible for maintaining a current and accurate file on each employee under the Elected Official/Department Head's direction. The official personnel file shall be maintained in the County Manager's Office.

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1001.β. Information Included in Each Employee File.

The following information is required to be maintained within each employee's personnel file:

1. name of employee, in full;
2. home address including zip code;
3. date of birth, if under 19;
4. sex;
5. occupation (job classification);
6. daily and weekly hours of work; and
7. regular hourly rate of pay.

1001.C. The following must also be maintained and filed in each employee's personnel file:

1. employee's anniversary date (day, month and year employee reported to employment);
2. documentation regarding the employee's status - reprimands, commendations, legal actions, resignations, and such other documentation that is relevant;
3. relevant medical information that may affect the health and welfare of other employees. Medical information must be kept in a separate file.

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4. All employees hired after November 6, 1986, must have on file an Employee Eligibility Verification.

1001.D. Confidentiality .

Personnel files will be maintained as confidential and information will be revealed to only those persons employed by the County who have a reasonable "need to know."

1001.E. Public Records .

Salary ranges, position classifications, and basic employment information shall in all cases be made available to the public on request at reasonable times.

1002. SAFETY

The County will set up and enforce such safety standards and rules as are deemed necessary for safe operations. Employees will be expected to abide by County safety rules and procedures and consistent violation of same will result in disciplinary action.

1002.A. Occupational Safety and Health Act .

The New Mexico Environmental Improvement Division, Occupational Safety and Health Unit, is responsible for enforcing the provisions of the Occupational Safety and Health Act of 1970 (OSHA) upon units of local government. This agency has the power to inspect County operations and assure compliance with the Act and will promulgate such rules and procedures for employees as to establish and maintain compliance. Willful and/or repeated violations of County safety rules and procedures will be grounds for disciplinary action.

1002.B. Unsafe Conditions.

Unsafe conditions existing in the work environment shall be reported immediately to the supervisor in order that corrective action can be taken. Machinery and/or equipment which is unsafe to operate will be labeled and will not be used until necessary repairs have been made.

1002.C. Personal Protective Equipment .

1. Equipment for certain jobs will be prescribed by supervisors and must be worn by employees during the duration of the job which requires protective equipment. Failure to do so, when it has been prescribed, will be grounds for disciplinary action, including dismissal.

2. For jobs requiring personal protective equipment, the required equipment shall be issued to the individual employee and the employee shall be responsible for same until it is returned at the completion of the job.

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1002.D. Safety Committee.

A safety committee may be selected by the Lincoln County Commission. They will meet quarterly to discuss any injuries or accidents. A safety chairman will be required to check for hazards and to make a report to the committee when it meets.

1003. PERFORMANCE EVALUATION

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A supervisor may evaluate an employee under the supervisor's authority on an annual basis or more frequently, as necessary.

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1003.A. Procedure for Evaluation.

1. The performance and potential of each employee in the County service may be appraised by the employee's immediate supervisor, and recorded by means of an official performance evaluation form developed by the County.

2. The performance evaluation process may also be used by the employee's immediate supervisor to review progress periodically with an employee through an interview at the time the evaluation is completed. This interview should discuss the employee's strengths and weaknesses as viewed by the supervisor, as well as suggestions for improved performance.

3. After the supervisor completes the evaluation form and conducts the employee interview, a copy of the evaluation will be forwarded to the appointing authority for review. Any comments or criticisms by the appointing authority will be remitted to the supervisor who prepared the evaluation. If indicated, an addendum to the performance evaluation reflecting the appointing authority's comments can be attached to the performance evaluation.

4. Evaluation forms must be signed by the employee to indicate that the employee has been advised of the evaluation and received a copy. The employee's signature on the form does not signify that the employee agrees with the performance evaluation; it merely indicates that the supervisor has met with the employee and discussed the employee's performance and evaluation rating.

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5. A probationary employee can be evaluated at any time during the probationary period. A probationary employee must be evaluated prior to the time that the probationary employee is considered for non-probationary status.

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1003.B. Contents of Evaluations .

Performance evaluations will contain an overall appraisal of the employee's performance such as satisfactory, outstanding, or unsatisfactory.

1003.C. Special Evaluations.

Performance evaluations may be conducted on a non-scheduled basis if the employee's job performance has changed in a way which may place the employee's continued tenure in jeopardy, such as:

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1. a change of employment status;
2. a class change; or
3. demotion or suspension.

1003.D. Unsatisfactory Evaluation.

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In the event a classified employee receives an overall evaluation that is unsatisfactory, such employee shall be provided with written information in the evaluation as to specific areas of deficient performance and steps necessary for improvement. Should the employee fail to correct the deficiency within a set time period (not to exceed 90 days), the employee may be subject to disciplinary action, including dismissal. Employees who receive an overall evaluation of unsatisfactory may be re-evaluated at any time within ninety (90) days.

1003.E. Employee Response.

1. If an employee disagrees with the evaluation, the employee may write a response which will be placed in the employee's personnel file. Employee written response to the performance and development plan which will be attached to the performance and development plan. The response must be submitted within ten (10) days of the evaluation.

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2. Unsatisfactory performance evaluations shall not be grievable.

1004. HOURS OF COURTHOUSE OPERATION S

The normal hours of Courthouse operations shall be 8:00 AM to 5:00 PM (Monday through Friday) respectively. All offices will remain open over the noon hour. This will be accomplished by staggering the lunch hour of Elected Officials and employees. Different hours may be established for departments with the approval of the Board of County Commissioners.

1005. COURTHOUSE CLOSING

The County Manager shall be the only authority to release any employee earlier than the regular closing hours of the Courthouse and its departments, or to delay the regular time to report to work due to inclement weather conditions or other unusual circumstances. The County Commission or County Manager or designee has authority in closing due to inclement weather conditions and as to which employees shall be released.

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Section 1. Conflict Clause.

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

Section 2. Severability Clause.

In the event any section, part or sub-part of this Ordinance shall be determined to be in violation of the Constitution or Statutes of the State of New Mexico by a Court of competent jurisdiction, that Section shall be stricken and be thereafter unenforceable. Such determination shall not invalidate the application or enforcement of the remaining Sections.

Section 3. Effective Date and Repeal of Ordinance 2005.4.

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AGENDA DOCUMENTATION
April 16, 2013

Agenda Item No. 24

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

- a. Subdivision Ordinance 2008-01

AGENDA DOCUMENTATION
April 16, 2013

Agenda Item No. 25

SUBJECT

Bid/RFP Awards:

ACTION REQUESTED BY

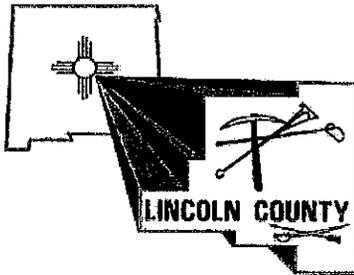
County Manager

ACTION REQUESTED

To be determined

BACKGROUND

- A. Bid 12-13-006 Inmate Phone System for Lincoln County Detention Center
- B. Bid 12-13- 007 Grinding of Wood Debris
- C. Bid 12-13-008 Inmate Medications



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County of Lincoln

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

April 11, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, County Manager *NT*

SUBJECT: Bid Awards: 12-13-006 - Inmate Phone System for Lincoln County Detention Center; 12-13-007 - Grinding of Wooded Debris; 12-13-008 – Inmate Medications

Purpose: To award bid for RFP 12-13-006, IFB 12-13-007 and RFP 12-13-008

RFP Number 12-13-006 – Inmate Phone System for Lincoln County Detention Center. Responses to the RFP were due on April 11, 2013, for which 5 bids were received. The Selection/Review Committee consisted of Manager Taylor, Purchasing Agent, Orlando Samora and Warden Art Anderson of Emerald Correctional Management, LLC. Combined rankings based on 300 possible points are as follows:

- | | |
|---------------------------------|-----|
| 1. Securus Technologies | 289 |
| 2. Legacy Inmate Communications | 273 |
| 3. NCIC Inmate Phone Service | 269 |
| 4. IC Solutions | 266 |
| 5. Inmate Communications, Inc. | 264 |

IFB Number 12-13-007 – Grinding of Wooded Debris (17,000 cubic yards). Responses to the IFB were due on April 2, 2013, for which 4 bids were received. Due to the potential disqualification of one of the bidders, the recommendation for award is under legal review. Details of the received bids, along with a recommendation, will be provided at the Commission meeting.

RFP Number 12-13-008 – Inmate Medications. Responses to the RFP were due on April 11, 2013, for which 1 bid was received from incumbent provider, Diamond Pharmacy Services. Their cost proposal is based on a discount from the Medispan published average wholesale price (AWP):

1. Brand Name and Single Source Medications = AWP less 20%
2. Generic Multi-Source Medications = AWP less 52%
3. Alternative proposal: All prescriptions will be billed at AWP less 30%

Recommendation: Award RFP 12-13-006 to Securus Technologies and RFP 12-13-008 to Diamond Pharmacy Services. During Commission meeting on April 16th consider information provided regarding IFB 12-13-008, and take action.

AGENDA DOCUMENTATION
April 16, 2013

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. Lincoln Historic Preservation Board
- C. Lodger’s Tax Committee – Letter of Resignation
- D. Southeast Regional Planning Organization (SERPO)

PREDATORY ANIMAL CONTROL BOARD, LINCOLN COUNTY - 5 YEAR TERM

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

ACB HOLDS ELECTION - PUBLICATION IS REQUIRED

PROPERTY TAX PROTEST BOARD - 2 YEAR TERM

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

REGIONAL WASTE WATER JOINT USE BOARD - 2 YEAR TERM

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

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

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
DIST 1	LANCE HALE	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	J.BRYAN WHITE (336-2619 OR 208-610-5464; COCHICH@BAIABB.COM)	PO BOX 237, ALTO, NM 88312		01/22/13	01/15
DIST 5	BILLY SEELBACH (258-1704)	406 GAVILAN CANYON, DOSO 88345	2	06/12/12	06/14

PUBLICATION IS REQUIRED

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

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	BART YOUNG (257-3193)	BOX 2930, RUIDOSO 88355		03/28/12	03/14
	LUCY SERVES ^{107 Jack Little Dr}	BOX 2930 , RUIDOSO 88355 ^{Ruidoso 88345}		01/22/13	01/15
	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



INTERSTATE STREAM COMMISSION (SUB-COMMITTEE ON THE PECOS)

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

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

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

**JOHN MARTINEZ, MANAGEMENT ASSOCIATES (505/821-0933)
LAND AND NATURAL RESOURCES ADVISORY COMMITTEE - 2 YEAR TERM (ORDINANCE NO. 2008-4)**

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
DIST 1	Pete Gnatkowski Vice Chairman lincoln@nmsu.edu	HC 31, Box 48, Carrizozo, NM		02/19/13	02/15
DIST 2	Mary Ann Siegel-Russ siegbieg1@hotmail.com	104 Plumas Place, Ruidoso 575-937-0720		10/16/12	10/2014
DIST 3	Bob Johnson bobj@valornet.com	Box 464, Alto, NM 88312 (575)336.4002		01/22/13	01/2015
DIST 4	Douglas Fuqua dfuqua1@hotmail.com	Box 1042 Alto, NM 88312 (575)336.1832		08/16/11	08/2013
DIST 5	Joel Bonnell jbonnell@live.com	Box 1, Glencoe, 88324 (575)653.4310		01/22/13	01/2015
AT LARGE	Duane Frost dsfrost@plateautel.net	Box 81, Claunch, NM 87011 (849.4950)		01/22/13	01/2015
AT LARGE	Rick Simpson, Chairman justcuz@swvmail.net	HC66, Box 70, Glencoe, NM 88324 (575)653.4249		02/19/13	02/2015

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

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

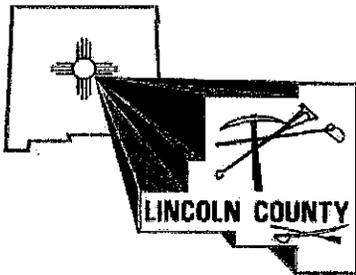
DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
DIST 1	BILL STRAUSSER	BOX 197, LINCOLN (653-4670)	5	12/20/11	12/13
DIST 2	ELAINE ALLEN	BOX 74, LINCOLN (653-4251)	5	01/22/13	01/15
DIST 3	L.M. SMITH	#5 MERCEDES-CT, ROSWELL, NM	5	03-15-11	03/13
DIST 4	MELISSA BOUTE	BOX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

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

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

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

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



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County of Lincoln

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

RECEIVED

MAR 22 2013

ADMINISTRATION
LINCOLN COUNTY NM

March 7, 2013

L.M. Smith
#5 Mercedes Ct.
Roswell, NM 88201

Dear L.M. Smith:

Your term for the Lincoln Historic Preservation Board will expire March 2013. If you would like to serve an additional two year term and be re-appointed at the next commission meeting, March 19, 2013, please indicate below and return for further processing.

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

Sincerely,

Billie-Jo Guevara
Administrative Assistant/
Human Resources

Yes I would like to be re-appointed to the Lincoln Historic Preservation Board.

No I would not like to be re-appointed at this time.

L.M. Smith

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

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
336-4330	TOURIST RELATE- JAMES HOBBS	BOX 2505 RUIDOSO 88355		02/19/13	02/15
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@PVIN.NET	BOX 166 HONDO, NM 88336	5	04/17/12	04/14
653-4300	LODGING INDUSTRY - VICTOR GARRISON	BOX 236, LINCOLN, 88338	5	07/26/12	7/14

NEW MEXICO COUNTY INSURANCE AUTHORITY - WORKERS' COMPENSATION

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

NEW MEXICO COUNTY INSURANCE AUTHORITY - MULTI-LINE POOL

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

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

DISTRICT NO.	MEMBER	ADDRESS	RECOMMENDED BY	DATE APPOINTED	TERM EXPIRATION
DIST 1	DENNIS RICH; DENANDYVONNE@NETSCAPE.NET	PO BOX 575, CAPITAN, NM 937-5996	COMM. POWELL	04/17/12	04/14
DIST 2	JENNIE DORGAN, Chair	BOX 359, ALTO 88312 (336-4312)	COMM. WILLIAMS	03/19/13	03/15
DIST 3	NORA MIDKIFF -336 2095/937 4317 noratmidkiff@gmail.com	175 EAGLE CREEK CANYON, RUID	COMM. DRAPER	01/22/13	01/15
DIST 4	MARY DOKIANOS	103 WINTER HAWK HEIGHTS, ALTO	COMM. MINTER	09/20/11	09/13
DIST 5	TOM MANN	BOX 77, LINCOLN NM (653-4272)	COMM. POWELL	07/26/12	07/14
	MEMBER-AT-LARGE - ELAINE ALLEN	PO BOX 74, LINCOLN		01/22/13	01/15
	MEMBER-AT-LARGE - KARYL WILLIAMS KARYL.WILLIAMS@MTG-TECH.COM	PO BOX 1707 CAPITAN (354-5300) 575-808-9776		01/22/13	01/15

Gail J. Major
P.O. Box 742
Carrizozo, NM 88301
March 20, 2013

Lincoln County Board of Commissioners
Lincoln County Manager
P.O. Box 711
Carrizozo, NM 88301

Re: Lincoln County Lodger's Tax Committee

To Whom It May Concern:

I am writing this letter to inform you of my intent to resign from the Lincoln County Lodger's Tax committee.

I have been a volunteer on this committee for almost 6 years. My fellow committee members have all been good, capable people, each contributing their knowledge to the decision making. I tried to do so also. However, I am tired of being raked over the coals every month with rarely a good word said about us and the work we have volunteered to do. If a committee is appointed, it should be allowed to do what has been assigned to them without micromanagement from the Board. I don't recall a commissioner ever coming to a meeting.

If the commissioners feel they need more information from the applicants, then the application form needs some serious revamping. Recipients of the current form have no idea as to how detailed the commission expect them to be. The Lodger's Tax committee has always discussed the applicant's intentions with them and then made a decision based on that. I have always believed that was the purpose of the committee. I have never thought the commissioners should always agree with the committee's recommendations; I did think our purpose was to review the information presented so the commissioners didn't have to spend valuable time doing that. Apparently, I was wrong.

Please consider this letter as my resignation effective immediately.

Respectfully,

s/Gail J. Major

Gail J. Major

SPECIAL BOUNDARY COMMISSION

JACKIE POWELL APPOINTED: 01/16/2007

L. RAY NUNLEY

FRED HANSON

SOUTHEAST REGIONAL PLANNING ORGANIZATION

(SERPO) 10/19/04 (INDEFINITE TERMS)

* POLICY COMMITTEE MEMBER – NITA TAYLOR

APPOINTED: 03/28/12

TECHNICAL COMMITTEE MEMBER: KATHRYN MINTER

APPOINTED: 03/19/13

COMMUNITY HEALTH IMPROVEMENT COUNCIL

ROSTER FY 09 (APPROVED 02-15-11 TERM EXP

JANUARY 2012)

Scott Annala – Access to Care

Britt Beaty – Access to Care

Shirley Beer- Behavioral Health

Aimee Bennett – Substance Abuse

Celeste Bonds – Youth

Jennifer Chadwick – Access to Care

Shannon Diction – Awareness and Education

Angie Fernandez – Nutrition

Tina Godby-Ware – DV/Sexual Assault

Melissa Gebhart – Youth

Barbara Gomez – Community Events

Patty Gray – Access to Care

Linda Hand – SDA Prevention/Family Stabilization

Bill Hanson-DWI Prevention Program

Shawn Lott- Lactation education and Support

Barbara Mader-Holistic Healing

James Martin-Access to Care/Geriatric Issues

Misty Gay McArthur-Health Education/Family Stabilizations

Brenda Motley-Lopez -

Petrina Nelson-Mental Health/Substance Abuse

Ardena Orosco – Substance Abuse Prevention

Toni Peppard – Chronic Health, Birth-21

Lydia Radosevich-Physical Therapy

Andrea Reed-Community Health

Alicia Rios-Disabilities

Maurie St. John – Senior Issues

Georgia Underwood – Advocate

Diane Ventura – Community Health

COMPREHENSIVE PLAN STEERING COMMITTEE

MEMBERS (09/19/2006)

DR. JIM MILLER – RESIDENT

MARY DOKIANOS - RESIDENT

DUANE FROST - PLURAAAC

JERRY CARROLL - PLANNING

MAYOR L. RAY NUNLEY - RUIDOSO

JOHN WATERS – RUIDOSO DOWNS CITY MANAGER

MAYOR BILL HIGNIGHT - CORONA

MAYOR SAM HAMMOND - CAPITAN

TOM BATTIN - COMMISSIONER

GARY STILLWELL – LINCOLN HISTORIC BOARD

JACKIE POWELL - COMMISSIONER

WELDA OR JIM GRIDER - CARRIZOZO

TOM STEWART – COUNTY MANAGER

CURT TEMPLE – PLANNING DIRECTOR

LINCOLN COUNTY TRANSIT STEERING COMMITTEE

09/09/2007

JUDY PEKELSMA (BOX 37, CAPITAN, 354-9109)

WOLF EIS COOPERATING AGENCY:

APPOINTED: RICK SIMPSON, PRIMARY

AGENDA DOCUMENTATION
April 16, 2013

Agenda Item No. 27

SUBJECT

Sun Valley Subdivision Discussion

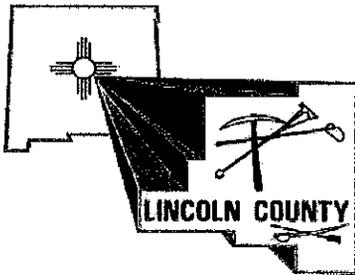
ACTION REQUESTED BY

County Manager

ACTION REQUESTED

To be determined

BACKGROUND



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County of Lincoln

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April 11, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, County Manager 

SUBJECT: Sun Valley Subdivision Discussion – Multiple Slash Piles

Purpose: Commissioners to discuss problem of multiple slash piles in subdivisions creating extreme fire hazard, and potential solutions.

Both Commissioner Doth and the Planning Department have received several calls from residents in Sun Valley regarding standing slash piles not picked up by GSWA. Commissioner Doth has also worked extensively with GSWA to attempt to resolve the solution. At Encl A, Curt Temple, Planning Director, has summarized options for potential resolution the County may want to consider, and has provided other additional information.

Recommendation: Consider proposed county options and determine whether any options will resolve the issue, and take appropriate action.

Sun Valley Subdivision

Curt Temple, Planning Director

4/9/2013

Problem of multiple slash piles in subdivisions creating extreme fire hazard

The planning department has received several calls from residents in the Sun Valley area about an abundance of slash piles that are not being picked up by GSWS, and what can be done by the County.

County Options

- **Have GSWS collect all slash. (cost/funding?)**
- **Have County collect slash with Road Dept. assets**
- **County hire private contractor to collect slash**
- **Have planning dept. issue letter to owners**
- **Community clean up with assets from GTSW**
- **Work on MOU with Ruidoso grapple trucks**
- **Have SO issue citations to owners for cleanup**

Additional Information

- **46 slash piles have been GPSed by planning dept. in Sun Valley (enclosure 1)**
- **26 slash piles have been GPSed by planning dept. in Alpine Village (enclosure 2)**
- **Some piles were being picked up by GTSW on 4-9-13**
- **List from GSWA of slash pile status (enclosure 3)**
- **Commissioner Doth has been corresponding with GSWA about the slash removal problem**

Solid Waste Ordinance

- **Copy of litter ordinance with highlighted area (enclosure 4)**

ENCL A

4/10/2013

①

Sun Valley Subdivision

Coordinates of Slash Pile	Address	Length of Pile	Width of Pile
33° 24' 26" N, 105° 40' 31" W	200 Sun Valley Rd.	9' 8"	5' 9"
33° 24' 26" N, 105° 40' 32" W	202 Sun Valley Rd.	22' 9"	8' 7"
33° 24' 29" N, 105° 40' 27" W	204 Sun Valley Rd.	25' 6"	15'
33° 24' 32" N, 105° 40' 32" W	206 Sun Valley Rd.	22' 4"	9' 2"
33° 24' 28" N, 105° 40' 25" W	208 Sun Valley Rd.	23' 3"	9' 4"
33° 24' 27" N, 105° 40' 31" W	300 Sun Valley Rd.	23' 4"	6' 8"
33° 24' 30" N, 105° 40' 36" W	302 Sun Valley Rd.	49'	6'
33° 24' 32" N, 105° 40' 35" W	311 Sun Valley Rd.	9'	6' 10"
33° 24' 34" N, 105° 40' 35" W	Empty Lot	5' 5"	3' 11"
33° 24' 34" N, 105° 40' 35" W	Empty Lot	18' 8"	6' 3"
33° 24' 34" N, 105° 40' 36" W	Empty Lot	11' 9"	6' 4"
33° 24' 40" N, 105° 40' 39" W	Empty Lot	67' 10"	7' 11"
33° 24' 39" N, 105° 40' 44" W	504 Sun Valley Rd.	70'	5' 11"
33° 24' 43" N, 105° 40' 47" W	604 Sun Valley Rd.	7' 2"	5' 10"
33° 24' 45" N, 105° 40' 48" W	Empty Lot	47' 3"	10' 1"
33° 24' 47" N, 105° 40' 55" W	611 Sun Valley Rd.	9' 4"	6' 6"
33° 24' 47" N, 105° 40' 55" W	701 Sun Valley Rd.	34' 10"	5' 8"
33° 24' 47" N, 105° 40' 54" W	703 Sun Valley Rd.	24' 6"	7' 1"
33° 24' 42" N, 105° 40' 35" W	Empty Lot- Hidden Valley	114' 10"	11' 6"
33° 24' 27" N, 105° 40' 50" W	103 Hidden Valley Rd.	10' 4"	4' 3"
33° 24' 46" N, 105° 40' 37" W	105 Hidden Valley Rd.	28' 2"	13' 3"
33° 24' 41" N, 105° 40' 40" W	101 Snow Park	9' 1"	4' 6"
33° 24' 44" N, 105° 40' 40" W	105 Snow Park	23' 4"	8"
33° 24' 44" N, 105° 40' 38" W	Empty Lot- Snow Park	9' 1"	5' 4"
33° 24' 47" N, 105° 40' 40" W	109 Snow Park	21' 6"	9' 9"
33° 24' 46" N, 105° 40' 58" W	Empty Lot- Snow Park	19' 7"	8' 4"
33° 24' 39" N, 105° 40' 42" W	101 Winter Park	11' 11"	5' 2"
33° 24' 39" N, 105° 40' 42" W	Winter Park	8' 6"	5' 10"
33° 24.6' N, 105° 40.7' W	Empty Lot- Winter Park	40' 1"	5' 4"
33° 24.5' N, 105° 40.7' W	108 Winter Park	19' 9"	5' 7"
33° 24' 33" N, 105° 40' 43" W	110 Winter Park	50' 1"	8' 3"
33° 24' 32" N, 105° 40' 42" W	112 Winter Park	21' 3"	7' 2"

1 Sun Valley

END 1

4/10/2013

2

Alpine Village Subdivision

Coordinates of Slash Pile	Address	Length of Pile	Width of Pile
33° 22.502' N, 105° 41.007' W	Empty Lot- Alpine Village Rd.	5' 1"	7' 2"
33° 22.424' N, 105° 41.320' W	Empty Lot- Alpine Village Rd.	13' 5"	10' 1"
33° 22.309' N, 105° 41.190' W	Empty Lot- Mount Hood Rd.	14' 10"	11' 9"
33° 22.442' N, 105° 41.383' W	180 Musketball Dr.	12' 9"	6' 8"
33° 22.457' N, 105° 41.426' W	Empty Lot- Musketball Dr.	48' 2"	8' 9"
33° 22.468' N, 105° 41.393' W	Squaw Valley	14' 2"	8' 3"
33° 22.490' N, 105° 41.393' W	Squaw Valley	16' 8"	6' 11"
33° 22.511' N, 105° 41.392' W	Squaw Valley	6' 8"	5' 10"
33° 22.511' N, 105° 41.396' W	Squaw Valley	11' 8"	9' 2"
33° 22.518' N, 105° 41.394' W	Squaw Valley	14' 4"	11' 9"
33° 22.535' N, 105° 41.487' W	114 Alpine Meadows Trail	30' 5"	16' 7"
33° 22.470' N, 105° 41.481' W	200 Alpine Meadows Trail	14' 5"	7' 4"
33° 22.447' N, 105° 41.481' W	Alpine Meadows Trail	5' 3"	2' 9"
33° 22.432' N, 105° 41.483' W	103 Alpine Meadows Trail	12' 9"	3' 4"
33° 22.411' N, 105° 41.480' W	105 Alpine Meadows Trail	21' 6"	2' 9"
33° 22.365' N, 105° 41.486' W	Empty Lot- Alpine Meadows Trail	11' 3"	4' 4"
33° 22.288' N, 105° 41.426' W	Empty Lot- Alpine Meadows Trail	13' 9"	5' 8"
33° 22.255' N, 105° 41.377' W	Alpine Meadows Trail	31' 3"	17' 7"
33° 22.259' N, 105° 41.383' W	131 Alpine Meadows Trail	6' 5"	4' 7"
33° 22.236' N, 105° 41.470' W	107 Sunlit Court	9' 2"	7' 6"
33° 22.263' N, 105° 41.421' W	Empty Lot- Sunlit Court	20' 2"	5' 10"
33° 22.219' N, 105° 41.358' W	High Chaparrel Place	89' 7"	17' 4"
33° 22.235' N, 105° 41.346' W	High Chaparrel Place	23' 7"	7' 7"
33° 22.231' N, 105° 41.140' W	Red River Place	6' 2"	5' 6"
33° 22.530' N, 105° 41.281' W	109 Toboggan Trail	89' 4"	13' 8"
33° 22.577' N, 105° 41.076' W	Sierra Blanca Trail	41' 2"	2' 3"

4/10/2013

33° 24' 32" N, 105° 40' 45" W	109 Sunland	24' 8"	6' 3"
33° 24.720' N, 105° 40.860' W	108 La Junta	11' 1"	7' 10"
33° 24.716' N, 105° 40.873' W	La Junta	13' 10 "	7' 7"
33° 24.735' N, 105° 40.940' W	La Junta- Entrance to the La Junta Guest Ranch	43' 7 "	9' 1"
33° 24.785' N, 105° 40.950' W	Empty Lot- Snowflake	6' 4"	2' 9"
33° 24.891' N, 105° 41.005' W	Empty Lot- Elk Horn	15' 1 "	12' 6"
33° 24.842' N, 105° 41.046' W	Mogul	31' 9"	2' 3"
33° 24.802' N, 105° 41.050' W	105 Mogul	12' 2"	7' 5"
33° 24.937' N, 105° 41.047' W	Empty Lot- Mogul	70' 3"	21' 2"
33° 24.950' N, 105° 41.065' W	Empty Lot- Mogul	26' 4"	6' 9"
33° 24.892' N, 105° 40.826' W	Empty Lot- Sun Mountain Loop	13' 7"	10' 8"
33° 24.936' N, 105° 40.689' W	300 Sun Mountain Loop	20' 4"	4' 11"
33° 24.833' N, 105° 40.792' W	404 Sun Mountain Loop	15' 3"	7' 2"
33° 24.814' N, 105° 40.826' W	Empty Lot- Sun Mountain Loop	10' 1 "	7' 6"

Greentree Solid Waste Authority
Ruidoso Downs, NM 88346

3

April 5, 2013

Mark, per your request this is the status of the Sun Valley area;

300 Sunvalley- Brush will be picked up when we go through area again
302 Sunvalley- Brush will be picked up when we go through area again
100 Hidden Valley- Brush will be picked up when we go through area again
104 Snow Park- Brush will be picked up when we go through area again
110 Snow Park- Brush will be picked up when we go through area again
112 Snow Park- Brush will be picked up when we go through area again
101 Snow Flake- Brush will be picked up when we go through area again
107 Sunland- Brush will be picked up when we go through area again
108 Sunland- Brush will be picked up when we go through area again
200 Sun Mountain- Brush will be picked up when we go through area again
201 Sun Mountain- Brush will be picked up when we go through area again
206 Sun Mountain- Brush will be picked up when we go through area again
205 Woodward- Brush will be picked up when we go through area again
206 Woodward- Brush will be picked up when we go through area again
209 Neill- Brush will be picked up when we go through area again

The accounts listed are either commercial or vacant lots and we do not have agreements to collect;

La Junta Guest Ranch- Commercial will not be picked up unless they pay.
Mogul near SVWD Well #5- will not be collected it is a vacant lot
404 or 406 Sunvalley- vacant lot and state forestry job will not be picked up

The addresses below have met their limits and we have no agreements to pick up the extra;

105 Mogul- 12 yard max
312 Mogul- 12 yard max
314 Mogul- 12 yard max
100 Elk Horn-12 yard max
102 Elk Horn- 12 yard max
411 Sunvalley- 12 yard max
611 Sunvalley- 12 yard max
701 Sunvalley- 12 yard max
703 Sunvalley- 12 yard max
100 and 102 Snow Flake- 24 yard max
103 Snow Flake- 12 yard max
104 Snow Flake- 12 yard max
504 Snow Park- 12 yard max
109 Sunland- 12 yard max
112 Sun Mountain- 12 yard max
404 Sun Mountain- 12 yard max
209 Snow Flake-12 yard max Vacant lot on Mogul is 209 Snow Flake
304 La Junta- 12 yard max
108 La Junta- 12 yard max

ENCL 3

4

ORDINANCE NO. 2009-03

AN ORDINANCE REPEALING LINCOLN COUNTY ORDINANCE 2003-02 AND ENACTING AN ORDINANCE WHICH REGULATES REFUSE, SOLID WASTE, AND LITTER IN LINCOLN COUNTY, REPEALING ORDINANCES IN CONFLICT; PROVIDING FOR THE SEVERABILITY OF PARTS HEREOF; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Lincoln County finds it necessary to repeal Ordinance 2003-02, and enact a new Ordinance to protect the health, safety, and welfare of the citizens of Lincoln County; and

WHEREAS, the Board of County Commissioners of Lincoln County finds that this Ordinance is necessary and proper to provide for safe and sanitary collection and disposal of refuse and solid waste, and control litter; and

WHEREAS, the Board of County Commissioners of Lincoln County finds that this Ordinance is necessary to provide a coordinated county-wide program of control of refuse and solid waste in cooperation with the Federal and State agencies; and

WHEREAS, the Board of County Commissioners of Lincoln County has determined that is necessary and proper to protect the waters, both underground and flowing in rivers, creeks, and streams, through the enactment of regulations concerning the proximity of disposal of refuse and solid waste to underground and surface water; and

WHEREAS, the Board of County Commissioners of Lincoln County has determined that it is necessary to adopt the powers enumerated in NMSA 1978, §4-56-1, *et seq.*, for the storage, collection, and disposal of refuse and solid waste; and

WHEREAS, the Board of County Commissioners of Lincoln County finds that this Ordinance is necessary to protect the environment and promote the preservation of the natural beauty of Lincoln County lands.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Lincoln County as follows:

Section 1. Definitions.

For the purpose of this Ordinance, the following terms, phrases, words and their derivatives shall have the meanings stated herein:

"Arroyo" shall include any canyon, draw or wash or any other earthen channel with visible evidence of the occasional flow of water.

"Ashes" means fire residue of any kind, including, but not limited to, fireplace ashes, barbecue grill briquettes, wood chips, wood stove ashes, campfire ashes, hot waste or other material susceptible of spontaneous combustion.

"Construction" or "Demolition Debris" means materials generally considered water insoluble and non-hazardous in nature, including, but not limited to, steel, glass, brick, concrete, asphalt, roofing materials, pipe, gypsum wallboard, and lumber from the construction or destruction of a structure, and includes rocks, soil, tree remains, trees, and other vegetative matter that normally results from land clearing. If such debris is mixed with any other type of solid waste, it loses its classification as Construction and Demolition Debris.

"County Manager" is the chief administrative assistant to the Board of County Commissioners of Lincoln County.

"Debris" is all waste building material, including, but not limited to, bricks, concrete blocks, shingles, roofing material, lumber, pipe, commercial construction wastes, and any other matter that is commonly known as debris.

"Dismantled" or "Partially Dismantled Vehicle" means any motor vehicle from which some parts or parts which are ordinarily a component thereof have been removed or are missing.

"Flood Plain" is the relatively flat area or low land adjoining the channel of a watercourse or a body of standing water which has been or may be covered by flood waters, and which has a one (1%) percent chance of occurring in a given number of years, the limits of which are shown on a National Flood Insurance Program (NFIP) Flood Insurance Rate Map (FIRM).

"Garbage" includes all waste food, swill, carrion, slops, and all waste from the preparation, cooking and consumption of food and from the handling, storage and sale of food products and the carcasses of animals.

"Ground Water" means interstitial water which occurs in saturated earth material, and which is capable of entering a well in sufficient amounts to be utilized as a water supply.

"Hauler" is any person who collects refuse or debris from any property not owned by that person.

"Inoperative" or "Inoperable Motor Vehicle" means any motor vehicle which, by reason of dismantling, disrepair, or other cause or reason, is incapable of being propelled under its own power.

"Landfill" is a facility designed for the disposal of refuse and solid waste permitted in accordance with EID Regulation EID/SWMR-2 and this Ordinance.

"Greentree Solid Waste Authority" means the Greentree Solid Waste Authority or its successor.

"Litter" is any quantity of improperly discarded solid waste, decaying or non-decaying solid or semi-solid waste, including but not limited to discarded furniture and appliances, overflowing residential and commercial trash cans, construction debris, uncontainerized paper such as fast-food packages, candy wrappers, cigarette butts, and/or plastic, glass, trash, debris, rubbish, refuse, garbage, or junk parts and scrap materials found in public areas or generated while traveling in a motor vehicle.

"Motor Vehicle" means any wheeled vehicle which is self-propelled or intended to be self-propelled.

"Person" is any individual, partnership, company, corporation, firm, association, trust, estate, state and federal agency, government instrumentality or agency, institution, county, city, town, village, or municipality or other legal entity, however organized.

"Public area" is any land owned by the community or open to common use such as streets, roads, sidewalks, alleys, arroyos, or other public ways and any and all public parks, spaces, grounds, and buildings.

"Refuse" includes garbage and rubbish

"Rubbish" includes, but is not limited to, all dismantled or partially dismantled motor vehicles, inoperable motor vehicles, waste paper, paper cartons, cardboard, tree branches, yard waste, wood, glass, plastic, discarded furniture and appliances or parts thereof, tin cans, dirt, ashes, bottles, liquid petroleum waste such as motor oil and similar items, and all other unwholesome material of every kind, not including garbage.

"Solid Waste" means, but is not limited to any garbage, litter, refuse, debris, rubbish, yard waste, appliances, inoperable vehicles, construction and demolition debris, or other discarded material originating from residential, industrial, or commercial sources.

"Water Table" is the surface in unconfined ground water at which the pressure is atmospheric and is defined by the levels at which water stands in wells that penetrate the water just far enough to hold standing water.

"Well" is a bored, drilled or driven shaft or a dug hole whose depth is greater than the largest surface dimension of the hole.

"Yard Waste" is vegetative matter resulting from landscaping, land maintenance and land clearing operations.

Section 2. Accumulation of Refuse, Solid Waste and Litter; Removal; Penalty.

A. No person shall permit to accumulate upon premises owned, leased, or occupied by him, which are within two hundred feet (200') of another property boundary or public easement (prescriptive or otherwise), any refuse, solid waste, or litter, except in covered water-tight containers made of metal or plastic.

B. No person shall throw, dump, or dispose of any refuse, solid waste, or litter on any road, street, gutter, sidewalk, or alley; nor shall any person set fire or cause or procure a fire to be set to any rubbish, refuse, garbage, or solid waste unless in an incinerator which has been approved by the fire chief or health authority of the County. No cans, cartons, wrappings containing food or organic waste, hair, wool, rubber, plastic, or any other substance which would create offensive, obnoxious or dangerous fumes or odors shall be burned.

C. No person in control of that property or that causes such action shall cause or permit to remain upon any property, private or public, any refuse, solid waste, or any composition of residue thereof which is in an unsanitary condition or hazardous to public health.

D. Any unauthorized accumulation of refuse, solid waste, or litter is hereby declared to be a nuisance and is unlawful.

E. No person shall cast, sweep, or deposit anywhere within the County, solid waste, refuse, or litter elements upon the road, street, sidewalk, alley, sewer, parkway, or other public place within the County.

F. Subject to any limitations or otherwise provided by law, the Sheriff is authorized to inspect and enter upon any private property where he/she has probable cause to suspect that unlawful accumulations of refuse, solid waste, or litter may exist.

1. If, upon the basis of such inspections, the Sheriff finds that any of Subsections A-E of this Section have not been complied with or that a violation exists, he/she shall notify the person in charge of the premises (whether owner, tenant, lessee, manager, or other person), where the unlawful refuse, solid waste, or litter accumulations exist, to properly correct such conditions within a designated period of time from ten (10) days up to thirty (30) days.
2. Upon the failure, neglect, or refusal of any person, owner tenant, lessee, manager, or occupant to properly correct any such conditions as set forth herein, within the time prescribed (or within five [5] days of the return of such prescribed notice undeliverable if the notice is served by mail), the Lincoln County Board of Commissioners may contract for the correction of unlawful accumulation or order its correction by the County, at the expense of the person, owner, tenant, lessee, manager, or occupant in charge of the property.
3. The cost for correction shall be a lien upon the property and shall remain in full force and effect for the amount due plus interest at the legal rate from the date of filing of the lien until paid, and all other costs, including attorney's fees. The lien shall be enforced and foreclosed according to applicable State law.

G. Where the Sheriff finds that a clear and present danger exists to the public health, welfare, and safety due to certain unlawful accumulations of refuse, solid waste, or litter and immediate measures are required to alleviate this clear and present danger, the County Manager may waive the ten (10) day notification period.

H. Costs for correction of unlawful accumulation of refuse, solid waste, or litter shall be determined on the basis of man-worked hours, equipment at a customary rental rate per day, plus any direct cost paid by the County to correct the accumulation.

I. Nothing in Paragraph F of this Section shall be construed to require any notice before the filing of a Magistrate Court action for a civil or criminal violation of this Section.

J. Penalty. Violation of this Section, in addition to any other cost assessed for the cleanup of illegal stored or deposited refuse, solid waste, or litter, shall be punished under the Provisions of Section 11 of this Ordinance.

Section 3. Refuse and Solid Waste; Pre-collection Practices.

A. Refuse or solid waste, if not properly stored on the premises where it is generated, shall be placed and maintained in Greentree Solid Waste Authority containers, the Otero/Greentree

Solid Waste Authority Landfill, or other refuse and solid waste disposal facility(ies) licenced and permitted in conformance with applicable State law, State regulations and this Ordinance.

B. It shall be the responsibility of all persons to dismantle and/or flatten all boxes or packing crates, regardless of construction, and to place the same in Greentree Solid Waste Authority containers.

C. Solid waste or refuse disposed of in containers provided by Greentree Solid Waste Authority shall be first deposited in bagged and closed containers.

D. Toxic and hazardous waste, liquid petroleum, distillates, and similar liquid materials shall not be disposed of in Greentree Solid Waste Authority containers, but in accordance with Section 6 of this Ordinance.

E. Disposal of ashes. It is unlawful to dispose of hot ashes in any manner. Hot ashes may become cold ashes and subject to disposal by:

- A. Cooling in place for a minimum of forty-eight (48) hours and inspection to determine that no live embers capable of spontaneous combustion are present; or
- B. Extinguishment with water or sand and stirring to the point where inspection reveals that no embers capable of spontaneous combustion are present.
- C. Cold ashes shall be placed in a bag or other enclosed container before placing in a refuse container.

Section 4. Refuse Containers.

A. Commercial haulers are expressly prohibited from the use of Greentree Solid Waste Authority containers for the disposal of refuse and solid waste collected on a fee basis. Violations are subject to the penalties provided in Section 11 in this Ordinance.

B. Mobile Home Parks: Every mobile home park shall provide for the collection of not less than .75 cubic yards of refuse or solid waste weekly per mobile home space. If the Greentree Solid Waste Authority Manager determines that additional refuse containers are necessary, he/she may order such additional containers as may be required to prevent excessive solid waste, refuse or litter or any hazard to the public or residents of the park.

C. Condominium/Multi-family Residential Units: Every condominium or multi-family residential development consisting of ten (10) or more units shall provide for the collection of not less than .75 cubic yards of refuse or solid waste weekly per residential unit. If the Greentree Solid Waste Authority Manager determines that additional refuse containers are necessary, he/she may order such additional containers as may be required to prevent excessive solid waste, refuse or litter or any hazard to the public or other residents of the residential development.

D. All users of the Greentree Solid Waste Authority containers shall comply with the rules and regulations established by the County for the use, care, and location of such containers and shall keep the lids and covers furnished for such containers closed at all times, except when they are being filled or emptied.

E. All refuse and solid waste shall be placed in a container provided by the Greentree Solid Waste Authority and shall be reduced in size to no more than four (4') feet in length. No items in excess of these dimensions or weighing more than fifty (50) pounds shall be placed in the refuse containers provided by Greentree Solid Waste Authority.

F. In the event that a refuse container provided by the Greentree Solid Waste Authority is full, refuse or solid waste shall not be placed on the ground or in proximity to the container so as to constitute a litter or health hazard or the possibility that the refuse may become blown and scattered.

G. It is unlawful to impede access to a Greentree Solid Waste Authority container other than necessary for the time to remove and deposit refuse or solid waste in the receptacle.

Section 5. Damage to Refuse Containers.

A. It is prohibited for any person, including children, to be on or in refuse containers for any purpose.

B. It is unlawful to intentionally damage any refuse container owned or leased by the County.

C. Any individual who damages any such container provided for County residents shall be liable to Greentree Solid Waste Authority for the cost, repair, or replacement of such container, in addition to the penalties provided in Section 11 of this Ordinance.

Section 6. Toxic, Hazardous, Ignitable, Flammable, or Explosive Refuse and Solid Waste or Refuse.

A. Poison, acids, caustics, chemicals, waste contaminated by infectious diseases, radioactive waste, dead animals, live pests, rocks, sand, dirt, concrete, construction or demolition debris, toxic, highly flammable or explosive materials shall not be placed in containers for regular collection, but shall be disposed of in accordance with any applicable State and Federal laws or regulations at the expense of the person accumulating the waste.

B. Yard waste, including grass and tree clippings, pine needles, leaves, and cut weeds shall not be placed in the containers provided by the Greentree Solid Waste Authority, but shall be disposed of in an approved landfill or in accordance with any applicable State and Federal laws or regulations at the expense of the person accumulating the same.

Section 7. Construction Sites And Transportation of Materials.

A. All persons who have secured a building permit shall, before the start of any construction activity in the County, furnish or place on those premises a container or fenced area of suitable size and design to contain all refuse, solid waste or litter which may be disturbed or removed from the premises by the wind or elements. Within thirty (30) days of completion, all refuse, solid waste and refuse containers shall be removed from the premises.

B. No person generating refuse or solid waste shall allow refuse, solid waste or litter of any kind to be blown or carried by the elements from the premises for which the building permit was secured.

C. Persons engaged in demolition, who have obtained a building permit, shall remove the refuse, solid waste, and litter, including structural parts, from the construction site and contain their elements from scattering in the same manner as set out above. Demolition refuse or solid waste shall be removed and disposed of within five (5) days of completion to an approved solid waste transfer station or landfill.

Section 8. Scavenging Prohibited.

It is unlawful for any person not authorized by the County to remove, collect, or disturb the refuse or solid waste stored in a Greentree Solid Waste Authority landfill or refuse container. No person shall remove any refuse or solid waste from a container and scatter the same upon any public or private property.

Section 9. Regulations Adopted.

A. The laws of the State of New Mexico dealing with refuse and solid waste management and all regulations promulgated and published pursuant to those laws for the New Mexico Health and Environmental Department or and division thereof, including, but not limited to the Environmental Improvement Division (or any successor department, agency or division), along with any subsequent revision or amendments to such laws or regulations, are hereby adopted and incorporated herein by this reference and made a part of this Ordinance; provided, however, that the penalty provisions provided herein shall apply to violations prosecuted under this Ordinance.

B. No person shall establish or operate a refuse or solid waste disposal facility without first obtaining a permit from the Board of County Commissioners of Lincoln County. The application for and granting of a refuse or solid waste disposal facility permit by the County Commissioners shall be governed by the regulations regarding the application and granting of refuse and/or solid waste permits, from time to time published by the Environmental Improvement Division, together with the additional requirements established by this Ordinance.

Section 10. Refuse and Solid Waste Landfill Regulations.

A. No refuse or solid waste disposal site shall be established or operated, nor shall any person dump, store, or otherwise dispose of any refuse or solid waste within ten thousand feet (10,000') of any airport, as established by the Federal Aviation Administration.

B. No refuse or solid waste disposal site or facility shall be established or operated, nor shall any person dump, store, or otherwise dispose of any refuse or solid waste within two (2) miles of the middle of the Ruidoso River, the Bonito River, the Hondo River, the Carrizo Creek, the Eagle Creek, the Magado Creek, or any other flowing watercourse within Lincoln County.

C. No refuse or solid waste disposal site or facility shall be established or operated, nor shall any person dump, store or otherwise dispose of any refuse or solid waste within a flood plain, subject to a one hundred year flood, as designated by the appropriate state or federal agency.

D. No refuse or solid waste disposal site or facility shall be established or operated, nor shall any person dump, store or otherwise dispose of any refuse or solid waste in any location where the ground water or the water table is less than one hundred feet (100') below the surface of the land or the bottom surface of any proposed refuse pit, whichever is more restrictive.

E. No refuse or solid waste disposal site or facility shall be established or operated, nor shall any person dump, store or otherwise dispose of any refuse or solid waste within any arroyo as defined in this Ordinance.

F. No refuse or solid waste disposal site or facility shall be established or operated, nor shall any person dump, store, or otherwise dispose of any refuse or solid waste in other than authorized containers, within the visible sight of a United States or New Mexico State Highway or County road existing within the County unless such site is blocked, shielded, or otherwise hidden from view.

G. Notwithstanding anything contained elsewhere in this Ordinance to the contrary, the regulations set forth in this Section 10 shall not apply to the following:

1. a person who is a homeowner, residential lessee or tenant or agricultural enterprise who disposes of solid waste on the property he owns, rents or leases if the solid waste was generated on that property;
2. a person occupying property who disposes of solid waste generated on the property if the property is located in a place that makes it not feasible to dispose of the solid waste in a permitted solid waste facility and the disposal of the solid waste does not harm the environment or endanger the public health or safety and does not violate any provision of the Solid Waste Act or any regulation adopted under that act; or

3. a person in possession of property who disposes on that property construction and demolition debris or yard waste generated on the property if the disposition of the solid waste does not violate any provision of the Solid Waste Act or any regulation adopted under that act.

H. It is mandatory that any operating landfill pit be dug crossways to the prevailing winds.

- I. An eight foot (8') chain link fence is required around each landfill pit.

Section 11. Penalties.

- A. Persons convicted of violating of this Ordinance shall be punishable by a fine of Three Hundred Dollars (\$300) or imprisonment for ninety (90) days or both the fine and imprisonment, except as set forth in paragraphs B, C, and D below.
- B. Persons violating this Ordinance by discarding or disposing of solid waste or debris on public or private property in any manner other than disposing it in an authorized landfill, shall, upon conviction, be subject to a fine not to exceed One Thousand and No/100 Dollars (\$1,000.00).
- C. Persons violating this Ordinance by the improper or illegal disposal of hazardous materials or waste in any manner other than as provided for in the Hazardous Waste Act, shall, upon conviction, be subject to a fine not to exceed Five Thousand and No/100 Dollars (\$5,000.00).
- D. Each violation shall constitute a separate offense. Each day an offense continues shall also constitute a separate offense.

Section 12. Permit Procedures.

- A. The Board of County Commissioners of Lincoln County, after following all procedures prescribed by this Ordinance, may by two-thirds ($\frac{2}{3}$) majority vote at a public meeting, grant a Solid Waste or Refuse Disposal Permit.
- B. The purpose of the permit procedure is to ensure that the regulatory requirements set forth in this Ordinance are met, in addition to those imposed by the State of New Mexico and the Environmental Improvement Division (EID).
- C. The permit procedure commences with the filing of a Solid Waste Disposal Permit Application with the County Manager, accompanied by an approved permit from the appropriate agency of the State of New Mexico. The information requested in that Application regarding disclosure and verification is referred to hereby and incorporated herein by reference as if more fully set forth.

D. Upon certification by the County Manager's Office that the Solid Waste Permit Application is complete, the request will be transmitted to the Board of County Commissioners of Lincoln County for public hearing.

E. Upon receipt of an application for any Solid Waste or Refuse Disposal Permit, the Board of County Commissioners of Lincoln County shall be given forty-five (45) days within which to hold a public hearing regarding the effect of such proposed solid waste or refuse disposal upon the health, welfare and safety of the citizenry of the Lincoln County.

F. Prior to the public hearing before the Board of County Commissioners of Lincoln County, notice of the application for permit shall be published twice in a local newspaper of general circulation, fourteen (14) and seven (7) days prior to the public hearing. Notice of the public hearing shall be mailed, by certified mail, returned receipt requested, to the proposed applicants for the permit, as shown by the application submitted to the County Manager, at least ten (10) days prior to the first public hearing.

G. Within ninety (90) days immediately following the first public hearing regarding the application for permit, the Board of County Commissioners of Lincoln County shall have made a decision regarding the issuance of said permit. However, if no action has been taken by the Board of County Commissioners of Lincoln County within ninety (90) days after the first public hearing, said application shall be considered approved, and a permit shall be issued by the Board of County Commissioners of Lincoln County.

Section 13. Severability.

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

Section 14. Recording.

This Ordinance shall be recorded in a book kept for that purpose and shall be authenticated by the signature of the County Clerk.

Section 15. Repeal of Ordinance No. 2003-02.

Upon the effective date of this Ordinance, Ordinance No. 2003-02 shall be considered repealed.

Section 16. Effective Date.

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

PASSED, APPROVED AND ADOPTED this the ____ day of _____, 2009.

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

Tom Battin, Chairman

Eileen Sedillo, Member

Dave Parks, Member

Don Williams, Member

Jackie Powell, Member

ATTEST:

Tammie J. Maddox
Lincoln County Clerk

countyatt/p.b/ords/solidwaste-litter2009

AGENDA DOCUMENTATION
April 16, 2013

Agenda Item No. 28

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

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.