COUNTY OF LINCOLN
New Mexico
Regular Meeting
Board of County Commissioners

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

Nita Taylor, County Manager

Agenda
Commission Chambers, Tuesday, December 18, 2012 @8:30 A.M.

1. Call to Order

2. Roll Call

3. Invocation-Rich Hutchinson Pastor of Angus Church

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. **9:00 A.M.**: Swearing-In of the Newly Elected Officials

7. Approval of Minutes- November 9, 2012, Special Commission Meeting
   November 20, 2012, Regular Commission Meeting

8. Approval of Consent Agenda
   A. Payroll/Accounts Payable/Budget/ Expenditures
   B. Treasurer's Financial Report for the Month ending November 30, 2012

9. Smokey Bear District Ranger Update

10. Greentree Solid Waste Update

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

12. Manager's Report

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

14. Deer Park Valley SAD Budget Adjustment – Resolution 2012-23

15. Approval to Issue Request for Proposals for the Operation of the Detention Center and Inmate Phone Management (Expire May 2013)

16. Extension of Vacation Hour Accumulation Status Report

17. Resolution 2012-22 Authorizing the Village of Ruidoso to Participate in the Local DWI Grant & Distribution Program

18. **11:15 A.M.**: Farwell to Departing Elected Officials

CHRISTMAS HOLIDAY POTLUCK LUNCHEON

19. **1:00 P.M.:** PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY OFFICIALS (Items are for discussion only – no action will be taken)

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 Authorization to Schedule Public Hearing to Consider Other Outdated or New Lincoln County Ordinance

21. Bid/RFP award:
    A. 12-13-004 Annual Base Course Supply

22. Consideration of Appointments and Removals from Boards/Commissioners/Committees:
    A. Land and Natural Resources Advisory Committee
    B. Lincoln Historic Preservation Board
    C. **Tabled** - Lodger's Tax Committee
    D. **Tabled** - Planning Commission
    E. **Tabled** – Road Review Advisory Committee
    F. **Tabled** - Southeastern New Mexico Economic Development District (SNMEDD)

23. Approval of on-line auction surplus county vehicles

24. Consideration and Action on Indigent Health Care New Provider Agreement No. 49 – Lincoln County Family Medical Group

25. Attorney Contract Renewal Consideration (contract ends December 31, 2012)

26. 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).

27. Signing of Official Documents

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

29. Adjournment

AGENDA DOCUMENTATION
December 18, 2012

Agenda Item No. 6

SUBJECT

9:00 A.M.: Swearing-In of the Newly Elected Officials

ACTION REQUESTED BY County Manager

ACTION REQUESTED To be determined

BACKGROUND

www.lincolncountynm.net

County of Lincoln

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

December 11, 2012

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager

SUBJECT: Swearing-In of the Newly Elected Officials

Purpose: To swear-in the newly elected officials into office.

Discussion:

Honorable Magistrate Judge Martha Proctor will swear-in the newly elected officials who will take office effective January 1, 2013.

- Incoming Commissioner District One- Preston Stone
- Incoming Commissioner District Three- Dallas Draper
- Incoming Probate Judge – Stirling Spencer
- Incoming Sheriff – Robert Shepperd
- Reelected Assessor – Paul Baca

Recommendation: No Commission action required.

AGENDA DOCUMENTATION
December 18, 2012

Agenda Item No. 7

SUBJECT

Approval of Minutes

ACTION REQUESTED BY County Clerk

ACTION REQUESTED To be determined

BACKGROUND

1. November 9, 2012, Special Commission Meeting
2. November 20, 2012, Regular Commission Meeting

COUNTY OF LINCOLN

New Mexico

Special Meeting

Board of County Commissioners

Jackie Powell, Chair
Mark Doth, Vice Chair

Kathryn Minter, Member
Eileen M. Sedillo, Member
Tom Battin, Member

Minutes
Friday, November 9, 2012

Minutes of the Special Meeting of the Lincoln County Commission held at 8:30 AM on November 9, 2012 in the County Conference Room, 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 8:30:018 AM.

2. Roll Call

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

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

3. Invocation

The invocation was presented by Pastor Jean Riley.

4. Pledge of Allegiance

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

5. Approval of Agenda

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

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7. Canvass of the November 6, 2012 General Election – County Clerk

Rhonda Burrows, County Clerk informed the Board of County Commissioners, as per New Mexico State Statute, served as the canvassing board for the County and presented the Lincoln County returns for the 2012 General Election for review.

Ms. Burrows acknowledged the efforts of the Clerk's staff and vote technicians in assisting with all facets of the election process. Ms. Burrows thanked the presiding judges who served for this cycle including: Jeanine Gibbs, Beth Keenan, Susan Garrett, Frankie Jarrell, Shannan Hemphill, Edith Dobbins, and Dr. Jim Miller.

Ms. Burrows stated there were 14,208 registered voters in Lincoln County who were eligible to cast a ballot in the 2012 General Election. Ms. Burrows stated 9,303 voters had cast a ballot with 1321 voting by Absentee, 4443 voting at an Early Vote site, and 3538 voting on Election Day. Ms. Burrows stated this amounted to a 65.48% voter participation rate as compared to 58% in the 2008 General Election.

Commissioner Minter questioned if there were a large number of inactive voters on the rolls. Ms. Burrows stated there were inactive voters on the rolls for a number of reasons. Ms. Burrows noted during this election precinct officials had returned over 500 voter registration updates to the Clerk's office. Ms. Minter questioned how long a voter would remain inactive before being purged from the rolls. Ms. Burrows stated a voter would have to first be properly notified by the Secretary of State's office and then if they did not vote in two General Election cycles, the voter would be purged according to Federal and State Law. Ms. Burrows commented the Lincoln County Clerk's office had worked hard to purge ineligible voters by all available means but there would be no "official" purge until 2015.

Ms. Burrows noted 41 military and overseas citizens had requested ballots of which 36 were returned. Ms. Burrows stated of the 3 Provisional Ballots cast one ballot had been qualified and the other two were rejected. Ms. Burrows discussed the three contests for which a write in candidate had filed and how ballots cast for write ins were qualified and hand tallied by the precinct boards.

Ms. Burrows provided copies of the unofficial results as reported to the Secretary of State for certification.

Commissioner Doth questioned if the trend towards Early Vote versus Election Day voting had continued. Ms. Burrows confirmed this was true and noted in this cycle Early Voters alone, excluding Absentee, exceeded Election Day voters. Commissioner Doth questioned if the Clerk's office would continue to add equipment and staff to deal with the increasing number of Early Voters. Ms. Burrows discussed the advantage of having an Early Vote site separate from the Clerk's office at the County Courthouse and the addition of extra ballot systems at the Ruidoso Senior Center Early vote site.

Ms. Burrows discussed a number of problems which occurred with tabulators during this election and the need to urge the State Legislature to consider replacing these in the future. Ms. Burrows also commented on the challenges of the Vote Center site located at the Capitan High School and suggested this might require a change for future elections.

Motion: Certify the results of the 2012 General Election for Lincoln County. **Action:** Approve. **Moved by** Commissioner Doth, **Seconded by** Commissioner Minter.

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

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

- Greentree Solid Waste Update - Debra Ingle

Chair Powell thanked representatives from Ruidoso Downs, Capitan, and Corona for attending the meeting to discuss this issue.

Debra Ingle, Operations Manager presented documentation regarding the formation and history of the Greentree Solid Waste Authority, details of GSWA's current financial obligations, and recommendations to remedy the loss of the Alto Lakes Water and Sanitation District customers. Ms. Ingle stated GSWA had laid off a number of staff and operational expenses were being reduced as operations declined in the Alto Lakes WSD.

Chair Powell questioned if Alan Morel, County Attorney anticipated any conflict of interest as a resident of the Alto Lakes Water and Sanitation District in representing the County on this issue. Attorney Morel stated the fact that he resides in the district would not interfere with his duties.

Chair Powell requested Ms. Ingle provide details of the service budget adjustments and the debt service. Ms. Ingle reported the Alto Lakes WSD portion of the operations budget amounted to $175,000 annually; $17,000 of the administrative budget; and $24,000 of billing and collection costs. Ms. Ingle anticipated employee layoffs and related expenses would cover 100% of the revenue reduction for operations.

Ms. Ingle stated the primary concern for GSWA was the loss of revenue as it would impact the ongoing debt service for loans. Ms. Ingle estimated the cost of debt service to be $38,500 annually. Ms. Ingle stated some of the options for consideration were: a rate increase for remaining County customers; the County could subsidize the debt service from other County revenues such as the General Fund; a request could be made to Alto Lakes WSD to contribute towards the debt service; consider cuts to services; or a combination of these options to meet the annual debt service on the $4,534,821.93 of outstanding debt.

Chair Powell expressed concern about the need for continued operations in the area for those residents not in the Alto Lakes District. Chair Powell estimated the loss of revenue could result in an increased rate of up to $8.00 per County customer. Chair Powell questioned how Alto Lakes WSD could legally withdraw from this agreement in light of the debt incurred by GSWA.

Attorney Morel discussed the history of the Alto Lakes WSD and the powers of the district as a quasi governmental entity. Attorney Morel stated Alto Lakes WSD was not contractually obligated to the outstanding GSWA debt but noted no discussion had occurred as of this date as to whether the District intended to assume any part of the outstanding debt.

Commissioner Doth expressed his disappointment in the presentation of facts by GSWA and Ms. Ingle. Commissioner Doth stated in the past he had repeatedly requested data from GSWA and objected to the lack of information. Commissioner Doth requested any additional information regarding this issue be provided to the Board of Commissioners well in advance of any meeting. Chair Powell requested a copy of the actual budget statements and other

financials presented monthly to the GSWA Board.

Sam Hammons, Mayor of Capitan stated it had been a common belief among the members of GSWA the Solid Waste Ordinance adopted to create GSWA provided for all participating entities to be responsible for their portion of any debt.

Ms. Ingle noted there was an additional issue relating to the Capitan Landfill which had been closed but still carried a debt.

Commissioner Sedillo requested all correspondence and records from GSWA related to the issue be forwarded to the County Attorney for his review.

Attorney Morel expressed belief the County was not obligated on the debt over and above what had been pledged by the County which was the Environmental Gross Receipts Tax.

Joe Lewandowski, Operational Consultant for GSWA informed the County had also entered into an Memorandum of Understanding with GSWA which he felt had been violated when the County consented to the creation of the Alto Lakes WSD without addressing the issue of waste disposal. Mr. Lewandowski stated the current concern was not the withdrawal of the Alto Lakes WSD from the Authority which GSWA was not contesting, but merely how the GSWA should deal with the remaining annual $38,500 debt service.

Mr. Lewandowski reminded the Ordinance which created GSWA required each and every entity be responsible for their portion of the debt. Mr. Lewandowski further stated the existing Memorandum of Understanding provided GSWA the right to request a rate increase in the event of unusual circumstances.

Attorney Morel opinioned the County had met its obligation to GSWA by the commitment of the Environmental Gross Receipts tax. Attorney Morel stated the County had no power to stop the creation of the Alto Lakes Water and Sanitation District and had no obligation to act on behalf of GSWA in negotiations.

Chair Powell questioned if GSWA anticipated the increased cost for debt service would be assumed only by the County or if the other municipalities would share in that debt assumption.

Mr. Lewandowski stated the loss of revenue had occurred within the unincorporated area of the County and therefore it was his opinion the municipalities would not be responsible for the increased cost of the debt service.

Commissioner Minter discussed a revision of the Solid Waste Ordinance in 2008 which provided an exemption for the Alto Lakes WSD from mandatory rate imposition.

Ray Dean, representative of the Town of Carrizozo to the GSWA for approximately 8 years commented on GSWA being viewed as one of the best solid waste operations in the State of New Mexico. Mr. Dean expressed belief the issue should not be an emotional one but analyzed as a business relationship and business issue.

Nita Taylor, County Manager suggested the Board of County Commissioners might wish to be better informed about GSWA operations, expenses, and other facets rather than merely the debt service obligation. Ms. Taylor requested permission to work with Ms. Ingle to assemble more information.

Commissioner Sedillo acknowledged GSWA had made reductions to operational costs related to the Alto Lakes WSD and suggested GSWA reexamine the remaining budget.

Ms. Ingle stated a reduction in other areas of the budget could be considered and informed she was merely presenting options which were being considered for informational purposes.

Chair Powell requested "worst case scenario" options for 5, 10, and 20 years in the future be provided. Ms. Ingle expressed her willingness to work with the County Manager to review options.

Motion: Direct the County Manager to gather detailed information from GSWA and work with Ms. Ingle to explore all options. **Action:** Approve. **Moved by** Commissioner Doth, **Seconded by** Commissioner Minter.

Mr. Morel questioned if this item should be considered as threatened or pending litigation to be considered in Executive Session. There was a general consensus the County was not considering litigation at this time.

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

Chair Powell recessed the Special Meeting at 10:25:52 AM and reconvened at 10:39:54 AM.

9. Consideration/Approval to extend scheduled work hours of a Part-time Permanent Employee and hire an additional temporary employee

Rhonda Burrows, County Clerk discussed the recent temporary loss of an employee due to illness and the upcoming resignation of the Bureau of Elections Clerk. Ms. Burrows discussed the impact to the office including the difficulty of scheduling vacation time for current employees. Ms. Burrows requested permission to extend the work hours of the current part time permanent employee in the Clerk's office to 36 hours per week, to hire an additional temporary employee, and to allow one employee to carry over unused vacation should this be necessary. Ms. Burrows anticipated the cost of a temporary employee to be $5500. Ms. Burrows informed a request to reclassify the part time permanent employee to a full time employee might be forthcoming in the next budget cycle.

Motion: Approve the request for a temporary employee, the extension of hours to 36 hours per week for the current part time employee; and the carryover of vacation hours for one employee.
Action: Approve. **Moved by** Commissioner Minter, **Seconded by** Commissioner Doth.
Vote: Motion carried by unanimous vote (**summary:** Yes = 4).
Yes: Chair Sedillo, Commissioner Doth, Commissioner Minter, Commissioner Powell.
Absent: Commissioner Battin.

10. Next Regular Meeting

Tuesday, November 20, 2012

11. Adjournment

There being no further business to come before the Board of County Commissioners, Chair Powell adjourned the meeting at 10:49:39 AM.

Respectfully submitted by,

Rhonda B. Burrows
Lincoln County Clerk

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COUNTY OF LINCOLN

New Mexico

Regular Meeting

Board of County Commissioners

Jackie Powell, Chair
Mark Doth, Vice Chair

Kathryn Minter, Member
Eileen M. Sedillo, Member
Tom Battin, Member

Minutes
Tuesday, November 20, 2012

Minutes of the Regular Meeting of the Lincoln County Commission held at 8:30 AM on November 20, 2012 in the County Commission Chambers, Lincoln County Courthouse, in Carrizozo, New Mexico.

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1. Call to Order

Chair Powell called the Regular Meeting of the Board of County Commissioners to order at 08:35:02 AM.

2. Roll Call

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

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

3. Invocation

The invocation was presented by Pastor Jean Riley.

4. Pledge of Allegiance

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

5. Approval of Agenda

Motion: Acceptance of the Agenda and authorized the Chair to move items as necessary.
Action: Approve. **Moved by** Commissioner Doth, **Seconded by** Commissioner Minter.
Vote: Motion carried by unanimous vote (**summary:** Yes = 3).
Yes: Chair Powell, Commissioner Doth, Commissioner Minter.
Absent: Commissioner Battin, Commissioner Sedillo.

6. Approval of Minutes

October 9, 2012 - Special Commission Meeting
October 16, 2012 - Regular Commission Meeting

Motion: Approve the minutes of the October 9, 2012 Special Commission Meeting and the October 16, 2012 Regular Commission Meeting. **Action:** Approve. **Moved by** Commissioner Minter, **Seconded by** Commissioner Doth.
Vote: Motion carried by unanimous vote (**summary:** Yes = 3).
Yes: Chair Powell, Commissioner Doth, Commissioner Minter.
Absent: Commissioner Battin, Commissioner Sedillo.

7. Approval of Consent Agenda

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

Motion: Approval of Consent items as presented. **Action:** Approve. **Moved by** Commissioner Minter, **Seconded by** Commissioner Powell.
Vote: Motion carried by unanimous vote (**summary:** Yes = 3).
Yes: Chair Powell, Commissioner Doth, Commissioner Minter.
Absent: Commissioner Battin, Commissioner Sedillo.

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

9. Wilson & Company Presentation - Lincoln County Fairgrounds

Ms. Taylor informed Wilson & Company had conducted an analysis of the Magado Creek Crossing at the Lincoln County Fairgrounds. Dan Aguirre with Wilson and Company presented a hydrologic report and an analysis of structures which could serve as an all weather road crossing and a pedestrian crossing.

Mr. Aguirre provided a map which detailed the watershed for the Magado Creek area. Mr. Aguirre stated water flows for a 2, 10, 25, 50 and 100 flood event were considered in the analysis. Mr. Aguirre discussed the potential use of round culverts which would not suffice for a 10 year flood event; the potential use of box culverts which would meet a 25 year flood event standard; and the installation of a 70 foot span bridge as the only way to meet the 100 year event standard.

Mr. Aguirre reminded Lincoln County's subdivision Ordinance required crossings meet a 100 year flood event standard. Mr. Aguirre stated in order to lower the costs the Commission would need to consider a variance to this requirement to build something other than a span bridge..

Mr. Aguirre stated the Master Plan for the Fairgrounds had anticipated a cost of $80,000 for the crossing. Mr. Aguirre stated current cost estimates for the presented options all exceeded the original estimate with the cost of culverts being $318,000; box culverts $429,000; and a 30 foot wide bridge being $1.37 million. Mr. Aguirre stated though the price difference between types of culverts was substantial, the box culverts would better fulfill the recognized standard though they would not meet the 100 year standard. Mr. Aguirre stated the cost for a prefabricated

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metal truss bridge for pedestrian traffic which could also accommodate livestock and an ambulance would be approximately $230,000. Commissioner Minter questioned if the prefabricated bridge for pedestrian traffic would meet the 100 year flood requirement. Mr. Aguirre confirmed it would but reminded a pedestrian bridge would not accommodate heavy auto traffic.

Commissioner Doth questioned if precast concrete boxes might be purchased for a lower cost than the on-site poured concrete boxes. Commissioner Doth requested an additional analysis for cost saving considerations. Mr. Aguirre stated should the decision be to go with the culverts, cost comparisons could be made but the upfront cost estimates had been conservative enough to account for technical changes.

Chair Powell suggested should the project go forward the intent should be to install a bridge anticipating any flooding event. Chair Powell stated though the cost for a bridge was higher than other options the County could "save up" while also exploring grants and other funding opportunities.

Ms. Taylor, County Manager reminded the County had considered relocating the Road Department yard and questioned if all options would suffice for that purpose. Mr. Aguirre stated while both the culverts and the bridge would accommodate the equipment load requirement, only the bridge would assure the Road Department access in the event of flooding.

10. USGS Project Office Update – Mike Darr

Ms. Taylor informed Lincoln County had partnered with the US Geological Survey office for a number of years on a project titled the Hydrologic Characterization of the Upper Rio Hondo Basin. Ms. Taylor stated in addition, the USGS had added surface-water quality sampling to the study in order to determine effects of the Little Bear Fire on the watershed area.

Doug McAda, Supervisor Hydrologist for the USGS discussed the beginning of the partnership with the County in 2003 on a study to gather all available information on the basin and to gather water level measurements on wells previously measured in the 1960's. Mr. McAda noted the report created was available on line and stated it had become the basis for collection of further information on surface and groundwater in the basin. Mr. McAda discussed the modifications to the original study plan made over the years to address the needs of the County.

Mike Darr, Hydrologist provided graphs and data to be included in the final report. Mr. Darr reminded the goal had been to characterize precipitation or source of water, surface water conditions, and ground water conditions. Mr. Darr stated the data had been gathered to create an integrated water budget and conceptual model to show the hydrological system in more detail. Mr. Darr presented precipitation data illustration which defined rainfall distribution over space and over time. Mr. Darr discussed the finding of consistent 50 year cycles of increasing and declining precipitation. Mr. Darr also pointed out year by year variability as illustrated by the data. Mr. Darr stated the stream flow study revealed that an average of 38,000 acre feet per year leaves the basin. Mr. Darr stated the ground water data had revealed a significant rise in well levels after the influx of precipitation in 2008 from Hurricane Dolly and then decline in the drought period.

Mr. Darr stated the data served to help illustrate how the system works and responds to drought and flood cycles. Mr. Darr discussed the three main areas within the system: the Mountain Block area which was the recharge source for the system; the Central Basin where water was

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received and where the majority of the water was used; and the Hondo Slope which was the down-gradient part of the system. Mr. Darr stated each area had its own water sub-budget but the actions in one area would affect the others. Mr. Darr stated though out flow was estimated to be 37,000 to 40,000 acre feet per year there were substantial changes from year to year. Mr. Darr stated the final report was currently in the peer review status and would be forthcoming in the next year.

Lauren Sherson, Hydrologist informed she would manage the project going forward and discussed the budget and plan for 2013. Ms. Sherson informed there were plans to install four additional continuous well monitoring devices and to collect additional data about water quality particularly in light of the effects of the Little Bear Fire. Ms. Sherson discussed additional data collection plans and noted there were opportunities for the USGS and the County to continue to collaborate in the upcoming years.

Chair Powell stated despite a fairly large snow fall during the last winter there had been no actual water flow from melt off and requested the particulars of that event be analyzed. Chair Powell discussed various ongoing issues with the monitoring gauges. Chair Powell reminded of the danger of using "averages" when making decisions for development.

Commissioner Minter questioned if Mr. Darr had noted any significant changes in the basin after the White Fire. Mr. Darr stated data had been collected but the White Fire post fire data was not included in the report now completed and under review. Mr. Darr stated Ms. Sherson would be collecting data in the upcoming years which might provide an answer to the question of change in water run-off after a fire.

Commissioner Minter questioned if the upcoming final study could suffice as a 40 year water plan. Mr. McAda confirmed the pending study would be a basis for such a plan. Mr. McAda stated additional details could be accumulated in particular areas which would yield very constructive data for future planning.

In response to Chair Powell's question about post snow melt runoff, Mr. McAda commented on the effect of recent warming temperatures which caused snow to melt earlier and soak into the unfrozen ground rather than running off.

Commissioner Doth commented on the Water Alert System established after the Little Bear Fire and the misinformation or lack of information which posted from the monitoring stations. Commissioner Doth questioned who maintained the sites and their overall effectiveness. Mr. McAda stated he would contact the individual responsible for maintenance of the sites and stated as this was a "real time system" there were inherent problems. Mr. McAda discussed the problems with the USGS gauge at the Hollywood location and the need to "correct" data from that particular site. Chair Powell commented that these data corrections were after the fact and thus ineffective to consider stream flow diversions.

Chair Powell reminded "agricultural water" in general which referred to the Acequias within Lincoln County would be returned as recharge in the amount of 85% - 95% to the water system. Mr. Darr stated while the report referred to this agricultural loss it was also recognized as a return to the system.

Chair Powell recessed the Regular Meeting and convened the Public Hearing at 10:00:05 AM.

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

Ms. Taylor reported two prior public hearings had been conducted on October 15, 2012 at the Carrizozo and Capitan Senior Centers. Ms. Taylor informed Hubert Quintana of the Southeastern New Mexico Economic Develop District (SNMEDD) was in attendance to conduct a final Public Hearing to accept project proposals and to discuss potential Community Development Block Grant (CDBG) funding.

Mr. Quintana discussed the State and National objectives of the CDBG program which required assistance given for one of three categories: of benefit to principally low or moderate income residents; elimination of slum and blight in communities; or assisting with an emergency need for health, safety and welfare of residents due to a recent incident. Mr. Quintana stated all CDBG applications must be made through local government and reminded any entity requesting CDBG funding was required to have a comprehensive plan in place. Mr. Quintana discussed the Public Hearing process and the advantage of having multiple public hearings to determine project submissions. Mr. Quintana stated a County exceeding 15,000 in population was required to provide a 10% cash match for any funding awarded.

Mr. Quintana reported a project proposals for a new Senior Center facility in Carrizozo and an upgrade to the Capitan Senior Center were received during the prior public hearings.

Ada Hendryx, Program Director for Lincoln County's Zia Centers reported Capitan had received a Colonias grant which would cover the expansion of the Capitan Senior Center discussed at a prior public meeting. Ms. Hendryx reported findings from the prior public meetings indicated the majority of community support was for a new Senior Center in Carrizozo.

Commissioner Minter questioned a request from a prior hearing for a teen center to be constructed in conjunction with a new Senior Center in Carrizozo. Ms. Hendryx stated a request was received for the County to purchase additional property next to the proposed Senior Center and to develop the complete block for intra-generational use. There was a general consensus the idea should be considered for planning purposes. Alan Morel, County Attorney reminded any funding received from the Department of Long Term Aging and Services must be utilized for senior services.

Chair Powell adjourned the Public Hearing at 10:18:42 AM and reconvened the Regular Meeting at 10:33:09 AM.

12. CDBG Project Selection and Resolution 2012-16

Chair Powell stated the selection of a CDBG project was based on proposals submitted at prior public hearings and as discussed during the public hearing today. There was a general consensus the request for a new Carrizozo Senior Center was the most appropriate project to submit for consideration.

Motion: Approve submission of the Carrizozo Senior Center as a CDBG project. **Action:** Approve. **Moved by** Commissioner Doth, **Seconded by** Commissioner Minter.
Vote: Motion carried by unanimous vote (**summary:** Yes = 3).
Yes: Chair Powell, Commissioner Doth, Commissioner Minter.
Absent: Commissioner Battin, Commissioner Sedillo.

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SEE EXHIBIT B: Copy of Resolution 2012-16 are attached hereto in reference thereto made a part hereof.

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

Ms. Taylor informed during the last Regular Meeting the Board of Commissioners had requested additional documentation and financial information be obtained from GSWA. Ms. Taylor presented copies of letters from Alto Lakes Water & Sanitation District to GSWA including a letter received today. Ms. Taylor provided some financial information which had been requested and informed she would analyze and present additional financial information at the Regular Commissioner in December meeting.

Chair Powell discussed the recent letter issued by the GSWA but noted additional information would be forthcoming and suggested the Board of Commissioners might not be ready to discuss the matter at this time.

Commissioner Minter requested permission to share Attorney Morel's legal opinion regarding the matter with the Alto Lakes Water and Sanitation District. Commissioner Minter stated GSWA would receive a legal opinion from the GSWA attorney which she would request be conveyed to the Board of Commissioners. Attorney Morel stated the initial communication under attorney client privilege allowed the Commissioner's an opportunity to review the findings but stated with permission the document could be made public. There was a general consensus to share Attorney Morel's opinion with the Alto Lakes W&SD.

Commissioner Doth requested an outline and timeframe for future action by the County. Ms. Taylor stated intent to analyze the two options presented by GSWA covering the outstanding debt service. Ms. Taylor stated requests had been made to GSWA for revenue and expense information by area to address the assertion that no one area subsidized another. Ms. Taylor stated the operational budget was also requested to assist in making an informed decision regarding a potential rate increase. Ms. Taylor stated a meeting with GSWA was planned for December 4, 2012 with the intent to present additional information at the Regular Commission Meeting in December.

Commissioner Doth questioned when Greentree Solid Waste planned issuing a response to Alto Lakes Water and Sanitation District's numerous letters. Commissioner Minter, as member of GSWA's board, anticipated a letter of response from GSWA to Alto Lakes Water and Sanitation District in the near future. Chair Powell requested any information gathered be forwarded to the Board of Commissioners at least a week prior to the usual agenda documentation giving additional time for review.

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

Michelle Caskey, Inventory Specialist requested permission to auction several vehicles and other items via online auction and presented Resolution 2012-20 for approval. Ms. Caskey also presented a list of additional items to be added to the Resolution. Chair Powell reminded any vehicles being sold were required to have all County logos or decals permanently removed. Ms. Caskey stated in the past the Sheriff's office decals had been painted over but they were now being removed by a contractor. Ms. Caskey informed that prior to disposal of computer

equipment, the State of NM required all hard drives be removed and this was done for the County by Cofex Computing.

Chair Powell suggested disposal of electronic equipment be made through the GSWA occasional E recycling event. Ms. Caskey reported the County had disposed of miscellaneous monitors and other electronic equipment of no value during the last event and would continue to do so in the future.

Ms. Caskey explained property damaged in a recent ambulance accident would be disposed of with permission as unusable. Ms. Caskey reported the damaged vehicle itself had been sold for salvage through the insurance adjustment process. Attorney Morel stated an issue had arisen related to the ambulance accident and current insurance coverage on ambulance and medical vehicles owned by the County but operated by Presbyterian. Mr. Morel discussed the high replacement cost of the ambulance and equipment versus the minimal reimbursement received from the insurance company. Mr. Morel stated the County should consider if current coverage as provided by Presbyterian was adequate and suggested full replacement coverage might be more appropriate.

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There was a general consensus to direct the County Attorney and County Manager to review insurance coverage on the leased ambulances.

Commissioner Minter requested the Commissioner's receive notification in the future should there be an accident involving a County vehicle.

Motion: Adopt Resolution 2012-20 with the additions as presented. **Action:** Approve. **Moved by** Commissioner Doth, **Seconded by** Chair Powell.
Vote: Motion carried by unanimous vote (**summary:** Yes = 3).
Yes: Chair Powell, Commissioner Doth, Commissioner Minter.
Absent: Commissioner Battin, Commissioner Sedillo.

Ms. Caskey informed the local narcotics investigation unit had been dissolved and as a result HIDTA equipment which had appeared on the County inventory had been removed by HIDTA. Ms. Caskey stated she had not sought permission to transfer the inventory as it had not been bought nor paid for by the County. Ms. Caskey informed the request today for approval of transfer from inventory to HIDTA was based on a request from the auditor to properly convey the property.

Attorney Morel reported HIDTA was a multi agency task force for which Lincoln County had served as a fiscal agent and therefore equipment purchased had been placed on the County inventory. Commissioner Doth noted the Resolution reflected the property would be disposed of. Ms. Taylor stated the wording was incorrect and the Resolution would be corrected to reflect this as a transfer of inventory from one agency to another.

Motion: Approve Resolution 2012-21 with the correction. **Action:** Approve. **Moved by** Commissioner Doth, **Seconded by** Commissioner Minter.
Vote: Motion carried by unanimous vote (**summary:** Yes = 3).
Yes: Chair Powell, Commissioner Doth, Commissioner Minter.
Absent: Commissioner Battin, Commissioner Sedillo.

SEE EXHIBIT C: Copy of Resolutions 2012-20 and 2012-21are attached hereto in reference thereto made a part hereof.

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

Ms. Taylor reported during the last Regular Meeting she had been directed to craft a letter of objection to the newly initiated State policy. Ms. Taylor stated no letter had been sent pending ongoing meetings and negotiations between the County Treasurer's and the NM Department of Tax and Revenue.

Glenna Robbins, Treasurer provided a copy of a recent update received from the Treasurer's Affiliate and reported a follow up meeting was scheduled on December 18, 2012. Ms. Robbins commented on the need to change the State Statute under which NM Tax and Revenue retained authority for the collection of partial payments. Ms. Robbins informed in past years the State, by Statute, had granted County Treasurer's permission to continue this practice but was now requiring, as also provided by Statute, that any partial payments be made to the State. Ms. Robbins stated the impact of the decision on her office was minimal as there were only 213 properties at this time. Ms. Robbins stated property tax bills for those properties included a letter informing the owner of the option to make partial payment to the State or to make full payment with penalty and interest to the County Treasurer. Ms. Robbins stated Lincoln County was and would continue to adhere to all requirements of the Statute including the payment of any collected penalties and interest to the State for those properties identified by NM Property Tax Division for delinquent sale.

Commissioner Doth expressed concern about the timing of the legislative process and noted it would be advantageous to have a letter from the Board of Commissioners sent to the Governor and all elected State Senators and Representatives to urge resolution of the matter. Ms. Robbins agreed a letter and reaction from the Board of County Commissioners could be beneficial particularly regarding the ability of property owners to make partial payments. Ms. Robbins also expressed concern about the State retaining monies which were due to County entities.

Ms. Taylor clarified a letter would be sent stating Lincoln County would strongly support legislation which would resolve the problems and issues as outlined by the Treasurer's Affiliate.

Ms. Robbins stated she would keep the Board of Commissioners updated.

16. Road Review Requests:

Robert Barber, Chair of the Road Review Committee presented the Committee findings and stated the Committee recommended approval of all three applications.

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

Mr. Barber reported the request for vacation of a 60 x 80 foot section of Pinon Street in White Oaks had been made by owners of a business with plans to build a parking area. Mr. Barber noted the community of White Oaks was platted but the streets were not actually built. Mr. Barber stated adjacent property owners had been notified and no objections were received. Mr. Barber noted the Carrizozo Schools owned an adjacent lot and the Superintendent had been contacted. Mr. Barber reported the Superintendent had no objections but had not had opportunity to present the matter to the School Board. Mr. Barber stated upon close inspection

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of the sight and as none of the streets were established the vacation would not restrict access to other lots nor would utilities be affected. Mr. Barber recommended approval of the application.

Attorney Morel expressed concern about the application being made by an agent representing an individual purchasing the land on a real estate contract. Attorney Morel questioned if all property owners had received proper notice and recommended verification of this fact. Attorney Morel suggested the request be treated as being from the current owner and questioned if the County had received approval from that individual.

Curt Temple, Planning Director stated he did not know if the current owner had confirmed the application was acceptable. Mr. Temple noted a re-plat of the area would be required as a result of the transfer and consolidation of property but a survey had not been completed. Attorney Morel stated if the re-plat were to consolidate the vacated land into an existing lot, all fees were paid, and proper notice given to all adjacent owners he would have no objection.

Motion: Approve vacation contingent upon application being made by the actual property owner; the vacated property to be consolidated into an existing tract owned by the applicant; proper notification to adjacent land owner Stewart with no objection received; all fees properly paid and a re-plat filed. **Action:** Approve. **Moved by** Chair Powell, **Seconded by** Commissioner Doth.

Karyl Williams, resident of Capitan questioned if the County would be giving away County owned property as a result of the vacation. Attorney Morel reminded the County had adopted an Ordinance which required any individual obtaining land as a result of an approved vacation of that property to pay market value for the square footage as determined by the Assessor's office.

Vote: Motion carried by unanimous vote (**summary:** Yes = 3).
Yes: Chair Powell, Commissioner Doth, Commissioner Minter.
Absent: Commissioner Battin, Commissioner Sedillo.

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

Mr. Barber reported the application should be considered in two parts with the first being the request for vacation of a portion of Dry Gulch Lane and the second issue being a boundary correction due to problems with the Nogal Town site plan.

Mr. Barber stated the vacation of a portion of Dry Gulch Lane would not affect any utilities; would not restrict access to the road; and noted the road was not maintained by the County. Mr. Barber stated adjacent property owners had been notified and no objection had been received. Mr. Barber recommended approval of the application.

Mr. Morel stated the Nogal Water Association had recently encountered problems in establishing their water system and recommended the Water Association be required to sign off on any re-plat to be filed. Mr. Temple informed the surveyor involved planned to add a signature line for the Nogal Water Association. Applicant Caroline McCoy stated one of reasons for the request was to clarify boundaries for the Nogal Water Association.

Dennis Rich of D.T. Collins confirmed a signature line would be added to the re-plat. Mr. Rich also recommended the application be considered in two parts but confirmed the actions would both be documented on one re-plat.

There was a lengthy discussion regarding the request to adjust the South Right of Way of Slane Avenue which would reduce the right of way to 58 feet to account for the smaller dimensions of the actual town site versus the original plat. Mr. Temple reported the street was not maintained by the County but approval was being sought to assist the Nogal Water Association with establishing a set survey line. Mr. Temple stated this allowed the Association to proceed with installation of water lines. Mr. Temple acknowledged there could be some adverse position issues related to this request.

Motion: Approve the vacation of .103 acre on Dry Gulch Lane contingent upon signature by the Nogal Water Association. **Action:** Approve. **Moved by** Commissioner Doth, **Seconded by** Chair Powell.
Vote: Motion carried by unanimous vote (**summary:** Yes = 3).
Yes: Chair Powell, Commissioner Doth, Commissioner Minter.
Absent: Commissioner Battin, Commissioner Sedillo.

Mr. Barber restated the second request was initiated after the site inspection. Mr. Barber stated the boundary adjustment would not require a vacation of any land but would establish a set boundary for the right of way. Mr. Temple clarified the result would be a right of way which varied in width at different points.

Motion: Agree to the boundary correction for the right of way as described on the re-plat with no conveyance of any real property. **Action:** Approve. **Moved by** Chair Powell, **Seconded by** Commissioner Minter.
Vote: Motion carried by unanimous vote (**summary:** Yes = 3).
Yes: Chair Powell, Commissioner Doth, Commissioner Minter.
Absent: Commissioner Battin, Commissioner Sedillo.

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

Mr. Barber reported the application was made to accommodate a private well which had been inadvertently located on a road right of way. Mr. Barber stated the request was for vacation of 32 square feet; there was no objection from adjacent land owners; and there was no impact to County road maintenance.

Mr. Morel noted this application was also submitted by an individual purchasing property on a real estate contract. Mr. Temple reported the finding of the well location being in the right of way was a result of a loan application. Mr. Temple stated a plat would be created to incorporate any approved vacation of land into the existing property as a part of the property purchase process.

Motion: Approve the application to vacate 32.256 sq ft of Gray Road contingent upon the vacated property to be consolidated into an existing tract owned by the applicant and the filing of a re-plat. **Action:** Approve. **Moved by** Chair Powell, **Seconded by** Commissioner Minter.
Vote: Motion carried by unanimous vote (**summary:** Yes = 3).
Yes: Chair Powell, Commissioner Doth, Commissioner Minter.

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Absent: Commissioner Battin, Commissioner Sedillo.

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

Scott Annala, IHC Administrator presented the Sole Community Provider claims for approval. Mr. Annala processed 83 claims with 79 recommended for approval and 4 recommended for disapproval for a total authorization of $115,024.37. Mr. Annala stated the Sole Community Provider total claims for the FY 2012-2013 including this month's claims would be $553,582 with a monthly average of $110,716.

Mr. Annala reported receipt of a refund on an Indigent Claim in the amount of $133.

Mr. Annala presented the Indigent Health Care Payments request for the month. Mr. Annala processed 59 claims with 55 recommended for approval and 4 recommended for disapproval. Mr. Annala stated the total of claims recommended for payment this month was $28,179. Mr. Annala stated the total year to date Indigent Claims including this month's claims would be $106,636 for a monthly average of $21,327 by comparison. Mr. Annala anticipated expenditure of $255,926 of the budgeted amount of $386,461.

Motion: Approval and denial of the claims as indicated for Sole Community Provider and Indigent Health Care Program payments as recommended.
Action: Approve. **Moved by** Commissioner Minter, **Seconded by** Commissioner Doth.

Commissioner Minter noted the Board of Commissioners had not yet received the financial statement normally provided annually by Presbyterian and requested this be obtained.

Vote: Motion carried by unanimous vote (**summary:** Yes = 3).
Yes: Chair Powell, Commissioner Doth, Commissioner Minter.
Absent: Commissioner Battin, Commissioner Sedillo.

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

18. Manager's Report

1. Staff Stuff:

Training: The Manager attended mandatory CDBG training to enable the County to apply for CDBG Grant; Michele Caskey attended a follow-up Asset Management training recommended by DFA/CDBG Grant Administration; also Punkin Schlarb and Rachel Monreal attended the 2012 Local Government Division Budget Conference. Travis Atwell and Joe Kenmore responded to a request from Sierra County for fire standby during a rocket launch. The Manager reported both Sierra County and the Spaceport appreciated the support and the training had also proved valuable for the Lincoln County personnel.

Personnel Actions: The Sheriff's Office interviewed a number of candidates for the dispatch position. NMSU had made a job offer for the Extension position based on the Selection Committee's recommendation with an announcement to be made pending the formal employment process and an anticipated start date for the position of January 2, 2012.

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Website Update: The Manager reported the new website was now online. Michele Caskey and Punkin Schlarb completed the detailed coordination processes to ensure all systems talk to each other to facilitate services and ease of navigation.

Commissioner Minter requested all County job openings be posted to the website. Ms. Caskey reported job posting had been incorporated into the new web design. There was a general consensus departments would request postings through Billie Jo Guevara, Human Resource officer.

2. **FEMA Activities**

The Manager, along with Road, Planning and OES Departments reviewed 17 additional Projects Worksheets (PW) developed to date for future work to be done; tasks identified centered around debris removal; replacement of asphalt/base course material; repair of low water crossings; cleaning out of cattle guards; ditch cleaning and culvert replacements. The Project Worksheets totaled an estimated cost of $301,500 with four or five additional Project Worksheets to be completed. The Manager reported on a meeting with FEMA representatives to sign and submit final PWs. These projects were in addition to work done during the recovery and flood mitigation stages currently under preliminary FEMA review. The Manager stated due to the match already provided by the County, the City of Alamogordo and the many volunteers the expectation was the County would receive full reimbursement for all expenses.

3. **Contracting a Temporary Project Manager/Consultant:**

The Manager reminded the Commission had previously approved a request to hire a Temporary Project Manager through the end of the fiscal year under a professional services contract. The Manager stated duties would include assistance with FEMA-related activities and would be eligible for FEMA / NMDHS&EM reimbursement, resulting in a County obligation of 12.5% for the services. The Manager requested utilization of the contract Project Manager to assist with other pending County projects such as the potential construction of the new Professional Office Building, and expansion of the County/Courthouse Complex. The Manager stated the financial burden for work on such projects would be entirely that of the County.

There was a general consensus a temporary project manager by contract would work on FEMA related projects but also on other County needs for Project Management/Engineer Skills with understanding the County would receive reimbursement only for the FEMA related activities.

4. **Property / Building Update:**

a) The Manager reported Courthouse expansion design efforts were ongoing with District Court and County personnel meeting to discuss addition security needs and to fine-tune space requirements. Basic IDIQ would be onsite in the upcoming week to review the project.

b) The Town of Carrizozo had approved the vacation of Brick Avenue for the Courthouse expansion during the November 13, 2012 council meeting.

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c) Purchasing and Planning coordinated with Basic IDIQ to identify the cause of the building deterioration of the Public Health Office adjacent to the County Annex in Ruidoso. The Manager provided a summary of the findings for review. The Manager stated a Scope of Work had been submitted by the Basic IDIQ Project Manager and provided copy of that document. The Manager stated she would continue to investigate whether the original builder might be held accountable for the seemingly inadequate work done on this building.

Commissioner Minter questioned if an estimate of repair costs for the Public Health Office had been received. The Manager stated she had received an initial estimate of $27,000 for repairs.

There was a general discussion about the ability to hold the contractor accountable for building defects. The County Manager and County Attorney stated they would continue to research legal options.

5. Cooperating Agency Invitation for the Enterprise Mid-America Pipeline Project

The Manager reported the Bureau of Land Management Farmington Field Office had initiated an Environmental Assessment for a right-of-way application under the Mineral leasing Act (MLA) from Enterprise Mid-America Pipeline (MAPL) to construct a natural gas liquids pipeline project located on public, state and private lands. Lincoln County was invited to participate as a cooperating agency in this process, as potential alternatives for the transmission line may be located on or adjacent to lands in our jurisdiction. The Manager stated Lincoln County staff could also participate in a less formal process and recommend the County participate in an informal manner rather than as a cooperating agency.

There was a general consensus to accept the Manager's recommendation for the County to participate in the project in an informal manner.

6. Little Bear Forest Reform Coalition Meeting

The Manager reported on the Little Bear Forest Reform Coalition meeting held on November 19, 2012 for a presentation by Ted Stallings of Aero Tech, Helicopter and Fixed Wing Aviation Services. The Reform Coalition supports efforts for area wide thinning of overgrown forest and also proposed having a Single Engine Air Tanker (S.E.A.T) stationed at the Ruidoso Airport during the high danger months. The stand-by cost to fund the S.E.A.T would be $2800 per day. The Manager noted if the S.E.A.T. were to be dispatched to various locations for fire-fighting activities expenses would be paid by the ordering Agency. The Manager stated prior to any decision critical input would be needed from the USFS, State Forestry, and other participating agencies identifing potential funding sources.

7. Upcoming Events

November 27:	Managers Meeting prior to Commission Boot Camp
November 28 – 3:	Commissioners Boot Camp
December 3:	Meet with Legislators re: Bonito Lake (11 a.m.)
December 4:	"An Evening with Your Legislators (5 – 7 p.m.)

Chair Powell recessed the Regular Meeting at 12:15:30 PM and reconvened at 1:07:18 PM.

21. 1:00 P.M.: PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY OFFICIALS

Andrea Reed, resident of Ruidoso requested the postponement of approval of an RFP for building of a new Professional Office Building at Lincoln County Medical Center. Ms. Reed recommended this be considered at a later date due to ongoing economic concerns; population changes; affordability and necessity of care to be provided; and to consider the impact of the Affordable Health Care Act. Ms. Reed advocated for individuals to accept responsibility and to practice preventative health care.

Glenna Robbins, County Treasurer provided copies of the 2012 Property Tax Chart detailing the distribution of taxes by district.

Punkin Schlarb, Finance Director informed registration was open for the NMAC Winter Conference and directed anyone needing assistance with registration or reservation to contact Billie-Jo Guevara.

Angie Fernandez, resident of Ruidoso advocated for healthy eating, exercise and smoking cessation. Ms. Fernandez suggested money spent on expansion of the hospital might be better utilized to encourage preventative measures.

Phillip Collins, resident of Ruidoso stated he served as team leader of the group "Apple Corp" which consisted of 50 volunteers who assist with friendship gardens in the area. Mr. Collins recommended preparing now for next year's growing season and encouraged additional participation in group gardening.

8. Smokey Bear District Ranger Update

Ms. Taylor provided copy of the Smokey Bear Ranger District briefing paper for Lincoln County.

Ms. Taylor noted Ranger Dave Warnack had provided updates on Hazards Fuels treatments; planning projects; El Capitan Mine; and the Ski Apache repairs ongoing in the Smokey Bear Ranger District.

Commissioner Doth informed Ski Apache had posted an opening date of December 7, 2012. Commissioner Minter noted Ranger Warnack was working to identify a site for the location of debris which might be dredged from Bonito Lake.

Chair Powell stated her desire to have a US Forest Service presence at upcoming Regional Water Planning meetings to be conducted by the Office of the State Engineer.

Chair Powell questioned if the Board of Commissioners should write a letter of support during the comment period for the Salvage Timber Sale projects. Commissioner Doth informed Ranger Warnack had stated any letter of support would need to site specifics and sources rather than just general recommendations.

Chair Powell recessed the Regular Meeting and convened the Public Hearing at 1:30:00 PM.

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

Commissioner Battin joined the meeting telephonically 1:32:47 PM.

Alan Morel, County Attorney presented a draft Ordinance to impose a temporary moratorium on subdivision development within Lincoln County. Attorney Morel stated a moratorium adopted by County ordinance would not and could not limit the use of the 13 NM State approved exemptions but would apply only to the consideration of any new subdivisions.

Chair Powell discussed the impact of the Little Bear Fire, current water problems faced by the Village of Ruidoso, declining water levels in reservoirs; the potential for post fire flood damage, and the ongoing drought. Chair Powell voiced support for the moratorium for these reasons.

Commissioner Minter expressed belief the moratorium was being considered to allow time for the Planning Commission to review the current Subdivision Ordinance. Attorney Morel stated the Ordinance could be revised without a moratorium but any newly proposed subdivision development would be considered under current Ordinance requirements in the absence of a moratorium.

Dennis Rich, licensed surveyor in the State of New Mexico and member of the Lincoln County Planning Commission, expressed the need for specific direction from the Board of Commissioners to the Planning Commission as to what revisions might be desired. Mr. Rich noted no new applications for approval of a subdivision had been proposed since the last revision of the Ordinance several years ago. Mr. Rich stated since the beginning of 2011 there had been ten land splits using the Five Year Claim of Exemption; seven splits by Family Exemption; forty one lots had been re-platted to combine lots or move lot lines; one 140 Acre Exemption and two Mortgage Exemptions. Mr. Rich stated his preference to gather input from the Planning Commission and additional public input before imposing a moratorium.

Chair Powell expressed preference to institute a moratorium and to then have the Planning Commission review the Subdivision Ordinance. Chair Powell stated the need for a 100 year plan to assure water for the future.

Angie Fernandez, speaking as "a student of sustainability", spoke in support of a moratorium allowing research for smart growth communities. Ms. Fernandez suggested the County consider researching and contacting communities which had implemented sustainable practices.

Andrea Reed noted the last revision to the Subdivision Ordinance had been in 2008 and recognized the changing conditions since that time. Ms. Reed spoke in favor of a temporary moratorium and a review of the Subdivision Ordinance to address water issues.

Phillip Collins spoke in support of water conservation and in favor of a moratorium.

Attorney Morel informed a letter of opposition to the moratorium had been received from Eric Collins of D.T. Collins & Associates, PC. Attorney Morel stated Mr. Collins objected to the moratorium based on the negative connotation of the term and the stifling effect it would create on development.

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Commissioner Battin expressed concern about the effect of a moratorium on individual property rights and the ability to exercise those rights. Commissioner Battin suggested the matter be reviewed by the Planning Commission to expedite revisions rather than to enact a moratorium.

Chair Powell recessed the Public Hearing and reconvened the Regular Meeting at 1:53:15 PM.

Motion: Adopt Ordinance 2012-14. **Action:** Approve. **Moved by** Commissioner Doth, **Seconded by** Chair Powell.

Chair Powell expressed concern that a new request for subdivision approval might be received before the current ordinance could be revised.

Commissioner Minter commented that should the County adopt a moratorium this would not address new developments within the municipalities.

Chair Powell reminded there were currently about 10,000 vacant lots in the County which were potential private well sites. Commissioner Doth discussed the effect of the State Engineer's ruling on private wells and the potential impact of this "loophole" on the watershed.

Commissioner Minter questioned what level of subdivision required the possession of water rights under the current ordinance. Chair Powell clarified a development with lots of 5 acres or more in size was not required to have a community water system and therefore was not required to own water rights.

Vote: Motion failed (**summary:** Yes = 2, No = 2, Abstain = 0).
Yes: Chair Powell, Commissioner Doth.
No: Commissioner Battin, Commissioner Minter.
Absent: Commissioner Sedillo.

Chair Powell requested the Planning Commission begin a review of the Subdivision Ordinance incorporating water conservation measures, a requirement for ownership of water rights for any new development, a review of sewage issues, and thinning for fire protection.

Mr. Temple reported the Planning Commission meeting was set for December 5, 2012. Commissioner Battin suggested a workshop could be scheduled prior to the Planning Commission meeting to clarify direction from Commissioners. Chair Powell suggested rather than a separate workshop, Commissioners attend the Planning Commission meetings with suggestions for revisions.

Mr. Morel reminded it would take a minimum of four months to adopt a revised Ordinance because of the requirement for review by NM State Agencies.

Mr. Rich of the Planning Commission requested one or more Commissioners attend the Planning Commission meeting to provide input and direction.

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

Ms. Taylor reported as of November 7, 2012 there had been three new water right notices for Lincoln County posted to the State Engineer's web site:

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a. City of Ruidoso Downs H-974, filed September 27, 2012
b. Village of Ruidoso 0275-A POD3, filed September 6, 2012
c. Alto Lakes Water Corporation H-719-1 et al, filed September 10, 2012

Ms. Taylor provided copies of the applications for review and informed posting of applications to the Office of the State Engineer website was for public service purposes only, with newspaper publication being the formal method of notice.

Ms. Taylor reported the final proposal to repeal and replace the Boundary Descriptions for Game Management Units had been posted to the State Game and Fish web site. Ms. Taylor provided copy of the proposal and noted several changes which might impact designated areas within Lincoln County. Ms. Taylor recommended the proposal be referred to LANRAC for review and consideration of impact on the residents of Lincoln County.

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

Motion: Refer the State Game Management Unit proposal to LANRAC for review. **Action:** Approve. **Moved by** Commissioner Minter, **Seconded by** Commissioner Doth.
Vote: Motion carried by unanimous vote (**summary:** Yes = 4).
Yes: Chair Powell, Commissioner Battin, Commissioner Doth, Commissioner Minter.
Absent: Commissioner Sedillo.

20. Approval of Required 2013 Operational Resolutions:

Resolution 2012-17 - Establishing 2013 Regular Commission Meetings
Resolution 2012-18 - Establishing 2013 County Official Holiday Calendar
Resolution 2012-19 - Open Meetings Act
Other 2013 Committee Meetings – LANRAC, Planning Commission, Lincoln Historic Preservation and Lodger's Tax

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Motion: Adopt Resolutions 2012-17, 2012-18, 2012-19 and the 2013 Notice of Committee Meetings. **Action:** Approve. **Moved by** Commissioner Doth, **Seconded by** Commissioner Minter.

Commissioner Doth requested all notices be posted to the County website.

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

SEE EXHIBIT E: Copies of Resolutions 2012-17, 2012-18, 2012-19 and 2013 Notice of Committee Meetings are attached hereto in reference thereto made a part hereof.

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

No action was taken.

24. RFP award:

12-13-003 Physician's Office Building

Ms. Taylor informed six bids were received but one had been considered nonresponsive for late filing. Ms. Taylor stated a selection committee consisting of herself; Ted Kostranchuk from Dekker/Perich/Sabatini; Bobby George of Dekker/Perich/Sabatini; and Al Santos from Lincoln County Medical Center had reviewed and rated the bids.

Bobby George of Dekker/Perich/and Sabatini provided a presentation on the bid review process and recommendations of the Selection Committee. Mr. George reported this was a sealed bid process and therefore bids were not publicly revealed prior to this time. Mr. George discussed the anticipated increase of cost due to market conditions. Mr. George discussed the original budget process as being based on a 15,000 sq foot building. Mr. George presented the budget changes which occurred as a result of an approved increase in size to 20,000 sq foot. Mr. George stated the factors had resulted in a need to approve a budget increase of $579,091. Mr. George stated there would be opportunity to reduce this amount in future actions but requested approval of the additional budget request to allow the RFP process to move forward.

Commissioner Battin clarified the RFP had been issued based on the 20,000 sq foot design plan. Commissioner Battin questioned if approval of the additional funding would affect the ability of the County Commission to react to bids received for the RFP. Mr. George stated the Commission would retain the right to accept or reject any bid and could choose to reissue the RFP if appropriate.

Attorney Morel stated the Commissioners would need to make a decision authorizing the additional budget funding and then review the bids for consideration. Mr. Morel stated if the budget increase was not approved and then the RFP would need to be reissued. Attorney Morel suggested the County Manager inform the Board of Commissioners if funding was available to increase the budget.

Ms. Taylor stated there were several potential funding sources including an increase of the LCMC lease payment from Presbyterian to reflect the increased size of the facility. Ms. Taylor requested Glenna Robbins, County Treasurer provided a review of the LCMC budget.

Ms. Robbins reported anticipated revenue for the LCMC budget which includes Mill Levy revenues, the Presbyterian Lease Payment and the $200,000 donated by the Hospital Auxiliary to be $3,215,958. Ms. Robbins informed the carryover from last year was $6,497,009. Ms. Robbins stated currently budgeted expenditures including the current budgeted amount of $5,434,757 for building the new Professional Office Building were $7,390,325. Ms. Robbins stated total funding less currently budgeted expenditures would leave a remainder at the end of the fiscal year of $2,375,323.

Commissioner Minter expressed concern about expediting the decision and noted the last land acquisition which had previously been identified as a required parcel for the building was now being viewed as optional. Commissioner Minter stated the Commissioners must additionally consider requests for increased funding of the Sole Community Provider program, the cost of ongoing maintenance for existing structures, and other expenditures which might require the use of the remaining mill levy funding.

Al Santos, Administrator stated negotiations were continuing to purchase the outstanding piece of property owned by Robinson and expressed belief these negotiations would be successful.

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Mr. Santos anticipated the Lincoln County Medical Center Foundation would acquire the property and then donate it to the County.

Commissioner Minter suggested in view of the escalating cost estimate other options should be considered such as the purchase of the existing City Bank building. Mr. George discussed the problems with adapting a building designed to be a bank to be a physician's office and expressed belief this would not be a good alternative.

Attorney Morel reminded the plans had required acquiring six different lots for the building site. Attorney Morel stated there were two lots owned by Annala which LCMC acquired then cleared and the County subsequently purchased; there were two lots previously owned by Presbyterian which the County purchased; the County had a contract to purchase the White Mountain Medical building for which $97,000 was budgeted but not expended; and there was a lot owned by Robinson which was no longer needed. Attorney Morel stated at this time all land required to complete the project had been purchased by the County.

Motion: Approve the revised budget for a 20,000 square foot building. **Action:** Approve. **Moved by** Commissioner Battin, **Seconded by** Commissioner Doth.
Vote: Motion passed (**summary:** Yes = 3, No = 1, Abstain = 0).
Yes: Chair Powell, Commissioner Battin, Commissioner Doth.
No: Commissioner Minter.
Absent: Commissioner Sedillo.

Mr. George presented the general details of the bids received in response to the RFP. Mr. George noted the total approved budget for a 20,000 square foot building had been $5,200,000 with the base bid received for a 23,000 square foot building being just above $5,000,000. Mr. George reminded three bid alternatives were included in the RFP including development of a "visiting doctor area"; a high density medical records storage system; and a cistern water catchment system to meet Village of Ruidoso requirements. Mr. George stated acceptance of all of three of the alternatives for a 23,000 square foot building would require an increase of the budget by $10,705.

Commissioner Minter questioned if there was a requirement in the RFP for a ten year guarantee on the foundation. Mr. George stated there was not an implicit or written guarantee but his firm's professional liability and his structural engineer's professional liability insurance would cover the building for twenty years.

Mr. Santos reported Presbyterian would be prepared to assume the cost for the build out of the "visiting doctor area" and for the medical records system to accommodate the additional cost of $10,705 associated with the increase footage from 20,000 to 23,000 square feet.

Attorney Morel recommended accepting the bids with the alternatives which would add an additional $10,705 to the approved increase of $579,000. Attorney Morel stated clearly the cost of two of the alternates could be shifted to Presbyterian but this could be done as part of the contract negotiation process between the County and Presbyterian.

Motion: Accept the bids as presented and approve the additional $10,705 for the budget.
Action: Approve. **Moved by** Commissioner Doth, **Seconded by** Commissioner Battin.
Vote: Motion passed (**summary:** Yes = 3, No = 1, Abstain = 0).
Yes: Chair Powell, Commissioner Battin, Commissioner Doth.
No: Commissioner Minter.

DRAFT

Absent: Commissioner Sedillo.

Chair Powell recessed the Regular Meeting and reconvened at 3:30:32 PM.

Mr. George detailed the five bids received and noted the contractor selected based on qualifications was also the lowest bidder. Mr. George recommended the bid be awarded to the Jaynes Corporation of Albuquerque as the contractor with both the top rated technical bid and the lowest cost bid. Mr. George commented he had worked with the contractor on other projects and considered them to be very professional.

Mr. George discussed the various budget adjustments and noted the actual increase based on the approved bid for a 23,500 square foot building would be $522,000. Mr. George expressed belief the project could be completed well within the budgeted amount.

Commissioner Minter questioned if a timeline was received with the bid. Mr. George stated the bidder anticipated the building would be open for occupancy by December of 2013.

Commissioner Battin was excused from the Meeting at 3:43:16 PM.

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25. Lodger's Tax Activities with back up material:

Application 1229: Reprint of White Oaks Flyer
Amount Requested: $1,000.00
Presenter: Judy Fitz – Carrizozo Chamber of Commerce for White Oaks Community

Judy Fitz representing White Oaks and the Carrizozo Chamber of Commerce presented a request for an additional award of Lodger's Tax for additional printing of the White Oaks Flyer. Ms. Fitz detailed the small changes and noted costs would be lower due to a recent promotion for free shipping.

Motion: Approve Application 1229 for $1,000. **Action:** Approve. **Moved by** Commissioner Doth, **Seconded by** Commissioner Minter.
Vote: Motion carried by unanimous vote (**summary:** Yes = 3).
Yes: Chair Powell, Commissioner Doth, Commissioner Minter.
Absent: Commissioner Battin, Commissioner Sedillo.

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

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

No action was taken.

B. **Tabled** - Planning Commission

No action was taken.

C. **Tabled** - Lodger's Tax Committee

No action was taken.

D. Southeastern New Mexico Economic Development District (SNMEDD)

Hubert Quintana, of SNMEDD informed the next meeting would be held January 11, 2012 and requested a sitting Lincoln County Commissioner or even an outgoing Commissioner attend in order to participate in the election of officers and to Honor U.S. Senator Jeff Bingaman and NM State Senator Tim Jennings. Commissioner Minter volunteered to attend the January meeting on behalf of Lincoln County.

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

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

New or Updated Matters since last report = 0

1. *Cooper, Gale and DeBaca County News v. County of Lincoln, Sheriff of Lincoln County, et al.* D-1329-CV-200701364. Suit filed: October 15, 2007. Verified Complaint for Declaratory Judgment Ordering Production of Certain Records and Information.
2. *Green Tree Servicing, LLC v. William T. Joiner, Lincoln County, et. al. D-1226-CV-2010-394.* Suit filed November 17, 2010. Complaint for Enforcement of Contract and Foreclosure of Security Interest and Mortgage.
3. *Luis Grife as Personal Representative of The Estate of Arturo Grife, Jr., and Lizeth Grife v. County of Lincoln.* D-1226-CV-201100148. Complaint for Wrongful Death and Negligence, Jury Demand.
4. *New Mexico Ranch Sales v Mary T. Greene, LC Treasurer, et. al. D-1226-CV-2011-00226.* Suit filed August 1, 2011. Complaint In Rem to Foreclosure Mortgage Upon Real Property.
5. *Michael Wheaton v Paul F. Baca, Lincoln County Assessor, et. al. D-1226-CV- 2011-00341.* Suit filed October 18, 2011. Notice of Appeal of Final Order of the Lincoln County Valuation Protests Board.
6. *New Mexico Ranch Sales v Marianne Clark, LC Treasurer, et. al. D-1226-CV-2011-00409.* Suit filed November 17, 2011. Complaint to Enforce and Collect Upon Promissory Note and to Foreclose Mortgage Upon Real Property.
7. *Bank of Clovis v Mona Bryant as Personal Representative of Marjorie Bryant (deceased), Village of Ruidoso, Lincoln County, et al. D-1226-CV-2011-00429.* Suit Filed February 10, 2012. Complaint for Foreclosure.
8. *New Mexico Ranch Sales v Tammy Palombi-Cade, LC Treasurer, et. al. D-1226-CV-2012-00042.* Suit filed February 13, 2012. Complaint to Enforce and Collect Upon Promissory Note and to Foreclose Mortgage Upon Real Property.
9. *Coble Constructors, LLC, et al v Carl Kelley Construction Ltd. Co, et al. D-1226-CV-2012-00003.* Suit filed January 15, 2012. Complaint to Foreclose Mechanic's Lien.
10. *New Mexico Ranch Sales v Perla Garcia, LC Treasurer, et. al. D-1226-CV-2012-000293.* Suit filed August 6, 2012. Complaint to Enforce and Collect Upon Promissory Note and to Foreclose Mortgage Upon Real Property.

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11. *Alto Lakes Golf & Country Club, Inc. v. Barbara Fleming, and Jesus and Maria Guardiola, et al. D-1226-CV-2011-00044.* Suit filed February 18, 2011. Complaint to Foreclose Lien. Counterclaim and Cross claim suit filed by Washington Federal Savings on September 21, 2012 naming Board of Commissioners of Lincoln County and Lincoln County Solid Waste Authority.
12. * *Johnathan Warren v. Lincoln County Detention Center, Emerald Healthcare Systems, et al.* 2:12-CV-01086-CG-LAM. Suit filed October 19, 2012. Complaint for the Recovery of Damages Caused by the Deprivation of Civil Rights.

Tort Claims Notices Received or Threatened

2012

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

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

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

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

2011

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

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

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

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

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

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

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

Action: Approve. **Moved by** Commissioner Doth, **Seconded by** Commissioner Minter.
Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 3).
Yes: Chair Powell, Commissioner Doth, Commissioner Minter.

DRAFT

Absent: Commissioner Battin, Commissioner Sedillo.

Chair Sedillo recessed the Regular Meeting and convened the Closed Session at 3:49:00 PM.

Chair Sedillo adjourned the Closed Session and reconvened the Regular Meeting at 4:08:52 PM.

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

28. Potential Property Purchase

No action was taken.

29. Signing of Official Documents

30. Next meeting:

December 18, 2012 - Regular Commission Meeting

31. Adjournment

There being no further business to come before the Board of County Commissioners, Chair Powell adjourned the meeting at 4:09:35 PM.

Respectfully submitted by,

Rhonda B. Burrows
Lincoln County Clerk

DRAFT

AGENDA DOCUMENTATION
December 18, 2012

Agenda Item No. 8

SUBJECT

Approval of Consent Agenda

ACTION REQUESTED BY County Manager

ACTION REQUESTED To be determined

BACKGROUND

A. Payroll/Accounts Payable/Budget/Expenditures

B. Treasurer's Financial Report for the Month ending November 30, 2012

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 November 1 through November 30, 2012 in the amount of $ 1,521,694.87.

NOW, THEREFORE, the above bills are hereby approved.

ADOPTED, PASSED AND SIGNED the 18th day of December 18, 2012.

BOARD OF COMMISSIONERS
LINCOLN COUNTY, NEW MEXICO

Jackie M Powell, Chairwoman

Mark Doth , Vice-Chair

William T Battin, Member

Kathryn Minter, Member

Eileen M Sedillo, Member

ATTEST:

Rhonda B Burrows, County Clerk

AGENDA DOCUMENTATION
December 18, 2012

Agenda Item No. 9

SUBJECT

Smokey Bear Ranger District Update

ACTION REQUESTED BY David Warnack

ACTION REQUESTED To be determined

BACKGROUND

See an attached memorandum from county manager.

www.lincolncountynm.net

County of Lincoln

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

December 11, 2012

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager

SUBJECT: Monthly Smokey Bear District Ranger Report

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

Discussion:

David Warnack will appear to provide a monthly report to update commissioners and the public on activities in the district. At enclosure 1 may be a list of critical updates.

Recommendation: None – information only at this time.

AGENDA DOCUMENTATION
December 18, 2012

Agenda Item No. 10

SUBJECT

Greentree Solid Waste Update

ACTION REQUESTED BY Debra Ingle

ACTION REQUESTED To be determined

BACKGROUND

See an attached memorandum from county Manager.

LINCOLN COUNTY
www.lincolncountynm.net

County of Lincoln

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

December 11, 2012

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager

SUBJECT: Greentree Solid Waste Update – Debra Ingle

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

Discussion:

Debra Ingle is unable to appear at this meeting, but has provided enclosure 1, the November 27th approved Greentree minutes and enclosure 2, the minutes for the Greentree Solid Waste Special Meeting of November 15, 2012. At enclosure 3 is the December 11th response letter from GSWA Board of Directors to the Lincoln County BOCC clarifying issues and remarks made by Alto Lakes Water & Sanitation District.

Recommendation: None – information only at this time.

Greentree Solid Waste Authority
REGULAR MEETING

November 27, 2012

Chairman Hammons called the Regular Meeting of the Greentree Solid Waste Authority (GSWA) to order at 10:14 a.m. at the office of Greentree Solid Waste Authority in Ruidoso Downs, NM.

ROLL CALL; Members recorded as present: Sam Hammons, Sherrill Bradford by Proxy Ray Dean, Kathryn Minter, Ray Dean, Gary Williams by Proxy Sam Hammons. Members recorded as absent: Rifle Salas

Staff in attendance: Debra L. Ingle, Operational Supervisor, (OS); Ginny Mansfield (AA)
Public present: Joe Lewandowski, Operational Consultants Inc.

APPROVAL OF AGENDA; Motion by Member Dean to approve the agenda as presented with addendum, seconded by Member Minter, motion carried with all ayes.

APPROVAL OF MINUTES REGULAR MEETING OCTOBER 23, 2012 & SM NOVEMBER 15, 2012; Motion by Member Minter to approve the Regular Meeting and Special Meeting minutes, a copy of which is attached and made apart hereof, seconded by Member Dean, motion carried with all ayes.

APPROVAL OF ACCOUNTS PAYABLE FOR OCTOBER 2012; Motion by Member Minter to approve October 2012 Accounts Payable, seconded by Member Dean, motion carried with all ayes upon a roll call vote.

DISCUSSION/POSSIBLE ACTION ACCOUNTS RECEIVABLE SEPTEMBER 2012; Motion by Member Dean to approve October 2012 Accounts Receivable, Non- Board Approval of $52.45, seconded by Member Minter, 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 October 2012, 71.88 tons of recycling shipped and 33.56 tons of metal. Recycling prices are up, and OS Ingle informed the Board that GSWA has begun to ship to Town Recycling. Illegal dumping sites 57 year-to-date – 365.05 yards. Collected Yard Waste: 1,250yards, year to date- 5,520yds.

Month-End Financial Report for October 2012, a copy of which is attached and made apart hereof, this report reflects that the general operating bank accounts had a balance of $37,312.23, reserve funds of $440,767.85. Overall the Authority's projected budget shows that they should be at 33%, with actual numbers reflecting Revenues at 35%, Expenditures at 32%, Payroll should be at 35%, and the budget reflects 29% and the Transfer of funds at 41%. Current year-to-date figures reflect that Revenue exceed Expenditures by $75,318. OS Ingle provided a list of the frequent illegal dumping sites called the dirty dozen. Motion by Member Minter to approve the OS Report as presented seconded by Member Dean, motion carried with all ayes upon a roll call vote

DISCUSSION/APPROVAL DESTRUCTION OF FILES FY 2006-07; Motion by Member Minter to approve the destruction of files FY 2006-07a copy of which is attached and made part hereof, seconded by Member Dean, motion carried with all ayes upon a roll call vote

DISCUSSION/POSSIBLE ACTION COUNTY OF LINCOLN REQUEST-ALW&SD; Update for removal of GSWA from ALW&SD no action necessary.

EXECUTIVE SESSION –LIMITED PERSONNEL MATTERS, THREATENED AND/ OR PENDING LITIGATION: No Executive Session

DISCUSSION/POSSIBLE ACTION - EXECUTIVE SESSION LIMITED PERSONNEL MATTERS, THREATENED AND/ OR PENDING LITIGATION: No Action

COMMENTS FROM THE PUBLIC: None

Encl 1

NEW/OLD BUSINESS; None

NEXT MEETING; the next regular meeting is scheduled for December 20th at 10:00 am.

ADJOURN; Motion by Member Hammons to adjourn the meeting at 11:38 am, seconded by Member Dean, motion carried with all ayes.

Passed and approved this 20th day of December 2012.

_____
Sam Hammons
Chairman, GSWA

_____
Kathryn Minter,
Secretary/Treasurer/GSWA

Transcribed by: _____
Ginny Mansfield
GSWA

DRAFT

Greentree Solid Waste Authority
SPECIAL MEETING

November 15, 2012

Chairman Hammons called the Special Meeting of the Greentree Solid Waste Authority (GSWA) to order at 10:15 a.m. at the office of Greentree Solid Waste Authority in Ruidoso Downs, NM.

ROLL CALL; Members recorded as present: Sam Hammons, Sherrill Bradford, Kathryn Minter, Ray Dean, Gary Williams. Members recorded as absent: Rifle Salas

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

Public present: None

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

DISCUSSION/POSSIBLE ACTION RESOLUTION 2012-11-01 SALE OF PROPERTY;
Motion by Member Minter to approve Resolution 2012-11-01 Sale of Property, seconded by Member Bradford, motion carried with all ayes upon a roll call vote.

EXECUTIVE SESSION –LIMITED PERSONNEL MATTERS, THREATENED AND/ OR PENDING LITIGATION; Motion by Member Bradford at 10:18 am to go to Executive Session, seconded by Member Williams, motion carried with all ayes upon a roll call vote. Motion by Member Minter to return from Executive Session at 10:40 am, seconded by Member Dean, motion carried with all ayes upon roll call vote. Member Bradford attested the only discussion was on the limited personnel matters, disposition of land, threatened and/ or pending litigation.

DISCUSSION/POSSIBLE ACTION - EXECUTIVE SESSION THREATENED AND/OR PENDING; No Action

DISCUSSION/POSSIBLE ACTION-COUNTY OF LINCOLN REQUEST; O.S. Ingle clarified the information provided to the County Commissioner meeting held Friday November 9th. O.S. Ingle was provided an email from County Manager and a letter from A.L.W&S.D. The Board directed O.S. Ingle to send a letter to the County manager and set a meeting for the County request. Send letters to the Members per the request of the County Commission meeting held November 9, 2012, and send a letter to ALW&SD for the corporation for the transition.

COMMENTS FROM THE PUBLIC: None

NEW/OLD BUSINESS; O.S. Ingle notified the board of a request from Holloman AFB about refuses service

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

ADJOURN; Motion by Member Hammons to adjourn the meeting at 11:39 am, seconded by Member Dean, motion carried with all ayes.

Passed and approved this 27th day of November 2012.

_____
Sam Hammons
Chairman, GSWA

_____
Kathryn Minter,
Secretary/Treasurer/GSWA

Transcribed by: _____
Ginny Mansfield
GSWA

ENCL 2

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

December 11, 2012

Board of Commissioners
County of Lincoln
P.O. Box 711
Carrizozo, NM 88301

Re: Alto Lakes Water and Sanitation District
'The Rest of the Story"

Dear Chairwoman Powell and Commissioners,

GSWA is following up with this letter to clarify some issues and remarks that have been made by District representatives related to the services and the offer of services to the District from the Authority. Specifically, we are responding to a letter from the District Chairman, Mr. Earl Adamy, to you, the Board of Commissioners and to the public. In those letters, there are many incomplete statements pertaining to the negotiations between GSWA and the District.

LETTER FROM MR. ADAMY TO COUNTY COMMISSIONERS dated October 18, 2012.

At the start of the letter it comments "....detailed the difficulties we had experienced in obtaining an answer to repeated inquiries regarding extension or renewal of Greentree's operating lease..." This is an interesting statement considering there was only one written inquiry from the District dated August 15, 2012. And this inquiry was sent after the District Manager attended the July 25, 2012 meeting. At that meeting, the GSWA Board instructed the District Manager that GSWA needed a letter from the District Board requesting and describing terms of services to be provided to the District. Prior to this there were some verbal discussions, but nothing clearly stating the needs of the District. There were requests from the District for items such as GSWA commercial rates and loan ordinances/and documents. All these items were provided, by GSWA to the District.

The District then published a Request for Proposals for solid waste services. Mr. Adamy states that "The District did receive a response, but not from Greentree". This statement is true, but fails to explain why. GSWA does not bid on these larger contracts through this process due to the concern for bidding against private enterprise. This concern arises from utilizing the benefits of governmental services versus private enterprises. One example: Government agencies are not required to pay as many taxes that private enterprise pays, such as State Highway Use Tax. With this in mind, GSWA did offer to negotiate with the District, as allowed, under the Procurement Code exemption allowing government to government negotiations. GSWA did provide various proposals and scenarios for services to the District. (See attached summary letter dated September 25, 2012 from GSWA to the District with those proposals.)

The statement is then made by the District that, "...costs are too high to have fallen on deaf ears..." This is an interesting statement from Mr. Adamy, because we did provide in our proposals our itemized expenses related to each type of service to be provided. In other words, GSWA not only provided the rates to be charged to the District, but a detailed breakdown of the expenses such as security, landfill fees, utility costs, insurance, labor, etc. This expense breakdown was based upon a 3 year history of actual costs by GSWA to provide the requested services, not an estimate. Mr. Adamy did not comment

ENCL 3

on those expenses. In fact, when the District Manger calculated the estimated budget for the District to provide the services, GSWA was within a few thousand dollars annually. The only difference was the debt service, accounts receivable collection and illegal dumping enforcement. GSWA will entertain any suggestions from anyone on how to reduce costs to provide the required services to the public. That is why government budgets are open to the public and that detail was provided to the District. Mr. Adamy has not to date provided any suggestions on where we can reduce costs without cutting service levels. He has only provided incomplete information to the public.

Probably the most misleading statement in Mr. Adamy's October 25, 2012 letter is: "The fact that a private contractor can provide all services (household, recycle, bulk and green waste) from operation through hauling at Non-member landfill rates for 46% less than Greentree sends a very clear message regarding the cost structure and management of the Authority". He states that the GSWA **highest option is $310,000** and Sierra Contracting **lowest option is $167,000.** This is true, but he is not comparing all aspects of the costs and services to be provided. This is not comparing apples to apples. It is more like comparing a watermelon to a grape. GSWA did provide various options that did reduce the costs but Mr. Adamy did not mention these in his letters. Here are some of the differences in the GSWA highest option and the Sierra Contracting lowest option:

1. **GSWA would continue to provide** all billing services for the collection of the revenues directly to the customers, to include the invoicing, handling of funds, collection of bad debt (including filing liens and taking legal action to collect) and any loss due to failure to collect those revenues. **Sierra Contracting does not** provide this service. The District will assume these duties, but did not factor that cost into the lowest option stated in the letter.
2. **GSWA would continue** to enforce and take action on illegal dumpers in the area, to include the investigation and assist with prosecution of those violators to protect the public's property.
   Sierra Contacting does not provide that service. The District will assume these duties, but did not factor that cost into the lowest option stated in the letter.
3. **GSWA would continue to allow** the District customers to utilize other GSWA outside facilities for disposal and recycling, so customers would not be inconvenienced in having only the one location to dispose of their waste and recycle. **Sierra Contracting does not provide that service**. In fact, **Sierra Contracting's proposal only factors in the cost of the tonnage from the Alto Collection Center**, not the additional tonnage from the other outside facilities. There are estimates of a few hundred customers within the District currently utilizing these facilities.
4. **GSWA would continue to provide management** oversight of the facility. The services are in two main categories, hauling and operating the Collection Center. In the Sierra Contracting lowest option proposal, this service would be provided for $60,000 annually. **Per a District representative, this option with the contractor was rejected because his proposal was extremely low**. It was so low that there was concern about the service and the contractor's understanding of the operation. So the District will now provide that service at a higher cost than the Contractor. In fact the District's estimates again are within a few dollars of the GSWA proposals.
5. **GSWA would provide all equipment, personnel and support** necessary to provide the services. **Sierra Contracting Contractor is not providing all items.** Since **the District is now operating the Center, they have to make some additional purchases** that were not factored into their budget estimates they used to compare GSWA and the Contractor, to include a $40,000 skid loader and attendant building. With the purchase of the skid loader, the District personnel will be loading the yard/forest waste containers for Sierra Contracting. The District will be paying the costs of fuel/oil, insurance maintenance and repair of the loader. GSWA provided for all

loading. Also, the District does not have any experience in the solid waste services, so they have hired an outside engineering firm to provide that service. That cost was not factored into the comparisons. GSWA would provide all these services.

6. **GSWA would provide for debt service** for necessary support service facilities such as administration, equipment maintenance, container maintenance and recycling processing. **Sierra Contracting does not** contribute towards those facilities and now neither does the District. (An annual cost of $38,500)
7. **GSWA provides for the costs** required in the post closure care of the closed Capitan Landfill. Under NMED-Solid Waste Rules a closed landfill must monitored and maintained for a minimum of thirty years after closure. Even though this landfill is named the Capitan landfill, it was not owned and utilized only by the Village of Capitan. The Authority and its members took responsibility and utilized this landfill up to its final closure date. All members through their fees help pay for this cost. **Sierra Contracting proposal does not cover this cost**. With the withdrawal of the District, they will no longer be contributing towards this cost. The District offered and then withdrew any offer to contribute towards this long term debt even though solid waste (mostly construction debris) from the District was deposited in that landfill during that time.
8. **GSWA provided the funding** through a lease agreement with the District to finance the construction of the Alto Collection Center. In other words, GSWA paid $53,000 annually for the last 3.5 years from the fees to pay the District loan. ($4,425 per month for 42 months) **This $53,000 was included in the $310,000 GSWA calculations Mr. Adamy quotes in his letters. Sierra Contracting proposal does not cover this cost,** because GSWA paid the District's debt off as of November 2012. This issue is discussed in further detail later in the letter.

There are many other minor items that are also included in the GSWA offers that are not in the Proposal from the Contractor. So this is clearly not a complete evaluation of the GSWA proposals. Mr. Adamy states that the Contractor is providing the services at a 46% less than GSWA, but the District only reduced the rate to the customer by 6%. This must be due to Mr. Adamy's statement made at the first meeting with GSWA representatives that the District needs $70,000 in revenues to finance a new loan to repair the water system, problems with lines and fire hydrants. The last offer from the District to GSWA was "if we could provide the same services for $14.95 per customer, we had the job". GSWA rejected this offer and explained to Mr. Adamy that this was $2.00 per customer below the actual cost to provide those services. This would require that other County residents outside the District would have to pay that cost for the District customers and GSWA refused to pass that cost onto them.

GSWA has made the necessary cuts and adjustments to the operations to cover the operations and overhead that was needed to provide the services to the District customers. The only area of concern was the cost for the debt service incurred to provide the services and support. This amount was calculated to spread that cost fairly and evenly among all members. At the time, all members committed to this debt and the need to construct the necessary facilities to provide the environmental services needed to protect the public and their property. The District has chosen not to be a part of this group effort any longer. With their withdrawal, this requires this cost to be spread among the remaining customers or reduce services to those customers. This concern was addressed in the letter to the Commissioners dated November 6, 2012(see attached).

GSWA has reviewed the proposal documents from the Request for Proposals. The original proposal from Sierra Contracting had a quote of $970 per pull on the solid waste compactors. During the time that the District was negotiating with GSWA this amount was reduced by the Contractor from $970 to $750 and then the final contract amount was $600 per pull. It appears that the District was utilizing the GSWA proposals to negotiate the Contactor's rate down. Does this

mean that the GSWA proposal was good enough to convince the Contractor to reduce his rates? This will be investigated further, because we definitely would like to know "the rest of the story" on this issue.

LETTER FROM MR. ADAMY TO DISTRICT CUSTOMERS – dated November 16, 2012

A letter was sent to District customers form Mr. Adamy providing additional comments on this issue. Even though he quotes Mr. Paul Harvey "the rest of the story," we would like help fill in the missing portions of Mr. Adamy's story.

Financing of the Alto Collection Center

It is true that the District and GSWA entered into a lease agreement for the construction of the collection center. Both the District and GSWA realized the need for an improved facility at this location due to large volumes of waste and recyclables from this area. The District agreed to enter into a loan agreement with the New Mexico Rural Infrastructure Loan (RIP) for the construction of this facility. GSWA agreed to enter into a "lease" agreement for the facility with the District for exact amount necessary to make the debt payment.

During this time period, GSWA operated the facility in the red, using other GSWA revenues to cover all costs for the facility. No other entity members subsidized the Alto Collection Center. The other GSWA revenues were from roll-off, commercial and recycling revenues. We repeat, no other members' residential revenues were used to subsidize the District services. These revenues have historically been utilized for various projects for all members, especially during the upgrading of services such as this project. Additional details are provided in the attached budget comparisons.

So with this part of the "story" clarified, it is interesting what Mr. Adamy's letter states:
"The $53,000 has been an integral part of the district's operating budget and debt service coverage."

As already stated, the $53,000 in revenue was specifically for the debt service on the NMED-RIP loan to construct the collection center. This debt is now paid in full. So how can this be an "integral part", unless these revenues are to be used for other issues, such as water lines and fire hydrant problems? So was GSWA to continue subsidizing the District, simply so they can deal with other issues? The members of GSWA (Carrizozo, Capitan, Corona, Ruidoso Downs and Lincoln County) did pay for the construction and operation of this collection center for the District from GSWA General Funds. So did District customers through their solid waste fees paid to GSWA. This joint effort working together did accomplish this endeavor, not the District by itself.

GSWA vs. Contractor Proposal

Mr. Adamy states: "...a proposal from locally owned Sierra Contracting to duplicate GSWA's services for a reduction in cost of roughly 46%....".Again, this statement is not accurate as addressed earlier in this letter, it is not apples to apples, it is comparing a watermelon to a grape. One additional comment on this statement--during the Little Bear Fire GSWA and Sierra Contracting were providing roll-off services to haul away the debris. The owner of Sierra Contracting and other haulers were concerned that GSWA rates were too low and that GSWA needed to raise their rates to customers to be more competitive. Interesting that GSWA needed to raise rates, so private enterprise could get more business, but per Mr. Adamy, they are 46% cheaper. In the attached budget comparisons, this clearly shows Sierra Contracting is not duplicating GSWA services and rates.

Mr. Adamy states in his letter to the customers: "As explained above, the District needed at least $53,000 annually to avoid raising rates." **If the debt is paid in full and Sierra Contracting can provide the services for 46% less than GSWA, then why would there be any need to raise the rates to the District customers for solid waste? Or is he referencing the water and sewer rates?**

Ruidoso's Leaving GSWA

Mr. Adamy references that Ruidoso was the first local government to leave the Authority and that this is the same situation as what has occurred with the District. We will give Mr. Adamy the benefit of the doubt that he was not here at the time or simply not aware of how that occurred with Ruidoso. The Village worked with GSWA throughout to insure all issues was resolved satisfactory for both parties, not only the legal issues, but also the moral issues. Every issue during the process was addressed for both parties to include service, equipment, debt service, environmental, customer relations, employees and many other minor issues. The moral issue we mentioned was the employees, some long term, which were released due to this action. In the Ruidoso process, the Village and GSWA attempted to not cause any financial hardship on those employees; most were transferred along with the benefits that they had earned.

Alto-County Relationship

Even though there have been many written and verbal comments made by Mr. Adamy, one really concerns us. In the November 16, 2012 letter he states "(the District)…contributes a great deal more to the County than it receives." It appears Mr. Adamy feels that the citizens of Lincoln County should be showing their appreciation because Alto exists. We believe this to be Mr. Adamy's personal opinion, because the vast majority of the Alto people do appreciate Lincoln County and their neighbors. The Greentree (formerly Lincoln County) Solid Waste Authority was formed by all the communities within the County for the benefit of all County residents during the crisis of the expensive new solid waste regulations passed in 1990. By working together, it would benefit all, not just a select few. We also know that the Alto folks appreciate the County government and all citizens (including Alto residents) that successfully stopped the Little Bear Fire that threatened their community.

Next Steps

GSWA staff has been instructed to provide copies of any documents to any individual or group wishing to study the facts on this matter. There are many questions concerning the legality of this action taken by the District. We want the attorneys to work through this process, so we are not providing any comments at this time on this matter.

GSWA has responded and provided quality services to the District. GSWA is willing now and in the future to provide any services needed or requested by the District. Our door is still open to the District customers. Hopefully, this information has helped clarify the activities over the last few months related to the solid waste services to the Alto Lakes Water and Sanitation District. Staff has been instructed to provide any information request by County Staff concerning this matter. GSWA would also recommend a joint GSWA/County Commission work session with the public in attendance to get their questions answered and come to a final resolution of this matter.

Sincerely,

Sam Hammons	Sherrill D. Bradford	Kathryn Minter
GSWA Chairman	GSWA Vice Chair	GSWA Sec/Treasurer
Mayor, Village of Capitan	Village of Corona	County of Lincoln

Ray Dean
GSWA Director
Town of Carrizozo

Gary Williams
GSWA Director
Mayor, City of Ruidoso Downs

Cc: Alto District Board of Directors
Nita Taylor, County Manager
Lincoln County News
Ruidoso Free Press
Ruidoso News

Attachments: Proposals GSWA to ALW&SD – dated September 25, 2012
ALW&SD to County Commissioners – dated October 18, 2012
GSWA to County Commissioners – dated November 6, 2012
ALW&SW to District Customers – dated November 16 2012

AGENDA DOCUMENTATION
December 18, 2012

Agenda Item No. 11

SUBJECT

Consideration of Approval or Disapproval of Indigent Health Care Claims

ACTION REQUESTED BY Indigent Healthcare Administrator

ACTION REQUESTED To be determined

BACKGROUND

See an attached memorandum from county manager.

LINCOLN COUNTY

www.lincolncountynm.net

County of Lincoln

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

December 14, 2012

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager

SUBJECT: Sole Community Provider & Indigent Health Care Claims

Purpose: To obtain the approval from the IHC Board of Sole Community Provider Payments (Encl 1), and the Indigent Health Care (IHC) Payments (Encl 2).

Discussion:

Sole Community Provider Payments: This month our coordinator processed sixty-nine claims (69). Sixty-five (65) are recommended for approval, for a total of **$120,013.68**, and four (4) are recommended for disapproval for the reason indicated at Enclosure. 1.

Indigent Health Care Claims: This month our coordinator processed forty-four (44) claims. Thirty-nine (39) are recommended for approval and five (5) for disapproval for the reasons indicated at Enclosure 2. If approved, total recommended for payment this month is **$27,626.52.**

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 **$134,293**, with an average of **$22,377**. Our budget for the year is $386,461.

Similarly, for the last two fiscal years, the total Commission-approved Sole Community Provider Claims were **$1,118,309** and **$1,201,132** respectively. The total year-to-date is **$673,596**, with a monthly average of **$112,266**. Our current budget for the year is $1,003,541. Attached at Encl. 3 are IHC and SCP tracking charts for the previous and current fiscal years.

Recommendation: Approve and disapprove the claims as indicated for the Sole Community Provider report at Enclosure 1. Approve and disapprove claims as indicated by the Indigent Health Care Program report as indicated at Enclosure 2.

Approved: _____
Jackie Powell

SOLE COMMUNITY PROVIDER CLAIMS
FISCAL YEAR 2012 - 2013

PREVIOUS AMOUNT APPROVED THIS FISCAL YEAR		$553,582.25
ADJUSTMENTS		
TOTAL ADJUSTMENTS:	$0.00	$0.00
DECEMBER # CLAIMS FOR APPROVAL	65	
# CLAIMS FOR DENIAL	4	
DECEMBER # TOTAL CLAIMS	69	
DECEMBER TOTAL $ AMOUNT APPROVED		$120,013.68
TOTAL # CLAIMS THIS FY APPROVED	389	
TOTAL # CLAIMS THIS FY DENIED	28	
TOTAL # CLAIMS FY 2012 - 2013	417	
TOTAL APPROVED THIS FISCAL YEAR		$673,595.93

ENCL 1

FACILITY: LINCOLN COUNTY MEDICAL CENTER 12/18/2012 THROUGH 12/18/2012

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
18423	11/12/2012	5888.00	4533.76	077%
18424	11/20/2012	6904.40	5316.39	077%
18334	09/13/2012	596.00	458.92	077%
18335	10/15/2012	2082.00	1603.14	077%
18336	10/19/2012	92.00	70.84	077%
18425	10/24/2012	518.00	398.86	077%
18396	09/03/2012	9464.90	7287.97	077%
18338	11/08/2012	490.00	377.30	077%
18426	11/24/2012	3705.22	2853.02	077%
18327	10/29/2012	6530.40	5028.41	077%
18361	11/14/2012	1859.00	1431.43	077%
18386	11/14/2012	1417.00	1091.09	077%
18429	11/28/2012	3728.00	2870.56	077%
18427	09/17/2012	43.06		000%
PATIENT'S BILL IS BELOW $50				
18339	09/27/2012	77.00	59.29	077%
18411	08/08/2012	2726.40	2099.33	077%
18428	11/26/2012	627.00	482.79	077%
18343	08/23/2012	257.40	198.20	077%
18344	10/23/2012	2683.00	2065.91	077%
18330	09/28/2012	101.00	77.77	077%
18347	10/31/2012	221.00	170.17	077%
18348	11/02/2012	9255.00	7126.35	077%
18357	11/08/2012	101.00	77.77	077%
18349	08/29/2012	119.40	91.94	077%
18350	11/05/2012	2075.00	1597.75	077%
18351	11/07/2012	768.00	591.36	077%

FACILITY: LINCOLN COUNTY MEDICAL CENTER 12/18/2012 THROUGH 12/18/2012

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
18367	10/19/2012	2159.00	1662.43	077%
18368	11/14/2012	533.00	410.41	077%
18352	09/11/2012	363.00	279.51	077%
18358	11/08/2012	335.00	257.95	077%
18359	11/08/2012	1916.00	1475.32	077%
18354	08/31/2012	2010.00	1547.70	077%
18355	09/03/2012	901.00	693.77	077%
18363	10/05/2012	1117.00	860.09	077%
18329	10/16/2012	2979.00	2293.83	077%
18365	07/07/2012	1772.00	1364.44	077%
18366	10/11/2012	4995.00	3846.15	077%
18387	08/29/2012	12145.40	3577.22	030%
18369	11/08/2012	723.00	556.71	077%
18371	11/13/2012	27267.52	3202.86	012%
18328	09/28/2012	294.00	226.38	077%
18374	09/04/2012	15164.90	11676.97	077%
18378	11/08/2012	153.00	117.81	077%
18391	11/14/2012	759.00	584.43	077%
18392	11/15/2012	3507.84	2701.04	077%
18381	08/12/2012	1744.00	1342.88	077%
18431	11/27/2012	6630.00	5105.10	077%
18383	11/08/2012	604.00	465.08	077%
18432	11/27/2012	2858.40	2200.97	077%
18331	09/28/2012	28.00	21.56	077%
18406	07/17/2012	112.80		000%
PAST FILING DEADLINE				
18407	07/18/2012	209.40		000%
PAST FILING DEADLINE				
18408	07/26/2012	139.80		000%
PAST FILING DEADLINE				
18409	08/30/3012	379.80	292.45	077%
18410	09/28/2012	335.40	258.26	077%
18394	09/05/2012	1382.00	1064.14	077%
18398	11/06/2012	609.00	468.93	077%
18399	11/08/2012	490.00	377.30	077%
18401	11/02/2012	16931.66	6627.85	039%
18434	11/19/2012	2306.00	1775.62	077%
18412	11/07/2012	1712.00	1318.24	077%
18413	09/15/2012	3478.40	2678.37	077%
18435	11/27/2012	353.00	271.81	077%
18414	10/24/2012	5193.40	3998.92	077%
18416	11/08/2012	1662.00	1279.74	077%
18437	11/15/2012	12044.16	3099.82	026%
18417	07/30/2012	600.00	462.00	077%
18418	08/31/2012	675.00	519.75	077%
18419	10/01/2012	1415.00	1089.55	077%
			120013.68	

APPROVED- 65 REJECTED- 4

INDIGENT HEALTH CARE CLAIMS
FISCAL YEAR 2012 - 2013

PREVIOUS AMOUNT APPROVED THIS FISCAL YEAR		$106,636.07
ADJUSTMENTS		
TOTAL ADJUSTMENTS:	0.00	
DECEMBER # CLAIMS FOR APPROVAL	39	
# CLAIMS FOR DENIAL	5	
DECEMBER # TOTAL CLAIMS	44	
DECEMBER TOTAL $ AMOUNT APPROVED		$27,626.52
TOTAL # CLAIMS THIS FY APPROVED	293	
TOTAL # CLAIMS THIS FY DENIED	29	
TOTAL # CLAIMS FY 2012 - 2013	322	
CURRENT TOTAL APPROVED THIS FISCAL YEAR		$134,262.59

*Assuming the above is approved

ENCL 2

FACILITY: ANESTHESIA ASSOCIATES OF NM 12/18/2012 THROUGH 12/18/2012

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
18385	10/23/2012	658.00	137.55	021%
18389	10/25/2012	658.00	137.55	021%
18345	10/23/2012	752.00	157.20	021%
18390	11/01/2012	752.00	157.20	021%
18364	10/16/2012	846.00	176.85	021%
18402	11/01/2012	1410.00	294.75	021%
18415	10/24/2012	846.00	176.85	021%
			1237.95	

APPROVED- 7 REJECTED-

FACILITY: DEBORAH J HEWITT, M.D. 12/18/2012 THROUGH 12/18/2012

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
18397	09/01/2012	702.00	225.54	032%
			225.54	

APPROVED- 1 REJECTED-

FACILITY: EASTERN NM MEXICO MEDICAL CNTR 12/18/2012 THROUGH 12/18/2012

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
18337	10/26/2012	27901.98	5000.00	018%
18356	10/27/2012	834.14	642.29	077%
			5642.29	

APPROVED- 2 REJECTED-

FACILITY: GERALD CHAMPION REGIONAL MED CTR 12/18/2012 THROUGH 12/18/2012

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
18393	08/21/2012	141.10	108.65	077%
			108.65	

APPROVED- 1 REJECTED-

FACILITY: LC AMBULANCE-PRES HEALTH SVCS 12/18/2012 THROUGH 12/18/2012

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
18422	11/08/2012	837.20	500.00	060%
18430	11/13/2012	2397.20	500.00	021%
18380	08/12/2012	494.00	494.00	100%
18433	11/02/2012	2407.60		000%
PATIENT HAS MET OR EXCEEDED POLICY LIMIT				
			1494.00	

APPROVED- 3 REJECTED- 1

FACILITY: LINCO MEDICAL & SUPPLY, INC 12/18/2012 THROUGH 12/18/2012

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
18388	11/30/2012	205.49	205.49	100%
18353	10/10/2012	82.20	82.20	100%
18375	11/12/2012	205.49	205.49	100%
18384	11/06/2012	176.06	176.06	100%
			669.24	

APPROVED- 4 REJECTED-

FACILITY: LINCOLN COUNTY RADIOLOGY 12/18/2012 THROUGH 12/18/2012

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
18360	09/25/2012	859.00	197.57	023%
18376	10/15/2012	730.00	163.55	022%
18395	09/05/2012	43.00		000%
PATIENT'S BILL IS BELOW $50				
18400	10/03/2012	76.00	16.62	022%
18404	08/31/2012	42.00		000%
PATIENT'S BILL IS BELOW $50				
			377.74	

APPROVED- 3 REJECTED- 2

FACILITY: MICHAEL P CLEMENTS, M.D. 12/18/2012 THROUGH 12/18/2012

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
18332	10/09/2012	100.00	81.91	082%
18333	11/06/2012	100.00	81.91	082%
			163.82	

APPROVED- 2 REJECTED-

FACILITY: PHI AIR MEDICAL 12/18/2012 THROUGH 12/18/2012

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
18438	08/31/2012	45909.00	485.00	001%
18439	07/17/2012	47239.00		000%
DATE OF SERVICE NOT ELIGIBLE FOR PAYMENT				
			485.00	

APPROVED- 1 REJECTED- 1

FACILITY: PRESBYTERIAN HOSPITAL 12/18/2012 THROUGH 12/18/2012

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
18436	11/26/2012	20460.00	5000.00	024%
18403	11/04/2012	24265.90	4584.40	019%
			9584.40	

APPROVED- 2 REJECTED-

FACILITY: ROSWELL CLINIC CORP 12/18/2012 THROUGH 12/18/2012

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
18362	11/05/2012	19.99		000%
PATIENT'S BILL IS BELOW $50				
18420	11/29/2012	237.00	81.91	035%
18340	06/29/2012	237.00	97.89	041%
18370	11/08/2012	368.00	136.80	037%
18372	11/12/2012	1518.00	552.75	036%
18373	11/26/2012	160.00	52.08	033%
18377	11/08/2012	160.00	52.08	033%
18379	11/14/2012	239.00	96.41	040%
18382	11/01/2012	160.00	52.08	033%
18421	11/30/2012	160.00	52.08	033%
18405	10/23/2012	368.00	136.80	037%
			1310.88	

APPROVED- 10 REJECTED- 1

FACILITY: RUIDOSO HOME CARE & HOSPICE 12/18/2012 THROUGH 12/18/2012

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
18346	10/15/2012	3038.20	1500.00	049%
			1500.00	

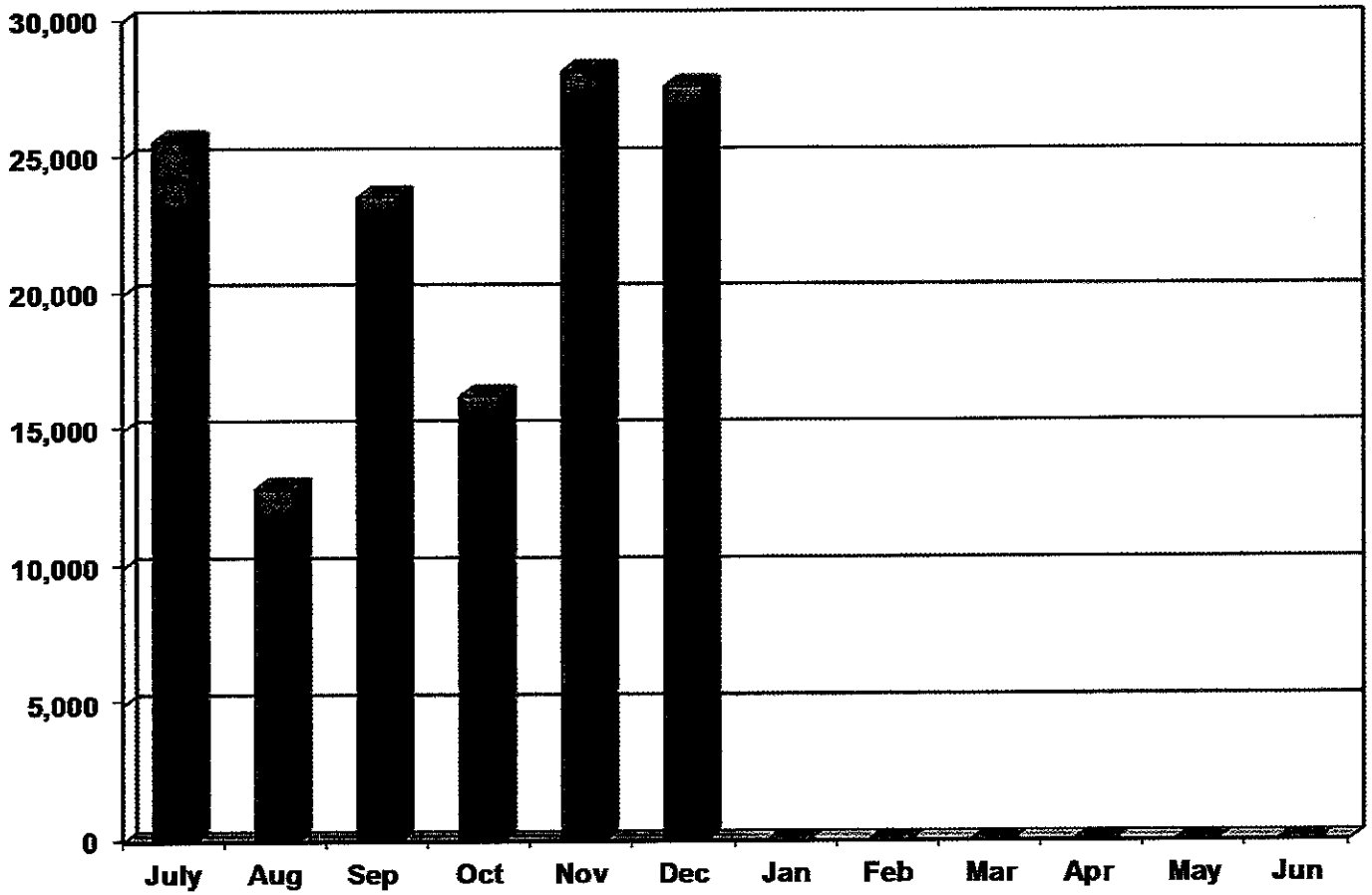
APPROVED- 1 REJECTED-

FACILITY: UNM HEALTH SCIENCES CTR 12/18/2012 THROUGH 12/18/2012

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
18341	09/20/2012	3758.85	2894.31	077%
18342	09/20/2012	2510.00	1932.70	077%
			4827.01	

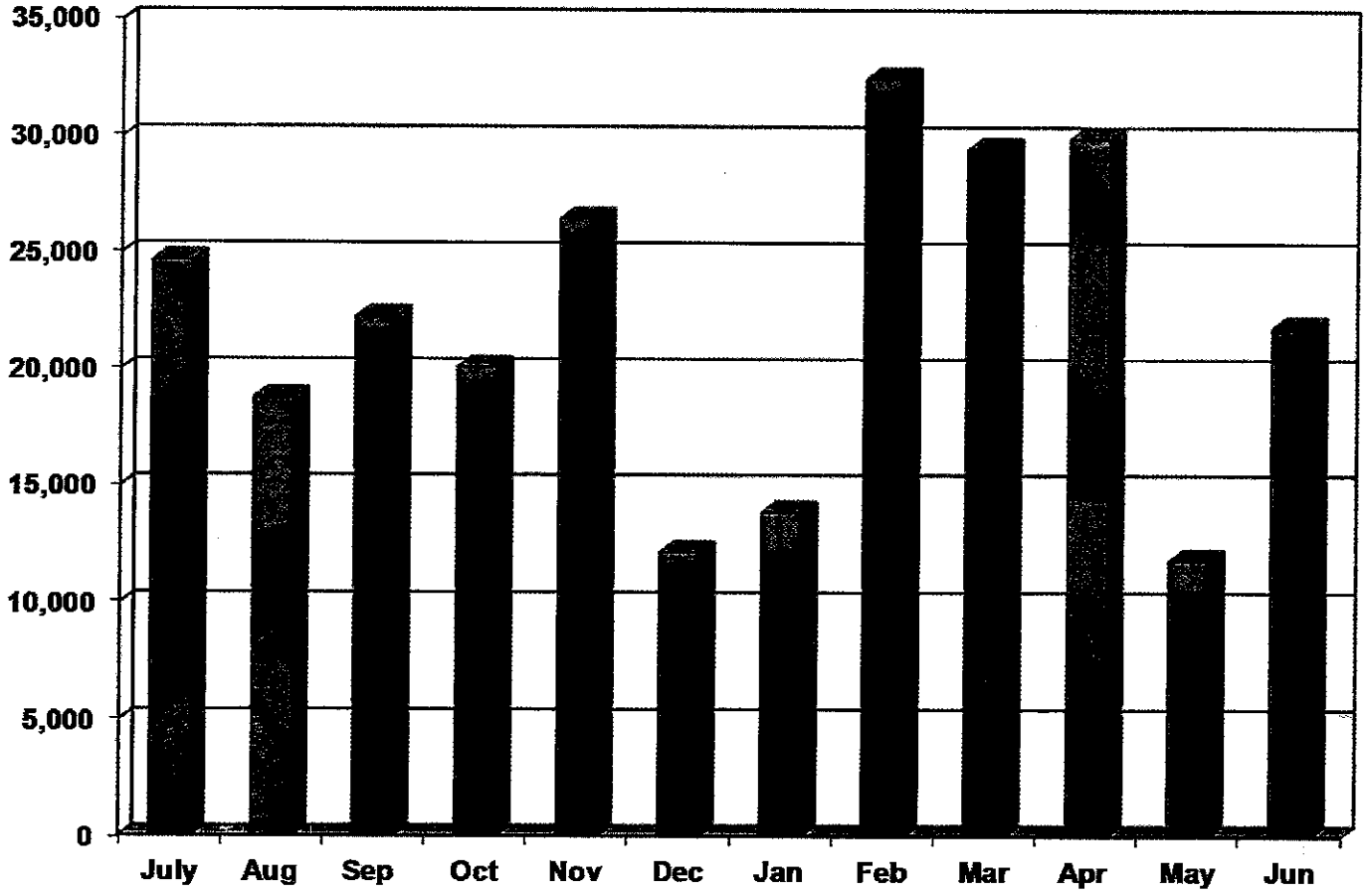
APPROVED- 2 REJECTED-

FY 2012-2013 IHC Payments
Average Month for FY = $ 22,377
Total for FY = $ 134,293
DO NOT EXCEED $386,461



ENCL 3

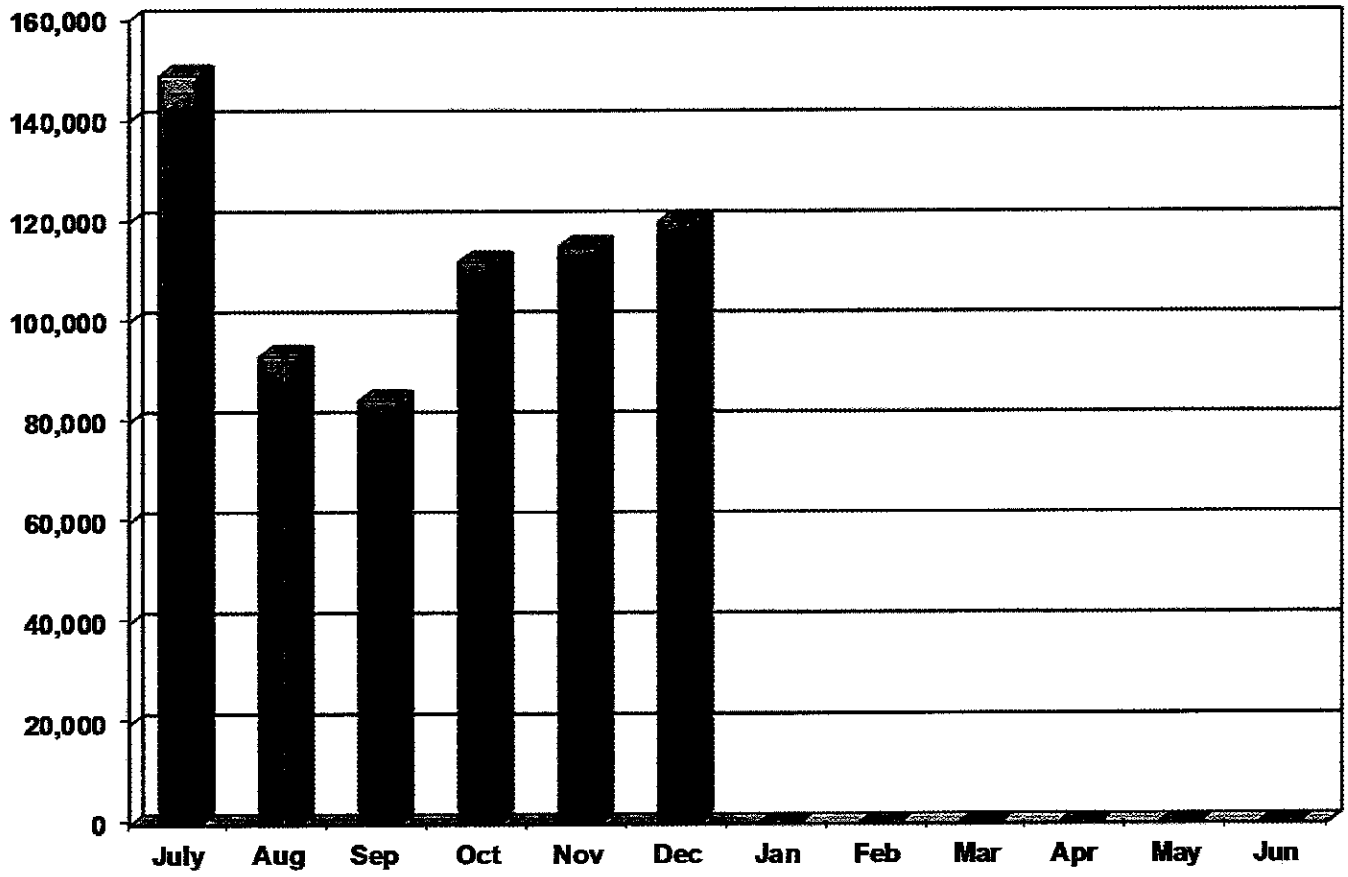
FY 2011-2012 IHC Payments
Average Month for FY = $ 21,651
Total for FY = $ 259,810
DO NOT EXCEED $416,027



FY 2012-2013 Sole Community Claims

Average Month for FY = $ 112,266

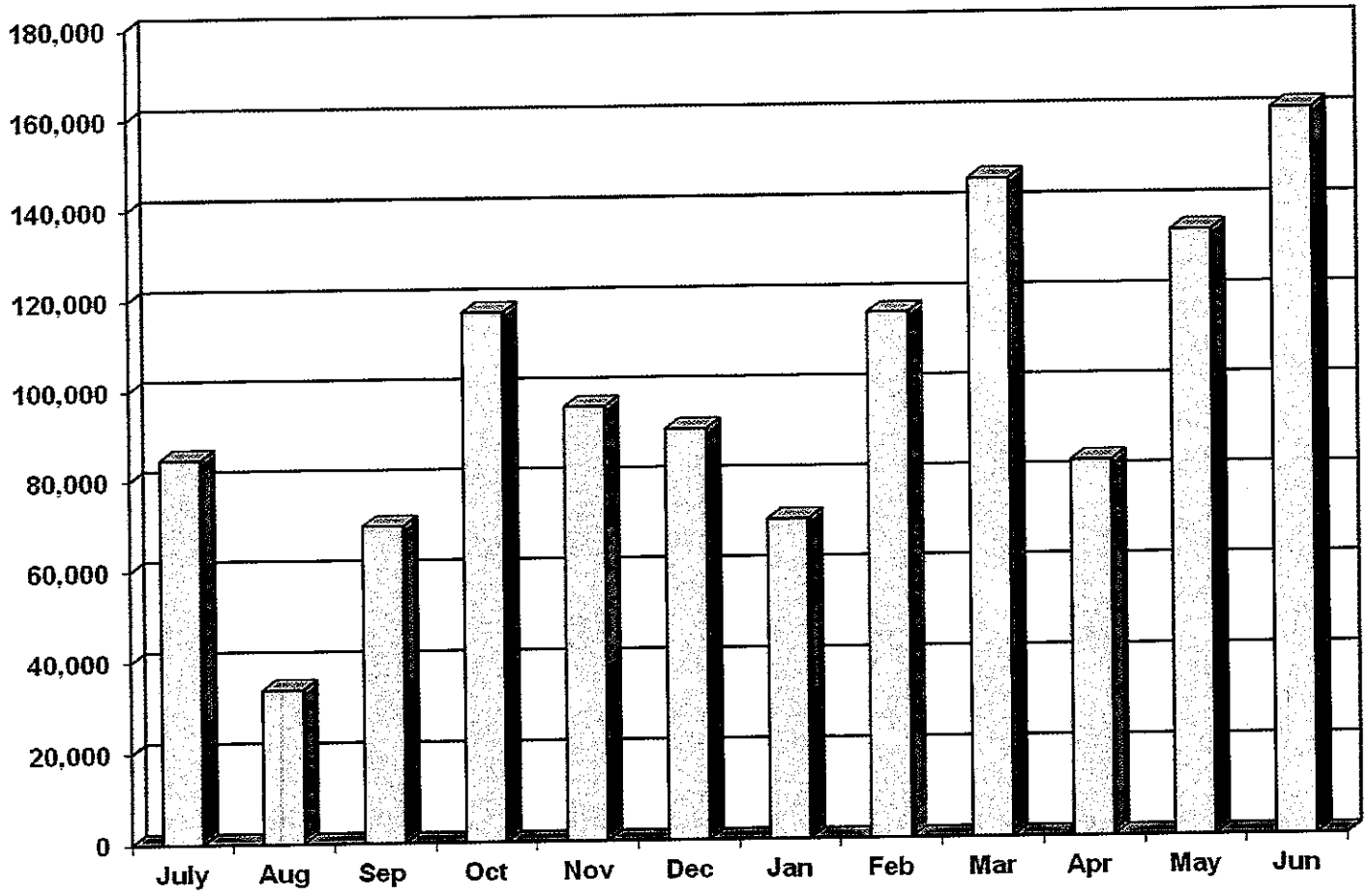
Actual Total for FY = $ 673,596



FY 2011-2012 Sole Community Claims

Average Month for FY = $ 100,094

Actual Total for FY $ 1,201,132



AGENDA DOCUMENTATION
December 18, 2012

Agenda Item No. 12

SUBJECT

Manager's Report

ACTION REQUESTED BY County Manager

ACTION REQUESTED To be determined

BACKGROUND

Manager's report is in progress & will be available at meeting.

AGENDA DOCUMENTATION
December 18, 2012

Agenda Item No. 13

SUBJECT

Water Issues/Forest/Wildlife Health Programs/Land and Natural Resources Advisory Committee (LANRAC)

ACTION REQUESTED BY County Manager

ACTION REQUESTED To be determined

BACKGROUND

See an attached memorandum from county manager.

LINCOLN COUNTY

www.lincolncountynm.net

County of Lincoln

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

December 14, 2012

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager

SUBJECT: Water Issues/Forest/Wildlife Health Programs/LANRAC

Purpose: To provide information and discussion of water right notices, forest health, Game and Fish.

Discussion:

1. There are no new water rights requests posted on the State Engineer's website since those posted on November 7, 2012.

2. There are no issues specific to Lincoln County on the NM Game & Fish Website. Last month Manager reported that on the State Game & Fish website was the final proposal that would repeal and replace the Boundary Descriptions for Game Management Units. 19.30.4.8, Paragraphs FF, HH, JJ, KK may impact Lincoln County Game Management Units, and 19.30.4.10, Paragraph L may impact Lincoln County's Other Designated Areas. Commission referred the matter to the LANRAC to determine impact to the County. LANRAC Chairman Rick Simpson met with Game & Fish management prior to initiating the LANRAC meeting, and was informed that Lincoln County was not impacted. No LANRAC meeting required.

3. Regarding fire danger, as of this date the Fire Behavior Research Center in Missoula, Montana shows Lincoln County as "Low to moderate

Recommendation: None. Information only.

AGENDA DOCUMENTATION
December 18, 2012

Agenda Item No. 14

SUBJECT

Deer Park Valley SAD Budget Adjustment – Resolution 2012-23

ACTION REQUESTED BY County Manager

ACTION REQUESTED To be determined

BACKGROUND

See an attached resolution and memorandum from county manager.

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County of Lincoln

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December 14, 2012

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager

SUBJECT: Deer Park Valley Special Assessment District (SAD)

Purpose: To obtain approval to pay down the principal payments for the debt service

Discussion: Deer Park Valley SAD revenues have accumulated from payments made by property owners within the SAD to the extent that the Treasurer's office is recommending to pay down the principal payments for the debt service account with New Mexico Finance Authority. At the beginning of the fiscal year 2012 – 2013, Special Fund 508 had a carryover of $908,618.13.

Treasurer Robbins is present to respond to questions.

Recommendation: Approve Resolution 2012 – 23.

RESOLUTION 2012-23

A RESOLUTION ADJUSTING LINE ITEMS OF THE FY 2012-2013 BUDGET FOR LINCOLN COUNTY

WHEREAS, the Lincoln County Board of Commissioners, meeting in a regular session on November 18, 2012 did review requests for line item adjustments to the 2012-2013 Budget; and

WHEREAS, it was determined that the proposed adjustment would be beneficial to the citizens of Lincoln County.

NOW, THEREFORE, BE IT RESOLVED that the New Mexico Department of Finance and Administration is respectfully requested to approve this resolution with the following adjustments;

Decrease expenditure for Deer Park Valley Special Assessment District Interest Payment line
508-31-2899 (13,200.00)
Increase expenditure for Deer Park Valley Special Assessment District Principal Payment line
508-31-2900 +750,000.00

Revenue used for this adjustment is from Carryover funds in Special Fund 508 from previous fiscal years.

The purpose of this adjustment is to pay down the principal payments for the debt service account with New Mexico Finance Authority for the Deer Park Valley Special Assessment District with accumulated revenue from payments made from property owners within the District that has built up since the beginning of the Paving District. At the beginning of fiscal year 2012-13 Special Fund 508 had a carryover of $908,618.13. Attached is the old and new payment schedule for this debt service showing before and after this pay down of $750,000.00.

PASSED, APPROVED AND ADOPTED this 18th day of December 2012.

Board of Commissioners
Lincoln County, State of New Mexico

Jackie Powell, Chairman

Eileen Sedillo, Member

Mark Doth, Vice Chair

Kathryn Minter, Member

Tom Battin, Member

ATTEST

Rhonda Burrows, County Clerk

Department of Finance and Administration
Local Government Division
Financial Management Bureau
SCHEDULE OF BUDGET ADJUSTMENTS

REVISED 12/08/06

For Local Government Division use only:

ENTITY NAME: COUNTY OF LINCOLN
FISCAL YEAR: 2012-2013
DFA Resolution Number:

(A) ENTITY RESOLUTION NUMBER	(B) FUND	(C) REVENUE EXPENDITURE TRANSFER (TO or FROM)	(D) APPROVED BUDGET	(E) ADJUSTMENT	(F) ADJUSTED BUDGET	(G) PURPOSE
	403	EXPENDITURE	$158,291	736,800	$895,091	Budget Adjustment

ATTEST: _____
Title (Date)

_____
Mayor/Board Chairman (Date)

LINCOLN COUNTY

FORM SP-11
DEER PARK SPECIAL ASSESSMENT DISTRICT
(CENTS ROUNDED TO NEAREST DOLLAR)

Entity Code 26
Fund No. 508
Dept. No. 31

(A) DEER PARK SAD INCOME FUND (NMSA 1978 § 29-13-7)	(B) ACCOUNT CODE	(C) 2009-2010 FY ACTUAL	(D) 2010-2011 FY ACTUAL	[E] FINAL 2011-2012 FY BUDGET	(F) 2012-2013 FY REQUEST: 2012-2013 FY REQUEST	(F) 2012-2013 FY REQUEST: ACCOUNTS PAYABLE	(F) 2012-2013 FY REQUEST: BUDGET TOTAL REQUEST	(G) ADJUSTMENT	(H) ADJUSTED TOTAL 2012-2013 FY BUDGET
REVENUES									
INTEREST EARNED	1180	0	7,422	2,000	5,561		5,561		5,561
REIMBURSEMENT	1262	0	0	0			0		0
PRINCIPAL PAYMENTS	1562	0	1,001,275	124,906	115,825		115,825		115,825
LATE FEES	1563	0	317	1,000	4,955		4,955		4,955
INTEREST PAYMENTS	1568	0	68,123	150,209	93,726		93,726		93,726
CARRYOVER - 908618.13									
TOTAL REVENUES (Carry to Recap)		**0**	**1,077,137**	**278,115**	**220,067**	**0**	**220,067**	**0**	**220,067**
TRANSFERS IN & OUT									
IN	1950	0	0	0			0		0
OUT TO 505 ASSESSMENT FUND	1951	0	(409,004)	0			0		0
TOTAL TRANSFERS (Carry to Recap)		**0**	**(409,004)**	**0**	**0**	**0**	**0**	**0**	**0**
COST OF ISSUANCE									
INTEREST PAYMENT	2899	0	46,537	82,282	81,881		81,881	**(13,200)**	68,681
LEASE PURCHASE/INTERCEPT PAYMENT	2900	0	42,721	76,008	76,410		76,410	**750,000**	826,410
TOTAL EXPENDITURES (Carry to Recap)		**0**	**89,258**	**158,290**	**158,291**	**0**	**158,291**	**736,800**	**895,091**
GRAND TOTAL		**0**	**89,258**	**158,290**	**158,291**	**0**	**158,291**	**736,800**	**895,091**

AGENDA DOCUMENTATION
December 18, 2012

Agenda Item No. 15

SUBJECT

Approval to Issue Request for Proposals for the Operation of the Detention Center and Inmate Phone Management (Expire May 2013)

ACTION REQUESTED BY County Manager

ACTION REQUESTED To be determined

BACKGROUND

See an attached memorandum from county manager.

www.lincolncountynm.net

County of Lincoln

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

December 14, 2012

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager

SUBJECT: Detention Center and Inmate Phone Management Contract(s) Expiration

Purpose: To obtain approval to issue RFPs for Detention Center and Inmate Phone Management.

Discussion: Lincoln County entered into a five year Operations and Management Agreement with Emerald Correctional management, LLC, on May 4, 2008 which must terminate no later than Ma7 3, 2012.

The County entered into an Inmate Telephone Services Agreement on May 2, 2005,with Public Communications Services, which terminated five years later; and has been extended three time by Memorandum of Understanding, ending on May 19, 2013.

RFPs should be developed and issued shortly to allow for bid preparation and transition should new vendors be awarded the bids.

Recommendation: Grant permission to issue RFPs for Detention Center Management and Inmate Phone Provider.

AGENDA DOCUMENTATION
December 18, 2012

Agenda Item No. 16

SUBJECT

Extension of Vacation Hour Accumulation Status Report

ACTION REQUESTED BY County Manager

ACTION REQUESTED To be determined

BACKGROUND

See an attached memorandum from county manager.

www.lincolncountynm.net

County of Lincoln

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

December 14, 2012

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager NT

SUBJECT: Potential Extension of Vacation Hour Accumulation

Purpose: To update the Commission and obtain approval, if necessary of limited extension of vacation hour accumulation.

Discussion: The Lincoln County Personnel Policy and Procedures, Paragraph 501.A.4, requires that no more than twenty working days, or one hundred-sixty hours of annual leave, may be carried forward from one calendar year to the next. All excess annual leave shall be forfeited, if not used, unless extenuating circumstances warrant approval of an extension by the Board of County Commissioners of Lincoln County.

Although the County did have extenuating circumstances in 2012 with the Little Bear Fire and the following flood mitigation efforts, all employees are making an effort to use annual leave as required by policy. However, should there be employees who could not use their leave, due to these extenuating circumstances, Manager will provide you names and nature of circumstance at the December Commission meeting for your consideration.

Recommendation: Consider requests for extension of vacation hours if presented.

AGENDA DOCUMENTATION
December 18, 2012

Agenda Item No. 17

SUBJECT

Resolution 2012-22 Authorizing the Village of Ruidoso to Participate in the Local DWI Grant & Distribution Program

ACTION REQUESTED BY County Manager

ACTION REQUESTED To be determined

BACKGROUND

See an attached resolution and memorandum from county manager.

www.lincolncountynm.net

County of Lincoln

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

December 4, 2012

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager

SUBJECT: Resolution Authorizing the Village of Ruidoso to Submit an Application to the Department of Finance and Administration, Local Government Division, to Participate in the Local DWI Grant and Distribution Program.

Purpose: To obtain approval of the attached resolution.

Discussion:

The Village of Ruidoso has requested the Board of County Commissioners' to approve its submission of a grant application to the Department of Finance and Administration, Local Government Division to participate, on behalf of Lincoln County, in the Local DWI Grant and Distribution Program.

Recommendation: Consider the attached resolution 2012-22.

COUNTY OF LINCOLN
Resolution No. 2012-22

A RESOLUTION
AUTHORIZING THE VILLAGE OF RUIDOSO TO SUBMIT AN APPLICATION TO THE DEPARTMENT OF FINANCE AND ADMINISTRATION, LOCAL GOVERNMENT DIVISION TO PARTICIPATE IN THE LOCAL DWI GRANT AND DISTRIBUTION PROGRAM.

WHEREAS, the Legislature enacted Section 11-6A-1 through 11-6A-6 NMSA 1978 as amended to address the serious problems of Driving While Intoxicated in the State; and

WHEREAS, a program is established to make grant and distribution funding available to counties and municipalities for new, innovative or model programs, services or activities to prevent or reduce the incidence domestic abuse related to DWI, DUI, alcoholism and alcohol abuse; and

WHEREAS, the LINCOLN county DWI planning council and other governmental entities approval must be received in order to apply for grant and distribution funding; and

WHEREAS, the county wishes to authorize the Village of Ruidoso to apply for and administer the grant on the County's behalf; and

WHEREAS, the Village of Ruidoso on behalf of the county along with participating agencies is making application to the Department of Finance and Administration, Local Government Division for program funding.

NOW THEREFORE, BE IT RESOLVED by the governing body of the County of Lincoln that the Village of Ruidoso on behalf of the County and all participating entities is authorized to submit an application for Distribution and or Grant

FY14 program funding under the regulations established by the Local Government Division.

APPROVED AND ADOPTED by the governing body at its meeting of December 18, 2012.

_____
County Commission Chairperson

Attest:

_____ _____
DWI Planning Council Representative County Clerk (SEAL)

AGENDA DOCUMENTATION
December 18, 2012

Agenda Item No. 18

SUBJECT

Farwell to Departing Elected Officials

ACTION REQUESTED BY County Manager

ACTION REQUESTED To be determined

BACKGROUND

See an attached memorandum from county manager.

LINCOLN COUNTY

www.lincolncountynm.net

County of Lincoln

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

December 11, 2012

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager

SUBJECT: Farewell to Departing Officials

Purpose: To acknowledge, thank, and extend heartfelt farewell to term-limited elected officials.

Discussion:

At the end of this month, three elected officials will depart their positions and, on behalf of the citizens of Lincoln County, the Board of County Commissioners, elected officials, and staff of the county, we would like to recognize and thank:

Outgoing Commissioner of District One – Eileen Sedillo

Outgoing Commissioner of District Three – Tom Battin

Outgoing Sheriff – R. E. Rick Virden

Manager will provide narrative as Chairwoman presents departure plaques.

Recommendation: Provide departing officials recognition and an opportunity to comment.

AGENDA DOCUMENTATION
December 18, 2012

Agenda Item No. 19

SUBJECT

1:00 P.M. Public Comment and Other Business from County Officials (Items are for discussion only – no action will be taken)

ACTION REQUESTED BY County Manager

ACTION REQUESTED No Action Required

BACKGROUND

AGENDA DOCUMENTATION
December 18, 2012

Agenda Item No. 20

SUBJECT

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

ACTION REQUESTED BY County Manager

ACTION REQUESTED To be determined

BACKGROUND

AGENDA DOCUMENTATION
December 18, 2012

Agenda Item No. 21

SUBJECT

Bid/RFP Awards:

ACTION REQUESTED BY County Manager

ACTION REQUESTED To be determined

BACKGROUND

A. Bid 12-13- 004 Annual Base Course Supply

www.lincolncountynm.net

County of Lincoln

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

December 14, 2012

MEMORANDUM

TO: **County Commissioners**

FROM: **Nita Taylor, County Manager**

SUBJECT: Bid Award - 12-13-004

Purpose: To award bid for Annual Base Course Supply

RFP Number 12-13-004 – Annual Base Course Supply. Responses to the RFP were due on December 11, 2012, for which 1 bid was received, and one "no-bid" response.

Ruidoso Sand and Gravel bid:

- $11.50 per ton to be picked up by County personnel at Supplier's Site, and
- $15.50 per ton to be delivered to County Road Dept. in Capitan.

Recommendation: Award the contract to Ruidoso Sand and Gravel.

AGENDA DOCUMENTATION
December 18, 2012

Agenda Item No. 22

SUBJECT

Consideration of Appointments and Removals from Boards/ Commissions/Committees:

ACTION REQUESTED BY

County Manager

ACTION REQUESTED

To be determined

A. Land and Natural Resources Advisory Committee
B. Lincoln Historic Preservation Board
C. **TABLED** – Lodger's Tax Committee
D. **TABLED** - Planning Commission
E. **TABLED** - Road Review Advisory Committee
F. **TABLED** - Southeastern New Mexico Economic Development District (SNMEDD)

INTERSTATE STREAM COMMISSION (SUB-COMMITTEE ON THE PECOS)

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	JACKIE POWELL	BOX 91, GLENCOE 653-4072		01/10/2012	01/13

LABOR MANAGEMENT RELATIONS BOARD – 1 YEAR TERM (ORDINANCE NO. 2005-7)

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION

JOHN MARTINEZ, MANAGEMENT ASSOCIATES (505/821-0933)

LAND AND NATURAL RESOURCES ADVISORY COMMITTEE – 2 YEAR TERM (ORDINANCE NO. 2008-4)

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
DIST 1	Pete Gnatkowski Vice Chairman lincoln@nmsu.edu	HC 31, Box 48, Carrizozo, NM		12/21/10	12/2012
DIST 2	Mary Ann Siegel-Russ siegbieg1@hotmail.com	104 Plumas Place, Ruidoso 575-937-0720		10/16/12	10/2014
DIST 3	Bob Johnson bobj@valornet.com	Box 464, Alto, NM 88312 (575)336.4002		12/21/10	12/2012
DIST 4	Douglas Fuqua dfuqua1@hotmail.com	Box 1042 Alto, NM 88312 (575)336.1832		08/16/11	08/2013
DIST 5	Joel Bonnell jbonnell@live.com	Box 1, Glencoe, 88324 (575)653.4310		01/03/11	01/2013
AT LARGE	Duane Frost dsfrost@plateautel.net	Box 81, Claunch, NM 87011 (849.4950)		12/21/10	12/2012
AT LARGE	Rick Simpson, Chairman justcuz@swwmail.net	HC66, Box 70, Glencoe, NM 88324 (575)653.4249		12/21/10	12/2012

NO REQUIREMENT FOR AN APPOINTEE TO BE DOMICLED IN ANY PARTICULAR VOTING DISTRICT OF THE COUNTY. PUBLICATION IS REQUIRED. TWO AT-LARGE MEMBERS WILL BE SLECTED AND APPOINTED BY A MAJORITY VOTE OF THE BOARD OF COUNTY COMMISSIONERS.

LINCOLN HISTORIC PRESERVATION BOARD – 2 YEAR TERM (ORDINANCE NO. 2004-5 (BOX 65, LINCOLN 88338)

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
DIST 1	BILL STRAUSSER	BOX 197, LINCOLN (653-4670)	5	12/20/11	12/13
DIST 2	ELAINE ALLEN	BOX 74, LINCOLN (653-4251)	5	12/21/10	12/12
DIST 3	L.M. SMITH	#5 MERCEDES CT, ROSWELL, NM	5	03-15-11	03/13
DIST 4	MELISSA BOUTE	BOX 162, LINCOLN, NM 88338	5	09/20/11	09/13
DIST 5	LINDA FOX-CHAIR	BOX 174, LINCOLN (653-4619)	5	03/28/12	03/14

MEMBERS MUST BE PROPERTY OWNERS IN THE HISTORIC DISTRICT. PUBLICATION IS REQUIRED.

LOCAL WORKFORCE INVESTMENT ACT ADVISORY BOARD – 03/03/00

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	CHET SOUTHARD	BOX 609, ALTO 88312	4		
	GARY COZZENS	709 MECHEM DRIVE, RUIDOSO 88345	4		

NOMINATIONS ARE MADE BY CHAMBERS OF COMMERCE AND APPOINTED BY OTHER MUNICIPALITIES.

LINCOLN COUNTY
www.lincolncountynm.net

County of Lincoln

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

RECEIVED
DEC 07 2012
ADMINISTRATION
LINCOLN COUNTY NM

December 3, 2012

Bob Johnson
PO Box 464
Alto, NM 88312

Dear Mr. Johnson:

Your term for the Land and Natural Resources Advisory Committee (LANRAC) will expire December 2012. If you would like to serve an additional two year term and be re-appointed at the next commission meeting, December 18, 2012, please indicate below and return for further processing.

Thank you for serving on this Board, and hopefully you will continue to serve. If I can be of any assistance to you, please contact this office.

Sincerely,

Billie-Jo Guevara
Administrative Assistant/
Human Resources

__✓__Yes I would like to be re-appointed to the Land & Natural Resources Advisory Committee

_____No I would not like to be re-appointed at this time.

_____
Bob Johnson

www.lincolncountynm.net

County of Lincoln

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

December 3, 2012

Duane Frost
PO Box 81
Claunch, NM 87011

Dear Mr. Frost:

Your term for the Land and Natural Resources Advisory Committee (LANRAC) will expire December 2012. If you would like to serve an additional two year term and be re-appointed at the next commission meeting, December 18, 2012, please indicate below and return for further processing.

Thank you for serving on this Board, and hopefully you will continue to serve. If I can be of any assistance to you, please contact this office.

Sincerely,

Billie-Jo Guevara
Administrative Assistant/
Human Resources

_____Yes I would like to be re-appointed to the Land & Natural Resources Advisory Committee

_____No I would not like to be re-appointed at this time.

_____
Duane Frost

LINCOLN COUNTY
www.lincolncountynm.net

County of Lincoln

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

December 3, 2012

Bob Johnson
PO Box 464
Alto, NM 88312

Dear Mr. Johnson:

Your term for the Land and Natural Resources Advisory Committee (LANRAC) will expire December 2012. If you would like to serve an additional two year term and be re-appointed at the next commission meeting, December 18, 2012, please indicate below and return for further processing.

Thank you for serving on this Board, and hopefully you will continue to serve. If I can be of any assistance to you, please contact this office.

Sincerely,

Billie-Jo Guevara

Billie-Jo Guevara
Administrative Assistant/
Human Resources

_____Yes I would like to be re-appointed to the Land & Natural Resources Advisory Committee

_____No I would not like to be re-appointed at this time.

_____
Bob Johnson

www.lincolncountynm.net

County of Lincoln

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

December 3, 2012

Pete Gnatkowski
HC 31, Box 48
Carrizozo, NM 88301

Dear Mr. Gnatkowski:

Your term for the Land and Natural Resources Advisory Committee (LANRAC) will expire December 2012. If you would like to serve an additional two year term and be re-appointed at the next commission meeting, December 18, 2012, please indicate below and return for further processing.

Thank you for serving on this Board, and hopefully you will continue to serve. If I can be of any assistance to you, please contact this office.

Sincerely,

Billie-Jo Guevara
Administrative Assistant/
Human Resources

_____Yes I would like to be re-appointed to the Land & Natural Resources Advisory Committee

_____No I would not like to be re-appointed at this time.

_____
Pete Gnatkowski

LINCOLN COUNTY
www.lincolncountynm.net

County of Lincoln

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

December 3, 2012

Rick Simpson
HC 66, Box 70
Glencoe, NM 88324

Dear Mr. Simpson:

Your term for the Land and Natural Resources Advisory Committee (LANRAC) will expire December 2012. If you would like to serve an additional two year term and be re-appointed at the next commission meeting, December 18, 2012, please indicate below and return for further processing.

Thank you for serving on this Board, and hopefully you will continue to serve. If I can be of any assistance to you, please contact this office.

Sincerely,

Billie-Jo Guevara
Administrative Assistant/
Human Resources

_____Yes I would like to be re-appointed to the Land & Natural Resources Advisory Committee

_____No I would not like to be re-appointed at this time.

_____
Rick Simpson

RECEIVED
SEP 18 2012
ADMINISTRATION
LINCOLN COUNTY NM

September 14, 2012

Ms. Nita Taylor
Lincoln County Manager
P.O. Box 711
Carrizozo, NM 88301

Dear Ms. Taylor,

I am writing to ask that I be reappointed to the Lincoln Historic Preservation Board. I enjoy working as a board member and appreciate the opportunity to serve the Lincoln County Commissioners and the people in the community of Lincoln.

My term expires in December of this year.

Sincerely,

Elaine Allen

Elaine Allen
P.O. Box 74
Lincoln, NM 88316

LODGERS TAX COMMITTEE, LINCOLN COUNTY -2 YEAR TERM (ORDINANCE NO. 2004-04)

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
648-4257	TOURIST RELATED – BRAD COOPER	HC 31 BOX 36, CARRIZOZO 88301	1	10/19/10	10/12
648-1400	GENERAL PUBLIC – GAIL MAJORS	BOX 742, CARRIZOZO 88301	1	06/21/11	06/13
653-4609	LODGING INDUSTRY – DAVID VIGIL	BOX 15, LINCOLN 88338	5	06/12/12	06/14
937-2121	TOURIST RELATED- ALICE SEELY; ALICESEELY@PVTN.NET	BOX 166 HONDO, NM 88336	5	04/17/12	04/14
653-4300	LODGING INDUSTRY – VICTOR GARRISON	BOX 236, LINCOLN, 88338	5	07/26/12	7/14

NEW MEXICO COUNTY INSURANCE AUTHORITY – WORKERS' COMPENSATION

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	TOM BATTIN	308 MCBRIDE DR, RUIDOSO 88345	4	01/10/2012	1/2013
	ALTERNATE – NITA TAYLOR	BOX 93, LINCOLN, NEW MEXICO	1	01/10/2012	1/2013

NEW MEXICO COUNTY INSURANCE AUTHORITY – MULTI-LINE POOL

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	TOM BATTIN	308 MCBRIDE DR, RUIDOSO 88345	4	01/10/2012	01/13
	ALTERNATE – NITA TAYLOR	BOX 93, LINCOLN, NEW MEXICO	1	01/10/2012	01/13

PLANNING COMMISSION – 2 YEAR TERM (ORDINANCE NO. 2008-5)

DISTRICT NO.	MEMBER	ADDRESS	RECOMMENDED BY	DATE APPOINTED	TERM EXPIRATION
DIST 1	DENNIS RICH; DENANDYVONNE@NETSCAPE.NET	PO BOX 575, CAPITAN, NM 937-5996	COMM.POWELL	04/17/12	04/14
DIST 2	JENNIE DORGAN, Vice Chair	BOX 359, ALTO 88312 (336-4312)	COMM. WILLIAMS	03/15/11	03/13
DIST 3					
DIST 4	MARY DOKIANOS	103 WINTER HAWK HEIGHTS, ALTO	COMM. MINTER	09/20/2011	09/13
DIST 5	TOM MANN	BOX 77, LINCOLN NM (653-4272	COMM. POWELL	07/26/12	07/14
	MEMBER-AT-LARGE				
	MEMBER-AT-LARGE --				

LINCOLN COUNTY

County of Lincoln

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

RECEIVED
OCT 01 2012
ADMINISTRATION
LINCOLN COUNTY NM

September 20, 2012

Brad Cooper
HC 31, Box 36
Carrizozo, NM 88301

Dear Mr. Cooper:

Your term for the Lodger's Tax Committee will expire October 2012. If you would like to serve an additional two year term and be re-appointed, please indicate below and return for further processing.

Thank you for serving on this Board, and hopefully you will continue to serve. If I can be of any assistance to you, please contact this office.

Sincerely,

Billie-Jo Guevara
Administrative Assistant/
Human Resources

_____Yes I would like to be re-appointed to the Lodger's Tax Committee.

_____No I would not like to be re-appointed at this time.

Brad Cooper

Thanks Billie-Jo

Billie-Jo Guevara

From: Curt Temple <planning@tularosa.net>
Sent: Friday, December 07, 2012 8:19 AM
To: Billie-Jo Guevara
Subject: Fwd: Planning Com.

Billie Jo,
Please see below.
Thanks,

Curt Temple, CFM
Planning Director,
County of Lincoln
115 Kansas City Road
Ruidoso, NM 88345
575-258-5934 office
575-258-5938 fax
575-808-1380 cell

-------- Original Message --------
Subject: Planning Com.
Date: Thu, 6 Dec 2012 18:00:17 -0700
From: Nora Midkiff <noratmidkiff@gmail.com>
To: Curt Temple <planning@tularosa.net>, Jennie Dorgan <jenned@zianet.com>
CC: Nora Midkiff <noratmidkiff@gmail.com>

Curt,
Will you please forward the following message to the Lincoln County Commissioners. Thank You.

Dear Commissioners,

Today I had a thoughtful conversation with Planning Commission Chairman Dorgan. I would like to respectfully request reappointment to the Planning Commission. I am excited about the body of work you have identified for the Planning Commission and feel I can make a meaningful contribution to their efforts.

Sincerely,

Nora T. Midkiff

Billie-Jo Guevara

From: Nita Taylor <linclnco@tularosa.net>
Sent: Thursday, December 06, 2012 8:41 AM
To: Billie-Jo Guevara
Subject: FW: Planning Commission

Nita Taylor
Lincoln County Manager
PO Box 711, Carrizozo, NM 88301
Cell: 575.808.1379
Office - 575.648.2385 Ext 101
linclnco@tularosa.net

From: Nita Taylor [mailto:linclnco@tularosa.net]
Sent: Thursday, December 06, 2012 7:40 AM
To: 'Karyl Williams'
Subject: RE: Planning Commission

Thanks Karyl,

I'm forwarding this to Billie Jo, who will include it in the agenda. It's actually the Commissioners who make that decision.

Nita Taylor
Lincoln County Manager
PO Box 711, Carrizozo, NM 88301
Cell: 575.808.1379
Office - 575.648.2385 Ext 101
linclnco@tularosa.net

From: Karyl Williams [mailto:karyl.williams@mtg-tech.com]
Sent: Wednesday, December 05, 2012 5:24 PM
To: 'Nita Taylor'
Subject: Planning Commission

Hi Nita,

I would like to be considered for one of the open seats on the Planning Commission.

I suspect the County Commissioners already know much about me, but anticipate the existing Planning Commissioners would have some say about me being added, so I am providing some biographical information for them.

> I'm originally from Socorro, but grew up primarily in California where my parents moved following my father's graduation from New Mexico Tech. I studied biology and math at Sacramento State University and established a 30-year career in the mortgage industry, working primarily in secondary marketing, regulatory research, and technical writing.

My husband and I purchased our home near Capitan in 2003 and moved here shortly thereafter to help my folks out as they started having trouble keeping up with their property. In December 2011, my job of 10 years was out-sourced to India.

My father, Duane Williams, who died a year ago, was active in Lincoln County issues and encouraged me to do the same. Over the last 2-3 years, I've attended most of the regular County Commission meetings and have become much more familiar with issues here.

Since my layoff, I worked as a legislative analyst in last year's legislative session in Santa Fe, ran (unsuccessfully) for District 1 County Commissioner, and worked on the Absentee Precinct Board in the November election.

My husband and I now raise Black Angus breed stock and have a bunch of chickens, dogs and cats. I enjoy welding and metal working and being active in county issues.

I hope my interest in serving on the Planning Commission will be considered favorably and welcome any inquiries.

Thank you,

Karyl Williams

(575) 354-5300 hm
(575) 808-9776 cell

PREDATORY ANIMAL CONTROL BOARD, LINCOLN COUNTY – 5 YEAR TERM

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	MARK HENDRICKS	BOX 307, CARRIZOZO 88301	1	07/20/10	07/15
	JIM COOPER	HC73 BOX 25, TINNIE 88351	5	07/20/10	07/15
	RON MERRITT	HC66 BOX 30, YESO 88136	1	07/20/10	07/15
	MIKE SKEEN	BOX 67, PICACHO 88343	5	07/20/10	07/15
	LEE SULTEMEIER	Box 147, CORONA 88318		07/20/10	07/15
	BILLY BOB SHAFER	BOX 82, CARRIZOZO 88301	1	07/20/10	07/15

ACB HOLDS ELECTION – PUBLICATION IS REQUIRED

PROPERTY TAX PROTEST BOARD – 2 YEAR TERM

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	LORI WETZEL	BOX 698, CARRIZOZO, 88301		05/15/12	05/14
	DONDA RICHARDSON	BOX 9, CAPITAN, NM 88316		05/15/12	05/14
	ALTERNATE – DEREK MOORHEAD	1201 MECHEM DR, RUIDOSO 88345		05/15/12	05/14

REGIONAL WASTE WATER JOINT USE BOARD – 2 YEAR TERM

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION

ROAD REVIEW ADVISORY COMMITTEE, LINCOLN COUNTY – 2 YEAR TERM (ORDINANCE NO. 2003-5)

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
DIST 1	LANCE HALL	BOX 745 RUIDOSO DOWNS, 88346	1	06/21/11	06/13
DIST 2	ROBERT BARBER	BOX 126, CAPITAN, NM	1	10/16/12	10/14
DIST 3					
DIST 4					
DIST 5	BILLY SEELBACH (258-1704)	406 GAVILAN CANYON, DOSO 88345	2	06/12/12	06/14

PUBLICATION IS REQUIRED

SENIOR CITIZENS OLYMPIC COMMITTEE, LINCOLN COUNTY – 2 YEAR TERM (ORDINANCE NO. 1994-5

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	BART YOUNG (257-3193)	BOX 2930, RUIDOSO 88355		03/28/12	03/14
	LUCY SERVIES	BOX 2811, RUIDOSO 88355		01/13/11	01/13
	JIM CLEMENTS	101 POW WOW TR, RUIDOSO 88345		12/20/11	12/13
	JERRY LONGBOTHAM	HC 71, BOX 1085, CAPITAN 88316		02/15/11	02/13
	GENE NITZ	218 JACK LITTLE DR, RUIDOSO		12/20/11	12/13

PUBLICATION IS REQUIRED.

SOUTHEASTERN NEW MEXICO ECONOMIC DEVELOPMENT DISTRICT (SNMEDD) 2 YEAR TERM

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	EILEEN M. SEDILLO	BOX 536, CARRIZOZO (648-2975)	1	01/03/11	01/13
	ALTERNATE – NITA TAYLOR	BOX 711, CARRIZOZO (648-2385)	4	03/28/12	03/14
	PRIVATE SECTOR – REBECCA BROOKS	720 SUDDERTH DR, RUIDOSO (575)257-7395		08/21/12	08/14

SOLID WASTE AUTHORITY, LINCOLN COUNTY – 2 YEAR TERM (AGREEMENT NO. 343)

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	BOB MILLER, MAYOR	BOX 348, RUIDOSO DOWNS 88346	5		
	BILL HIGNIGHT, MAYOR	OX 37, CORONA 88318	1		
	VAN SHAMBLIN	BOX 247, CARRIZOZO 88301	1		
	SAM HAMMONS, MAYOR	BOX 246, CAPITAN 88316	1		
	KATHRYN MINTER, COMMISSIONER	104 SONTERRA DR., ALTO NM	4	01/03/2011	01/13
	DEBRA INGLE, MANAGER	BOX 2405, RUIDOSO DOWNS 88346	1		
	ALTERNATE -				

1600 SE Main, Suite D-1
Roswell, NM 88203

Hubert H. Quintana
Executive Director

SOUTHEASTERN NEW MEXICO ECONOMIC DEVELOPMENT DISTRICT

COUNCIL OF GOVERNMENTS

Phone: (575) 624-6131
Fax: (575) 624-6134
www.snmedd.org

RECEIVED
NOV 15 2012
ADMINISTRATION
LINCOLN COUNTY NM

November 13, 2012

OFFICIAL BOARD MEMBER CONFIRMATION

In accordance with SNMEDD/COG by-laws, board appointments are for a two-year period unless or until it is necessary that they be replaced by the governing body of the member municipality or community. Therefore, in an effort to assist us in formalizing our official board roster for 2013, please complete the information below, even if there are no changes.

COUNTY OF: **Lincoln**

Our designated SNMEDD/COG Board Member is:

Name: _____

Title: _____

Mailing Address: _____

Telephone: (home) _____ (business) _____

SIGNED: _____ _____
(Commission Chairman) (Date)

AGENDA DOCUMENTATION
December 18, 2012

Agenda Item No. 23

SUBJECT

Approval of on-line auction surplus county vehicles

ACTION REQUESTED BY County Manager

ACTION REQUESTED To be determined

BACKGROUND

See an attached memorandum from county manager.

www.lincolncountynm.net

County of Lincoln

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

December 12, 2012

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager NT

SUBJECT: Permission to Auction Surplus County Vehicle

Purpose: To obtain approval to dispose of county property by auction.

Discussion:

Approval is sought to dispose of a 1996 International Water Tender; Vin # 1HSHGAHR8TH219308; Plate #G53879; Inventory #8703230 via online auction at www.publicsurplus.com.

The county has obtained approval, as required; from New Mexico State Fire Marshal Division for the disposition of the water tender (Glencoe-Palo Verde Fire Department). See Enclosure 1 for Fire Marshall approval letter.

Recommendation: Approve the listed vehicle for reporting to the State Auditor and DFA and request at least three elected officials to review the actual property to be disposed of as required by statute.

NEW MEXICO PUBLIC REGULATION COMMISSION

COMMISSIONERS
DISTRICT 1 JASON MARKS
DISTRICT 2 PATRICK H. LYONS, CHAIRMAN
DISTRICT 3 DOUGLAS J. HOWE
DISTRICT 4 THERESA BICENTI-AGUILAR, VICE-CHAIR
DISTRICT 5 BEN L. HALL
CHIEF OF STAFF
JOHNNY MONTOYA

1120 Paseo De Peralta 4th 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

December 11, 2012

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

Reference: Auction of surplus chassis for the Glencoe Fire District

Dear Travis,

In response to your request dated December 11, 2012, you advise that a tanker which is assigned to the Glencoe Fire District Fleet was placed out of service due to a overweight issues, which severely exceed the vehicle's GVW rating, as well as severe rusting in the tank has warranted that the vehicle be replaced. You have further indicated that this vehicle will be replaced via a grant which the Glencoe Fire District has recently obtained.

1. 1996 International NM LIC #: G-53879

You are hereby 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.

Be reminded that all monies are received from the auction of this apparatus be deposited and remain in the Glenco 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

ENCL 1

AGENDA DOCUMENTATION
December 18, 2012

Agenda Item No. 24

SUBJECT

Consideration and Action on Indigent Health Care New Provider Agreement No. 49 – Lincoln County Family Medical Group

ACTION REQUESTED BY Indigent Healthcare Administrator

ACTION REQUESTED To be determined

BACKGROUND

See an attached memorandum from county manager.

www.lincolncountynm.net

County of Lincoln

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

December14, 2012

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager

SUBJECT: Approval of Provider Contract

Purpose: To approve an Indigent Health Care Provider Agreement.

Discussion:

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

Agreement #49 grants eligibility to Lincoln County Medical Group, 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 #49 to Lincoln County Medical Group.

INDIGENT HEALTH CARE PROGRAM
MEDICAL PROVIDER
AGREEMENT NO. 49

THIS AGREEMENT made and entered into this 18th day of December, 2012, by and between Lincoln County, New Mexico, a body politically organized and existing under the duly elected "County", and **Lincoln County Family Medical Group** 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.

IN WITNESS WHEREOF, the parties hereto have executed the Agreement on the 18th day of December, 2012.

BOARD OF COUNTY COMMISSIONERS:

JACKIE POWELL, CHAIR

MARK DOTH, VICE CHAIR

TOM BATTIN, MEMBER

EILEEN M. SEDILLO, MEMBER

KATHRYN MINTER, 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: Lincoln County Family Medical Group
Mailing Address: 1401 Suddeth
Physical Address: 1401 Suddeth
Telephone Number: (575)-257-7712
Email Address:

Type of Practice: Group ✓ Individual ____
Tax Id Number: 26-1422156

Contact Person: Corina Amador

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

Arlene Brown, MD
Mark King, PA-C

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.

X Applicant Signature: _____ Date: 12-13-12

Arlene M Brown, MD

Licensed Physician #82-170

11/15/1982 07/01/2013

New Mexico Medical Board

Triennial Renewal Certificate

This is to certify that

Arlene M Brown, MD

License Number: 82-170

Having complied with the provisions of the Medical Practice Act is hereby granted a license to practice in the State of New Mexico as a Physician.

Issue Date: 11/15/1982 Date Expires: 07/01/2013*

**A New Mexico medical license that has not been renewed by July 1 of the renewal year will remain temporarily active with respect to medical practice until September 30 of the renewal year at which time, the status will be changed to lapsed. A lapsed license is not valid for practice in New Mexico.*

This License Must Be Conspicuously Posted In Each Practice Location

AGENDA DOCUMENTATION
December 18, 2012

Agenda Item No. 25

SUBJECT

Attorney Contract Renewal Consideration (Contract ends December 31, 2012)

ACTION REQUESTED BY County Manager

ACTION REQUESTED To be determined

BACKGROUND

See an attached memorandum from county manager.

www.lincolncountynm.net

County of Lincoln

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

December 4, 2012

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager

SUBJECT: Attorney's Contract Renewal

Purpose: To provide an opportunity to renew the County Attorney's contract for services.

Discussion:

The attorney's current 2011-2012 contract is for a flat fee of $14,475.00 plus $1,248.47 in tax per month which includes all fees and costs, but not litigation of individual cases of ordinance violations in magistrate and district courts. He is proposing to keep the same rate for the contract which must go into effect January 1, 2013.

Recommendation: Approve renewing the contract.

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

December 11, 2012

Nita Taylor
Lincoln County Manager
P. O. Box 711
Carrizozo, New Mexico 88301-0711

RE: **Attorney Contract Renewal Consideration and 2012 Accounting for Legal Services**

Dear Ms. Taylor:

I apologize for not being able to attend the Commission Meeting. As you know I am attending a Hearing in the Cooper case on behalf of Sheriff Virden and the County of Lincoln In Bernalillo. If there are any questions regarding the accounting for legal services calculations, hopefully Elissa can answer them on my behalf.

Attached to this correspondence is a breakdown by month of the attorney/staff time incurred by my firm on behalf of Lincoln County for the year 2012, along with my 2011, 2010, and 2009 attorney fee breakdown for comparison.

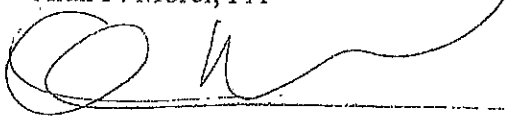
As you are aware, I keep track on a daily basis the time and expenses that my staff and I expend in providing legal services to the County of Lincoln. Pursuant to my existing contract, other than the litigation that the County files, I do not charge for any attorney's fees or costs, including telephone, fax, postage, mileage, or copies. Those expenses are all included in the fixed fee charged to the County, and for purposes of the attached accounting are set forth as the approximate amount of $500.00 per month under reimbursable expenses. The attached accounting sets forth the number of hours worked by each individual on behalf of the County of Lincoln, adding $500 per month for reimbursable expenses, arriving at a subtotal times the gross receipts tax, for a total that the County would have been billed, had I been billing by the hour rather than a flat fee. The last column of the accounting sets forth the difference between the total that would have been charged on an hourly basis, subtracting the amount I am currently paid per month ($15,723.47 including gross receipts tax). For example, in October of 2012, had I billed on an hourly basis, the invoice would have been $28,869.81. The County actually paid $15,723.47, for a savings of $13,146.34. The County

benefitted the sum of $66,652.29 over the course of 11 months by utilizing the flat fee rather than an hourly basis.

I am respectfully requesting that the County consider renewal of my contract. I am not requesting any changes or increases from my current contract. I agreed not to request an increase this year based on my receipt of an increase in my contract last year. I am requesting that the County continue to pay me on an hourly basis for any litigation matters for which I represent the County. I am also requesting that the County continue to pay for the cost of my legal research software, currently obtained through New Mexico One Source of Law.

I would like to thank you in advance for your consideration, and should you have any questions, please do not hesitate to contact me.

Alan P. Morel, PA



Alan P. Morel
APM/er

enclosures

AGREEMENT

THIS AGREEMENT is made and entered into on the ____ day of December, 2012, by and between the **BOARD OF COUNTY COMMISSIONERS OF LINCOLN COUNTY, NEW MEXICO**, whose address is Post Office Box 711, Carrizozo, New Mexico, 88301-0711, hereinafter referred to as "County," and **ALAN P. MOREL, P.A.**, hereinafter referred to as "Attorney."

1. County hereby retains and employs Attorney, pursuant to the authority conferred upon it by New Mexico Statute, to act under the title of "Lincoln County Attorney," and to render to County and its duly authorized officers and elected officials all legal advice and services to include, but not limited to:

A. Representing the County and its duly authorized officers and elected officials in all matters brought by or against said County, during and throughout the continuance of this Agreement, which may be pending or which may hereafter be instituted in the courts of the State of New Mexico and the courts of the United States of America located within the State of New Mexico, and before all administrative agencies and departments of the government;

B. Travel to and attending all meetings of the Board of County Commissioners of Lincoln County, New Mexico;

C. Travel to and attending all meetings of the New Mexico Association of Counties;

D. Routine telephone calls;

E. Preparing and/or reviewing all contracts, ordinances, resolutions, franchises, and other miscellaneous documents;

F. Advising each of the elected officers and various department heads;

G. Handling of routine litigation matters that arise during a fiscal year, such as the receipt, cataloging, and response to tort claims notices, gathering of information and transmission of that information to the New Mexico Association of Counties defense counsel, and coordination of communication regarding the defense of those matters;

H. Rendering legal opinions;

I. Undertaking all collections as requested;

J. Examining abstracts of title;

K. Performing any and all other legal services as the County or its duly authorized officers or elected officials may request or require from time to time.

2. Attorney hereby accepts the employment by County and will render to the best of its ability the services described herein during the continuance of this Agreement.

Attorney shall have the authority to retain on behalf of County, at the direction of the Board of County Commissioners, such other professional assistance as is necessary to Attorney in the performance of this Agreement. Such assistance may include the retention of other legal counsel for specialized matters, and experts or professionals in various fields as required in the performance of this contract.

3. As compensation in full for all services to be rendered during the initial term of this Agreement by Attorney, County shall pay to Attorney for its services a flat fee of Fourteen Thousand, Four Hundred Seventy Five and No/100 Dollars ($14,475.00) per month for work performed by Alan P. Morel, his paralegals, legal assistants and his staff, plus gross receipts tax at the current Village of Ruidoso rate of 8.6250% in the amount of $1,248.47. The sum of $15,723.47 shall include all fees and costs (mileage, photocopies, postage, facsimile, long distance telephone calls, registration fees, and travel expenses). In the event the Village of Ruidoso gross receipts tax rate of 8.6250% increases or decreases, the gross receipts tax payable herein shall be adjusted accordingly.

4. The flat fee set forth in paragraph 3 above, may or may not include extraordinary work or assignments. In such instances, the Lincoln County Manager and the Attorney shall meet to discuss the particular matter, establish a projected cost, and determine whether it should be handled by the County Attorney's office or forwarded to outside counsel. The Lincoln County Manager and the Attorney would then present the matter to the Board of County Commissioners of Lincoln County for their consideration and approval. In certain instances, the County Attorney could be conflicted, or be required to appear as a witness, and this contingency would cover such matters as well. In addition, I am requesting that the County continue to pay me on an hourly basis for any litigation matters for which I represent the County. I am also requesting that the County continue to pay for the cost of my legal research software and services, currently obtained through New Mexico One Source of Law.

All work excepted from the flat fee will be billed at an hourly rate of One Hundred Fifty and No/100 Dollars ($150.00) per hour for Mr. Morel, and Seventy Five and No/100 Dollars ($75.00) per hour for paralegals, legal assistants, and support staff. The hourly rate charges will be figured in fractional portions of an hour, breaking the hour into segments of 1/10th of an hour each, thereby billing 1/10th of the hourly amount for each tenth of an hour's work.

I am also requesting that, in the event the County Manager resign for any reason, I immediately be allowed to return to compensation on an hourly basis.

5. The County of Lincoln and the County Attorney shall establish a budget for collective bargaining issues that might arise during the fiscal year, and those matters shall be handled internally or through assignment to outside counsel or consultants based upon the nature of the matter and the economic requirements.

6. A separate fiscal budget line-item shall be established for the payment of litigation costs, filing fees, expert witness fees, deposition and other discovery costs, and document production.

7. This Agreement shall remain in full force and effect for a period of 1 year from the date hereof or until such time as it is terminated by Attorney upon sixty (60) days written notice or by County upon sixty (60) days written notice that employment is to be so terminated. This original Agreement may be renewed and the terms renegotiated by the parties hereto for up to two (2) additional one (1) year terms.

a. The term of this Agreement shall begin on the 1st day of January, 2013.

IN WITNESS WHEREOF, the parties have executed this Agreement effective the day and year first above written.

COUNTY:

BOARD OF COUNTY COMMISSIONERS OF LINCOLN COUNTY, NEW MEXICO

By: _____
Jackie Powell, Chairwoman

ATTORNEY:

ALAN P. MOREL, P.A.

By: _____
Alan P. Morel, President

ATTEST:

_____
Rhonda Burows
Lincoln County Clerk

2012 Legal Services: Actual Time Worked Fees Compared to Contract Fees

Month	Attorney Hrs	@ $150/hr	Paralegal Hrs	@ $75/hr	Reimb. Expenses	Subtotal	GRT @ 8.6250%	Total	Difference + / - $15,723.47 Monthly Flat Rate
Jan. 2012	117.6	$17,640.00	96.2	$7,215.00	$500	$25,355.00	$2,186.87	$27,541.87	$11,818.40
Feb. 2012	39.8	$5,970.00	61.5	$4,612.50	$500	$11,082.50	$955.87	$12,038.37	($3,685.10)
Mar. 2012	59.0	$8,850.00	38.5	$2,887.50	$500	$12,237.50	$1,055.48	$13,292.98	($2,430.49)
April 2012	95.9	$14,385.00	43.4	$3,255.00	$500	$18,140.00	$1,564.58	$19,704.58	$3,981.11
May 2012	86.7	$13,005.00	48.9	$3,667.50	$500	$17,172.50	$1,481.13	$18,653.63	$2,930.16
June 2012	100.7	$15,105.00	68.3	$5,122.50	$500	$20,727.50	$1,787.75	$22,515.25	$6,791.78
July 2012	118.5	$17,775.00	90.7	$6,802.50	$500	$25,077.50	$2,162.93	$27,240.43	$11,516.96
Aug. 2012	92.4	$13,860.00	82.2	$6,165.00	$500	$20,525.00	$1,770.28	$22,295.28	$6,571.81
Sept. 2012	108.7	$16,305.00	56.8	$4,260.00	$500	$21,065.00	$1,816.86	$22,881.86	$7,158.39
Oct. 2012	126.7	$19,005.00	94.3	$7,072.50	$500	$26,577.50	$2,292.31	$28,869.81	$13,146.34
Nov. 2012	121.7	$18,255.00	51.6	$3,870.00	$500	$22,625.00	$1,951.41	$24,576.41	$8,852.94
TOTAL For 11 Months:	**1067.7**	**$160,155.00**	**732.4**	**$54,930.00**		**$220,585.00**	**$19,025.46**	**$239,610.46**	**$66,652.29 Total Difference Over $15,723.47 Monthly Flat Rate Contract Amount For 11 Months**
Current Annual Contract: $15,723.47 ($14,475.00 plus GRT of $1,248.47) Per Month x 11 Months =								**$172,958.17**	
Monthly Average Based on 11 Months	97.1	$14,559.6	66.6	$4,993.64		$20,053.18	$1,729.59	$21,782.77	**$6,059.30 Monthly Average Difference Over $15,723.47 Monthly Flat Rate Contract Amount For 11 Months**

2011 Accounting for Lincoln County Legal Services

Month	Attorney Hours @$130.00	Paralegal Hours @ $65.00	Reimb. Exp.	Subtotal	G.R.T. @ 8.6250%	TOTAL	Difference over $14,908.78
Jan. 2011	108.4 = $14,092.00	65.6 = $4,264.00	$500.00	$18,856.00	$1,626.33	$20,482.33	+ $ 5,573.55
Feb. 2011	103.7 = $13,481.00	49.7 = $3,230.50	$500.00	$17,211.50	$1,484.49	$18,695.99	+ $ 3,787.21
Mar. 2011	128.0 = $16,640.00	84.0 = $5,460.00	$500.00	$22,600.00	$1,949.25	$24,549.25	+ $ 9,640.47
April 2011	85.1 = $11,063.00	49.4 = $3,211.00	$500.00	$14,774.00	$1,274.26	$16,048.26	+ $ 1,139.48
May 2011	106.1 = $13,793.00	61.8 = $4,017.00	$500.00	$18,310.00	$1,579.24	$19,889.24	+ $ 4,980.46
June 2011	107.5 = $13,975.00	40.8 = $2,652.00	$500.00	$17,127.00	$1,477.20	$18,604.20	+ $ 3,695.42
July 2011	85.1 = $11,063.00	35.6 = $2,314.00	$500.00	$13,877.00	$1,196.89	$15,073.89	+ $ 165.11
Aug. 2011	102.4 = $13,312.00	55.4 = $3,601.00	$500.00	$17,413.00	$1,501.87	$18,914.87	+$ 4,006.09
Sept. 2011	70.0 = $9,100.00	20.1 = $1,306.50	$500.00	$10,906.50	$ 940.69	$11,847.19	- $ 3,061.59
Oct. 2011	104.4 = $13,572.00	40.4 = $2,626.00	$500.00	$16,698.00	$1,440.20	$18,138.20	+$ 3,229.42
Nov. 2011	83.2 = $10,816.00	42.1 = $2,736.50	$500.00	$14,052.50	$1,212.03	$15,264.53	+$ 355.75
TOTAL:	1,083.9 hrs.	544.9 hrs.		$ 181,825.50	$15,682.45	$197,507.95	+ $33,511.37
	Avg./mo. hrs = 98.54	Avg./mo. hrs = 49.54		Avg. mo. for 11 mos. = $ 16,529.59			Avg. mo. overage = $ 3,046.49

Current Annual Contract: $13,725.00/mo. x 11 = $150,975 plus. G.R.T.

2010 Accounting for Lincoln County Legal Services

Month	Attorney Hours @ $130.00	Paralegal Hours @ $65.00	Reimb. Exp.	Subtotal	G.R.T. @ 8.3125%	TOTAL	Difference over $14,595.11
Jan. '10	86.7 = $11,271.00	32.3 = $2,099.50	$500.00	$13,870.50	$1,152.99	$15,023.49	+ $428.38
Feb. '10	90.9 = $11,817.00	43.5 = $2,827.50	$500.00	$15,144.50	$1,258.89	$16,403.39	+ $1,808.28
Mar. '10	107.3 = $13,949.00	43.4 = $2,821.00	$500.00	$17,270.00	$1,435.57	$18,705.57	+ $4,110.46
April '10	105.5 = $13,715.00	43.8 = $2,847.00	$500.00	$17,062.00	$1,418.28	$18,480.28	+ $3,885.17
May '10	92.3 = $11,999.00	47.3 = $3,074.50	$500.00	$15,573.50	$1,294.55	$16,868.05	+ $2,272.94
June '10	110.5 = $14,365.00	41.8 = $2,717.00	$500.00	$17,582.00	$1,461.50	$19,043.50	+ $4,448.39
					G.R.T. @ 8.4375%		Difference over $14,611.95
					* (GRT increased on July 1, 2010)		
July '10	103.1 = $13,403.00	28.3 = $1,839.50	$500.00	$15,742.50	$1,328.27	$17,070.77	+ $2,458.82
Aug. '10	66.5 = $8,645.00	31.6 = $2,054.00	$500.00	$11,199.00	$944.92	$12,143.92	- $2,468.03
Sept. '10	98.6 = $12,818.00	61.6 = $4,004.00	$500.00	$17,322.00	$1,461.54	$18,783.54	+ $4,171.59
Oct. '10	63.8 = $8,294.00	28.6 = $1,859.00	$500.00	$10,653.00	$898.85	$11,551.85	- $3,060.10
Nov. '10	81.3 = $10,569.00	27.9 = $1,813.50	$500.00	$12,882.50	$1,086.96	$13,969.46	- $642.49
Dec. '10	73.3 = $9,529.00	25.9 = $1,683.50	$500.00	$11,712.50	$988.24	$12.700.74	- $1,911.21
TOTAL:	1079.8 hrs.	456.0 hrs.		$ 176,014.00	$14,730.56	$190,744.56	+ $15,502.20
	Avg./mo. hrs = 89.98	Avg./mo. hrs = 38.0		Avg. mo. for 12 mos. = $ 14,667.83			Avg. mo. overage = $ 1,291.85

Current Annual Contract: *$13,475.00/mo. x 12 = $161,700.00 plus. G.R.T.*

2009 Accounting for Lincoln County Legal Services

Month	Attorney Hours @$130.00	Paralegal Hours @ $65.00	Reimb. Exp.	Subtotal	G.R.T. @7.8125%	TOTAL	Difference over $14,527.73
Jan. '09	96.6 = 12,558.00	62.2 = 4,043.00	500.00	$17,101.00	$1,336.01	$18,437.01	+$ 3,909.28
Feb. '09	96.4 = 12,532.00	74.2 = 4,823.00	500.00	17,855.00	1,394.92	19,249.92	+ 4,722.19
Mar. '09	119.9 = 15,587.00	66.4 = 4,316.00	500.00	20,403.00	1,593.98	21,996.98	+ 7,469.25
April '09	87.6 = 11,388.00	67.3 = 4,374.50	500.00	16,262.50	1,270.50	17,533.00	+ 3,005.27
May '09	93.8 = 12,194.00	65.1 = 4,231.50	500.00	16,925.50	1,322.30	18,247.80	+ 3,720.07
June '09	112.9 = 14,677.00	79.5 = 5,167.50	500.00	20,344.50	1,589.41	21,933.91	+ 7,406.18
July '09	95.6 = 12,428.00	93.6 = 6,084.00	500.00	19,012.00	1,485.31	20,497.31	+ 5,969.58
Aug. '09	96.8 = 12,584.00	88.3 = 5,739.50	500.00	18,823.50	1,470.58	20,294.08	+ 5,766.35
Sept. '09	103.8 = 13,494.00	103.0 = 6,695.00	500.00	20,689.00	1,616.32	22,305.32	+ 7,777.59
Oct. '09	99.4 = 12,922.00	74.6 = 4,849.00	500.00	18,271.00	1,427.42	19,698.42	+ 5,170.69
Nov. '09	77.5 = 10,075.00	59.9 = 3,893.50	500.00	14,468.50	1,130.35	15,598.85	+ 1,071.12
Dec. '09	75.7 = 9,841.00	70.8 = 4,602.00	500.00	14,943.00	1,167.42	16,110.42	+ 1,582.69
TOTAL:	1156.0 hrs.	904.9 hrs.		$ 215,098.50	$16,804.52	$231,903.02	+ $57,570.26
	Avg./mo. hrs = 96.0	Avg./mo. hrs = 75.4		Avg. mo. for 12 mos. = $ 17,924.87			Avg. mo. overage = $ 4,797.52

Current Annual Contract: *$13,475.00/mo. x 12 = $161,700.00 plus. G.R.T.*

AGENDA DOCUMENTATION
December 18, 2012

Agenda Item No. 26

SUBJECT

Executive Session

ACTION REQUESTED BY County Manager

ACTION REQUESTED To be determined

BACKGROUND

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

See attached list.

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December 14, 2012

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

New or Updated Matters since last report =

1. *Cooper, Gale and DeBaca County News v. County of Lincoln, Sheriff of Lincoln County, et al.* D-1329-CV-200701364. Suit filed: October 15, 2007. Verified Complaint for Declaratory Judgment Ordering Production of Certain Records and Information.

2. *Green Tree Servicing, LLC v. William T. Joiner, Lincoln County, et. al. D-1226*-CV-2010-394. Suit filed November 17, 2010. Complaint for Enforcement of Contract and Foreclosure of Security Interest and Mortgage.

3. *Luis Grife as Personal Representative of The Estate of Arturo Grife, Jr., and Lizeth Grife v. County of Lincoln.* D-1226-CV-201100148. Complaint for Wrongful Death and Negligence, Jury Demand.

4. *New Mexico Ranch Sales v Mary T. Greene, LC Treasurer, et. al. D-1226-CV-2011-00226.* Suit filed August 1, 2011. Complaint In Rem to Foreclosure Mortgage Upon Real Property.

5. *Michael Wheaton v Paul F. Baca, Lincoln County Assessor, et. al. D-1226-CV- 2011-00341.* Suit filed October 18, 2011. Notice of Appeal of Final Order of the Lincoln County Valuation Protests Board.

6. *New Mexico Ranch Sales v Marianne Clark, LC Treasurer, et. al. D-1226-CV-2011-00409.* Suit filed November 17, 2011. Complaint to Enforce and Collect Upon Promissory Note and to Foreclose Mortgage Upon Real Property.

7. *Bank of Clovis v Mona Bryant as Personal Representative of Marjorie Bryant (deceased), Village of Ruidoso, Lincoln County, et al. D-1226-CV-2011-00429.* Suit Filed February 10, 2012. Complaint for Foreclosure.

8. *New Mexico Ranch Sales v Tammy Palombi-Cade, LC Treasurer, et. al. D-1226-CV-2012-00042.* Suit filed February 13, 2012. Complaint to Enforce and Collect Upon Promissory Note and to Foreclose Mortgage Upon Real Property.

9. *Coble Constructors, LLC, et al v Carl Kelley Construction Ltd. Co, et al. D-1226-CV-2012-00003.* Suit filed January 15, 2012. Complaint to Foreclose Mechanic's Lien.

10. *New Mexico Ranch Sales v Perla Garcia, LC Treasurer, et. al. D-1226-CV-2012-000293.* Suit filed August 6, 2012. Complaint to Enforce and Collect Upon Promissory Note and to Foreclose Mortgage Upon Real Property.

11. *Alto Lakes Golf & Country Club, Inc. v. Barbara Fleming, and Jesus and Maria Guardiola, et al. D-1226-CV-2011-00044.* Suit filed February 18, 2011. Complaint to Foreclose Lien. Counterclaim and Crossclaim suit filed by Washington Federal Savings on September 21, 2012 naming Board of Commissioners of Lincoln County and Lincoln County Solid Waste Authority.

12. *Johnathan Warren v. Lincoln County Detention Center, Emerald Healthcare Systems, et al.* 2:12-CV-01086-CG-LAM. Suit filed October 19, 2012. Complaint for the Recovery of Damages Caused by the Deprivation of Civil Rights.

13. *Greentree Solid Waste Authority v. Lincoln County.* December 14, 2012. Threatened Litigation and Declaratory Judgment Action.

Tort Claims Notices Received or Threatened

2012

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

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

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

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

2011

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

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

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

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

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

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

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