

**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

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**AGENDA**

**Commission Chambers, Tuesday, May 14, 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- April 16, 2013 Regular Commission Meeting  
April 25, 2013 Special Commission Meeting
7. Approval of Consent Agenda
  - a. Payroll/Accounts Payable/Budget/ Expenditures
  - b. Treasurer’s Financial Report for the Month ending April 30, 2013
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:
  - a. Application 1694: Chamber Music Festival; \$2,000; Advertising;  
Event Date: July 27, 2013
  - b. Application 1693: Billy the Kid Scenic Byway; \$10,000; Annual Brochure
  - c. Application 1695: Alto Artists Studio Tour; \$1,500; Advertising;

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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.**

Event Date: August 1-4, 2013

12. Memorial Day Proclamation
13. Renewal of Fire Restriction Resolution 2012-38
14. **9:30 A.M.:** PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY OFFICIALS (Items are for discussion only – no action will be taken)
15. Consideration of Approval or Disapproval of Indigent Health Care Claims
16. Manager's Report
  - a. Potential Disaster issues for Ft. Stanton Fire Department Construction
  - b. Potential Direction issues for Building Inspections-CID Regulations
17. Liquor License Fees Resolution 2012-34
18. Amend Resolution 2012-19 Open Meetings Act by Resolution 2012-35
19. EMS Week Proclamation
20. Permission to Auction Surplus Inventory by Resolution 2012-36
21. New Medical Provider Agreement No. 51; Tall Pines Medical
22. Amend Professional Services Contract – King Industries
23. Water issues/Forest/Wildlife Health Programs/Land and Natural Resources Advisory Committee (LANRAC)
24. **1:00 P.M.** Public Hearing is to Consider Adoption of an Ordinance 2013-2 Amending Lincoln County Subdivision Rules and Regulations; providing for the severability of parts hereof; providing an effective date, and repeal of Ordinance 2008-01,
25. **1:30 P.M.:** Public Hearing to consider the following: Adoption of the Preliminary Budget, FY 2013-2014 by Resolution 2012-37 and Consideration of Adoption of the Preliminary Infrastructure Capital Improvements Plan (ICIP)
26. Authorization to Schedule Public Hearing to Consider Other Outdated or New Lincoln County Ordinance
27. Bid/RFP(s) Award:
  - a. 12-13-14 Rehabilitation of the Sierra Vista Catchment Ponds

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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.

- b. Consideration of June, 3, 2013 Special Commission Meeting to award Bids
- 28. Consideration of Appointments and Removals from Boards/Commissioners/Committees:
  - a. **Tabled** – Road Review Advisory Committee
  - b. **Tabled** - Lodger’s Tax Committee
- 29. 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).
- 30. Signing of Official Documents
- 31. Next meetings:
  - a. June 25, 2013 Regular Commission Meeting
- 32. 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.**

**Agenda Item No. 6**  
**April 16, 2013**

**SUBJECT**

Approval of Minutes:

1. April 16, 2013 Regular Commission Meeting
2. April 25, 2013 Special Commission Meeting

1 **COUNTY OF LINCOLN**

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

5  
6 **Jackie Powell**, Chair  
7 **Mark Doth**, Vice Chair

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

8  
9 **Minutes**  
10 **Tuesday, April 16, 2013**

11  
12 Minutes of the Regular Meeting of the Lincoln County Commission held at 8:30 AM on April 16,  
13 2013 in the County Commission Chambers, Lincoln County Courthouse, in Carrizozo, New  
14 Mexico.

15  
16 **1. Call to Order**

17  
18 Chair Powell called the Regular Meeting of the Board of County Commissioners to order at  
19 8:31:20 AM

20  
21 **2. Roll Call**

22  
23 **Roll Call.**

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

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

29  
30 **3. Invocation**

31  
32 Chair Powell requested a moment of silence to honor victims of the Boston, Massachusetts  
33 bombing. The invocation was presented by Pastor Hayden Smith.

34  
35 **4. Pledge of Allegiance**

- 36  
37 a. Pledge – U.S. A. Flag – Commissioner Draper  
38 b. Salute – N.M. Flag – Commissioner Stone

39  
40 **5. Approval of Agenda**

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

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

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

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

47

48 **6. Approval of Minutes**

- 49  
50 a. March 19, 2013 - Regular Commission Meeting  
51 b. April 5, 2013 - Special Commission Meeting  
52

53 **Motion:** Approve the minutes of the March 19, 2013 Regular Commission Meeting and the  
54 April 5, 2013 Special Commission Meeting. **Action:** Approve. **Moved by** Commissioner Doth,  
55 **Seconded by** Commissioner Minter.

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

57 **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth,  
58 Commissioner Draper.  
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 March 31, 2013  
64 c. 2014 Fire Fund Distribution Applications  
65 d. Road Name Changes/Correction  
66 e. Mill Levy Rate for Carrizozo Soil & Water Conservation District  
67

68 Commissioner Minter questioned the .75 Mill Rate for the Carrizozo Soil and Water  
69 Conservation District that was higher than the Upper Hondo SWCD. Commissioner Stone  
70 explained each District voted to set their individual rates. Commissioner Minter stated residents  
71 who were subject to the Mill Levy tax should be reminded of the potential services and grants  
72 administered by the Soil and Water Conservation Districts.  
73

74 Commissioner Doth questioned if the scope of the project to build a new Ft. Stanton Fire Station  
75 had increased. Ms. Taylor stated the plan remained unchanged with funding of \$397,000 in  
76 Capital Outlay and Fire Protection Funds of \$277,000. Ms. Taylor stated the funding would be  
77 adequate to complete the project.  
78

79 Chair Powell requested information regarding the proposed Road Name Changes/Corrections.  
80 Curt Temple, Planning Director informed on several proposed name changes in the Sun Valley  
81 area including the proposed change to La Junta Drive. Mr. Temple stated after determining La  
82 Junta was in fact a private road, no change to that road would occur. Mr. Temple stated a  
83 portion of the road named Snowflake would also remain unchanged contrary to the  
84 recommendation presented.  
85

86 **Motion:** Approval of Consent items as presented except the Road Name Change request for  
87 renaming a portion of Snowflake Road to La Junta Drive. **Action:** Approve. **Moved by**  
88 Commissioner Minter, **Seconded by** Commissioner Doth.

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

90 **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth,  
91 Commissioner Draper.  
92

93 **SEE EXHIBIT A:** Copies of Consent Items are attached hereto in reference thereto made a part  
94 hereof.  
95

96 **8. Smokey Bear District Ranger Update**  
97

98 Nita Taylor, County Manager stated Ranger David Warnack was unable to attend but had  
99 provided a briefing paper of critical updates. Ms. Taylor stated the joint presentation made by  
100 the Smokey Bear Ranger District and Lincoln County at the Wildland Urban Interface Summit in  
101 Taos, NM was well received. Ms. Taylor informed the Ranger District had developed a new  
102 "Outdoor Hazards" outreach campaign to educate visitors about potential hazards when visiting  
103 the forest particularly in the burn area. Ms. Taylor provided a copy of the brochure and sign  
104 template for the campaign. Ms. Taylor stated the Ranger District continued to work with NM  
105 Department of Transportation to mitigate hazard trees along sections of Highway 37.

#### 107 **9. Greentree Solid Waste Authority (GSA) Update**

108  
109 Chair Powell reminded of pending litigation and deferred any discussion until Executive  
110 Session.

#### 112 **10. Lincoln County Detention Center Update**

113  
114 Warden Arthur Anderson reported on bookings and releases for the month of April and informed  
115 the average daily population was 145.

116  
117 Chair Powell questioned the status of a proposed five year plan for asset management.  
118 Warden Anderson stated he would discuss with the Administration at Emerald Corporation  
119 when the budget was presented.

120  
121 Ms. Taylor reminded the County had awarded the new contract, based on the Request for  
122 Proposals, with Emerald Corrections to manage the Detention Center for five more years. Ms.  
123 Taylor stated Attorney Alan Morel had completed the new contract and it would be presented for  
124 finalization in the near future.

#### 126 **15. Consideration of Approval or Disapproval of Indigent Health Care Claims**

127  
128 Scott Annala, IHC Administrator presented the Sole Community Provider claims for approval.  
129 Mr. Annala processed 71 claims with 69 recommended for approval and 2 recommended for  
130 disapproval for a total authorization of \$106,295 for a year to date total of \$1,096,472 and for an  
131 approximate monthly average of \$109,647. Mr. Annala stated the program was on track to  
132 authorize the \$1.3 million which the County budgeted for the Sole Community Provider match.

133  
134 Mr. Annala presented the Indigent Health Care Payments request for the month. Mr. Annala  
135 processed 34 claims with 30 recommended for approval and 4 recommended for disapproval.  
136 Mr. Annala stated the total of claims recommended for payment this month was \$19,377. Mr.  
137 Annala stated the total year to date Indigent Claims including this month's claims would be  
138 \$232,562.63 for a monthly average of \$23,256 by comparison. Mr. Annala anticipated  
139 expenditure of \$279,075 of the budgeted amount of \$386,461.

140  
141 **Motion:** Approval and denial of the claims as indicated for Sole Community Provider and  
142 Indigent Health Care Program payments as recommended. **Action:** Approve. **Moved by**  
143 Commissioner Draper, **Seconded by** Chair Powell.

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

145 **Yes:** Chair Powell, Commissioner Doth, Commissioner Draper, Commissioner Minter,  
146 Commissioner Stone.

147

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

150  
151 **12. Presentation by White Sands Missile Range's Chief of Staff, Mr. Dan Hicks on the**  
152 **mission impacts of the proposed location of the SunZia Transmission Line**  
153

154 Dan Hicks, Chief of Staff for White Sands Missile Range voiced WSMR's overall support for  
155 renewable and alternate energy resources and discussed various plans to develop and use this  
156 type of resource at the installation. Mr. Hicks provided a detailed explanation of the potential  
157 impact of the SunZia Transmission line on the mission of WSMR to maintain and test missile  
158 defense systems. Mr. Hicks highlighted problems associated with the current "preferred"  
159 SunZia Transmission line route through the northern portion of WSMR. Mr. Hicks stated the  
160 "preferred" route, as presented by the Bureau of Land Management, would have a negative  
161 impact on cruise missile testing and informed there was no other space in the country which  
162 could provide the low flight space need to perform this testing. Mr. Hicks informed WSMR and  
163 other cooperating agencies were requesting an alternative route be developed along Highway  
164 60 to lessen the impact on current and future missions.  
165

166 Commissioner Doth stated an article published in the Albuquerque Journal indicated the Under  
167 Secretary of Defense was unhappy with the current proposal and implied the project could  
168 jeopardize continued operations at WSMR. Commissioner Doth stated the SunZia group  
169 maintained the current proposal was more economical. Mr. Hicks discussed in detail the nature  
170 of missile testing and the need for strategic planning to keep testing routes viable. Mr. Hicks  
171 stated the Department of Defense maintained the alternative routes were equally viable but had  
172 less impact on the mission and expressed optimism the Department of Interior and the  
173 Department of Defense could reach a compromise.  
174

175 Commissioner Stone reported on attendance at a recent meeting between the SunZia  
176 developer and landowners. Commissioner Stone stated the transmission line was important to  
177 the future of renewable energy but commented on other obstacles which might affect  
178 construction. Commissioner Stone noted the affected private landowners might not be in  
179 complete agreement as to the proposed route. Commissioner Stone expressed belief National  
180 Security should take precedence over the transmission line.  
181

182 Commissioner Minter commented on extensive past efforts by communities to retain military  
183 operations in the State of New Mexico. Commissioner Minter discussed the nature of  
184 renewable energy as a subsidized business and the increased costs associated with production.  
185 Commissioner Minter questioned if the military bases were working to move "off the grid". Mr.  
186 Hicks stated the current goal was more to provide back-up capabilities to power and other  
187 sources than to discontinue use of local utilities.  
188

189 Mr. Hicks stated the final Environmental Impact Study would be released by the Department of  
190 the Interior in the near future and reminded there would be a comment period associated with  
191 that process. Mr. Hicks encouraged all stakeholders to take the opportunity to comment.  
192

193 **13. 9:30 A.M.: PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY**  
194 **OFFICIALS**  
195

196 Robert Sheppard, Sheriff discussed the proposed courthouse expansion and informed, should  
197 the project be limited to the expansion of the court facilities, the Sheriff's office would need to

198 retain all of the current physical space which was planned for transferring to District Court in the  
199 combined expansion plan.

200  
201 Commissioner Draper reported on the recent Southeast New Mexico Development Council  
202 which was a five county district. Commissioner Draper informed there a Mayor's summit was  
203 scheduled in Ruidoso on May 23, 2013. Commissioner Draper stated a new group, the  
204 Southeastern New Mexico Quality Care for Veteran's Association, presented information  
205 regarding veterans in the area reporting there were currently 658 veterans living in Lincoln  
206 County. Commissioner Draper reported \$23 million in Capital Outlay had been received by the  
207 region with Lincoln County receiving \$1.4 million. Commissioner Draper expressed appreciation  
208 for the work of SNMED and Hubert Quintana to secure the funding.

209  
210 Curt Temple, Planning Director discussed a bill passed by the New Mexico Legislators which  
211 would require any new subdivisions in the State of New Mexico to possess water rights for  
212 development.

213  
214 Chair Powell recessed the Regular Meeting at 10:01:15 AM and reconvened at 10:15:02.

215  
216 **21. LCMC Physician's Office Building**

217  
218 a. Water Saving Alternatives -Findings & Recommendations by Ted Kostranchuk  
219 (DPS)

220  
221 Ms. Taylor reminded the deletion from final landscaping plans of a cistern system was approved  
222 at the March Regular Meeting with an agreement to consider other water savings proposals at a  
223 later date. Ms. Taylor provided a letter detailing Dekker/Perich/Sabatini's (DPS)  
224 recommendations to accomplish the water savings.

225  
226 Ted Kostranchuk of DPS discussed the benefits of and the Village of Ruidoso requirements for  
227 minimal landscaping along with recommendations to utilize water efficient plans and shrubs with  
228 artificial turf. Mr. Kostranchuk discussed the various other water savings measures proposed  
229 would save approximately 25,000 gallons per year.

230  
231 Commissioner Doth informed he had reviewed the landscape proposals with Shaun Forte,  
232 Planning Director for the Village of Ruidoso. Commissioner Doth noted the Village was open to  
233 working with the County on landscape issues but had requested a written landscape plan.  
234 Commissioner Doth recommended following the landscaping style currently surrounding Lincoln  
235 County Medical Center and elimination of the artificial turf in light of the small size of the area for  
236 landscaping.

237  
238 Mr. Kostranchuk discussed various other value engineering options which presented  
239 opportunities for savings. Mr. Kostranchuk informed the contractor was considering rebidding  
240 the contract for landscaping based on the final decisions of the number of plants and other  
241 factors. Mr. Kostranchuk stated any changes might not result in the savings anticipated as  
242 additional fees would be incurred for redesign and rebid.

243  
244 **Motion:** Approve DPS recommendations for water savings alternatives. **Action:** Approve.  
245 **Moved by** Commissioner Minter, **Seconded by** Chair Powell.

246  
247 Commissioner Draper noted the estimate for the artificial turf seemed high and suggested a  
248 local contractor could provide the item at a lower cost.

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**Vote:** Motion passed (summary: Yes = 4, No = 1, Abstain = 0).  
**Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Draper.  
**No:** Commissioner Doth.

**11. 9:00 A.M.: Lodger's Tax Applications with backup material:**

Commissioner Doth recused himself from the discussion at 10:33:53 AM.

- 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

**Motion:** Approve Application 1687 for \$3,500; Application 1688 for \$3,500; Application 1689 for \$2,200; Application 1690 for \$1,500; Application 1691 for \$300; and Application 1692 for \$19,000 as recommended by the Lodger's Tax Committee. **Action:** Approve. **Moved by** Commissioner Stone, **Seconded by** Commissioner Minter.

**Vote:** Motion passed (summary: Yes = 4, No = 0, Abstain = 1).  
**Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Draper.  
**Abstain:** Commissioner Doth.

Commissioner Doth returned to the meeting at 10:41:37 AM.

**16. Manager's Report**

**1. Business Retention Gross Receipt Tax (3/16<sup>th</sup>) Tracking (FY 13):**

<u>Business Activity Month</u>	<u>FY13</u>	<u>FY12</u>	<u>Difference</u>
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	\$ 2,646
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
YTD	<b>\$624,089</b>	<b>\$594,377</b>	<b>\$ 29,712</b>
<b>Annualized</b>	<b>\$936,134</b>		

300  
301 It appeared that July and August, 2012 were impacted by the Little Bear Fire, however  
302 year-to-date revenues increased by approximately 5%.  
303

304 **2. EOC News.** The Manager reported the Emergency Operations Center was now  
305 fully staffed with the promotion of Joe Kenmore to Emergency Services Director, and  
306 with Spencer Baldwin being employed as the Emergency Operations Coordinator.  
307

308 Joe Kenmore, EOC Director attended a "Train the Trainer" Class for Communications  
309 Leaders April 9-11, 2013 in Santa Fe with the New Mexico Department of Homeland  
310 Security and Emergency Management.  
311

312 On April 11, 2013 a meeting of the Lincoln County Fire Officers was held at the  
313 Operations Center. In attendance were: Glencoe, Hondo, Arabella, Lincoln, Bonito,  
314 Nogal, and White Oaks Volunteer Fire Departments; municipal fire departments from  
315 Corona, Capitan, and Ruidoso Downs; State Forestry, BLM, and USFS; along with the  
316 Sheriff's Office and Lincoln County EMS. The Village of Ruidoso and Carrizozo  
317 Volunteer Fire Departments did not attend. The meeting served as a discussion and  
318 planning session for the upcoming fire season.  
319

320 **3. Mandatory Employee Meetings called by NM General Services Dept.** This  
321 spring, all employees are required to re-enroll in the State Benefit Plan (or re-waive  
322 benefits). Significant changes were in place, with dependent verifications being  
323 conducted with this April/May mandatory enrollment. Employees were required to  
324 provide proof of dependency (copy of marriage license, notarized domestic partner form,  
325 proof of dependent children.)  
326

327 **4. 2013 CDBG Grant Application Hearings.** The 2013 CDBG applications have  
328 been submitted and were currently being rated and ranked by Local Government  
329 Division staff. The application presentations were tentatively scheduled for May 10,  
330 2013. Lincoln County submitted a CDBG application for construction of a new  
331 Carrizozo Senior Center. Copy of information from Dora Batista of SNMEDD was  
332 provided. The Manager noted Howard Kaplan from Wilson & Company, the design  
333 architect, would be in attendance at the presentation.  
334

335 **5. WUI Summit.** Commissioner Powell, Joe Kenmore, Samantha Mendez along  
336 with the County Manager attended the Wildland Urban Interface Conference in Taos.  
337 The Manger reported she, Commissioner Powell, and Ranger Dave Warnack of the  
338 Smokey Bear Ranger District gave a presentation on "Lessons Learned after the Fire".  
339 The Manager stated lessons learned included the need for teamwork between all entities  
340 involved and the growing need for meaningful education to the public.  
341

342 **6. Flood Mitigation Efforts.** The Manager reported the County was currently  
343 involved in a number of potential flood mitigation efforts to include:  
344

- 345 a. **Use of Board of Finance loan/grant for flood mitigation (\$255,000)**
- 346 b. **NRCS-Emergency Watershed Protection Program– Recovery (\$474,000)**
- 347 c. **FEMA projects (\$1.0 million)**
- 348 d. **Lincoln County Working Group**
- 349

350 **7. Potential Intercept of second 1/8<sup>th</sup> GRT.** The Manager reported Brent Ernest,  
351 Deputy Secretary, NM Human Services had informed the State of NM was initiating a  
352 plan to intercept all counties' second 1/8th GRT. The Manger noted 31 of 33 counties  
353 had enacted the second 1/8th GRT with Lincoln County enacting the tax in January of  
354 2000 after voter approval. The Manager stated the state intended to use the intercepted  
355 funds for the Sole Community Provider (SCP) program to ensure the funds used for the  
356 Federal match was public money. The Manager stated the plan might also ensure  
357 predictable revenue for the program and eliminate the need for hospitals to negotiate  
358 yearly with County Commissions for funding. Lincoln County currently uses the second  
359 1/8th GRT to fund the Indigent program and for medical care of prisoners.  
360

361 Scott Annala, Indigent Health Care Administrator confirmed Mr. Ernest had informed the NMAC  
362 Health Care Affiliate of the State's desire to intercept the second 1/8<sup>th</sup> GRT which the County  
363 had enacted to fund the Indigent Health Care Program. Mr. Annala advised this intercept would  
364 effectively end the County Indigent Health Care Program as the funds would be diverted for the  
365 Sole Community Provider match. Mr. Annala informed the second 1/8<sup>th</sup> GRT generated about  
366 \$600,000 and pointed out this amount was less than the \$1,300,000 approved by the Board of  
367 Commissioners for SCP which was currently funded from the Mill Levy.  
368

369 Mr. Annala discussed the State expansion of Medicaid as related to the recent passage of the  
370 Federal Health Care Act. Mr. Annala stated the expansion could decrease the number of  
371 residents requesting Indigent Assistance but expressed concerns there would always be  
372 individuals who "fall through the cracks".  
373

374 Commissioner Minter clarified the change would eliminate the opportunity for non Sole  
375 Community Providers to receive reimbursement. Mr. Annala confirmed and noted counties  
376 typically used this GRT to fund a number of programs other than Sole Community Provider  
377 match for their residents. Mr. Annala stated Mr. Ernest had urged counties not to repeal their  
378 1/8<sup>th</sup> GRT in response to State actions.  
379

380 Rhonda Burrows, Clerk and former IHC Administrator expressed belief the State could not  
381 intercept the 1/8<sup>th</sup> GRT enacted by voters in Lincoln County without legislative action. Ms.  
382 Burrows noted these changes were a trickle down from federal changes and ultimately the  
383 County might not have a voice in the final decisions.  
384

385 Attorney Morel stated the issue had not been researched but voiced belief any intercept would  
386 require legislative action as the tax had been approved by the voters of Lincoln County.  
387

388 **8. Secure Rural Schools.** Paul Gutierrez, Executive Director of NMAC forwarded  
389 documentation that New Mexico counties were requested to return funds already  
390 distributed under the Secure Rural Schools Act. The request is stated to be made based  
391 on the FY13 sequester. The Manager provided a copy of a letter of protest, requesting  
392 the action be halted as signed by a number of Congressmen, including Representative  
393 Steve Pearce.  
394

395 Chair Powell questioned the amount of funding Lincoln County received for this program. The  
396 Manager informed Lincoln County received approximately \$26,000 for Title III funding with a  
397 total impact to the State of approximately \$600,000. The Manager stated the funds were used  
398 for the "Fire wise Program".  
399

400 **9. Ft. Stanton Fire Dept.** The Manager reported on the process to enter into a  
401 long-term lease with the NM State Monuments Division for land required to build the new  
402 fire station. The process required sign-off by the Board of Regents and the DFA. The  
403 County entered into an agreement with DFA for a Severance Bond Capital Appropriation  
404 Project in the amount of \$397,000 in October, 2012 with additional funding of \$277,765  
405 committed by the State Fire Marshal. The Manager reported the updated estimated cost  
406 of construction was \$470,536.  
407

408 **10. SunZia Southwest Transmission Project.** The principals of SunZia Southwest  
409 were in Lincoln County meeting with landowners in Corona regarding status of the  
410 project. The Manager provided a copy of the BLM schedule for completing the Federal  
411 permitting process (NEPA), and a map of the proposed route. Commissioner Stone  
412 attended the meeting and may want to provide additional information.  
413

414 **11.** The Manager announced Ada Hendryx, Senior Director would be retiring as of  
415 May 30, 2013.  
416

417 **14. Consideration of Cost Analysis for Courthouse/Sheriff's Complex Addition**  
418

419 Ms. Taylor requested direction and authorization for additional funding for the Courthouse  
420 Complex expansion or remodel. Ms. Taylor reminded \$1.5 million was approved at a prior  
421 meeting for the Courthouse expansion and additional "facility improvements". Ms. Taylor stated  
422 since the initial approval extensive planning and further discussion along with a separate Energy  
423 Audit had resulted in a revision of the cost estimates. Ms. Taylor provided estimates of \$2.491  
424 million for the Courthouse expansion; \$124 million for Courthouse remodel of existing space;  
425 \$1.234 million for Sheriff's office expansion; \$.336 million for Energy Audit upgrades to county  
426 offices and \$.122 million for Energy Audit upgrades to the Sheriff's office for a combined project  
427 cost estimate of \$4.307 million.  
428

429 In response to a request by the Board of Commissioners, Ms. Taylor provided cost estimates for  
430 building a new Courthouse on land near the Detention Center. Ms. Taylor stated estimates for  
431 a 15,000 square foot building ranged from \$4.386 million to \$4.967 million. Ms. Taylor provided  
432 various options for a phased expansion and remodel of the current Courthouse complex. Ms.  
433 Taylor discussed various considerations for planning to include approximately \$65,000 in  
434 planning costs already incurred; the critical need for space as expressed by Judge Karen  
435 Parsons; the potential to "phase in" the expansion of the Courthouse and Sheriff's office  
436 separately; and noted a full expansion of the current Courthouse complex was estimated to cost  
437 less than the estimate for new construction.  
438

439 **Motion:** Approve \$4.307 million for the joint remodel and expansion of the Courthouse and  
440 Sheriff's office for \$4.307 million. **Action:** Approve. **Moved by** Commissioner Stone,  
441 **Seconded by** Commissioner Minter.  
442

443 Chair Powell commented on the large size of the project, the recent occurrence of the Little  
444 Bear Fire, and other ongoing County projects. Chair Powell questioned how the District Court  
445 would continue to operate during the proposed remodel.  
446

447 Judge Karen Parsons stated the Court would continue to convene and operate during any  
448 remodel and would adapt to ongoing construction. Judge Parsons expressed a preference to  
449 have the current facility remodeled and expanded rather than consider a new facility. Judge

450 Parsons stated safety and security would be compromised if the Court and the Sheriff's office  
451 were separated.

452  
453 Chair Powell opined the Sheriff's expansion should be done at a later date due to budget  
454 constraints. Chair Powell suggested an RFP be developed rather than proceeding based only  
455 on the plans developed by Basic IDIQ. Chair Powell stated a utilization study of the space  
456 might be of benefit to help phase the project in.

457  
458 Commissioner Minter discussed the need to seek Capital Outlay to help fund the project but  
459 voiced belief the project needed to be moved forward at this time. Commissioner Minter  
460 suggested any action today be contingent upon requests for Capital Outlay.

461  
462 Commissioner Stone defended the motion and stated the expenditure was not "out of hand".  
463 Commissioner Stone reminded of the statutory obligation by the County to provide the court  
464 adequate facilities. Commissioner Stone stated postponement of even a portion of the project  
465 would result in higher costs at a later date.

466  
467 Commissioner Doth expressed concerns about current economic conditions which might affect  
468 County revenues and stated belief all due diligence had not been exercised in planning this  
469 particular project. Commissioner Doth stated he could not support the expenditure at this time.

470  
471 Commissioner Draper commented on the rising costs over time and supported researching  
472 additional financing options to complete the dual expansion. Commissioner Draper noted Taos  
473 County had received a significant Capital Outlay for a Courthouse facility.

474  
475 Commissioner Minter questioned the status of the overall design. Ms. Taylor informed Basic  
476 IDIQ had completed the design to include expansion of the Court and Sheriff's facilities and to  
477 incorporate the Energy Audit recommendations. Commissioner Minter noted having the design  
478 in place would facilitate a Capital Outlay request. Ms. Taylor noted requests for Capital Outlay  
479 were by nature uncertain.

480  
481 Punkin Schlarb, Finance Director suggested the decision be postponed and then incorporated  
482 into the upcoming Fiscal Year 2012-2013 budget process identifying funding.

483  
484 Glenna Robbins, Treasurer provided a historical overview of the Capital Projects Fund. Ms.  
485 Robbins reminded the amounts to consider were the amount budgeted in a fiscal year for all  
486 capital projects and the amount remaining after required reserves. Ms. Robbins stated in FY  
487 2009-2010 the County budgeted \$4,821,000 for all capital projects with \$20,267 over the  
488 required amount for reserves; FY 2010-2011 \$5,426,852 for capital projects with \$42,000 over  
489 required reserves; FY 2012-2013 \$5,700,000 with \$2,945 over required reserves and now for  
490 FY 2013-2014 the proposed budget was \$6,820,000 for capital outlay which included the  
491 previously approved \$1,500,000 for the Courthouse leaving \$4,365,000 for all construction  
492 projects in the upcoming year. Ms. Robbins noted the budgeted amount each year had not  
493 been fully expended and the County had accumulated funds in savings but reminded all  
494 approved projects had to be considered during the budget hearings.

495  
496 Ms. Taylor reminded the final budget would not be presented to the Board of Commissioners  
497 until July. Ms. Taylor stated the estimates presented were valid today but should the decision  
498 be postponed the costs would likely increase.

499

500 Commissioner Minter questioned if the motion might be amended to be contingent upon a  
501 Capital Outlay distribution from the legislature. Chair Powell clarified the current motion on the  
502 table committed \$4.307 in County funding to the project and was not contingent upon any other  
503 funding.

504  
505 **Vote:** Motion passed (**summary:** Yes = 3, No = 2, Abstain = 0).

506 **Yes:** Commissioner Minter, Commissioner Stone, Commissioner Draper.

507 **No:** Chair Powell, Commissioner Doth.

508

509 Chair Powell recessed the Regular Meeting at 1:22:09 PM and reconvened at 1:39:19 PM.

510

511 **17. Water issues/Forest/Wildlife Health Programs/Land and Natural Resources**

512 **Advisory Committee (LANRAC)**

513

514 Ms. Taylor reported there were no new water right notices posted on the State Engineer's  
515 website since the notice posted by Enchanted forest Water Corporation of Alto on February 25,  
516 2013.

517

518 Ms. Taylor reported there were no topics specific to Lincoln County on the NM Game and Fish  
519 website.

520

521 Ms. Taylor stated the fire danger level as reported by the Fire Behavior Research Center in  
522 Missoula, Montana and the Smokey Bear Ranger District was "High" for Lincoln County. Ms.  
523 Taylor noted there had been several small wildfires in the County.

524

525 **18. Consideration of Date Change for the May 21, 2013 and June 18<sup>th</sup>, 2013**  
526 **Commission Meetings and to Schedule Special Meeting date on April 25<sup>th</sup>.**

527

528 Ms. Taylor reminded the NM Association of Counties meeting was scheduled for the week of  
529 June 18<sup>th</sup> and suggested the June Regular Meeting be moved to June 25, 2013. Ms. Taylor  
530 also requested the May Regular Meeting be moved to May 14, 2013 due to a number of  
531 conflicts and a Special Commission Meeting scheduled for April 25, 2013 to award bids.

532

533 **Motion:** Reschedule the May Regular Meeting to May 14, 2013, the June Regular Meeting to  
534 June 25, 2013, and schedule a Special Meeting for April 25, 2013. **Action:** Approve. **Moved**  
535 **by** Commissioner Doth, **Seconded by** Chair Powell.

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

537 **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth,  
538 Commissioner Draper.

539

540 **24. Authorization to Schedule Public Hearing to Consider Other Outdated or New**  
541 **Lincoln County Ordinance**

542

543 a. Amending Subdivision Ordinance 2008-01

544

545 **Motion:** Schedule a Public Hearing to amend Ordinance 2008-01. **Action:** Approve. **Moved**  
546 **by** Commissioner Doth, **Seconded by** Chair Powell.

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

548 **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth,  
549 Commissioner Draper.

550

551 **25. Bid/RFP(s) Award:**

552

553

554

a. RFP12-13-006 Inmate Phone System for Lincoln County Detention Center

555 Ms. Taylor informed five bids were received and presented the combined rankings based on  
556 300 possible points as follows: Securus Technologies 289 points; Legacy Inmate  
557 Communications 273 points; NCIC Inmate Phone Service 269 points; IC Solutions 266 points;  
558 and Inmate Communications, Inc. 264 points.

559

560

b. IFB 12-13-007 Grinding of Wooded Debris

561

562 Ms. Taylor informed four bids were received and presented the details as follows: Sierra  
563 Contracting \$63,580; Guardiola Construction \$68,170; Jeff Harvey Construction \$89,950; and  
564 Renegade Construction \$159,970.

565

566

c. RFP 12-13-008 Inmate Medications

567

568 Ms. Taylor informed one bid had been received from the incumbent provider, Diamond  
569 Pharmacy Services. Ms. Taylor stated the Diamond Pharmacy Services proposal was based  
570 on a discount from the Medispan published average wholesale price (AWP) as follows: Brand  
571 Name and Single Source Medications at AWP less 20%; Generic Multi-Source Medications at  
572 AWP less 52%; and as an alternative proposal all prescriptions billed at AWP less 30%.

573

574 **Motion:** Award RFP 12-13-006 to Secures Technologies, IFB 12-13-007 to Sierra Contracting,  
575 and RFP 12-13-008 to Diamond Pharmacy. **Action:** Approve. **Moved by** Commissioner Doth,  
576 **Seconded by** Commissioner Minter.

577

578 Attorney Morel informed he recused himself from the process to develop IFB 12-13-007 for  
579 Grinding of Wooded Debris due to a potential conflict with prior representation of one of the  
580 contractors. Attorney Morel informed outside council had been hired to review the IFB on behalf  
581 of the County.

582

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

584 **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth,  
585 Commissioner Draper.

586

587 Chair Powell recessed the Regular Meeting and convened the Public Hearing at 1:31:05 PM.

588

589 **22. 1:30 P.M.: Public Hearing to consider the request of a transfer of ownership**  
590 **Liquor License from JJJ Dollar Bar, LLC. d/b/a the Tinnie's Silver Dollar**  
591 **Steakhouse & Saloon at 28842 US Hwy 70, Tinnie, NM 88351. Application No.**  
592 **848154**

593

594 Paul Stevens representing the new owners, Jerry Rush and Jana Rush explained they were  
595 currently leasing the liquor license and were requesting approval of the final transfer of the  
596 license.

597

598 Commissioner Draper questioned if Mr. Stevens would be acting as the "resident agent" and if  
599 the license was a full dispenser's license. Mr. Stevens confirmed this was a full license  
600 including package sales and he would be the resident agent.

601

602 No public comment being received, Chair Powell adjourned the Public Hearing and reconvened  
603 the Regular Meeting at 1:33:33 PM.

604  
605 **Motion:** Approve Application No. 848154 for transfer of ownership. **Action:** Approve. **Moved**  
606 **by** Commissioner Minter, **Seconded by** Commissioner Doth.

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

608 **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth,  
609 Commissioner Draper.

610

611 **24. Authorization to Schedule Public Hearing to Consider Other Outdated or New**  
612 **Lincoln County Ordinance (cont)**

613

614 Ms. Taylor requested approval of a second public hearing for the consideration of the adoption  
615 of a Preliminary Budget for FY 2013-2014 and the Infrastructure Capital Improvement Plan  
616 (ICIP).

617

618 **Motion:** Schedule a Public Hearing to consider adoption of a Preliminary Budget for FY 2013-  
619 2014 and the ICIP. **Action:** Approve. **Moved by** Commissioner Doth, **Seconded by**  
620 Commissioner Draper.

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

622 **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth,  
623 Commissioner Draper.

624

625 **19. Subdivision Ordinance Revisions-Ongoing Discussion**

626

627 Curt Temple, Planning Director informed proposed revisions for the current Subdivision  
628 Ordinance from the Planning Committee would be presented during the public hearing  
629 scheduled for the next Regular Meeting. Mr. Temple informed the State of New Mexico had  
630 passed legislation which required certain new subdivisions to acquire water rights for  
631 development.

632

633 Mr. Temple informed the Planning Commission received multiple presentations on potential  
634 requirements for thinning and defensible space. Mr. Temple read a statement from the  
635 Planning Commission noting the lack of universal standards for tree thinning of properties along  
636 with a recommendation for considering this requirement in the proposed Land Development  
637 Standards Ordinance rather than the Subdivision Ordinance.

638

639 Attorney Morel further reported the Chair of the Planning Commission suggested a requirement  
640 considered for large subdivisions to be built in phases with each phase completed prior to  
641 beginning the next phase. Attorney Morel suggested this requirement be further defined by the  
642 Planning Commission and considered during the public hearing.

643

644 Attorney Morel discussed the provisions in the current ordinance requiring community water  
645 systems and detailed suggested changes. Attorney Morel clarified proposed language changes  
646 would require any subdivision regardless of "Type" to have a community water system and hold  
647 water rights. Attorney Morel questioned if it was the Board of Commissioner's intent to require  
648 both water rights and community water systems.

649

650 **Motion:** Accept the proposed changes to be presented at Public Hearing. **Action:** Approve.  
651 **Moved by** Commissioner Minter, **Seconded by** Commissioner Doth.

652

653 Commissioner Draper questioned how many existing Subdivisions held water rights. Chair  
654 Powell stated there were approximately 12 subdivisions with water rights. Mr. Temple reminded  
655 there were a number of older subdivisions which have community water systems.  
656

657 Commissioner Draper questioned the State Engineer's position on water rights for subdivisions.  
658 Mr. Temple stated the State Engineer had supported the recent legislation and opposed the  
659 practice of purchasing land with water rights, selling the water rights, and then developing the  
660 lots with domestic wells.  
661

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

663 **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth.

664 **No:** Commissioner Draper.  
665

666 Commissioner Stone questioned if the Planning Commissioners might work collaboratively with  
667 appropriate agencies to develop standards for thinning. Mr. Temple stated this could be  
668 accomplished but would require the employment of an expert to develop standards for  
669 uniformity across the County.  
670

671 Chair Powell recessed the Regular Meeting, convened the Public Hearing on Ordinance 2013-1,  
672 recessed the Public Hearing and reconvened the Regular Meeting at 1:55:41 PM.  
673

674 Commissioner Minter questioned the lack of defined thinning practices considering the ongoing  
675 efforts to create defensible space. Mr. Temple clarified the benefit of creating standards for  
676 clearing defensible space during the actual lot development rather than putting the burden on  
677 the subdivision developer who might not anticipate the desires of the individual property owners  
678 as to the location of their home or other improvements.  
679

## 680 **20. Election of New Mexico Association of Counties Board Members**

681  
682 Whitney Whitakker, Elections Clerk informed two nominations were received for the Board  
683 Member position with both being for Rhonda Burrows, Clerk. There being no further  
684 nominations, Ms. Whitakker provided and tallied the paper ballots. Ms. Whitakker announced  
685 Ms. Burrows was elected unanimously to serve as the NMAC Board Member for Lincoln  
686 County.  
687

688 Chair Powell recessed the Regular Meeting and reconvened the Public Hearing at 2:02:50 PM.  
689

## 690 **23. 1:45 P.M: Public Hearing to consider Ordinance 2013-1; Amending Ordinance** 691 **2005-4 Lincoln County Personnel Policies & Procedures** 692

693 Attorney Morel outlined substantive changes proposed to the current Personnel Policy.  
694

695 There was lengthy discussion regarding the accumulation of compensatory time and who might  
696 approve or disapprove an employee's request. There was a general consensus approval for  
697 compensatory time and/or the use of leave by a probationary employee would be the  
698 responsibility of the County Manager.  
699

700 Paul Baca questioned if there would be a restriction on how long compensatory time might be  
701 held after accrual. Attorney Morel reported once accrued, any leave is owed to the employee.  
702 Ms. Taylor suggested any compensatory time accumulated be used within six months. There  
703 was a general consensus to leave the decision to the County Manager.

704  
705 Curt Temple, Planning Director requested clarification on whether a probationary employee was  
706 entitled to payment for accrued sick and annual leave. Attorney Morel clarified any accrued  
707 leave would be paid upon termination.

708  
709 Chair Powell adjourned the Public Hearing and reconvened the Regular Meeting at 2:28:32 PM.  
710

711 **Motion:** Adopt Ordinance 2013-1 with the recommended changes. **Action:** Approve. **Moved**  
712 **by** Commissioner Doth, **Seconded by** Chair Powell.

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

714 **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth,  
715 Commissioner Draper.

716  
717 **SEE EXHIBIT C:** Copy of Ordinance 2013-1 is attached hereto in reference thereto made a  
718 part hereof.

719  
720 **26. Consideration of Appointments and Removals from Boards/Commissioners/**  
721 **Committees:**

722  
723 a. **Tabled – Road Review Advisory Committee**  
724

725 No action was taken.

726  
727 b. Lincoln Historic Preservation Board  
728

729 **Motion:** Reappoint L.M. Smith to the Lincoln Historic Preservation Board. **Action:** Approve.  
730 **Moved by** Commissioner Minter, **Seconded by** Chair Powell.

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

732 **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth,  
733 Commissioner Draper.

734  
735 c. Lodger's Tax Committee- Letter or Resignation  
736

737 Commissioner Doth stated he had a potential nominee but requested the item be tabled until he  
738 could contact the individual. Commissioner Stone recommended a candidate from the  
739 Carrizozo area be considered to balance the representation.

740  
741 **Motion:** Motion to table the appointment. **Action:** Approve. **Moved by** Commissioner Draper,  
742 **Seconded by** Chair Powell.

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

744 **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth,  
745 Commissioner Draper.

746  
747 d. Southeast Regional Planning Organization (SERPO)  
748

749 Ms. Taylor, requested Carl Palmer, Road Superintendent be appointed to the position as this  
750 organization typically dealt with road related issues.

751  
752 **Motion:** Appoint Carl Palmer to SERPO. **Action:** Approve. **Moved by** Commissioner Doth,  
753 **Seconded by** Commissioner Minter.

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

755 **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth,  
756 Commissioner Draper.

757  
758 **27. Sun Valley Subdivision Discussion**  
759

760 Commissioner Doth stated he had been contacted by a resident of Sun Valley about the  
761 problem of slash piles accumulating within the subdivision. Commissioner Doth stated the  
762 large piles exceeded the 12 yards allowed for pickup by GSWA and so remained as a fire  
763 hazard. Commissioner Doth suggested Sun Valley residents were not adequately informed on  
764 the requirements for slash pick up and this was true for other areas.  
765

766 Curt Temple, Planning Director stated the problem had been reported to his office and in  
767 addition to property owners accumulating their own slash piles, there were instances of dumping  
768 on private property of which absent owners were unaware. Mr. Temple stated staff had  
769 identified 46 separate slash piles within Sun Valley alone. Mr. Temple provided copy of a report  
770 from GSWA indicating which owners had reached the maximum pickup of 12 yards.  
771

772 Mr. Temple presented the options for action by the County. Mr. Temple stated a request could  
773 be made to GSWA to pick up all slash but the cost factor would need to be addressed. Mr.  
774 Temple also discussed use of the County Road Department equipment, steps to hire private  
775 contractors for removal, and efforts to notify and work with owners on an individual basis. Mr.  
776 Temple stated the County also had the option to issue citations and could in fact apply a lien for  
777 cost of cleanup.  
778

779 Commissioner Minter informed GSWA had only one grappling truck and typically was behind in  
780 operations during the spring when most people were thinning. Commissioner Minter expressed  
781 belief the County should not pay for negligence by certain owners when others had complied  
782 with requirements on their own. Commissioner Minter suggested an educational process to  
783 educate the property owners as to their responsibilities.  
784

785 Commissioner Stone commented property owners should take responsibility for thinning and  
786 disposal of slash. Chair Powell suggested the problem be considered by the Lincoln County  
787 Work Group. Commissioner Draper noted if County resources were utilized for this problem  
788 then others would expect the same. Commissioner Doth discussed the problem of no thinning  
789 by owners of empty lots. Commissioner Doth voiced support for enforcement of the current  
790 Ordinance including issuing citations.  
791

792 Mr. Temple suggested each of the property owners receive a strongly worded letter regarding  
793 the slash build up prior to issuance of citations.  
794

795 Robert Shepperd, Sheriff supported the idea of notification by letter prior to involving an officer.  
796 Sheriff Shepperd stated once all other options were reported as being exercised by the Planning  
797 Director including notification, he would send officers to issue citations.  
798

799 **Motion:** Direct the Planning Department to send letters to all property owners with slash piles  
800 on their property in Sun Valley and Alpine Village requiring compliance with the current  
801 Ordinance. **Action:** Approve. **Moved by** Commissioner Doth, **Seconded by** Chair Powell.

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

803 **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth,  
804 Commissioner Draper.  
805

806 **28. Executive Session Pursuant to the Open Meetings Act: Discussion of all**  
807 **Threatened and/or Pending Litigation Section 10-15-1, Sub-Paragraph H.(7); and**  
808 **Discussion of the purchase, acquisition or disposal of real property or water**  
809 **rights by the public body, Section 10-15-1, Sub-Paragraph H.(8).**  
810

811 **Motion:** To close the meeting for the purposes of an Executive Session to discuss Pending  
812 and/or Threatened Litigation pursuant to the Open Meetings Act, Section 10-15-1, Sub  
813 Paragraph H.(7) and the purchase, acquisition or disposal of real property or water rights by the  
814 public body, Section 10-15-1, Sub-Paragraph H.(8) and as follows:  
815

816 New or Updated Matters since last report = \*  
817

- 818 1. *Cooper, Gale and DeBaca County News v. County of Lincoln, Sheriff of Lincoln County,*  
819 *et al.* D-1329-CV-200701364. Suit filed: October 15, 2007. Verified Complaint for  
820 Declaratory Judgment Ordering Production of Certain Records and Information.
- 821 2. *Green Tree Servicing, LLC v. William T. Joiner, Lincoln County, et. al.* D-1226-CV-2010-  
822 394. Suit filed November 17, 2010. Complaint for Enforcement of Contract and  
823 Foreclosure of Security Interest and Mortgage.
- 824 3. *Luis Grife as Personal Representative of The Estate of Arturo Grife, Jr., and Lizeth Grife*  
825 *v. County of Lincoln.* D-1226-CV-201100148. Complaint for Wrongful Death and  
826 Negligence, Jury Demand.
- 827 4. *New Mexico Ranch Sales v Mary T. Greene, LC Treasurer, et. al.* D-1226-CV-2011-  
828 00226. Suit filed August 1, 2011. Complaint In Rem to Foreclosure Mortgage Upon  
829 Real Property.
- 830 5. *Michael Wheaton v Paul F. Baca, Lincoln County Assessor, et. al.* D-1226-CV- 2011-  
831 00341. Suit filed October 18, 2011. Notice of Appeal of Final Order of the Lincoln  
832 County Valuation Protests Board.
- 833 6. *New Mexico Ranch Sales v Marianne Clark, LC Treasurer, et. al.* D-1226-CV-2011-  
834 00409. Suit filed November 17, 2011. Complaint to Enforce and Collect Upon  
835 Promissory Note and to Foreclose Mortgage Upon Real Property.
- 836 7. *Bank of Clovis v Mona Bryant as Personal Representative of Marjorie Bryant*  
837 *(deceased), Village of Ruidoso, Lincoln County, et al.* D-1226-CV-2011-00429. Suit  
838 Filed February 10, 2012. Complaint for Foreclosure.
- 839 8. *New Mexico Ranch Sales v Tammy Palombi-Cade, LC Treasurer, et. al.* D-1226-CV-  
840 2012-00042. Suit filed February 13, 2012. Complaint to Enforce and Collect Upon  
841 Promissory Note and to Foreclose Mortgage Upon Real Property.
- 842 9. *Coble Constructors, LLC, et al v Carl Kelley Construction Ltd. Co, et al.* D-1226-CV-  
843 2012-00003. Suit filed January 15, 2012. Complaint to Foreclose Mechanic's Lien.
- 844 10. *Alto Lakes Golf & Country Club, Inc. v. Barbara Fleming, and Jesus and Maria Guardiola,*  
845 *et al.* D1226-CV-2011-00044. Suit filed February 18, 2011. Complaint to Foreclose  
846 Lien. Counterclaim and Crossclaim suit filed by Washington Federal Savings on  
847 September 21, 2012 naming Board of Commissioners of Lincoln County and Lincoln  
848 County Solid Waste Authority.
- 849 11. *Johnathan Warren v. Lincoln County Detention Center, Emerald Healthcare Systems, et*  
850 *al.* 2:12-CV-01086-CG-LAM. Suit filed October 19, 2012. Complaint for the Recovery  
851 of Damages Caused by the Deprivation of Civil Rights.
- 852 12. *Greentree Solid Waste Authority v. Lincoln County, et. al.* D-0101-CV-2013-00104. Suit  
853 filed January 9, 2013. Petition for Declaratory Judgment; Preliminary and Permanent  
854 Injunction.
- 855 13. *Rio Grande-Alameda, Ltd., v Paul Baca, Lincoln County Assessor* D-1226-CV-2013-  
856 00005. Suit filed January 9, 2013. Complaint for Refund of Taxes Paid.

857 14. *New Mexico Ranch Sales v. Villalba, LC Treasurer, et al. D-1226-CV-2013-00046.* Suit  
858 Filed February 15, 2013. Complaint to Enforce and Collect Upon Promissory Note and  
859 to Foreclose Mortgage Upon Real Property.  
860

861 **Tort Claims Notices Received or Threatened**

862  
863 **2012**

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

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

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

873 **Biggs, M. Jolene** – Tort Claim Notice received from Attorney, Adam Rafkin on February  
874 6, 2012, claiming liability by the County of Lincoln by failing to maintain the surface of the  
875 parking lot across from the Lincoln County Courthouse in Carrizozo, NM.  
876

877 **2011**

878 **Latham, Diana** – Tort Claim Notice received from Attorney, Gary C. Mitchell on October  
879 27, 2011, claiming violation of the late James Latham's constitutional rights resulting from his  
880 shooting death by the Lincoln County Sheriff's Department.

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

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

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

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

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

894 **Saldana, Renetta** - Tort claim notice received from Renetta Saldana on May 4, 2011  
895 alleging sexual harassment suffered during transportation from LCDC to Magistrate Court in  
896 Ruidoso, NM.  
897

898 **Action:** Approve. **Moved by** Commissioner Stone, **Seconded by** Commissioner Draper.

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

900 **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth,  
901 Commissioner Draper.  
902

903 Chair Powell recessed the Regular Meeting and convened the Closed Session at 3:00:20 PM.

904  
905 Chair Powell adjourned the Closed Session and reconvened the Regular Meeting at 3:27:40  
906 PM.  
907

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

910  
911 **29. Signing of Official Documents**

912  
913 **30. Next meetings:**

- 914  
915 a. April 25, 2013 - Regular Commission Meeting  
916 b. May 3, 2013 - Special Commission Meeting  
917 c. May 14, 2013 - Regular Commission Meeting  
918

919 **31. Adjournment**

920  
921 There being no further business to come before the Board of County Commissioners, Chair  
922 Powell adjourned the meeting at 3:28:40 PM.

923  
924 Respectfully submitted by,

925  
926 Rhonda B. Burrows  
927 Lincoln County Clerk

DRAFT

# 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 Thursday, April 25, 2013

Minutes of the Special Meeting of the Lincoln County Commission held at 9:00 AM on April 25, 2013 in the County Commission Chambers, Lincoln County Courthouse, in Carrizozo, New Mexico.

#### 1. Call to Order

Chair Powell called the Special Meeting of the Board of County Commissioners to order at 9:00:07 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 Draper, **Seconded by** Commissioner Doth.

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

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

#### 6. Consent Agenda

49 A. Road Name Change

50  
51 **Motion:** Approve a new road name of Rialto Dr in Sun Valley. **Action:** Approve. **Moved by**  
52 Commissioner Minter, **Seconded by** Commissioner Doth.

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

54 **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth,  
55 Commissioner Draper.

56  
57 **7. Bid(s)/RFP Award:**

58  
59 A. Bid 12-13-009 Mill-Process Resurface Bonito Lake Road

60  
61 Ms. Taylor detailed the bids received: Renegade Construction LLC \$153,242.13;  
62 Blue Collar Construction \$167,202.57; S&M Road & Crushing LLC; \$174,400.00;  
63 Mountain States Constructors, Inc. \$219,051.00; Mesa Verde Enterprises, Inc.  
64 \$248,751.23; and Star Paving Company \$285,157.19.

65  
66 B. Bid 12-13-010 Chip Seal Part of CR A009 18<sup>th</sup> Street Carrizozo & Dawson Road  
67 Capitan

68  
69 Ms. Taylor detailed the three bids received: Blue Collar Construction  
70 \$270,348.63; Mesa Verde Enterprise, Inc. \$366,858.00; and Universal  
71 Constructors, Inc. \$440,151.00.

72  
73 C. Bid 12-13-011 Surface Homestead Loop - Homestead Acres Subdivision

74  
75 Ms. Taylor detailed the five bids received: Renegade Construction LLC  
76 \$142,972.40; Mesa Verde Enterprises, Inc. \$148,868.61; Star Paving Company  
77 \$158,157.13; Blue Collar Construction \$189,951.10; and R.L. Leeder Company  
78 \$196,900.00.

79  
80 D. Bid 12-13-012 Surface Homestead Loop – Gavilan Subdivision

81  
82 Ms. Taylor detailed the five bids received: Renegade Construction LLC  
83 \$61,139.54; Mesa Verde Enterprises, Inc. \$69,197.56; Star Paving Company  
84 \$69,470.47; Blue Collar Construction \$80,808.61; and R.L. Leeder Company  
85 \$89,800.00.

86  
87 E. Bid 12-13-013 Surface Roads- Valley Heights Subdivision

88  
89 Ms. Taylor detailed the five bids received: Renegade Construction LLC  
90 \$61,155.27; Star Paving \$66,818.17; Mesa Verde Enterprises, Inc. \$71,988.40;  
91 Blue Collar Construction \$77,707.26; and R.L. Leeder Company \$98,700.00.

92  
93 **Motion:** Award IFB 12-13-009 to Renegade Construction for \$153,242.13; Award IFB 12-13-  
94 010 to Blue Collar Construction for \$270,348.63; Award IFB 12-13-011 to Renegade  
95 Construction for \$142,972.40; Award IFB 12-13-012 to Renegade Construction for \$61,139.54;  
96 and Award IFB 12-13-013 to Renegade Construction LLC for \$61,155.27. **Action:** Approve.  
97 **Moved by** Commissioner Doth, **Seconded by** Commissioner Draper.

98  
99 Commissioner Minter questioned the estimated time to complete these projects. Carl Palmer,

100 Road Superintendent informed all projects would be completed by the end of June to meet  
101 funding requirements.

102  
103 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).

104 **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth,  
105 Commissioner Draper.

106  
107 **8. Declaring a Declaration of Fire Danger Emergency**  
108

109 Ms. Taylor reported the Smokey Bear Ranger District currently listed the area fire danger as  
110 "High". Ms. Taylor stated the District planned to impose Stage I Fire Restrictions on May 4,  
111 2013 and Stage II Restrictions on May 11, 2013. Ms. Taylor reminded Joe Kenmore, Director  
112 of the Lincoln County Office of Emergency Services had been issuing "No Burn" directives  
113 routinely for the past months.

114  
115 Ms. Taylor presented Resolution 2012-32 in accordance with Lincoln County Ordinances No.  
116 2003-06 and 2011-2. Ms. Taylor noted the declaration, if adopted, would remain in effect for 30  
117 days or until rescinded or extended pursuant to NM State Statute 60-2C-8.1.

118  
119 Ms. Taylor also reminded there remained a provision for residents to continue to seek special  
120 permission to burn after receiving approval from the proper authorities.

121  
122 **Motion:** Adopt Resolution 2012-32. **Action:** Approve. Moved by Commissioner Minter,  
123 **Seconded by** Commissioner Doth.

124  
125 Ms. Taylor discussed the need for the various agencies within the County to adopt consistent  
126 language for restrictions and proposed using the same restriction definitions as used by the  
127 USFS. Ms. Taylor stated she would revise the Resolution for consideration at the May  
128 meeting.

129  
130 Commissioner Stone questioned if the USFS and State Forestry had been notified of the  
131 proposed Declaration. Ms. Taylor confirmed these agencies had been notified.

132  
133 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).

134 **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth,  
135 Commissioner Draper.

136  
137 **SEE EXHIBIT A:** Copy of Resolution 2012-32 is attached hereto in reference thereto made a  
138 part hereof.

139  
140 **9. Executive Session Pursuant to the Open Meetings Act: Discussion of all**  
141 **Threatened and/or Pending Litigation Section 10-15-1, Sub-Paragraph H.(7); and**  
142 **Discussion of the purchase, acquisition or disposal of real property or water**  
143 **rights by the public body, Section 10-15-1, Sub-Paragraph H.(8).**  
144

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

149  
150 New or Updated Matters since last report = \*

- 151  
152 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  
153 Declaratory Judgment Ordering Production of Certain Records and Information.  
154  
155 2. *Green Tree Servicing, LLC v. William T. Joiner, Lincoln County, et. al.* D-1226-CV-2010-  
156 394. Suit filed November 17, 2010. Complaint for Enforcement of Contract and  
157 Foreclosure of Security Interest and Mortgage.  
158 3. *Luis Grife as Personal Representative of The Estate of Arturo Grife, Jr., and Lizeth Grife*  
159 *v. County of Lincoln.* D-1226-CV-201100148. Complaint for Wrongful Death and  
160 Negligence, Jury Demand.  
161 4. *New Mexico Ranch Sales v Mary T. Greene, LC Treasurer, et. al.* D-1226-CV-2011-  
162 00226. Suit filed August 1, 2011. Complaint In Rem to Foreclosure Mortgage Upon  
163 Real Property.  
164 5. *Michael Wheaton v Paul F. Baca, Lincoln County Assessor, et. al.* D-1226-CV- 2011-  
165 00341. Suit filed October 18, 2011. Notice of Appeal of Final Order of the Lincoln  
166 County Valuation Protests Board.  
167 6. *New Mexico Ranch Sales v Marianne Clark, LC Treasurer, et. al.* D-1226-CV-2011-  
168 00409. Suit filed November 17, 2011. Complaint to Enforce and Collect Upon  
169 Promissory Note and to Foreclose Mortgage Upon Real Property.  
170 7. *Bank of Clovis v Mona Bryant as Personal Representative of Marjorie Bryant*  
171 *(deceased), Village of Ruidoso, Lincoln County, et al.* D-1226-CV-2011-00429. Suit  
172 Filed February 10, 2012. Complaint for Foreclosure.  
173 8. *New Mexico Ranch Sales v Tammy Palombi-Cade, LC Treasurer, et. al.* D-1226-CV-  
174 2012-00042. Suit filed February 13, 2012. Complaint to Enforce and Collect Upon  
175 Promissory Note and to Foreclose Mortgage Upon Real Property.  
176 9. *Coble Constructors, LLC, et al v Carl Kelley Construction Ltd. Co, et al.* D-1226-CV-  
177 2012-00003. Suit filed January 15, 2012. Complaint to Foreclose Mechanic's Lien.  
178 10. *Alto Lakes Golf & Country Club, Inc. v. Barbara Fleming, and Jesus and Maria*  
179 *Guardiola, et al.* D-1226-CV-2011-00044. Suit filed February 18, 2011. Complaint to  
180 Foreclose Lien. Counterclaim and Crossclaim suit filed by Washington Federal Savings  
181 on September 21, 2012 naming Board of Commissioners of Lincoln County and Lincoln  
182 County Solid Waste Authority.  
183 11. *Johnathan Warren v. Lincoln County Detention Center, Emerald Healthcare Systems, et*  
184 *al.* 2:12-CV-01086-CG-LAM. Suit filed October 19, 2012. Complaint for the Recovery  
185 of Damages Caused by the Deprivation of Civil Rights.  
186 12. *Greentree Solid Waste Authority v. Lincoln County, et. al.* D-0101-CV-2013-00104. Suit  
187 filed January 9, 2013. Petition for Declaratory Judgment; Preliminary and Permanent  
188 Injunction.  
189 13. *Rio Grande-Alameda, Ltd., v Paul Baca, Lincoln County Assessor* D-1226-CV-2013-  
190 00005. Suit filed January 9, 2013. Complaint for Refund of Taxes Paid.  
191 14. *New Mexico Ranch Sales v. Villalba, LC Treasurer, et al.* D-1226-CV-2013-00046. Suit  
192 Filed February 15, 2013. Complaint to Enforce and Collect Upon Promissory Note and  
193 to Foreclose Mortgage Upon Real Property.  
194

195 **Tort Claims Notices Received or Threatened**

196  
197 **2013**

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

201 \* **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.

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

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

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

Chair Powell recessed the Regular Meeting and convened the Closed Session at 9:21:55 AM.

Chair Powell adjourned the Closed Session and reconvened the Regular Meeting at 9:55:53 AM.

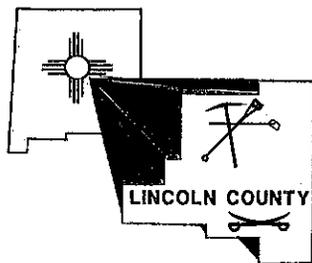
Commissioner Doth attested that no action was taken during the closed session and items discussed were limited to those as stated in the motion for closure.

**Agenda Item No. 7**  
**April 25, 2013**

**SUBJECT**

Approval of Consent Agenda:

- A. Payroll/Accounts Payable/Budget Expenditures
- B. Treasurer's Financial Report for the Month ending April 30, 2013



# 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 April 1 through April 30, 2013 in the amount of \$ 1,477,548.10.

**NOW, THEREFORE**, the above bills are hereby approved.

**ADOPTED, PASSED AND SIGNED** the 14th day of May, 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

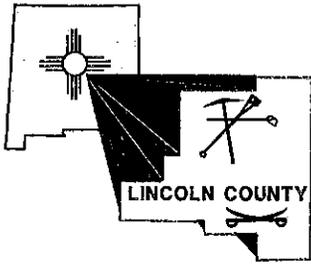
ATTEST:

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

County Manager's Fax  
(505) 648-4182

Finance/Purchasing Fax  
(505) 648-2381

Planning/GIS Fax  
(505) 648-2816



# County of Lincoln

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## Agenda Item No. 8

May 1, 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  
May, 2013**

Critical Updates

Mescalero Apache Proposition for Acquisition of National Forest Lands at Ski Apache

- The Mescalero Apache Tribe has discussed the possibility of acquiring approximately 860 acres of National Forest System land that is currently leased to Ski Apache through a ski area special use permit.
- There have been two meetings between tribal representatives and the Southwest Regional Office of the Forest Service concerning the lands that encompass Ski Apache.
- The Forest Service is currently researching and assessing the appropriate use of existing authorities for land ownership adjustments - including land exchanges. The tribe is exploring options for acquiring the land through congressional legislation.
- The Forest Service is also assessing long-term implications of the proposition on area resources.
- The Forest Service understands that the land subject to this proposition is very important to the residents in Lincoln County.
- No decision by the Forest Service at any level has been made regarding the Mescalero Tribe's proposition. The parties will continue discussions in order to refine the issue.
- Public involvement is an important component to the Forest Service as these discussions develop over time.

Fire Restrictions

- Lincoln NF has moved all districts into Stage II Fire Restrictions. A copy of the Forest Order is attached.
- Forest personnel will continue to monitor conditions to inform decisions about additional restrictions up to and including a Forest Closure.

Firefighting Resources

- The district has shifted to 7-day staffing, for 12 hours a day.
- Local partners, including the BIA, Forest Service, and Sierra Blanca airport have worked together to have a SEAT plane staged at Sierra Blanca - available by May 19<sup>th</sup>.
  - BIA is providing the availability of the plane
  - FS is providing a Tanker Base Manager, and paying for retardant or water.

End of Report

ENCL 1



**UNITED STATES DEPARTMENT OF AGRICULTURE  
FOREST SERVICE  
LINCOLN NATIONAL FOREST  
Smokey Bear Ranger District and Sacramento Ranger District  
STAGE II FIRE RESTRICTIONS**

Pursuant to 16 U.S.C. 551 and 36 CFR 261.50 (a), the following acts are prohibited on all National Forest System lands within the Lincoln National Forest, Smokey Bear Ranger District and Sacramento Ranger District, Otero, Lincoln and Chaves Counties, New Mexico. The restricted area is depicted on the attached maps, hereby incorporated into this Order as Exhibits A & B.

**PROHIBITIONS:**

1. Building, maintaining, attending, or using a fire, campfire, charcoal, coal, wood or stove; **36 CFR § 261.52(a)**.  
*Exceptions:* The use of petroleum-fueled stoves, lanterns, propane grills, or heating devices is allowed, provided such devices meet the fire underwriter's specification for safety.
2. Smoking, except within an enclosed vehicle or building; **36 CFR § 261.52(d)**.
3. Using an explosive; **36 CFR § 261.52(b)**.
4. Possession, discharging, or using any type of firework or pyrotechnic device; **36 CFR § 261.52(f)**.
5. Operating a chainsaw, or other equipment powered by an internal combustion engine, is prohibited from 10:00 a.m. to 6:00 p.m.; **36 CFR § 261.52(h)**.
6. Welding or operating acetylene or other torch with open flame; **36 CFR § 261.52(i)**.
7. Operating or using any internal or external combustion engine without a spark arresting device properly installed, maintained, and in effective working order meeting either:
  - a. Department of Agriculture, Forest Service Standard 5100-1a; or
  - b. Appropriate Society of Automotive Engineers (SAE) recommended practice J335 (b) and J350 (a); **36 CFR § 261.52(j)**.
8. Possessing or using a motor vehicle off National Forest System roads, except when parking in an area devoid of vegetation within 10 feet of the roadway; and except for parking overnight in Forest Service developed campgrounds and trailheads; **36 C.F.R. § 261.56**.
9. Violating any state law concerning burning, fires, or which is for the purpose of preventing or restricting the spread of fire; **36 C.F.R. § 261.52 (k)**.

**EXEMPTIONS**

Pursuant to 36 CFR § 261.50(c), the following persons are exempt from this order:

1. Persons with a Forest Service permit specifically authorizing the prohibited act or omission.
2. Any Federal, State or Local Officer, or member of an organized firefighting force in the performance of an official duty.
3. Generators that are specifically designed by the manufacturer to be used within, and are used within, an enclosed recreational vehicle such as a motorhome or travel trailer.

**RESTRICTED AREA**

The restricted area includes all National Forest System lands within the Lincoln National Forest Smokey Bear Ranger District and Sacramento Ranger District.

**PURPOSE**

This order is necessary to protect public health and safety due to increased fire danger.

**IMPLEMENTATION**

1. This Order will be in effect at 8:00 a.m., Saturday, May 11, 2013 and shall remain in effect until August 31, 2013 or until rescinded, whichever occurs first.
2. Any violation of this prohibition is punishable by a fine of not more than \$5,000 for individuals and \$10,000 for organizations and/or imprisonment for not more than six months. Title 16 USC 551, Title 18 USC Sections 3559, 3571.

Done at Alamogordo, New Mexico this 8th day of May 2013.

A handwritten signature in cursive script that reads "Tom Mulder".

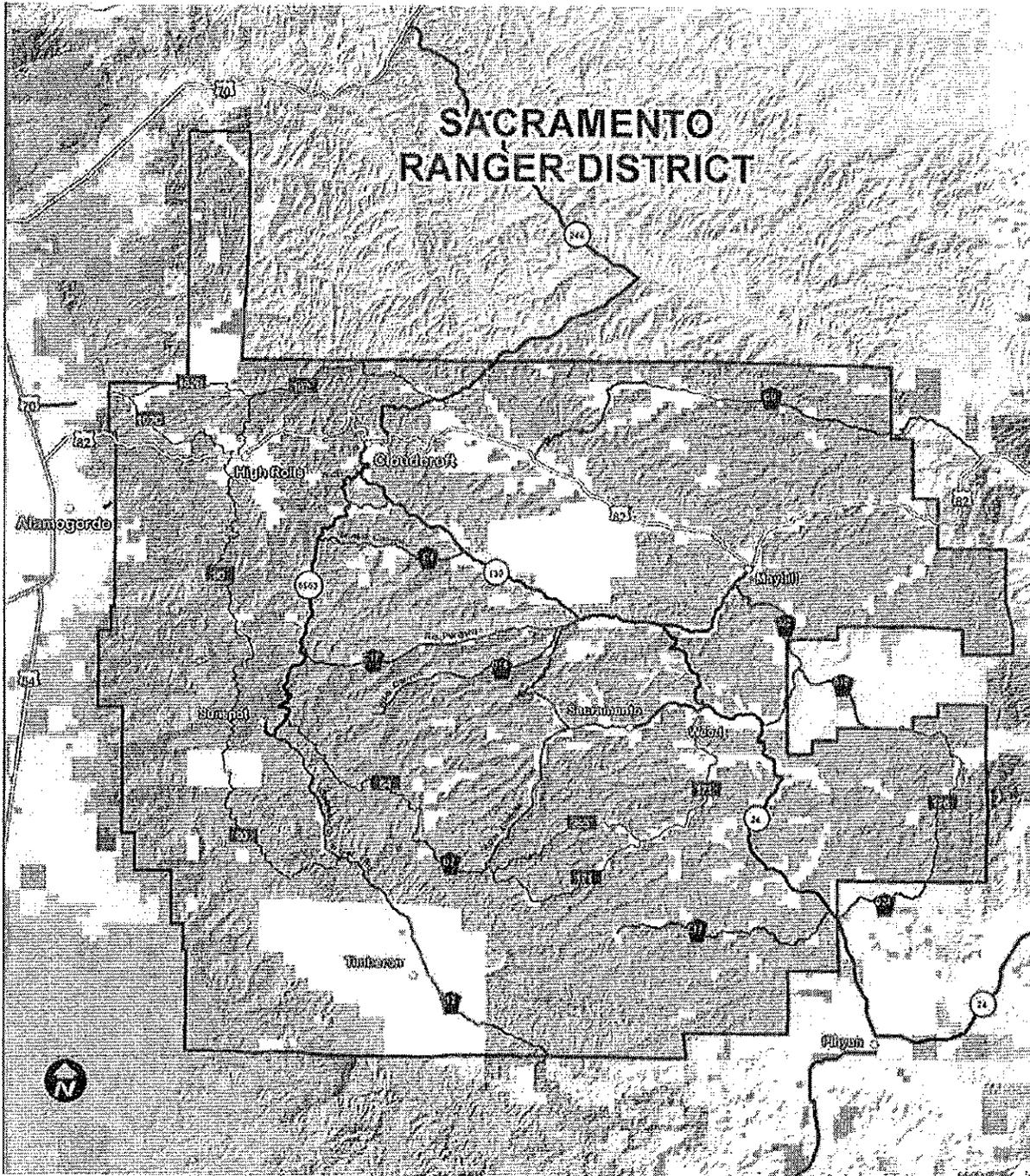
Tom Mulder  
Forest Supervisor (Acting)  
Lincoln National Forest

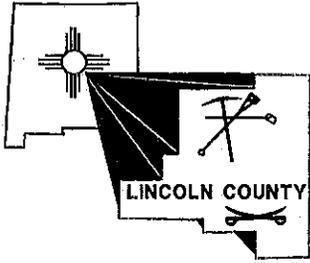


# Lincoln National Forest

Order No. 08-252

Exhibit B





# County of Lincoln

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## Agenda Item No. 9

May 1, 2013

### MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager

SUBJECT: Greentree Solid Waste Update – Debra Ingle *NT*

**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.

**Greentree Solid Waste Authority**  
**REGULAR MEETING**  
February 26, 2013

Vice-Chairman Bradford called the Regular Meeting of the Greentree Solid Waste Authority (GSWA) to order at 10:05 a.m. at the office of Greentree Solid Waste Authority in Ruidoso Downs, NM.

**ROLL CALL:** Members recorded as present: Dennis Haskell, Sherrill Bradford, Ray Dean, Gary Williams, Mark Doth &, Rifle Salas. Members recorded as absent: None

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

Public present: Joe Lewandowski, Operational Consultants Inc.; Sue Hutchinson, Ruidoso Free Press; Jackie Powell, County of Lincoln; Dan Austin, CPA

**APPROVAL OF AGENDA:** Motion by Member Dean to approve the agenda as presented, seconded by Member Williams, motion carried with all ayes.

**DISCUSSION/ APPROVAL FY 2011-12 AUDIT:** Dan Austin presented the Board with the FY 2011-12 Audit, a copy of which is attached and made a part hereof, Member Doth stated that he wished he had more time to review the Audit before the meeting, it was explained that there had been an exit review with Member Bradford and Member Minter and that the board may wish to have an Audit review committee for future audits. Dan Austin also stated that he may have a conflict of interest with the current situation with the County because he also has Sierra Contracting as a tax client. He stated that he had called the CPA board and asked if he had one, if he has one he will have to let one of his clients go. Motion by Member Dean to approve the Financial Audit FY 2011-12 as read, seconded by Member Williams, motion carried with all ayes from Members Dean, Williams, Salas, Haskell and Bradford and a nay from Member Doth, upon a roll call vote.

**APPROVAL OF PROCLAMATION CAPITAN SCHOOLS RECYCLING:** Member Bradford read the Proclamation for Capitan Schools, a copy of which is attached and made a part hereof. Motion by Member Dean to approve the Proclamation for Capitan Schools Recycling as read, seconded by Member Salas, motion carried with all ayes.

**APPROVAL OF MINUTES REGULAR MEETING JANUARY 24, 2013 AND SPECIAL MEETING FEBRUARY 15, 2013:** Motion by Member Williams to approve the Regular Meeting and Special Meeting minutes, a copy of which is attached and made a part hereof, seconded by Member Salas, motion carried with all ayes.

**APPROVAL OF ACCOUNTS PAYABLE FOR JANUARY 2013:** Member Doth directed OS Ingle to analyze the different cost possibilities, from other entities policies and OSHA regulations for the uniforms and provide the information at the next regular meeting. Motion by Member Dean to approve January Accounts Payable, seconded by Member Williams, motion carried with all ayes upon a roll call vote.

**DISCUSSION/POSSIBLE ACTION ACCOUNTS RECEIVABLE JANUARY:** Motion by Member Doth to approve the write offs of January Accounts Receivable \$1,186.97 as presented, a copy of which is attached and made a part hereof, seconded by Member Dean, motion carried with all ayes upon a roll call vote.

**APPROVAL OF OPERATIONAL SUPERVISOR REPORT:** OS Ingle provided to the Board the Recycling and Illegal Dumping report for January 2013, a copy of which is attached and made a part hereof; 20.12 tons of recycling shipped and 37.36 tons of metal. Recycling prices are up, Illegal Dumping sites 57, Illegal Dumping yards 35.25, year-to-date 445.00, Yard Waste Collected 305 yards-year to date 7770 yds.

Month-End Financial Report for January 2013, a copy of which is attached and made a part hereof, this report reflects that the general operating bank accounts had a balance of \$11,654.38, Loan funds, EGRT, closure funds, \$445,183.41. Overall the Authority's budget shows that they should be at 58%, with actual numbers reflecting Revenues at 54%, Expenditures at 50%, Payroll should be at 62%, and the budget reflects 53% and the Transfer of funds at 64%. Current year-to-date figures reflect that Revenue exceed Expenditures by \$31,963.

Commissioner Powell asked to be recognized and asked questions about the spreadsheet provided by financials regarding the Loans and Alto Withdrawal. The board directed OS Ingle to provide an updated version to the board at the next regular meeting. Member Doth requested OS Ingle to analyze the cost of Health insurance provided by the authority for employees, and provide the board with the information at the next regular meeting; a. eliminating, b. different percentages.

OS Ingle provided a letter granting the extension of the LBF order. Member Doth stated that the assessor's office was working in the field to get an accurate count of those sites that are not cleaned and they were discussing ways to hold the owners accountable for cleaning up the sites. He stated that the property owners would not be able to sell the property unless it was cleaned. Member Doth stated that he will get that information to OS Ingle. OS Ingle asked in they were going to find out if the owners were going to be held accountable for where the debris was hauled to and member Doth stated that they were working on that issue. OS Ingle provided the quarterly report for the Otero/ Greentree Landfill, a copy of which is attached and made a part hereof, OS Ingle also provided notice of the joint landfill to be in March 28, 2013.

Public Surplus Auction-OS Ingle provided the board with the information of the new process to sale GSWA Surplus equip.

Motion by Member Dean to approve the OS Report as presented seconded by Member Salas, motion carried with all ayes upon a roll call vote.

**DISCUSSION/POSSIBLE ACTION- AGREEMENT FOR RECYCLING & OTHER SERVICES VILLAGE OF RUIDOSO;**

Member Doth directed OS Ingle to provide a study on the saving to the Village of Ruidoso for the averted cost that the Village receives. Member Doth stated that a solution needs to be made with the garbage coming in the recycling from the Village. Member Doth directed OS Ingle to provide a full cost analysis for the recycling center. Motion by member Doth to revisit agreement for recycling & other services for the Village of Ruidoso, seconded by member Salas, motion carried with all ayes.

**DISCUSSION/POSSIBLE ACTION- BIOGRIND AGREEMENT;** No Action

**DISCUSSION/POSSIBLE ACTION-PROXY VOTES;** Motion by member Doth to eliminate proxy votes, seconded by member Williams, motion not carried with a roll call vote with ayes from members Doth and Salas, and nays from members Williams, Haskell, Dean, and Bradford. Motion by member Williams to postpone till the March regular meeting, seconded by member Dean, motion carries with all ayes and one nay.

**DISCUSSION-BOARD MEMBERS DUTIES AND RESPONSIBILITIES;** Attorney Angie Schneider reminded the Board members that they have a fiduciary duty to GSWA.

**EXECUTIVE SESSION- LIMITED PERSONNEL MATTER- OPERATIONAL SUPERVISOR ANNUAL EVALUATION, THREATENED AND/OR PENDING LITIGATION-D-0101-CV-2013-00104;** Motion by Member Dean at 11:48 am to go to Executive Session, seconded by Member Salas, motion carried with all ayes. Motion by Member Salas to return from Executive Session at 12:19 pm, seconded by Member Williams, motion carried with all ayes upon roll call vote. Member Bradford attested the only discussion was on the Operational Supervisors Annual Evaluation and D-0101-CV-2013-00104.

**DISCUSSION/POSSIBLE ACTION - EXECUTIVE SESSION- LIMITED PERSONNEL MATTER- OPERATIONAL SUPERVISOR ANNUAL EVALUATION, THREATENED AND/OR PENDING LITIGATION-D-0101-CV-2013-00104;** Motion by Member Salas to postpone Evaluation till next regular meeting, seconded by Member Dean, motion carried with all ayes.

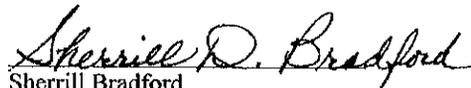
**COMMENTS FROM THE PUBLIC;** None

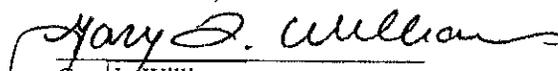
**NEW/OLD BUSINESS;**

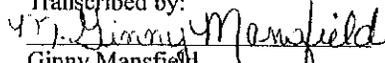
**NEXT MEETING;** the next regular meeting is scheduled for March 26<sup>th</sup> at 10:00 am.

**ADJOURN;** Motion by Member Dean to adjourn the meeting at 12:23 pm, seconded by Member Williams, motion carried with all ayes.

Passed and approved this 26<sup>th</sup> day of March 2013.

  
Sherrill Bradford  
Vice-Chairman, GSWA

  
Gary L. Williams  
Secretary/Treasurer, GSWA

Transcribed by:  
  
Ginny Mansfield  
GSWA Administrative Assistant

**Greentree Solid Waste Authority**  
**REGULAR MEETING**

March 26, 2013

Chairman Hammons called the Regular Meeting of the Greentree Solid Waste Authority (GSWA) to order at 10:05 a.m. at the office of Greentree Solid Waste Authority in Ruidoso Downs, NM.

**ROLL CALL;** Members recorded as present Sam Hammons (Capitan), Sherrill Bradford (Corona), Ray Dean (Carrizozo), Gary Williams (Ruidoso Downs), Rifle Salas (Ruidoso), Mark Doth (County of Lincoln). Members recorded as absent: None

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

Public present: Joe Lewandowski, Operational Consultants Inc.; Jackie Powell, County of Lincoln; Dennis Haskell, Village of Capitan; Dianne Stallings, Ruidoso News, Sue Hutchinson, Ruidoso Free Press;

**APPROVAL OF AGENDA;** Motion by Member Doth to approve the agenda as presented, seconded by Member Bradford, motion carried with all ayes.

**DISCUSSION OF VOTING MEMBERS;** GSWA Attorney informed the Board that she would need more time to research.

**APPROVAL OF MINUTES REGULAR MEETING FEBRUARY 26, 2013;** Motion by Member Bradford to approve the Regular Meeting February 26, 2013 minutes, a copy of which is attached and made a part hereof, seconded by Member Williams, motion carried with all ayes.

**APPROVAL OF ACCOUNTS PAYABLE FOR FEBRUARY 2013;** Motion by Member Bradford to approve February Accounts Payable, seconded by Member Dean, motion carried with all ayes upon a roll call vote.

**DISCUSSION/POSSIBLE ACTION ACCOUNTS RECEIVABLE FEBRUARY;** Motion by Member Dean to approve the write off of February Accounts Receivable \$1,029.90 as presented and to send a letter to Mr. Sleever, a copy of which is attached and made apart hereof, seconded by Member Bradford, motion carried with all ayes upon a roll call vote.

**APPROVAL OF OPERATIONAL SUPERVISOR REPORT;** OS Ingle provided to the Board the Recycling and Illegal Dumping report for February 2013, a copy of which is attached and made apart hereof; 47.00 tons of recycling shipped and 23.96 tons of metal. Recycling prices are up, Illegal Dumping sites 57, Illegal Dumping yards year-to-date 521.00, Yard Waste Collected 245 yards- year to date 8,015 yds.

Month-End Financial Report for February 2013, a copy of which is attached and made a part hereof, this report reflects that the general operating bank accounts had a balance of \$21,271.71, Loan funds, EGRT, closure funds, \$481,285.60. Overall the Authority's budget shows that they should be at 67%, with actual numbers reflecting Revenues at 58%, Expenditures at 55%, Payroll should be at 69%, and the budget reflects 59% and the Transfer of funds at 81%. Current year-to-date figures reflect that Expenditures exceed Revenue by \$17,355. After discussion, the board requested there be a budget workshop at the next regular board meeting. Member Doth stated that he had received complaints from customer in regards to them not receiving a bill for over a year. OS Ingle informed the board that GSWA had been receiving phone calls from people about not receiving a bill for the last quarter. OS Ingle provided information that in January the US post office rerouted the mail to El Paso and that it is believed that a lot of the bills were lost in that transition.

OS Ingle provided the board with an update on the LBF.

OS Ingle requested that each entity that has any complaints, to please correspond to her in writing or via email so that they could be handled accordingly.

**DISCUSSION/POSSIBLE ACTION- DEBT ANALYSIS;** OS Ingle and OC Lewandowski presented the board with a power point presentation, a copy of which is attached and made a part hereof, showing what is presently owed on the current loans.

**DISCUSSION/POSSIBLE ACTION- UNIFORM ANALYSIS;** OS Ingle and OC Lewandowski presented a Power Point showing that GSWA employees uniform cost are comparable and to remain as is.

**DISCUSSION/POSSIBLE ACTION- INSURANCE, PERA/RETIREMENT ANALYSIS;** Motion by Member Dean to keep the employees insurance at 80% employer and 20% employee, with ayes from Members Dean, Bradford, Williams, Hammons, and a nay from Member Doth.

**DISCUSSION/POSSIBLE ACTION- WAGE ANALYSIS;** OS Ingle and OC Lewandowski presented a Power Point showing that GSWA employees salaries are equivalent with the other entities and authorities throughout the State.

**DISCUSSION/POSSIBLE ACTION-CORONA ANALYSIS;** OS Ingle and OC Lewandowski presented a power point presentation showing that Member Corona pays for its services.

**DISCUSSION/POSSIBLE ACTION-RECYCLING ANALYSIS;** OC Lewandowski asked to present this at a later meeting.

**DISCUSSION/POSSIBLE ACTION-RESOLUTION 2013-03-01 SURPLUS EQUIPMENT;** Motion by Member Bradford to approve 2013-13-01 Surplus Equipment, seconded by Member Williams, motion carried with all ayes upon a roll call vote.

**DISCUSSION ONLY- UPDATE OF DECLARATORY JUDGMENT GSWA V COUNTY OF LINCOLN, ALW&SD, D-0101-CV-2013-00104;** OS & OC provided updated information to the board in regards to the Declaratory Judgment, there was open discussion by the board to continue forward and stop all delays of this process.

**EXECUTIVE SESSION- LIMITED PERSONNEL MATTER- OPERATIONAL SUPERVISOR ANNUAL EVALUATION;** Motion by Member Bradford at 12:54 pm to go to Executive Session, seconded by Member Williams, motion carried with all ayes. Motion by Member Williams to return from Executive Session at 1:14 pm, seconded by Member Dean, motion carried with all ayes upon roll call vote. Member Bradford attested the only discussion was on the Operational Supervisors Annual Evaluation.

**DISCUSSION/POSSIBLE ACTION - EXECUTIVE SESSION- LIMITED PERSONNEL MATTER- OPERATIONAL SUPERVISOR ANNUAL EVALUATION;** No Action

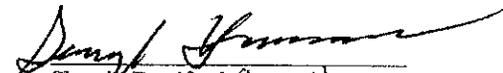
**COMMENTS FROM THE PUBLIC;** None

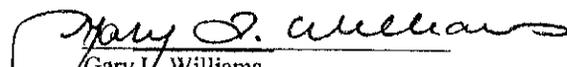
**NEW/OLD BUSINESS;** OS Ingle provided information that she would be out for a couple of weeks in April. She asked that if any of the entities needed help with their water issues to let her know and she would see what she could do for them.

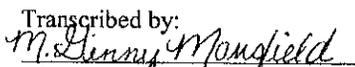
**NEXT MEETING;** the next regular meeting is scheduled for April 23<sup>rd</sup> at 10:00 am.

**ADJOURN;** Motion by Member Bradford to adjourn the meeting at 1:22 pm, seconded by Member Dean, motion carried with all ayes.

Passed and approved this 23<sup>rd</sup> day of April 2013.

  
Sherril Bradford Sam Hammons  
Vice-Chairman, GSWA

  
Gary L. Williams  
Secretary/Treasurer, GSWA

Transcribed by:  
  
Ginny Mansfield  
GSWA Administrative Assistant

*Greentree Solid Waste Authority*  
PO Box 2405  
Ruidoso Downs, NM 88346  
(575) 378-4697 \* 1-877-548-8772 Fax (575) 378-4896

April 11, 2013,

**TS/RC Recycling Report 03/01/13 to 03/31/13**

**Recycling shipped for March 2013**

Cardboard –	30.00 T
Newspaper -	1.30 T
Mixed Paper –	3.90 T
Plastics #1 -	1.60 T
Plastics #2 -	<u>0.40 T</u>
	37.20 T

Aluminum/Brass/Copper

0T / 0lbs. / 0 lbs.

Metal

34.33 T

**Field Report – 03/01/13 to 03/31/13**

**Lincoln County**

565 Yds. Collected Yard Waste 03/13  
8,580 Yds. Collected Yard Waste FY 2012-13

**Illegal Dumping of Misc Waste ( Bulk MSW)**

57 Illegal Dumping Sites 03/13  
513 Illegal Dumping Sites FY 2012-13  
60.25 Yds. Of Illegal Dumping 03/13  
581.25 Illegal Dumping Yards FY 2012-13

Dirty Dozen for (Bulk MSW) March 2013

Monthly

March	
Location	Sum of Yards
1 Ski Run Rd	8.5
2 Sun Valley	6.75
3 Dean Rd	5.25
4 Forest Rd 442	4.5
5 Dawson Rd	4.25
6 Enchanted Forest Area	4.25
7 Barney Luck	3.5
8 Cedar Creek	3
9 crC006/ Ft Lone Tree	2.5
10 Loma Grande	2
11 Debord	2
12 Lower Eagle Creek	1.5
13 Dead Horse Ln	1.5
14 Luck's Hwy 380	1.5
15 Bonito Park	1.5

Year to Date

**Dirty dozen 2012 / 2013**

as of March 2013  
year to date total of all sites 581.25

location	yards
1 Sun Valley	50.5
2 Enchanted Forest Area	45.25
3 Loma Grande	40.5
4 Cedar Creek	32.5
5 Ski Run Rd	32.25
6 Glencoe	25.5
7 Laughing Horse Ln	23.75
8 Ranches of Sonterra	21.5
9 Alpine Village	19.75
10 Sandia Rd	19.75
11 Deboard	19
12 Lower Eagle Creek	19

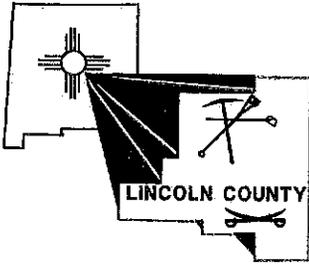
Greentree Solid Waste Authority  
PO Box 2405  
Ruidoso Downs, New Mexico 88346  
www.greentreeswa.org

GSWA Board of Directors Monthly Recycling Report – April

Material	Paying	Prev Mk	Curr Mk	High Price	Low Price
Aluminum (cans)-W	0.32		0.67	0.84	0.38
Aluminum (extrusion)-CM	0.25	0.70	0.65	0.72	0.35
Brass - W	0.90	2.10	2.06	2.00	0.90
Copper #1 - W	1.55	3.18	3.01	3.85	1.70
Copper #2 - W	1.55	2.98	2.83	3.60	1.55
Clean Mixed Plastic-T	0.00	30.00 T	T	45.00	10.00
Plastic #1 - T	0.00	200.00 T	190.00 T	210.00	0.00
Plastic #2 - T	0.00	190.00 T	180.00 T	170.00	0.00
Corrugated Cardboard-T	0.00	110.00 T	110.00 T	185.00	40.00
Mixed Paper-T	0.00	65.00 T	55.00 T	90.00	5.00
Old Newsprint - T	0.00	60.00 T	65.00 T	105.00	10.00
Other Paper-T	0.00	110.00 T	110.00 T	260.00	100.00
Scrap Steel/Iron - CM	95.00	215.00 T DEL	210.00 T DEL	240.00	60.00
Scrap Steel/Iron -CM	0.00	142.14 T PU*	137.14 T PU*		

Notes: Prices quoted are per pound unless otherwise noted.

\*Price is based on average of 7T. Price is Delivery price with FRT deducted at \$510.00.



# County of Lincoln

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

## Agenda Item No. 10

May 1, 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 Item No. 11**  
**May 14, 2013**

**SUBJECT**

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

- a. Application 1694: Amount: \$2,000.00; Chamber Music Festival, July 27, 2013, Lynn Kidder/Chamber Music Festival, Inc.
- b. Application 1693: Amount \$10,000.00; Annual Lincoln County Brochure Distribution, Laura Doth/Billy the Scenic Byway, Inc.
- c. Application 1695: Amount \$1,500.00; Alto Artist Studio Tour August 1-4, 2013, Sue Soden Alto Artist Studio Tour



# County of Lincoln

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

www.lincolncountynm.net

NAME OF EVENT: Chamber Music Festival in Ruidoso

DATE(S) OF EVENT: July 27, 2013 # of ATTENDEES: 525

NAME OF ORGANIZATION(S) APPLYING FOR FUNDING: Chamber Music Festival, Inc.

AMOUNT REQUESTED: \$ 2000

DESCRIBE EVENT RATIONALE: The Van Cliburn International Piano Competition, held every four years in June, selects the best of the best young pianists in the world. CMF hosts the newly-crowned Gold Medalist at the Spencer Theater in one of the first concerts of the performer's four-year reign. In 2009, the concert by new Gold Medalist Haochen Zhang sold out.

In conjunction with the concert, Dr. Larry Wolz, head of the music history department at Hardin-Simmons University, gives an entertaining and free pre-concert talk about the performer and the music that concert attendees will be hearing.

This is the ninth year for the Chamber Music Festival in Ruidoso.

HOW WILL YOU ADVERTISE AND MARKET THE EVENT? We have sent letters to all past ticket buyers (approx. 800) to announce the date of the concert and how to purchase tickets when they go on sale. A full-page ad appears in the Spencer Theater's summer program guide, which is mailed to their 30,000 mailing list (example from 2009 attached). Advertising will be mostly on public radio stations in El Paso, Las Cruces, Portales, Albuquerque and west Texas. We have contracted for an ad in the Ruidoso Summer Visitor's guide. Press releases and print ads will follow the June announcement of the Gold Medalist.

HOW WILL ATTENDANCE AND ORIGIN BE MEASURED? By Spencer Theater box office

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

No

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

80 %

WILL YOU HAVE A WEBSITE FOR YOUR EVENT? The event appears on the Spencer Theater website.

### MARKETING EXPENSES:

NEWSPAPER ADVERTISING	\$ 1100
RADIO	\$ 4400
MAGAZINE	\$
INTERNET	\$
PRINTING	\$
OTHER:	\$
TOTAL:	\$ 5500

REMEMBER: FUNDING REQUEST CANNOT EXCEED \$5,000 FOR FIRST YEAR EVENT (matched by Lodgers Tax at 80% up to the maximum of \$5,000) AND \$5000 FOR SUBSEQUENT EVENTS (matched by Lodgers Tax at 50% of the amount spent on marketing, a one-to-one match). PAID receipts for all expenditures must be turned in for reimbursement. Priority consideration given for events planned during non-peak occupancy periods.

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:	LYN KIDDER
SIGNATURE OF APPLICANT:	<i>Lyn Kidder</i>
ADDRESS/CITY/ZIP:	P.O. Box 561 Ruidoso 88355
PHONE:	257-9507
EMAIL ADDRESS:	wordsandpictures@msn.com
DATE SUBMITTED:	3/22/13
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

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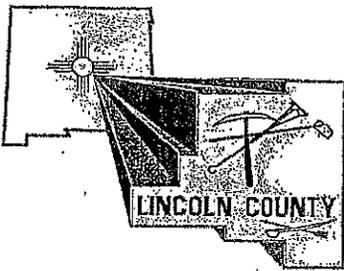
ADMINISTRATION  
LINCOLN COUNTY NM

**CHAMBER MUSIC FESTIVAL--2013  
2012-13 PROPOSED BUDGET  
PRESENTED AUGUST 2, 2012**

<u>INCOME:</u>	<u>PROPOSED BUDGET</u>	<u>UPDATED BUDGET 2/11/13</u>
Sponsors & Patrons—Cash Gifts	\$ 6,500.00	\$ 200.00
Sponsors & Patrons—Trade for Adv./Cash	0.00	
Ad Sales—Regular Sales	0.00	
Ad Sales—Trade for cash * incl ad trades	0.00	
Ticket Sales—Festival	12,250.00 *	14,750.00 *
Community Events & Education Donations	0.00	
Special Events: Fabulous Festival Fling	0.00	
Painted Violins	0.00	
Product Sales	500.00	500.00
Miscellaneous Income—(Painting Sale)	0.00	
Grants Awarded: Hubbard Foundation	0.00	
New Mexico Arts	4,500.00 **	0.00
Advertising & Marketing Awards:		
New Mexico Tourism	0.00	
Ruidoso Lodgers Tax	1,000.00	1,000.00
Ruidoso Downs Lodgers Tax	0.00	
Lincoln County Lodgers Tax	500.00	500.00
Interest Income	0.00	50.00
<b>TOTAL INCOME</b>	<b><u>\$25,250.00</u></b>	<b><u>\$17,000.00</u></b>
<u>EXPENSES:</u>		
Festival Artist Fees	\$ 6,500.00 (VC Gold)	\$ 6,500.00
Festival Artist Travel & Lodging	500.00	500.00
Festival Artist Meals & Hospitality	0.00	
Youth Concert--Artist Fees	0.00	
Advertising & Marketing: (Incl. Graphic Artist)	5,500.00 (1 Concert)	5,500.00
Electronic Advertising	250.00	0.00
Community Events & Education:		
Artist Fees, Travel & Receptions	0.00	
Insurance	400.00	400.00
Piano Tuning	800.00	800.00
Miscellaneous Expenses	100.00	50.00
Printing—Miscellaneous Items	150.00 (2 program sheets)	50.00
Printing—Program Book	0.00	
Products	0.00	
Rental Expenses & Tech & 4% of Ticket Sales	11,000.00 (1 concert)	11,000.00
Special Event Expense:		
Fling	0.00	
Painted Violins	0.00	
Bank & Credit Card Charges	50.00	50.00
Dues--Chamber Music Am. & Ch. of Commerce	250.00	0.00
Filing Fees	10.00	10.00
Phone	250.00	150.00
Supplies	250.00	250.00
Post Office Bulk Mail Fee & Box Rent	185.00	0.00 ?
Postage	400.00	600.00
Miscellaneous	50.00	50.00
<b>TOTAL EXPENSES</b>	<b><u>\$26,645.00</u></b>	<b><u>\$25,910.00</u></b>
 <b>NET LOSS</b>	 <b><u>(\$ 1,395.00) ***</u></b>	 <b><u>(\$ 8,910.00)</u></b>

\* 2013 Gold—250 tickets @ \$49 = \$12,250; @ \$59

\*\*\*If Gold Medalist concert sells out, additional income will be \$14,750.



# County of Lincoln

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

www.lincolncountynm.net

NAME OF EVENT: Lincoln County Brochure Distribution DATE(S) OF EVENT: Annual

NAME OF ORGANIZATIONS(S) APPLYING FOR FUNDING: Billy the Kid Scenic Byway, Inc.

AMOUNT REQUESTED: \$ 10,000

DESCRIBE EVENT BACKGROUND & RATIONALE: In fiscal year 2008/2009, Lincoln County and the Billy the Kid National Scenic Byway entered into a cooperative agreement. The Byway printed a joint brochure for distribution and the County paid for the brochure distribution. This allowed both entities to expand the print quantity and paid distribution of the brochure. This request is for the annual renewal of the rack distribution.

HOW WILL YOU ADVERTISE AND MARKET THE EVENT? Brochures will be distributed in approximately 500 racks in the following areas: Lincoln & Otero County, Deming/Silver City, Las Cruces, Clovis/Portales, El Paso/Juarez, and Lubbock and Abilene, TX. Distribution also includes state Visitor Information Centers and major special events throughout New Mexico. The Billy the Kid Scenic Byway will print a new brochure with updated Lincoln County lodging information.

HOW WILL ATTENDANCE AND ORIGIN BE MEASURED? number of brochures distributed.  
150,000 brochures were distributed last year.

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

WHAT PERCENTAGE OF YOUR MEDIA BUDGET WILL BE USED OUTSIDE OF LINCOLN COUNTY? 90 % WILL YOU HAVE A WEBSITE FOR YOUR EVENT? N/A YES \_\_\_\_\_ NO \_\_\_\_\_

FUNDS WILL BE USED FOR:	
NEWSPAPER ADVERTISING:	\$ _____
RADIO:	\$ _____
MAGAZINE:	\$ _____
INTERNET:	\$ _____
PRINTING:	\$ _____
OTHER:	\$ <u>10,000</u>
TOTAL:	\$ <u>10,000</u>

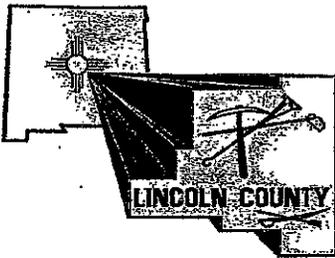
Please feel free to add additional pages, samples of ads or brochure artwork, etc.

### 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>Laura Doth</u>
SIGNATURE OF APPLICANT: <u>Laura Doth</u>
ADDRESS/CITY/ZIP: <u>201 Oak Grove Place Ruidoso, NM 88345</u>
PHONE: <u>575-257-6171</u> EMAIL ADDRESS: <u>laura@trekwest.com</u>
DATE SUBMITTED: <u>April 23, 2013</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.



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# County of Lincoln

APR 15 2013

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: Alto Artists Studio Tour DATE(S) OF EVENT: August 1, 2, 3, 4 2013

NAME OF ORGANIZATION(S) APPLYING FOR FUNDING: Alto Artists Studio Tour

AMOUNT REQUESTED: \$ 4000

DESCRIBE EVENT BACKGROUND & RATIONALE: 2013 is our 10<sup>th</sup> anniversary. AASST goal is to promote local artists and their work; to promote Lincoln County as an art destination.

HOW WILL YOU ADVERTISE AND MARKET THE EVENT? Ruidoso Visitor Guide, New Mexico Magazine, El Paso Scene, Ink Magazine, also post cards which will be mailed out to previous visitors and be given out during Ruidoso Art Festival.

HOW WILL ATTENDANCE AND ORIGIN BE MEASURED? with surveys at each artist location and at Spenser Theater artist reception

HAVE YOU DISCUSSED SPECIAL ROOM PACKAGES DURING YOUR EVENT WITH A LINCOLN COUNTY LODGER?  YES  NO HOW WILL OCCUPANCY RATES BE REPORTED/TRACKED? We have a section of our survey form for visitors to give to lodgers for discounts.

WHAT PERCENTAGE OF YOUR MEDIA BUDGET WILL BE USED OUTSIDE OF LINCOLN COUNTY? 75%  
WILL YOU HAVE A WEBSITE FOR YOUR EVENT?  YES  NO  
www.Altoartists.com

FUNDS WILL BE USED FOR:

NEWSPAPER ADVERTISING:	\$ <u>500</u>
RADIO:	\$ <u>500</u>
MAGAZINE:	\$ <u>1130</u>
INTERNET:	\$ <u>400</u>
PRINTING:	\$ <u>2800</u>
OTHER:	\$ <u>1500</u>
TOTAL:	\$ <u>6830</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>Sue Harkness Soden</u>
SIGNATURE OF APPLICANT:	<u>Sue Soden</u>
ADDRESS/CITY/ZIP:	<u>10816 State Highway 48 Alto NM 88312</u>
PHONE: <u>575 336-2155</u>	EMAIL ADDRESS: <u>weaselprods@yahoo.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.

County Manager's Fax  
(575) 648-4182

Finance/Purchasing Fax  
(575) 648-2381

Rural Addressing Fax  
(575) 648-2816

## 2013 AAST BUDGET

	2009	2010	2011	2012	2013 est
					\$
<b>INCOME</b>					est 30 artists
ARTIST FEES	4000	3470	4722	7107	3125
SPONSOR DONATIONS	2185	3930			2500
LINCOLN CNTY LODGERS TAX	600	750	400	800	2000
RUIDOSO LODGERS TAX	100	100	500		
SILENT AUCTION	810	1165	921		1500
RUIDOSO DOWNS LODGERS TX		250			
<b>TOTAL INCOME</b>	<b>7695</b>	<b>9665</b>	<b>6543</b>	<b>7907</b>	<b>9125</b>
<b>SPENCER THEATER</b>					
FOOD	996	887	1870	394.79	600
FOOD PERMIT					
SERVERS				200	
CLEAN-UP			508		
music				150	200
spencer fee				319.18	400
<b>BROCHURES</b>	1504	2063	1662	2192.15	2500
<b>SIGNAGE</b>					
EJ SIGNS	130			392.68	
NEW SIGNS		830	48		
josies				84.73	
<b>ADVERTISING</b>					
FREE PRESS				630.03	
RUIDOSO NEWS	867	441	1275		200
VISITORS GUIDE					1500
EL PASO SCENE			415	470	
ABQ MAG			508		
MTD Radio					500
POSTCARDS					110
POSTAGE		30			50
POSTERS		231	48		200
roswell				180	
lincoln pagent				75	100
collectors guide				856	
nm mag				408	400
OTHER ROSWELL, THE INK		389	252	252.11	
internet/spencer/other					
Spencer Theater Summer Program					
<b>WEB</b>					
WEBSITE	370	473	375	465	400
DOMAIN	640	155		72.04	75
PO BOX				56	56

## 2013 AAST BUDGET

<b>DUES</b>					
RRCA				100	100
CHAMBER	125	125	125	125	125
<b>donations</b>					
angel fund	485			300	300
bonita fire dept				100	100
other					200
lions club				200	
<b>QUESTIONAIRRES-PRIZE</b>		50	50	50	50
<b>INSURANCE</b>	500	396	0	396	500
<b>OFFICE SUPPLIES</b>	366	54	129		200
	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>



## 2012 Alto Artists Studio Tour Survey Results based on 237 surveys

### Where are our guests from?

- Local residence: 27%
- Out of town guests: 73%
  1. Visitors with 2nd homes in local area: 29%
  2. Visitors staying with friends or relatives: 15%
  3. Visitors staying in local lodging: 25%
  4. Visitors staying in RV parks: 4%

### Advertising: Where did our guests learn about the tour?

- Local guests
  1. Alto Artists Studio Tour Brochure: 42%
  2. Newspapers: 32%
  3. Friends or word of mouth: 20%
  4. AAST Website: 3%
  5. Other or Previously Attended: 3%
- Visitors from out of the area
  1. Alto Artists Studio Tour Brochure: 38%
  2. Newspapers: 16%
  3. Word of Mouth or Friend: 18%
  4. AAST Website: 6%
  5. Other or Previously Attended: 22%

### Other:

Consists of: Chamber of Commerce, Banner displayed over Hwy & Road Signs

### Newspaper recap: What were the news source results:

- Ruidoso News 21%
- Ruidoso Free Press 14%
- El Paso Scene 7%
- ABQ Magazine 7%



**Art Patrons:** *Keep this portion and Redeem at participating lodging in Lincoln County NM.*

*A list of participating lodges will be made available on our website.  
www.altoartists.com*

**Please Complete One Survey.** (Leave this part at the last studio visited)

### AAST 2013 SURVEY

#### HOW DID YOU LEARN ABOUT ALTO ARTISTS STUDIO TOUR?

- Print publication
- Internet (including AAST website)
- Mailing List
- Returning AAST guest
- Word of Mouth
- Local Establishment
- Signage/Banners

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

EMAIL \_\_\_\_\_

#### WHERE ARE YOU STAYING

- RV/Lodging
- 2nd Home
- Friends/Family
- Full-Time Resident

PHONE \_\_\_\_\_

**Y/N Did you Attend AAST Artists Reception at the Spencer Theater for the Performing Arts?**  
(Circle one)

#### PLEASE PUT YOUR NAME AND PHONE # ON EACH TAB

*Leave corresponding tab at each site visited to increase your chances of winning personalized artwork from 2013 AAST Artist of Your choice!*

1 2 3 4 5 6 7 8

Alto Artists Studio Tour 2013  
P. O. Box 447  
Alto, NM 88312

February 12, 2013

To The Lodger's Tax Committee:

We come to you requesting an increase in Lodger's Tax money to expand our advertising area, especially in the adjoining states. We are celebrating our tenth anniversary this year and have been able to track an increased attendance each year.

Last year was even more successful since we partnered with the Ruidoso Valley Chamber of Commerce making our artists reception at the Spencer Theater a Business After Hours event. We also made the following day, a Friday, the start day of the tour, extending the Alto Artists Studio Tour into a three day event. Many out of town attendees were able to take advantage of the Friday opening leaving time for exploring Lincoln County. Every year Lincoln Days are also held that same weekend, the timing of these events gives visitors added attractions to explore.

We have even more home sites this year, with at least three or more artists at each site. The increase we are seeing is a direct result of increased awareness of the quality of our artists and the compactness of the tour, since all sites are located in Alto. On the last day, Sunday, we saw many out of state visitors from the Oklahoma and the mid-west area due to the winding down of family reunions and visitors wanting to explore the area more before going home. In fact, several of them were so impressed that they have made plans to come back this year and spend more time. Each of our artists also mail postcards to their personal lists, as well as email.

The amount of interested people who desire to be contacted for this particular event has grown, as the quality of the show and its' reputation has blossomed. We feel this is a premier event and an asset for Ruidoso and Lincoln County.

Thank you for your consideration.

Respectfully Submitted,

Alto Artists Studio Tour  
[www.altoartists.com](http://www.altoartists.com)

# MINUTES

Lincoln County  
Lodgers Tax Committee

Regular Meeting --Tuesday, April 30, 2013

10:00 A.M. - Village of Capitan (Council Chambers) Capitan, New Mexico

1. Call to Order
2. Roll Call David Vigil, James Hobbs, Victor , Alice Seely
3. Approval of Minutes - March 26, 2013 Regular Lodger's Tax Meeting

4. Funding Request: \$10,000  
Purpose: Annual Lincoln County Brochure Distribution  
Date(s) of Event: Annual Brochure  
Presenter: Billy the Kid Scenic Byway, Inc.; Laura Doth

Discussion : James requested himself because of conflict of interest.

Motion to recommend to County Commissioners that \$10,000 be awarded.

Motion: Alice

Seconded: Victor

Passed: \$10,000

5. Funding Request: \$4,000  
Purpose: Alto Artist Studio Tour  
Date(s) of Event: August 1-4, 2013  
Presenter: Alto Artist Studio Tour/Sue Soden

Discussion: Alice made a motion that since \$1500 had been recommended for High Mesa Art, the same amount should be made available for Alto Artist Studio Tour.

Motion: Alice

Seconded: Victor

Passed: \$1500

6. Funding Request: \$2,000  
Purpose: Chamber Music Festival In Ruidoso  
Date(s) of Event: July 27, 2013  
Presenter: Chamber Music Festival, Inc./Lyn Kidder

Motion: Alice

Seconded: Victor

Passed: \$2000

ADJOURNMENT

Date: 4/30/13

Nº 1694

LINCOLN COUNTY LODGER'S TAX APPLICATION FOR FUNDING

Section 1 CHAMBER MUSIC FESTIVAL

Name of Organization

Organization is:  Profit  Non Profit  Government Related

P.O-BOX 554 RUIDOSO NM 88355  
Address City State Zip

LYNDA KIDDER 575-257-9507  
Contact Person (s) Telephone # (s)

Amount Requested: \$ 2000 Money is to be used for: Mailing to past ticket buyers (600)  
A full page ad in the Spenser Theater summer program. (3000)  
Public radios in El Paso, Las Cruces, Portales, Albuquerque and  
West Texas. Ad in the Ruidoso Summer visitor's guide.

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

4/30/13  
Date

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

Section 2

Meeting Date: 4/30/13 LODGER'S TAX COMMITTEE

Amount Approved: \$ \_\_\_\_\_ Request Denied: \_\_\_\_\_

Comments: \_\_\_\_\_

Authorized Signature

Section 3

LINCOLN COUNTY COMMISSION

Meeting Date: \_\_\_\_\_

Approval: 2,000 Denial: \_\_\_\_\_

Comments: \_\_\_\_\_

[Signature]  
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: 4/30/13

Nº 1693

LINCOLN COUNTY LODGER'S TAX APPLICATION FOR FUNDING

Section 1 Billy the Kid Senior Bynnes

Name of Organization

Organization is:  Profit  Non Profit  Government Related

201 Oak Grove Place Burdoso NM 88345  
Address City State Zip

Laura DOTH 575-257-6171  
Contact Person (s) Telephone # (s)

Amount Requested: \$ 10,000 Money is to be used for: Distribution of Lincoln County Brochure

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.

Laura DOTH 4-30-13  
Signature Date

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

Section 2

Meeting Date: 4/30/13 LODGER'S TAX COMMITTEE  
Amount Approved: \$ 10,000 Request Denied: \_\_\_\_\_

Comments: \_\_\_\_\_  
David A. Lujan  
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: 4-30-13

Nº 1695

LINCOLN COUNTY LODGER'S TAX APPLICATION FOR FUNDING

\*\*\*\*\*  
Section 1 Alto Artists Studio Tour

Name of Organization

Organization is:  Profit  Non Profit  Government Related

Address P.O. Box 447 City Alto State NM Zip 88312-0447

Contact Person (s) Sue Soden Telephone # (s) 575 937-1441

Amount Requested: \$ 7000- Money is to be used for: Outer market advertising through print, radio, brochures and Spencer Theater Summer brochure. Also, Rudazo Visitors Guide, NM Magazine and NM Tourism Department.

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 Sue Soden

Date April 30, 2013

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

Section 2

Meeting Date: 4/30/13 LODGER'S TAX COMMITTEE  
Amount Approved: \$ 1500.00 Request Denied: \_\_\_\_\_

Comments: \_\_\_\_\_  
Navarro Le Digo  
Authorized Signature

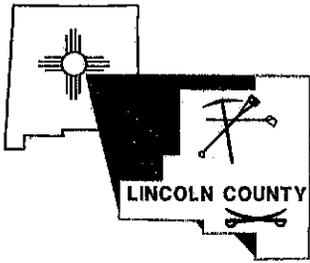
Section 3

Meeting Date: 4/30/13 LINCOLN COUNTY COMMISSION  
Approval: 1500.00 Denial: \_\_\_\_\_

Comments: \_\_\_\_\_  
Navarro Le Digo  
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.



# County of Lincoln

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

## Agenda Item No. 12

May 1, 2013

### MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Memorial Day Proclamation

**Purpose:** To proclaim special recognition of this year's Memorial Day celebration.

**Discussion:** On behalf of a grateful nation, it is fitting to specifically recognize this year's Memorial Day observance.

As a community, citizens should pause to remember those who have given the last measure of themselves in the defense of our country.

In memory of those who have previously and more recently given their lives in the defense of all we hold dear, the Board of Commissioners request special recognition of those who must never be forgotten.

**Recommendation:** Approve the attached proclamation.

## MEMORIAL DAY PROCLAMATION

WHEREAS, in 1865, Henry Welles, a druggist in the village of Waterloo, NY, mentioned at a social gathering that honor should be shown to the patriotic dead of the Civil War by decorating their graves and in the Spring of 1866, he again mentioned this subject to General John B. Murray, then Seneca County Clerk, General Murray embraced the idea and a committee was formulated to plan a day devoted to honoring the dead; and

WHEREAS, the townspeople adopted the idea wholeheartedly. Wreaths, crosses and bouquets were made for each veteran's grave. The village was decorated with flags at half mast and draped with evergreen boughs and mourning black streamers. And on May 5<sup>th</sup>, 1866, civic societies joined the procession to the three existing cemeteries and were led by veterans marching to martial music. At each cemetery there were impressive and lengthy services including speeches by General Murray and a local clergyman; and

WHEREAS, the ceremonies were repeated on May 5th, 1867. The first official recognition of Memorial Day was issued by General John Logan, commander of the grand Army of the Republic in his General Order No. 11 establishing "Decoration Day" as it was then known. The date of the order was May 5<sup>th</sup>, 1868, exactly two years after Waterloo's first observance. That year the community of Waterloo joined other communities in the nation by having their ceremony on May 30.

THUS, the tradition of Memorial Day reinforces our Nation's resolve to never forget those who gave the final measure for their country. We continue to rely on our brave and steadfast men and women in uniform to defend our freedoms. United as a people, we pray for the safety of our troops as this new generation follows an unbroken line of good, courageous, and unfaltering heroes who have never let their country down.

NOW, THEREFORE, with the 4488 killed in Iraq and 1842 killed in Afghanistan in mind, we, the Board of Commissioners of Lincoln County, proclaim special recognition of this year's Memorial Day celebrations to the citizens of Lincoln County, and ask all to remember those who have given the ultimate sacrifice in the defense of our great country.

PROCLAIMED this 14<sup>th</sup> Day of May 2013 in Lincoln County, New Mexico.

BOARD OF COMMISSIONERS OF  
LINCOLN COUNTY, NEW MEXICO

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

\_\_\_\_\_  
Preston Stone, Vice Chair

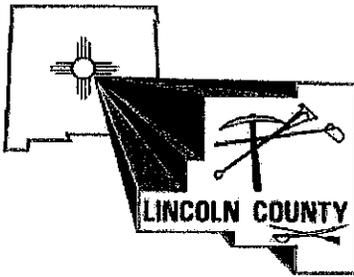
\_\_\_\_\_  
Kathryn Minter, Member

\_\_\_\_\_  
Dallas Draper, Member

\_\_\_\_\_  
Mark Doth, Member

ATTEST:

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



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# County of Lincoln

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

## Agenda Item No. 13

May 8, 2013

### MEMORANDUM

**TO:** County Commissioners

**FROM:** Nita Taylor, Lincoln County Manager *NT*

**SUBJECT:** Fire Danger Emergency Declaration

**Purpose:** To obtain approval of the attached resolution 2012-38

### Discussion:

The county first adopted restriction on April 25, 2013 with resolution 2012-32. NMSA 60-2C-8.1 requires that the restrictions be based upon relevant indices and that the restrictions be reviewed every 30 days. Based upon the ongoing "extreme" fire danger, and the fact that our next regular commission meeting is scheduled for June 25, beyond the 30 day requirement, the proposed resolution extends the County restrictions.

Per Commission direction, this resolution also adopts the USFS, Smokey Bear Ranger District's definitions of Stage I and Stage II fire restrictions, and imposes the same. See Enclosure 2 for definitions.

### Recommendation:

Consider and adopt Resolution 2012-38 for continuing fire restrictions in Lincoln County.

**RESOLUTION NO. 2012-38  
DECLARATION OF FIRE DANGER EMERGENCY**

*(In accordance with Lincoln County Ordinance No. 2003-06 & 2011-2)*

**WHEREAS**, the Board of County Commissioners of Lincoln County, New Mexico, has determined that the present fire danger within the County of Lincoln, due to the extreme drought conditions currently existing, is exceedingly high; and

**WHEREAS**, the Board of County Commissioners of Lincoln County has further determined that, in order to protect the health, safety, and welfare of the citizens of Lincoln County, the Board must take emergency action in its meeting of May 14, 2013; and

**WHEREAS**, the Board of County Commissioners of Lincoln County has further determined that it is critical that County imposed fire restrictions are consistent with those imposed by the US Forest Service, Smokey Bear Ranger District, in Lincoln County.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of County Commissioners of Lincoln County, New Mexico, hereby proclaims a ban on all burning of open flames, fires, campfires (except in designated areas), trash, rubbish, shrubbery or other material of any kind, except by permit, consistent with Smokey Bear Ranger District's Stage I restrictions until May 11, 2013, at which time Stage II restrictions will be imposed. Also hereby banned is the sale or use of display fireworks and the sale and use of missile-type rockets, helicopters, aerial spinners, stick-type rockets and ground audible devices within the affected unincorporated drought areas. In addition, all fireworks not listed in this paragraph shall be limited to areas that are paved or barren or that have a readily accessible source of water for use by the homeowner or the general public. This Resolution to remain in effect for 30 days or until rescinded or extended by the Board of County Commissioners pursuant to NMSA 60-2C-8.1.

**PASSED, APPROVED AND ADOPTED** this 14<sup>th</sup> day of May, 2013.

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

\_\_\_\_\_  
**JACKIE POWELL, CHAIRWOMAN**

\_\_\_\_\_  
**PRESTON STONE, VICE CHAIRMAN**

\_\_\_\_\_  
**KATHRYN MINTER, MEMBER**

**ATTEST:**

\_\_\_\_\_  
**DALLAS DRAPER, MEMBER**

\_\_\_\_\_  
**RHONDA BURROWS, CLERK**

\_\_\_\_\_  
**MARK DOTH, MEMBER**

## APPENDIX 6: RESTRICTION LANGUAGE AND CLOSURE GUIDELINES

There will be two fire restriction levels: Stage I and Stage II. Each agency/tribe within a fire restriction area must write its own agency/tribal document that authorizes the restrictions within its jurisdiction. A unit can decide to go into Stage II Restrictions without first going into Stage I Restrictions. This can be done to facilitate ease of implementation and enforcement in more complex heavily populated areas or due to an agency's fire restriction laws and regulations. Each agency/tribe is responsible for using its own format and having their legal counsel review the document to assure it is correct and enforceable.

To reduce confusion and standardize the restrictions, the following criteria should be used in all restriction documents.

**Baseline Fire Restrictions:** Baseline Fire Restrictions are the standard restrictions that are always in effect as determined by a management unit's year round orders or an agencies laws and regulations. Baseline fire restrictions can be agency and management unit specific and will be listed in the unit's specific restriction order or in the Restriction coordination Area level operating plan.

Discharging, or using any kind of fireworks, tracer ammunition, exploding targets or other incendiary devices in any location on Federal Lands is always prohibited. Approved spark arresting device is required for all internal combustion engines on federal lands.

Discharging, or using any tracer ammunition, exploding targets in any location on Arizona State Trust Lands are prohibited. Discharging or using any kind of fireworks for commercial ventures, or other incendiary devices would require permission through permits with the Arizona State Land Department. The discharging or using any kind of fireworks and incendiary devices would be prohibited under Stage I and Stage II Restrictions and closures.

Discharging, or using any kind of fireworks, tracer ammunition, exploding targets or other incendiary devices in any location on Tribal Trust Lands are prohibited under Stage I and Stage II Restrictions and closures.

New Mexico State Forestry will always go directly into Limiting Open Burning when entering into fire restrictions on New Mexico State and Private Lands. New Mexico State Trust Lands, NM State Park Lands and Lands Managed by the NM Game Commission may follow the Stages when they are adjacent to or surrounded by Federal Lands.



### STAGE I (GENERAL)

The following acts are prohibited until further notice:

1. Building, maintaining, attending, or using a fire, campfire, charcoal, coal, or wood stove other than in a developed campsite or picnic area listed in the order.
2. Smoking, except within an enclosed vehicle or building, a developed recreation site/improved site or while stopped in an area at least three feet in diameter that is barren or cleared of all flammable materials.
3. For Tonto National Forest administered lands under Stage I Restrictions, Discharging a firearm except while engaged in a lawful hunt pursuant to state, federal, or tribal laws and regulations.

Note: each agency/tribe must cite their actual regulations/laws; therefore, the wording for the prohibition may be slightly different. Exemptions may vary according to specific agency laws and regulations.

**Stage I Exemptions:**

1. Persons with a written permit that specifically authorizes the otherwise prohibited act.
2. Persons using a device solely fueled by liquid petroleum or LPG fuels that can be turned on and off. Such devices can only be used in an area that is barren or cleared of all overhead and surrounding flammable materials within 3 feet of the device.
3. Persons conducting activities in those designated areas where the activity is specifically authorized by written posted notice.
4. Any Federal, State, or local officer or member of an organized rescue or firefighting force in the performance of an official duty.
5. All land within a city boundary is exempted unless otherwise stated in city ordinance.
6. Other exemptions unique to each agency/tribe.

An exemption does not absolve an individual or organization from liability or responsibility for any fire started by the exempted activity.

**\* STAGE II (ELEVATED)**

The following acts are prohibited until further notice:

1. Building maintaining, attending, or using a fire, campfire, charcoal, coal, or wood stove including fires in developed campgrounds or improved sites.
2. Smoking, except within an enclosed vehicle or building.
3. Discharging a firearm except while engaged in a lawful hunt pursuant to state, federal, or tribal laws and regulations.
4. Mechanical and Industrial Prohibitions
  - a. Operating any internal combustion engine.
  - b. Welding, or operating acetylene or other torch with open flame.
  - c. Using an explosive.

Note: each agency/tribe must cite their actual regulations/laws; therefore, the wording for the prohibition may be slightly different. Exemptions may vary according to specific agency laws and regulations.

**Stage II Exemptions:**

1. Persons with a written permit that specifically authorizes the otherwise prohibited act. This process can be utilized in cases where public works and public utility emergency repairs are necessary.
2. Industrial operations where specific operations and exemptions are identified and mitigation measures are implemented as outlined in an agency plan.
3. Persons using a device fueled solely by liquid petroleum or LPG fuels that can be turned on and off. Such devices can only be used in an area that is barren or cleared of all overhead and surrounding flammable materials within 3 feet of the device.

2013-03-12

4. Operating generators with an approved spark arresting device within an enclosed vehicle or building or in an area that is barren or cleared of all overhead and surrounding flammable materials within three feet of the generator.
5. Operating motorized vehicles on designated roads so long as you park in an area devoid of vegetation within 10 feet of the roadway.
6. Persons conducting activities in those designated areas where the activity is specifically authorized by written posted notice.
7. Any Federal, State, or local officer, or member of an organized rescue or firefighting force or other authorized personnel in the performance of an official duty.
8. All land within a city boundary is exempted unless otherwise stated by city ordinance.
9. Other exemptions unique to each agency/tribe.
10. Discharging of firearms is allowed on agency designated shooting ranges.

An exemption does not absolve an individual or organization from liability or responsibility for any fire started by the exempted activity.

#### **CLOSURE GUIDELINES**

The Geographic Agency Administrators within the Southwest Area should review these evaluation guidelines and determine threshold levels that substantiate the need for closures.

#### **Examples Include:**

- Potential loss of life due to extreme fire conditions.
- High potential for extreme fire behavior.
- Level II restrictions are not effective in reducing the number of human-caused fires.
- Resources across the geographic area are at a critical shortage level.

The following standard exemptions will be allowed during closure and will be noted on all closure documents.

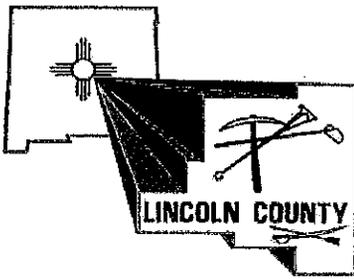
#### **Closure Exemptions:**

1. Persons with a written permit that specifically authorizes the otherwise prohibited act.
2. Persons conducting activities in those designated areas where the activity is specifically authorized by written posted notice.
3. Any Federal, State, or local officer, or member of an organized rescue or firefighting force or other authorized personnel in the performance of an official duty.
4. All land within a city boundary is exempted unless otherwise stated in city ordinance.
5. Other exemptions unique to each agency/tribe.

**Agenda Item No. 14**  
**May 14, 2013**

**SUBJECT**

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



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# County of Lincoln

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

## Agenda Item 15

May 9, 2013

### MEMORANDUM

**TO:** County Commissioners

**FROM:** Nita Taylor, Lincoln County Manager

**SUBJECT:** Sole Community Provider & Indigent Health Care Claims

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

### Discussion:

**Sole Community Provider Payments:** This month our coordinator processed ninety-seven claims (97), ninety-three (93) of which are recommended for approval, and four (4) for disapproval for the reasons indicated at Enclosure 1. If approved, the total recommended payment this month is **\$149,333.44**. See Enclosure. 1.

**Indigent Health Care Claims:** This month our coordinator processed ninety-one (91) claims. Eighty-seven (87) 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 **\$27,592.75**.

At Enclosure 3 is a summary of total applications approved and denied, by medical provider.

**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 **\$260,155**, with a monthly average of **\$23,650**. Annualized year-to-date expenditures are \$283,806, 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 **\$1,245,806**, with a monthly average of **\$113,255**. Annualized year-to-date expenditures are \$1,359,061 compared to our current budget for the year of \$1,003,541, which does not include the federal match. Attached at Encl. 4 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 \$1,096,472.39

ADJUSTMENTS

TOTAL ADJUSTMENTS: \$0.00 \$0.00

MAY # CLAIMS FOR APPROVAL 93

# CLAIMS FOR DENIAL 4

MAY # TOTAL CLAIMS 97

MAY TOTAL \$ AMOUNT APPROVED \$149,333.44

TOTAL # CLAIMS THIS FY APPROVED 760

TOTAL # CLAIMS THIS FY DENIED 40

TOTAL # CLAIMS FY 2012 - 2013 800

TOTAL APPROVED THIS FISCAL YEAR \$1,245,805.83

*ENCL 1*

FACILITY: LINCOLN COUNTY MEDICAL CENTER

05/14/2013 THROUGH 05/14/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
18967	03/25/2013	453.00	348.81	077%
18973	04/03/2013	135.00	103.95	077%
18974	04/10/2013	73.00	56.21	077%
18976	03/24/2013	1126.00	867.02	077%
18977	04/08/2013	1622.00	1248.94	077%
18978	04/10/2013	490.00	377.30	077%
19121	03/07/2013	135.00	103.95	077%
19134	04/29/2013	6630.00	5105.10	077%
19135	04/29/2013	876.00	674.52	077%
19142	04/26/2013	3193.00	2458.61	077%
18981	04/03/2013	6124.00	4715.48	077%
18982	04/05/2013	1797.00	1383.69	077%
18984	04/04/2013	265.00	204.05	077%
19143	04/30/2013	1431.00	1101.87	077%
18988	02/18/2013	2991.00	2303.07	077%
18989	02/22/2013	631.00	485.87	077%
18990	03/02/2013	2103.40	1619.62	077%
19144	04/30/2013	114.00	87.78	077%
18992	03/05/2013	1373.00	1057.21	077%
18993	03/10/2013	731.00	562.87	077%
18994	04/05/2013	1227.00	944.79	077%
18995	04/12/2013	288.00	221.76	077%
18996	04/15/2130	2174.00	1673.98	077%
19078	02/23/2013	1194.00	919.38	077%
18997	04/12/2013	723.00	556.71	077%
18998	04/15/2013	553.00	425.81	077%
19125	03/05/2013	8817.40	3023.12	034%
19002	04/05/2013	3183.00	2450.91	077%
19010	03/28/2013	1055.00	812.35	077%
19145	04/26/2013	1038.00	799.26	077%
19011	04/08/2013	1246.00	959.42	077%
19012	04/12/2013	553.00	425.81	077%
19016	04/12/2013	135.00	103.95	077%
19017	04/09/2013	275.00	211.75	077%
19018	04/16/2013	918.00	706.86	077%
19019	04/03/2013	6527.40	5026.10	077%
19020	02/07/2013	1163.00	895.51	077%
19021	03/21/2013	2306.00	1775.62	077%
19146	04/29/2013	1143.00	880.11	077%
19023	04/01/2013	101.00	77.77	077%
19137	09/06/2012	271.00	208.67	077%
19139	09/07/2012	6630.00	5105.10	077%
19140	11/08/2012	4965.01	3823.06	077%
19029	04/14/2013	887.00	682.99	077%
19030	04/06/2013	959.00	738.43	077%
19031	01/23/2013	1820.40	1401.71	077%
19032	12/30/2012	1448.00	1114.96	077%
19033	12/31/2012	1229.00	946.33	077%
19094	04/30/2012	15049.00	6067.64	040%
19098	06/20/2012	717.00	552.09	077%
19099	07/30/2012	2226.00	1714.02	077%
19100	08/28/2012	1770.00	1362.90	077%
19101	09/26/2012	1955.00	1505.35	077%

FACILITY: LINCOLN COUNTY MEDICAL CENTER

05/14/2013 THROUGH 05/14/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
19035	04/15/2013	910.00	700.70	077%
19037	04/01/2013	400.00	308.00	077%
19126	04/03/2013	267.00	205.59	077%
19115	10/10/2012	4983.84	3837.56	077%
19133	04/30/2013	11642.30	8964.57	077%
19039	04/16/2013	107.00	82.39	077%
19040	12/04/2012	43.60		000%
PATIENT'S BILL IS BELOW \$50				
19045	04/09/2013	988.00	760.76	077%
19127	04/22/2013	209.00	160.93	077%
19046	04/16/2013	107.00	82.39	077%
19048	10/22/2012	260.14	200.31	077%
19049	12/27/2012	144.93	111.60	077%
19050	01/28/2013	109.66	84.44	077%
19051	02/18/2013	49.21		000%
PATIENT'S BILL IS BELOW \$50				
19124	04/17/2013	14602.30	11243.77	077%
19053	01/16/2013	687.00	528.99	077%
19055	02/28/2013	2962.00	2280.74	077%
19057	04/08/2013	496.00	381.92	077%
18962	03/13/2013			000%
PATIENT IS MEDICAID ELIGIBLE				
19059	04/02/2013	314.00	241.78	077%
19060	02/05/2013	135.00	103.95	077%
19063	04/09/2013	432.00	332.64	077%
19067	08/23/2012	1523.70	1173.25	077%
19068	02/04/2013	4102.00	3158.54	077%
19069	04/12/2013	871.00	670.67	077%
19072	04/05/2013	376.00	289.52	077%
19148	04/30/2013	10171.30	7831.90	077%
19074	04/12/2013	379.00	291.83	077%
18963	02/28/2013	174.00	133.98	077%
18964	03/22/2013	335.00	257.95	077%
19130	12/11/2012	46.80		000%
PATIENT'S BILL IS BELOW \$50				
19149	04/28/2013	3761.40	2896.28	077%
18965	03/13/2013	201.00	154.77	077%
19086	04/16/2013	337.00	259.49	077%
19085	04/11/2013	2978.00	2293.06	077%
19131	04/24/2013	7243.80	5577.73	077%
19090	04/09/2013	5056.00	3893.12	077%
19103	12/10/2012	6145.00	4731.65	077%
19104	12/21/2012	3569.00	2748.13	077%
19106	03/26/2013	1145.00	881.65	077%
19109	02/20/2013	7029.40	5412.64	077%
19113	04/15/2013	1070.00	823.90	077%
19120	01/14/2013	1304.94	1004.80	077%

149333.44

# INDIGENT HEALTH CARE CLAIMS FISCAL YEAR 2012 - 2013

PREVIOUS AMOUNT APPROVED THIS FISCAL YEAR \$232,562.63

ADJUSTMENTS

TOTAL ADJUSTMENTS: 0.00

MAY # CLAIMS FOR APPROVAL	87
# CLAIMS FOR DENIAL	4
MAY # TOTAL CLAIMS	91

MAY TOTAL \$ AMOUNT APPROVED \$27,592.75

TOTAL # CLAIMS THIS FY APPROVED	580
TOTAL # CLAIMS THIS FY DENIED	69
TOTAL # CLAIMS FY 2012 - 2013	649

CURRENT TOTAL APPROVED THIS FISCAL YEAR \$260,155.38

\*Assuming the above is approved

ENCL 2

FACILITY: GERALD CHAMPION REGIONAL MED CTR 05/14/2013 THROUGH 05/14/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
19117	11/06/2012	388.50	299.15	077%
19118	11/26/2012	433.59	333.86	077%
19119	12/05/2012	721.89	555.86	077%

1188.87

APPROVED- 3 REJECTED-

FACILITY: LC AMBULANCE-PRES HEALTH SVCS 05/14/2013 THROUGH 05/14/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
19141	04/25/2013	494.00	494.00	100%
19008	11/28/2012	98.80	98.80	100%
19009	11/29/2012	134.16	134.16	100%
19092	04/28/2012	525.20	500.00	095%
19093	04/30/2012	2309.80		000%
PATIENT HAS MET OR EXCEEDED POLICY LIMIT				
19114	10/10/2012	2314.00	500.00	022%
19047	11/15/2012	103.17	103.17	100%
19054	02/28/2013	895.40	500.00	056%

2330.13

APPROVED- 7 REJECTED- 1

FACILITY: LINCO MEDICAL & SUPPLY, INC 05/14/2013 THROUGH 05/14/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
18979	03/31/2013	206.79	206.79	100%
19132	04/30/2013	206.79	206.79	100%
18991	04/05/2013	58.86	58.86	100%
19061	04/12/2013	206.79	206.79	100%
19076	04/19/2013	206.79	206.79	100%
19084	04/06/2013	177.36	177.36	100%

1063.38

APPROVED- 6 REJECTED-

FACILITY: NEW MEXICO ONCOLOGY HEMATOLOY 05/14/2013 THROUGH 05/14/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
19024	04/02/2013	6015.32	2232.76	037%
19111	04/17/2013	2468.15	1338.21	054%
19122	04/17/2013	94.20	30.56	032%
19136	04/11/2013	13688.85	3197.65	023%

6799.18

APPROVED- 4 REJECTED-

FACILITY: LINCOLN COUNTY FAMILY MEDICAL 05/14/2013 THROUGH 05/14/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
18968	02/18/2013	237.00	81.91	035%
18969	03/05/2013	160.00	52.80	033%
18970	03/18/2013	237.00	81.91	035%
18972	04/05/2013	237.00	81.91	035%
18975	03/08/2013	160.00	52.08	033%
18983	03/14/2013	237.00	81.91	035%
18985	03/01/2013	160.00	52.08	033%
18986	03/12/2013	160.00	52.08	033%
18987	03/27/2013	96.00	38.03	040%
19000	03/13/2013	160.00	52.08	033%
19001	03/27/2013	160.00	52.08	033%
19003	01/08/2013	160.00	52.08	033%
19004	03/12/2013	237.00	81.91	035%
19005	04/05/2013	237.00	81.91	035%
19006	03/08/2013	160.00	52.08	033%
19007	04/05/2013	160.00	52.08	033%
19014	03/14/2013	368.00	136.80	037%
19015	03/18/2013	160.00	52.08	033%
19022	03/25/2013	160.00	52.08	033%
19025	02/26/2013	237.00	81.91	035%
19026	03/12/2013	160.00	52.08	033%
19027	04/09/2013	160.00	52.08	033%
19034	04/11/2013	237.00	81.91	035%
19036	03/29/2013	160.00	52.08	033%
19041	03/25/2013	160.00	52.08	033%
19043	02/26/2013	160.00	52.08	033%
19044	03/05/2013	160.00	52.08	033%
19052	03/25/2013	160.00	52.08	033%
19128	02/21/2013	237.00	81.91	035%
19056	04/08/2013	160.00	52.08	033%
19058	04/10/2013	160.00	52.08	033%
19064	03/27/2013	237.00	81.91	035%
19065	04/02/2013	160.00	52.08	033%
19066	04/03/2013	96.00	38.03	040%
19071	04/05/2013	457.00	174.42	038%
19077	02/19/2013	160.00	52.08	033%
19079	03/19/2013	160.00	52.08	033%
19080	03/20/2013	160.00	52.08	033%
19081	03/04/2013	205.00	52.08	025%
19082	03/27/2013	237.00	81.91	035%
19083	04/02/2013	160.00	52.08	033%
19087	03/28/2013	237.00	81.91	035%
19088	03/12/2013	265.00	72.11	027%
19102	02/14/2013	237.00	81.91	035%
19105	03/05/2013	160.00	52.08	033%
19107	03/15/2013	160.00	52.08	033%
19108	03/22/2013	237.00	81.91	035%
19112	04/10/2013	432.00	59.63	014%

3124.72

APPROVED- 48

REJECTED-

FACILITY: LINCOLN COUNTY RADIOLOGY

05/14/2013 THROUGH 05/14/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
18999	03/03/2013	76.00	16.62	022%
19013	03/01/2013	233.00	57.87	025%
19138	11/08/2012	446.00	108.65	024%
19129	03/29/2013	275.00	62.40	023%
19070	01/10/2013	66.53	51.23	077%
19091	12/30/2012	76.00	16.62	022%
19110	02/20/2013	260.00	62.40	024%

375.79

APPROVED- 7 REJECTED-

FACILITY: PRESBYTERIAN HOSPITAL

05/14/2013 THROUGH 05/14/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
18966	03/15/2013	100.00	77.00	077%
19095	05/30/2012	50108.00	5000.00	010%
19096	05/07/2012	337.00		000%
PATIENT HAS MET OR EXCEEDED POLICY LIMIT				
19097	05/14/2012	337.00		000%
PATIENT HAS MET OR EXCEEDED POLICY LIMIT				
19116	10/18/2012	26438.40	5000.00	019%

10077.00

APPROVED- 3 REJECTED- 2

FACILITY: RUIDOSO HOME CARE & HOSPICE

05/14/2013 THROUGH 05/14/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
19075	03/18/2013	250.00	250.00	100%
			250.00	

APPROVED- 1 REJECTED-

FACILITY: SUBSTANCE ABUSE SERVICES OF LC 05/14/2013 THROUGH 05/14/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
18980	03/25/2013	180.00	180.00	100%
19028	03/27/2013	240.00	240.00	100%
19038	03/25/2013	180.00	180.00	100%
19073	03/26/2013	336.00	336.00	100%
19089	03/19/2013	228.00	228.00	100%
			1164.00	

APPROVED- 5 REJECTED-

FACILITY: UNM HEALTH SCIENCES CTR 05/14/2013 THROUGH 05/14/2013

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
18971	04/01/2013	3051.02		000%
PATIENT HAS MET OR EXCEEDED POLICY LIMIT				
19042	04/04/2013	979.00	753.83	077%
19062	04/02/2013	68.00	52.36	077%
19147	04/16/2013	537.00	413.49	077%
			1219.68	

APPROVED- 3 REJECTED- 1

INDIGENT FUND MEETING

MAY 14, 2013

TOTAL APPLICATIONS	188	176,926.19
TOTAL APPROVED	180	
TOTAL DENIED	8	
ALAMOGORDO		
GERALD CHAMPION REGIONAL MED CTR		1,188.87
APPROVED-	3	
DENIED-		
RUIDOSO		
LC AMBULANCE-PRES HEALTH SVCS		2,330.13
APPROVED-	7	
DENIED-	1	
RUIDOSO		
LINCO MEDICAL & SUPPLY, INC		1,063.38
APPROVED-	6	
DENIED-		
RUIDOSO		
LINCOLN COUNTY FAMILY MEDICAL		3,124.72
APPROVED-	48	
DENIED-		
RUIDOSO		
LINCOLN COUNTY MEDICAL CENTER		149,333.44
APPROVED-	93	
DENIED-	4	
ALTO		
LINCOLN COUNTY RADIOLOGY		375.79
APPROVED-	7	
DENIED-		
ALBUQUERQUE		
NEW MEXICO ONCOLOGY HEMATOLOY		6,799.18
APPROVED-	4	
DENIED-		
ALBUQUERQUE		
PRESBYTERIAN HOSPITAL		10,077.00
APPROVED-	3	
DENIED-	2	
RUIDOSO		
RUIDOSO HOME CARE & HOSPICE		250.00
APPROVED-	1	
DENIED-		
RUIDOSO		
SUBSTANCE ABUSE SERVICES OF LC		1,164.00
APPROVED-	5	
DENIED-		

ENCL 3

ALBUQUERQUE  
UNM HEALTH SCIENCES CTR  
APPROVED-  
DENIED-

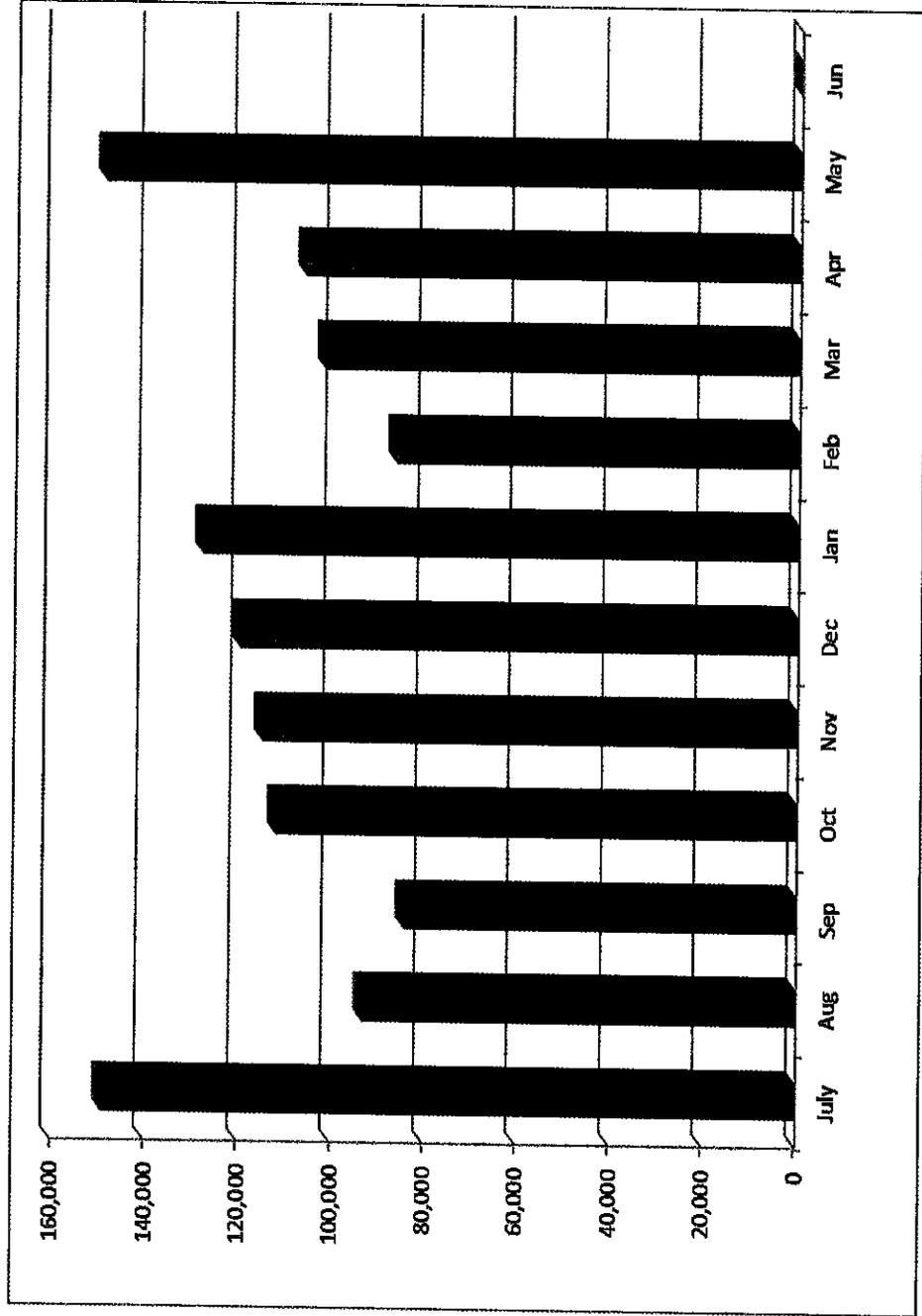
3  
1

1,219.68

# FY 2012-2013 Sole Community Claims

Average Month for FY = \$ 113,255

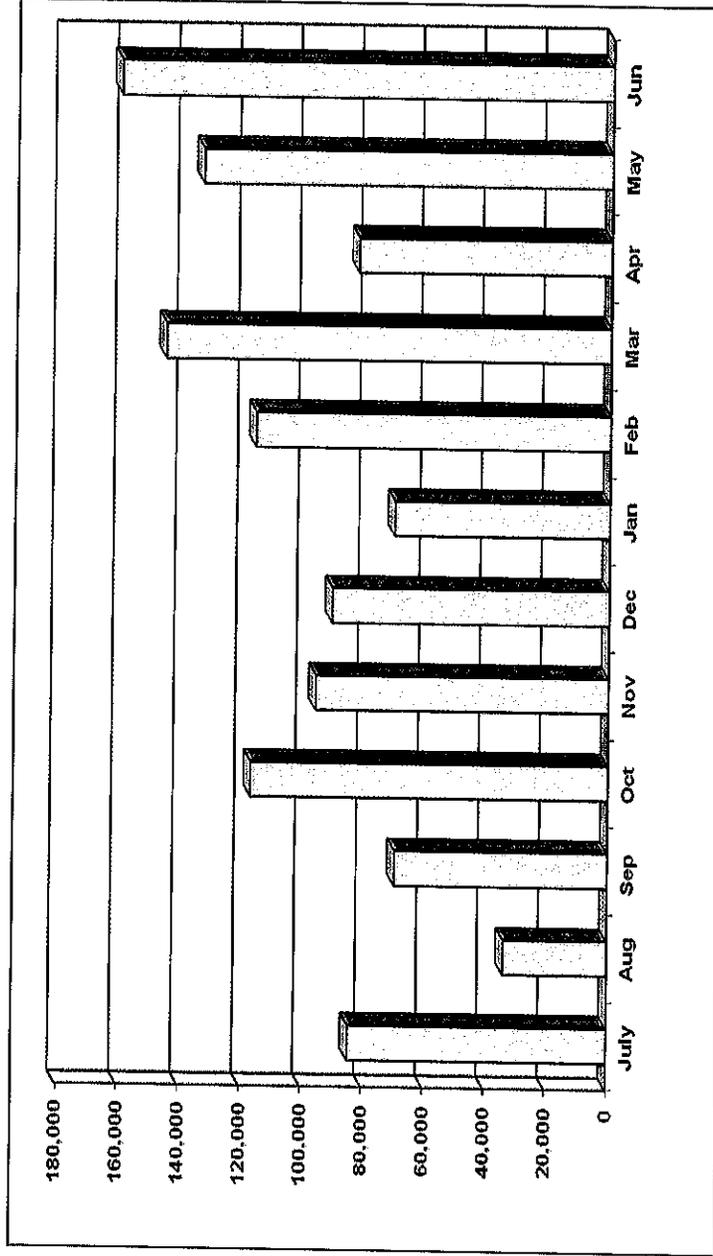
Actual Total for FY = \$ 1,245,806



# FY 2011-2012 Sole Community Claims

Average Month for FY = \$ 100,094

Actual Total for FY \$ 1,201,132

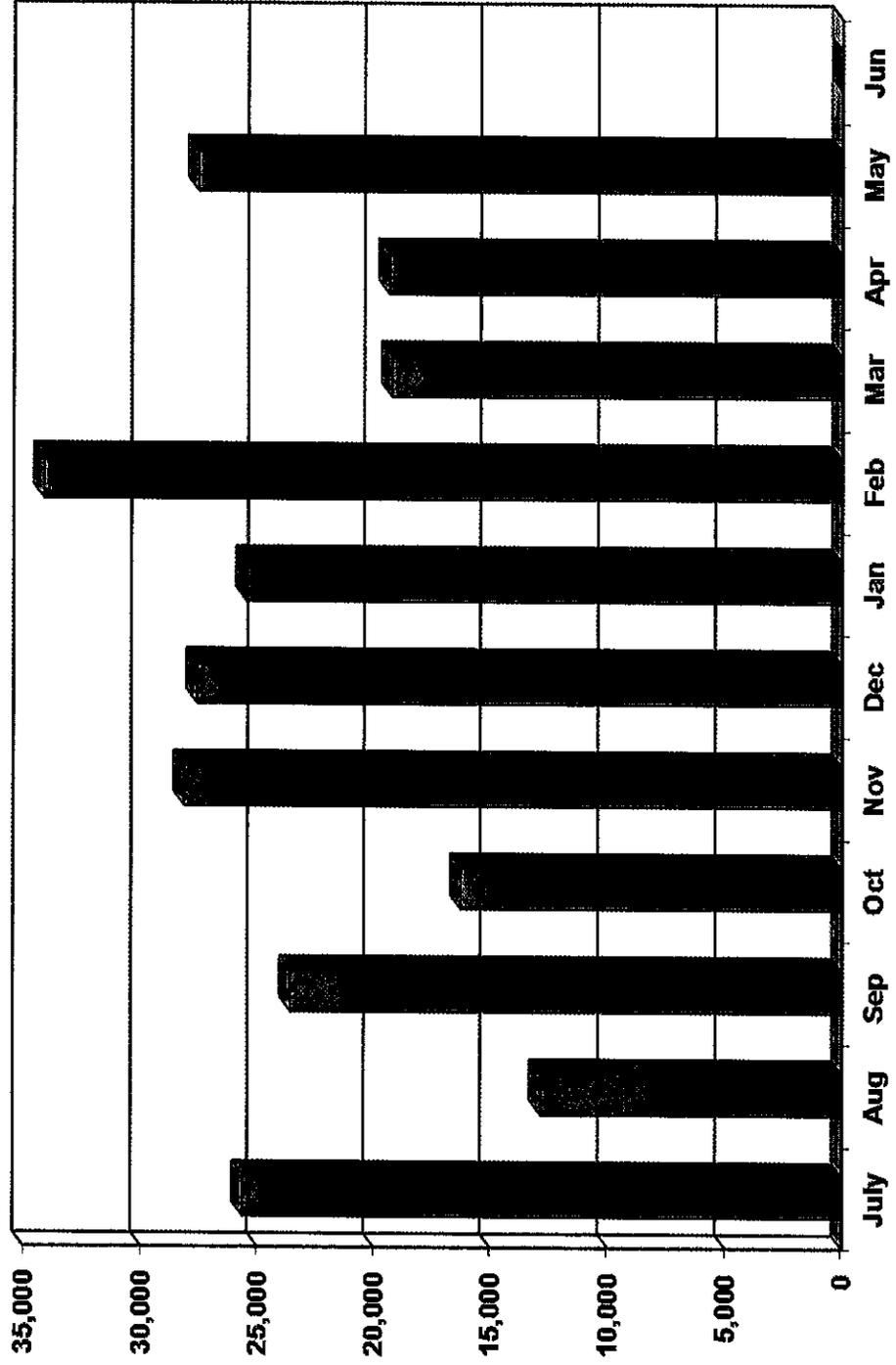


# FY 2012-2013 IHC Payments

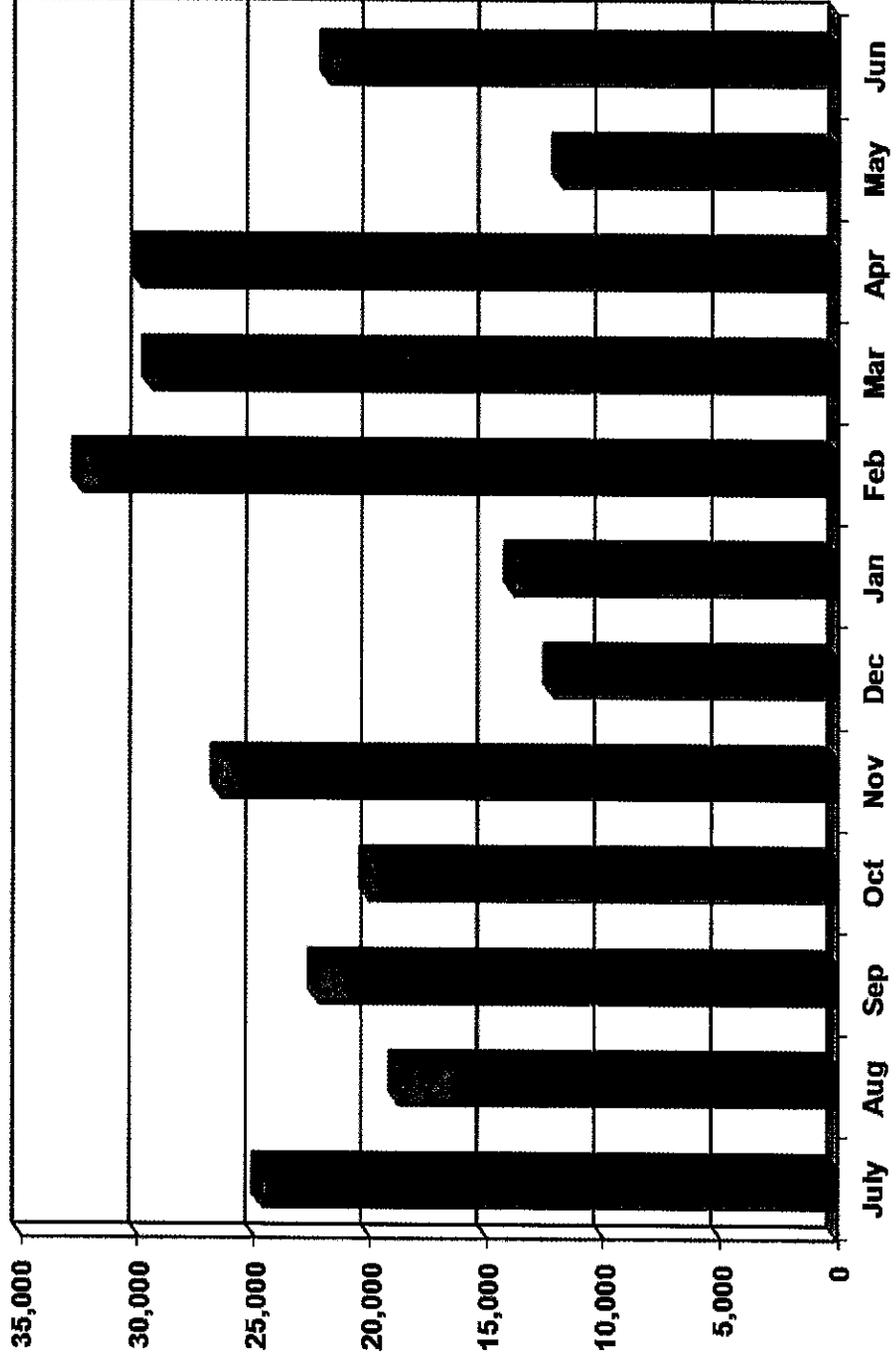
Average Month for FY = \$ 23,650

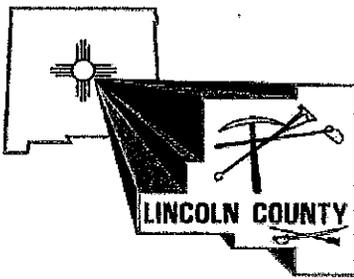
Total for FY = \$ 283,806

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





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# County of Lincoln

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

## Agenda Item 16 (Draft)

May 9, 2013

### MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Manager's Report

1. **Business Retention Gross Receipt Tax (3/16<sup>th</sup>) Tracking (FY 13):**

<u>Business Activity Month</u>	<u>FY13</u>	<u>FY12</u>	<u>Difference</u>
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	\$ 2,646
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
March	\$ 58,516	\$ 60,206	(\$ 1,690)
YTD	\$682,605	\$654,583	\$ 28,022
<b>Annualized</b>		<b>\$981,875</b>	

2. **EOC/Fire News.** Commissioner Doth requested Manager to research the process of obtaining (borrowing or purchase) LED signs that will enable the County to notify residents and visitors of the level of fire danger and other potential hazardous conditions. The NM DOT, at times has signs available for use, but are currently all in a state of disrepair. The Village of Ruidoso has purchased three signs (\$13,000 - \$15,000 each), and are willing to partner with the County on joint messaging. Harlan Vincent, Asst. Fire Chief for the Village, advises against purchasing this same type of signage, as vandals have shot out some of the panels, which are extremely expensive to repair. We are continuing to research our options.

**3. Slash Update.** Commissioner Doth reported that he has received a number of calls and letters regarding the process developed by our Planning Department to have slash and debris properly disposed of. See Enclosure 1 for letter sent to Sun Valley and Alpine Village residents. Callers are inquiring as to their rights and are requesting information regarding the County policy. Commissioner Doth requests we identify all residents in the forested areas of the county other than Sun Valley and Alpine Village, and send similar letters, along with a copy of the contractors able to do this work. Also, based on resident input, he has requested an identification of vacant lots with billing addresses to enable GSWA to bill for slash and debris requiring pick-up and hauling. Curt Temple and Paul Gutierrez will address County ability and timelines required to accomplish those tasks.

***The Planning department reports the following on the status of progress in Sun Valley Subdivision:*** Upon inspection on May 7, 2013, the subdivision still has numerous slash piles located along the road; eleven slash piles have been removed, and many new piles, currently being addressed, have been created since the original list dated April 11, 2013. The Planning Department has been contacted by more than half the notified property owners regarding how to remove their slash. The majority of property owners live out of state, with some as far away as Maine. All have been very cooperative and seem to understand the key issues at hand. The property owners who are not full time residents are experiencing the problem that illegal dumping is occurring on their properties. In several cases, they have arranged to have properties cleared one day... only to have it full of slash the next. Property owners have been informed that this type of dumping is unlawful and that Sheriff's department should be contacted. Other property owners have expressed a need for time to hire contractors to clear their slash.

***The Planning department reports the following on the status of progress in Sun Valley Subdivision:*** Upon inspection on May 7, 2013, the property owners are making progress in removing their slash piles: four piles have been removed. The majority of property owners have been in contact with the Planning Department regarding their efforts to remove slash; one owner pointed out that GSWA will not pick up his slash pile due to the steep incline of his property. Once provided GSWA's telephone number, he has contacted GSWA to create a solution, since he is paying for that service. Again, many Alpine Village subdivision property owners live out of the area and have indicated a need for more time to comply.

4. **2013 CDBG Grant Application Hearings.** The CDBG Grant Hearings are being held in Albuquerque on Friday, May 10. County representatives attending and presenting our request for a \$500,000 grant for the Carrizozo Senior Center to the CDBG Council are the Manager, Commissioners Jackie Powell Preston Stone, Dallas Draper, Ada Hendryx and Rene Montes (Zia Sr. Center Directors). In addition Wilson & Co. architect, Howard Kaplan, is providing support and will be in attendance. Awards are expected to be granted in several weeks. See Enclosure 2.
5. **Flood Mitigation Efforts.** The County is involved in a number of potential flood mitigation efforts that Manager will provide an updated status at the Commission meeting:
  - a. **Use of Board of Finance loan/grant for flood mitigation (\$255,000)**
    - i. **Bonito Road Project** – Renegade Project Manager Zeke Greer to provide update;

- b. **NRCS - Emergency Watershed Protection Program – Recovery** (\$474,000)
  - c. **CFRP Award Granted to South Central Mountain RC&D**
  - d. **Award Granted to South Central Mountain RC&D**
  - e. **State Forestry – 2012 Lincoln County WUI** (\$255,000)  
2013 Sun Valley NFL (\$50,000)
  - f. **FEMA projects** (\$1.0 million)
  - g. **FEMA’s Hazard Mitigation Grant Program** (\$3.5 million over three years)
6. **Ft. Stanton Fire Dept.** The MOU (long-term lease contract) is being finalized by the State Monuments Department and will be forwarded to Attorney Morel and Manager in the near future. We anticipate the Board of Regents to approve the long-term lease to the County in its July meeting (meets every two months). Advance planning commenced on this project in September, 2011, when Basic IDIQ was contracted to design the prefabricated metal building measuring 50’ deep x 80’ wide and 16’ tall. It is to include 3 bay doors. The concrete pad for the building shall be 8” thick and rebar reinforced. The recently updated cost of construction is approximately \$470,000. The County received a \$397,000 legislative appropriation last year, and the fire department has carried over funds in the amount of \$277,000 for several years for this project. We are adequately funded for the construction, and eventual furnishing and equipping.

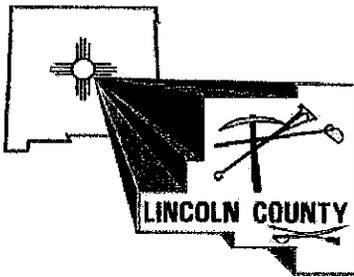
When Basic IDIQ was contracted to design the building, it was also in the Manager’s plan to have them construct the building, both under the County contract with CES (Cooperative Educational Services). If the County moves forward with initial plans to use Basic IDIQ to construct, a three-party contract will be entered into among the County, CES and Basic IDIQ. In 2010, the County did work with Basic IDIQ in this type of agreement for the extension of the Nogal Fire Department. The alternative to proceeding with the CES process is for the County to opt to issue a formal RFP. Manager recommends moving forward with the initial plan to construct under the CES process and will move forward, unless the Commission preference is to enter into the formal RFP process and directs the Manager to act accordingly.

7. **SunZia Southwest Transmission Project.** Manager has been in discussion with John Ryan of SunZia. He would like an opportunity to discuss the progress of this project with Manager, and perhaps several Commissioners in the near future. (week of 5/20). Manager has also contacted Adrian Garcia of the BLM, who has oversight responsibilities of this project, to gain an understanding of timelines, deadlines, opportunities to comment, etc. I anticipate providing the Commission with this information at its May 14<sup>th</sup> meeting.

8. **Building Updates:**

**Ruidoso Public Health Building.** The gutters and downspouts are installed on the Health Clinic and the north side of the building. Once earth-moving equipment is mobilized on site (this week), storm water piping will be laid and dirt work around the building will be completed. In the next several weeks, work will begin in the existing parking area. Project completion is targeted for May 31<sup>st</sup>, including inside restoration.

**Courthouse/Sheriff’s Complex Expansion.** The town of Carrizozo is in the process of vacating the street, and deeding that land to the County, and for finalizing work necessary to allow the County to commence moving the sewer line. Once in possession of required legal documents, Attorney Morel and Manager will complete review and revision of Lincoln County/CES/Basic IDIQ Agreement / contract for Commission approval.



[www.lincolncountynm.net](http://www.lincolncountynm.net)

# County of Lincoln

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

April 22, 2013  
Name  
Address  
City, State

**RE: Notice of Violation**  
Case No: xxxxxxxxxx

Dear Sir/ Madam:

The purpose of this letter is to notify you that your property, which is located at xxxxxxxx, has been found to be in violation of Lincoln County Ordinance No. 2009-03, which regulates refuse, solid waste, and litter within the county. The Ordinance is available for your review at [www.lincolncountynm.net/](http://www.lincolncountynm.net/).

Your property has been found to have tree debris/slash along your property boundary along the road. Due to the extremely dry conditions this year, the tree debris/slash is not only in violation of the above ordinance, but it is also considered a fire hazard.

Enclosed is a list of eight (8) contractors that have the capabilities to properly dispose of the slash and/or debris on your property. The county does not regulate pricing or insurance. This list represents a portion of area contractors offering services.

The County of Lincoln requests that you take the necessary actions to bring your property into compliance within ten (10) working days. You may contact me at the number below with any questions or concerns that you may have. If you property is not brought into compliance within the allotted time your case may be turned over to the Lincoln County Sheriff's department for further action.

Sincerely,

Samantha J. Mendez

Ordinance Administrator

**ENCL 1**

This list is in random order and does not constitute an endorsement.

<p><b>Badachi Bears</b>          Gilberto Badachi  <i>Ph. : (575) 937-2384 or (575) 378-0004</i>          Chipping/ Thinning/ Defensible space/ Hazard          Tree Removal/ Bear Carving</p>	<p><b>Country Boys Tree Service</b>          Jason Swanner  <i>Ph. : (575) 802-5550</i>          Chipping/ Thinning/ Defensible Space/          Hazard Tree Removal</p>
<p><b>The Greentree Solid Waste Authority</b>          www.lcswa.org          Contact: Debra Ingle  <i>Ph. : (575) 378-4697</i>  <i>FAX: (575) 378-4896</i></p>	<p><b>Stagner Landscape</b>          Dan Stagner  <i>Ph. : (575) 336-2321 or (575) 937-0106</i>          Chipping/ Thinning/ Defensible Space/          Hazard Tree Removal</p>
<p><b>Don Swanner's Tree Service</b>          Don Swanner  <i>Ph. : (575) 937-3255 or (575) 354-2904</i>          Chipping/ Thinning/ Defensible Space/ Hazard          Tree Removal</p>	<p><b>TLC Tree Service</b>          Robby Hall  <i>Ph. : (575) 937-2721</i>          Chipping/ Thinning/ Defensible Space/          Hazard Tree Removal</p>
<p><b>Cisco Bob Jr.'s Excavation &amp; Utilities</b>          Cisco Bob Jr.  <i>Ph. : (575) 464-9173 or ( 575) 937-2355</i>          Chipping/ Defensible Space/ Hazard Tree          Removal</p>	<p><b>Villalba Co.</b>          Mauro  <i>Ph. : (575) 937-3010</i>          Chipping/ Thinning/ Defensible Space/          Hazard Tree Removal</p>

**Note:**

1. The County of Lincoln does not regulate pricing or insurance.
2. This list represents a portion of area contractors offering services.

**Estimated Admin, Etc.  
Seeding/ Wattles Project**

**Admin Costs:**

<i>Description</i>	<i>Amount</i>	<i>Cost</i>
Part of Julia Bertrand's time Coordinating for 12 wks	188 @ 8.50/ hr	<b>\$1,598</b>

**Project Costs:**

<i>Description</i>	<i>Amount</i>	<i>Cost</i>
Cost of Seed	425 acres @ \$38.58 per acre plus estimated \$410.00 freight	\$16,807
Advertising	estimate- radio and newspaper	600
Printing of Instructional Brochures: Instructions for Wattles and Seeding	500 color @ \$.47 each	235
Stakes for Wattles	2000 @ \$.39 each	780
<b>total:</b>		<b>\$18,421.50</b>

**Total ADMIN & PROJECT Costs: \$20,019.50**

**IN-KIND:**

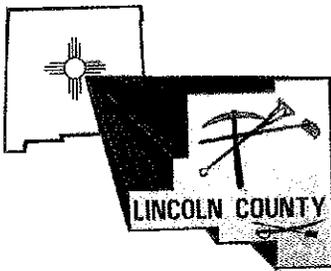
<i>Description</i>	<i>Amount</i>	<i>Cost</i>
Stephanie Bason's Time (IN-KIND)		
Julia Bertrand's Time (IN-KIND)		
Rebekah Toler's Time (IN-KIND)		
Advirtising, Etc. (IN-KIND)		
<b>total:</b>		

***\* Costs listed are conservative, should have a considerable amount of in-kind by end of project.***

**Agenda Item No. 17**  
**May 14, 2013**

**SUBJECT**

See an attached Liquor License Fees Resolution 2012-34 and memorandum from county clerk.



# LINCOLN COUNTY CLERK

Rhonda B. Burrows, County Clerk      Tammie J. Maddox, Chief Deputy Clerk

300 Central Ave. • P.O. Box 338 • Carrizozo, New Mexico 88301-0970  
(575) 648-2394 ext. 6 • Fax (575) 648-2576 • (800) 687-2705 ext. 6  
[www.lincolncountynm.net](http://www.lincolncountynm.net)

## Memo

**To:** Board of County Commissioners  
**Cc:** Nita Taylor, County Manager  
**From:** Rhonda Burrows, County Clerk  
**Date:** 4/26/2013  
**Re:** Liquor License Resolution 2012-34

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As per NMSA 1978 7-24-2: "The boards of county commissioners of counties composing local option districts are empowered, by resolution duly adopted, on or before the first day of June of each year to impose an annual, non-prohibitive license tax upon the privileges of persons holding state license under the provisions of the Liquor Control Act to operate within such counties, outside of the municipalities that are local option districts, as retailers, dispensers, canopy licensees, restaurant licensees. The amount of the license tax, which shall not exceed two hundred fifty dollars (\$250), and the dates and manner of the payment shall be fixed by the resolution imposing the tax;..."

The Resolution as presented reflects no change in wording or fees imposed from previous years.

**RESOLUTION NO. 2012-34**

**NOTICE** is hereby given by the Board of Commissioners of Lincoln County, State of New Mexico, to all persons proposing to sell or dispense alcoholic liquors outside of the corporate boundaries of the various municipalities situated in the County of Lincoln and who have qualified under the provisions of the Liquor Control Act, Section 60-3A-1, et seq. N.M.S.A. (1978 REPL. PAMP.), and all acts amendatory thereof and supplementary thereto; and have as a condition precedent hereto secured proper license from the Regulation and Licensing Department, of the State of New Mexico, that pursuant to Section 7-24-2, N.M.S.A. (1990 REPL. PAMP), they may apply to the Board of Commissioners through the office of the County Clerk in Carrizozo, New Mexico, for a license to sell or dispense alcoholic liquors in the following designations:

- DISPENSER'S LICENSE**
- CLUB LICENSE**
- RETAILER'S LICENSE**
- CANOPY LICENSE**
- RESTAURANT LICENSE**
- SPECIAL PERMITS**

The Board of Commissioners within and for the County of Lincoln, New Mexico, has designated and prescribed license fees to be paid to the County of Lincoln, as follows:

<b>DISPENSER'S LICENSE.....</b>	<b>\$250.00</b>
<b>CLUB LICENSE.....</b>	<b>\$ 25.00</b>
<b>RETAILER'S LICENSE.....</b>	<b>\$250.00</b>
<b>CANOPY LICENSE.....</b>	<b>\$250.00</b>
<b>RESTAURANT LICENSE.....</b>	<b>\$250.00</b>
<b>SPECIAL PERMITS (per day).....</b>	<b>\$ 25.00</b>

The License Tax period shall begin July 1, 2013 and end June 30, 2014. The full amount of said License Tax fee is due and payable on the date of issuance of the License for the License year. **In the case of a new business, the license fee will be prorated from the date that the State of new Mexico issued its license to the nearest whole month. The concerned business is to provide proof of said date of state issuance. (For Example-If the New Mexico license is issued on or before the 15<sup>th</sup> of the month, the whole month's proration will apply, if issued after the 15<sup>th</sup> of the month the county license fee will be charged commencing the following full month.)**

Provided further, that any operator who has not paid or tendered the applicable County License tax shall be subject to closure by the County Sheriff upon the written order of the Board of

County Commissioners, in accordance with Section 7-24-3 N.M.S.A. (1990 REPL. PAMP.).

**PASSED, APPROVED AND ADOPTED** this 14<sup>TH</sup> day of May, 2013.

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

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**JACKIE POWELL, CHAIRWOMAN**

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**PRESTON STONE, VICE CHAIR**

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**MARK DOTH, MEMBER**

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**DALLAS DRAPER, MEMBER**

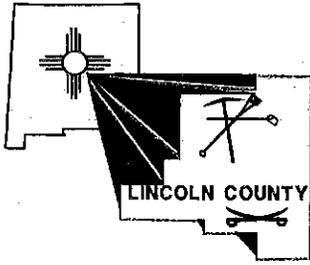
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**KATHRYN MINTER, MEMBER**

**ATTEST:**

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**RHONDA BURROWS, COUNTY CLERK**



# County of Lincoln

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

## Agenda Item No. 18

May 1, 2013

### MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NTX*

SUBJECT: 72-Hour Agenda Becomes Law

**Purpose:** Revise Open Meetings Act by Resolution 2012-35

**Discussion:**

Currently, state law requires that the agendas for public meetings be posted and available for public review no less than 24 hours in advance of the meeting. House Bill 21, sponsored by Representative Jim Smith of Sandia Park and Senator Daniel Ivey-Soto of Albuquerque was passed and the notification time will be expanded to require agendas be posed 72 hours in advance of meetings. Governor Martinez signed the bill in late March and will be effective June 14, 2013.

**Recommendation:** Approve Resolution 2012-35.

RESOLUTION NO. 2012-35

OPEN MEETINGS ACT

**WHEREAS**, the Lincoln County Board of Commissioners met in regular session at Carrizozo, New Mexico, on the 14<sup>th</sup> day of May, 2013, at 8:30 a.m. as required by law, and

**WHEREAS**, Section 10-15-1(B) of the Open Meetings Act (NMSA 1978, Sections 10-15-1 to 10-15-4) states that, except as may be otherwise provided in the Constitution or the provisions of the Open Meetings Act, all meetings of a quorum of members of any board, council, commission, administrative adjudicatory body or other policymaking body of any state or local public agency held for the purpose of formulating public policy, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of such body, are declared to be public meetings open to the public at all times; and

**WHEREAS**, any meeting subject to the Open Meetings Act at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs shall be held only after reasonable notice to the public; and

**WHEREAS**, Section 10-15-1(D) of the Open Meetings Act requires the Lincoln County Board of Commissioners to determine annually what constitutes reasonable notice of its public meetings.

**NOW, THEREFORE, BE IT RESOLVED** by the Lincoln County Board of Commissioners that:

1. Regular meetings of the Lincoln County Board of Commissioners shall ordinarily be held each month at a time and place designated in the notice. The agenda will be available at least seventy-two (72) hours prior to the meeting from the Lincoln County Manager's Office located in the Lincoln County Courthouse, Carrizozo, New Mexico
2. Special meetings of the Lincoln County Board of Commissioners may be called by the Chairman or a majority of the members upon two (2) days notice. The notice shall include an agenda for the meeting or information on how members of the public may obtain a copy of the agenda. The agenda shall be available to the public at least seventy-two (72) hours before any special meeting.
3. Emergency meetings of the Lincoln County Board of Commissioners will be called only under unforeseen circumstances that demand immediate action to protect the health, safety and property of citizens or to protect the public body from substantial financial loss. The Lincoln County Board of Commissioners will avoid emergency meetings whenever possible. Emergency meetings may be called by the Chairman or a majority of the members upon three (3) hours notice, unless threat of personal injury or property damage requires less notice. The

notice for all emergency meetings shall include an agenda for the meeting or information on how the public may obtain a copy of the agenda.

4. For the purposes of regular meetings described in paragraph 1 of this resolution, notice requirements will be complied with by the Lincoln County Clerk's permanently posting on the bulletin board at the Lincoln County Courthouse a copy of this resolution, as well as a notice setting forth the days and times of the regular meetings which have been set by resolution. Changes effecting the date of a regular scheduled meeting will be mailed to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of public meetings.
5. For the purposes of special meetings and emergency meetings described in paragraphs 2 and 3 of this resolution, notice requirements shall be met by posting notices in the offices of the Lincoln County Clerk and the Lincoln County Manager. The Lincoln County Manager's Office shall provide telephonic notice to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of public meetings.

Every effort shall be made to follow the latest version of Robert's Rules of Order. The Robert's Rules of Order shall be specifically modified to allow the Chairman to vote in all instances.

7. If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the County Manager's Office at 575/648-2385 at least one week prior to the meeting or as soon as possible. Please contact the County Manager's Office at 575/648-2385 if a summary or other type of accessible format is needed.
8. The Lincoln County Board of Commissioners may close a meeting to the public only if the subject matter of such discussion or action is excepted from the open meeting requirement under Section 10-15-1(H) of the Open Meetings Act.
  - (1) If any meeting is closed during an open meeting, such closure shall be approved by a majority vote of a quorum of the Lincoln County Board of Commissioners taken during the open meeting. The authority for the closed meeting and the subjects to be discussed shall be stated with reasonable specificity in the motion to close and the vote of each individual member on the motion to close shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in the closed meeting.

- (2) If a closed meeting is conducted when the Lincoln County Board of Commissioners is not in an open meeting, the closed meeting shall not be held until public notice, appropriate under the circumstances, stating the specific provision of law authorizing the closed meeting and the subjects to be discussed with reasonable specificity, is given to the members and the general public.
  - (3) Following completion of any closed meeting, the minutes of the open meeting that was closed, or the minutes of the next open meeting if the closed meeting was separately scheduled, shall state whether the matters discussed in the closed meeting were limited only to those specified in the motion or notice for closure.
  - (4) Except as provided in Section 10-15-1(H) of the Open Meetings Act, any action taken as a result of discussions in a closed meeting shall be made by vote of the Lincoln County Board of Commissioners in an open public meeting.
9. Pursuant to 10-15-1 NMSA 1978, paragraph C, a member or members of the Lincoln County Board of Commissioners may participate in a meeting of the Board by means of a conference telephone or other similar communications equipment when it is otherwise difficult or impossible for the member or members to attend the meeting in person, provided that each member participating by conference telephone can be identified when speaking, all participants are able to hear each other at the same time and members of the public attending the meeting are able to hear any member of the public body who speaks during the meeting.

**PASSED, ADOPTED AND APPROVED** this 14<sup>th</sup> day of May 2013.

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

\_\_\_\_\_  
**Jackie Powell, Chairwoman**

\_\_\_\_\_  
**Preston Stone, Vice Chair**

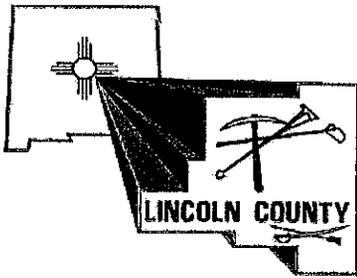
\_\_\_\_\_  
**Dallas Draper, Member**

\_\_\_\_\_  
**Mark Doth, Member**

\_\_\_\_\_  
**Kathryn Minter, Member**

**ATTEST:**

\_\_\_\_\_  
**Rhonda Burrows, County Clerk**



www.lincolncountynm.net

# County of Lincoln

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

## Agenda Item No. 19

May 9, 2013

### MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: EMS Week Proclamation

**Purpose:** To proclaim special recognition of this year's EMS Week May 19-25, 2013.

**Discussion:**

Jim Stover, EMS Director has asked that the Commission to recognize May 19-25, 2013 as EMS Week with the attached proclamation.

**Recommendation:** Approve the attached proclamation.

# EMS Week Proclamation

To designate the week of May 19-25, 2013 as Emergency Medical Services Week in the County of Lincoln, New Mexico

**WHEREAS**, emergency medical services (EMS) is a vital public service; and

**WHEREAS**, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

**WHEREAS**, emergency medical services (EMS) in Lincoln County, New Mexico is committed and invested in continual public education, prevention, and recognition of acute injury and illness; and

**WHEREAS**, emergency medical services (EMS) in Lincoln County, New Mexico is available 24/7, reaching to all communities and to all citizens in Lincoln County; and

**WHEREAS**, the commitment of EMT's and Paramedics in Lincoln County, New Mexico provides a security to the citizens of Lincoln County, and that security is amplified by the strong bonds EMS has with public safety agencies; and

**WHEREAS**, it is appropriate to recognize the value and the accomplishments of EMS practitioners by designating Emergency Medical Services Week; now

**THEREFORE**, we , the Board of Commissioners of Lincoln County, in recognition of this event do hereby proclaim the week of May 19-25, 2013, as

## **EMERGENCY MEDICAL SERVICES WEEK**

With the theme "EMS: One mission. One team." I encourage the community to observe this week with the activities as scheduled.

BOARD OF COMMISSIONERS OF  
LINCOLN COUNTY, NEW MEXICO

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

\_\_\_\_\_  
Kathryn Minter, Member

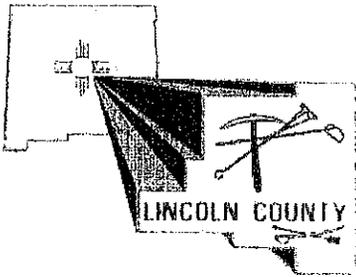
\_\_\_\_\_  
Mark Doth, Member

\_\_\_\_\_  
Preston Stone, Vice Chair

\_\_\_\_\_  
Dallas Draper, Member

ATTEST:

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



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# County of Lincoln

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

## Agenda Item No. 20

May 6, 2013

### MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *Not*

SUBJECT: Permission to Auction Surplus Inventory

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

**Discussion:**

Approval is sought to dispose of the listed surplus inventory via online auction at [www.publicsurplus.com](http://www.publicsurplus.com) by Resolution 2012-36. See Enclosure 1.

**Recommendation:** Approve the Resolution 2012-36 for reporting to the State Auditor and DFA and request at least three elected officials to review the surplus inventory to be disposed of as required by statute.

**RESOLUTION NO. 2012-36**

**APPROVAL OF DISPOSITION OF SURPLUS INVENTORY  
VIA ONLINE AUCTION**

**WHEREAS**, the Lincoln County Board of Commissioners meeting in regular session on May 14, 2013, did review the listed surplus inventory that is recommended for disposal via online auction, and

**WHEREAS**, the items listed were valued over \$5,000 at time of purchase, and

**WHEREAS**, only the 1979 Ford Fire Engine is expected to sell for more than \$5,000,

1979 Ford Fire Engine	Hondo FD	F90LVBG8861	G12474	6700907
1999 Chevy K2500 Pickup	Road	1GBGK24R0XF008687	G39118	8702013
2001 Ford F-350 Pickup	Rural Addressing	3FTSW31SX1MA59404	G47998	8702774
1998 Chevy Tahoe	Sheriff	1GNEK13R9WJ338930	G33954	8601720
2002 Dodge Ram Van	Detention Center	2B5WB35Z42K145792	G54771	8703351
Tilt Braising Pan	Detention Center	2160HOL		8702984

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

**PASSED, APPROVED AND ADOPTED** this 14<sup>th</sup> day of May, 2013.

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

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

\_\_\_\_\_  
Preston Stone, Vice Chair

\_\_\_\_\_  
Kathryn Minter, Member

\_\_\_\_\_  
Mark Doth, Member

\_\_\_\_\_  
Dallas Draper, Member

ATTEST:

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

*ENCL 1*

# NEW MEXICO PUBLIC REGULATION COMMISSION

## COMMISSIONERS

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



1120 Paseo De Peralta 4<sup>th</sup> Floor, Rm# 413  
P.O. Box 1269  
Santa Fe, NM 87504

## STATE FIRE MARSHAL DIVISION

John Standefer, State Fire Marshal  
1-800-244-6702 or (505) 476-0174

## STATE FIRE SERVICE SUPPORT BUREAU

April 30, 2013

Joe Kenmore, County Fire Marshal  
Lincoln County Fire & Emergency Services  
111 Copper Ridge Rd.  
Angus, NM 88316

Reference: Auction apparatus for the Hondo Fire District

Dear Joe,

In response to your request dated April 18, 2013, you advise that a Class-A Engine which is assigned to the Hondo Fire District Fleet was placed out of service due to the need of numerous repairs, which would not be cost effective to maintain. You have further indicated that this vehicle will be replaced with a new Class-A Engine.

Apparatus: 1979 Ford Vin #: F90LVBG8861

You are authorized to surplus this vehicle. Please be advised to follow all procedures for Surplus of equipment/transfers as set forth by your local government and, all procedures as outlined within the New Mexico Procurement Code.

**Please note that all monies are received from the auction of this apparatus be deposited and remain in the Hondo Fire District Fire Protection Fund Account.**

Should you desire any further clarification regarding this matter please feel free to contact me at (505) 476-0081.

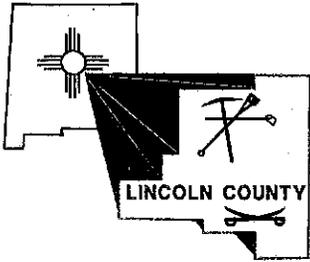
Respectfully,

  
Rudy F. Padilla  
Fire Department Inspector  
New Mexico State Fire Marshal Division

XC: Board of County Commissioners, Lincoln County  
Vernon Muller, Deputy State Fire Marshal  
File

1 888 4 ASK PRC  
[www.nmprc.state.nm.us](http://www.nmprc.state.nm.us)

**PRC**  
Working for You!



# County of Lincoln

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

## Agenda Item No. 21

May 8, 2013

### MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Approval of Provider Contract

**Purpose:** To approve an Indigent Health Care provider agreement.

**Discussion:**

In accordance with our Indigent Health Care Ordinance 2008-3, all medical providers who wish to receive IHC funds for patient must enter into an agreement with the county (Encl. 1).

Agreement #51 with Tall Pines Medical, grants eligibility to Tall Pines Medical, to receive funds from the Indigent Health Care Fund (Encl. 2). Scott Annala, Indigent Healthcare Administrator will be present to answer any questions.

**Recommendation:** Approve agreement #51 to Tall Pines Medical.

complete will be submitted to the IHC Board. Applications deemed incomplete will be returned with a letter of explanation to the provider. IHC applicants requesting services not related to sole community claims will be assisted by the provider and completed by the IHC administrator.

5.7 Disclosure by Medical Providers. Medical providers shall provide to the County reports, financial statements, random samples of paid bills or other information deemed necessary by the IHC Board or its representatives.

5.8 Agreement between County and Provider. All medical providers that are eligible for approval or reimbursement of IHC funds shall enter into an agreement with the County agreeing to abide by all provisions of this Ordinance prior to receiving an IHC funds. The medical provider shall submit copies of their state license and annual certification as part of this ongoing agreement. The IHC office should receive a copy of the renewed certification annually.

SECTION VI. DUTIES OF THE COUNTY -- SOLE COMMUNITY PROVIDER HOSPITAL PAYMENTS.

The County shall:

- (1) determine eligibility for benefits and determine an amount payable on each claim for services to indigent patients from sole community provider hospitals;
- (2) notify the sole community provider hospital of its decision on each request for payment while not actually reimbursing the hospital for the services that are reimbursed with federal funds under the state Medicaid program;
- (3) confirm the amount of the sole community provider hospital payments authorized for each hospital for the past fiscal year by September 30 of the current fiscal year based on a report prepared by the hospital using a format jointly prescribed by the County and hospital(s) that provides aggregate data, including the number of indigent patients served and the total cost of uncompensated care provided by the hospital;

**INDIGENT HEALTH CARE PROGRAM  
MEDICAL PROVIDER  
AGREEMENT NO. 51**

**THIS AGREEMENT** made and entered into this 14 day of May, 2013, by and between Lincoln County, New Mexico, a body politically organized and existing under the duly elected "County", and **Tall Pines Medical, Inc.** hereinafter referred to as "Medical Provider".

**WHEREAS**, The County is authorized by Statute to contract for Indigent Health Care Claims services; and,

**WHEREAS**, The Medical Provider is the proper party to render such services,

**NOW, THEREFORE**, it is agreed as follows:

1. That Medical Provider agrees to abide by all provisions set forth in the Lincoln County Ordinance No. 2008-03, adopted June 24, 2008, by authority of Section 27-5-1 NMSA 1978.
2. That medical provider agrees to submit copies of appropriate State License and Certification, and any other information deemed necessary by the Board;
3. That the term of this agreement shall commence on the date above written and shall remain in force until terminated by either party giving the other at least thirty (30) days written notice prior to termination.
4. That Medical Provider is an independent contractor and is not an agency, employee or representative of the County;
5. Failure to abide by all provisions listed in the Lincoln County Ordinance shall result in termination of the Agreement.
6. By acceptance of this Agreement, the above named Medical Provider is granted eligibility by the County to receive funds from the Indigent Health Care Fund.

*ENCL 2*

IHC MEDICAL PROVIDER AGREEMENT  
PAGE TWO

IN WITNESS WHEREOF, the parties hereto have executed the Agreement on the 14  
day of May, 2013.

BOARD OF COUNTY COMMISSIONERS:

\_\_\_\_\_  
JACKIE POWELL, CHAIR

\_\_\_\_\_  
PRESTON STONE, VICE CHAIR

\_\_\_\_\_  
KATHRYN MINTER, MEMBER

\_\_\_\_\_  
MARK DOTH, MEMBER

\_\_\_\_\_  
DALLAS DRAPER, MEMBER

ATTEST:

\_\_\_\_\_  
RHONDA BURROWS,  
County Clerk

MEDICAL PROVIDER:

I hereby attest that I have the authority to sign on behalf of the  
medical provider named in this agreement.

  
\_\_\_\_\_  
Executive Officer

LINCOLN COUNTY  
INDIGENT HEALTH CARE  
PROVIDER APPLICATION

Please Print

Name of Practice: Tall Pines Medical, Inc  
Mailing Address: 714 Mechem DR  
Physical Address: Sam  
Telephone Number: 575-257-4061  
Email Address: tpm@baja bb.com

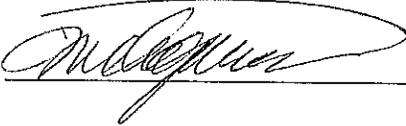
Type of Practice: Group  Individual   
Tax Id Number: 88-0377793

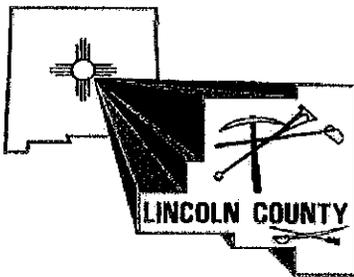
Contact Person: Carol Hair

List all Physicians and/or Health Care Professionals who bill under this practice name and Tax Id:

Michael D. Spence  
Jacqueline M. Youtso  
\_\_\_\_\_  
\_\_\_\_\_

This is a formal request to be added as a medical provider and be eligible for reimbursement through the Lincoln County Indigent Health Care Fund. Copies of all State Licensure have been included with this application.

Applicant Signature:  Date: 4-26-13



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# County of Lincoln

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

## Agenda Item 22

May 9, 2013

### MEMORANDUM

**TO:** County Commissioners

**FROM:** Nita Taylor, Lincoln County Manager *NT*

**SUBJECT:** Professional Services Contract – King Industries Corporation

**PURPOSE:** Consideration of amendment to Professional Services Agreement - King Industries

**DISCUSSION:** In its October, 2012 meeting, the Commission approved Manager's request to hire a Temporary Project Manager through the end of the fiscal year under a professional services agreement to assist with FEMA related activities. In the November, 2012, Commission agreed to expand the scope of work to other county needs requiring Project Management/Engineering skills.

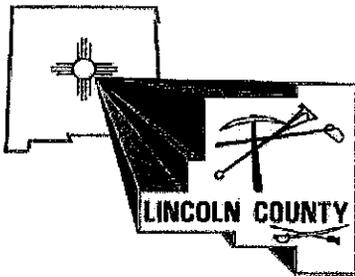
On December 3, 2012, Manager entered into, on behalf of the County, such an Agreement with King Industries. The Compensation and Benefits Section of the Agreement stated that County shall pay King Industries Corporation a set hourly fee, plus gross receipts taxes, per hour on a per project basis, and that the total amount paid to King Industries shall not exceed the total sum of \$49,950.00.

As State Statute 13-1-125, Subsection B, allows that a central purchasing office may procure professional services having a value not exceeding fifty thousand (\$50,000), *excluding applicable state and local gross receipts taxes*, I request your approval to amend this Professional Services Agreement.

The new language would be "Said amounts to be paid by the County to King Industries Corporation shall not exceed the total sum of ~~Fifty Nine Thousand Nine Hundred Fifty Dollars and No/100 (\$49,050.00)~~ Fifty Thousand Dollars and No/100 (\$50,000), plus gross receipts tax.

This revision results in the ability to add \$2,843.75 ( \$50,000 x .056875) to the King Industries Corporation agreement, enabling completion of critical work prior to end of the fiscal year deadline, June 30, 2012.

**RECOMMENDATION.** I recommend you consider and approve the amendment to the Lincoln County / King Industries Corporation Agreement, authorizing the total compensation to be \$50,000 plus applicable gross receipts tax.



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# County of Lincoln

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

## Agenda Item 23

May 8, 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. As such, Agenda Item #13 renews fire restrictions in the County, and adopts the USFS Smokey Bear Ranger Districts Stage I and Stage II restrictions. Joe Kenmore will be at the Commission meeting to provide a summary.

**Recommendation:** Information only. No action required.

**Agenda Item No. 24**  
**May 14, 2013**

**SUBJECT**

**1:00 P.M.** Public Hearing is to Consider Adoption of an Ordinance 2013-2 Amending Lincoln County Subdivision Rules and Regulations; providing for the severability of parts hereof; providing an effective date, and repeal of Ordinance 2008-01

**LINCOLN COUNTY, NEW MEXICO**  
**SUBDIVISION ORDINANCE ~~2008-01~~ 2013-2**

**Amending, Repealing, and Reenacting**  
**Ordinance ~~2008-01~~ 2008-01**

**LINCOLN COUNTY, NEW MEXICO**  
**SUBDIVISION ORDINANCE ~~2013-1~~ 2013-2**

**Amending, Repealing, and Reenacting**  
**Ordinance ~~2008-1~~ 2008-01**

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- B. Application for Final Plat Approval**
- C. Application for Summary Review Plat Approval**
- D. Application for a Variance**
- E. Notice of Appeal**
- F. Claim of Exemption**
- G. Disclosure Statement (fewer than five (5) parcels)**
- H. Disclosure Statement (six (6) or more parcels)**

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**ORDINANCE ~~2008-01~~ 2013-2**

**AN ORDINANCE AMENDING LINCOLN COUNTY SUBDIVISION RULES AND REGULATIONS; PROVIDING FOR THE SEVERABILITY OF PARTS HEREOF; PROVIDING AN EFFECTIVE DATE, AND THE REPEAL OF ORDINANCE NO. ~~2008-01~~ 2008-01**

**ARTICLE 1           GENERAL PROVISIONS**

**Section 1.1           Title**

This Ordinance shall be known and may be cited as the Lincoln County, New Mexico, Subdivision Ordinance.

**Section 1.2           Authority**

This Ordinance is created pursuant to the enabling authority set forth in NMSA 1978, §§47-6-1, *et seq.*; NMSA 1978, §§4-37-1, *et seq.*; and NMSA 1978, §§3-20-5, 3-20-6, and 3-20-9.

**Section 1.3           Purpose and Policy**

This Ordinance is to provide for the harmonious development of unincorporated areas within existing or planned streets of Lincoln County; for adequate open space for traffic, recreation, light, and air; and for a distribution of population and traffic which will tend to create conditions favorable to health, safety, and welfare. It should be noted that approval of a subdivision may impact surrounding properties through an increase in assessed valuation of properties adjacent to a newly created subdivision.

The scenic corridors, streams, natural and historical sites of Lincoln County constitute community assets upon which the area's economy depends. Subdivision proposals shall be approved only when it has been demonstrated that these assets are protected to the maximum extent possible. The Planning Commission will insure that the integrity of the environment is preserved in the planning and development of a subdivision.

**Section 1.4           Jurisdiction**

1 This "Subdivision Ordinance" shall govern all platting or replatting of areas within Lincoln County not within  
2 the boundaries of a municipality, except that, when land proposed for a subdivision lies within the  
3 extraterritorial jurisdiction of an incorporated municipality, the more stringent subdivision regulation will  
4 apply.  
5

6 At any time that the development is not in compliance with the disclosure time line and falls delinquent by  
7 six (6) months, the County Commission may exercise its right to revoke approval.  
8

9 Upon approving a subdivision plat, the Commission expressly reserves jurisdiction to subsequently determine  
10 whether plat approval relative to subdivider's unsold portions of the plat should be suspended or revoked  
11 because of:  
12

- 13 A. any material misstatement or error of fact in the disclosure statement or any information upon which  
14 the Commission relied; or
- 15
- 16 B. a subsequent failure to comply with any provision of the disclosure statement or a subsequent failure  
17 to comply with County regulations.  
18

19 **Section 1.5 Interpretation**  
20

21 The provisions of this Ordinance are held to be minimum requirements. Whenever any provisions of this  
22 Ordinance conflict with other laws, rules, regulations, covenants, or ordinances, the more restrictive shall  
23 govern. This Ordinance shall be construed broadly to promote the purposes for which they were adopted.  
24

25 **ARTICLE 2 DEFINITIONS**  
26

27 For the purpose of this Ordinance, certain words and terms are herewith defined: The singular includes the  
28 plural and plural includes the singular; the word "shall" is mandatory and not discretionary:  
29

- 30 A. "Absorption field" means an area in which open joint or perforated piping is laid in gravel-packed  
31 trenches or excavations for the purpose of distributing the effluent discharged from a tank used as part  
32 of an individual liquid waste disposal system for absorption into the soil.  
33
- 34 B. "Advanced sewer treatment system" means any process of wastewater treatment that removes a greater  
35 amount of contaminant than is accomplished through primary treatment; advanced treatment may include  
36 physical or chemical processes.  
37
- 38 C. "Aerobic disposal system" means a tank where air is introduced to the liquid waste by mechanical means,  
39 together with an absorption field.  
40
- 41 D. "Applicant" means the owner of land proposed to be subdivided or their representative who shall have  
42 express written authority to act on behalf of the owner. Written consent shall be required from the legal  
43 owner of the land to be subdivided in the event someone other than the owner is authorized to represent  
44 the owner.  
45

1 E. "Arroyo" means a water course which conducts intermittent or ephemeral flow, providing primary  
2 drainage for an area of land 40 acres or larger; or a watercourse which would be expected to flow in  
3 excess of 100 cubic feet per second as the result of a 100-year storm event.  
4

5 F. "Block" means the distance measured along a street between intersection streets from center line; and  
6 where the context requires, it also means the enclosed area within the perimeter of the streets or property  
7 lines enclosing it.  
8

9 **G. "Board of County Commissioners" means the governing board of the County.**

10  
11 ~~G.~~ H. "Body of water" means all water situated wholly or partly within or bordering upon this State,  
12 whether surface or subsurface, public or private.  
13

14 H. I. "Buffer strip" means the land:  
15

- 16 1. adjoining a watercourse or drainage channel with a vertical bank of at least forty-five degrees (45°);  
17 and  
18
- 19 2. extending perpendicularly from the vertical bank of the watercourse or drainage channel to a distance  
20 three (3) times the depth of the watercourse or drainage channel measured from the bottom of the  
21 watercourse or drainage channel to the top of the highest bank.  
22
- 23 3. The area adjacent to highway, railroads and other objectionable land usages.  
24

25 I. J. "Building setback line" means a line on a plat, between which line and street right-of-way line no  
26 building or structure may be erected.  
27

28 J. K. "Commission" means the Planning Commission.  
29

30 **L. "Common Promotional Plan" means a plan or scheme of operation, undertaken by a single**  
31 **subdivider or a group of subdividers acting in concert, to offer for sale or lease parcels of land**  
32 **where the land is either contiguous or part of the same area of land or is known, designated or**  
33 **advertised as a common unit or by a common name.**  
34

35 ~~K.~~ M. "Community water system" means a water supply system that serves 15 connections, or 25 or more  
36 people 60 days or more per year.  
37

38 ~~L.~~ N. "Condominium" means real estate, portions of which are designated for separate ownership and the  
39 remainder of which is designated for common ownership solely by the owners of those portions. Real  
40 estate is not a condominium unless the undivided interests in the common elements are vested in the  
41 unit owners as defined in the New Mexico Condominium Act, NMSA 1978, §§47-7A-1 to 47-7D-20  
42 (1995 Repl.). For the purpose of determining the number of parcels in a subdivision, each proposed  
43 dwelling unit or Condominium shall be counted as one (1) parcel.  
44

45 ~~M.~~ O. "Community Liquid Waste Treatment System" means a system serving two (2) or more parcels for  
46 the collection and treatment of liquid waste.  
47

- 1 ~~Æ~~ P. "County" means the Lincoln County Board of Commissioners.  
2  
3 ~~⊖~~ Q. "County Clerk" means the County Clerk of Lincoln County, State of New Mexico.  
4  
5 ~~Ⓕ~~ R. "County Engineer" means the County Engineer for Lincoln County, State of New Mexico, or his duly  
6 authorized representative, employed on a consulting basis as such services are needed.  
7  
8 ~~⊕~~ S. "County Manager" means the County Manager of Lincoln County, State of New Mexico.  
9  
10 ~~℞~~ T. "Disclosure Statement" means a submittal that details in writing certain specified information  
11 required by the New Mexico Subdivision Act and this Ordinance prior to selling or leasing any land  
12 to permit a prospective purchaser or a lessee to make an informed decision about the purchase or lease  
13 of said land, a copy of which is sent to the Attorney General's Office.  
14  
15 ~~Ⓢ~~ U. "Drainage channel" means any depression into which storm water flows along a defined course.  
16  
17  
18 ~~Ⓕ~~ V. "Drainage Plan" means a plan indicating an on-site drainage proposal, the passage of storm water  
19 through the development, and safe discharge of run-off onto adjacent lands or into storm drainage  
20 facilities. Also, a comprehensive analysis of (a) the existing storm drainage conditions of a proposed  
21 development, and (b) the disposal of the increased run-off that is generated by the proposed  
22 development.  
23  
24 ~~⊕~~ W. "Driveway" means an access to one residential dwelling giving access from a cut that intersects a  
25 County road or state road or public thoroughfare to a building or prospective building site.  
26  
27 V. X. "Dwelling Unit" means any building or portion thereof which contains living facilities, including  
28 provisions for sleeping, eating, cooking and sanitation for not more than one family.  
29  
30 W. Y. "Easement" means a right or privilege that a person or persons may have in another's land, such as  
31 the right of passage, on which no permanent structure that denies access can be constructed.  
32  
33 ~~ⓧ~~ Z. "Engineering interpretations" means the involvement of a Professional Engineer registered in the  
34 State of New Mexico to study, analyze, report on, and otherwise offer opinions concerning topics  
35 which include but are not limited to soils, environment, water, sewage, streets and water crossings,  
36 all as they relate to the content and objectives of this Ordinance.  
37  
38 ~~Ⓕ~~ AA. "Erosion" means soil movement due to wind or water.  
39  
40 ~~Ⓕ~~ BB. "Erosion control structure" means any man-made device preventing or controlling erosion.  
41  
42 ~~Ⓕ~~ CC. "Flight zone" an overlay of that area around airports which are subject to uses, height and location  
43 restrictions to separate uncontrollable noise sources from noise sensitive areas and facilitate the  
44 orderly development of those areas it overlays.  
45  
46 ~~Ⓕ~~ DD. "Flood control" means the measures necessary or taken to protect the public's health, safety or  
47 welfare from the effects of flooding.

1 ~~CC~~: EE. "Floodway" is the portion of a drainage channel containing high velocities and potentially erosive  
2 conditions. It is the main channel of a floodplain which does not include the flood fringe. More  
3 technically, it is that portion of the available flow cross section of a drainage that cannot be obstructed  
4 without causing an increase in the water-surface elevations resulting from a flood with a 100-year  
5 average return period of more than one foot. Structures are generally not allowed within the floodway.  
6

7 ~~DD~~: FF. "Flood fringe" means the area of the floodplain outside of the floodway. Development of habitable  
8 structures may be constructed in the flood fringe with special requirements such as raising the  
9 finished floor with non-erosive fill 1' above the 100-yr floodplain.  
10

11 ~~EE~~: GG. "Flood plain" means any area which will be flooded by high water from a one hundred (100) year  
12 frequency storm (a one percent [1%] chance of occurrence in one [1] year).  
13

14 ~~FF~~: HH. "Geohydrologic report" means a report prepared by a qualified hydrogeologist on subsurface water  
15 availability.  
16

17 ~~GG~~: II. "Hydrologic report" means a report prepared by a qualified hydrogeologist on surface or subsurface  
18 water availability.  
19

20 ~~HH~~: JJ. "Immediate family member" means a husband, wife, father, stepfather, mother, stepmother, brother,  
21 stepbrother, sister, stepsister, son, stepson, daughter, stepdaughter, grandson, stepgrandson,  
22 granddaughter, stepgranddaughter, nephew and niece, whether related by natural birth or adoption.  
23

24 **KK.** **"Indian Nation, Tribe or Pueblo" means any Federally recognized Indian Nation, Tribe or**  
25 **Pueblo located wholly or partially in New Mexico.**  
26

27 ~~II~~: LL. "Individual liquid waste disposal system" means a disposal system which serves an individual dwelling  
28 or parcel and includes, but it is not limited to, septic tank systems, aerobic disposal systems and  
29 vapotranspiration systems.  
30

31 ~~JJ~~: MM. "Individual water system" is a domestic well authorized pursuant to a permit obtained under NMSA  
32 § 72-12-1, serving between one and six parcels.  
33

34 ~~KK~~: NN. "Lease" means to [REDACTED]  
35 [REDACTED] **lease or offer to**  
36 **lease land.**  
37

38 ~~LL~~: OO. "Liquid waste" means domestic wastewater containing human excreta, fecal matter, or other water-  
39 carried waste.  
40

41 ~~MM~~: PP. "Livestock" means all domestic or domesticated animals that are used or raised on a farm or ranch,  
42 including the carcasses thereof, and exotic animals in captivity and includes horses, asses, mules,  
43 cattle, sheep, goats, swine, bison, poultry, ostriches, emus, rheas, camelids and farmed cervidae  
44 (reference NMSA 77-2-1.1).  
45

46 ~~NN~~: QQ. "Local district" means any natural resource conservation district within the County in which the  
47 proposed subdivision is located.

- 1       ~~OO~~ RR. "Lot" means parcel.
- 2
- 3       ~~PP~~ SS "Maintenance bond" is a form of security required by the County of Lincoln after the construction
- 4               of developer provided improvements of a subdivision have been completed and is required to be
- 5               maintained through the test period.
- 6
- 7       ~~OO~~ TT. "mg-l" means milligrams per liter.
- 8
- 9       ~~RR~~ UU. "mmc" means micro-micro curie.
- 10
- 11       ~~SS~~ VV. "Mobile home" means a manufactured structure at least 8' x 32' which can be transported in one (1)
- 12               or more sections, each on its own permanently attached chassis and which is designed or intended for
- 13               a use as a dwelling with or without a fixed foundation.
- 14
- 15       ~~TT~~ WW. "Occupancy" means a permanent residence has been constructed and is connected with all primary
- 16               utilities. Permanent residence may include a mobile home, but does not include travel trailers or
- 17               temporary structures.
- 18
- 19       ~~UU~~ XX. "Owner" means any person or his successor in interest who purchases or leases land within a
- 20               subdivision from a subdivider.
- 21
- 22       ~~YY~~ YY. "Parcel" means land capable of being described by location and boundaries and not dedicated for
- 23               public or common use.
- 24
- 25       ~~ZZ~~ ZZ. "Parcel, double frontage" means a continuous (through) parcel the same depth as the width of a block
- 26               and which is accessible from both of the streets upon which it fronts.
- 27
- 28       ~~AA~~ AAA.       "Parcel, single tier" means a parcel which backs upon a limited access highway, a railroad,
- 29               a physical barrier, or a non-residential use and to which vehicular access from the rear is
- 30               usually prohibited.
- 31
- 32       ~~BB~~ BBB.       "Performance bond" is a form of security required by the County of Lincoln, required to be
- 33               obtained by a Subdivider prior to and during the construction of developer provided
- 34               improvements of a subdivision.
- 35
- 36       ~~CC~~ CCC.       "Person" means any individual, estate, trust, receiver, cooperative association, club,
- 37               corporation, company, firm, partnership, joint venture, syndicate, or other legal entity.
- 38
- 39       ~~DD~~ DDD.       "Phase" means a portion of a multi-unit subdivision which is intended to be developed as a
- 40               unit.
- 41
- 42       ~~EE~~ EEE.       "Planning Commission" means the officially appointed Planning Commission of Lincoln
- 43               County, New Mexico.
- 44
- 45       ~~FF~~ FFF.       "Planning Department" means a department of Lincoln County government that includes
- 46               staff with responsibilities for administering these Regulations as well as the Comprehensive
- 47               Plan and the Lincoln Historical Zoning Ordinance.

- 1 ~~DDD~~: GGG. "Planning Director" means the director of planning and/or his or her designee, responsible for administering these Regulations.
- 2
- 3
- 4 ~~EEE~~: HHH. "Plat" means a map, chart, survey, plan or replat, certified by a licensed registered land surveyor, containing a description of the subdivided land with ties to permanent monuments.
- 5
- 6
- 7 ~~FFF~~: III. "Plat, Final" means a map, chart, survey, plan or replat, certified by a licensed, registered land surveyor, containing a description of the subdivided land with ties to permanent monuments prepared in a form suitable for filing **of record**.
- 8
- 9
- 10
- 11 ~~GGG~~: JJJ. "Plat, Preliminary" means a map ~~of a proposed subdivision showing the character and proposed layout of the subdivision and the existing conditions in and around it, and need not be based upon an accurate and detailed survey of the land.~~ **of a proposed subdivision showing the character and proposed layout of the subdivision and the existing conditions in and around it, and need not be based upon an accurate and detailed survey of the land.**
- 12
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- 18 ~~HHH~~: KKK. "Potable water" means water that is safe and palatable for human consumption.
- 19
- 20 ~~HH~~: LLL. "Private road" means any road that is not dedicated to or maintained by the County.
- 21
- 22 ~~JJJ~~: MMM. "Private water system" means a water supply system that serves fewer than 15 connections or fewer than 25 people.
- 23
- 24
- 25 ~~KKK~~: NNN. "Privy" means any non-water-carried disposal facility for human excreta.
- 26
- 27 ~~LLL~~: OOO. "Public Hearing" means any proceeding held by the Board of County Commissioners or the Planning Commission preceded by notice at which time and place applicants and other members of the public may be heard on matters listed on the Commission's agenda.
- 28
- 29
- 30
- 31 ~~MMM~~: PPP. "Replat" means a change in a map of an approved or recorded subdivision plat, if such change affects any street layout on such map or area reserved thereon for public use, or any lot line, or if it affects any map or plan legally recorded prior to the adoption of any regulation controlling subdivisions.
- 32
- 33
- 34
- 35
- 36 ~~NNN~~: QQQ. "Sediment" means soil or other surface material transported by wind or surface water.
- 37
- 38 ~~RRR~~. **"Sell" means to sell or offer to sell land.**
- 39
- 40 ~~OOO~~: SSS. "Septic tank system" means a tank which is designed and constructed to separate solids from the liquid and digest organic matter through a period of detention, together with an absorption field.
- 41
- 42
- 43
- 44 ~~TTT~~: TTT. "Soil survey" means a national cooperative soil survey conducted by the United States Department of Agriculture in cooperation with the State Agriculture Experiment Station and
- 45
- 46
- 47

1 other federal and state agencies or any other survey containing information of comparable  
2 quality and detail approved by the local district.

3  
4 ~~RRR:~~ UUU.. "Solid waste" means any solid or semi-solid discarded material which results from household,  
5 commercial, industrial, or other operations, but does not include waterborne waste in  
6 sewerage system.

7  
8 ~~SSS:~~ VVV.. "Street" means all property dedicated or intended for public use or access to abutting lands  
9 or subject to public easement, and whether designated as a street, highway, thoroughfare,  
10 parkway, throughway, expressway, road, avenue, boulevard, lane, place, circle or however  
11 otherwise designated.

12  
13 ~~TTT:~~ WWW. "Street, arterial" means a street of considerable length that carried, or that planning evidence  
14 indicated will carry a large volume of traffic; or which provides a continuous route through  
15 a major portion of the County or any urbanized area within the County.

16  
17 ~~UUU:~~ XXX. "Street, collector" means a street that serves as a connection between several local streets and  
18 one (1) or more arterial streets.

19  
20 ~~VVV:~~ YYY. "Street, cul-de-sac" means a local street with only one (1) outlet and culminated by a  
21 turnaround.

22  
23 ~~WWW:~~ ZZZ. "Street, local" means a street of relatively short length that provides direct access to a limited  
24 number of abutting properties and protection from through traffic and control of intersections  
25 with major traffic streets.

26  
27 ~~XXX:~~ AAAA. "Street, roadway" means that portion of the street available for vehicular traffic and, where  
28 curbs are laid, the portion from back-to-back curbs.

29  
30 ~~YYY:~~ BBBB. "Street section" means the typical cross section, including but not limited to the combined  
31 surface course, base course, sub base, and prepared sub grade, all as applicable, considered  
32 as a single unit.

33  
34 **CCCC.** **"Subdivide" means to divide a surface area of land into a subdivision.**

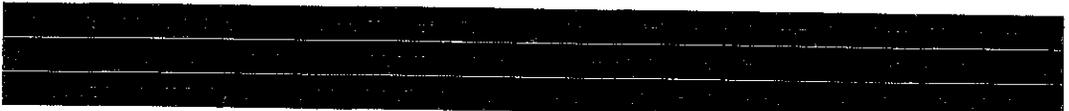
35  
36 ~~ZZZ:~~ DDDD. "Subdivider" means any person who creates or who has created a subdivision individually  
37 or as part of a common promotional plan or any person engaged in the sale, lease or other  
38 conveyance of subdivided land; however, "subdivider" does not include any duly licensed  
39 real estate broker or salesperson acting on another's account.

40  
41  
42 ~~AAA:~~ EEEE. "Subdivision" means ~~any portion of a tract of land, whether or not previously subdivided, which is divided into two or more lots, parcels, or tracts of land, whether or not previously subdivided, for the purpose of sale, lease, or other conveyance of the same.~~  
43 ~~any portion of a tract of land, whether or not previously subdivided, which is divided into two or more lots, parcels, or tracts of land, whether or not previously subdivided, for the purpose of sale, lease, or other conveyance of the same.~~  
44 ~~any portion of a tract of land, whether or not previously subdivided, which is divided into two or more lots, parcels, or tracts of land, whether or not previously subdivided, for the purpose of sale, lease, or other conveyance of the same.~~  
45 ~~any portion of a tract of land, whether or not previously subdivided, which is divided into two or more lots, parcels, or tracts of land, whether or not previously subdivided, for the purpose of sale, lease, or other conveyance of the same.~~ **the division of a surface area**  
46 **of land, including land within a previously approved subdivision, into two or more**

**parcels for the purpose of sale, lease or other conveyance or for building development, whether immediate or future; but "Subdivision" does not include:**

1. The sale, lease, or other conveyance of any parcel that is thirty-five acres or larger in size within any twelve month period, provided that the land has been used primarily and continuously for agricultural purposes, in accordance with NMSA 1978, §7-36-20, for the preceding three years;
2. The sale or lease of apartments, offices, stores or similar space within a building;
3. The division of land within the boundaries of a municipality;
4. The division of land in which only gas, oil, mineral or water rights are severed from the surface ownership of the land;
5. The division of land created by court order, where the order creates no more than one parcel per party;
6. The division of land for grazing or farming activities, provided the land continues to be used for grazing or farming activities;
7. The division of land resulting only in the alteration of parcel boundaries where parcels are altered for the purpose of increasing or reducing the size of contiguous parcels and where the number of parcels is not increased;
8. The division of land to create burial plots in a cemetery;
9. The division of land to create a parcel that is sold or donated as a gift to an immediate family member; however, this exception shall be limited to allow the seller or donor to sell or give no more than one parcel per tract of land per immediate family member;
10. The division of land created to provide security for mortgages, liens, or deeds of trust, provided that the division of land is not the result of a seller-financed transaction;
11. The sale, lease, or other conveyance of land that creates no parcel smaller than one hundred forty (140) acres;
12. The division of land to create a parcel that is donated to any trust or nonprofit corporation granted an exemption from federal income tax, as described in §501(c) (3) of the United States Internal Revenue Code of 1986, as amended; school, college, or other institution with a defined curriculum and a student body and faculty which conducts classes on a regular basis; or to any church or group organized for the purpose of divine worship, religious teaching, or other specifically religious activity; or

13.



1  
2  
3  
4 the division of a tract of land into two parcels that conform with  
5 applicable zoning ordinances; provided that a second or subsequent division of either  
6 of the two parcels within five years of the date of the division of the original tract of  
7 land shall be subject to the provisions of the New Mexico Subdivision Act; provided  
8 further that a survey, and a deed if a parcel is subsequently conveyed, shall be filed with  
9 the County Clerk indicating that the parcel shall be subject to the provisions of hte New  
10 Mexico Subdivision Act if the parcel is further divided within five years of the date of  
11 the division of the original tract of land;  
12

13 14. The purchase or donation of land by a governmental entity for the purpose of construction  
14 or use of a public project. ATTACH A CERTIFIED SURVEY OF THE PROJECT  
15 SHOWING THE LOCATION AND SIZE OF BOTH TRACTS.  
16

17 ~~BBBB~~: FFFF. "Terrain Management Plan" means  the control of floods,  
18 drainage and erosion, and measures required for adapting proposed development to existing  
19 soil characteristics and topography.  
20

21 ~~CCCC~~: GGGG. "Time of purchase or lease or other conveyance" means the time of signing any document  
22 obligating the person signing the document to purchase land or lease or otherwise acquire a  
23 legal interest in land.  
24

25 ~~DDDD~~: HHHH. "Townhome" or "Townhouse" means an attached, privately owned single-family dwelling  
26 unit which is a part of and adjacent to other similarly owned single-family dwelling units that  
27 are connected to but separated from one another by a common party wall having no doors,  
28 windows, or other provisions for human passage or visibility. A townhouse is a form of  
29 Planned Unit Development. For the purpose of determining the number of parcels in a  
30 subdivision, each proposed dwelling unit or Townhome shall be counted as one parcel.  
31

32 ~~EEEE~~: IIII. "Tract" is used interchangeably with the term "lot", particularly in the context of a  
33 subdivision, where a "tract" is subdivided into several lots, parcels, sites, units, plots,  
34 condominiums, tracts or interests.  
35

36 ~~FFFF~~: JJJJ. "Type-one subdivision" means any subdivision containing five hundred (500) or more  
37 parcels, any one of which is less than ten (10) acres in size.  
38

39 ~~GGGG~~: KKKK. "Type-two subdivision" means any subdivision containing not  fewer than twenty-five  
40 (25) but not more than four hundred ninety-nine (499) parcels, any one of which is less than  
41 ten (10) acres in size.  
42

43 ~~HHHH~~: LLLL. "Type-three subdivision" means any subdivision containing not more than twenty-four (24)  
44 parcels, any one of which is less than ten (10) acres in size.  
45

46 ~~HH~~: MMMM. "Type-four subdivision" means any subdivision containing twenty-five (25) or more parcels  
47 each of which is ten (10) acres or more in size.

1 ~~HHH~~ NNNN. "Type-five subdivision" means any subdivision containing not more than twenty-four (24)  
2 parcels, each of which is ten (10) acres or more in size.  
3  
4

5 **TABLE T-2 – TYPES OF SUBDIVISIONS:**

Type	Number of Parcels	Size of Smallest Parcel
One	500 or more	Less than 10 acres
Two	25 to 499	Less than 10 acres
Three	2 to 24	Less than 10 acres
Four	25 or more	10 acres or more
Five	2 to 24	10 acres or more

6  
7  
8  
9  
10  
11  
12  
13  
14 ~~KKKK~~-OOOO. "Unit" means a distinct subdivision identified as a component of a master plan.

15  
16 ~~LLL~~ PPPP. "Vacation of plat" means the vacation of all or a part of a plat which may or may not affect  
17 dedicated streets or utility easements.  
18

19 ~~MMMM~~ QQQQ. "Water availability assessment" means an evaluation to demonstrate that sufficient  
20 quantities of potable water are available to supply the maximum annual water require-  
21 ments of the proposed subdivision for all indoor and outdoor domestic uses over a 40-year  
22 period. Components of the assessment shall include: (1) a description of the maximum  
23 annual water requirements of the subdivision including water for indoor and outdoor  
24 domestic uses, (2) a description of the availability and sources of water to meet the  
25 subdivision's maximum annual water requirements over 40 years, (3) a description of the  
26 means of water conveyance and delivery within the subdivision, (4) a description of any  
27 limitations and restrictions on indoor or outdoor water use in the subdivision and summary  
28 of covenants for said restrictions or conservation measures, (5) a description of measures,  
29 if any, to be used to monitor or restrict water use within the subdivision and (6) N.M.P.M.  
30 State Plain coordinates, in any appropriate electronic format, for any wells drilled by  
31 subdivider, along with production, depth, and size of pipe data.  
32

33 ~~NNNN~~ RRRR. "Water control structure" means any man-made device for containing or channeling water.  
34

35 ~~OOOO~~ SSSS. "Water course" means any river, creek, spring, stream, or any other like body having definite  
36 banks and evidencing the occasional flow of water.  
37

38 ~~PPPP~~ TTTT. "Water demand analysis" means an evaluation to determine the maximum annual water  
39 requirements of the proposed subdivision for all indoor and outdoor domestic uses. The  
40 annual maximum water use for both indoor and outdoor purposes for each parcel in a  
41 residential subdivision containing a community water system shall be .25 acre-foot per  
42 year, unless a detailed water demand analysis approved by the Board of County  
43 Commissioners justifies the use of a different figure. The annual maximum water use for

1 both indoor and outdoor purposes for each parcel in a residential subdivision utilizing  
2 domestic wells shall be one-acre foot per year or three acre-feet per year for shared wells.  
3 See also Article 17. Fire flow requirements must be considered for subdivisions with  
4 community water systems.  
5

6 ~~UUUU~~: UUUU. "Water supply system" means a system to provide water for domestic use and for human  
7 consumption.  
8

### 9 **ARTICLE 3 PRE-APPLICATION PROCESS**

#### 10 **Section 3.1 Pre-Application Procedures**

##### 11 **3.1.1 Conference**

12 For the purpose of expediting applications and reducing subdivision design and development costs, a  
13 subdivider must request an informal pre-application conference in accordance with the requirements  
14 provided herein. The pre-application conference is intended to provide general advice to the subdivider  
15 about the procedures and data requirements for subdivision review and approval in the County.  
16  
17  
18  
19

##### 20 **3.1.2 Summary Procedure Conference**

21 All proposed subdivisions which qualify for approval under the summary procedure provided in Article 7  
22 of this Ordinance must begin with a pre-application conference.  
23  
24

##### 25 **3.1.3 Scheduling**

26 At the request of the subdivider, the County Planner shall schedule a pre-application conference in order  
27 for the subdivider to meet and to become acquainted with the necessary requirements for subdivision review  
28 and approval.  
29  
30

##### 31 **3.1.4 Fee**

32 No fee shall be required for a pre-application conference.  
33  
34

##### 35 **3.1.5 Statements Non-Binding**

36 Neither the subdivider nor the County shall be bound by any statements or determinations made during the  
37 pre-application conference.  
38  
39

##### 40 **3.1.6 Application/Forms**

41 At the request of the subdivider, the County Planner shall provide sufficient guidance and application forms  
42 for preliminary plat submittal in order to proceed with the County subdivision process and to fulfill the  
43 requirements of the New Mexico Subdivision Act.  
44  
45

##### 46 **3.1.7 Notification and Meeting with Surrounding Property Owners.**

1 The developer shall be required to provide notice in a local newspaper of general circulation once a week  
2 for two consecutive weeks, and post notice in the local post office, and conduct a meeting in Lincoln County  
3 regarding the proposed development with the surrounding property owners prior to submitting his  
4 preliminary plat to the County of Lincoln for further processing. This requirement shall apply to all  
5 subdivisions containing six (6) or more lots.  
6  
7  
8

9 **Section 3.2 Pre-Application Data Requirements**

10  
11 **3.2.1 Sketch Plat**

12  
13 A sketch plat shall be prepared by the subdivider which shows the proposed layout of streets and lots, with  
14 estimated dimensions and other relevant site information, including designation of garbage collection sites  
15 for developments with six (6) or more parcels and major drainages with basins of 100 acres or greater. The  
16 location of the proposed subdivision must be adequately described on a general map of the area.  
17

18 **3.2.2 Additional Information**

19  
20 In addition to the sketch plat and location map, the subdivider shall provide the following information:

- 21  
22 A. name and mailing address of the subdivider and designated agent, if any;  
23  
24 B. name of owners or owners of land to be subdivided;  
25  
26 C. a description of surrounding land uses; and  
27  
28 D. accessibility of site to roads and utilities.  
29

30 **ARTICLE 4 PRELIMINARY PLAT REVIEW PROCESS**

31  
32 **Section 4.1 Preliminary Plat Submittal**

33  
34 Application for review of a preliminary plat shall be in writing and submitted to the County Planner.  
35 Required information for a preliminary plat with attached Development Plan must be complete before the  
36 Commission will consider reviewing the preliminary plat. If the preliminary plat is incomplete or does not  
37 comply with the submittal requirements provided in these Regulations, the subdivider shall be notified and  
38 be given a maximum time period of sixty (60) days to correct the deficiencies and return the preliminary  
39 plat for consideration.  
40

41 Applications involving development within the Lincoln Historic Preservation District will be forwarded to  
42 the Lincoln Historic Preservation Board for review and comment with regard to historic zoning regulations,  
43 so long as no deadlines are adversely impacted by the Lincoln Historic Preservation Board's review.  
44

1           **Section 4.2 State Agency Review**

2  
3           **4.2.1 Plat Transmittal**

4  
5           Requests for opinions and review for a preliminary plat with attached Development Plan for all Type-one,  
6           Type-two, Type-three subdivisions with six (6) or more parcels, and Type-four subdivisions will be sent  
7           by the County Planner within ten (10) days after the preliminary plat is deemed complete, to:

- 8  
9           A.    the New Mexico State Engineer;
- 10  
11           B.   the New Mexico Environment Department;
- 12  
13           C.   Soil and Water Conservation District;
- 14  
15           D.   the New Mexico Highway and Transportation Department;
- 16  
17           E.   the Department of Cultural Affairs;
- 18  
19           F.   the New Mexico Attorney General's Office
- 20  
21           G.   any other public agencies the County considers necessary to determine whether there are  
22           adequate facilities to accommodate the proposed subdivision including, but not limited to,  
23           fire district, school district, solid waste authority, etc.

24  
25           **4.2.2 Requests for Opinions and Review**

26  
27           Requests for opinions and review for a preliminary plat for Type-three with five or fewer parcels and Type-  
28           five subdivisions may be required in the County Planner's sole discretion.

29  
30           **4.2.3 Agency Response**

31  
32           The state and local agencies shall have thirty (30) days from their receipt of the preliminary plat with  
33           attached Development Plan to review and return an opinion regarding the preliminary plat. The County  
34           Planner shall obtain receipts or other proof showing the date the opinion request was received by each state  
35           or local agency. Any adverse agency response should detail all deficiencies.

36  
37           The failure of a State agency to provide an opinion when requested by the County Planner does not indicate  
38           that the subdivider's provisions concerning the subject of the opinion request were unacceptable or  
39           inadequate. The Planning Commission shall review a plat if a State agency fails, within the thirty (30) day  
40           period allotted to respond, to provide an opinion. Opinions of the State agencies shall be made a part of the  
41           final disclosure statement.

42  
43           **4.2.4 Agency Fees**

44  
45           Any fees charged by any of the foregoing agencies shall be paid by the Applicant in accordance with the  
46           rates set forth in a separate Resolution adopted by the County.

1           **4.2.5 Hearing Deadlines**

2  
3           Upon return of the opinions of all State agencies listed in section 4.2.1 above, the preliminary plat shall be  
4 placed on the agenda of the Planning Commission. The Planning Commission may require additional  
5 information be submitted before a final decision or recommendation is made by the Planning Commission.  
6

7           **4.2.6 Adverse Opinion**

8  
9           If any opinion from a public agency is adverse, the County Planner shall forward a copy of the adverse  
10 opinion to the subdivider and request that additional information be provided to the County within thirty  
11 (30) days to respond to the concerns of the appropriate agency. The County Planner shall forward such  
12 additional information upon receipt to the appropriate agency, which shall have thirty (30) days after the  
13 date the subdivider submits the additional information in order to revise its opinion. The County Planner  
14 shall obtain receipts or other proof showing the date the additional information was received by each State  
15 or local agency.  
16

17           **4.2.7 Revised Opinion**

18  
19           The County shall schedule a public hearing for consideration and action within thirty (30) days after the  
20 receipt of a revised opinion from the appropriate agency. If the County does not receive a revised opinion  
21 within the specified thirty (30) days after the date the subdivider submits the additional information, it shall  
22 proceed with the required public hearing.  
23

24           **4.2.8 Onsite Inspections**

25  
26           Prior to formal action by the Planning Commission, a delegation of Planning members may make an onsite  
27 inspection and report on this inspection to the full board.  
28

29                   In addition, the Lincoln County fire Marshall or his designee, in the district wherein the proposed  
30 subdivision is to be located, shall make an on-site inspection of the proposed subdivision to advise  
31 the County as to what impact, if any, the new proposed subdivision will have on the fire district's  
32 fire suppression capabilities.  
33

34           **4.2.9 State and Federal Review of Defensible Space**

35  
36           In addition to the foregoing, the County will seek advice from the appropriate State or federal agency  
37 regarding the condition of the land to be subdivided as it relates to defensible space issues. Any opinion  
38 indicating a danger due to overgrowth of the property to be subdivided shall be required to be set forth in  
39 the disclosure statement under section 17, Adverse or Unusual Conditions.  
40

41           **4.2.10 Planning Commission Conclusions in Writing**

42  
43           Upon completion of the review by the Planning Commission of the preliminary plat, the Planning  
44 Commission shall write up its conclusions and submit them to the Lincoln County Board of Commissioners.  
45 The Planning Commission shall detail its recommendations and objections.  
46

47           **4.2.11. Cursory Review**

1 The County may employ a Registered Professional Engineer not employed by the subdivider to review and  
2 comment on the adequacy of the proposed road construction plan, design, locations, specifications, and  
3 drainage structures. The County's engineer shall provide a review report which shall be a part of the  
4 required information of the final plat.  
5

## 6 **Section 4.3 Public Hearing on Preliminary Plats**

### 7 **4.3.1 Scheduling**

8 The County shall conduct a public hearing within the time periods specified in this Ordinance. Notice of  
9 the public hearing shall be given at least twenty-one (21) days before the hearing date.  
10

### 11 **4.3.2 Notice**

12 The notice of public hearing shall be published in both locally published newspapers of general circulation  
13 in the County and shall contain the following information:  
14

- 15 A. subject of the hearing;
- 16 B. time and place of the hearing;
- 17 C. manner for interested persons to present their views; and
- 18 D. place and manner for interested persons to get copies of any favorable or adverse opinion and  
19 of the subdivider's proposal.

### 20 **4.3.3 Notification**

21 Copies of the notice of public hearing shall be transmitted to the following:  
22

- 23 A. the subdivider filing the application for preliminary plat approval;
- 24 B. those public agencies which initially received copies of the preliminary plat and supporting  
25 documentation with a request for opinion;
- 26 C. any interested person who previously requested such notice and provided a stamped,  
27 self-addressed envelope or email address for such purpose; and
- 28 D. owners of property contiguous or within a 200-foot radius of the land proposed to be  
29 subdivided.

### 30 **4.3.4 Participation/Record**

31 An owner/developer of the proposed subdivision shall appear at the public hearing scheduled pursuant to  
32 Section 4.3.1, unless he/she/they have provided a signed and notarized statement authorizing a designated  
33 agent to appear on their behalf. Failure of the owner/developer or designated agent to appear at the public  
34 hearing to provide any additionally required information may result in the Board of County Commissioners  
35  
36  
37  
38  
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41  
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43  
44  
45  
46  
47

1 tabling the application. At the public hearing, the County shall allow all interested persons a reasonable  
2 opportunity to submit data, views, or arguments, orally or in writing, and to examine witnesses testifying  
3 at the hearing. A record of the public hearing shall be kept. The opinions of the public agencies shall be  
4 made a part of the record.  
5

#### 6 **4.3.5 Action**

7  
8 Within thirty (30) days of the public hearing, the Board of County Commissioners shall approve, approve  
9 with conditions, or disapprove the preliminary plat at a public meeting, the date, time, and place of which  
10 shall be announced publicly at the conclusion of the public hearing. The County Planner shall inform the  
11 subdivider in writing of the decision of the Board of County Commissioners.  
12  
13

### 14 **Section 4.4 Expiration of Preliminary Plat**

#### 15 **4.4.1 Expiration**

16  
17  
18 An approved or conditionally approved preliminary plat shall expire twenty-four (24) months after its  
19 approval or conditional approval. Upon request by the subdivider, an additional period of no more than  
20 twelve (12) months may be added to the expiration date by the Board of County Commissioners.  
21

#### 22 **4.4.2 Phased development**

23  
24 If the preliminary plat was approved for phased development, the subdivider may file final plats for portions  
25 of the development, and the expiration date of the preliminary plat shall be extended for an additional  
26 thirty-six (36) months after the date of the filing of each final plat. The number of phased final plats shall  
27 be determined by the Board of County Commissioners at the time of the approval or conditional approval  
28 of the preliminary plat.  
29

#### 30 **4.4.3 Extension**

31  
32 Before the expiration date of the approved or conditionally approved preliminary plat, the subdivider may  
33 submit to the Board of County Commissioners an application for extension of the preliminary plat for a  
34 period of time not exceeding thirty-six (36) months.  
35

#### 36 **4.4.4 Expiration Effect**

37  
38 The expiration of the approved or conditionally approved preliminary plat shall terminate all proceedings  
39 on the subdivision, and no final plat shall be filed without first processing a new preliminary plat.  
40

### 41 **Section 4.5 Disclosure Statement**

42  
43 A preliminary and final Disclosure Statement are required for all subdivision types. The Disclosure  
44 Statement must be in the exact form as set forth on Form 1, "Disclosure Statement, For All Subdivisions  
45 Containing No More Than Five Parcels," or Form 2, "Disclosure Statement, For All Subdivisions  
46 Containing Six or More Parcels," which are attached hereto.  
47

1           **Section 4.6 Lot Split**  
2

3           No lot split or resubdivision of a previously approved subdivision which increases the number of parcels  
4           shall be allowed.  
5

6           **ARTICLE 5 PLAT DATA REQUIREMENTS**  
7

8           **Section 5.1 Requirements the Same for Preliminary and Final Plats**  
9

10          The information, format, and date requirements are the same for the preliminary and final plat. The plat  
11          requirements are called preliminary when reviewed by the Planning Commission and final when reviewed  
12          for approval by the Lincoln County Board of Commissioners. The name of the proposed subdivision shall  
13          not be the same in whole or in part as another subdivision presently approved in Lincoln County.  
14

15          **Section 5.2 Plat Format**  
16

17          The preliminary plat sheets shall be a minimum of eighteen inches (18") by twenty-four inches (24") and  
18          maximum of twenty-four inches (24") by thirty-six inches (36"), one-half (½) inch wide borders drawn at  
19          a scale of one inch (1") to two hundred feet (200') maximum. If the plat is drawn on more than two (2)  
20          sheets, they shall be accompanied by an index sheet of the same size showing the entire subdivision.  
21          Twenty-five (25) blue-line or black line copies and all supporting documents of the Development Plan shall  
22          be submitted with the application for consideration of the preliminary plat. Please note that sheet size  
23          restrictions for other items in the Development Plan are outlined in their respective Article.  
24

25          **Section 5.3 Plat Content**  
26

27          **5.3.1 Plat Inclusions**  
28

29                 The preliminary and final plat shall show and be accompanied by the following information:  
30

- 31                 A. permanent survey markers conforming to engineering standards, or descriptions and "ties"  
32                 to such survey markers to which all dimensions, angles, bearings and similar data shall be  
33                 referred;  
34
- 35                 B. tract boundary line, rights-of-way of streets, easements, and other sites, with accurate  
36                 dimensions, bearings or deflection angles and radii, arcs and central angles of all curves;  
37
- 38                 C. name and width of each street or other right-of-way and center lines of street rights-of-way  
39                 with dimensions between intersection centerlines or tract boundary lines; location dimensions  
40                 and purposes or any easements; and providing that all parcels shall have a minimum fifty (50)  
41                 foot frontage on a roadway;  
42
- 43                 D. street names may be modified or changed by vote of the Commission. Corrections must be  
44                 reflected on the final plat;  
45

- 1 E. location, dimensions and purposes for which public sites, if any, are to be dedicated or  
2 reserved, and including designation of garbage collection sites for developments with four  
3 (4) or more parcels;  
4  
5 F. number to identify each block and each site, or lot, block, and unit. Block numbers shall  
6 appear within a circle;  
7  
8 G. minimum building setback line on all lots and other sites, if such is required by the Planning  
9 Commission;  
10  
11 H. name of record land owners of adjoining unplatted land;  
12  
13 I. the preliminary plat will meet all the requirements of a final disclosure as required by the  
14 New Mexico Subdivision Act and this Ordinance (Copy of disclosure statements signed by  
15 the subdivider must be attached.);  
16  
17 J. the preliminary plat shall carry a reference to the subdivision restrictions and disclosure  
18 statement as recorded with the County Clerk;  
19  
20 K. reference to recorded subdivision plats of adjoining platted land by record name and date;  
21  
22 L. certification of a licensed land surveyor, who shall be licensed in accordance with the laws  
23 of the State of New Mexico certifying to the accuracy of survey and plat, and that the same  
24 has been prepared by him;  
25  
26 M. title, scale, true north arrows, and date;  
27  
28 N. the plat shall contain the following statement as part of the approval of the Lincoln County  
29 Board of Commissioners. This approval of said plat becomes null and void if not filed in the  
30 Office of the County Clerk within one (1) year of the approval date;  
31  
32 O. required dimensions shall be shown to the nearest one-hundredth of a foot and angles to the  
33 nearest one-half minute for lot sizes;  
34  
35 P. all signatures shall be written with black ink;  
36  
37 Q. dedications of public rights-of-way, easements, and public sites shown on a subdivision plat  
38 shall be a part thereof and shall not be dedications separated therefrom;  
39  
40 R. submitted with the preliminary plat shall be one (1) set of computer printouts showing the  
41 mathematical boundaries and acreage of:  
42  
43 1. the subdivision boundary;  
44  
45 2. each lot in the subdivision;  
46

1 S. The Development Plan shall be included with all submittals of the plat. The plat is  
2 considered a part of the Development Plan and vice versa. Any signatures of the plat  
3 document include approval of the Development Plan package. See Article 13 for inclusions  
4 of the Development Plan.  
5

6 **5.3.2 Affidavit**  
7

8 The final plat shall contain a statement that the land being subdivided is subdivided in accordance with the  
9 final plat. The final plat shall be acknowledged by the owner and subdivider or their authorized agents in  
10 the manner required for the acknowledgment of deeds. Every final plat submitted to the County Clerk shall  
11 be accompanied by an affidavit of the owner and subdivider, or authorized agents, stating whether or not  
12 the proposed subdivision lies within the subdivision regulation jurisdiction of the County. A copy of the  
13 final plat shall be provided to every purchaser, lessee, or other person acquiring an interest in the subdivided  
14 land before sale, lease, or other conveyance.  
15

16  
17  
18 **5.3.3 Dedication**  
19

20 The final plat shall contain a certificate stating that the Board of County Commissioners has accepted,  
21 accepted subject to improvement, or rejected, on behalf of the public, any land offered for dedication for  
22 public use in conformity with the terms of the offer of dedication. On full conformity with County road  
23 construction standards, the roads may be accepted for maintenance by the County. Acceptance of offers  
24 of dedication on a final plat shall not be effective until the final plat is filed in the Office of the County  
25 Clerk or a resolution of acceptance by the Board of County Commissioners is filed in that office.  
26

27 **5.3.4 Conformity**  
28

29 The Board of County Commissioners shall not approve the plat of any subdivision if the subdivider cannot  
30 reasonably demonstrate that he can fulfill the proposals contained in his disclosure statement or if the  
31 subdivider has not conformed with the New Mexico Subdivision Act and the County's subdivision  
32 ordinance.  
33

34 **5.3.5 Land Sales Act**  
35

36 Any subdivider who has satisfied the disclosure requirement of the Interstate Land Sales Full Disclosure  
37 Act may submit the approved statement of record in lieu of the disclosure statement required by the New  
38 Mexico Subdivision Act. However, any information required in the New Mexico Subdivision Act and not  
39 covered in the subdivider's statement of record shall be attached to the statement of record.  
40

41 **5.3.6 Recording**  
42

43 The final plat is in full force and effect only after having been recorded in the office of the County Clerk  
44 within one (1) year after the date of approval by the Board of County Commissioners.  
45

46 **ARTICLE 6 FINAL PLAT REVIEW PROCESS**  
47

48 **Section 6.1 Conformity**

1 The final plat shall comply with the New Mexico Subdivision Act and this Ordinance.  
2

3 **Section 6.2 Final Plat Submittal**  
4

5 Application for approval by the County of a final plat shall be in writing and submitted by the subdivider  
6 to the County Planner. The County Planner shall determine that all required information is complete and  
7 that the Commission has reviewed the preliminary plat and submitted its conclusions. Conditions of a  
8 preliminary plat must have been met before the County will consider a final plat. The data and information  
9 requirements for a final plat are the same as that for a preliminary plat in addition to any changes arising  
10 from the preliminary plat review.  
11

12 **Section 6.3 Decision on Final Plat**  
13

14 **6.3.1 Action**  
15

16 Final plats submitted to the County for approval shall be approved or disapproved by the Board of County  
17 Commissioners at a public meeting within thirty (30) days after the date the final plat is deemed complete.  
18

19 **6.3.2 Denial**  
20

21 The Board of County Commissioners shall not deny a final plat if it has previously approved a preliminary  
22 plat for the proposed subdivision and it finds that the final plat is in substantial compliance with the  
23 previously approved preliminary plat. Denial of a final plat shall be accompanied by a finding identifying  
24 the requirements that have not been met.  
25

26 **6.3.3 Development agreement**  
27

28 If, at the time of approval of the final plat, any public improvements have not been completed by the  
29 subdivider as required by this Ordinance, the Board of County Commissioners shall, as a condition  
30 preceding approval of the final plat, require the subdivider to enter into an agreement with the County, on  
31 mutually agreeable terms, to thereafter complete the improvements at the subdivider's expense.  
32

33 **6.3.4 Failure to act**  
34

35 If the Board of County Commissioners does not act upon a final plat within the required period of time, the  
36 subdivider shall give the Board of County Commissioners written notice of its failure to act. If the Board  
37 of County Commissioners fails to approve or reject the final plat within thirty (30) days after that notice,  
38 the Board of County Commissioners shall, upon demand by the subdivider, issue a certificate that the final  
39 plat has been approved.  
40

41 **Section 6.4 Advertising Standards**  
42

43 **6.4.1 Brochures, Disclosure Statements, Publications and Advertising**  
44

45 Brochures, disclosure statements, publications and advertising of any form relating to subdivided land shall:  
46

- 47 A. not misrepresent or contain false or misleading statements of fact;  
48

- 1 B. not describe deeds, title insurance or other items included in a transaction as "free" and shall  
2 not state that any parcel is "free" or given as an "award" or "prize" if any consideration is  
3 required for any reason;  
4  
5 C. not describe parcels available for "closing costs only" or similar terms unless all such costs  
6 are accurately and completely itemized or when additional parcels must be purchased at a  
7 higher price;  
8  
9 D. not include an asterisk or other reference symbol as a means of contradicting or substantially  
10 changing any statement;  
11  
12 E. if subdivision illustrations are used, accurately portray the subdivision in its present state, and  
13 if illustrations are used portraying points of interest outside the subdivision, state the actual  
14 road miles from the subdivision;  
15  
16 F. not contain artists' conceptions of the subdivision or any facilities within it unless clearly  
17 described as such, and shall not contain maps unless accurately drawn to scale;  
18  
19 G. not contain references to any facilities, points of interest or municipalities located outside the  
20 subdivision unless the distances from the subdivision are stated in the advertisement in actual  
21 road miles; and  
22  
23 H. refer to where the subdivider's disclosure statement may be obtained.  
24

#### 25 6.4.2 Copies of All Brochures, Publications and Advertising Shall Be Filed 26

27 Copies of all brochures, publications and advertising relating to subdivided land shall be filed with the  
28 Lincoln County Board of Commissioners and with the Attorney General, within fifteen days after initial use  
29 by the subdivider.  
30

### 31 Section 6.5 Requirements Prior to Sale, Lease or Other Conveyance 32

33 It is unlawful to sell, lease, or otherwise convey land within a subdivision before the following conditions  
34 have been met:  
35

#### 36 6.5.1 Final Plat Approval 37

38 The final plat shall be approved by the Board of County Commissioners and shall be filed with the clerk  
39 of the county in which the subdivision is located. If a subdivision lies within more than one county, the  
40 final plat shall be approved by the Board of County Commissioners of each county in which the subdivision  
41 is located and shall be filed with the County Clerk of each county in which the subdivision is located.  
42

#### 43 6.5.2 Relevant Documents 44

45 The subdivider shall furnish the Board of County Commissioners a sample copy of sales contracts, leases  
46 and any other documents which will be used to convey an interest in the subdivided land.  
47

#### 48 6.5.3 Permanent Mark

1 All corners of all parcels and blocks within a subdivision shall be permanently marked with ½ inch to 5/8  
2 inch rebar or 3/4 inch iron pipe in the ground and topped with a suitable cap bearing the surveyor's P.L.S.  
3 number. A reference stake shall be placed beside each rebar and cap.  
4

#### 5 **6.5.4 Maintenance Bonds and Performance Bonds**

6  
7 A certificate by the Lincoln County Board of Commissioners or their designated representatives certifying  
8 that the subdivider has complied with one of the following:  
9

- 10 A. All improvements have been installed in accordance with the requirements of this Ordinance.  
11  
12 B. A Performance Bond or certificate of deposit must be filed with the County Clerk in  
13 sufficient amount to assure completion of developer-provided improvements. Developer-  
14 provided improvements include, but are not limited to, all public roads and private roads in  
15 subdivisions. The Bond shall be based on engineering cost estimates. The Performance Bond  
16 will not be required after acceptance of a Maintenance Bond.  
17  
18 C. The Maintenance Bond, in the amount of 15% of the Performance Bond, must be filed and  
19 continued for the two-year test period of the developer-provided improvements after  
20 preliminary acceptance and until final acceptance by the County Commission for all public  
21 roads.  
22

#### 23 **6.5.5 Requirement for Construction to Commence**

24  
25 Construction shall commence within one year of final plat approval. If construction is not commenced  
26 within one year of final plat approval, the subdivision will be deemed abandoned unless an extension is  
27 requested and approved prior to the expiration of one year. There shall be no limit to the number of  
28 extensions which may be requested. If construction is not commenced within one year, or an extension  
29 granted, review and approval will again be required of any subdivision prior to any development.  
30

### 31 **Section 6.6 Recording Parcels**

#### 32 **6.6.1 Authority**

33 NMSA 1978, §47-6-9(A)(17), requires counties to enact regulations for recording all conveyances of parcels  
34 with the county clerk. As defined in the Act, the term "parcel" means "land capable of being described by  
35 location and boundaries and not dedicated for public or common use."  
36  
37  
38

#### 39 **6.6.2 Purpose**

40  
41 Recording conveyances of parcels provides anyone interested in acquiring land, and lenders, with important  
42 information about the condition of title. Recording conveyances of all parcels also provides public officials  
43 with information needed to detect illegal subdividing. The purpose of this information is to protect buyers  
44 and lenders and to help enforce the Act and this Ordinance by making all conveyances of parcels matters  
45 of public record.  
46

1           **6.6.3 Requirement**

2  
3           Any person who sells, leases for an initial term plus option terms in excess of five (5) years, or otherwise  
4 conveys any interest in any parcel located in whole or in part in the County shall record the deed, lease, real  
5 estate contract, notice of lease, notice of real estate contract, or other document of conveyance with the  
6 County Clerk no later than five (5) days after the closing or thirty (30) days after the date on which the  
7 document is signed, whichever comes first.  
8

9           **6.6.4 Form and Certification**

10  
11           Any deed, lease for an initial term plus option terms in excess of five (5) years, real estate contract, notice  
12 of lease, notice of real estate contract, or other document used to convey any interest in any parcel located  
13 in whole or in part in the County shall be in a form acceptable for recording and duly acknowledged and  
14 certified as required by the provisions of NMSA 1978, §14-8-4.  
15  
16  
17

18           **6.6.5 Plat Attachment**

19  
20           The deed, lease, real estate contract, notice of lease, notice of real estate contract, or other document of  
21 conveyance shall have a survey plat and a legal description of the parcel attached to it. The survey plat shall  
22 show the surveyor's seal, the boundaries of the parcel, the means of access to the parcel, and any easements  
23 to which the parcel is subject.  
24

25           **ARTICLE 7 SUMMARY REVIEW PROCESS**

26  
27           **Section 7.1 Summary Review Procedure**

28  
29           **7.1.1 Qualifications**

30  
31           The following Types of subdivisions shall be submitted to the County for approval under summary review  
32 procedure:  
33

- 34           A.    Type-three subdivisions containing five (5) or fewer parcels of land, unless the land within  
35                a subdivision has been previously identified in the County Comprehensive Plan as an area  
36                subject to unique circumstances or conditions that require additional review; and
- 37  
38           B.    All Type-five subdivisions.  
39

40           **7.1.2 Conference Required**

41  
42           A pre-application conference is required before application for summary review and approval. The  
43 pre-application process is described in Article 3 of this Ordinance.  
44

45           **7.1.3 Application/Fees**

46  
47           A subdivider shall prepare a summary review plat and supporting documentation in accordance with the  
48 requirements provided in this Ordinance. The summary review plat shall be considered as a final plat

1 suitable for filing with the County Clerk. Summary review plat submittal is initiated by completing an  
2 application on the prescribed form obtainable from the County Planner, and upon payment of the required  
3 administrative fees. The summary review plat shall carry a reference to the subdivision restrictions and  
4 disclosure statement as recorded with the County Clerk  
5

#### 6 **7.1.4 Plat Deemed Complete**

7  
8 On receipt of the application, fees, summary review plat, and supporting documentation, the County Planner  
9 shall review all materials in order to determine if the preliminary plat is ready to begin the review process.  
10 If there are no deficiencies, the summary review plat will be deemed complete for review by written notice  
11 to the subdivider within thirty (30) days after the date of application. If the summary review plat is  
12 incomplete or does not comply with the submittal requirements, the subdivider shall be notified and given  
13 a maximum time period of thirty (30) days to correct the deficiencies and return the summary review plat  
14 for consideration.  
15

#### 16 **7.1.5 Public Meeting**

17  
18 Summary review plats submitted to the County for approval shall be approved or disapproved by the  
19 Lincoln County Commission at a public meeting within thirty (30) days of the date the summary review plat  
20 is deemed complete.  
21

#### 22 **7.1.6 Improvement Agreement**

23  
24 If, at the time of approval of the summary review plat, any public improvements have not been completed  
25 by the subdivider as required by this Ordinance, the Board of County Commissioners shall, as a condition  
26 preceding approval of the summary review plat, require the subdivider to enter into an agreement with the  
27 County, on mutually agreeable terms, to thereafter complete the improvements at the subdivider's expense.  
28

#### 29 **7.1.7 Failure to Act**

30  
31 If the County Planner does not act upon a summary review plat within the required period of time, the  
32 subdivider shall give the Board of County Commissioners written notice of the County's failure to act. If  
33 the Board of County Commissioners fails to approve or reject the summary review plat within thirty (30)  
34 days after such notice, the Board of County Commissioners shall, upon demand by the subdivider, issue a  
35 certificate that the summary review plat has been approved.  
36

### 37 **Section 7.2 Summary Review Data Requirements**

#### 38 **7.2.1 Filing Specifications**

39  
40  
41 Three (3) original drawings of the summary review plat, along with all supporting documentation, shall be  
42 submitted in waterproof ink on mylar or acetate or other durable material suitable for reproducing copies  
43 and shall be a minimum of eighteen inches (18") by twenty-four inches (24") and maximum of twenty-four  
44 inches (24") by thirty-six inches (36") , one-half (1/2) inch wide borders drawn at a scale of one inch (1")  
45 to two hundred feet (200') maximum. The subdivider shall also submit two paper copies of the summary  
46 review plat map and accompanying information. If the plat is drawn on more than two (2) sheets, they shall  
47 be accompanied by an index sheet of the same size showing the entire subdivision.  
48

1           **7.2.2 Map Specifications**  
2

3           The summary review plat map shall include the following information:  
4

- 5           A. title, scale, north arrow, and date;  
6  
7           B. name and mailing address of subdivider and designated agent, if any;  
8  
9           C. names of owners of land to be subdivided and of contiguous property;  
10  
11          D. subdivision boundary lines, easement and right-of-way lines, and property lines of all lots,  
12             with accurate dimensions, and ties to monuments;  
13  
14          E. acreage measurements and identification numbers for each lot;  
15  
16          F. location, dimensions, and purpose of all easements;  
17  
18          G. delineation of any 100-year flood plain as designated by the Federal Emergency Management  
19             Agency or statement, based upon the prevailing Federal Emergency Management Agency  
20             flood maps, that the property does not lie within a flood zone;  
21  
22          H. the certification of a surveyor registered in New Mexico attesting to the accuracy of the plat,  
23             and the date of the survey; and  
24  
25          I. legal description indicating the range, township, and section within which the subdivision is  
26             located.  
27

28           **7.2.3 Affidavit**  
29

30           The summary review plat shall contain a statement that the land being subdivided will be subdivided in  
31           accordance with the summary review plat. The summary review plat shall be acknowledged by the owner  
32           and subdivider, or authorized agents, in the manner required for the acknowledgment of deeds. Every  
33           summary review plat submitted to the County Clerk as a final plat shall be accompanied by an affidavit of  
34           the owner and subdivider, or authorized agents, stating whether the proposed subdivision lies within the  
35           subdivision jurisdiction of the County. A copy of the summary review plat shall be provided to every  
36           purchaser, lessee, or other person acquiring an interest in the subdivided land prior to sale, lease or other  
37           conveyance.  
38

39           **7.2.4 Dedication**  
40

41           The summary review plat shall contain a certificate stating that the Board of County Commissioners has  
42           accepted, accepted subject to improvement, or rejected, on behalf of the public, any land offered for  
43           dedication for public use in conformity with the terms of the offer of dedication. Upon full conformity with  
44           County road construction standards, the roads may be accepted for maintenance by the County. Acceptance  
45           of offers of dedication on a summary review plat shall not be effective until the summary review plat is filed  
46           in the office of the County Clerk or a resolution of acceptance by the Board of County Commissioners is  
47           filed in that office.  
48

1           **7.2.5 Disclosure Statement**

2  
3           For all subdivisions, a disclosure statement shall be prepared in accordance with the standardized format  
4           provided in the Appendix of this Ordinance. It is unlawful to sell, lease or otherwise convey land in a  
5           subdivision until the required disclosure statement has been filed with the County Clerk, the Board of  
6           County Commissioners, and the Attorney General's Office, and until the prospective purchaser, lessee or  
7           other person acquiring an interest in the subdivided land has been given a copy of the disclosure statement.  
8

9           **7.2.6 Land Sales Act**

10  
11           Any subdivider who has satisfied the disclosure requirement of the Interstate Land Sales Full Disclosure  
12           Act may submit the approved statement of record instead of the disclosure statement required by the New  
13           Mexico Subdivision Act. However, any information required in the New Mexico Subdivision Act and not  
14           covered in the subdivider's statement of record shall be attached to the statement of record.  
15

16           **7.2.7 Advertising standards**

17  
18           The advertising standards covering the sale, lease, or other conveyance of subdivided land provided in  
19           Article Six, Section 4, of this Ordinance shall be applicable to summary review plats.  
20

21           **7.2.8 Proof of No Delinquent Taxes**

22  
23           The subdivider shall provide a certificate from the Lincoln County Treasurer which states that all property  
24           tax obligations are current on the land parcels to be divided or recombined, and that the property is assessed  
25           on the rolls of the Lincoln County Assessor in the name of the current owner, pursuant to Lincoln County  
26           Ordinance 2002-08, as may be amended.  
27

28  
29           **ARTICLE 8 SPECIAL PROCEDURES**

30  
31           **Section 8.1 Succeeding Subdivisions**

32  
33           **8.1.1 Standards**

34  
35           Any proposed subdivision may be combined with a previous subdivision and upgraded for classification  
36           purposes by the Board of County Commissioners if the proposed subdivision includes:  
37

- 38           A.    a part of a previous subdivision that has been created in the preceding seven (7) year period;  
39                or  
40  
41           B.    any land retained by a subdivider after creating a previous subdivision if the previous  
42                subdivision was created in the preceding seven (7) year period.  
43  
44           C.    No lot split or replat of a previously approved subdivision which increases the number of  
45                parcels shall be allowed within seven (7) years of the filing of the previously approved  
46                subdivision.  
47

48           **Section 8.2 Replat**

1           **8.2.1 Definition**

2  
3           Replat means a change in a map of an approved or recorded subdivision plat, if such change affects any  
4           street layout on such map or area reserved thereon for public use, or any lot line, or if it affects any map or  
5           plan legally recorded prior to the adoption of any regulation controlling subdivisions.  
6

7           **8.2.2 Procedure**

8  
9           All or a portion of any final plat filed in the Office of the County Clerk may be resubdivided by the same  
10          procedures prescribed in this Ordinance for the subdivision of land.  
11

12          **Section 8.3 Vacation of Plats**

13  
14          **8.3.1 Cause**

15  
16          Any plat filed in the Office of the County Clerk may be vacated or a portion of the plat vacated if:  
17

- 18                   A.    the owners of the land proposed to be vacated sign an acknowledged statement, declaring the  
19                   plat or a portion of the plat to be vacated; and  
20  
21                   B.    the statement is approved by the Board of County Commissioners of the county within whose  
22                   planning authority the vacated portion of the subdivision is located.  
23

24          **8.3.2 Request for vacation**

25  
26          The vacation of all or a portion of a final plat shall be initiated by a submittal of a request for vacation to  
27          the County Planner, along with the names of all owners of record of property within the subdivided land  
28          to be vacated and the names of all owners of record of property contiguous to the subdivided land to be  
29          vacated. The request for vacation shall be considered filed upon payment of the required fee.  
30

31          **8.3.3 Review Period**

32  
33          Within sixty (60) days after the date of receipt of the request for vacation, the Board of County  
34          Commissioners shall approve or deny the vacation, subject to the following:  
35

- 36                   A.    action shall be taken at a public meeting;  
37  
38                   B.    at least fifteen (15) days before the proposed meeting, all owners of record of property within  
39                   the subdivided land to be vacated and all owners of record of property contiguous to the  
40                   subdivided land to be vacated shall have been notified by mail of the proposed vacation and  
41                   the date, time and place of the public meeting at which the vacation will be considered by the  
42                   Board of County Commissioners;  
43  
44                   C.    relevant utilities and other agencies have been notified.  
45

46          **8.3.4 Action**

47  
48          In approving the vacation of all or a part of a final plat, the Board of County Commissioners shall determine

1 whether or not the vacation will adversely affect the interests of persons on contiguous land or persons  
2 within the subdivision being vacated. In approving the vacation of all or a portion of the plat, the Board of  
3 County Commissioners may require that streets dedicated to the County in the original plat continue to be  
4 dedicated to the County. The owners of parcels on the vacated portion of the final plat may enclose in equal  
5 proportions, the adjoining streets and alleys that are authorized to be abandoned.  
6

### 7 **8.3.5 Filing**

8  
9 The approved statement declaring the vacation of a portion or all of a final plat shall be filed in the office  
10 of the County Clerk wherein the final plat is filed. The County Clerk shall mark the final plat with the  
11 words "Vacated" or "Partially Vacated" and refer on the final plat to the volume and page on which the  
12 statement of vacation is recorded.  
13

### 14 **8.3.6 Utility Rights**

15  
16 The rights of any utility existing prior to the vacation, total or partial, of any final plat are not affected by  
17 the vacation of a final plat.  
18

## 19 **Section 8.4 Variances**

### 20 **8.4.1 Cause**

21  
22  
23 Where, in the case of a particular proposed subdivision, it can be shown that strict compliance with the  
24 requirements of these Regulations would result in a substantial or unreasonable hardship to the subdivider  
25 because of exceptional topographic, soil or other surface or subsurface conditions, or that strict compliance  
26 with these Regulations would result in inhibiting the achievement of the objectives of these Regulations,  
27 the Planning Commission may recommend modification or waiver of their requirements. No variance shall  
28 be granted simply because the developer disagrees with or does not wish to meet the goals and objectives  
29 of these Regulations. In no case shall a variance be granted which will cause the County to absorb costs over  
30 and above those typically associated with subdivision approval. Also, no variance shall be granted contrary  
31 to the mandatory requirements of State law. Requests for variances must be submitted in writing with the  
32 preliminary plat. Variance requests shall be reviewed by the Planning Commission prior to approval or  
33 denial of a preliminary plat. Variance requests shall also be examined by the reviewing agencies with  
34 expertise relating to the subject of the requested variance. Variances may be granted for time periods and  
35 under conditions consistent with reasons for granting them.  
36

### 37 **8.4.2. Required Findings**

38  
39 The Planning Commission shall make the following findings of fact before it may recommend a variance  
40 and these same findings must be made by the Board of County Commissioners before it may act on an  
41 approval/appeal regarding a Variance. Granting of the Variance:  
42

- 43 A. Shall not constitute a grant of special privilege inconsistent with the limitations on other  
44 properties in the area of notice.  
45
- 46 B. Shall not be detrimental to the public health, safety, or welfare, or be materially injurious to  
47 properties or improvements in the area of notice.  
48
- 49 C. Is justified because there is a physical hardship for the applicant resulting from size, shape  
50 or existing structures thereon, or from topographic or physical conditions on the site or in the

1 area of noticed.

2  
3 D. Upholds the spirit and intent of these Regulations, public safety and welfare secured, and  
4 substantial justice done.  
5

6 **8.4.3. Warrants.**  
7

8 The Variance shall be warranted for one or more of the following reasons:  
9

- 10 A. Strict or literal interpretation and enforcement of the specified performance standard or  
11 regulation would result in unnecessary physical hardship on the property owners inconsistent  
12 with the purposes of these Regulations; or  
13  
14 B. Exceptional or extraordinary circumstances or conditions exist which are applicable to the  
15 site of the variance that do not apply generally to other properties in the vicinity.  
16

17 **8.4.4. Procedures.**  
18

19 The following procedures and requirements shall apply to all requests for variances under these Regulations:  
20

- 21 A. Requests for variances shall be submitted in writing prior to or at the time of request for  
22 preliminary plat approval on a form provided by the Planning Department for that purpose,  
23 and upon payment of the required administrative fee.  
24  
25 B. Variance requests shall be reviewed by the County Planning Commission in public hearings  
26 prior to or concurrent with public hearings that are held for recommendations for approval  
27 or denial of the preliminary plat.  
28  
29 C. Notice of the request for variance shall be given in the same manner as notice is provided for  
30 any public hearing required in these Regulations and shall comply with the requirements of  
31 the Open Meetings Act of the State of New Mexico.  
32  
33 D. Variance requests shall be submitted to the state or other reviewing agency having expertise  
34 with respect to the subject matter for which the variance is sought, and shall be governed by  
35 the same time limits.  
36  
37 E. The County Planning Department shall make written findings of fact regarding each of the  
38 requirements of these Regulations and shall produce those findings of fact on each request  
39 for variance.  
40  
41 F. Notice of the decision and order shall be prepared, signed and filed with the Lincoln County  
42 Clerk within five (5) working days after the final approval is obtained from the Planning  
43 Commission and Board of County Commissioners at the public meeting at which the variance  
44 is considered.  
45

46 **8.4.5. Conditions on Variances.**  
47

48 In granting Variances, the Planning Commission may impose conditions regarding further expansions,  
49 maximum height limits, time limitations, type of construction, and buffering that will ensure that the use

1 of the property to which the Variance applies will be compatible as practicable with and not adversely affect  
2 properties within 200 feet of the proposed variance site.  
3

4 **8.4.6. Notification of Action.**  
5

6 A letter of notification shall be sent by the Planning Director to the applicant within five (5) working days  
7 following consideration of a Variance by the Board of County Commissioners. Said letter shall state the  
8 nature and conditions of approval of Variances, or alternately, shall state the reasons for denial of  
9 Variances. Said letter shall also explain the next action required or available to the applicant in pursuing  
10 the Variance.  
11

12 **Section 8.5 Exemptions**

13 **8.5.1. Approval Required.**  
14

15 It is unlawful for any person to divide a surface area of land, including land within a previously approved  
16 subdivision, into two or more parcels for the purpose of sale, lease or other conveyance or for building  
17 development, whether immediate or future, unless such person either obtains approval for a subdivision as  
18 provided in this Ordinance or files and obtains approval for a Claim of Exemption as provided in this  
19 Article.  
20

21 **8.5.2 Verification of Exemption**  
22

- 23 A. Any person claiming entitlement to an exemption under the provisions of this Ordinance shall  
24 file a written claim of exemption on the prescribed form available from the County Planner  
25 before making the land division for which the claim of exemption is made.  
26
- 27 B. The Lincoln County Planner shall review the claim of exemption and supporting documents  
28 and shall provide written notice of whether the exemption has been approved or denied to the  
29 person claiming the exemption within thirty (30) days after receipt of the completed claim  
30 of exemption; provided, however, that the thirty (30) day period shall not begin to run until  
31 the person claiming the exemption has delivered a completed Claim of Exemption and all  
32 supporting documents to the County Planner.  
33
- 34 C. If the Claim of Exemption is approved, or if the County Planner fails to mail written notice  
35 to the claimant within thirty (30) days after receipt of the completed claim of exemption and  
36 all supporting documents, the person claiming the exemption may divide the land in the  
37 manner proposed in the Claim of Exemption without complying with the provisions of this  
38 Ordinance.  
39
- 40 D. If the Claim of Exemption is denied, the person claiming the exemption may appeal the  
41 denial as provided in Article 10 of this Ordinance or may submit an application for a  
42 subdivision as provided in this Ordinance.  
43
- 44 E. If the Claim of Exemption is approved, the Claim of Exemption shall appear on the face of  
45 the plat and the plat shall be signed and notarized by the owner, approved by the County  
46 Planner, and the plat shall be filed of record with the County Clerk. In addition, if the Claim  
47 of Exemption is approved, the Claim of Exemption as approved shall be included on any and  
48 all documents of conveyance.  
49

- 1 F. Any applicant for an Exemption shall attach certified surveys showing all parcels and parcel  
2 boundaries before and after the proposed alteration.  
3

4 **Section 8.6 Protection of Cultural Properties, Archaeological Sites, and Unmarked Burials**  
5

6 **8.6.1 Unmarked Human Burials**  
7

- 8 A. According to state policy, any human burial in the state in any unmarked burial ground is  
9 accorded the protection of law and shall receive appropriate and respectful treatment and  
10 disposition.  
11  
12 B. All subdividers shall comply with the requirements of NMSA 1978, §18-6-11.2, which  
13 prohibits the knowing, willful or intentional excavation, removal, disturbance or destruction  
14 of any human burial, buried, entombed or sepulchered in any unmarked burial ground except  
15 by authority of a permit issued by the state medical investigator or by the state cultural  
16 properties review committee with the concurrence of the state archaeologist and state historic  
17 preservation officer.  
18

19 **8.6.2 Registered Cultural Properties**  
20

21 Any person desiring to subdivide land in the County shall comply with the Cultural Properties Act, NMSA  
22 1978, §§ 18-6-1 through 18-6-17.  
23

24 **ARTICLE 9 ADMINISTRATIVE FEES**  
25

26 To defray the cost to the County of determining compliance with the New Mexico Subdivision Act and the  
27 Lincoln County Subdivision Regulations while passing upon subdivision plats, the County shall charge  
28 certain non-refundable fees which shall be set forth in a duly approved Resolution adopted by the County.  
29

30 **ARTICLE 10 APPEALS**  
31

32 **Section 10.1 Who May Appeal**  
33

34 **10.1.1 Lincoln County Planning Commission**  
35

36 Any person who is adversely affected by a decision of the Lincoln County Planning Commission in  
37 approving or disapproving a subdivision plat may appeal to the Board of County Commissioners within  
38 fifteen (15) days after the date of the action of the County Planning Commission. The Board of County  
39 Commissioners shall hear the appeal and render a decision within thirty (30) days after receiving the notice  
40 of appeal.  
41

42 **10.1.2 Board of County Commissioners**  
43

44 Any person who is adversely affected by a decision of the Board of County Commissioners in approving  
45 or disapproving a subdivision plat may appeal to the District Court of the county in which the subdivision  
46 is located within thirty (30) days after the date of the action of the Board.  
47

1           **Section 10.2 Appeal Process**

2  
3           **10.2.1 Nature of Review**

4  
5           The appeal shall consist of a whole record review, and the reviewing authority, whether it be the Board of  
6           County Commissioners or the District Court, shall set aside the action of the lower tribunal only if it is  
7           found to be:

- 8  
9                   A.    arbitrary, capricious or an abuse of discretion; or  
10  
11                   B.   not supported by substantial evidence; or  
12  
13                   C.   otherwise not in accordance with law.

14  
15           **10.2.2 Standing**

16  
17           Any party to the action in District Court shall have full appellate rights in accordance with the laws of the  
18           State of New Mexico and the rules of appellate procedure for the State of New Mexico.

19  
20           **10.2.3 Notice of Appeal**

21  
22           The appeal shall be perfected by filing a written notice of appeal which sets forth the specific portion or  
23           portions of the decision being appealed. A copy of the decision or order being appealed shall be attached  
24           to the notice of appeal. The appeal shall be perfected upon filing of the notice required by this Ordinance  
25           and payment of the required administrative fee.

26  
27           **ARTICLE 11        ENFORCEMENTS, PENALTIES AND REMEDIES**

28  
29           **Section 11.1 Investigation of Alleged Violations**

30  
31           All written, signed complaints alleging one or more violations of the provisions of the New Mexico  
32           Subdivision Act or this Ordinance shall be referred to the County Commissioners for investigation. The  
33           County Commissioners shall investigate the complaint and take such action as is warranted. The County  
34           Commissioners shall inform the complainant in writing of what actions have been taken or will be taken  
35           in response to the complaint.

36  
37           **Section 11.2 Penalties and Remedies**

38  
39           Violations of the provisions of this Ordinance shall be subject to the following penalties, remedies and  
40           enforcement procedures:

41  
42           **11.2.1 Utility Connections**

43  
44           Any water, sewer, electric, or gas utility that connects service to individual parcels within a subdivision  
45           before a final plat for the subdivision has been approved by the Board of County Commissioners or before  
46           the landowner holds a valid building permit, may be fined a civil penalty of up to five hundred dollars  
47           (\$500) by the Board of County Commissioners. The Board of County Commissioners may also require that  
48           any utility connected in violation of this section and of NMSA 1978, §47-6-27.2, be disconnected.

49  
50           **11.2.2 Suspension of Right of Sale**

1 The Board of County Commissioners may suspend or revoke approval of a plat as to unsold, unleased or  
2 otherwise not conveyed portions of a subdivider's plat if the subdivider does not meet the schedule of  
3 compliance approved by the Board of County Commissioners.  
4

5 **11.2.3 Injunctive Relief, Mandamus**  
6

7 The Board of County Commissioners, the District Attorney, or the Attorney General may apply to the  
8 District Court for any one or more of the following remedies in connection with violations of the New  
9 Mexico Subdivision Act and this Ordinance:  
10

- 11 A. injunctive relief to prohibit a subdivider from selling, leasing, or otherwise conveying any  
12 interest in subdivided land until the subdivider complies with the terms of the New Mexico  
13 Subdivision Act and this Ordinance;
- 14 B. injunctive relief to compel compliance by any person with the provisions of the New Mexico  
15 Subdivision Act and this Ordinance;
- 16 C. rescission and restitution for persons who have purchased, leased, or otherwise acquired an  
17 interest in subdivided land that was divided, sold, leased or otherwise conveyed in material  
18 violation of the New Mexico Subdivision Act or this Ordinance; or  
19
- 20 D. a civil penalty of up to five thousand dollars (\$5,000) for each parcel created in knowing,  
21 intentional, or willful violation of the New Mexico Subdivision Act or this Ordinance.  
22  
23  
24

25 **11.2.4 Bond Not Required**  
26

27 The Board of County Commissioners, the District Attorney and the Attorney General shall not be required  
28 to post bond when seeking a temporary or permanent injunction or mandamus according to the provisions  
29 of the New Mexico Subdivision Act.  
30

31 **11.2.5 Criminal Penalties**  
32

- 33 A. NMSA 1978, § 47-6-27, provides that:  
34  
35 1) any person who knowingly, intentionally, or willfully commits a material violation of the  
36 New Mexico Subdivision Act is guilty of a misdemeanor, punishable by a fine of not more  
37 than ten thousand dollars (\$10,000) per violation, or by imprisonment for not more than one  
38 year, or both; and  
39  
40 2) any person who is convicted of a second or subsequent knowing, intentional, or willful  
41 violation of the New Mexico Subdivision Act is guilty of a fourth degree felony, punishable  
42 by a fine of not more than twenty-five thousand dollars (\$25,000) per violation or by  
43 imprisonment for not more than eighteen (18) months, or both.  
44
- 45 B. Any violation of the provisions of this Ordinance is punishable by a fine not to exceed three  
46 hundred dollars (\$300) or imprisonment for not more than ninety (90) days, or both, in  
47 accordance with NMSA 1978, §4-37-3.  
48

1           **ARTICLE 12 ROAD DESIGN STANDARDS**

2  
3           **Section 12.1 General**

4  
5           Topographical conditions: The arrangement, character, extent, width, grade and location of all streets shall  
6 conform to topographical conditions to public convenience and safety, and in their appropriate relation to  
7 the proposed use of the land to be served by such streets. Note that most guidelines herein are minimum  
8 requirements, and the County Designee may recommend more detail or more stringent requirements in  
9 select areas and site conditions.

10  
11           **Section 12.2 Road Construction Plans**

12  
13           Accompanying the preliminary plats and in format similar to it, will be a 24" x 36" drawing. Plan and profile  
14 displays of the road shall be shown at a minimum horizontal scale of 1"=100' and a vertical scale of the  
15 profile to sufficiently display the proposed relief. It shall give the following information:

- 16  
17           A.       name and width of each street and associated rights-of-way;
- 18  
19           B.       centerlines of street rights-of-way with dimensions between intersections centerlines or  
20 tract boundary lines;
- 21  
22           C.       locations, dimensions, and purposes of any easements;
- 23  
24           D.       longitudinal (grade slope) and transverse slopes (crown for drainage);
- 25  
26           E.       typical sections including width, thickness, material composition, and compaction  
27 requirements of all drainage structures;
- 28  
29           F.       material specifics, invert elevations, sizes, slopes, and drainage channel requirements of  
30 all drainage structures;
- 31  
32           G.       identification, location, and miscellaneous particulars of all utilities to be located within  
33 the rights-of-way;
- 34  
35           H.       obstruction clearing widths;
- 36  
37           I.       existing and proposed contours to a minimum of 10' interval;
- 38  
39           J.       adequate curve data to allow construction as intended; and
- 40  
41           K.       the necessary data to tie proposed road to property corners.
- 42

1  
2  
3  
4

- L. A Traffic Impact Analysis shall be required for all Type One and Two Subdivisions, and all Type Four and Five Subdivisions containing twenty-five (25) or more lots, as to any roads tying to the development, including roads not tied to a state highway, in accordance with NMDOT standards.

1  
2 **Section 12.3 Street Layout**  
3

4 The proposed layout shall be made according to sound land planning practice for the type of development  
5 proposed, and shall be coordinated with the street system of the surrounding areas. All streets must provide  
6 for the continuation of appropriate projections of principal streets in surrounding areas and provide  
7 reasonable means of ingress and egress for surrounding acreage tracts. All subdivisions having six (6) or  
8 more lots must have a minimum of two entrances/exits built to County standards.  
9

10 **Section 12.4 Half Streets Prohibited**  
11

12 The dedication of half streets at the perimeter of a new subdivision is prohibited. If circumstances render  
13 the dedication of full street rights-of-way impracticable, then adequate provision must be assured by the  
14 subdivider, that where there exists a half street in an adjoining subdivision, the remaining half shall be  
15 provided by the proposed developer.  
16

17 Where land is subdivided into extra large tracts where the potential for future subdivision exists, such tract  
18 shall be arranged so as to allow for the provision of future streets and a logical further re-subdivision  
19 pattern.  
20

21 **Section 12.5 Adjacent Highway**  
22

23 Where a proposed subdivision contains lots abutting or adjacent to a major highway, it may be planned so  
24 as to avoid having lots fronting on a highway. The subdivision shall be laid out to have a minimum number  
25 of intersections with highways. The "sight distance" at any intersection must provide for adequate  
26 "stopping distance." Where the subdivision contains, or is adjacent to a state or federal highway, the  
27 subdivider must satisfy the New Mexico Department of Transportation as to the permit required to connect.  
28

29 **Section 12.6 Private Roads**  
30

31 Private roads in all subdivisions are required to be built to County standards. All private roads will be  
32 allowed in subdivisions if built to County standards and only if an accepted means of guaranteed  
33 maintenance by lot or tract owners is presented to and accepted by the County Commission. Designation  
34 of private roads will be noted on the Disclosure Statement and deeds. In addition, the driving surface on  
35 private roads shall not be less than twenty-feet (20') in width and shall otherwise be built to County  
36 standards. Performance Bonds will be required on all subdivisions containing private roads.  
37

38 **Section 12.7 Road Design**  
39

40 All proposed streets shall be designed by a New Mexico Registered Professional Engineer. The design of  
41 the structural section of the road shall follow methodologies recommended by AASHTO to other such  
42 commonly recognized authorities in the field. Factors for consideration shall include but not be limited  
43 to soil data, use reflective of ultimate development and projected car and truck activity, maximum and  
44 minimum grades, climatic conditions, drainage, environmental concerns, and the incorporation of materials  
45 that will enhance the logistics and economics associated with long term maintenance operations.  
46

47 Any section proposed shall be based upon calculations proving adequacy. Referencing minimal criteria  
48 without appropriate engineering interpretations shall not be acceptable. When the Soil Conservation  
49 Service Survey exists, it will be appropriate to use it.

1 The gradient for local streets in proposed residential areas shall be less than ten (10%) percent. Grades  
2 approaching street intersections shall not exceed five percent (5%) for a distance of not less than one  
3 hundred feet (100') each way from the intersection.  
4

5 All parcels shall be required to have a minimum 50-foot frontage on a roadway.  
6

7 **Section 12.8 Road Construction Guidelines**  
8

9 Lincoln County guidelines for construction of private and public roads within approved subdivisions:  
10

- 11 A. Road construction shall conform to County standards for width, material, and construction  
12 guidelines.
- 13
- 14 B. The developer shall notify the County Road Manager, in writing, when construction is  
15 started.  
16
- 17 C. The developer shall monthly contact the County Road Manager and schedule an inspection  
18 of the road construction.  
19
- 20 D. The developer shall provide the County Road Manager with a copy of testing lab  
21 certifications that materials (base course & paving) meet County standards.  
22
- 23 E. The developer shall provide certification from the manufacturer that other materials meet  
24 County standards (culverts, erosion, fencing, concrete, etc.).  
25
- 26 F. The developer shall provide the County Road Manager with all testing lab certifications  
27 as to compaction of the road.  
28
- 29 G. The developer shall provide the County Planner with a copy of all state and federal permits  
30 required for the road construction.  
31
- 32 H. All roads required to be constructed pursuant to this Ordinance must be completed within  
33 twelve (12) months of final approval of the subdivision. The Board of County Commis-  
34 sioners may suspend or revoke approval of a plat as to the unsold, unleased or otherwise  
35 unconveyed portions of a subdivider's plat if a subdivider does not complete construction  
36 of roads within twelve (12) months of final approval of the subdivision. Extensions may  
37 be applied for and may be granted by the County in the County's sole discretion, and  
38 which will not be unreasonably withheld.  
39
- 40 I. An as-built set of road plans with shots on road every 100 feet on centerline including  
41 actual inverts of all installed culverts and drainage structures shall be submitted to the  
42 County Planner upon completion of the road and prior to the County's final inspection of  
43 the road.  
44
- 45 J. The developer, upon completion of the project, shall schedule a final inspection with the  
46 County Road Manager, the County Manager, and the Chairman or his designee. A copy  
47 of the inspection shall be made a part of the next Commission meeting agenda. At that  
48 time, the County Planning Dept. or his designee shall also conduct a final inspection of all  
49 other developer improvements within the project.

1  
2 **Section 12.9 Curve Radii and Super Elevation**  
3

4 Vertical and horizontal curves and the super elevation of the horizontal curves shall conform to the  
5 requirements as set forth in the American Association of State Highway official publication "A Policy on  
6 Geometric Design of Highways and Streets."  
7

8 **Section 12.10 Intersections**  
9

10 Streets shall be laid out to intersect each other as nearly as possible at right angles, under no condition shall  
11 the intersection angle be less than seventy degrees (70°).  
12

13 No two (2) opposing street intersections shall be less than one hundred twenty-five feet (125') between  
14 centerlines.  
15

16 **Section 12.11 Cul-de-sacs**  
17

18 Cul-de-sacs (dead end streets) shall not have more than a total of twenty-four (24) single family lots  
19 fronting on the right-of-way. The total length of the cul-de-sac may vary on the width of the lots. At the  
20 closed end of the cul-de-sac, there shall be provided a turnaround having a radius of at least fifty feet (50')  
21 to the outside edge of the driving lane, plus a minimum of ten feet (10') or a width necessary to provide  
22 drainage and room for utilities. Where the cul-de-sac length exceeds two thousand feet (2,000'), there shall  
23 be provided an additional in-line turnaround of the same description as that for the closed-end turnaround.  
24 The in-line turnaround shall be located as near to the mid-point of the cul-de-sac length as practical. Where  
25 the width of the twenty-four lots requires even longer cul-de-sac length, there shall be installed additional  
26 in-line turnarounds at intervals along the cul-de-sac length which shall not exceed one thousand five  
27 hundred feet (1,500').  
28

29 If any multi-family or commercial lots front on the cul-de-sac, the cul-de-sac shall be restricted to a  
30 maximum of one thousand five hundred feet (1,500').  
31

32 **Section 12.12 Road Dedication**  
33

34 All roads shown on the final plat and intended for public use shall be dedicated to the County for such use.  
35 The subdivider shall construct the roads so intended according to the design standards, specifications, and  
36 relative stipulations of this Ordinance and the approved Road Construction Plan. Any changes to the  
37 approved Road Construction Plan shall require County concurrence. At least seven (7) days prior to any  
38 road construction activities, the subdivider shall submit to the County a written schedule for the  
39 accomplishment of the proposed work. The subdivider shall provide at least two (2) days notice of any  
40 changes in the schedule. Dedication of any road rights-of-way or easement in no way relieves the  
41 subdivider of any duties or obligations to construct proposed dedicated roads. Further, such dedication in  
42 no way indicates the County's acceptance of a road.  
43

44 **Section 12.13 Preliminary Road Acceptance**  
45

46 Preliminary acceptance is an initial approval of the roads by the County. It shall follow an official  
47 inspection and written report of findings by the County's Road Manager. Accompanying the subdivider's  
48 written request for such an inspection shall be an updated version of the Road Construction Plan. It shall  
49 contain a statement from the subdivider's engineer in that the information contained thereon is as-

1 constructed. Such inspection and report shall verify and certify that the dedicated roads have been  
2 constructed according to and meet design standards in Article 12.  
3

#### 4 **Section 12.14 Final Road Acceptance** 5

6 The subdivider shall blade and maintain the accepted roads in good repair for no less than twenty-four (24)  
7 months from the date the roads pass preliminary acceptance. During such time, the County shall advise  
8 the subdivider to take those actions necessary to keep the roads in the same general condition that they were  
9 in for the preliminary acceptance. If in the opinion of the County, the subdivider does not adequately  
10 maintain the road or if unusual or excessive reconstruction or maintenance obligations seem evident, the  
11 County reserves the right to extend the test wear period.  
12

13 Ninety (90) days prior to the end of the test wear period, the subdivider may apply to the County Road  
14 Manager for the road's acceptance. The County Road Manager shall inspect the roads and issue a report  
15 on their condition. Should the Lincoln County Commission find the roads to meet road requirements, and  
16 a minimum of twenty-four (24) months have passed since preliminary acceptance, the County shall accept  
17 the dedicated roads. Should the Lincoln County Commission deem the roads to be unsuitable, it shall  
18 notify the subdivider of those problems requiring remedial actions. The subdivider shall take whatever  
19 steps are necessary to upgrade the roads in a manner that will make them acceptable to the County and may  
20 re-apply after a time period designated by the Road Manager, but not to exceed two years.  
21

#### 22 **Section 12.15 Road Requirements** 23

- 24 A. The roadways shall be designed to carry the projected traffic flows generated by the  
25 subdivision. The gravel roadways shall be a minimum of two driving lanes, twelve (12')  
26 feet wide, with a minimum two (2') foot shoulder each side. If approved, paved roads shall  
27 be a) a three-course asphaltic surface treatment, b) plant mix bituminous pavement or c)  
28 chip seal, as shown on the typical roadway section. A minimum 6" of I-B or II-B Base  
29 Course conforming Section 304 of N.M.S.H.T.D. Standard Specifications for Highway  
30 and Bridge Construction, most current edition, shall be included for the typical section.  
31 Subgrade shall be scarified to a depth of 8", watered and compacted to 95% of minimum  
32 density as determined by AASHTO modified T-180. Roadways shall maintain a two  
33 percent (2%) crown at centerline or slope full road two percent (2%) to the inside on all  
34 curves and on sidehill cuts or fills over eight feet (8').  
35
- 36 B. Minimum typical roadway sections as shall be shown in this Article.  
37
- 38 C. Typical street layout shall be as shown in this Article.  
39
- 40 D. Minimum typical culvert installation shall be as shown in this Article and with the  
41 structure specifications in Article 14.  
42
- 43 E. Dimension minimums referenced in this Ordinance are guidelines below which road  
44 provision shall be considered substandard. The basis for all streets proposed and  
45 constructed shall be acceptable engineering interpretations.  
46
- 47 F. Unless otherwise stipulated by the County, all materials incorporated within and work  
48 performed in the construction of streets shall meet the requirements of the appropriate  
49 portions of the most recent version of The New Mexico Department of Transportation

Standard Specifications and/or Detail Drawings. The table below lists some pertinent specification sections. Sections not listed shall not relieve the subdivider from complying with The Department of Transportation Standards. Approximate material applications rates have also been provided for the subdivider's information. Actual application rates shall vary as required to provide the most satisfactory finished product. (This Article.)

G The subdivider shall be required to prove that materials supplied and items constructed meet this Ordinance. Certifications and test results shall verify such factors including but not limited to asphalt grades, aggregate gradations, mix design, applications rates and compaction percentages.

H The County reserves the right to require materials that will enhance economics and facilitate operations associated with long term maintenance efforts. Prior to the placing of any materials within a street section, the subdivider shall check with the County for suitability. Materials that meet the New Mexico Department of Transportation Standards without having County approval for utilization within a particular street section might not be acceptable, *per se*.

**Section 12.16 Road Surfaces**

All roads in proposed Type-one and Type-two Subdivisions may be surfaced with a triple penetration treatment. At their own discretion, subdividers may (and are encouraged to) utilize hot mix bituminous asphalt surfacing (two-inch [2"] minimum) and/or additional asphaltic penetration or wearing courses.

**Table T-12.16  
Standard Specifications for Highway and Bridge Construction, most current edition**

MATERIAL DESCRIPTION	NEW MEXICO STATE HIGHWAY DEPARTMENT STANDARD SPECIFICATIONS (Current Edition)	APPROXIMATE APPLICATION RATES
Subgrade	207	8" @ 95% Compaction
Base Course	304	6" Minimum
Prime Coat	408	0.30-0.50 gal/s.y.
Plant Mix Bituminous Pavement	401	2" Minimum
Bituminous Surface Treatment (Penetration)	410	3 Course See Below

*MULTICOURSE* §410

*First 3/4" Course----- Aggregate 40-50 lbs/s.y.  
Asphalt 0.30-0.50 gal/s.y.*

*Second 5/8" Aggregate 20-50 lbs/s.y.*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13

*Course----- Asphalt 0.40-0.60 gal/s.y.*

*Third 3/8" Aggregate 15-25 lbs/s.y.*

*Course----- Asphalt 0.30-0.50 gal/s.y.*

Supplement to NMSHTD Specification 410

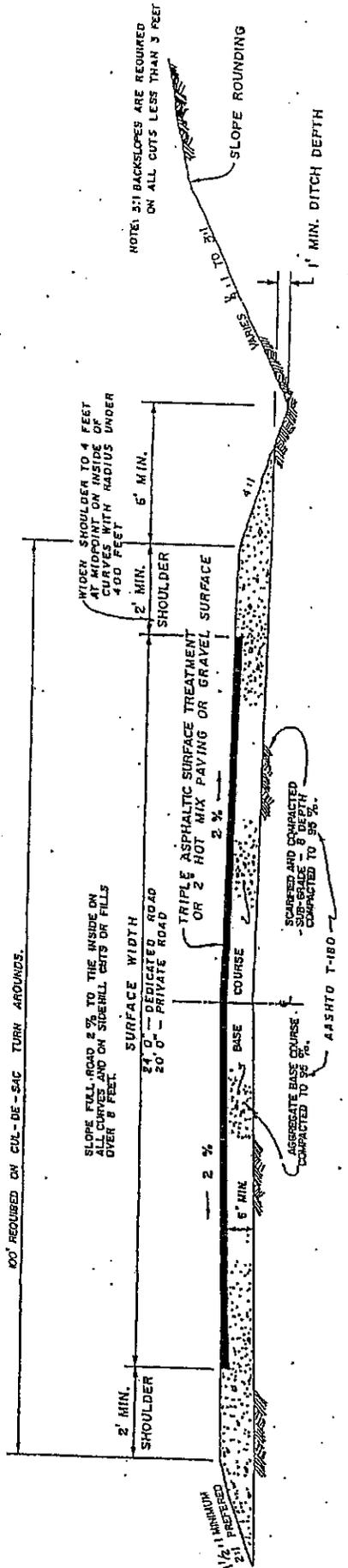
3/4" aggregate gradation

100% passing 3/4" sieve

0-12% passing No. 4 sieve

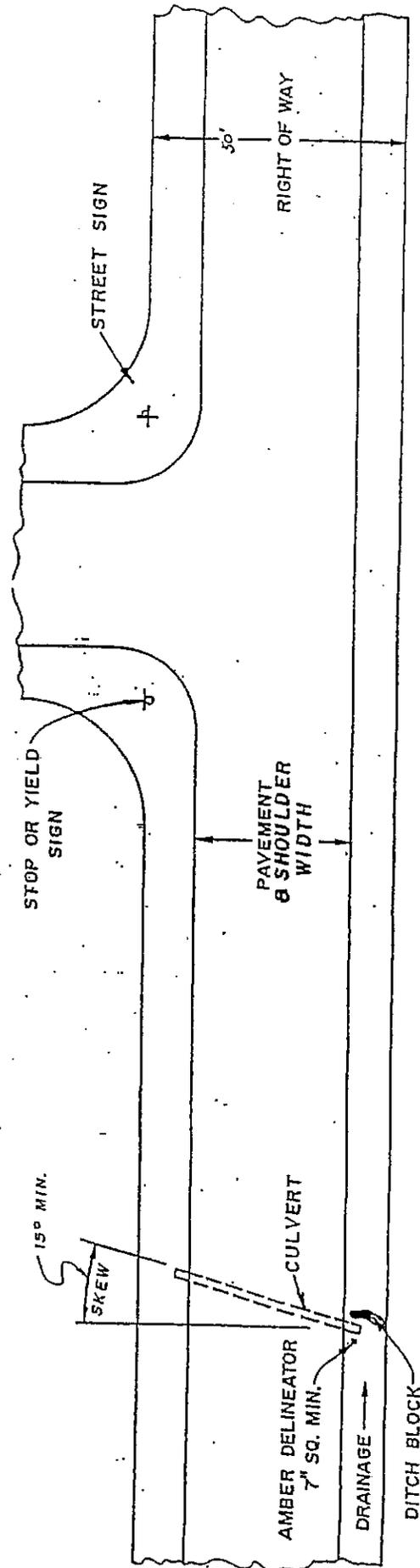
0-2% passing No. 10 sieve

*Note:* State Highway Specification numbers are subject to change with the issuance of updated standards. Application asphalt means residual-asphalt after correction for temperature and volatile materials are considered.



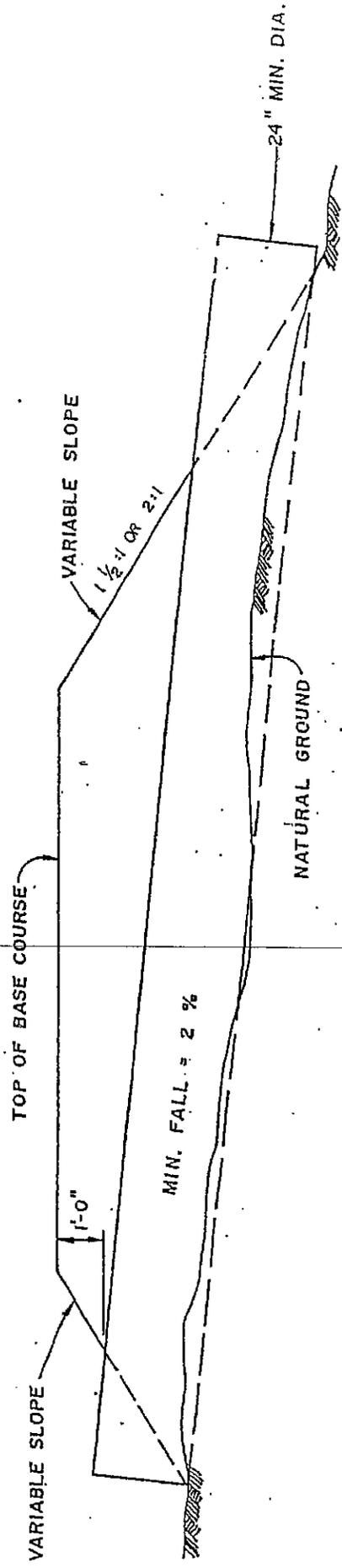
TYPICAL ROADWAY SECTION

No Scale



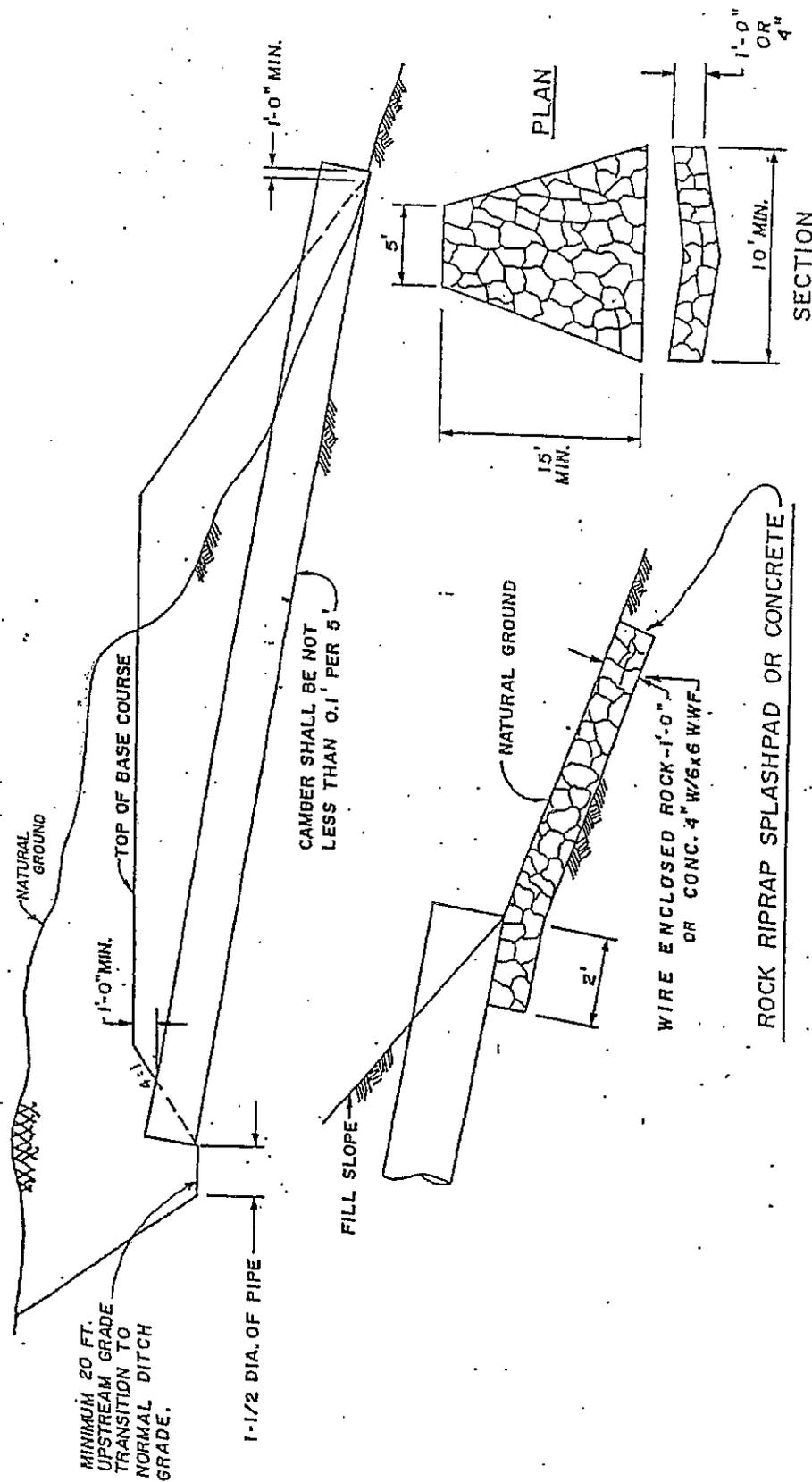
TYP. STREET LAYOUT

No. Scale



CULVERT INSTALLATION EMBANKMENT SECTION

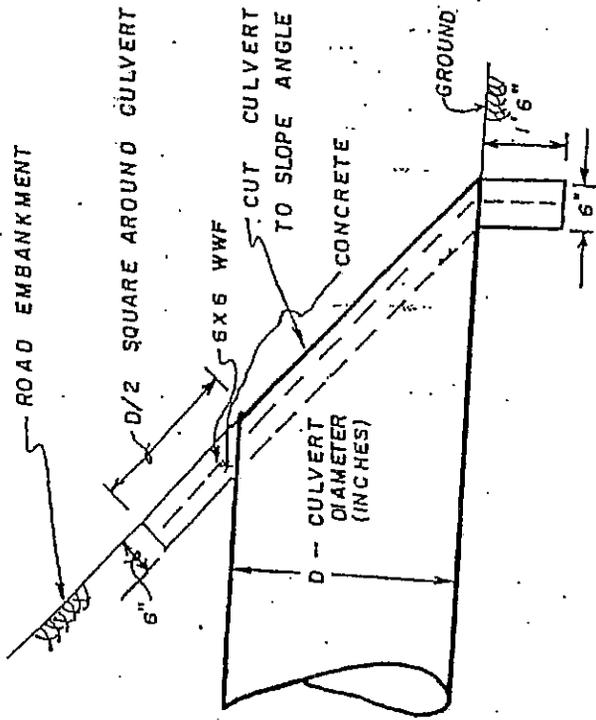
No Scale



NOTE:  
 ALL CULVERTS MUST DISCHARGE AT NATURAL GROUND LEVEL. GRADIENT OF CULVERTS ON SIDEHILL INSTALLATIONS NOT LESS THAN APPROACHING ROAD GRADIENT. INSTALL STABILIZATION AS REQUIRED TO PREVENT EROSION. UNLESS INSTALLED IN EXISTING DRAINAGE, ALL DITCH RELIEF CULVERTS SHALL BE SKEWED AHEAD (DOWNHILL) OF THE INLET END OF THE CULVERT. SPLASHPADS REQUIRED ON CULVERTS ENDING IN ARROYOS, DRAINAGES OR HILLSIDES EXCEEDING 3% SLOPE AND ON ALL CULVERTS OVER 24" IN DIAMETER.

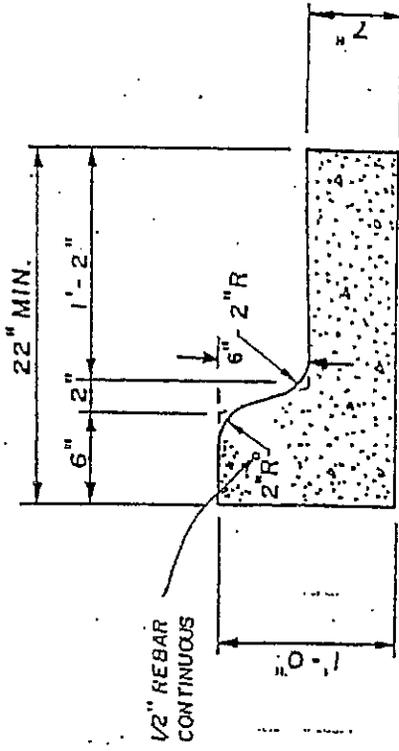
**CULVERT INSTALLATION - SIDEHILL SECTION**

No Scale



**SLOPE PROTECTION**

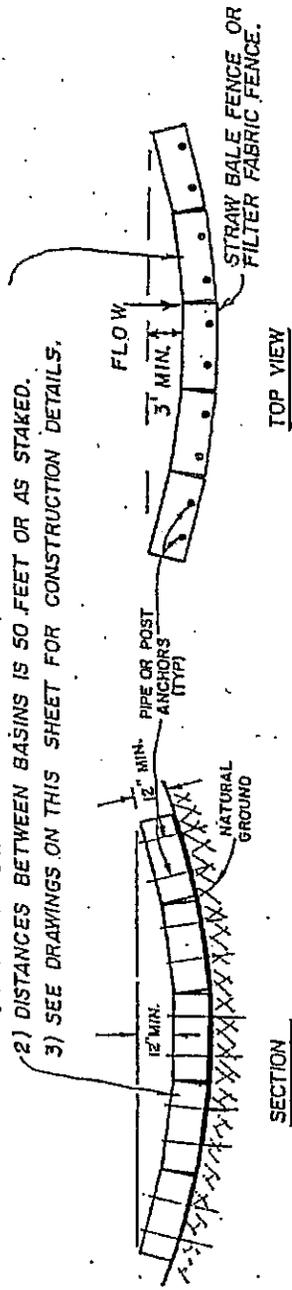
NO SCALE  
 REQUIRED ON ALL CULVERTS OVER 30" DIAMETER  
 REQUIRED ON BOTH ENDS OF CULVERT



**TYP. CURB & GUTTER SECTION**

No Scale

- 1) MINIMUM WIDTH IS 25 FEET UNLESS TERRAIN DICTATES SHORTER OR LONGER LENGTHS.
- 2) DISTANCES BETWEEN BASINS IS 50 FEET OR AS STAKED.
- 3) SEE DRAWINGS ON THIS SHEET FOR CONSTRUCTION DETAILS.



**SILT BASIN**

NO SCALE

1           **ARTICLE 13 REQUIRED IMPROVEMENTS**

2  
3           **Section 13.1 Water and Sewer Systems:**

4  
5           **Type-one:** A community water system shall be required in any Type-one subdivision. A  
6 community sewer system shall be required in any Type-one subdivision containing any lot less than  
7 two (2) acres in size. Individual sewer systems for Type-one subdivisions containing any lot two  
8 (2) acres or more in size may be approved if such systems meet the requirements of the  
9 Environment Department. **For all Type-one subdivisions, the subdivider shall provide proof**  
10 **that the person providing the water has a valid water right permit issued by the State**  
11 **Engineer pursuant to Sections 72-5-1, 72-5-23, 72-5-24, 72-12-3 or 72-12-7 NMSA 1978,**  
12 **sufficient in quantity to meet the maximum annual water requirements of the proposed**  
13 **subdivision. The Board shall not approve the final plat unless the State Engineer has issued**  
14 **a water permit for subdivision use.**

15  
16           **Type-two:** A community water system shall be required in any Type-two subdivision. ~~Individual~~  
17 ~~sewer systems for Type-two subdivisions containing any lot less than one (1) acre in size.~~  
18 ~~Individual sewer systems for Type-two subdivisions containing any lot two (2) acres or more in size,~~  
19 ~~may be approved if such systems meet the requirements of the Environment Department. An~~  
20 ~~advanced wastewater treatment system shall be required for any lot less than two (2) acres in size.~~  
21 ~~For all Type-two subdivisions, the subdivider shall provide proof that the person providing~~  
22 ~~the water has a valid water right permit issued by the State Engineer pursuant to Sections~~  
23 ~~72-5-1, 72-5-23, 72-5-24, 72-12-3 or 72-12-7 NMSA 1978, sufficient in quantity to meet the~~  
24 ~~maximum annual water requirements of the proposed subdivision. The Board shall not~~  
25 ~~approve the final plat unless the State Engineer has issued a water permit for subdivision~~  
26 ~~use.~~  
27 **For all Type-two subdivisions, the subdivider shall provide proof that the person providing**  
28 **the water has a valid water right permit issued by the State Engineer pursuant to Sections**  
29 **72-5-1, 72-5-23, 72-5-24, 72-12-3 or 72-12-7 NMSA 1978, sufficient in quantity to meet the**  
30 **maximum annual water requirements of the proposed subdivision. The Board shall not**  
31 **approve the final plat unless the State Engineer has issued a water permit for subdivision**  
32 **use.**

33  
34           **Type-three:** A community water system shall be required in any Type-three subdivision.  
35 ~~Individual sewer systems for Type-three subdivisions containing any lot two (2) acres or more in size,~~  
36 ~~may be approved if such systems meet the requirements of the Environment Department. An advanced wastewater~~  
37 ~~treatment system shall be required for any lot less than two (2) acres in size. For all Type-three~~  
38 ~~subdivisions, the subdivider shall provide proof that the person providing the water has a~~  
39 ~~valid water right permit issued by the State Engineer pursuant to Sections 72-5-1, 72-5-23,~~  
40 ~~72-5-24, 72-12-3 or 72-12-7 NMSA 1978, sufficient in quantity to meet the maximum annual~~  
41 ~~water requirements of the proposed subdivision. The Board shall not approve the final plat~~  
42 ~~unless the State Engineer has issued a water permit for subdivision use.~~  
43 **Any Type-three subdivision containing any parcel smaller than one (1)**  
44 **acre in size shall be required to provide for a community sewer system. Individual sewer systems**  
45 **for Type-three subdivisions containing any lot two (2) acres or more in size, may be approved**  
46 **if such systems meet the requirements of the Environment Department. An advanced wastewater**  
47 **treatment system shall be required for any lot less than two (2) acres in size. For all Type-three**  
48 **subdivisions, the subdivider shall provide proof that the person providing the water has a**  
49 **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.**

46           **Types-four and -five:** A community water system shall be required in any Type-four and  
47 **-five subdivisions.** Individual ~~sewer systems for Type-four and -five subdivisions may be approved if such~~  
48 ~~systems meet the requirements of the Environment Department. For all Type-four and~~  
49 ~~Types-four and -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 subdivision. The Board shall not approve the final plat**  
**unless the State Engineer has issued a water permit for subdivision use.**

1 **Type-five subdivisions, the subdivider shall provide proof that the person providing the**  
2 **water has a valid water right permit issued by the State Engineer pursuant to Sections**  
3 **72-5-1, 72-5-23, 72-5-24, 72-12-3 or 72-12-7 NMSA 1978, sufficient in quantity to meet the**  
4 **maximum annual water requirements of the proposed subdivision. The Board shall not**  
5 **approve the final plat unless the State Engineer has issued a water permit for subdivision**  
6 **use.**  
7

8  
9 The water supply for all proposed uses, [REDACTED] shall be provided by the subdivider in  
10 Types-one, two, three, four, and five subdivisions, and shall be specified as to the source and quantity  
11 to be provided.  
12

13 Lots within subdivisions approved without the requirement for a community [REDACTED] sewer system,  
14 based on the restrictions set forth above, shall not be further subdivided so that any portion of a further  
15 subdivision results in a lot size of less than the restrictions set forth above, unless an approved  
16 community [REDACTED] sewer system is provided for the entire subdivision. No variance from this  
17 restriction shall be granted. Notice of this restriction shall be included in the disclosure statement. Any  
18 tract set aside for public use, i.e. fire station and/or solid waste, or non-developed green or open space,  
19 shall not be taken into consideration in determining whether or not a community water system or sewer  
20 system shall be required.  
21

### 22 **Section 13.2 Development Package**

23  
24 The Development Plan shall be included with all submittals of the plat. The plat is considered a part of  
25 the Development Plan and vice versa Any signatures on the plat document include approval of the  
26 Development Plan package. Development Plan shall incorporate, at a minimum, Articles  
27 5,12,13,14,16,17,19 of this Subdivision Ordinance. All of the items listed in 13.1-13.4 shall be  
28 included in the Development Plan package unless specifically exempted. The letter of exemption shall  
29 be included in the package if applicable. The following subsections of Article 13 are necessary  
30 inclusions of the Development Plan Package  
31

### 32 **Section 13.3 Accessory Documents**

- 33
- 34 A. certification of title showing that the subdivider is the rightful owner of the land, and  
35 that the subdivision as it appears on the plat is with the free consent and in accordance  
36 with the desires of subdivider, which certification shall be signed by the subdivider;  
37
  - 38 B. the plat shall contain a Planning and Platting affidavit stating the proposed subdivision  
39 does or does not lie within the planning or platting jurisdiction of any municipality;  
40
  - 41 C. signed statement by the subdivider dedicating streets and other rights-of-way, granting  
42 easements for public use, dedicating any sites for public use, and agreeing to build all  
43 roads within the subdivision in full conformance with the requirements of the County  
44 Subdivision Ordinance and the County road construction standards;  
45
  - 46 D. certification of approval of street names by the County Rural Addressor;  
47
  - 48 E. certification for approval by the Planning Commission;  
49

- 1 F. certification of approval and notarization by the appropriate utility company executive  
2 officer  
3
- 4 G. For any subdivision requiring construction of a public water supply system or a  
5 community liquid waste system, documentation of approval from the New Mexico  
6 Environment Department shall be required for final plat approval.  
7
- 8 H. a certificate by the Lincoln County Board of Commissioners or their designated  
9 representatives certifying that the subdivider has complied with one of the following:  
10
- 11 1. all improvements have been installed in accordance with the requirements of  
12 this Ordinance;  
13
  - 14 2. a performance bond or certificate of deposit must be filed with the County  
15 Clerk in sufficient amount to assure completion of developer provided im-  
16 provements. The Bond shall be based on engineering cost estimates. The  
17 Performance Bond will not be required after acceptance of a Maintenance  
18 Bond;  
19
  - 20 3. the maintenance bond in the amount of 15% of the Performance Bond must be  
21 filed and continued for the two-year test period of the developer-provided  
22 improvements after preliminary acceptance and until final acceptance by the  
23 County Commission.  
24

#### 25 **Section 13.4 Covenants**

26  
27 Copies of all covenants, deeds or homeowners association by laws for development and maintenance of  
28 the subdivision;  
29

#### 30 **Section 13.5 Disclosure Statement**

31  
32 For all subdivisions, a disclosure statement shall be prepared in accordance with the standardized  
33 format provided in the Appendix of this Ordinance. It is unlawful to sell, lease, or otherwise convey  
34 land in a subdivision until the required disclosure statement has been filed with the County Clerk, the  
35 Board of County Commissioners, and the Attorney General's Office; and until the prospective  
36 purchaser, lessee or other person acquiring an interest in the subdivided land has been given a copy of  
37 the disclosure statement. Copy of disclosure statements signed by the subdivider must be included in  
38 the Development Plan Package.

39 The Disclosure Statement, once filed with the Lincoln County Clerk, may not be amended without the  
40 express written approval of the Board of County Commissioners.  
41

#### 42 **Section 13.6 Engineering and Technical Documents**

43  
44 Liquid Waste Management Plan, Solid Waste Management Plan, Water Plan, Road Plan, Terrain  
45 Management Plan (including soils report), and Drainage Plan shall be included in the Development  
46 Plan to the specifications outlined in there respective Article of this Ordinance.  
47

#### 48 **Section 13.7 Development Plan Requirements**

1           **13.7.1 Rights-of-Way Widths**

2  
3           Minimum public or private street rights-of-way widths shall no be less than fifty feet (50'). A four (4)  
4           lane street minimum right-of-way shall be eighty feet (80').

5  
6           **13.7.2 Blocks**

7  
8           The length of blocks may vary as required by the width of the lots fronting along the street right-of-  
9           way. The maximum block length shall be no greater than the length required by the width of thirty (30)  
10          contiguous lots fronting on one side of the right-of-way. Block lengths longer than those specified  
11          herein may be allowed when terrain and topographic conditions warrant. The width of the block shall  
12          be sufficient to provide two (2) rows of lots. A block may be one (1) lot in depth where a single tier of  
13          lots is required to separate residential development from a major street or a non-residential use.

14  
15          **13.7.3 Lots**

16  
17          Shapes and location of lots shall be governed by topographic conditions, use, and surrounding or  
18          adjacent areas.

19  
20          **13.7.4 Egress and Ingress**

21  
22          Every lot shall have egress and ingress to a public thoroughfare and shall be permanently marked with  
23          metal stakes at each corner of the lot and identifying metal stake at one corner. All lots are required to  
24          have a minimum 50-foot frontage on a roadway.

25  
26          **13.7.5 Double Frontage Lots Should Be Avoided**

27  
28          Backing up a lot to an existing high traffic road is not considered as double frontage. Side lot lines  
29          shall be substantially at right angles or on a radial line to street lines.

30  
31          Caution should be exercised in the layout of lots adjacent to a highway with a large traffic count and  
32          adjacent to a railroad, because of the noise level and night lights. Normally these lots should be deep.

33  
34          When a commercial or industrial area is part of or all of a subdivision, consideration must be given to  
35          provide off street parking when sizing the lots.

36  
37          **13.7.6 Easements and Rights-of-Way**

38  
39          Driveway access in the County right-of-way will be a minimum width of 24 feet and a maximum of 30  
40          feet with culverts of a minimum of 18 inches, and larger if deemed necessary by the road foreman. The  
41          portion of driveway in the County right-of-way will be pursuant to road foreman requirements. This  
42          shall be included in the Disclosure Statement.

43  
44          Utility easements centered on rear or side of lot lines shall have a minimum width of twelve feet (12').  
45          These easements must be approved by the local utility companies, including telephone companies.

46  
47          In any subdivision with a common boundary to a National Forest, the utility easements are to be located  
48          entirely within the subdivision and not centered on rear or side of lot lines.

1 Lakes, ponds and similar areas will be accepted for maintenance only if sufficient land is dedicated as a  
2 public recreational area or park, or if such area constitutes a necessary part of the drainage control  
3 system.  
4

#### 5 **13.7.7 Buffer Strips**

6  
7 It is required that in residential districts a buffer strip at least fifty feet (50') in depth in addition to the  
8 normal lot depth required be provided adjacent to all railroad rights-of-way, limited access highway  
9 rights-of-way, and commercial developments. This strip may be a part of the platted lots, but shall have  
10 the following restriction lettered on the face of the plat: "This strip reserved for the planting of trees or  
11 shrubs by the developer or owner - the building of structures hereon is prohibited." This shall not apply  
12 to marginal access (service) roads.  
13

#### 14 **13.7.8 Parking**

15  
16 Depth and width of properties reserved or laid out for commercial use and industrial purpose shall be  
17 adequate to provide for the off street services and parking facilities required by the type of use and  
18 development contemplated as specified in this Ordinance.  
19

#### 20 **13.7.9 Utilities**

21  
22 All utilities shall be placed according to general practice in the area and stubbed out so as to prevent  
23 unnecessary road cuts in accordance with the Lincoln County Excavation Ordinance. See: Utility  
24 Company.  
25

#### 26 **13.7.10 Signage**

27  
28 Subdivider/Developer will provide and install at his expense, street signs and other addressing signage,  
29 which may be required by County regulations. Such signage shall conform to County standards.  
30  
31  
32

#### 33 **13.7.11 Solid Waste Disposal**

34  
35 The subdivider must provide for suitable locations within the subdivision for locating waste containers  
36 for disposal of solid waste generated by residents of the subdivision. The descriptions of the removal  
37 schedule, payment, and storage of solid waste shall be outlined in the Solid Waste Management Plan to  
38 be included in the Development Plan. Developer shall provide written approval by the applicable solid  
39 waste disposal company of its Solid Waste Management Plan.  
40

### 41 **ARTICLE 14 FLOOD CONTROL AND DRAINAGE PLAN**

#### 42 **Section 14.1 Development on Floodways Prohibited**

43  
44  
45 The County of Lincoln adopted Ordinance No. [REDACTED] **2011-05**, known as the Lincoln County Flood  
46 Damage Prevention Ordinance, as may hereafter be amended, for the purpose of regulating flood  
47 hazard area land use, and in order to effectively comply with minimum standards for coverage under  
48 the National Flood Insurance Program.  
49

- 1 A. In approving a subdivider's plat, the Board of County Commissioners may, if
- 2 recommended by a professional engineer, as a condition of approval, require
- 3 fills, dikes, levies or other diversion measures.
- 4
- 5 B. When a subdivision is traversed by a water course, drainage way, channel or
- 6 storm drainage, the plat must provide rights-of-way for flood control measures
- 7 conforming with the lines and flood way of such watercourse.
- 8
- 9 C. All subdivision proposals including the placement of manufactured home parks
- 10 and subdivisions shall be consistent with the Lincoln County Flood Damage
- 11 Prevention Ordinance in addition to the following specifications:
- 12
- 13 D. Floodplains consisting of a drainage basin of 640 acres or more shall show
- 14 maximum water surface elevations in the Development Plan for the 100-year
- 15 storm event (using the hourly intensity producing the greatest flow rate) where
- 16 the floodplain crosses through all lots. These elevations shall be shown (the
- 17 lesser of) every 500' within the subdivision boundary or the floodplain perpen-
- 18 dicular to the expected house pad.
- 19
- 20 E. A hatched or shaded area show on the plat with a general description and
- 21 labeled as the floodplain. A differentiation between the flood fringe and
- 22 floodway shall be determined and shown on the plat if the developer plans on
- 23 flood protecting (fill grading the site to 1' above 100-yr water surface eleva-
- 24 tion) portions of the flood fringe.
- 25
- 26 F. Show flowline of defined drainage concentrations with contributing basins
- 27 between 20 and 640 acres shall on the plat with a single line.
- 28

29 **Section 14.2 Drainage Design (Minimum Standards and Requirements)**

30

- 31 A. A drainage structure shall be installed at all points of drainage concentration
- 32 and in the case of side hill construction, spaced to drain the excavated roadside
- 33 ditch and prevent over topping the roadway and subgrade
- 34
- 35 B. All drainage structures shall be of sufficient size to carry the estimated runoff
- 36 with head water below the roadway subgrade shoulder and without creating
- 37 objectionable flooding by the entrance pool. Roadside ditch erosion protection
- 38 shall be constructed where water velocities exceed five feet (5') per second,
- 39 except where the channel is in rock.
- 40
- 41 C. All drainage structures shall be designed to carry the estimated runoff for a
- 42 fifty (50) year return period rainfall (a two percent (2%) chance of occurrence
- 43 storm in one (1) year).
- 44

45 **Section 14.3 Drainage Structures**

46

1 Drainage structures shall be required in conformance with subdivider's Storm Drainage Plan as  
2 required for preliminary plat approval. They shall be designed to contain a flood with a frequency of  
3 one (1) in every fifty (50) years.  
4

5 A. Drainage structures shall comply with the following specifications:  
6

- 7 1. Corrugated galvanized steel pipe and pipe arches, AASHTO Manual.
- 8 2. Corrugated aluminum pipe and pipe arches, AASHTO Manual 196.
- 9 3. Reinforced concrete pipe, AASHOM-170.
- 10 4. Steel and aluminum culvert pipe shall be minimum 16 gauge.
- 11 5. Reinforced concrete pipe shall be minimum Class II.
- 12 6. All culvert pipe shall be installed in accordance with the New Mexico  
13 Department of Transportation Standard Specifications using minimum  
14 bedding condition C and shall be backfilled in accordance with those  
15 standards using select friable material.
- 16 7. The subdivider shall provide manufacturers' certifications proving that  
17 the materials supplied meet these specifications.  
18  
19  
20  
21  
22  
23  
24

#### 25 **Section 14.4 Drainage Plan Requirements**

26 Storm drainage computations of the estimated run-off from the subdivision following completion of  
27 development.  
28

- 29 A. Quantities of water carried by major drainage courses and proposed treatment  
30 of major drainage courses.
- 31 B. The location, type and size of proposed drainage and erosion control structure.
- 32 C. The location of major drainage and water course easements.
- 33 D. Sufficient runoff information on the areas contributing runoff to the subdivi-  
34 sion to show existing drainage patterns and drainage courses that may affect  
35 the subdivision or be affected by the subdivision; and
- 36 E. All appropriate design details necessary to clearly explain the construction of  
37 all necessary drainage control structures.
- 38 F. The subdivider shall substantially prove that all storm drainage systems shall  
39 be adequate for two (2) percent chance of occurrence of a flood.
- 40 G. Showing all appropriate design details necessary to clearly explain the con-  
41 struction of all subsurface structures.  
42  
43  
44  
45  
46  
47  
48

- H, Report text in the front of the Drainage Plan shall be included. It shall discuss general project characteristics, existing and proposed drainage, methodology of hydrology and hydraulic calculations, and conclusions.
- I. Drainage Plan shall be signed by a Registered New Mexico Professional Engineer. Engineer's signature on front cover of Development Plan Package shall incorporate Drainage Plan if Drainage Plan is not separately signed.
- J. The subdivider shall provide proof to the County Planning office of an approved Storm Water Pollution Prevention Plan prior to beginning construction.

**ARTICLE 15 MOBILE HOMES**

**Section 15.1 Pertinent Requirements**

Each Mobile Home Subdivision shall meet all pertinent requirements for the subdivision classification (Types one through five) under which it is determined to fall. All design and construction shall be in conformance with the appropriate sections of the most recent versions of the Uniform Building Code and the National Fire Protection Association (NFPA) "Standard for Fire Safety Criteria for Mobile Home Installation Sites and Communities", the Lincoln County Fire Ordinance and the International Fire Code and the Lincoln County Manufactured Home Permit Ordinance and all documents referenced therein.

**Section 15.2 Additional Design Criteria:**

- A. Internal collector streets shall be required. No direct access from lots to State, County or other arterial streets will be permitted.
- B. Multiple entrances to the subdivisions and through local streets should be provided in preference to cul-de-sacs.
- C. Driveways must conform to County permit standards.
- D. Collector and local street speed shall be a maximum of ten (10) miles per hour. Speed limit and traffic control signs shall be required. Such signing will be installed at the expense of the subdivider.
- E. The street sections shall be constructed and maintained for the full width of the obstacle free area as shown on Pages 41, 42, 43, 44, and 45.
- F. The corner sight distance at the intersection of all local streets within the subdivision shall be a minimum of ninety feet (90'). Corner sight distances at the intersections between subdivision streets and those with speed limits in excess of ten (10) miles per hour will be based on proper engineering interpretations.
- G. The inside edge of street radii at all intersections shall be a minimum of thirty feet (30').

- 1 H. Mobile homes shall not be stacked vertically over each other, in whole or in part unless  
2 the structures involved are specifically designed and authorized for such purposes by  
3 the manufacturer, and the design and installation are approved by a Registered Engi-  
4 neer in the State of New Mexico. All responsibilities and costs for securing such  
5 approvals shall be borne by the subdivider.  
6
- 7 I. No portion of a mobile home, including attached structures and excluding the tongue,  
8 shall be located closer than twenty feet (20') side to side, twenty feet (20') end to side,  
9 or fifteen feet (15') end to end horizontally to any other mobile home unless the  
10 exposed composite walls and roof of either structure are without openings and also  
11 constructed of material which will provide a one (1) hour fire-rating or the structures  
12 are separated by a one (1) hour fire-rated barrier.  
13
- 14 J. For each dwelling located thereon, each lot shall be provided with enough space to park  
15 at least two (2) motorized vehicles off street. The minimum dimensions of the parking  
16 area per vehicle accommodation capability shall be twenty feet (20') by ten feet (10').  
17
- 18 K. Each lot within the subdivision shall be sized to accommodate the largest mobile home,  
19 including accessories, whether attached or not, that will be located on it, plus utilities  
20 and all required parking, separation, clear, safety, and other areas. Mobile homes  
21 including accessories, whether attached or not, will not be permitted on lots which have  
22 not been sized to properly and/or safely accommodate them. In the Restriction Section  
23 of the Disclosure Statement, the subdivider shall detail any size, accessory or other  
24 limitation on a lot, block or subdivision basis.  
25

26 **Section 15.3 Application of Criteria, Most Stringent Shall Govern.**  
27

28 In the application of criteria affecting mobile homes, the most stringent shall govern. The County  
29 reserves the right to make final decisions on any conflicting situations.  
30

31 **ARTICLE 16 TERRAIN MANAGEMENT PLAN**  
32

33 **Section 16.1 Terrain Management Plan**  
34

35 The Terrain Management Plan must:  
36

- 37 A. Realistically and adequately provide for the long range protection of the area to be  
38 subdivided;  
39
- 40 B. Demonstrate minimization erosion and deterioration of the natural features of the  
41 subdivision; and  
42
- 43 C. Be reviewed by the local Soil and Water Conservation District. (The Terrain Manage-  
44 ment Plan is submitted by the subdivider to the County Planning Department, who in  
45 turn obtains the review of the Soil and Water Conservation District.)  
46

47 **Section 16.2 Maps Required**  
48

1 Terrain Management Plans for all subdivision Types shall include the following maps and information:  
2 (The same maps used in the Commission Conference Review may also be used for the Terrain  
3 Management Plan.)  
4

- 5 A. Vicinity map drawn to a scale of not less than two thousand feet (2,000') to one inch  
6 (1") showing contours at fifty feet (50') intervals, the relationship of the site to its  
7 general surroundings, and the location of all existing drainage channels, water and  
8 erosion control structures, water courses, and water bodies within three (3) miles of the  
9 subdivision.  
10
- 11 B. Subdivision base map drawn at a scale which clearly shows the boundaries of the area  
12 to be subdivided.  
13
- 14 C. Contours overlay of the subdivision Type-one and Type-two and other intervals which  
15 clearly indicate the slopes and grades. Indicate on this map all drainage channels,  
16 watercourses, and water bodies. If proposed grading is limited to directly adjacent to  
17 the roadways, the information in the contours overlay may be shown on the Road and  
18 Drainage Plans.  
19
- 20 D. A soil survey overlay showing the various soil types drawn to the scale of the subdivi-  
21 sion map for all Types subdivisions. The soil survey overlay will show the location of  
22 each soil type and the principal vegetation characteristics on the subdivision including  
23 major rock outcroppings, slopes over eight percent (8%) and wooded areas, grasslands,  
24 forests, the location of all areas the subdivider intends to revegetate and all areas where  
25 the vegetation will be preserved.  
26

27 **Section 16.3 Cut and Fill Slope Grading and Erosion**  
28

29 A general grading plan setting forth the means for stabilizing and revegetating all cut and fill slopes.  
30

31 The following discharges attributable to grading are prohibited whether the discharge is direct or  
32 indirect:  
33

- 34 A. Sediment and other organic or earthen materials discharged into a watercourse, water  
35 body, drainage channel or flood plain;  
36
- 37 B. Material placed in any position which would make it susceptible to erosion and  
38 deposition into a watercourse, water body, drainage or flood plain.  
39

40 All grading and filling operations shall proceed according to a schedule. The schedule shall limit to the  
41 shortest possible period, the time that soil is exposed and unprotected.  
42

43 Fills which settle more than ten percent (10%) of the height of the fill within twenty-four (24) months  
44 of the date of contract completion are to be reopened and redone. This also includes settling causing  
45 damages to all property including public property.  
46

47 **Section 16.4 Soils**  
48

1 The subdivider shall provide adequate information which shows the intended construction or develop-  
2 ment and land use to be appropriate to and feasible on the soil tested or intended to be used. Soil not  
3 suitable or having a high degree of hazard for the intended use shall not be developed for the intended  
4 use unless the subdivider can substantially prove that the inherent soil limitations can be overcome by  
5 engineering design. Soil suitability will be ascertained from soil survey engineering interpretations.  
6

7 The results of the soil survey for subdivision Types-one and -two and others as may be required shall be  
8 described on maps or overlay maps at a scale of 1" equal 200 feet or the same scale permitted for the  
9 subdivision base map.  
10

- 11 A. **Soil limitations for proposed uses.** The subdivider shall provide adequate informa-  
12 tion which shows the intended construction or development and land use to be appro-  
13 priate to and feasible in the soil tested or intended to be used. Soil must be suitable or  
14 having a high degree of hazard for the intended use shall not be developed for the  
15 intended use unless the subdivider can substantially prove that the inherent soil  
16 limitations can be overcome by engineering design. Soil suitability will be ascertained  
17 from soil survey engineering interpretations.  
18

19 Soil recommendations shall accompany a report text signed by a Registered New Mexico Professional  
20 Engineer.  
21

## 22 **Section 16.5 Utilities**

23

24 The type of utilities to be provided, as well as a statement indicating whether or not the utilities are to  
25 be installed above ground or underground. All utility work is to be done in accordance with the  
26 Lincoln County Excavation Ordinance, where applicable. Final as-built plans for all utilities installed  
27 for the project shall be provided to the County Planning Department, no later than the date of the final  
28 inspection of the roads and infrastructure of the subdivision.  
29

## 30 **Section 16.6 Lot Design (Relating to Terrain Features)**

31

32 **Arrangement:** The size, shape and location of all lots shall be such that there will be a minimum of  
33 foreseeable difficulties, for reasons of topography, soils or other conditions, in securing building  
34 permits, installing septic systems or similar development actions.  
35

## 36 **Section 16.7 Removal of Cleared Vegetation**

37

38 All vegetation removed during clearing operations shall be disposed of in a legal manner.  
39  
40

## 41 **ARTICLE 17 WATER AVAILABILITY PLAN**

42

43 [REDACTED]

44 [REDACTED]

45 [REDACTED]

46 [REDACTED]

47 [REDACTED]

48 [REDACTED]

[REDACTED]

**Section 17.1 General Review Procedures for Water Supply Plans**

The applicant shall provide a water supply plan, which consists of the submittals required below in Section 17.2.1. All water supply plans for proposed subdivisions of six (6) lots and greater shall include a geohydrologic report and shall be submitted by the County Planner to the New Mexico State Engineer's Office and the New Mexico Environment Department.

**Section 17.2 General Requirements and Submittals for a Water Supply Plan**

**17.2.1 Requirements Dependent on Type and Scale of Development and Amount of Water Use**

The requirements and submittals associated with water supply are dependent on the type and scale of development and the amount of water use, and are set forth in the following Sections of this Article:

- Section 17.2.2 - Required Water Rights Permits
- Section 17.3 - Water Availability Assessments
- Section 17.4 - Community Water Systems
- [REDACTED]
- [REDACTED]
- Section 17.6- Water Quality
- Section 17.7 - Well Construction
- Section 18.1 -Water Conservation
- Section 18.5 - Fire Protection

**17.2.2 Required Water Right Permits**

**17.2.2a All Subdivisions [REDACTED]**

All subdivisions with any lot less than five (5) acres in size, containing six (6) or more parcels, shall provide proof that the person providing the water has valid water rights recognized by the State Engineer pursuant to Sections 72-5-1, 72-5-13, 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 may approve a final plat contingent upon the State Engineer's approval of the transfer of the water rights necessary to meet the maximum annual water requirements of the proposed subdivision. In the event the developer has not obtained the approval of the transfer of the necessary water rights by the State Engineer for subdivision use within two (2) years of the conditional approval of the final plat, the approval shall automatically be rescinded unless, prior to the

1 expiration of this two-year (2-year) period, the developer seeks an extension of time and such  
2 extension is approved by the Board.  
3

4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8  
9 **Section [REDACTED] 17.3 Water Availability Assessments**

10  
11 **[REDACTED] 17.3.1 Requirements for Water Availability Assessments**

12  
13 Water Availability Assessments must be performed within three (3) years of their initial submission for  
14 approval by the County Planner. The requirements of the water availability assessment are dependent on  
15 the source of water supply such that:  
16

17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23  
24 **[REDACTED] 17.3.1a Source of Supply New Surface Water Diversion and Community System**

25  
26 For developments where the source of supply will be a new surface water diversion and community system  
27 pursuant to Section 72-5-1, 72-5-23 or 72-5-24 NMSA 1978, the applicant shall submit a geohydrologic  
28 report and other information in accordance with Section [REDACTED] 17.3.3;  
29

30 **[REDACTED] 17.3.1b Source of Supply Existing Community or Municipal Water Supply System**

31  
32 For developments where the source of supply will be an existing community or municipal water supply  
33 system permitted pursuant to Section 72-5-1, 72-5-23, 72-5-24 or 72-12-3 NMSA 1978 the applicant shall  
34 submit a water availability assessment in accordance with Section [REDACTED] 17.3.4; or  
35

36 [REDACTED]  
37 [REDACTED]  
38 [REDACTED]  
39 [REDACTED]  
40 [REDACTED]  
41  
42 **[REDACTED] 17.3.1c Developments of Five (5) or Fewer Lots**

43  
44 For developments of five (5) or fewer lots, the applicant shall provide water availability information in  
45 accordance with Section [REDACTED] 17.3.5.  
46

47 **[REDACTED] 17.3.2 New Community Wells and Community Water Systems**  
48

1 For new community wells and community water systems, the applicant shall submit a water availability  
2 assessment which includes the following:  
3

4 **17.3.2a Geohydrologic Report**  
5

6 A geohydrologic report which shall demonstrate that groundwater sufficient to meet the maximum annual  
7 water requirements of the development is physically available and can be practically recovered to sustain  
8 the development for a continuous period of Forty (40) years. These analyses shall take into account the  
9 production of existing wells and shall demonstrate that the project wells, as proposed or as designed, will  
10 be capable of producing the full annual demand for at least Forty (40) years or shared wells are to be used  
11 throughout a development, the requirement should not be interpreted to require more than one (1) test per  
12 ten (10) dwelling units.  
13

14 **17.3.2b Applicant Shall Drill Sufficient Exploratory Wells**  
15

16 The applicant shall drill sufficient exploratory wells to adequately characterize the aquifer in accordance  
17 with the requirements of this Ordinance and the State Engineer's Office. Tests made within one mile of  
18 the development may be utilized, provided that the report demonstrates that the geologic conditions at the  
19 site of such tests are comparable to those within the development. For developments involving more than  
20 160 acres, at least one test shall be within the development. Except where geologic conditions are complex,  
21 the well test requirement shall not be interpreted to require more than one (1) test per four (4) dwelling  
22 units. Where cluster or shared wells are to be used throughout a development, the requirement should not  
23 be interpreted to require more than one (1) test per ten (10) dwelling units.  
24

25 **17.3.2c Applicant Shall Provide a Calculated Forty (40) Year Schedule**  
26

27 The applicant shall provide a calculated Forty (40) year schedule of effects on the development's  
28 production well(s) which may result from existing demands and from the increase of groundwater  
29 withdrawals for the project. Analysis shall be performed to assess whether future water level declines will  
30 be within the limits of allowable drawdown in the project production wells as provided in Section **17.3.2d**,  
31 below. Predicted draw downs shall be calculated in a conservative manner (which estimates  
32 maximum drawdown). These calculations shall include estimates of future water uses.  
33

34 **17.3.2d Lowest Practical Pumping Water Level**  
35

36 The applicant shall calculate the lowest practical pumping water level in the proposed project pumping  
37 wells according the methods presented in the Guidelines For The Assessment Of Drawdown Estimates,  
38 For Water Application Processing, NMOSE Hydrology Bureau Report 06-01.  
39

40  
41 **17.3.2e All Hydrologic Information Pertinent to the Study Area**  
42

43 The geohydrologic report should present all hydrologic information pertinent to the study area including  
44 that available from past geohydrologic studies. All sources of information used in the report should be  
45 identified including basic data collected by the consultant who prepared the report. The report shall contain  
46 the following information:  
47

- 1 (i) All analyses and assessments as listed in Section **17.1**, and **17.3.2a** through  
2 **17.3.2f** of this Section;  
3  
4 (ii) Geologic maps, cross-sections and descriptions of the aquifer systems proposed for  
5 production, including information concerning the geohydrologic boundaries, intake areas  
6 and locations of discharge of those aquifers;  
7  
8 (iii) Maps and cross sections showing the depth-to-water, water-level contours, direction of  
9 ground water movement and the estimated thickness of saturation in the aquifers; and  
10  
11 (iv) Probable yields of the proposed wells (in gallons per minute and acre feet per year) and  
12 probable length of time that the aquifer system will produce water in amounts sufficient  
13 to meet the demands under full occupation of the development. This information shall be  
14 based on pump test analyses, hydrologic boundaries, aquifer leakage and historic water  
15 level changes, logs and yields of existing wells. This information will give consideration  
16 to mutual impact of the proposed wells, and the interference of existing wells .  
17

18 **17.3.2f Quantification of Annual Water Requirements**

19  
20 The annual maximum water use for both indoor and outdoor purposes for each parcel in a residential  
21 subdivision containing a community water system shall be .25 acre-foot per year, unless a detailed water  
22 demand analysis approved by the Board of County Commissioners justifies the use of a different figure.  
23 The annual maximum water use for both indoor and outdoor purposes for each parcel in a residential  
24 subdivision utilizing domestic wells shall be one-acre foot per year or three acre-feet per year for shared  
25 wells.  
26

27 **17.3.3 For New Surface Water Diversions and Community Water Systems Using Surface**  
28 **Water**

29  
30 For new surface water diversions and community water systems using surface water, the applicant shall  
31 submit a water availability assessment which includes the following: A hydrologic report which shall  
32 demonstrate that surface water sufficient to meet the maximum annual water requirements of the  
33 development is physically available. These analyses shall include the following:  
34

- 35 (a) Narrative and analytical demonstration that the surface water will be physically available for  
36 the proposed use given short-term and long-term fluctuations (base-flow analysis) due to climatic  
37 cycles or other factors such as induced recharge due to groundwater diversion, analyses of relevant  
38 historical runoff records, and projected water supply available for the project requirements.  
39 Applicable legal or water rights constraints on water availability shall be considered.  
40  
41 (b) If the analysis of the historical runoff record indicates possible shortages in the projected water  
42 supply available for the project requirements, the applicant shall provide for either storage or a  
43 supplemental groundwater supply sufficient to meet the shortage.  
44  
45 (c) If a supplemental groundwater supply is proposed, the applicant shall prepare a geohydrologic  
46 assessment in accordance with Section **17.3.2e**.  
47

48 **17.3.4 Community Water Systems Proposing to use Existing Utility Companies**

1  
2 For community water systems for which existing utility companies are proposed as the source of water  
3 supply, the applicant shall submit a water availability assessment which includes the following:  
4

5 **17.3.4a Water Utilities Other than Municipal or County Owned Water Utilities**  
6

7 For water utilities other than municipal or county owned water utilities:  
8

9 (i) Name of the utility proposed as the source of supply and a letter of intent from the  
10 utility that they are ready, willing, and able to provide the maximum annual water  
11 requirements for the development including fire protection for at least 40 years. The letter  
12 must also state any requirement for the applicant to provide water rights.  
13

14 (ii) Documentation showing the quantity of water presently produced annually, quantity  
15 of water supply commitments to date, and proof of sufficient water rights to meet both  
16 existing commitments and the requirements of the development for at least 40 years.  
17

18 (iii) For New Mexico Public Utilities Commission (PUC) certified utilities, a copy of the  
19 most recent annual report submitted to the PUC.  
20

21 (iv) Plans for the existing water system to which the proposed system will connect into.  
22 The plans shall show diversion point locations, and water storage and distribution system.  
23 The size or capacity of the water system components should also be indicated  
24 on the plans.  
25

26 (v) Any other information, including any or all of the requirements of Sections  
27 **17.3.2** and **17.3.3**, required by Lincoln County to make a determination that the  
28 utility has the capability to meet the water requirements of the development.  
29

30 [REDACTED]  
31 [REDACTED]

32 [REDACTED]  
33 [REDACTED]  
34 [REDACTED]  
35 [REDACTED]  
36 [REDACTED]

37  
38 **17.3.5 Subdivisions of Five (5) or Fewer Lots**  
39

40 A water availability assessment for subdivisions of five (5) or fewer lots shall meet the following  
41 requirements:  
42

43 **17.3.5a Source Existing Community Water System or Municipal Water System**  
44

45 If the source of water supply will be an existing community water system or municipal water system, the  
46 applicant shall submit the following information as their water availability assessment:  
47

48 (i) Name of the utility proposed as the source of supply;

(ii) Letter of intent from the utility that they are ready, willing, and able to provide the maximum annual water requirements for the subdivision including fire protection.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**17.3.5b Applicant Proposes New Wells or Surface Diversion for a Community Water System**

If the applicant proposes to provide new wells or surface diversion for a community water system, the requirements of Section **17.3.2** or **17.3.3**, whichever is applicable, shall apply.

**Section 17.4 Community Water Systems**

Community water systems shall be required for subdivisions according to the number and size of lots as indicated in Article 13, herein.

**17.4.1 Requirements For Community Water System**

**17.4.1a Developer Shall Provide Water from Existing or Proposed Systems**

When a community water system is required, the developer shall provide water from existing or proposed water supply systems for domestic use, fire protection, and any other use that the developer proposes.

**17.4.1b Completion of the Proposed Water Supply Systems**

The developer shall provide for the completion of the proposed water supply systems, in accordance with applicable minimum design standards of the New Mexico Environment Department and the Construction Industries Division.

**17.4.1c Fire Flow Requirements**

1 The developer shall meet the fire flow requirements set forth in Section [REDACTED] 18.5.7.

2  
3 **[REDACTED] 17.4.1d Sufficient Potable Water**

4  
5 The developer shall provide sufficient potable water for full development of all properties within the  
6 proposed development which shall meet the minimum water quality standards of the New Mexico  
7 Environment Department.

8  
9 **[REDACTED] 17.4.1e Distribution Mains**

10  
11 All distribution mains shall be a minimum of six (6) inches in diameter.

12  
13 **[REDACTED] 17.4.1f Drilling or Use of Individual and/or Shared Domestic Wells Prohibited**

14  
15 It shall be noted on the final plat and plans and in the covenants and disclosure statement that the drilling  
16 or use of individual and/or shared domestic wells is strictly prohibited.

17  
18 **[REDACTED] 17.4.1g Public Utility Act**

19  
20 The developer shall meet all applicable requirements of the Public Utility Act, Articles 1 through 6, and  
21 8 through 13 of Chapter 62, NMSA 1978.

22  
23 **[REDACTED] 17.4.2 Submittals for Community Water Systems**

24  
25 The applicant shall submit a water supply plan which demonstrates that the system will comply with the  
26 requirements of Section [REDACTED] 17.2.1. The water supply plan shall be prepared by or under the supervision  
27 of a professional engineer and shall include the following:

28  
29 **[REDACTED] 17.4.2a Volume and Peak Rate of Production**

30  
31 Information showing the volume and peak rate of production of water required each month to supply each  
32 use at full use of the development.

33  
34 **[REDACTED] 17.4.2b Plans Prepared by Professional Engineer**

35  
36 Plans and specifications for production or diversion, storage and distribution facilities and a time schedule  
37 for their completion, prepared by or under the supervision of a registered professional engineer.

38  
39 **[REDACTED] 17.4.2c Legal Description Necessary**

40  
41 A legal description of the location of all construction, easements and right-of-way necessary for the  
42 installation of the water supply system.

43  
44 **[REDACTED] 17.4.2d Specific Site Plans**

45  
46 Site plans showing topography, parcel boundaries, streets, wells, hydrants, water storage and distribution  
47 system. The size or capacity of the system components shall be indicated.

1 **17.4.2e Well Plans**

2  
3 Well plans indicating casing diameter, total depth, screened interval, and proposed pump setting.

4  
5 **17.4.2f Agreement**

6  
7 An agreement providing for:

8  
9 (i) The construction and operation of the water supply system as shown in the plat  
10 documents and plans.

11  
12 (ii) Collateral, in the form of a performance bond or other means, to adequately assure the  
13 complete construction and operation of the system in accordance with design and time  
14 specifications.

15  
16 (iii) Certification of the operator of the system.

17  
18 (iv) Involvement as prescribed in the plat documents, of any Homeowners' Association,  
19 Mutual Domestic Association, or non-profit corporation for the purpose of operation and  
20 maintenance of the system.

21  
22 **17.4.3 Review of Community Water Systems**

23  
24 **17.4.3a County Planner's Considerations**

25  
26 In reviewing community water systems the County Planner shall consider:

27  
28 (i) the availability of water for the system;

29  
30 (ii) the potential for water conservation in areas served by the system;

31  
32 (iii) the relationship of the system to adopted local or county land use and utility goals;

33  
34 (iv) the proper disposal of wastewater from areas served by the system; and

35  
36 (v) the conformance of the system to federal and state regulations.

37  
38 **17.4.3b County Encourages Use**

39  
40 In general, the County shall encourage the use of such systems, and shall approve them unless the  
41 indicated reviews demonstrate that such systems, or the expansion thereof, will substantially conflict  
42 with the policies and goals of the County Comprehensive Plan and this Ordinance.

43  
44 **17.4.4 Approval of Lincoln County Board of Commissioners Required Prior to Transfer**

45  
46 Approval of the Lincoln County Board of Commissioners is required prior to any transfer of a  
47 community water system to any homeowner's association or successor of the developer. Additionally,  
48 the Lincoln County Board of Commissioners shall insure that the community water system is in

1 compliance with all applicable federal and state rules prior to authorizing transfer to any homeowner's  
2 association or successor.  
3

4 **Section 17.5 Requirements for Individual Water System**

- 5  
6 A. Domestic water supply shall be provided by the subdivider.  
7  
8  
9 B. The water supply to be provided by the subdivider shall comply with the  
10 regulations of Section 17.3 and Section 17.6.  
11  
12  
13  
14  
15  
16 C. N.M.P.M. State Plain coordinates, in any appropriate electronic format, along  
17 with production, depth, and size of pipe data, shall be provided to the County  
18 Planner upon completion of any individual water system.  
19

20 [Redacted]

21  
22 [Redacted]  
23  
24  
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29 [Redacted]  
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38 [Redacted]  
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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Section 17.6 Water Quality Requirements**

**17.6.1 Water Quality Documentation**

For a subdivider to document conformance with the water quality requirements of this Ordinance and the New Mexico Subdivision Act, a water quality documentation package shall accompany the preliminary plat submittal.

**17.6.1a Contents of Package**

The water quality documentation package shall:

- (i) state the subdivider's name and mailing address;
- (ii) state the date the package was completed;
- (iii) state the subdivider's proposal for meeting the water quality requirements of this Ordinance;
- (iv) be accompanied by a copy of the subdivider's disclosure statement on water quality;
- (v) be accompanied by the information listed in Sections b, c, or d of this Section as applicable to the water supply proposal; and
- (vi) be accompanied by other relevant information as may be necessary for the determination of compliance with the water quality requirements of this Ordinance.

**17.6.1b Contents When New Community System**

If a new community water system is proposed, the following information shall be submitted as part of the water quality documentation package:

- (i) a water quality analysis of a representative water sample for antimony, arsenic, alkalinity, aluminum, barium, beryllium, cadmium, chromium, cyanide, calcium, chloride, color, copper, fluoride, foaming agents, hardness, iron, lead, mercury, manganese, nickel, nitrate, nitrite, radionuclide, odor, pH, selenium, silver, sodium, sulfate, thallium, total dissolved solids, turbidity, and zinc;

- (ii) for areas where contamination of the proposed source of water has been documented, a water quality analysis of a representative water sample for other water quality parameters listed in Section **17.6.2** may be required;
- (iii) the location and description of the source of water sampled for the water quality analysis;
- (iv) an engineer's report and preliminary engineering plans for the proposed community water system; and,
- (v) maps identifying and showing the location of all potential sources of contamination and the flood plain of all watercourses and surface bodies of water within one (1) mile of the proposed community water system source.

**17.6.1c Contents When Existing Community System**

If a connection to or extension of an existing community water system is proposed, the following information shall be submitted as part of the water quality documentation package:

- (i) a water quality analysis of a representative water sample for those contaminants identified in Tables **17.6.2** (a) and (b);
- (ii) a statement of availability of water service signed by an official of the existing community water system; and
- (iii) an engineer's report and preliminary engineering plans for the proposed water system.

**17.6.1d Contents When Individual Domestic, Clustered, or Shared Wells Proposed**

If individual domestic wells or clustered or shared wells are proposed, the following information shall be submitted as part of the water quality documentation package;

- (i) a water quality analysis of a representative water sample for antimony, arsenic, alkalinity, aluminum, barium, beryllium, cadmium, chromium, cyanide, calcium, chloride, color, copper, fluoride, foaming agents, hardness, iron, lead, mercury, manganese, nickel, nitrate, nitrite, odor, pH, selenium, silver, sodium, sulfate, thallium, total dissolved solids, turbidity, and zinc;
- (ii) for areas where contamination of the proposed source of water has been documented, a water quality analysis of a representative water sample for other water quality parameters listed in Section **17.6.2(a)** may be required;
- (iii) the location and description of the source of water sampled for the water quality analysis;
- (iv) preliminary engineering plans for the water system if the system will serve more than one (1) connection; and,
- (v) maps identifying and showing the location of all potential sources of contamination and the flood plain of all watercourses and surface bodies of water within the subdivision and within one thousand (1000) feet of the proposed subdivision boundaries.

**17.6.1e Documentation of Approval from New Mexico Environment Department**

Documentation of approval from the New Mexico Environment Department for the construction or modification of a community water system will be required before final subdivision plat approval.

**17.6.2 Water Quality Specifications**

Conformance with the water quality specifications of this Section is required for preliminary plat

1 approval.

2  
3 **17.6.2a Level of Contaminant Shall Not Exceed MCL**

4  
5 The level of a contaminant in water delivered to any user of a community water system or cluster,  
6 shared or individual well shall not exceed the maximum contaminant level (MCL) for any of the  
7 contaminants listed in Table **T-17.6.2(a)** below:

8  
9 **Table T-17.6.2(a)**

Inorganic		Mi-	
Contaminant		Contaminant	MCL
Antimony	0.006 mg/l	Giardia lamblia <sup>(d)</sup>	TT <sup>(e)</sup>
Arsenic	0.05 mg/l	Legionella <sup>(d)</sup>	TT <sup>(e)</sup>
Asbestos	7 MFL <sup>(a)</sup>	Standard plate count <sup>(d)</sup>	TT <sup>(e)</sup>
Barium	2 mg/l	Total coliforms	Absent
Beryllium	0.004 mg/l	Turbidity <sup>(d)</sup>	PS <sup>(f)</sup>
Cadmium	0.005 mg/l	Viruses <sup>(d)</sup>	TT <sup>(e)</sup>
Chromium (total)	0.1 mg/l	Disinfection	
Copper	1.3 mg/l	Total trihalomethanes	0.10 mg/l
Cyanide	0.2 mg/l	Volatile Or-	
Fluoride	4.0 mg/l	Benzene	0.005 mg/l
Lead	0.015 mg/l	Carbon tetrachloride	0.005 mg/l
Mercury (inorganic)	0.002 mg/l	Dibromochloropropane	0.0002 mg/l
Nickel	0.1 mg/l	o-dichlorobenzene	0.6 mg/l
Nitrate (as N)	10 mg/l	p-dichlorobenzene	0.075 mg/l
Nitrite (as N)	1 mg/l	1,2-dichloroethane	0.005 mg/l
Nitrate+Nitrite (both as N)	10 mg/l	1,1-dichloroethylene	0.007 mg/l
Selenium	0.05 mg/l	cis-1,2-dichloroethylene	0.07 mg/l
Thallium	0.002 mg/l	trans- 1,2-dichloroethylene	0.1 mg/l
		Dichloromethane	0.005 mg/l
Gross alpha particle activity <sup>(b)</sup>	15 pCi/l	1,2-dichloropropane	0.005 mg/l
Radium-226 & 228 <sup>(c)</sup>	5 pCi/l	Ethylbenzene	0.7 mg/l
Strontium-90	8 pCi/l	Ethylene dibromide	0.00005 mg/l
Tritium	20000 pCi/l	Monochlorobenzene	0.1 mg/l
Synthetic Organic		Styrene	0.1 mg/l
Alachlor	0.002 mg/l	Tetrachloroethylene	0.005 mg/l
Atrazine	0.003 mg/l	Toluene	1 mg/l
Benzo[a]pyrene	0.0002 mg/l	1,2,4-trichlorobenzene	0.07 mg/l
Carbofuran	0.04 mg/l	1,1,1-trichloroethane	0.2 mg/l
Chlorodane	0.002 mg/l	1,1,2-trichloromethane	0.005 mg/l
2,4-D	0.07 mg/l	trichloroethylene	0.005 mg/l
Dalapon	0.2 mg/l	Vinyl chloride	0.002 mg/l
Di(2-ethylhexyl)adipate	0.4 mg/l	Zylenes (total)	10 mg/l
di(2-ethylhexyl)phthalate	0.006 mg/l	Synthetic Organic (SOC)	
Dinoseb.	0.007 mg/l	Methoxychlor	0.04 mg/l
Diquat	0.02 mg/l	Oxamyl (Vydate)	0.2 mg/l
Endothall	0.1 mg/l	Pentachlorophenol	0.001 mg/l
Endrin	0.002 mg/l	Picloram	0.5 mg/l
Glyphosate	0.7 mg/l	Polychlorinated biphenyls	0.0005 mg/l
Heptachlor	0.0004 mg/l	Simazine	0.004 mg/l
Heptachlor epoxide	0.0002 mg/l	2,3,7,8-TCCD (Dioxin)	3x10 <sup>3</sup> mg/l

Hexachlorobenzene	0.05 mg/l	Toxaphene	0.003 mg/l
Hexachlorocyclopentadiene	0.001 mg/l	2,4,5-TP	0.05 mg/l
Lindane	0.0002 mg/l		

- Notes: (a) Million fibers longer than 10 micrometers per liter.  
 (b) Gross alpha particle activity including radium-226 but excluding radon and uranium.  
 (c) Combined radium-226 and radium-228  
 (d) For systems using surface water.  
 (e) Treatment Technique (filtration and disinfection) required.  
 (f) Performance Standard 0.5 NTU to 1.0 NTU

**17.6.2b Level of Contaminant Shall Not Exceed SMCL**

The level of a contaminant in water delivered to any user of a community water system should not exceed the secondary maximum contaminant level (SMCL) for any of the contaminants listed in Table T-17.6.2(b). If the level for any of the contaminants listed in Table T-17.6.2(b) exceeds the SMCL, the subdivider must state in the disclosure statement on water quality the name of the contaminant exceeded; the contaminant level; the SMCL of the contaminant; the expected adverse effects of the contaminant for domestic water use; and, the recommended treatment method to reduce the contaminant level to or below the SMCL.

**Table T-17.6.2(b)  
 Secondary (Esthetic Related) Contaminants**

Contaminant	SMCL	Contaminant	SMCL
Aluminum	.05 - 0.2 mg/l	Manganese	.05 mg/l
Chloride	250 mg/l	Odor	3 TON
Color	15 CU	pH	6.5 - 8.5
Copper	1.0 mg/l	Silver	0.1 mg/l
Corrosivity	non-corrosive	Sodium	100 mg/l*
Fluoride	2.0 mg/l	Sulfate	250 mg/l
Foaming Agents	0.5 mg/l	TDS	500 mg/l
Hardness	250 mg/l	Turbidity	5 NTU
Iron	0.3 mg/l	Zinc	5 Mgl

\* Sodium concentration exceeding 20 mg/l must be noted in the disclosure statement.

**17.6.2c Setback Distances**

A water supply source shall not be located at less than the setback distances shown in Table T-17.6.2(c).

**Table T-17.6.2(c)  
 Setback Distances for Water Supply Sources**

Potential Source of Contamination	Required Minimum Setback Distance (feet)
-----------------------------------	--

	<i>Community Water System</i> [REDACTED]
Water Tight Sewer	50
Other Sewers	100
Community Liquid Waste Treatment System (e.g. aeration tank, chlorination facility)	300
Individual Liquid Waste Treatment System (e.g. septic tank)	100
Community Liquid Waste Disposal System (e.g. outfall, leach field)	600
Individual Liquid Waste Disposal System (e.g. leach field)	200
Flood Plain	outside
Contamination Sources such as landfills, stockyards and feedlots	100

**[REDACTED] 17.6.2d Disclosure Statement**

The disclosure statement for the subdivision shall contain a statement containing the results of the on-site water quality test and describing the quality of water available for domestic use within the subdivision.

**Section [REDACTED] 17.7 Well Construction**

All community wells will be constructed according to NMED and OSE Requirements

**Section [REDACTED] 17.8 [REDACTED] Wells**

The well construction for any well intended to serve as a supply well other than an individual domestic well or solely for monitoring purposes shall be at or above industry standards, incorporating appropriate casing, gravel pack, and well seal application. To reduce the risk of contamination migrating down the borehole, a 2 ft. thick bentonite seal shall be placed in the annulus above the gravel pack and a cement grout seal shall be placed in the annulus from the ground surface to a depth of 20 ft. The well screen shall be of a sufficient length to allow the ground water to efficiently enter the well and to assure the best possible sustainable production. Wells must be properly developed as soon as practical after completion of testing.

Any well not intended for use should be capped and secured to eliminate any possible contamination concerns, this also applies to existing wells that will not be used for production purposes. Any existing wells that are intended for any use other than an individual domestic well should also be inspected for adequate construction and protected from any possible contamination.

**ARTICLE 18 Water Conservation and Fire Protection**

1           **Section 18.1    General Requirements**

2  
3           A water conservation report shall be submitted with a subdivision preliminary plat application or at the  
4           time of initial application for other types of development. The report shall contain a water budget for  
5           the proposed development, indicating the type and amount of water withdrawals and consumption  
6           projected at full development; and it shall contain a list of any water conservation measures which are  
7           adopted by covenant or other similar means which are intended to restrict water use to specified levels.  
8           Only water conservation measures that have been adopted in a form which, in the opinion of the  
9           County Attorney, is legally binding upon any person using water on the parcel shall be deemed to meet  
10          the requirements of the Ordinance.  
11

12           **Section 18.2    Water Budgets and Conservation Covenants**

13  
14          Non-residential development must provide a detailed demand analysis. In all cases where the subject of  
15          water use is part of an application for development, the applicant shall submit a water budget, which  
16          shall be a listing of all activities within the development which will utilize water, and the amount of  
17          water so used. The County Planner shall maintain a file of representative water budgets. The applicant  
18          shall be required to adopt covenants or to take other measures necessary to ensure, with reasonable  
19          prospects of success, that the estimated water budget will be achieved. The Planning Commission may  
20          deny an application if, after review of the budgets or covenants proposed, the Planning Commission  
21          determines that the budgets and covenants will not reduce usage of water to the extent proposed. At a  
22          minimum, the following water conservation measures shall apply to all developments:  
23

24          **18.2a    Water Saving Fixtures**

25  
26          Water saving fixtures shall be installed in all new construction. Water saving fixtures shall include, but  
27          not be limited to, low flush toilets, low flow fixtures, and insulation of hot water pipes. Toilets shall use  
28          no more than 1.6 gallons per flush; shower head flows shall not exceed 2.5 gallons per minute; and  
29          faucet flow shall not exceed 2.5 gallons per minute.  
30

31          **18.2b    Evaporative coolers**

32  
33          Evaporative coolers must circulate bleed-off water.  
34

35          **18.2c    Dishwashers**

36  
37          Dishwashers shall use no more than 13 gallons in a regular cycle and shall have a cycle adjustment  
38          which allows reduced water to be used for reduced loads.  
39

40          **18.2d    Washing Machines**

41  
42          Washing machines shall use no more than 43 gallons in the regular cycle and shall have cycle or water  
43          level adjustments which permit reduced amounts of water to be used for reduced loads.  
44

45  
46  
47          **18.2e    Low Water Use Landscaping**

48  
49          Low water use landscaping techniques applying the principles of xeriscaping shall be utilized. Drip  
50          irrigation is encouraged whenever possible. Low water use grasses, shrubs, trees and native plants may  
51          be watered as needed during the first and second years of their growth to become established.  
52          Thereafter, such vegetation shall receive only minimal water as needed by each species. Lawns of non-  
53          native grasses shall not exceed 800 square feet per parcel and shall only be watered with rain water

1 collected by means confined to the property or with recycled household gray water. Gray water systems  
2 shall meet the requirements of the New Mexico Construction Industries Division and the Uniform  
3 Plumbing Code.

4  
5 **18.2f Community Water System Service Connections**  
6

7 All community water system service connections and all shared wells shall be metered with a Office of  
8 the State Engineer approved meter.

9  
10 **18.2g Water Restriction Covenants**  
11

12 The water restriction covenants shall run with the land and bind all successors in interest.  
13

14 **Section 18.3 Water Distribution Mains**  
15

16 All water distribution mains shall be pressure tested by the applicant in accordance with New Mexico  
17 Standard Specifications for Public Work Construction, Section 801.16.  
18

19 **Section 18.4 Water Pressure Reducing Valve**  
20

21 Where water pressure at the customer service connection exceeds 80 pounds per square inch (psi), a  
22 pressure reducing valve shall be installed by the applicant on the service connection.  
23

24 **Section 18.5 Fire Protection Plan and Required Improvements**  
25

26 The applicant shall provide a fire protection plan and shall provide the water, land, and storage facilities  
27 necessary to construct the elements of such plan, all of which shall be in compliance with this  
28 Ordinance, the Uniform Fire Code, the Uniform Fire Code Standards, and applicable National Fire  
29 Protection Association (NFPA) codes. The plan shall be designed to provide adequate fire flow and fire  
30 protection for the safety of the residents or occupants of the proposed development. The plan shall  
31 include at least the following elements:  
32

33 18.5.1 Storage capacity of the proposed water system;  
34

35 18.5.2 Fire flow for the proposed water system in gallons per minute;  
36

37 18.5.3 The facilities the applicant intends to use to provide fire protection to the development. If the  
38 applicant proposes to use an existing facility or fire district, the plan must include a letter from  
39 the Lincoln County Fire Marshall approving or disapproving the plan. The plan shall describe  
40 how the proposed development will affect the existing fire system or district and shall detail the  
41 assistance the applicant intends to provide to the existing facility or fire district in order to  
42 assure adequate fire protection for the proposed development;  
43

44 18.5.4 Insurance Services Office protection rating for the proposed development;  
45

46 18.5.5 The engineering design plans for the fire protection system shall have approval signatures  
47 of the water utility company authority serving the project and the County Fire Marshal;  
48

49 18.5.6 Any water line extensions installed to service the development shall have a fire hydrant at the  
50 point of connection if none exists, and one every 1000 feet thereafter. The applicant is  
51 responsible for the installation of these fire hydrants. Additionally, all such systems shall  
52 contain a dead pipe for fire engine fills;  
53

- 1 18.5.7 Residential subdivision fire hydrants shall be designed to flow at least 500 gallons per minute  
2 with 20 pound per square inch residual pressure. Fire hydrants which shall serve commercial  
3 developments shall be designed to flow at least 1000 gallons per minute with 20 pound per  
4 square inch residual pressure;  
5
- 6 18.5.8 All fire hydrants shall be spaced so that the furthest buildable portion of a parcel shall be  
7 within one thousand feet (1,000') as measured along the access route;  
8
- 9 18.5.9 All fire hydrants shall be tested and approved by the County Fire Marshal prior to the  
10 granting of any building permits;  
11
- 12 18.5.10 To accommodate fire apparatus, all dead end roads longer than 250 feet shall have a cul-de-sac  
13 with a minimum driving surface radius of 50 feet;  
14
- 15 18.5.11 The applicant shall install fire hydrants, storage tanks and fire protection infrastructure as  
16 provided in the approved fire protection plan.  
17

## 18 **ARTICLE 19 LIQUID WASTE MANAGEMENT PLAN**

### 19 **Section 19.1 Liquid Waste Management Plan**

20 Any person seeking approval of a subdivision plat must submit a liquid waste management plan to the  
21 Commission for either a community or individual liquid waste (sewer) system.  
22  
23  
24

### 25 **Section 19.2 Livestock Waste**

26 The waste from any concentration of livestock exceeding five (5) animals located on a single tract or in  
27 a common area, within a subdivision shall require Environment Department approval of its proposed  
28 waste disposal plan.  
29  
30

### 31 **Section 19.3. Requirements for Community Liquid Waste System**

- 32
- 33 A. Design and complete construction of the community system, by the time required in the  
34 approved plan, in compliance with all applicable Water Quality Control Commission  
35 Regulations in effect at the time of final plat approval.  
36
- 37 B. Connection to the community system for the occupants within the subdivision in  
38 accordance with the requirements of the approved plan.  
39
- 40 C. Provisions for the operation, maintenance and expansion of the community system to  
41 meet the growth in population of the subdivision in a manner consistent with the  
42 approved plan and consistent with all applicable Water Quality Control Commission  
43 Regulations in effect at the time of final plat approval.  
44
- 45 D. If a subdivider must provide for a community liquid waste treatment system and does  
46 not qualify for the temporary use of individual liquid waste disposal systems under  
47 Subsection 19.4, he must meet the requirements stated above by the time of first  
48 occupancy within the subdivision. Approval of the Lincoln County Board of Commis-  
49 sioners is required prior to any transfer of a community liquid waste system to any  
50 homeowner's association or successor of the developer. Additionally, the Lincoln  
51 County Board of Commissioners shall insure that the community liquid waste system is  
52 in compliance with all applicable federal and state rules prior to authorizing transfer to  
53 any home owner's association or successor.

1           **Section 19.4   Information Requirements for Community Liquid Waste System**  
2

- 3           A.    A legal description of the location of all construction easements and rights-of-way  
4                necessary for the installation and maintenance of the community liquid waste treatment  
5                system.  
6  
7           B.    Plans and specifications, prepared by a professional engineer registered in New  
8                Mexico, for the construction of the system, in accordance with applicable minimum  
9                design standards of the New Mexico Environment Department and the Construction  
10               Industries Division, Developments shall obtain all applicable state and federal environ-  
11               mental permits for the discharge of domestic wastewater. Applications for NMED  
12               Liquid Waste Permits, NMED ground water discharge permits and for permits issued  
13               by the Environmental Protection Agency (EPA) through the National Pollutant  
14               Discharge Elimination Systems (NPDES) program shall be submitted to the Planning  
15               Department and the Planning Commission prior to approval of the preliminary plat.  
16  
17           C.    The time when the community system is to be completed.  
18  
19           D.    If the proposal is to connect to an existing community liquid waste system, plans and  
20                specifications for the liquid waste collection system within the subdivision and the  
21                connecting system, and a description of the existing system.  
22  
23           E.    The projected population of the subdivision based upon four (4) persons per household.  
24  
25           F.    A subdivision improvements agreement which guarantees:  
26  
27                1.    the construction and operation of any liquid waste treatment system required as  
28                shown in the final plat documents and plans;  
29  
30                2.    collateral in the form of a performance bond or other means to adequately  
31                assure the complete construction and operation of the system in accordance  
32                with design and time specifications;  
33  
34                3.    certification of the operator of the system;  
35  
36                4.    involvement as prescribed in the final plat documents of a Homeowners  
37                Association or Community Association.  
38

39           **Section 19.5   Requirements for Individual Liquid Waste Disposal Systems**  
40

41           Individual Liquid Waste Disposal systems and privies may not be approved by the Planning Commis-  
42           sion for use within a subdivision:  
43

- 44           A.    unless they are to be located so as not to potentially contaminate or pollute any drinking  
45                water supply, water course, or body of water;  
46  
47           B.    unless they are to be located so as not to potentially degrade any recreational resources;  
48  
49           C.    if they will create a nuisance;  
50  
51           D.    if they are to be located in areas where there is evidence that similar individual systems  
52                have caused significant ground-water contamination or high nutrient levels in any body  
53                of water;

- E. if they are to be located in areas where there is evidence that they will cause hazards to health or to the environment;
- F. unless the distance between a well and an absorption field or a tank used as part of an individual liquid waste disposal system must be no less than one hundred feet (100');
- G. the distance between a well or body of water used as a public water supply and an absorption field or tank used as part of an individual liquid waste disposal system must be no less than two hundred feet (200');
- H. the distance between an absorption field or tank used as a part of an individual liquid waste disposal system and the nearest boundary of a floodway must be no less than one hundred feet (100');
- I. privies may not be approved by the Planning Commission for use within a subdivision unless the subdivider demonstrates to the satisfaction of the Planning Commission, in consultation with the New Mexico Environment Department, that they will be located and operated in a manner which will not potentially contaminate any drinking water supply, potentially pollute any body of water, create a nuisance, or cause a potential danger to public health;
- J. if an existing community liquid waste system is available for use within the subdivision.

**Section 19.6 Soil Limitations for Individual Liquid Waste Disposal Systems**

Individual liquid waste disposal systems may not be approved for use within a subdivision characterized by severe limitations, as described in Table A. In addition, individual liquid disposal systems shall not be approved for use within a subdivision where a percolation rate of less than six (6) minutes per inch and seasonal high water table of less than twenty feet (20') exist together.

Because of shallow water levels, bedrock, geological faults, and sloping terrain, an advanced treatment system will be required for any proposed construction which is:

- A. 100 feet or less to any ground water source;
- B. for any parcel equal to or less than 2 acres; or
- C. located within a flood plain.

**Section 19.7 Minimum Lot Size for Individual Liquid Waste Disposal Systems**

Individual liquid waste disposal systems may not be approved by the Planning Commission for use within a subdivision unless the parcels on which they will be used conform to the minimum lot sizes required in Table T-19.8(B).

**Section 19.8 Submittals Required for Individual Liquid Waste Disposal Systems**

- A. A copy of the subdivider's Disclosure Statement relating to liquid waste disposal.
- B. The location of all proposed and existing wells, sewage absorption areas, community sewage systems, and community water supply systems within the proposed subdivision and within three hundred feet (300') of the proposed subdivision boundary.

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- C. The location of all arroyos, drainage areas and bodies of water within the proposed subdivision and within three hundred feet (300') of the proposed subdivision boundary.
- D. The soil depth throughout the area of the proposed subdivision.
- E. Soil classification, or percolation tests, or both.
- F. The depth to seasonal high water table.
- G. The slope of the ground within the proposed subdivision.
- H. The flood frequency of areas within the proposed subdivision.
- I. A detailed description of the kind of individual liquid waste disposal system that is to be used by the occupants of the subdivision.
- J. The projected population of the subdivision based upon four (4) persons per household.

**TABLE T-19.8(A.1)**

<b>SOIL CATEGORY FOR INDIVIDUAL LIQUID WASTE SYSTEMS</b>			
	Soil Category (a)		
Soil Characteristic	Suitable(b)	Limiting(c)	Prohibitive(d)
Percolation Rate (minutes per inch)	5 - 60	Less than 5 or 61 - 120	More than 120
Slope (percent)	0 - 8	9 - 15	More than 15
Soil Depth to Seasonal High Ground Water Table or Bedrock or Other Limiting Soil Layer (feet)	8 or more	4 - 8	Less than 4
Flood Plain	Outside	Outside	Within

Notes Table T-19.8(A.1):

- (a) A soil category is determined by the most limiting soil characteristic.
- (b) A suitable soil is a soil suited for the installation and functioning of a conventional disposal system. Conventional disposal systems or alternative disposal systems may be used in suitable soils.
- (c) A limiting soil is a soil unsuited for the installation and functioning of a conventional disposal system. Alternative disposal systems are used in the limiting soils.
- (d) A prohibitive soil is a soil unsuited for the installation and functioning of either a conventional disposal system or an alternative disposal system. Individual liquid waste systems cannot be used in prohibitive soils.

**TABLE T-19.8(A.2)**

<b>SETBACK DISTANCES FOR INDIVIDUAL LIQUID WASTE SYSTEMS</b>		
	Required Minimum Setback Distance (feet)	
<i>Object</i>	<i>Treatment Unit</i>	<i>Disposal System</i>

Individual Water Supply System Source	50	100
Public Water Supply System Source	100	200
Edge of Watercourses Except Canals and Arroyos	50	100
Edge of Unlined Canals and Arroyos	15 + depth of channel	25 + depth of channel
Edge of Lined Canals	10 + depth of channel	10 + depth of channel
Public Lakes	50(a)	100(a)

Note to Table T-19.8(A.2):

- (a) Setback distance to artificially controlled lakes and reservoirs is measured from the closest projected shoreline at the maximum controlled water level.

**TABLE T-19.8(B)**  
**Combination Water and Sewer Systems**

COMBINATIONS OF WATER AND SEWER SYSTEMS	MINIMUM SIZES FOR HOMESITES (ACRES)			
	A Slight Limitations	B Slight Limitations	C Moderate Limitations	D Severe Limitations
Community Water Onsite Sewage Disposal	1 Acre	1 Acre	1 Acre	No Onsite Sewage Disposal Into Soil
Onsite Water Onsite Sewage Disposal	1 Acres	1 Acre	1.25 Acre	No Onsite Sewage Disposal Into Soil

Notes to Table T-19.8(B):

- (a) The minimum lot size required for the location of an individual liquid waste disposal system is determined by the most limiting soil group under which any soil characteristic falls.
- (b) Any lot that is less than two (2) acres in size shall require an advanced wastewater treatment system.

## ARTICLE 20 CHANGES OR AMENDMENTS

The regulations or any portion thereof may be amended or repealed by the Lincoln County Board of Commissioners in the manner prescribed by law.

## ARTICLE 21 SEVERABILITY

If any part or application of this Ordinance is held invalid, the remainder or its application to other



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Dallas Draper, Member

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Kathryn Minter, Member

**ATTEST:**

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Tammie J. Maddox **Rhonda Burrows**  
Lincoln County Clerk

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# APPENDIX

## LINCOLN COUNTY, NEW MEXICO SUBDIVISION ORDINANCE ~~2008-01~~ 2013-2

### FORMS:

- A. Application for Preliminary Plat Approval
- B. Application for Final Plat Approval
- C. Application for Summary Review Plat Approval
- D. Application for a Variance
- E. Notice of Appeal
- F. Claim of Exemption
- G. Disclosure Statement (fewer than five (5) parcels)
- H. Disclosure Statement (six (6) or more parcels)

1 **COUNTY SUBDIVISION ORDINANCE**  
2 **APPLICATION FOR PRELIMINARY PLAT APPROVAL**  
3  
4

5 INSTRUCTIONS  
6

7 Print or type clearly. Use additional sheets if necessary. All required attachments and  
8 support documentation shall be submitted with this application form. Incomplete or  
9 inaccurate applications may delay public hearing or decision dates. The completed  
10 application package must be submitted to the Board of County Commissioners of Lincoln  
11 County by the subdivider or a designated agent and shall be in compliance with the  
12 requirements of the Lincoln County, New Mexico, Subdivision Regulations. Each  
13 application must be accompanied by the required administrative fee.  
14

15 APPLICANT INFORMATION  
16

17 1. Subdivider Name, Address, and Phone Number \_\_\_\_\_  
18 \_\_\_\_\_  
19 \_\_\_\_\_

20 Signature \_\_\_\_\_ Date \_\_\_\_\_  
21 \_\_\_\_\_

22 2. Agent (if any) Name, Address, and Phone Number \_\_\_\_\_  
23 \_\_\_\_\_  
24 \_\_\_\_\_

25 Signature \_\_\_\_\_ Date \_\_\_\_\_  
26 \_\_\_\_\_

27 3. Engineer/Surveyor Name, Address, and Phone Number \_\_\_\_\_  
28 \_\_\_\_\_  
29 \_\_\_\_\_

30 Signature \_\_\_\_\_ Date \_\_\_\_\_  
31 \_\_\_\_\_

32 SUBDIVISION INFORMATION  
33

34 4. Name of Subdivision \_\_\_\_\_  
35 (Indicate if this is a succeeding subdivision, phased subdivision, or resubdivision)  
36

37 5. This is a Type One \_\_\_ Two \_\_\_ Three \_\_\_ Four \_\_\_ Subdivisions (check one)  
38  
39

40 6. Number of lots: \_\_\_ Total acreage: \_\_\_\_\_ Acres \_\_\_\_\_ Size of smallest lot: \_\_\_\_\_  
41 Acres  
42

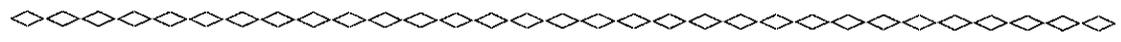
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7. Municipal planning and platting jurisdiction (if applicable): \_\_\_\_\_  
\_\_\_\_\_

8. County Zoning Classification: \_\_\_\_\_

SUPPLEMENTAL INFORMATION

- 9. If this is a succeeding subdivision, provide detailed attachments indicating the relationship between the proposed subdivisions and the previous subdivision.
- 10. If this is part of a phased subdivision, attach a master plan of all phases indicating the current proposed phase and an anticipated phasing schedule.
- 11. If this is a resubdivision, provide a reference to the original plat with an explanation of the proposed changes.
- 12. Supporting documentation required for the preliminary plat review as defined by the County Subdivision Regulations shall be attached to this application.
- 13. The required number of copies of the preliminary plat map as specified by the County Subdivision Regulations shall be attached to this application.
- 14. A draft copy of the disclosure statement shall be attached to this application and shall be in accordance with the standardized format provided in the County Subdivision Regulations.



PROCEDURAL INFORMATION (to be completed by County Staff)

- 15. Date application received by County \_\_\_\_\_ Signed \_\_\_\_\_
- 16. Date preliminary plat deemed complete \_\_\_\_\_ Signed \_\_\_\_\_
- 17. Date of public hearing \_\_\_\_\_
- 18. Date of preliminary plat approval by County \_\_\_\_\_

1 **COUNTY SUBDIVISION ORDINANCE**  
2 **APPLICATION FOR FINAL PLAT APPROVAL**

3  
4 INSTRUCTIONS

5  
6 Print or type clearly. Use additional sheets if necessary. All required attachments shall  
7 be submitted with this application form. Incomplete or inaccurate applications may  
8 delay decision dates. The completed application package must be submitted to the  
9 Board of County Commissioners of Lincoln County by the subdivider or a designated  
10 agent and shall be in compliance with the requirements of the Lincoln County, New  
11 Mexico, Subdivision Regulations. Each application must be accompanied by the  
12 required administrative fee.

13  
14 GENERAL INFORMATION

15  
16 1. Name of Subdivision \_\_\_\_\_

17  
18 2. This is a Type \_\_\_\_ Subdivision Number of Lots: \_\_\_\_ Total acreage: \_\_\_\_  
19 Acres

20  
21 3. Subdivider or Agent Name, Address, and Phone Number \_\_\_\_\_  
22 \_\_\_\_\_

23  
24 Signature \_\_\_\_\_ Date \_\_\_\_\_

25  
26 4. Engineer/Surveyor Name, Address and Phone Number \_\_\_\_\_  
27 \_\_\_\_\_

28  
29 \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_  
30

31  
32 SUPPLEMENTAL INFORMATION

33  
34 5. Have any changes to the proposed subdivision been made since the preliminary  
35 plat was approved? \_\_\_\_\_ If so, attach a detailed explanation of such  
36 changes.

37  
38 6. Have the required improvements been completed? \_\_\_\_\_ If not, attach  
39 improvement agreement to ensure completion of required improvements.

40  
41 7. All affidavits, certificates, permits, and statements required for final plat review  
42 as defined by the County Subdivision Regulations shall be attached to this  
43 application.

44 **B1**

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8. The original drawing and required number of copies of the final plat map shall be attached to this application.

9. The final disclosure statement shall be attached to this application.



PROCEDURAL INFORMATION (To be completed by County staff)

10. Date of preliminary plat approval \_\_\_\_\_ Expiration Date \_\_\_\_\_

11. Extension dates (if any, with explanation) \_\_\_\_\_  
\_\_\_\_\_

12. Date application received by County \_\_\_\_\_ Signed \_\_\_\_\_

13. Date final plat deemed complete \_\_\_\_\_ Signed \_\_\_\_\_

14. Date of final plat approval by County \_\_\_\_\_

15. Date final plat is filed with County Clerk \_\_\_\_\_

1  
2 **COUNTY SUBDIVISION ORDINANCE**  
3 **APPLICATION FOR SUMMARY REVIEW PLAT APPROVAL**  
4

5  
6 INSTRUCTIONS  
7

8 Print or type clearly. Use additional sheets if necessary. All required attachments shall be  
9 submitted with this application form. Incomplete or inaccurate applications may delay  
10 decision dates. The completed application package must be submitted to the Board of  
11 County Commissioners of Lincoln County by the subdivider or a designated agent and  
12 shall be in compliance with the requirements of the Lincoln County, New Mexico,  
13 Subdivision Regulations. Each application must be accompanied by the required  
14 administrative fee.  
15

16 APPLICANT INFORMATION  
17

18 1. Subdivider Name, Address, and Phone Number \_\_\_\_\_  
19 \_\_\_\_\_  
20 \_\_\_\_\_

21 Signature \_\_\_\_\_ Date \_\_\_\_\_  
22

23 2. Engineer/Surveyor Name, Address, and Phone Number \_\_\_\_\_  
24 \_\_\_\_\_  
25 \_\_\_\_\_

26 Signature \_\_\_\_\_ Date \_\_\_\_\_  
27

28  
29 SUBDIVISION INFORMATION  
30

31 3. Location of Subdivision (attach map if necessary) \_\_\_\_\_  
32

33 4. This is a Type Three \_\_\_ Five \_\_\_ Subdivision (check one)  
34

35 5. Number of lots: \_\_\_\_\_ Total acreage: \_\_\_\_\_ Acres Size of smallest lot: \_\_\_\_\_  
36 Acres  
37

38 6. Municipal planning and platting jurisdiction (if applicable): \_\_\_\_\_  
39

40 7. County Zoning Classification: \_\_\_\_\_  
41  
42  
43  
44

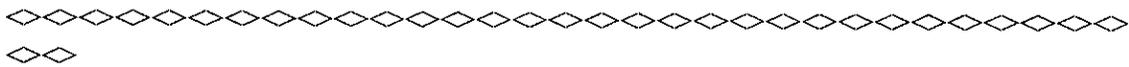
1 SUPPLEMENTAL INFORMATION

2  
3 8. If it is determined by the County to be necessary, attach an improvement agreement to  
4 ensure completion of required improvements.

5  
6 9. All affidavits, certificates, permits, and statements required for summary review plats  
7 as defined by the County Subdivision Regulations shall be attached to this application.

8  
9 10. The original drawing and required number of copies of the summary review plat map  
10 shall be attached to this application.

11  
12 11. The final disclosure statement shall be attached to this application.



15  
16  
17 PROCEDURAL INFORMATION (To be completed by County Staff)

18  
19 12. Date of pre-application conference \_\_\_\_\_ Signed \_\_\_\_\_

20  
21 13. Date application received by County \_\_\_\_\_ Signed \_\_\_\_\_

22  
23 14. Date summary review plat deemed complete \_\_\_\_\_ Signed \_\_\_\_\_

24  
25 15. Date summary review plat approved by County \_\_\_\_\_

26  
27 16. Date summary review plat filed with County Clerk \_\_\_\_\_

1 **COUNTY SUBDIVISION ORDINANCE**  
2 **APPLICATION FOR A VARIANCE**

3  
4 INSTRUCTIONS

5  
6 Print or type clearly. Use additional sheets if necessary. All required attachments shall be  
7 submitted with this application form. Incomplete or inaccurate applications may delay  
8 decision dates. The completed application package must be submitted to the Board of  
9 County Commissioners of Lincoln County by the subdivider or a designated agent and shall  
10 be in compliance with the requirements of the Lincoln County, New Mexico, Subdivision  
11 Regulations. Each application must be accompanied by the required administrative fee.  
12

13 APPLICANT INFORMATION

14  
15 1. Subdivider Name, Address, and Phone Number \_\_\_\_\_  
16 \_\_\_\_\_  
17 \_\_\_\_\_

18 \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_  
19

20  
21 2. Engineer/Surveyor Name, Address, and Phone Number \_\_\_\_\_  
22 \_\_\_\_\_  
23 \_\_\_\_\_

24 \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_  
25

26 SUBDIVISION INFORMATION

27  
28 3. Name of Subdivision \_\_\_\_\_  
29

30 4. Reason for Variance (brief description) \_\_\_\_\_  
31 \_\_\_\_\_  
32 \_\_\_\_\_  
33

34 5. Attach a copy of the planned development program containing maps, schematics, and  
35 a narrative statement describing the full build-out of the proposed development.  
36

37   
38 PROCEDURAL INFORMATION (To be completed by County Staff)  
39

40 6. Date application received by County \_\_\_\_\_ Signed \_\_\_\_\_  
41

42 7. Date of public hearing \_\_\_\_\_  
43

44 8. Date of variance approval by County \_\_\_\_\_  
45

**COUNTY SUBDIVISION ORDINANCE  
NOTICE OF APPEAL**

INSTRUCTIONS

Print or type clearly. Use additional sheets if necessary. All required attachments shall be submitted with this form. Incomplete or inaccurate information may delay public hearing or decision dates. This form may be used by any person who is adversely affected by a decision regarding the approval or disapproval of a subdivision within the County's jurisdiction, and shall be in compliance with the requirements of the Lincoln County, New Mexico, Subdivision Regulations. This form must be accompanied by the required administrative fee.

APPELLANT INFORMATION

1. Name, Address, and Phone Number \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

2. Agent (if any) Name, Address, and Phone Number \_\_\_\_\_

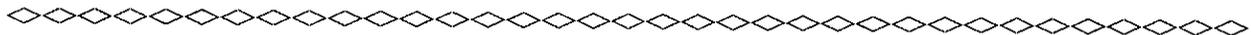
Signature \_\_\_\_\_ Date \_\_\_\_\_

NATURE OF APPEAL

3. Reason for Appeal (reference to specific decision being appealed) \_\_\_\_\_

4. Ruling Authority for this appeal \_\_\_\_\_

Attach a copy of the decision or order being appealed.



PROCEDURAL INFORMATION (to be completed by County Staff)

5. Date of action being appealed \_\_\_\_\_

6. Date Notice of Appeal received by County \_\_\_\_\_ Signed \_\_\_\_\_

7. Date of decision regarding appeal by Board of County Commissioners \_\_\_\_\_

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## CLAIM OF EXEMPTION

To claim an exemption from the requirements of the Lincoln County, New Mexico, Subdivision Ordinance, you must complete this form, sign it before a notary public and submit it together with legible copies of all required documents to the Board of County Commissioners of Lincoln County. Be sure to check all exemptions which apply and attach legible copies of all supporting documents.

The Board of County Commissioners of Lincoln County will notify you in writing within thirty (30) days as to whether your claim of exemption has been granted. If the claim of exemption is granted, or if you do not hear from the Board of County Commissioners of Lincoln County within thirty (30) days, you may proceed with the land division you propose without needing to comply with the requirements of the Lincoln County, New Mexico, Subdivision Regulations. If your claim of exemption is denied, you may either seek approval of a subdivision or appeal the denial as provided in the Lincoln County, New Mexico, Subdivision Regulations.

☆☆☆☆☆☆☆☆☆☆

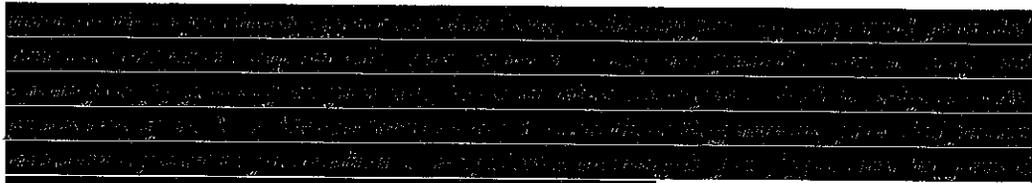
I, \_\_\_\_\_, claim an exemption from the requirements of the New Mexico Subdivision Act and the Lincoln County, New Mexico, Subdivision Regulations for the following reason(s). I certify that this transaction involves:

1. \_\_\_ The sale, lease or other conveyance of any parcel that is thirty-five (35) acres or larger in size within any twelve (12) month period, provided that the land has been used primarily and continuously for agricultural purposes, in accordance with §7-36-20 NMSA 1978, for the preceding three (3) years. **Attach Certified Survey showing size and location of parcel.**
2. \_\_\_ The sale or lease of apartments, offices, stores or similar space within a building. **Attach copies of all proposed sale or lease documents.**
3. \_\_\_ The division of land within the boundaries of a municipality. **Attach certified survey showing location of proposed division.**
4. \_\_\_ The division of land in which only gas, oil, mineral or water rights are severed from the surface ownership of the land. **Attach copies of all proposed conveyancing documents.**
5. \_\_\_ The division of land created by court order where the order creates no more than one parcel per part. **Attach certified copy of court order. Also attach certified survey showing size and location of parcel.**
6. \_\_\_ The division of land for grazing or farming activities provided that the land continues to be used for grazing or farming activities. **Attach copy of proposed conveyancing documents and documents restricting future use to grazing or farming activities.**

F

1 **Such documents must contain a covenant running with the land and revocable only**  
2 **by mutual consent of the Board of County Commissioners and the property owner**  
3 **that the divided land will be used exclusively for grazing or farming activities. The**  
4 **covenant must be signed by the property owner, the buyers or lessee, and the Board**  
5 **of County Commissioners and must be filed and recorded with the County Clerk.**  
6 **Also attach a certified survey showing size and location of parcel.**  
7

- 8 7. \_\_\_ The division of land resulting only in the alteration of parcel boundaries where parcels are  
9 altered for the purpose of increasing or reducing the size of contiguous parcels and where  
10 the number of parcels is not increased. **Attach certified surveys showing all parcels**  
11 **and parcel boundaries before and after proposed alteration.**  
12
- 13 8. \_\_\_ The division of land to create burial plots in a cemetery. **Attach certified survey**  
14 **showing size and location of parcels, and a statement that ensures the property does**  
15 **not lie within a flood zone, based upon the prevailing Federal Emergency Manage-**  
16 **ment Agency flood maps.**  
17
- 18 9. \_\_\_ The division of land to create a parcel that is sold or donated as a gift to an immediate  
19 family member; however, this exception shall be limited to allow the seller or donor to sell  
20 or give no more than one parcel per tract of land per immediate family member. As used  
21 herein the term "immediate family member" means a husband, wife, father, stepfather,  
22 mother, stepmother, brother, stepbrother, sister, stepsister, son, stepson, daughter,  
23 stepdaughter, grandson, stepgrandson, granddaughter, stepgranddaughter, nephew and  
24 niece, whether related by birth or adoption. **Attach certified survey showing size and**  
25 **location of original tract and parcel(s) proposed to be divided. Also attach copy of**  
26 **proposed conveyancing document and birth certificate, adoption certificate or other**  
27 **document demonstrating family relationship claimed. Baptismal certificates are not**  
28 **acceptable documentation.**  
29
- 30 10. \_\_\_ The division of land created to provide security for mortgages, liens or deeds of trust;  
31 provided that the division is not the result of a seller-financed transaction. **Attach copies**  
32 **of all financing documents. Attach certified survey showing size and location of the**  
33 **parcel that is being divided.**  
34
- 35 11. \_\_\_ The sale, lease or other conveyance of land that creates no parcel smaller than one  
36 hundred forty (140) acres; **Attach certified survey showing location and size of**  
37 **parcel(s).**  
38
- 39 12. \_\_\_ The division of land to create a parcel that is donated to any trust or nonprofit corporation  
40 granted an exemption from federal income tax, as described in § 501(c)(3) of the United  
41 States Internal Revenue Code of 1986, as amended; school, college or other institution  
42 with a defined curriculum and a student body and faculty that conducts classes on a  
43 regular basis; or to any church or group organized for the purpose of divine worship,  
44 religious teaching or other specifically religious activity. **Attach copies of I.R.S.**  
45 **exemption letter, and/or documents demonstrating entitlement to exemption and**  
46 **certified survey showing land proposed to be donated. Also attach certified survey**  
47 **showing size and location of parcel.**  
48
- 49 13. \_\_\_ 



**The division of a tract of land into two parcels that conform with applicable zoning ordinances; provided that a second or subsequent division of either of the two parcels within five years of the date of the division of the original tract of land shall be subject to the provisions of the New Mexico Subdivision Act; provided further that a survey, and a deed if a parcel is subsequently conveyed, shall be filed with the County Clerk indicating that the parcel shall be subject to the provisions of the New Mexico Subdivision Act if the parcel is further divided within five years of the date of the division of the original tract of land.** Attach certified survey showing size and location of original tract, parcel proposed to be divided, and parcels previously divided from the original parcel and dates of all divisions.

**FEE: One Hundred Dollars (\$100.00) for each Claim of Exemption.**

- 14. The purchase or donation of land by a governmental entity for the purpose of construction or use of a public project. **Attach a certified survey of the project showing the location and size of both tracts.**

I further certify that the information provided by me in this Claim of Exemption is true and correct and that all documents attached to or enclosed with this Claim of Exemption are originals or true, complete and correct copies of the originals.

Signature \_\_\_\_\_  
 Print your name here \_\_\_\_\_  
 Address \_\_\_\_\_  
 City, State and Zip code \_\_\_\_\_  
 Telephone number(s) \_\_\_\_\_

SUBSCRIBED AND SWORN to before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
 NOTARY PUBLIC

My Commission Expires:  
 \_\_\_\_\_



**FOR OFFICIAL USE ONLY**

\_\_\_ The foregoing Claim of Exemption has been approved.

\_\_\_ The foregoing Claim of Exemption is incomplete. Please provide us with the following information and/or documents so that we can process your claim: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_ The foregoing Claim of Exemption is hereby denied for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Name and title

**FEE PAID:** \$ \_\_\_\_\_

Attach copy of receipt to this application.

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**PLEASE READ THIS  
DISCLOSURE STATEMENT  
BEFORE YOU SIGN  
ANY DOCUMENTS OR  
AGREE TO ANYTHING**

**DISCLOSURE STATEMENT**

***FOR ALL SUBDIVISIONS CONTAINING NO MORE THAN FIVE PARCELS***

This disclosure statement is intended to provide you with enough information to make an informed decision on the purchase, lease or acquisition of the property described in this statement. You should read carefully all of the information contained in this disclosure statement before you decide to buy, lease or otherwise acquire the described property.

Various public agencies may have issued opinions on both the subdivision proposal and the information contained in this disclosure statement. Summaries of these opinions are contained in this disclosure statement. They may be favorable or unfavorable. You should read them closely.

The Board of County Commissioners has examined this disclosure statement to determine whether the subdivider can fulfill what the subdivider has said in this disclosure statement. However, the Board of County Commissioners does not vouch for the accuracy of what is said in this disclosure statement. In addition, this disclosure statement is not a recommendation or endorsement of the subdivision by either the County or the State. It is informative only. This Disclosure Statement may not be amended after its approval by the County of Lincoln without the express written approval of the Board of County Commissioners.

The Board of County Commissioners recommends that you inspect the property **before** buying, leasing or otherwise acquiring it.

**If you have not inspected the parcel before purchasing, leasing or otherwise acquiring it, you have six (6) months from the time of purchase, lease or other acquisition to personally inspect the property. After inspecting the parcel within the six (6) month period, you have three (3) days to rescind the transaction and receive all your money back from the subdivider when merchantable title is revested in the subdivider. To rescind the transaction you must give the subdivider written notice of your intent to rescind within three (3) days after the date of your inspection of the property.**

**G1**

County regulations require that any deed, real estate contract, lease or other instrument conveying an interest in a parcel in the subdivision be recorded with the Lincoln County Clerk.

**Building permits, wastewater permits or other use permits must be issued by state or county officials before improvements are constructed. You should investigate the availability of such permits before you purchase, lease, or otherwise acquire an interest in the land. You should also determine whether such permits are requirements for construction of additional improvements before you occupy the property.**

1. **NAME OF SUBDIVISION**  
(name of subdivision)
2. **NAME AND ADDRESS OF SUBDIVIDER**  
(name of subdivider)  
(address of subdivider)
3. **CONDITION OF TITLE**  
Include at least the following information where applicable  
(number of mortgages)  
(name and address of each mortgagee)  
(balance owing on each mortgage)  
(summary of release provisions of each mortgage)  
(number of real estate contracts on the subdivided land for which the subdivider is making payments as a purchaser)  
(name and address of each person holding a real estate contract as owner of the subdivided land for which the subdivider is making payments as a purchaser)  
(balance owing on each real estate contract)  
(summary of default provisions of each real estate contract)  
(summary of release provisions of each real estate contract)  
(statement of any other encumbrances on the land)  
(statement of any other conditions relevant to the state of title)
4. **STATEMENT OF ALL RESTRICTIONS OR RESERVATIONS OF RECORD THAT SUBJECT THE SUBDIVIDED LAND TO ANY CONDITIONS AFFECTING ITS USE OR OCCUPANCY**  
(state here all deed and plat restrictions affecting the subdivided land)
5. **UTILITIES**  
(name of entity providing electricity, if available)  
(estimated cost per parcel)  
(name of entity providing gas service, if available)  
(estimated cost)  
(name of entity providing water, if available)  
(estimated cost)

(name of entity providing telephone, if available)  
(estimated cost)  
(name of entity providing liquid waste disposal, if available)  
(estimated cost)  
(name of entity providing solid waste disposal, if available)  
(estimated cost)

**6. INSTALLATION OF UTILITIES**

(electricity)	(date)
(gas)	(date)
(water)	(date)
(telephone)	(date)
(liquid waste disposal)	(date)
(solid waste disposal)	(date)

**7. UTILITY LOCATION**

(if all utilities are to be provided to each parcel in the subdivision, please state here)  
(if utilities are to be provided to some but not all parcels in the subdivision, state which utilities will be provided to each parcel)  
(state whether each utility will be above ground or underground)

	Above ground	Underground
electricity	_____	_____
gas	_____	_____
water	_____	_____
telephone	_____	_____
liquid waste disposal	_____	_____
solid waste disposal	_____	_____

**8. WATER AVAILABILITY**

(describe the means of water delivery within the subdivision)  
(describe the results of the on-site water quality test conducted and date of said test)  
(describe any limitations and restrictions on water use in the subdivision)  
(summarize the provisions of any covenants or other restrictions requiring the use of water saving fixtures and other water conservation measures)

**9. FOR SUBDIVISIONS WITH COMMUNITY WATER SYSTEMS (if applicable)**

(name and address of entity providing water)  
(source of water and means of delivery)  
(summary of any legal restrictions on either indoor or outdoor usage)  
(statement that individual wells are prohibited, if such is the case)



[Redacted text block]

[Redacted text block]

1000

[Redacted text block]

11. **LIQUID WASTE DISPOSAL**

(describe the precise type of liquid waste disposal system that is proposed and that has been approved by the Board of County Commissioners for use within the subdivision)

**NOTE:** NO LIQUID WASTE DISPOSAL SYSTEM MAY BE USED IN THIS SUBDIVISION OTHER THAN A SYSTEM APPROVED FOR USE IN THIS SUBDIVISION BY THE BOARD OF COUNTY COMMISSIONERS

12. **SOLID WASTE DISPOSAL**

(describe the means of solid waste disposal that is proposed for use within the subdivision)  
(Designate garbage collection sites for developments with four (4) or more parcels.)

**NOTE:** *The residents of all subdivisions within Lincoln County shall be billed for the services provided by Lincoln County Solid Waste Authority for the disposal of solid waste materials.*

13. **TERRAIN MANAGEMENT**

(describe the suitability for residential use of the soils in the subdivision as defined in the Soil and Water Conservation)

(District's soil survey for Lincoln County)

(describe any measures necessary for overcoming soil and topographic limitations, and who will be responsible for implementing these measures)

(identify by lot and block numbers all parcels within the subdivision that are subject to flooding)

(identify by lot and block numbers all parcels within the subdivision located in whole or in part on slopes in excess of 8%)

(describe the surface drainage for all lots in the subdivision)

(describe the subsurface drainage for all lots in the subdivision)

(describe the nature, location and completion dates of all storm drainage systems constructed or required to be constructed in the subdivision)

14. **SUBDIVISION ACCESS**

(name of town nearest to subdivision)

(distance from nearest town to subdivision and the route over which that distance is computed)

(describe access roads to subdivision)

(state whether or not subdivision is accessible by conventional vehicle)

(state whether or not subdivision is ordinarily accessible at all times of the year and under all weather conditions)

(describe the width and surfacing of all roads within the subdivision)

(state whether the roads within the subdivision have been accepted for maintenance by the County)

(if the roads within the subdivision have not been accepted for maintenance by the County, state how the roads will be maintained and describe lot owners' responsibilities and obligations with respect to road maintenance)

**15. MAINTENANCE**

(state whether the roads and other improvements within the subdivisions will be maintained by the county, the subdivider or an association of lot owners, and what measures have been taken to make sure that maintenance takes place)

**16. CONSTRUCTION GUARANTEES (if applicable)**

(Describe any proposed roads, drainage structures, water and wastewater treatment facilities or other improvements that will not be completed before parcels in the subdivision are offered for sale.)  
(Describe all performance bonds, letters of credit or other collateral securing the completion of each proposed improvement.)

**UNLESS THERE IS SUFFICIENT BOND, LETTER OF CREDIT, OR OTHER ADEQUATE COLLATERAL TO SECURE THE COMPLETION OF PROPOSED IMPROVEMENTS, IT IS POSSIBLE THAT THE PROPOSED IMPROVEMENTS WILL NOT BE COMPLETED. CAUTION IS ADVISED.**

**17. ADVERSE OR UNUSUAL CONDITIONS**

(State any activities or conditions adjacent to or nearby the subdivision, such as feed lots, dairies, cement plants or airports, that would subject the subdivided land to any unusual conditions affecting its use or occupancy.)

**18. FIRE PROTECTION**

(distance to nearest fire station from subdivision and estimated time of travel from furthest lot in subdivision )  
(route over which that distance is computed)  
(state whether the fire department is full-time or volunteer)

**19. POLICE PROTECTION**

List the various police units that patrol the subdivision.  
(sheriff's department, if applicable)  
(municipal police, if applicable)  
(state police, if applicable)

**20. PUBLIC SCHOOLS**

(name of and the distance to nearest public elementary school serving the subdivision)  
(name of and the distance to nearest public junior high or middle school serving the subdivision)  
(name of and the distance to nearest public high school serving the subdivision)

We the undersigned owners of \_\_\_\_\_ (name of subdivision), Lincoln County, New Mexico, do hereby certify that the foregoing statements are true and correct to the best of our knowledge and belief.

WITNESS our hands and seals on this the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

(typed name of subdivision)

ATTEST:

\_\_\_\_\_  
(typed name(s) of signatory(ies) )

\_\_\_\_\_  
(typed name of attester)

THE STATE OF NEW MEXICO )  
 ) SS.  
COUNTY OF LINCOLN )

On this \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me appeared \_\_\_\_\_, to me personally known, who, being by me duly sworn did say that (he/she/they) is (are) the \_\_\_\_\_ of \_\_\_\_\_ (name of subdivision/corporation), and that said instrument was signed on behalf of said \_\_\_\_\_ (name of subdivision/corporation).

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:  
\_\_\_\_\_

**BY SIGNING THIS RECEIPT YOU ACKNOWLEDGE THAT YOU HAVE RECEIVED A COPY OF THIS DISCLOSURE STATEMENT.**

Received by: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

**PLEASE READ THIS  
DISCLOSURE STATEMENT  
BEFORE YOU SIGN  
ANY DOCUMENTS OR  
AGREE TO ANYTHING**

**DISCLOSURE STATEMENT**

***FOR ALL SUBDIVISIONS CONTAINING SIX OR MORE PARCELS***

This Disclosure Statement is intended to provide you with enough information to permit you to make an informed decision on the purchase or lease of property described in this statement. You should read carefully all of the information contained in this statement before you decide to buy or lease the described property. You should be aware of the fact that various state agencies may have issued opinions on both the subdivision proposal and what is said in this disclosure statement about the proposal. These opinions, when required to be issued, whether favorable or unfavorable, are contained in this Disclosure Statement and should also be read carefully.

The Lincoln County Board of Commissioners has examined this disclosure statement to determine whether the subdivider can satisfy what he has said in this Disclosure Statement. However, the Lincoln County Board of Commissioners does not vouch for the accuracy of what is said in this Disclosure Statement. Further, this Disclosure Statement is not a recommendation or endorsement of the subdivision by either the County or the State. It is informative only. This Disclosure Statement may not be amended after its approval by the County of Lincoln without the express written approval of the Board of County Commissioners.

Construction of all infrastructure and other capital improvements are the responsibility of the subdivider/ developer. If the subdivider/developer is unable to complete the construction of roads or other improvements, the County of Lincoln cannot be held responsible for completion of those improvements. Further, the County of Lincoln will not assume maintenance on any road until the road has been constructed to County standards, the road is maintained in good condition for at least two (2) years, and is approved and accepted by the County Commission.

Additionally, a buyer should be advised that if the prospective property is located along a paved roadway, that pavement has a limited life expectancy. Future repaving expenses may be borne by the property owner through an assessment district or some other legal mechanism authorized by law.

**If you have not inspected the parcel before purchasing, leasing or otherwise acquiring it, you have six (6) months from the time of purchase, lease or other acquisition to personally inspect the property. After inspecting the parcel within the six (6) month period, you have three (3) days to rescind the transaction and receive all of your money back from the subdivider when merchantable title is revested in the subdivider. To rescind the transaction you must give the subdivider written notice of your intent to rescind within three (3) days after the date of your inspection of the property.**

**ALL SUBDIVIDERS MUST COMPLETE EACH  
ITEM SET FORTH IN PARENTHESIS BELOW**

- A. NAME OF SUBDIVISION AND LOCATION  
(name of subdivision)  
(location of subdivision)
- B. NAME AND ADDRESS OF SUBDIVIDER  
(name and address)
- C. NAME AND ADDRESS OF PERSON IN CHARGE OF SALES OR LEASING IN NEW MEXICO  
(name and address)
- D. SIZE OF SUBDIVISION BOTH PRESENT AND ANTICIPATED:  
PRESENT: (number of parcels)  
(number of acres in subdivision)  
ANTICIPATED: (number of parcels)  
(number of acres in subdivision)
- E. SIZE OF SMALLEST AND LARGEST PARCEL OFFERED FOR SALE OR LEASE WITHIN THE SUBDIVISION  
(size of smallest parcel in acres)  
(size of largest parcel in acres)
- F. DISTANCE FROM THE NEAREST TOWN TO THE SUBDIVISION, AND THE ROUTE OVER WHICH THIS DISTANCE IS COMPUTED
- G. PROPOSED RANGE OF SELLING OR LEASING PRICES  
(\$.....- lowest amount) (size of parcel sold or leased)

(\$.....- highest amount) (size of parcel sold or leased)

H. FINANCING TERMS

(interest)

(time price differential)

(amount paid as discount)

(service charges)

(premium on credit life or other insurance if it is a condition for giving credit)

(any other information required by the Truth in Lending Act if not set forth above)

I. NAME AND ADDRESS OF HOLDER OF LEGAL TITLE

(name of person who or legal entity that is recorded as having legal title)

(address)

**NOTE:** If a corporation or other legal entity is the title holder, please set out here the name and addresses of all officers in the corporation or entity.

J. NAME AND ADDRESS OF PERSON HAVING EQUITABLE TITLE

(name of person(s) recorded as having equitable title)

(address)

**NOTE:** If a corporation or other legal entity holds equitable title, please set out here the names and addresses of all officers in the corporation or entity.

K. CONDITION OF TITLE

Include here at least the following information where applicable:

(number of mortgages)

(name of each mortgagee)

(balance owing on each mortgage)

(summary of the release provision in each mortgage)

(number of all real estate contracts on the subdivided land for which the subdivider is making payments as a purchaser)

(balance owing on each real estate contract)

(summary of the release provisions in each real estate contract)

(statement of any other encumbrances on the land)

(statement of any other conditions relevant to the state of the title)

(disclose full consequences to real estate contracts and owner's equity if subdivider goes bankrupt or mortgagee forecloses on subdivision)

L. STATEMENT OF ALL RESTRICTIONS OR RESERVATIONS OF RECORD SUBJECT-  
ING THE SUBDIVIDED LAND TO ANY UNUSUAL CONDITIONS AFFECTING ITS  
USE OR OCCUPANCY

(Include here all deed and plat restrictions affecting the subdivided land as well as references to applicable zoning ordinances. Also include all zoning designations for this subdivision.)

M. STATEMENT OF ALL WATER RIGHTS AFFECTED IF SUBDIVISION IS ON A DITCH OR STREAM OR RIVER.

(Include number of water rights affected, a consensus of ditch owners and all easements.)

N. ESCROW AGENT

(name)

(address)

(statement about whether or not the subdivider has any interest or financial ties with the escrow agent)

O. UTILITIES

(name of entity providing phone service, if available)

(estimated cost)

(name of entity providing electrical service, if available)

(estimated cost)

(name of entity providing gas service, if available)

(estimated cost)

(name of entity providing water, if available)

(estimated cost)

(name of entity providing cable, if available)

(estimated cost)

P. INSTALLATION OF DEVELOPER-PROVIDED IMPROVEMENTS

Include here the date each utility will be available for use by the owner if the subdivider is providing for utilities and a statement indicating that installation of utilities in any county right of way will be subject to the Lincoln County Excavation Ordinance.

(roads) (date)

(water) (date)

(phone) (date)

(electricity) (date)

(gas) (date)

(liquid waste disposal) (date)

(solid waste disposal) (date)

(cable television) (date)

Q. UTILITY LOCATION

(If all utilities are to be provided to each parcel in the subdivision, please make that statement here.)

(If utilities are to be provided, but not for all parcels within the subdivision, please enumerate those parcels which will not be provided with a particular utility.)

(State here if each of the utilities to be provided is to be located above or underground.)

R. WATER USE

Include here whether or not there will be water for domestic use, commercial use or recreational use and include any limitation, physical or legal, anticipated for each use indicated.

- (domestic use) (limit, if any)
- (commercial use) (limit, if any)
- (recreational use) (limit, if any)

(Indicate whether the subdivider or owner will provide the water.)

(describe the results of the on-site water quality test conducted and date of said test)

S. AMOUNT OF WATER

If the subdivider is to provide water for any use, he shall provide the following information:  
(Minimum daily quantity of water to be provided for each parcel and for each proposed use)  
(The date on which water will be made available to each parcel and for each proposed use)

T. WATER DELIVERY

(Describe the means of water delivery within the subdivision.)

All community water system wells and service connections shall be metered, and readings reported to the water system management at monthly intervals, and appropriate state authorities at intervals specified in the water right permit conditions.

U. WATER SYSTEM EXTENSION

(State what the prospective owner will be required to pay for the extension of water to his parcel if he wants water prior to the date scheduled by the subdivider.)

V. LIFE EXPECTANCY OF THE WATER SUPPLY

(Include the life expectancy of each source of water supply under full development of the subdivision.)

[REDACTED]	[REDACTED]



X. SURFACE WATER

- (state the source and yield of the surface water supply)
- (state the treatment method for the water source)
- (provide State Engineer's statement of approval for use of surface water)
- (provide Environment Department's statement of approval for treatment method)

Y. STATE AGENCIES STATEMENTS ON WATER

1. State Engineer's Statement of Water Quantity  
Include here the approved summary of the statement received by the Lincoln County Board of Commissioners from the State Engineer on:  
(whether or not the subdivider can satisfy the proposals contained in this disclosure statement concerning water - except water quality)  
(whether or not he subdivider is conforming with the County's regulations on water - except water quality)
2. Environment Department's Statement of Water Quality.  
(Describe any quality which would make the water unsuitable for use in the subdivision, and state each maximum water quality parameter that has been exceeded.)
3. (Provide test results obtained for primary and secondary contaminants, including total dissolved solids, hardness, iron, and manganese.

Z. LIQUID WASTE DISPOSAL

(Describe the precise type of liquid waste disposal system that is proposed and that has been approved by the commission for use within the subdivision.)

**NOTE:** No other liquid waste disposal system may be used in a subdivision other than the system approved by the Environment Department.

AA. ENVIRONMENT DEPARTMENT'S STATEMENT ON LIQUID WASTE DISPOSAL

Include here the approved summary of the statement received by the Lincoln County Board of Commissioners from the New Mexico Environment Department on:  
(Whether or not the subdivider can satisfy the liquid waste disposal proposals made in this disclosure statement.)  
(Whether or not subdivider is conforming with the County's regulations on liquid waste disposal.)

BB. SOLID WASTE DISPOSAL

(Describe the means of solid waste disposal that is proposed for use within the subdivision.)  
(Designate garbage collection sites for developments with four (4) or more parcels.)

*NOTE: The residents of all subdivisions within Lincoln County shall be billed for the services provided by Lincoln County Solid Waste Authority for the disposal of solid waste materials. Containers will be placed at the Authority's discretion, not at property owner's request.*

CC. ENVIRONMENTAL IMPROVEMENT AGENCY'S STATEMENT ON SOLID WASTE DISPOSAL

Include here the approved summary of the statement received by the Lincoln County Board of Commissioners from the New Mexico Environment Department on:  
(whether or not the subdivider can satisfy the solid waste disposal proposals made in this disclosure statement)  
(whether or not the subdivider is conforming with the County's regulations on solid waste disposal)

DD. TERRAIN MANAGEMENT

(describe the suitability of the soils in the subdivision for residential use and other intended uses whether permanent or seasonal)  
(give the location of all lots within floodways, flood fringes, and flood plains)  
(describe the surface drainage for all lots)  
(describe all storm drainage systems including the completion date of any required to be constructed)

EE. CONSERVATION DISTRICT'S STATEMENT ON TERRAIN MANAGEMENT

Include here the approved summary of the statement received by the Lincoln County Board of Commissioners from the Soil and Water Conservation District on:  
(whether or not the subdivider can satisfy the terrain management proposals made in this disclosure statement)  
(whether or not the subdivider is conforming with the County's regulations on terrain management)

FF. SUBDIVISION ACCESS

(name of town nearest subdivision)  
(distance from town to subdivision)  
(name of highway or state road over which distance is computed)  
(if access to subdivision is available by conventional vehicle, please state that fact here. If it is not, please state that fact)  
(if property is ordinarily accessible in all seasons and under all weather conditions please state so. if it is not, please state that fact also)

(set forth whether or not roads within the subdivision will be private or maintained by the County)

(describe the width and type of surfacing of all roads)

(give the date on which all roads will be completed)

(state whether the roads within the subdivision have been accepted for maintenance by the County)

(include a statement that if accepted for maintenance, the county cannot guarantee access three hundred sixty-five (365) days a year. The Road Manager will determine the type, amount and season of maintenance.)

(state the date on which all roads will be surfaced)

**GG. THE DEPARTMENT OF TRANSPORTATION'S STATEMENT ON ACCESS**

Include here the approved summary of the statement received by the Lincoln County Board of Commissioners from the Department of Transportation on:

(whether or not the subdivider can satisfy the access proposals made in this disclosure statement)

(whether or not the subdivider is conforming with the County's regulations on access)

**HH. DEVELOPMENT**

Include here all homes, recreation structures, and other community improvements to be provided by the subdivider in the subdivision and not previously mentioned in this disclosure statement. Give the dates on which these items will be completed.

(improvement)

(estimated date of completion)

**II. MAINTENANCE**

(state owner's maintenance and construction responsibilities)

**JJ. ADVERSE CONDITIONS**

(state any activities or conditions adjacent to or near the subdivision such as feedlots, cement plants, and the like which would subject the subdivided land to any unusual conditions affecting its use or occupancy) Include "many areas of Lincoln County are on or near wooded areas which if not kept healthy and cleared of fuel loaded litter and dense tree cover may pose a fire hazard. Fuel breaks of 30 feet around structures is encouraged"

**KK. ATTORNEY GENERAL'S STATEMENT ON DISCLOSURE STATEMENT**

**LL. RECREATION FACILITIES**

(describe all recreational facilities, actual and proposed, in the subdivision)

**MM. FIRE PROTECTION**

(distance from subdivision and estimated time of travel from furthest lot in subdivision )

- (route over which distance is computed)  
(indicate whether the fire department is staffed by volunteers or a full-time staff)
- NN. POLICE PROTECTION  
Include here the various police units that would patrol the subdivision:  
(sheriff's department, if applicable)  
(municipal police, if applicable)  
(state police, if applicable)
- OO. SCHOOLS  
(name of nearest elementary school)  
(distance of nearest elementary school and route over which distance is computed)  
(name of nearest secondary school)  
(distance of nearest secondary school and route over which distance is computed)
- PP. HOSPITALS  
(name of nearest hospital)  
(distance of nearest hospital and route over which distance is computed)  
(number of beds in nearest hospital)
- QQ. SHOPPING FACILITIES  
(distance of nearest shopping facilities and route over which distance is computed)  
(number of stores in the nearest shopping facility)
- RR. PUBLIC TRANSPORTATION  
Include here whether the subdivision is served on a regular basis by:  
(bus)  
(plane)  
(other means of transportation)
- SS. COMPLETION DATES  
(state here the projected dates upon which any of the items mentioned in LL through RR will  
be available if they are not yet available)
- TT. SOIL SURVEY INFORMATION AND INTERPRETATION
- UU. INDICATE BY LOT AND BLOCK NUMBER ALL LOTS LOCATED ON A FLOOD-  
PLAIN OR FLOOD FRINGE
- VV. DRIVEWAY CULVERTS  
Prior to installing a driveway culvert in a county road barrow ditch, the subdivider or owner  
shall obtain the county road superintendent's written permission and instructions for such

installation. Culverts for driveways must meet road design standards and be at least 18" in diameter.

**WW. DRIVEWAY EASEMENT**

Driveway construction must have a permit from the Road Foreman and will be built according to County standards subject to Lincoln County Excavation Ordinance #2002-01. Permit cost to be incurred by owner.

**XX. SUBDIVISION OF LOTS/TRACTS**

Division of lots/tracts platted in the subdivision must be reviewed by the County Planning and Zoning Commission. Restrictive covenants of this subdivision may/may not allow division of lots/tracts in the subdivision. Approval is at the discretion of the commissions and is not automatic.

**YY. RECORDING REQUIREMENT**

The subdivider shall record the deed, real estate contract, lease or other instrument conveying an interest in subdivided land with the County Clerk within thirty (30) days of the signing of such instrument by the purchaser, lessee or other person acquiring an interest in the land.

**ZZ. PERMITS**

Building permits, wastewater permits or other use permits are required to be issued by State or County officials before improvements are constructed; and, further, you are advised to investigate the availability of such permits before purchase, lease or other conveyance and whether these requirements for construction of additional improvements before you accept the property.

We the undersigned owners of \_\_\_\_\_  
(name of subdivision), Lincoln County, New Mexico, do hereby certify that the foregoing statements are true and correct to the best of our knowledge and belief.

WITNESS our hands and seals on this the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
(typed name of subdivision)

ATTEST:

\_\_\_\_\_  
(typed name(s) of signatory(ies))

\_\_\_\_\_  
(typed name of attestor)

THE STATE OF NEW MEXICO )  
 )  
COUNTY OF LINCOLN )

On this \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ before me appeared \_\_\_\_\_, to me personally known, who, being by me duly sworn did say that (he/she/they) is (are) the \_\_\_\_\_ of \_\_\_\_\_ (name of subdivision/corporation), and that said instrument was signed on behalf of said \_\_\_\_\_ (name of subdivision/corporation).

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:

\_\_\_\_\_

**BY SIGNING THIS RECEIPT YOU ACKNOWLEDGE THAT YOU HAVE RECEIVED A COPY OF THIS DISCLOSURE STATEMENT.**

Received by: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

**H11**

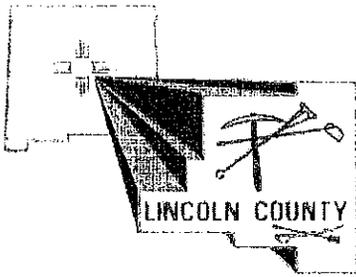
*Lincoln County Subdivision Ordinance 2008-01  
Disclosure Statement - 6 or more parcels  
Form H1-11/Rev.2-11-08/apmpa/pfb*

**Agenda Item No. 25**  
**May 14, 2013**

**SUBJECT**

**1:30 P.M.:**

Public Hearing to consider the following: Adoption of the Preliminary Budget, FY 2013-2014 by Resolution 2012-37 and Consideration of Adoption of the Preliminary Infrastructure Capital Improvements Plan (ICIP)



www.lincolncountynm.net

# County of Lincoln

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

## Agenda Item No. 25

May 9, 2013

### MEMORANDUM

**TO:** County Commissioners

**FROM:** Nita Taylor, Lincoln County Manager *NT*

**SUBJECT:** FY 2013-2013 Preliminary Budget Approval

Distributed separately, with the guidance incorporated from the Special Meeting of May 3, 2013, is the modified preliminary FY 13-14 budget for Commission comment and approval. The following is the schedule of budget preparation:

- **Held Preliminary Hearing with External Entities** - **May 3, 2013**
- **Submit modified Preliminary Budget to Commissioners for approval** - **May 14, 2013**
- Submit Commission approved preliminary budget to DFA - June 1, 2013
- Obtain preliminary budget approval from DFA - July 1, 2013
- Hold Final budget hearing with any final adjustments - July 16, 2013
- Load final budget into accounting system - July , 2013
- Forward final budget to DFA - July 31, 2013

1. Following the May 3, 2013 budget hearing, our projected ending balance over required reserve is **\$534,123**. On May 3, 2013 the Board of County Commissioners entertained requests from 17 external agencies totaling \$371,172, approved 14 full or reduced requests totaling \$272,032 and denied three requests totaling \$29,220. Enclosure 1 summarizes the approved requests, along with the reduced or denied requests.

2. The Commissioners also reviewed optional internal requests and approved those indicated at Enclosure 2. The remaining items on this list should be considered during the May 14<sup>th</sup> subsequent Preliminary Budget Hearing, or the final budget approval meeting in July once ending cash balances have been added after the close of the Fiscal Year.

3. Since the May 3, 2013 Commission meeting, the changes discussed in items 1 and 2 above were incorporated into the budget.

4. The commissioners discussed the Infrastructure Capital Improvement Plan (Encl 3). General direction was to remove those items from the Plan that have been already addressed, and to assess the value of some items that have been on the Plan for years, such as the Water Plan for the Rio Hondo Basin. See Enclosure 3. Manager will provide additional information regarding projects at the June 25<sup>th</sup> Commission meeting, giving Commissioners an opportunity to further review projects and identify priorities. The ICIP submission will not be finalized until the budget hearing on July 16, 2013 and the final ICIP is due to DFA by September 30, 2013. Discussion of priorities is welcome by all.

5. For those who did not receive the revised May 3<sup>rd</sup> complete preliminary budget packet, attached as Enclosure 5 are the summary sheets.

**Manager's Recommendation:**

Review the revised modified preliminary budget and:

1. Discuss and provide the manager any desired final adjustments in any area of the budget – internal and external requests at Enclosures 1 & 2.
2. Provide any additional comments to the ICIP at Enclosure 3.
3. Approve Resolution 2012-37 (Enclosure 4) for forwarding to DFA with the approved preliminary budget.

LINCOLN COUNTY PRELIMINARY BUDGET REVIEW - MAY 3, 2013

2013 - 2014 External Requests

	Organization	10-11 Funded	11-12 Funded	12-13 Funded	13-14 Requested on May 3, 2013	Diff.13-14 Request From 12-13 Funded	FUNDED 5-3-2103
	<b>Funded 2011-2012</b>						
1	Co-op Ext. Svcs.	\$63,400	\$63,400	\$93,337	\$64,399	-\$28,938	\$64,399
2	Capitan Library	\$12,000	\$3,000	\$3,000	\$22,920	\$19,920	\$5,000
3	Corona Library	\$5,000	\$3,000	\$3,000	\$5,000	\$2,000	\$5,000
4	Ruidoso Library	\$25,000	\$15,000	\$15,000	\$35,000	\$20,000	\$20,000
5	LCJJB	\$4,000	\$8,000	\$8,000	\$10,000	\$2,000	\$8,000
6	SNMEDD	\$6,000	\$6,000	\$6,000	\$6,000	\$0	\$6,000
7	USDA Wildlife Svcs.	\$84,000	\$88,500	\$88,500	\$88,500		\$88,500
	<i>Note: Per head tax of \$0.55 = \$18,640; delinquent taxes = \$1,200; Taylor Grazing = \$29,287: Approved \$39,373 from Gen'l Fund.</i>						
8	Noxious Weeds	\$50,000	\$50,000	\$50,000	\$50,000	\$0	\$40,000
9	South Central Mtn. RC&D	\$7,000	\$7,000	\$40,000	\$40,000	\$0	\$30,000
10	Humane Society of Lincoln Cnty	\$35,000	\$30,000	\$30,000	\$32,000	\$2,000	\$30,000
11	EcoServants	\$20,000	\$20,000	\$15,000	\$25,000	\$10,000	\$15,000
12	NM State Library Rural Bookmobile	\$1,050	\$1,050	\$1,050	\$1,260	\$210	\$1,260
13	Town of Carrizozo	\$12,500	\$12,500	\$8,000	\$0	-\$8,000	\$0
	Town of Carrizozo			\$3,000	\$0	-\$3,000	\$0
14	Coalition of Counties			\$5,000	\$5,000	\$0	\$5,000
	<b>Sub-total</b>			\$368,887	\$385,079	\$16,192	
	<b>Sub-total (including only \$39,373 for Wildlife Svcs)</b>			\$312,583	\$335,952	\$23,369	
	<b>Special Requests 2013-14</b>						
15	Lincoln County Transit	\$0	\$0	\$0	\$25,000		\$0
16	Boys & Girls Club	\$3,600	\$0	\$0	\$6,000		\$3,000
17	SANE	\$0	\$0	\$0	\$2,000		\$0
17	White Mtn. Search & Rescue	\$0	\$0	\$1,000	\$2,220		\$0
18	VOR School Resource Officer	\$0	\$0	\$0	\$0		
19	COPE	\$0	\$0	\$0	\$0		
	Lincoln Cnty Food Bank	\$10,000	\$0	\$0	\$0		
	<b>Sub-Total</b>			\$1,000	\$35,220	\$34,220	
	Organization	\$338,550	\$307,450	\$369,887	\$420,299	\$50,412	\$321,159
	<b>Total including only \$39,373 for Wildlife Svcs</b>		\$307,450	\$313,543	\$371,172	\$57,629	\$272,032

ENCL 1

**OPTIONAL REQUESTS AFTER 1st PRELIMINARY BUDGET Meeting**  
**FY 2013 – 2014**  
**May 3, 2013**

**DETENTION**

- |                             |           |                 |
|-----------------------------|-----------|-----------------|
| 1. Two vans                 | \$ 45,000 | <b>Approved</b> |
| 2. Camera                   | \$ 10,300 | <b>Approved</b> |
| 3. Two Surveillance Cameras | \$ 20,000 | <b>Approved</b> |

**SHERIFF**

- |  |           |                 |
|--|-----------|-----------------|
| 4. One patrol car  | \$ 30,000 | <b>Approved</b> |
| 5. Two SUVs (Expedition – complete with all accessories) | \$ 65,000 | <b>Approved</b> |

**COMMUNICATIONS/IT**

- |   |           |                 |
|---|-----------|-----------------|
| 6. All County Offices<br>(1/3 of cost: Cost share with Assessor and Clerk ) | \$ 52,700 | <b>Approved</b> |
|---|-----------|-----------------|

**MANAGER**

- |   |           |                 |
|---|-----------|-----------------|
| 7. Vehicle (Replacement for totaled truck in Microburst)    | \$ 25,000 | <b>Approved</b> |
| 8. Employee wage increase ( every 1% increase = \$52,879)** |           |                 |

- 2% = \$105,758
- 4% = \$211,516
- 6% = \$317,274

**\*\*Pending additional Discussion and consideration Manager to provide add'l information and illustrative examples of employee impact**

**MITIGATION** (already included in prelim I budget)

- |   |            |                 |
|---|------------|-----------------|
| 9. FEMA / NMDHSEM \$3.5 mil. Grant<br>(Match each year for three years) | \$ 388,889 | <b>Approved</b> |
|---|------------|-----------------|

**Pending Requests**

- |   |             |
|---|-------------|
| 1. New Mexico Acequias Association Dues<br>Institutional Membership | \$ 1,000.00 |
| 2. Roofing Reimbursement – La Casa                                  | \$ 6,089.41 |

# Infrastructure Capital Improvement Plan FY 2014-2018

## Lincoln County Project Summary

ID	Rank	Project Title	Top 5 Rank	Category	Funding Sources	Funded to date	2014	2015	2016	2017	2018	Total Project Cost	Mos to compl
27264	2014-5	Glencoe Bridge		Hiways/Roads/Streets/Bridges		0	0	0	0	0	0	0	0
16974	2014-03	Water Plan for Rio Hondo Basin		Water Supply	LGRANT FGRANT	174,000	90,000	0	0	0	0	264,000	12
27123	2014-04	Bonito Road Rebuild		Hiways/Roads/Streets/Bridges	SGRANT LFUNDS	0	100,000	0	0	0	0	100,000	12
27104	2014-05	New Hondo Fire Station		Fire	SGRANT LFUNDS	0	300,000	0	0	0	0	300,000	18
24124	2014-06	Expand Fairgrounds/Cillesen		Convention Facilities	FGRANT LGRANT LFUNDS	0	110,000	110,000	110,000	110,000	100,010	540,010	18
23877	2014-08	Expand White Oaks Fire Station		Fire	SGRANT LGRANT LFUNDS	0	152,000	0	0	0	0	152,000	13
10738	2015-01	Courthouse		Adm/Service Facilities (local)	LFUNDS SGRANT	0	0	100,000	100,000	100,000	100,000	400,000	12
		Improvements/Maintenance											
24125	2015-02	New Road Yard		Adm/Service Facilities (local)	LFUNDS SGRANT	0	0	560,000	0	0	0	560,000	16
13922	2015-03	Road Arterial		Hiways/Roads/Streets/Bridges	LFUNDS	0	0	200,000	200,000	200,000	200,000	800,000	12
13844	2015-04	Road Maintenance/Flood Ctrl Hondo District		Hiways/Roads/Streets/Bridges	LFUNDS	0	0	71,415	71,415	71,415	71,415	285,660	12
13979	2015-05	Road Maintenance/Flood Ctrl Carr District		Hiways/Roads/Streets/Bridges	LFUNDS	0	0	67,351	67,351	67,351	67,351	269,404	12
14270	2015-06	Road Maintenance/Flood Ctrl Ruidoso District		Hiways/Roads/Streets/Bridges	LFUNDS	0	0	47,674	47,674	47,674	47,674	190,696	12
14271	2015-07	Road Maintenance/Flood Ctrl Corona District		Hiways/Roads/Streets/Bridges	LFUNDS	0	0	42,230	42,230	42,230	42,230	168,920	12
14272	2015-08	Road Maintenance/Flood Ctrl Capitán District		Hiways/Roads/Streets/Bridges	LFUNDS	0	0	60,800	60,800	60,800	60,800	243,200	12

Lincoln County/ICIP 26000

Thursday, May 9, 2013

ENCL 3



**RESOLUTION NO. 2012-37**  
**A RESOLUTION ADOPTING THE PRELIMINARY**  
**2013-2014 BUDGET FOR LINCOLN COUNTY**

**WHEREAS**, the Board of County Commissioners of Lincoln County, New Mexico, meeting in a regular session on May 14, 2013, did review the preliminary 2013-2014 budget and it was determined that the proposed budget would be beneficial for the citizens of Lincoln County,; and

**BE IT FURTHER RESOLVED** that the budget priorities for 2013-2014 for Lincoln County are:

- Priority One - Find additional sources of revenue
- Priority Two - Improve Management of Existing Resources
- Priority Three - Maintain a balanced budget

**BE IT FURTHER RESOLVED** that the Lincoln County Board of Commissioners hereby continues the existing special mill levy of 2.75 mills, apportioned this year as follows: GENERAL COUNTY GOVERNMENT 2.75 MILLS; and

**BE IT FURTHER RESOLVED** that the Lincoln County Board of Commissioners hereby continues the existing Hospital Mill Levy at existing rates apportioned this year as follows: LINCOLN COUNTY MEDICAL CENTER AND EMS AT 2.0 MILLS, and RURAL HEALTH CLINICS at .6 MILLS; and

**NOW, THEREFORE, BE IT RESOLVED**, that the preliminary budget for 2013-2014 is approved; and

**BE IT FURTHER RESOLVED**, that the Lincoln County Board of Commissioners hereby respectfully requests preliminary approval from the Local Government Division of the Department of Finance and Administration.

**ATTACHMENTS:** Balance Sheet & Departmental Budgets FY 2013-2014

**PASSED, APPROVED AND ADOPTED** this 14<sup>th</sup> day of May, 2013.

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

\_\_\_\_\_  
Jackie Powell, Chair

\_\_\_\_\_  
Preston Stone, Vice Chair

\_\_\_\_\_  
Mark Doth, Member

\_\_\_\_\_  
Dallas Draper, Member

\_\_\_\_\_  
Kathryn Minter, Member

**ATTEST:**

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

ENCL 4

(A) PROPERTY TAX CATEGORY	(B) ACCOUNT NUMBER	(C) 2012 FINAL VALUATIONS	(D) 2012 OPERATING TAX RATE	(E) TOTAL PRODUCTION [C X D] 93%	FOR LOCAL GOVERNMENT USE:
RESIDENTIAL	31500	801,222,051	0.00486	3,893,939	1,684,061 REQ. RESERVE
NON-RESIDENTIAL	31500	304,576,494	0.00885	2,695,502	534,123 OVER REQ. RESERVE
COLLECTION RATIO				93%	11,849,347 REVENUES
					-11,314,524 TRANSFERS
					6,736,242 EXPENDITURES
					-6,201,419 REV TO EXP.
					534,123 Total over required reserves
					-5,201,419 use for Recurring Expenses
					-5,667,286 use for NonRecurring expenses
					1,684,061 REQUIRED RESERVE 3/12
					234,690 REQUIRED RESERVE 1/12

(F) FUND TITLE	(G) FUND NUMBER	(H) FY 2013-2014 UNAUDITED BEGINNING CASH BALANCE	(I) FY 2013-2014 ADJUSTED BUDGETED FUND REVENUES	(J) FY 2013-2014 ADJUSTED OPERATING TRANSFER	(K) FY 2013-2014 ADJUSTED BUDGETED FUND EXPENDITURES	(L) FY 2013-2014 ADJUSTED ENDING FUND CASH BALANCE	(M) APPROVED RESOLUTIONS
GENERAL FUND	401	8,419,603	11,849,347	(11,314,524)	6,736,242	2,218,184	
ROAD FUND	402	290,238	811,122	1,728,479	2,595,276	233,563	
RECREATION	404	1	0	0	1	0	
SPECIAL PROGRAMS	405	0	0	90,760	90,760	0	
RECORDING FEES	406	245,027	55,900	0	289,886	11,041	
BONITO FIRE DEPT.	407	85,000	194,511	0	279,511	0	
HONDO FIRE DEPT.	409	82,000	88,222	0	170,222	0	
LINCOLN FIRE DEPT.	410	349,949	145,822	(277,765)	218,006	0	
NOGAL FIRE DEPT.	411	98,000	48,616	0	146,616	0	
GLENCOE-PALO VERDE FIRE DEPT.	412	180,000	159,252	(17,000)	322,252	0	
CAPITAL IMPROVEMENTS PROJECTS	414	0	0	7,489,348	7,489,348	0	
WHITE OAKS FIRE DEPT.	416	39,652	48,626	0	88,278	0	
AGREEMENTS	418	0	34,000	292,952	326,952	0	
ARABELA FIRE DEPT.	419	75,000	48,678	0	123,678	0	
LEGISLATION APPROPRIATIONS	420	0	886,400	62,765	949,165	0	
GAS TAX SPECIAL	421	31,700	188,300	0	220,000	0	
PREDATORY ANIMAL CONTROL	423	0	49,126	39,374	88,500	0	
FIRE SERVICES ADMINISTRATION	424	23,000	65,408	0	88,408	0	
FIREFIGHTING/STRIKE ACTIVITIES	425	0	150,000	0	150,000	0	
FOREST TITLE III	428	28,447	0	0	28,447	0	
<b>Page Total</b>		<b>9,947,617</b>	<b>14,823,330</b>	<b>(1,905,611)</b>	<b>20,402,549</b>	<b>2,462,788</b>	<b>0</b>

(F) FUND TITLE	(G) FUND NUMBER	(H) FY 2013-2014 UNAUDITED BEGINNING CASH BALANCE	(I) FY 2013-2014 BUDGETED FUND REVENUES	(J) FY 2013-2014 ADJUSTED OPERATING TRANSFER	(K) FY 2013-2014 ADJUSTED BUDGETED FUND EXPENDITURES	(L) FY 2013-2014 ADJUSTED ENDING FUND CASH BALANCE	(M) APPROVED RESOLUTIONS
LOGGERS TAX FUND	42	47,134	50,120		97,254	0	
CORRECTIONS	43	0	1,292,438	1,793,545	3,085,983	0	
JAG	44	25,957	0	(25,957)	0	0	
HOMELAND SECURITY FUND	45	0	1,166,667	388,889	0	1,555,556	
SHERIFF SEIZURE FUND	46	47,284	100	0	47,384	0	
REAPPRAISAL FUND	47	291,887	243,500	0	497,973	37,415	
RUIDOSO AREA AMBULANCE	48	10,000	17,549	0	17,590	9,959	
CAPITAN AMBULANCE DEPT.	49	0	7,412	0	7,412	0	
CORRIZO AMBULANCE DEPT.	50	0	5,742	0	5,742	0	
CORONA AMBULANCE DEPT.	51	0	5,253	0	5,253	0	
HONDO AMBULANCE DEPT.	52	0	7,253	0	7,253	0	
RURAL HEALTH CLINICS	53	434,093	682,611	0	613,410	503,294	
LCMC - HOSPITAL	54	8,106,084	3,082,036	0	7,041,157	4,146,973	
DEER PARK SP FUND	55	0	0	0	0	0	
DEER PARK SAD INCOME FUND	56	355,143	216,006	0	131,891	436,258	
LAW ENFORCEMENT PROTECTION	57	20,428	31,400	0	51,828	0	
ZIA SENIOR CITIZENS	58-64	76,392	625,000	93,332	794,724	0	
ENVIRONMENTAL GROSS RECEIPTS	65	0	148,000	0	148,000	0	
TREASURER'S RETURNED CK FUND	66	1,781	2,800	0	4,581	0	
ENHANCED 911 DATA BASE/NETWORK	67	1,673	13,625	0	13,625	1,673	
FOREST HEALTH FUND	68	174,099	655,000	0	655,000	174,099	
MISDEMEANOR COMPLIANCE FUND	69	0	150,000	0	150,000	0	
CDBG GRANT FUND	70	0	500,000	697,515	1,197,515	0	
INDIGENT CLAIMS FUND	71	200,000	630,000	7,432	702,315	135,117	
JUVENILE FUND	72	0	116,000	148,000	264,000	0	
NM HIDTA PARTNERSHIP GRANT	73	46,186	0	(46,186)	0	0	
1st 1/8 GRT STATUTORY RESERVE	74	146,439	0	506	0	146,945	
DISASTER RELIEF FUND	75	0	1,955,405	(781,035)	968,460	205,910	
1st 1/8th GRT INCOME FUND	76	0	630,000	(360,700)	269,300	0	
1st 1/8th GRT DEBT RESERVE FUND	77	272,000	9,730	(9,730)	0	272,000	
Page Total		10,256,590	12,242,646	1,905,611	16,777,649	7,627,198	0
Grand Total		20,204,208	27,065,976	0	37,180,198	10,089,986	0

FORM GF-1.1  
GENERAL FUND REVENUES

LINCOLN INTY

(A) GENERAL FUND REVENUES REVENUE SOURCE	(B) ACCOUNT CODE	(C)		(D)		(E)		(F) ADJUSTMENT	(G) ADJUSTED TOTAL 2013 - 2014 FY BUDGET
		2010 - 2011 FY ACTUAL	2011 - 2012 FY ACTUAL	2012 - 2013 FY MIDYEAR BUDGET	2013 - 2014 FY BUDGET	2013 - 2014 FY BUDGET	2013 - 2014 FY BUDGET		
Property - Current	1010	5,600,495	6,016,654	6,142,915	6,128,180		6,128,180		6,128,180
Delinquent Property Tax	1020	286,609	365,648	300,000	300,000		300,000		300,000
Delinquent Discretionary Mills	1033	122,304	151,815	138,664	140,000		140,000		140,000
General County Mill - Current 2.75 mill	1037	2,668,043	2,765,579	2,833,949	3,040,946		3,040,946		3,040,946
Non-Redemption Fees	1041	513	0	0	0		0		0
Penalty & Interest	1050	216,283	266,546	240,000	200,000		200,000		200,000
Administrative Fees	1051	1,896	1,945	2,000	2,000		2,000		2,000
Liquor License	1150	2,300	2,125	2,300	2,300		2,300		2,300
Interest on Investments	1180	45,469	88,507	50,000	50,000		50,000		50,000
DWI Traffic Safety Bureau	1200	458	0	0	0		0		0
Clerk's Fees	1210	77,585	139,721	130,000	145,000		145,000		145,000
Probate Fees	1220	2,167	2,340	2,300	2,000		2,000		2,000
Sheriff's Fees	1230	18,440	14,536	14,000	11,600		11,600		11,600
Alarm Permit Fees	1231	20,879	21,325	20,000	20,400		20,400		20,400
GIS Fees	1240	5,241	7,143	7,000	3,000		3,000		3,000
Subdivision/P & Z Fees	1250	9,434	6,900	7,000	10,000		10,000		10,000
OES Fire Reimbursement	1252	0	2,260	26,000	0		0		0
Reimbursement/Refund-Hondo Senior Center	1262	48,892	24,730	9,200	0		0		0
Insurance Recoveries	1270	0	554	1,000	0		0		0
Sale of County Property	1340	38,097	1,211	5,688	0		0		0
Fax Machine	1345	83	60	60	60		60		60
<b>PAGE TOTAL</b>		<b>9,165,188</b>	<b>9,879,599</b>	<b>9,932,076</b>	<b>10,055,486</b>		<b>10,055,486</b>	<b>0</b>	<b>10,055,486</b>

FORM GF-1.2  
GENI FUND REVENUES

LINCOLN INTY

(A) GENERAL FUND REVENUES REVENUE SOURCE	(B) ACCOUNT CODE	(C)		(D) 2011 - 2012 FY ACTUAL	(E)		(F) ADJUSTMENT	(G) ADJUSTED TOTAL 2013 - 2014 FY BUDGET
		2010 - 2011 FY ACTUAL	2012 - 2013 FY MIDYEAR BUDGET		2013 - 2014 FY BUDGET	2013 - 2014 FY BUDGET		
<b>OTHER CHARGES FOR SERVICES</b>								
Photocopies & Microfilm	1450	3,013	3,848	3,500	3,500	3,500		3,500
Data Processing	1451	14,328	11,276	10,000	10,000	10,000		10,000
Voided One Year Old Checks	1460	145	73	0	0	0		0
Motor Vehicle Fees	1530	68,578	72,071	64,000	65,000	65,000		65,000
Cigarette Tax - 2 cent - Regular	1550	498	2	0	0	0		0
Alto Paving Principal & Interest	1562	479	1,604	0	0	0		0
Alto Paving Late Fees	1563	2,774	10,997	0	0	0		0
Election Filing Fees	1570	0	550	200	200	200		200
Auto Voters Registration Sys.	1573	1,590	1,549	600	600	600		600
Trans. & Xtrad. of Prisoners	1590	0	346	0	0	0		0
Forest Patrol - Sheriff	1610	49,888	17,321	105,071	20,000	20,000		20,000
Payment in Lieu of Taxes	1630	1,475,786	1,527,496	1,475,786	1,449,594	1,449,594		1,449,594
Special P.L.I. Taxes	1632	7,500	7,500	7,500	7,500	7,500		7,500
Emergency MGMT - Fed/State	1645	8,340	0	0	0	0		0
County Permit Fees	1646	100	35	100	100	100		100
GRT Tax Equalization (7-1-6.16)	1647	105,815	106,323	122,757	122,757	122,757		122,757
Ft. Stanton Museum	1648	910	0	0	0	0		0
County Business Retention GRT	1649	258	3,148	115,380	113,297	113,297		113,297
BJA Bulletproof Vest Grant	1925	0	875	875	1,313	1,313		1,313
Joint Ruidoso Grant (records Mgmt)		0	0	0	0	0		0
<b>PAGE TOTAL</b>		<b>1,740,002</b>	<b>1,765,014</b>	<b>1,905,769</b>	<b>1,793,861</b>	<b>1,793,861</b>	<b>0</b>	<b>1,793,861</b>
<b>TOTAL REVENUES (Carry to Recap)</b>		<b>10,905,190</b>	<b>11,644,613</b>	<b>11,837,845</b>	<b>11,849,347</b>	<b>11,849,347</b>	<b>0</b>	<b>11,849,347</b>

**Agenda Items No. 26**  
**May 14, 2013**

**SUBJECT**

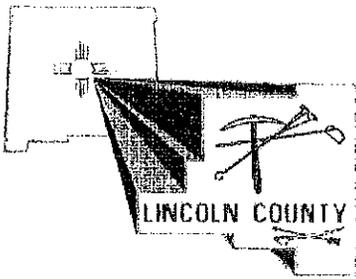
Authorization to Schedule Public Hearing to Consider Other Outdated  
or New Lincoln County Ordinances.

**Agenda Item No. 27**  
**May 14, 2013**

**SUBJECT**

Bid/RFP Awards:

- A. 12-13-14 Rehabilitation of the Sierra Vista Catchment Ponds
- B. Consideration of June 3, 2013 Special Commission Meeting



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# County of Lincoln

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

## Agenda Item No. 27

May 9, 2013

### MEMORANDUM

**TO:** County Commissioners

**FROM:** Nita Taylor, County Manager *NT*

**SUBJECT:** Bid Award for Rehabilitation of the Sierra Vista Catchment Ponds:

**PURPOSE:** To award bid for IFB 12-13-014

**Discussion:** This project is utilizing State Board of Finance Flood Mitigation funds. See Enclosure 1 for Scope of Work and Requirements. These bids are not due until Monday, May 13<sup>th</sup>, and will be presented at the May 14<sup>th</sup> Commission meeting.

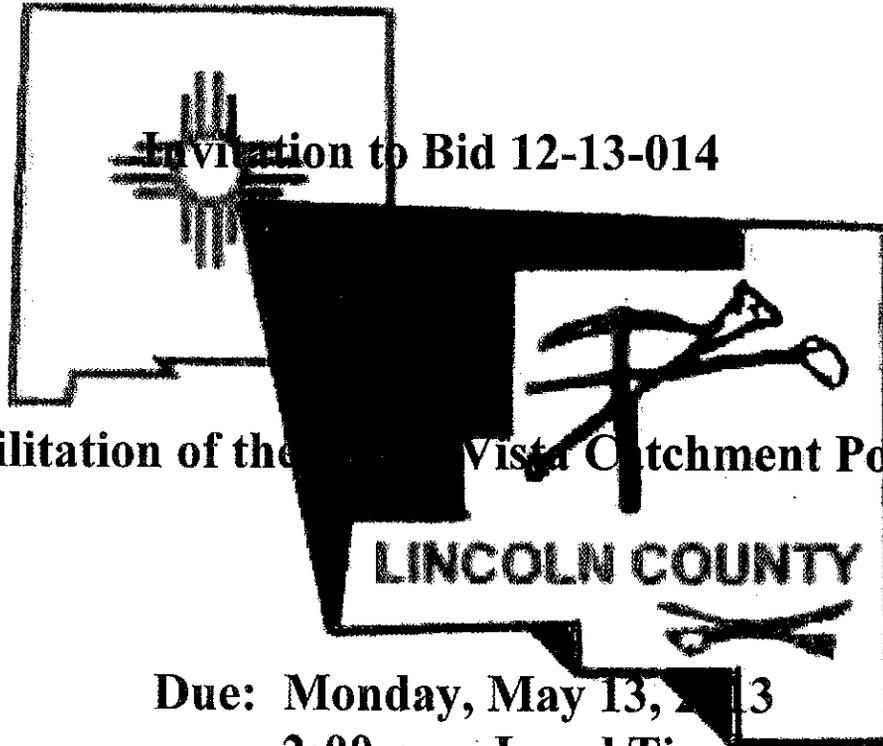
**Recommendation:** At the meeting, Manager will be presenting information on bids received, and make a recommendation to the Commission.

Manager also requests the Commission to consider scheduling a Special Meeting on June 3, 2013 at 9:00 a.m. to approve the awarding of three additional bids.

1. Emergency On-Call Contractors
2. Resurface Roads at Enchanted Forest Subdivision
3. Resurface Roads at Sun Valley Subdivision

# COUNTY OF LINCOLN

## Carrizozo, NM 88301



Invitation to Bid 12-13-014

Rehabilitation of the Vista Catchment Ponds

Due: Monday, May 13, 2013  
2:00 p.m. Local Time

A mandatory pre-bid meeting will be held at the Lincoln County Emergency Operations Center located at 111 Copper Ridge Road, Angus, NM at 9:00 am on Tuesday, May 7, 2013.

**COUNTY OF LINCOLN  
Carrizozo, NM**

**Invitation to Submit Bids**

**Rehabilitation of the  
Sierra Vista Catchment Ponds  
Due: May 13, 2013 2:00 Local Time**

**SPECIFICATIONS**

**A. SCOPE OF WORK**

**B. ACCURATE MEASUREMENT OF MATERIAL COMPUTATION**

It is the Bidder's responsibility to visit the sites, accurately measure the area to be worked and compute the quantity of material needed. Measurements given below are approximations. The County will not pay for additional materials based on Bidder's inaccurate material computations.

**C. REQUIREMENTS**

Furnish all labor, materials, quality control and traffic control to rehabilitate the Sierra Vista ponds in accordance with the specifications. Located in Sierra Vista Subdivision are two catchment ponds that are to be rehabilitated to protect County of Lincoln Infrastructure. Rehabilitations will consist of removing the silt and sediment from the upper and lower ponds as well as re-configuration of the spillways. In the upper pond an estimated 3 feet of silt and sediment will be removed from the center sloping out to zero at the edge. The spillway from the upper to lower pond will be filled in. A new spill way will be excavated further away from the road to an elevation of 18" below the current road elevation, and will be relocated to the South East side of the dam. This spillway will be lined with 8" minus rip rap to stabilize the soil in the spillway. In the lower pond an estimated 10 feet of silt and sediment will be removed from the center of the pond sloping out to zero at the edge. A new channel will then be dug from the spillway of the lower pond to connect at the existing channel away from the county road.

Tasks include:

1. Mobilize to designated location with all necessary equipment
2. Contractor is responsible for all Utility Locates both Public and Private.
3. Excavate upper and lower ponds to specified depth.
4. Backfill the current spillway with stable material.
5. Excavate new spillway and channel.
6. Place rip rap on spillway to stabilize soil.
7. Place Rip Rap along the length of the newly created channel.
8. Left over excavated material must be hauled away and disposed of
9. Demobilize from project.

**Agenda Item No. 28**  
**May 14, 2013**

**SUBJECT**

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

- A. **Tabled** – Road Review Advisory Committee
- B. **Tabled** - Lodger's Tax Committee – Letter of Resignation

**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 WEITZEL	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, CAPTAN, NM	1	10/16/12	10/14
DIST 3					
DIST 4	JBRYAN WHITE (336-2619 OR 208-610-5464; COCHCH@BAJABB.COM)	PO BOX 237, ALTO, NM 88312		01/22/13	01/15
DIST 5	BILLY SEELBACH (258-1704)	406 GAVILAN CANYON, DOSO 88345	2	06/12/12	06/14

PUBLICATION IS REQUIRED

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

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	BART YOUNG (257-3193)	BOX 2930, RUIDOSO 88355		03/28/12	03/14
	LUCY SERVES	<del>BOX 107 Jack Little Dr</del> RUIDOSO 88355 <del>Ruidoso 88345</del>		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



**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 GENERAL PUBLIC -	BOX 2505 RUIDOSO 88355	1	02/19/13	02/15
653-4609	LODGING INDUSTRY - DAVID VIGIL	BOX 15, LINCOLN 88338	5	06/12/12	06/14
937-2121	TOURIST RELATED- ALICE SEELY; ALICESEELY@PVTN.NET	BOX 166 HONDO, NM 88336	5	04/17/12	04/14
653-4300	LODGING INDUSTRY - VICTOR GARRISON	BOX 236, LINCOLN, 88338	5	07/26/12	7/14

**NEW MEXICO COUNTY INSURANCE AUTHORITY - WORKERS' COMPENSATION**

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

**NEW MEXICO COUNTY INSURANCE AUTHORITY - MULTI-LINE POOL**

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

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

DISTRICT NO.	MEMBER	ADDRESS	RECOMMENDED BY	DATE APPOINTED	TERM EXPIRATION
DIST 1	DENNIS RICH; DENANDYVONNE@NETSCAPE.NET	PO BOX 575, CAPITAN, NM 937-5996	COMM. POWELL	04/17/12	04/14
DIST 2	JENNIE DORGAN, Chair	BOX 359, ALTO 88312 (336-4312)	COMM. WILLIAMS	03/19/13	03/15
DIST 3	NORA MIDKIFF -336 2095/937 4317 noratmidkiff@gmail.com	175 EAGLE CREEK CANYON , RUID	COMM. DRAPER	01/22/13	01/15
DIST 4	MARY DOKIANOS	103 WINTER HAWK HEIGHTS, ALTO	COMM. MINTER	09/20/11	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

**Agenda Item No. 29**  
**May 14, 2013**

**SUBJECT**

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

See attached list.

Alan P. Morel, P.A.  
Attorney at Law

700 Mechem Drive, Suite 12  
Post Office Box 1030  
Ruidoso, New Mexico 88355-1030

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

May 8, 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.