

**COUNTY OF LINCOLN**  
**New Mexico**  
***Special Meeting***  
**Board of County Commissioners**

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

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

**Nita Taylor**, County Manager

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**Agenda**

**Commission Chambers, Thursday, April 25, 2013 @ 9:00 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. Consent Agenda:
  - A. Road Name Change
7. Bid(s)/RFP Award:
  - A. Bid 12-13-009 Mill-Process Resurface Bonito Lake Road
  - B. Bid 12-13-010 Chip Seal Part of CR A009 18<sup>th</sup> Street Carrizozo & Dawson Road Capitan
  - C. Bid 12-13-011 Surface Homestead Loop - Homestead Acres Subdivision
  - D. Bid 12-13-012 Surface Homestead Loop – Gavilan Subdivision
  - E. Bid 12-13-013 Surface Roads- Valley Heights Subdivision
8. Executive Session Pursuant to the Open Meetings Act: Discussion of all Threatened and/or Pending Litigation Section 10-15-1, Sub-Paragraph H.(7); and Discussion of the purchase, acquisition or disposal of real property or water rights by the public body, Section 10-15-1, Sub-Paragraph H.(8).
9. Next Regular Meeting – Tuesday, May 14, 2013
10. Adjournment

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

April 25, 2013: THIS AGENDA IS SUBJECT TO CHANGE

**AGENDA DOCUMENTATION**  
**April 25, 2013**

Agenda Item No. 6

**SUBJECT**

Approval of Consent Agenda

**ACTION REQUESTED BY**

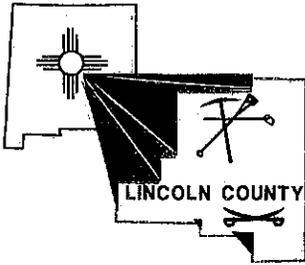
County Manager

**ACTION REQUESTED**

To be determined

**BACKGROUND**

- A. Road Name Change



# 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 Rialto Dr in Sun Valley Subdivision in the County of Lincoln. (To clear up confusion it is approximately 0.04 miles of a cul-de-sac off Sun Mountain Loop. All interested parties have acknowledged and approved:

### Rialto Dr

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

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

**ADOPTED, PASSED AND SIGNED** the 16<sup>th</sup> day of April, 2013.

\_\_\_\_\_  
Jackie Powell  
Chairwoman

\_\_\_\_\_  
Preston Stone  
Vice-Chairman

\_\_\_\_\_  
Mark Doth

\_\_\_\_\_  
Dallas Draper

\_\_\_\_\_  
Kathryn Minter

ATTEST:

\_\_\_\_\_  
Rhonda B Burrows, County Clerk

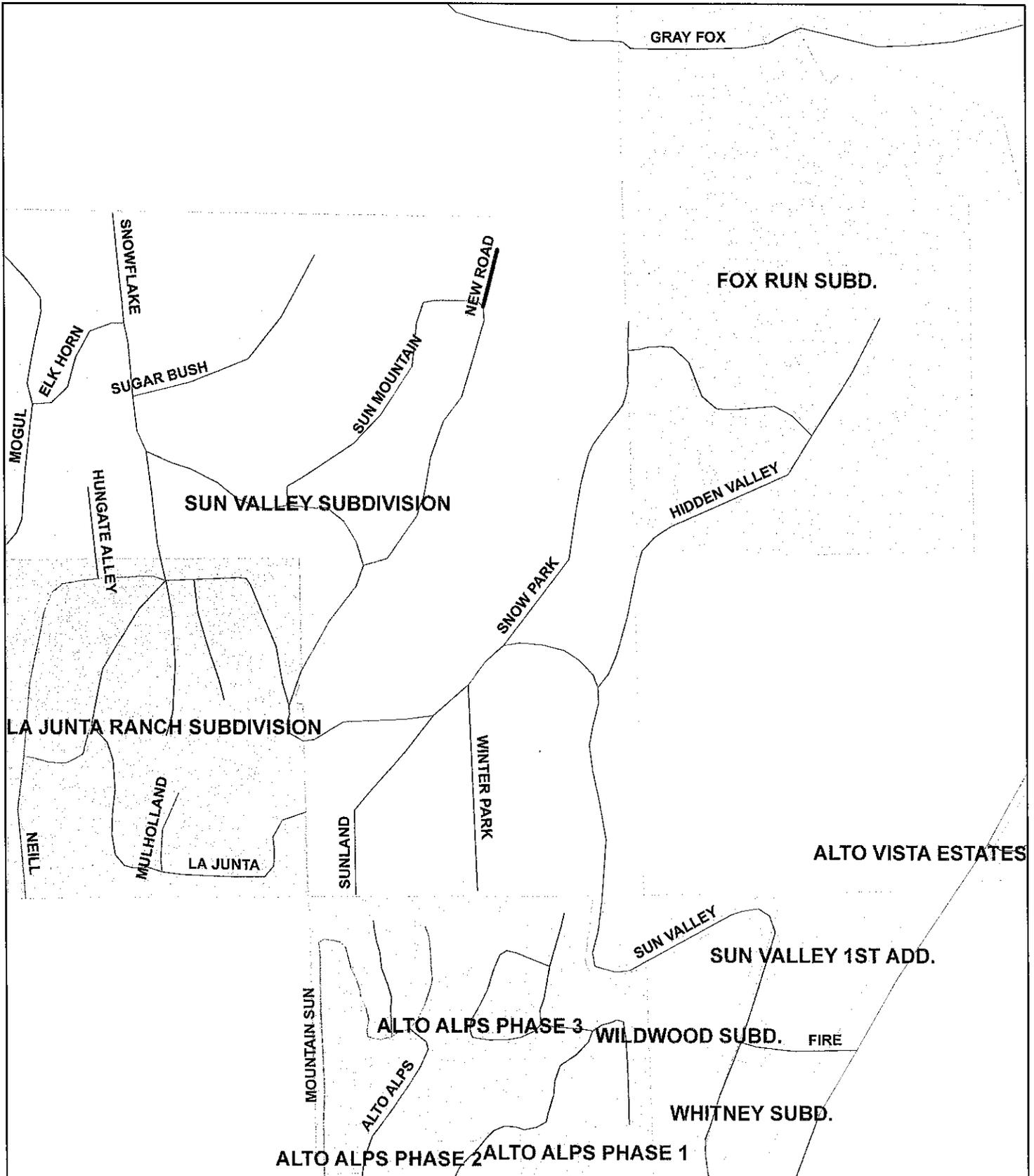
County Manager's Fax  
(505) 648-4182

Finance/Purchasing Fax  
(505) 648-2381

Planning/GIS Fax  
(505) 648-2816

# RIALTO DR

## ROAD NAME REQUEST APRIL 16, 2013



**AGENDA DOCUMENTATION**  
**April 25, 2013**

Agenda Item No. 7

**SUBJECT**

Bid/RFP Awards:

**ACTION REQUESTED BY**

County Manager

**ACTION REQUESTED**

To be determined

**BACKGROUND**

- A. Bid 12-13-009 Mill-Process Resurface Bonito Lake Road
- B. Bid 12-13-010 Chip Seal Part of CR A009 18<sup>th</sup> Street  
Carrizozo & Dawson Road Capitan
- C. Bid 12-13-011 Surface Homestead Loop - Homestead Acres  
Subdivision
- D. Bid 12-13-012 Surface Homestead Loop – Gavilan Subdivision
- E. Bid 12-13-013 Surface Roads- Valley Heights Subdivision

**AGENDA DOCUMENTATION**  
**April 25, 2013**

Agenda Item No.

**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

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Post Office Box 1030  
Ruidoso, New Mexico 88355-1030

Jira Plaza  
Telephone (575) 257-3556  
Facsimile (575) 257-3558

April 23, 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**

### **2013**

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

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

## 2012

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

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

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

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

## 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.